

# Planning Committee

**Date: Wednesday, 27th July, 2022**

**Time: 11.00 am**

**Venue: Brunswick 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, Vic Clarke, 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.



**Corrina Haskins**

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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](http://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, 27th July, 2022**

**at 11.00 am in the Brunswick Room - Guildhall, Bath**

**A G E N D A**

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

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

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

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

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

6. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 20)

To confirm the minutes of the meeting held on 29 June 2022.

7. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

There are no site visit applications to determine.

8. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 21 - 70)

The following applications will be considered in the morning session starting at 11am:

1. 22/01093/REG03 Windsor Bridge, Windsor Bridge Road, Twerton, Bath
2. 22/01448/FUL Mill Farm, Vicarage Lane, Compton Dando
3. 22/01449/LBA Mill Farm, Vicarage Lane, Compton Dando

The following application will be considered in the afternoon session starting at 2pm:

4. 22/00371/FUL Windyridge, Newtown, Moorledge Road, Chew Magna

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 71 - 74)

The Committee is asked to note the report.

10. QUARTERLY PERFORMANCE REPORT 1 APRIL - 30 JUNE 2022 (Pages 75 - 84)

The Committee is asked to note the report.

The Democratic Services Officer for this meeting is Corrina Haskins who can be contacted on 01225 394357.

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, 29th June, 2022, 11.00 am

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

**11 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

**12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Cllr Rob Appleyard was substituting for Cllr Shelley Bromley and Cllr Matt McCabe for Cllr Duncan Hounsell. Apologies for absence were received from Cllr Shelley Bromley and Cllr Duncan Hounsell.

**13 DECLARATIONS OF INTEREST**

Cllr Paul Crossley confirmed that he had already stated his objection to the planning application 21/00677/FUL, Lansdown View, Twerton, Bath (item 2 under the sites applications list) and therefore would not participate in the debate or vote, but he would address the Committee as local ward member.

Cllr Matt McCabe reported that he had previously stated his objection to the planning application 21/04590/FUL, Homewood Park Hotel, Homewood, Hinton Charterhouse, Bath and therefore would not participate in the debate or vote, but he would address the Committee as local ward member.

Cllr Eleanor Jackson and Cllr Shaun Hughes confirmed that they had previously objected to the associated application being determined by Mendip District Council relating to Parcel 3589, Silver Street, Midsomer Norton and would not participate in the debate or vote on this item. Cllr Shaun Hughes would address the Committee as adjacent ward member.

**14 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was no urgent business.

**15 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.

16 **MINUTES OF THE PREVIOUS MEETING**

It was moved by Cllr Eleanor Jackson, seconded by Cllr Brian Simmons and:

**RESOLVED** that the minutes of the meeting held on Wednesday 1 June 2022 be confirmed as a correct record and signed by the Chair.

17 **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 on item no 1 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives on items 1 and 2. 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 decisions list attached as *Appendix 3* to these minutes.

**Item No. 1**

**Application No: 21/04590/FUL**

**Site Location: Homewood Park Hotel, Homewood, Hinton Charterhouse, Bath.**

The Case Officer introduced the report and referred to an email sent from the Chair of Freshford Parish Council to members of the Committee raising the issue of a potential breach of a planning condition in relation to a previous planning permission on the site which required the stable block to have been removed from the site by 2005 and was now being used as part of the volume calculations for the new development. She confirmed that as 10 years had passed, there was no enforcement issue and officers were satisfied the judgement in the report was sound.

The Case Officer confirmed the officer recommendation to permit the application subject to the conditions set out in the report.

The following public representations were received:

1. John Adler, Freshford Parish Council, speaking against the application.
2. Gary Parker, local resident, speaking against the application.
3. Kevin Murphy, applicant's agent, speaking in support of the application.

Cllr Matt McCabe withdrew from the committee as he had previously submitted an objection in relation to the application but raised the following points speaking as local ward member:

1. The application was located in a prominent site.
2. Conditions associated with past planning applications had not been adhered

to, the boundary hedge which was intended to screen the spa was half the size it should be.

3. There was a building on site with no planning permission which was over 100% larger than the original house and this building was being included in the volume calculations.
4. The application was materially larger and on two storeys and there would be a huge impact on the privacy of the neighbouring property and light spill resulting from the development.
5. The development constituted harm in the green belt.

In response to members' questions, officers responded as follows:

1. In relation to the buildings without planning permission, it was the officers' understanding that the stables and potentially the manège should have been removed in 2005, however as more than 10 years had passed since then and the time of the new roof being added in 2008, the buildings were now considered as lawful buildings. Therefore, it was appropriate for these buildings to be included as part of the volume calculations. It was noted that for enforcement action to take place, the Council needed to be informed that a breach of conditions had taken place.
2. In relation to the hedge screening the spa, the condition attached to the previous consent did not specify the hedge should be kept in perpetuity or give details about trimming and so there was no enforcement issue. If this application was approved, there would be additional planting to screen the site was protected and this would be secured by a condition. The condition could be strengthened to specify 2m and officers could assess the detailed landscaping plans to ensure the site was screened throughout the year and specify the planting of more mature whip trees to ensure the site would be screened as soon as possible.
3. There were outstanding enforcement matters which were being investigated but they did not relate to this application.
4. Additional car parking spaces would be available to be used as required and would be located alongside the access track.
5. There was not an allocation for a hotel and spa in the Freshford Neighbourhood Plan, however there were relevant policies regarding design against which officers considered the application to be acceptable.
6. The issue of light spill had been assessed and considered to be acceptable both in terms of ecology and residential amenity. There was a condition to ensure that any extra external lighting would need planning permission.
7. Environmental Health Officers had been consulted and had not raised any objection in relation to potential noise pollution.
8. Officers considered that it was reasonable for the operating hours to reflect licensing hours and the hours had not changed as a result of this application. It would be difficult to restrict the hours of use of the balconies.
9. In terms of whether the application was materially larger, although there was a volumetric increase, the proposal must be looked at in regard to all spatial and visual aspects and the officers' view was that the proposals would not be materially larger.

Cllr Hal MacFie spoke in support of the officers' recommendation. Cllr Sally Davis stated she would be happy to support permitting the application subject to the strengthening of the landscaping condition to ensure that the hedge should be maintained at 2 metres and that landscaping should be dense to ensure that the site

was appropriate screened.

Cllr Lucy Hodge also requested that the landscaping condition ensure that more mature whip trees would be planted to ensure the site was screened at the earliest opportunity.

Cllr Rob Appleyard proposed that officers be delegated to permit the application subject to an amendment to condition 11 to ensure that the hedge was retained at a 2-metre height in perpetuity; that landscaping should be dense and of an appropriate mix to ensure the site was screened throughout the year and the planting of more mature whip trees. This was seconded by Cllr Sally Davis and on being put to the vote was CARRIED (6 in favour and 3 against)

**RESOLVED** that officers be delegated to permit the application subject to the conditions set out in the report with an amendment to condition 11 to ensure that the hedge would be retained at a 2-metre height in perpetuity; that landscaping would be dense and of an appropriate mix to ensure the site was screened throughout the year and the planting of more mature whip trees to ensure the site was screened at the earliest opportunity.

## **Item No. 2**

### **Application No: 21/00677/FUL**

#### **Site Location: Proposed Development Site Lansdown View, Twerton, Bath**

The Case Officer introduced the report and confirmed that the report had been updated since the previous meeting to update condition 26 (North-west footpath), add a new condition 27 (Site Access) and an update to the proposed site plan replacing a short section of the steps with a ramp.

He confirmed the officer recommendation that officers be delegated to permit the application subject to the conditions set out in the report and the signing of a Section 106 agreement to ensure replacement tree planting, details of a management company for communal areas of the development, landscape and ecological management plan and implementation of highway works.

The following public representations were received:

1. Jenny Bakhoff, local resident, speaking against the application.

Cllr Dine Romero in attendance as local ward member, raised the following points:

1. The site was not appropriate for a housing development and the access was limited to one narrow lane. Although it could technically allow emergency vehicles, they could only access the site from one direction due to a low bridge.
2. She was concerned that local residents had received threatening letters from a solicitor about the removal of the bollard at the access point although accepted this was not a planning consideration.
3. The land was unstable and new drainage would be required.
4. A good solution would be to return the land to allotments.

She urged the committee to refuse the application.



Cllr Paul Crossley, withdrew from the committee as he had previously submitted an objection in relation to the application but raised the following points speaking as local ward member:

1. The steps were in the private ownership of houses 1-8 and it was not a public right of way.
2. This was a densely populated area, and it was important to retain green spaces within dense communities.
3. There was subsidence and it was not appropriate to build housing on the site. He urged the Committee to reject the application.

In response to Members questions, it was confirmed:

1. The land had been used as a private allotment in the past and the Council had investigated acquiring the land for this purpose, but this was rejected due to the costs of overcoming soil pollution as the land was found to be contaminated by arsenic, asbestos and hydrocarbons.
2. To address concerns about the ownership of the access to the site, officers had included a condition to ensure that the dwellings could not be occupied until the access was in place. There could be an earlier trigger point if members felt this was appropriate.
3. According to land registry information, the land was in the ownership of the applicant but there was a right of way for residents to access their garages. The highways assessment had been carried out in relation to the plans and there was no bollard indicated on these plans.
4. It was confirmed that although an emergency vehicle could access the site from both directions in theory, in practice larger vehicles could only approach from the south due to height restrictions on the bridge to the north. This was the same for the existing properties at Lansdown View. There would be a turning head on the access road so that emergency vehicles could turn around.
5. The committee could take into account the green infrastructure and ecological value of the site; however, the habitats were not considered to be of high value. The view of officers was that the application complied with the requirement for "no net loss" in terms of biodiversity.
6. Highways officers had calculated that an additional 82 vehicle movements would be generated by the proposed development, and this was the net increase. In terms of highway safety, the narrowest point of the access road was 3.5m but this was a relatively short distance and there was good intervisibility at this point.
7. There was a condition to ensure that garages could not be converted into additional living space, but it was not possible to enforce that cars be parked in garages. Electric charging points and bicycle storage were also included. The dimensions of the garage were in line with the Council's Placemaking Plan. Although the emerging local plan was looking to exclude counting garages as a parking space in some areas, they would still be included in the central area of Bath. The Committee were reminded not to give too much weight to the emerging plan.
8. In relation to concerns about flooding, both Wessex Water and the Council's Flooding and Drainage Team had raised no objection and the developer would be liable for any damage.

Cllr Rob Appleyard proposed that the application be refused on the grounds of overdevelopment of the site which would result in the loss of a valuable green space and highway safety due to the dangerous access and egress to the site. This was

seconded by Councillor Sally Davis and on being put to the vote was CARRIED (6 in favour, 2 against, 1 abstention)

**RESOLVED** that the application be refused for the following reasons:

1. The proposed development, represented overdevelopment of the site and would result in the loss of a valuable green space which contributed towards the visual amenity, character and appearance of the area. (D1, D2, D3, D4 and D7, Placemaking Plan).
2. The proposed site access would result in poor accessibility and conflicts between vehicles accessing and egressing the site and pedestrians to the detriment of highways safety. (ST7 Placemaking Plan).

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

The Committee considered:

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

**RESOLVED** that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 4* to these minutes.

### **Item No. 1**

**Application No: 21/05190/FUL**

**Site Location: Nempnett Farm, Greenhouse Lane, Nempnett Thrubwell**

The Case Officer introduced the report and confirmed the officer recommendation that the application be refused as it constituted inappropriate development in the greenbelt as detailed in the report. In terms of diversification, he clarified that there would still be an agricultural element retained to the site as a result of the development and it was only the pig rearing that would be replaced by two subterranean glamping pods.

The following public representations were received:

1. Luke Ford, agent and George Ford, applicant, speaking in support of the application.

The local ward member, Cllr Vic Pritchard was unable to attend the meeting but submitted a statement in support of the application which was read out by the Democratic Services Officer:

1. The proposal sought to remove five intensive pig rearing buildings and replace with two subterranean structures to compliment an existing B&B enterprise, and this would lead to the cessation of a high number of associated articulated lorry movements bringing in feed and removing slurry.
2. The pig rearing buildings in a greenbelt setting were intrusive covering a considerable area on an elevated position and would have only been consented to compliment a farming enterprise. The proposed development

would enhance the rural setting and have less impact on the openness of the greenbelt.

3. The Committee should consider a visit to the site if minded to refuse the application.

In response to Members questions, it was confirmed:

1. There was no specific policy relating to subterranean buildings in the greenbelt.
2. The proposal was not a Passivhaus and so this could not be used as a special circumstance for development in the greenbelt.
3. Highways officers had not raised any objection in terms of access and parking. Due to its location, it was likely that the site would be accessed by car.
4. The applicant had not put forward economic viability as a reason for the development, the motive for the application had been moving away from the intensive farming associated with pig rearing.
5. The applicant could have put forward an application for change of use of the existing pig rearing buildings for accommodation, but officers needed to consider each case on its merits.

Cllr Paul Crossley stated that he considered the application to be an exciting proposal which would remove concrete outbuildings and replace with less obtrusive subterranean glamping pods. He proposed that officers be delegated to permit the application subject to appropriate conditions for the reason that it constituted very special circumstances in that it would enhance the openness of the greenbelt and remove built form and would increase the economic viability of the farm and surrounding area. This was seconded by Cllr Matt McCabe and on being put to the vote it was CARRIED (9 in favour and 1 against).

**RESOLVED** that officers be delegated to permit the application subject to appropriate conditions for the following reasons:

1. The application constituted very special circumstances in that it would enhance the openness of the greenbelt and remove built form.
2. The application would increase the economic viability of the farm and surrounding area.

## **Item No. 2**

### **Application No: 21/02973/OUT**

#### **Site Location: Parcel 3589, Silver Street, Midsomer**

The Case Officer introduced the report and confirmed the site related to parcel of land located within the Bath and North East Somerset Boundary which would form an access to a development within the Mendip boundary and that an associated planning application for a housing development would be considered by Mendip District Council on 13 July. She confirmed the officer recommendation that officers be delegated to permit the application, subject to the conditions set out in the report and a Section 106 Agreement to secure a contribution towards improvements to local bus infrastructure, the Somer Valley Enterprise Zone Cycleway, targeted training and recruitment and green space and parks infrastructure.

The following public representations were received:

1. Rosie Dinnen, agent speaking in support of the application.

Cllr Shaun Hughes withdrew from the committee as he had submitted an objection in relation to the associated application but raised the following points speaking as adjacent ward member:

1. He did not support the allocation of the nearby site for housing due to the impact on the infrastructure of neighbouring Midsomer Norton including schools, doctors' surgeries and dental practices.
2. The financial contributions proposed were not enough to mitigate the impact of the development on Midsomer Norton.

He urged the Committee to refuse the application.

Cllr Michael Evans, speaking as adjacent ward member raised the following points:

1. He was opposed to the allocation of housing on the adjacent site and was disappointed with the decision of the Planning Inspectorate.
2. In view of the site being allocated for housing, he was not asking the Committee to refuse the application, but instead to seek appropriate mitigation.
3. Due to the slow progress on the Somer Valley Enterprise Zone and imbalance between houses and jobs in the area, a Section 106 contribution towards cycleways would be better spent on a route between Farrington Gurney and Midsomer Norton.
4. Any Community Infrastructure Levy (CIL) money should be spent on the immediate area.

In response to Members questions, officers confirmed:

1. It was appropriate and reasonable to ask for a contribution to the Somer Valley Enterprise Zone Cycleway to assist with access to an employment area.
2. Mendip District Council was not a CIL charging authority and so there would be no CIL funding as a result of the housing development but even if there was, it would not benefit Bath and North East Somerset as the housing site was located in the Mendip district area.
3. Section 106 obligations had to be justified and officers considered the contributions requested to be proportionate to the application for an access road.
4. The proposal did not include a pedestrian crossing and the current crossing consisted of two dropped kerbs.
5. There was no active travel plan in relation to the school.

A number of members expressed concern about the lack of a proper pedestrian crossing and asked if officers could negotiate a contribution towards a crossing to ensure a safe route for children attending primary schools. The Planning Officer re-emphasised that there would be no CIL funds to achieve this, and officers would need to renegotiate the Heads of terms of the Section 106 Agreement and whether this would meet the test of being a reasonable obligation and would also involve going back to consultees.

Cllr Sally Davis proposed that a decision be deferred to allow officers to explore all possible options for the developer to make a contribution towards a pedestrian crossing. This was seconded by Cllr McCabe and on being put to the vote was CARRIED (8 in favour 0 against - UNANIMOUS)

**RESOLVED** that a decision be deferred to allow officers to explore all possible options for the developer to make a contribution towards a pedestrian crossing.

**Item No. 3**

**Application No: 21/04881/FUL**

**Site Location: Parcel 6536, Top Lane, Farmborough, Bath**

The Case Officer introduced the report and confirmed the officer recommendation to permit the application subject to the conditions set out in the report.

The following public representations were received:

1. Annabel McGregor, applicant, speaking in support of the application.

Cllr Matt McCabe reported the views of local ward member, Cllr Neil Butters who was unable to attend:

1. He supported the application due to the environmental benefits of the renewable energy scheme in the context of the climate emergency.
2. There had been few objections in the local community and neither Parish Council had objected to the application.

In response to Members questions, it was confirmed:

1. There was a landscaping plan to screen the site.
2. It was possible for the site to be used for grazing livestock, but it was not appropriate to secure this by a condition.
3. There would be a detailed Landscape and Ecological Management Plan (condition 10) to manage biodiversity.
4. The site would return to a greenfield site at the end of the life of the application and this would be secured by the decommissioning strategy condition.
5. The 40-year time scale had been put forward by the developer. If the developer wanted to continue beyond 40 years, they would need to submit a new application.
6. It may be that advances in technology would mean the site would be decommissioned before 40 years, but the Committee could only consider the application as submitted.
7. The Council did not allocate sites for solar farms as that was considered to be too restrictive.
8. If the site ceased to operate as a solar farm, the Council had the power of discontinuance under the Town and Country Planning Act.

Cllr Matt McCabe opened the debate as ward member and spoke in support of the application but raised a concern about the end of the life of the site in 40 years' time and the need to make sure that the site did not become derelict. He proposed that officers be delegated to permit the application, subject to consideration of options to ensure against the site becoming derelict and the Council becoming liable to clear the site. He suggested that this could be in the form of a bond to protect against unforeseen circumstances. This was seconded by Cllr Sally Davis.

Cllr Rob Appleyard agreed that it was important to futureproof and safeguard this

individual site and commented that the Town and Country Planning Act may be amended in 40 years' time and not offer the same protection for local authorities.

Cllr Paul Crossley spoke in support of the application and requested that he be given the opportunity to look at the landscape and ecological plan.

On voting for the motion, it was CARRIED (10 in favour, 0 against - UNANIMOUS)

**RESOLVED** that officers be delegated to permit the application, subject to the conditions set out in the report and further negotiations with the developer to secure the decommissioning of the site if it was no longer operable at a date sooner than the 40-year timescale outlined in the application.

#### **Item No. 4**

**Application No: 21/04890/FUL**

**Site Location: Land Below Inglescombe Farm, Haycombe Lane, Englishcombe, Bath**

The Committee noted that this application had been withdrawn by the applicant and had therefore also been withdrawn from the agenda.

#### **Item No. 5**

**Application No: 22/01299/FUL**

**Site Location: Frome House, Lower Bristol Road, Westmoreland, Bath**

The Case Officer introduced the report and confirmed the recommendation that officers be delegated to permit the application subject to the conditions set out in the report, with the deletion of Condition 12 which was covered by the student management plan detailed in Condition 13, and a Section 106 Agreement to secure a financial contribution towards off-site greenspace enhancement projects.

The following public representations were received:

1. Jenny Bakhoff, local resident, and Alex Sherman, Bath Preservation Society, speaking against the application.
2. Matthew Halstead, applicant, speaking in support of the application.

The local ward member, Cllr June Player, raised the following points:

1. The previous application was refused by Committee and the reasons for refusal were also valid for this application:
  - a. The overprovision of student housing in the area resulting in an inappropriate housing mix (Policy CP10).
  - b. The loss of office space (Policy ED1B). The site had a number of constraints which made it unsuitable for residential development.
  - c. Residential Amenity (Policy D6)
2. As local ward councillor for 11 years, she was aware that most of the homes of multiple occupancy (HMOs) in the area were student accommodation and there had been a big impact on neighbourhood as a result of increasing student numbers. The census data referred to in the report was 10 years out of date and there had been an increase in the number of students and student

accommodation since 2011.

3. If the site was considered suitable for housing it could be considered for 1-bedroom social housing units as there was a demand for this type of housing in the area.

Cllr Dine Romero addressed the meeting as local member for the adjacent ward:

1. The proposal was in the wrong location.
2. As there was no parking included in the development, this would have an impact on parking in the surrounding area.
3. Due to the location of the proposed development and the proximity of the ground floor tyre repair centre, it would not be a pleasant living environment for occupants.

In response to Members questions, it was confirmed:

1. The new census data had only started to be released on 28 June and ward details on population would not be available until later in the year which meant that it would not be reasonable to defer the application until the latest information was available. The 2011 census data was the most up to date information that was currently available. Officers were aware that there were approximately 661 HMOs in Westmoreland but were unable to clarify how many of these were occupied by students.
2. There was a range of measures included in the student management plan to ensure that students would not park in the surrounding area, and this would be enforced by residents reporting breaches to the management company.
3. Officers were not in a position to predict whether the applicant would apply to convert the ground floor to accommodation at a later date and could only assess the current application.
4. The Economic Development Team had been asked to comment on the application but had not responded. Cllr Rob Appleyard asked that this be pursued in relation to future applications.
5. The site had been marketed since 2018 for office accommodation without success and it may be that there was less demand for office space since the Covid pandemic.
6. There had not been any negotiations with the applicant about alternative types of housing as officers could only consider the application which had been submitted.
7. The affordability of the units was not a material consideration.
8. Although there were other proposed developments for student accommodation, it could not be guaranteed that they would all come forward.
9. The emerging local plan included a requirement for demonstration of need for student accommodation through education providers, but little weight could be given to this as it had not yet been adopted.

Cllr Paul Crossley spoke against the application in view of the high density of purpose-built student accommodation and the number of HMOs and the impact of this on the local community. Cllr Rob Appleyard concurred with this view and acknowledged the concern of local residents of the impact of a high density of students in the area. In supporting this view, Cllr Lucy Hodge also expressed concern that the development was inappropriate for the intended residents due to its location.

A number of members expressed the view that while there was an overprovision of

student accommodation, there was a demand for other types of accommodation within the city of Bath.

Cllr Eleanor Jackson expressed the view that there were not sufficient grounds for refusal and moved the officer's recommendation that the application be permitted. This was seconded by Cllr Sally Davis and on being put to the vote was NOT CARRIED (4 in favour and 6 against).

Cllr Matt McCabe proposed that the application be refused on the grounds that the development would have a detrimental impact on the amenity of local residents and the occupants of the proposed development, overprovision of student accommodation in the area and the loss of office space. This was seconded by Cllr Rob Appleyard and on being put to the vote it was CARRIED (6 in favour and 4 against)

**RESOLVED** that the application be refused for the following reasons:

1. The development would result in the overprovision of student housing in the area resulting in an inappropriate housing mix (Policy CP10 of the Core Strategy and paragraph 17 and part 7 of the NPPF).
2. The development would result in the loss of office space (Policy ED1B of the Placemaking Plan).
3. The development would have a detrimental impact on residential amenity, both for local residents and occupants (Policy D6 of the Placemaking Plan)

[Cllr Rob Appleyard withdrew from the meeting at this point.]

## **Item No. 6**

**Application No: 22/00672/FUL**

**Site Location: 13 Brookside Close, Paulton, Bristol**

The Case Officer introduced the report and confirmed the officer recommendation that the application be permitted subject to the conditions set out in the report.

The local ward member, Cllr Liz Hardman raised the following points:

1. Paulton Parish Council had raised objections to the application and as a member of the Parish Council and local ward member she also objected to the application.
2. The proposal was an over development of the site and there were insufficient parking spaces for a 4-bedroom house. The house was not in keeping with the surrounding area.
3. There would be parking and access problems as the result of the development and its location at the end of the cul de sac.
4. There was a risk of flooding as there was a brook to the east of the site which ran within 20m of the development and a culvert crossing the plot.

She asked the Committee to refuse the application.

In response to Members questions, it was confirmed:

1. The Flooding and Drainage Team had found the culvert to be in good condition, free from structural or operational defects, and it was not thought that it would have an impact on the development as it was 3 m away at the



- closest point.
2. The proposed dwelling was bigger than other houses in the terrace, but surrounding dwellings were of different sizes. The materials used would match the surrounding houses.
  3. In terms of parking and access, there was currently no off-street parking and so the addition of 4 parking spaces was a net increase of 1 and the issue of access/turning was not considered significant by Highways officers. The car parking spaces were compliant with Council policy.

Cllr Eleanor Jackson stated that she considered that the application was an over development of the site and would result in the loss of garden provision and moved that the application be refused. This was seconded by Cllr Shaun Hughes and on being put to the vote was NOT CARRIED (2 in favour and 7 against).

Cllr Paul Crossley moved the officer recommendation that the application be permitted, this was seconded by Cllr Sally Davis and on being put to the vote it was CARRIED (7 in favour and 2 against).

**RESOLVED** that the application be permitted subject to the conditions set out in the report.

#### **Item No. 7**

**Application No: 22/00443/FUL**

**Site Location: Pond House, Rosemary Lane, Freshford, Bath**

The Case Officer introduced the report and confirmed the officer recommendation that the application be refused for the reasons set out in the report. He gave a verbal update to confirm that not all volume calculations had been agreed by both applicant and local planning authority, but those deemed correct by the Council were as set out in the report

The following public representations were received:

1. John Adler, Freshford Parish Council speaking in support in the application.
2. Rob Hughes, agent, speaking in support of the application.

The local ward member, Cllr Matt McCabe read a statement on behalf of Hinton Charterhouse Parish Council in support of the application.

In response to Members questions, it was confirmed:

1. The existing dwelling could be extended under permitted development rights, and the applicants had stated they were willing to enter into a Section 106 Agreement to forego these rights if the application was approved.
2. The view of officers was that even though the permitted development would be larger, it would have less impact on the openness of the greenbelt as an infill extension.
3. Consideration had not been given to whether the new application was more sustainable than the permitted development as this would be difficult to apply to the very special circumstances criteria.
4. There had not been any objections from local residents.
5. The figure of 60.3% increase in volume had been calculated by considering

the original building and outbuildings, but not the detached outbuildings, and the demolition of one outbuilding.

Cllr Matt McCabe opened the debate as local ward member and confirmed that the other ward member, Cllr Neil Butters supported the application. He drew attention to the following points:

1. The current application was smaller than the previous one and smaller and less harmful than the permitted development.
2. The design was sensitive and was supported by the local parish councils and neighbours.
3. The applicant was willing to surrender their permitted development rights and secure this by a Section 106 Agreement.

He asked the committee to overturn the officer's recommendation for refusal and agree that officers be delegated to permit the application.

Cllr Eleanor Jackson moved that a decision be deferred pending a visit to the site. This was seconded by Councillor Paul Crossley and on being put to the vote it was NOT CARRIED (3 in favour and 6 against).

Cllr Lucy Hodge stated that she believed the officer's analysis of the volume was correct and that a 60% increase in volume was too high. She stated that it was important to be consistent in considering applications in the greenbelt and she did not consider there to be very special circumstances to permit this application.

Cllr Hal MacFie stressed the importance of good design and the renewable energy aspect of the application and supported Cllr Matt McCabe's suggestion that the application be permitted.

Cllr Sally Davis moved the officer's recommendation that the application be refused. This was seconded by Cllr Lucy Hodge and on being put to the vote it was CARRIED (6 in favour 3 against)

**RESOLVED** that the application be refused for the reasons set out in the report.

## **Item No. 8**

**Application No: 22/00624/FUL**

**Site Location: 136 The Hollow, Southdown, Bath**

The Case Officer introduced the report and confirmed the officer recommendation that the application be refused for the reasons set out in the report.

The following public representations were received:

1. Andrew Webster, applicant, speaking in support of the application.

The local ward member, Cllr Dine Romero, raised the following points:

1. The applicant was seeking to extend the family home to allow them to stay in the Bath area.
2. This application would not have a detrimental impact on the street scene and there were a number of similar side dormers in the area.

3. If the Committee was not minded to permit the application, a decision should be deferred pending a site visit.

In response to Members questions, it was confirmed:

1. The application site was not in a conservation area, but it was important to consider the character of the area.
2. Before 2008, dormers were permitted development and therefore similar nearby side dormers may have been built without the need to obtain planning permission before the legislation changed.

Cllr Crossley, opening the debate as local ward member, expressed the view that the application was acceptable and moved that it be permitted on the grounds that it did not harm the character of the area or detract from the street scene and was a well-designed scheme which would enhance the neighbourhood. This was seconded by Cllr Eleanor Jackson.

Cllr Lucy Hodge spoke in support of the motion as the application did not overlook other properties and would not impact the residential amenity of neighbouring properties.

On being put to the vote the motion was CARRIED (8 in favour and 1 against)

**RESOLVED** that officers be delegated to permit the application subject to suitable conditions, for the following reasons:

1. The application was a well-designed scheme that would enhance the area and would not harm the character of the area or detract from the street scene.
2. The application would not have a detrimental impact on the residential amenity of neighbouring properties.

#### **Update Report 20220629**

### **19 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The Committee considered the appeals report.

**RESOLVED** that the report be noted.

The meeting ended at 6.58 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Planning Committee</b>
<b>MEETING DATE:</b>	<b>27th July 2022</b>
<b>RESPONSIBLE OFFICER:</b>	Simon de Beer – Head of Planning
<b>TITLE:</b>	<b>APPLICATIONS FOR PLANNING PERMISSION</b>
<b>WARDS:</b>	ALL
<b>BACKGROUND PAPERS:</b>	
<b>AN OPEN PUBLIC ITEM</b>	

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.

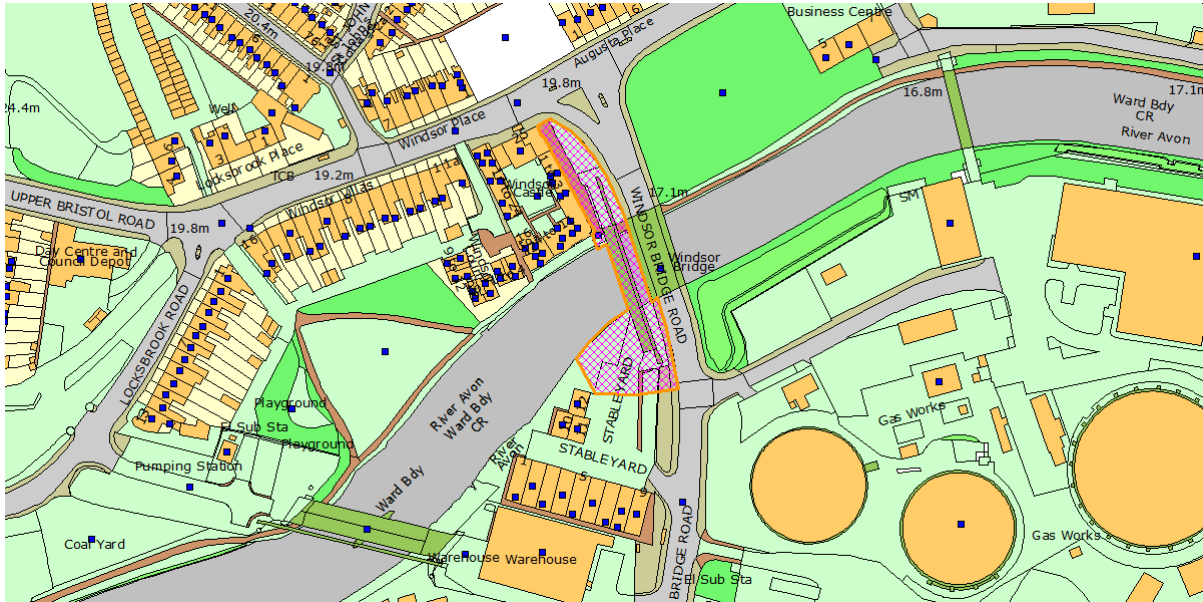
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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	22/01093/REG03 4 May 2022	B&NES Council Windsor Bridge, Windsor Bridge Road, Twerton, Bath, Bath And North East Somerset Demolition of redundant gas pipeline bridge and associated public realm and landscaping works	Westmoreland	Chris Griggs- Trevarthen	PERMIT
02	22/01448/FUL 1 July 2022	Mr and Mrs Swann Mill Farm , Vicarage Lane, Compton Dando, Bristol, Bath And North East Somerset Erection of timber orangery	Saltford	Danielle Milsom	REFUSE
03	22/01449/LBA 1 July 2022	Mr and Mrs Swann Mill Farm , Vicarage Lane, Compton Dando, Bristol, Bath And North East Somerset External alterations for erection of timber orangery	Saltford	Danielle Milsom	REFUSE
04	22/00371/FUL 29 July 2022	Mr & Mrs Richard and Donnalee Webb Windyridge, Newtown, Moorledge Road, Chew Magna, Bristol Repair of core historic cottages, demolition of modern extensions and garage, construction of new extension.	Chew Valley	Christopher Masters	REFUSE

## REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

**Item No:** 01  
**Application No:** 22/01093/REG03  
**Site Location:** Windsor Bridge Windsor Bridge Road Twerton Bath Bath And North East Somerset



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

**Ward Members:** Councillor Colin Blackburn Councillor June Player

**Application Type:** Regulation 3 Application

**Proposal:** Demolition of redundant gas pipeline bridge and associated public realm and landscaping works

**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Cycle Route, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, Policy ST2A Recreational Routes-Cycle Ro,

**Applicant:** B&NES Council

**Expiry Date:** 4th May 2022

**Case Officer:** Chris Griggs-Trevarthen

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

## **REPORT**

### **REASON FOR REPORTING TO COMMITTEE**

Councillor Andrew Furse has requested that the application be referred to committee. In accordance with the scheme of delegation, the application has been referred to the chair/vice chair of Planning Committee. They have decided that the application should be determined by committee and have made the following comments:

Chair, Cllr. Sue Craig

"I have reviewed this application and note the comments from the ward councillor and other interested parties. Given the concerns raised by both the Conservation and Arboriculture Officers, I believe this proposal should be debated in the open forum of the planning committee."

Vice Chair, Cllr. Sally Davis

"I have read this application noting the comments from statutory and third party consultees and the ward councillor, the points raised have been addressed as the application has been assessed against relevant planning policies but I feel the issues would benefit from being debated in the public arena. Therefore, I recommend the application be determined by the planning committee."

### **DESCRIPTION**

The application site comprises the Windsor Road Pipe Bridge: a redundant gas pipe and associated apparatus adjacent to the Windsor Bridge. The bridge spans over a canal tow path, now a cycle path, on the northern bank, and now carries redundant gas pipes and telecommunications ducts across the river. It has a main span of 35m, and two 15.5m approach spans extending north and south supported on masonry abutments. The spans are supported by 2m thick masonry piers on either side of the river.

The pipe bridge is now redundant following gas rationalisation works undertaken to enable the next phase of the Western Riverside development site (policy SB8).

The whole site is located within the Bath World Heritage Site and most of the bridge falls within the Bath Conservation Area. The River Avon and its bankside vegetation is identified as a Site of Nature Conservation Interest (SNCI) and also means that the site is located within flood zone 3.

The towpath is identified as a public right of way (PROW) reference BCRIV/1, as is the sloped route connecting Upper Bristol Road to the towpath which between the bridge landing and the Windsor Castle properties to the west.

The application proposes the demolition of the pipe bridge alongside new public realm and landscaping works on the north side of the river which connect to the Bath River Line.

### **PLANNING HISTORY**

There is no relevant planning history

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**



A summary of consultation responses to the application have been provided below.

**ARBORICULTURE: Objection**

The indicative tree losses represent a significant adverse effect on the appearance of the area and loss of ecosystem services and resulting loss in natural capital. On site replacement planting will take many years to provide similar contributions leaving a generation gap. It is possible that offsite tree planting contributions will be in less influential locations. For these reasons I must object to the proposal. Conditions will be necessary if on balance the proposal is acceptable in planning terms.

**CONSERVATION: Objection**

Demolishing most of the bridge fabric will result in a large degree of direct harm to the non-designated heritage asset, with the loss of a most of its evidential value, but a relatively low level of less than substantial harm to the significance of the World Heritage Site and the Bath Conservation Area

Various public benefits have been explained relating to strategic planning objectives and the removal of redundant infrastructure that impedes safe use of the public towpath, which can be factored into the planning balance. The delivery of an area of well-designed and landscaped public realm linking the towpath with Upper Bristol Road is also noted.

**ECOLOGY: No objection, subject to conditions**

**ARCHAEOLOGY: No objection, subject to conditions**

**HIGHWAYS: No objection, subject to conditions**

**PUBLIC RIGHTS OF WAY: No objection, subject to conditions**

**NATURAL ENGLAND: No objection, subject to conditions**

**ENVIRONMENT AGENCY: No objection, subject to conditions**

**CANAL AND RIVER TRUST: No objection, subject to conditions**

**BATH PRESERVATION TRUST: General comment**

The Trust identify the significance of the bridge as a non-designated heritage asset, due to its evidential and historic associations with the Gas Works and its significance as a surviving material remainder of Bath's industrial heritage.

The Trust is disappointed that the opportunity has been missed for the possible retention or reuse of the bridge as part of the sustainable transport network, allowing for a pedestrian/cycle route only access across the river and onto the river path.

However, the Trust acknowledge the number of public benefits of the proposed scheme. These include:

- Opportunity to create an improved access onto the river path.

- Public realm improvements including improved visibility and greening.
- Public infrastructure improvements such as hard landscaping and interpretation.
- Conjoined approach with the Bath River Line project.
- Ecological/biodiversity improvements (although overall benefit is dependent on off-site planting).

The Trust consider that this application offers a positive opportunity to open up and enhance an otherwise overlooked and constricted access to the river, with benefits for public accessibility and enjoyment of the space as well as the visual amenities of the site. They feel that this is preferable to the "do nothing" fall-back position otherwise proposed.

If permitted, they wish to see interpretation built into the landscaping strategy to ensure that the context of the site is appropriately remembered, as well as offering a location of interest along the river line.

They also comment about the importance of the former railway bridge located to the west and consider that if the demolition of the pipe bridge is permitted, every effort should be made to retain, repair, and reuse the railway bridge as one of the last extant features of Bath's frequently overlooked industrial past.

COUNCILLOR ANDREW FURSES: Call-in request

As this application will have a significant impact and there are no plans to re-use the structure, I would like this decision to be determined by committee as it would be in the public interest.

THIRD PARTIES/NEIGHBOURS: 3 letters of OBJECTION have been received. The main issues raised were:

Concerns about the loss of mature trees and habitat loss and the potential impact/harm to bats, birds and other wildlife, particularly within the context of the climate and ecological emergencies. It was suggested that the proposed replacement habitat planting is unconvincing.

There were concerns that the proposals would result in the loss of one of the few remaining pieces of Bath's industrial heritage left.

Several residents of Windsor Castle were concerned that the removal of the pipe bridge would open views into their property from Windsor Bridge allowing for greater overlooking and loss of privacy.

It was also felt that the current bridge structure provides some protection from the pollution and noise of traffic on Windsor Bridge Road. It was felt that its removal will worsen this situation.

Concerns about inadequate consultation on the planning application.

## **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

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

### **RELEVANT CORE STRATEGY POLICIES**

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

- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B4 Bath World Heritage Site
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure

### **RELEVANT PLACEMAKING PLAN POLICIES**

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

- D1 General urban design principles
- D2 Local character and distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D6 Amenity
- D8 Lighting
- D10 Public realm
- NE1 Development and Green Infrastructure
- NE3 Sites, Species and Habitats
- NE5 Ecological Networks
- NE6 Trees and Woodland Conservation
- HE1 Historic Environment
- ST1 Promoting Sustainable Travel
- ST7 Transport requirements for managing development

### **NATIONAL POLICY**

The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) can be awarded significant weight.

### **CLIMATE AND ECOLOGICAL EMERGENCIES**

The Council declared a climate emergency in March 2019 and in July 2020 declared an Ecological Emergency. These matters are material considerations in the determination of this application.

## LEGISLATION

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

## LOW CARBON AND SUSTAINABLE CREDENTIALS

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

## OFFICER ASSESSMENT

The main issues to consider are:

1. Heritage
2. Trees and woodland
3. Ecology
4. Public realm
5. Residential amenity
6. Highways
7. Flood risk
8. Public benefits
9. Other matters
10. Planning balance
11. Conclusion

### 1. HERITAGE

The existing pipe bridge is a non-designated heritage asset. The heritage statement submitted with the application includes a thorough assessment of the bridge structure, its contribution to the designated conservation area and the World Heritage Site. A detailed account of the structures' evolution is given from the original elegant 1837 suspension bridge, to the 1894 bowstring girder bridge (supported off the 1837 stone piers) through to its later repurposing to carry gas pipes and telecommunications. The coloured-up diagram on page 7 of the Landscape Strategy usefully summarises the extant historic fabric. It is acknowledged that the bridge structure is now in a poor state of repair.

The application proposes demolishing the bowstring bridge and its approach spans, the northern pier of the 1837 bridge and a reduction in height and shortening of the northern approach ramp wall from 1837. The southern 1837 pier will be retained (but altered to provide bat and bird habitats) but it would no longer be possible to contextualise the structure due to the removal of other features.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight must always be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification.

Where the level of harm falls into the less than substantial category paragraph 202 of the Framework is engaged which states that less than substantial harm, should be weighed against the public benefits of the proposal, including securing its optimum viable use. Public benefits can be environmental, social or economic and should flow directly from the proposed development and be of a nature or scale to be of benefit to the public at large.

In weighing applications that effect non designated heritage assets, paragraph 202 states that a balanced judgement will be required having regard to the scale of any harm or loss to the significance of the heritage asset.

In line with the conclusions of the submitted heritage statement, the Conservation Officer concludes that demolishing most of the bridge fabric will result in a large degree of direct harm to the non-designated heritage asset, with the loss of a most of its evidential value, but a relatively low level of less than substantial harm to the significance of the World Heritage Site and the Bath Conservation Area.

This balancing exercise is set out in the planning balance section below.

The Conservation Officer has recommended that, should the planning balance tip in favour of granting permission, conditions requiring archaeological building recording of the bridge structure be applied alongside a requirement to provide on-site interpretation as part of the public realm works.

The Council's appointed Archaeologist has raised no objection to the proposals but has advised that there is some potential for impacts on buried archaeology relating to Roman and/or Industrial activity and has therefore requested an archaeological watching brief to be secured by condition.

## 2. TREES AND WOODLAND

The southern bank of the river is heavily vegetated and contains a significant number of mature trees (mixture of category C and B trees) which contribute towards the strategic green infrastructure beside the River Avon. There are also three large lime trees located within the hard standing adjacent to the junction of Windsor Bridge Road and Upper Bristol Road which make an important visual contribution, acting as a landmark for this area.

The proposals include a significant number of tree removals which are required removal to enable access for demolition equipment. Drawings submitted indicate the worse case scenario in terms of tree losses, with potential for the loss of up to 18 trees including the 3 significant lime trees on the north bank.

This has drawn an objection from the Council's Arboriculturalist who is considers that the trees represent years of carbon sequestration and will have been contributing towards improvements in air quality on this busy road and intersection by filtering airborne particulates and gases among other services which they provide.

Policy NE6 states that development will only be permitted where it seeks to avoid any adverse impacts upon trees. It also suggests that where it is demonstrated that the adverse impact on trees is 'unavoidable' appropriate compensatory provision will be made in accordance with replacement tree planting requirements of the Planning Obligations SPD.

In terms of whether the proposed tree removals are 'unavoidable', a demolition proposal (Buro Happold) report has been submitted which considers alternative options to the demolition.

The first option considered is the 'do nothing' option. The main issue with this approach is that previous investigations and examinations of the bridge have confirmed its poor condition and noted a number of defects including the following:

Approach spans:

1. Widespread breakdown of paint system;
2. Leakage through the deck;
3. Severe corrosion of transverse beams and jack arches;
4. Corrosion leading to localised section loss and perforation of top chords;
5. Cracking and spalling of concrete encasement to bottom chords;
6. Corrosion leading to section loss of lattice web elements;
7. Severe corrosion of rivet heads;
8. Invasive vegetation.

Main span:

1. Widespread breakdown of paint system;
2. Corrosion leading to localised section loss of top chords;
3. Cracking and spalling of concrete encasement to bottom chords, including indicators of corrosion of embedded reinforcement;
4. Corrosion leading to section loss and instances of severing of lattice web elements;
5. Severe corrosion of rivet heads;
6. Severe corrosion of cross beams, absent a deck structure;

The report concludes that the bridge structure has already reached a stage where interventions well above and beyond routine maintenance are necessary and that without significant repair/refurbishment there is a damage of material falling from the bridge onto the publicly accessible towpath and river below presenting a significant health and safety issue. It is therefore concluded that the 'do nothing' is not a viable option.

The report then goes onto consider a 'retain and refurbish' option and sets out an indicative scope for these works. Here it notes that there would be significant amount of temporary works required to facilitate the refurbishment including the provision of working areas and temporary support for the structure to permit the removal and replacement of deteriorated parts and to ensure its overall stability. The scale of activities require would result in a similar impact in terms of tree and vegetation removal around the site which would be necessary to create the proper working areas.

In attempting to estimate the cost of this option, the report draws upon the local precedent provided by the refurbishment of Victoria Bridge, which was completed in December 2014

at a cost of £3.4m. Allowing for inflation, the report suggests a budget of approximately £4m would be necessary for this option.

The report notes that the true scope and cost of a 'retain and refurbish' option cannot be ascertained with confidence due to the likelihood of additional and latent defects that will only become known once the work is underway. There is significant risk associated with this option.

The report then goes on to consider the different options for undertaking the demolition of the pipe bridge, noting the constraints presented by the river and the towpath, private land to the southwest and traffic management issues on Windsor Bridge Road.

Consideration was given to the deconstruction of the bridge utilising a large crane, but was ruled out for the following reasons:

1. Difficulty of erecting and operating a very large crane in the available space;
2. Poor condition of the main span during any lifting operation requires substantial temporary works to ensure stability and robustness;
3. Limited opportunity for a large set-down area for subsequent dismantling.

Deconstruction of the bridge utilising a barge and lifting apparatus was also considered, but ruled out for the following reasons:

1. Complete navigation closure of the river would be required for an extended period;
2. Poor condition of the main span during a jack-up/lifting operation requires substantial 3. temporary works to ensure stability and robustness;
3. Restricted riverine access/egress for barge and bridge requires dismantling local to the site;
4. Limited opportunity for bankside works local to the site

Both of these options were therefore ruled out and, in any case, would likely also entail significant tree removals to create the necessary access and working areas.

The preferred demolition method involves the use of a temporary panel bridge to support the main span during removal. This would be launched from the public realm area to the north of the bridge, over and through the existing main bridge span. The existing structure would then be uniformly supported from the panel bridge, permitting its removal in small pieces.

The current proposals and tree removals are based upon this approach which is the most sensible and practical approach in terms of demolition options. To this extent, the proposed tree removals indicated are considered to be 'unavoidable' for the purposes of policy NE6.

In terms of appropriate compensatory provision, the tree replacement formula set out in the Planning Obligations SPD requires 74 replacement trees. Mitigation tree planting will be provided on-site through the site landscaping scheme (discussed in more detail in the public realm section below). However, there is insufficient space on the site to plant all 74 replacement trees and some off-site provision will have to be made.

Usually, a financial contribution will be sought to allow for the Council to identify and plant off-site trees on suitable sites. However, the Council is the applicant for the current application and is unable to enter into a legal agreement with itself to secure a financial contribution. However, the Council does have significant land holdings and is already actively engaged in finding suitable sites for off-site tree replacements due to the requirements of the Planning Obligation SPD. It is therefore considered that there is a real prospect of suitable sites being identified. Off-site replacement tree planting can therefore be appropriately secured through a planning condition in this instance.

In conclusion, it is considered that the proposed tree losses, whilst regrettable, are unavoidable and appropriate compensatory tree planting will be provided. The proposals are therefore consistent with policy NE6.

### 3. ECOLOGY

The River Avon is a designated Site of Nature Conservation Interest (SNCI) of high ecological and habitat value, used by a wide range of terrestrial and aquatic wildlife, including protected species such as nesting birds (including kingfisher); otter, bats. The River Avon is considered to provide supporting habitat to the Bath and Bradford on Avon Bats Special Area of Conservation.

An Ecological Impact Assessment has been submitted with the application and includes bat emergence surveys of the bridge structure and a Biodiversity Net Gain (BNG) calculation.

#### *Bat roosts*

A pipistrelle roost was confirmed in the northern bridge span and will be impacted by the proposals. A European Protected Species (EPS) licence will be required, and the Council must be confident that the 'three tests' of the Habitats Regulations are likely to be met.

The first test requires consideration of whether there are any feasible alternatives that would be less damaging. As discussed in the trees and woodland section above, the 'do nothing' option is not considered feasible. The 'retain and refurbish' options would entail significant impacts upon the identified bat roost and would likely also result in its loss. The various demolition options considered would also all result in the loss of the identified bat roost. It is therefore considered that there was no feasible alternative that would result in less damage to the roost.

The second test requires that the proposals are carried out for imperative reasons of overriding public interest. This is considered in more detail in the planning balance section below.

The third test requires that the activity must not harm the long-term conservation status of the species concerned and that necessary compensatory measures can be secured. The Council's Ecologist considers that the recommendations for ecological and bat mitigation proposed are appropriate and won't cause a long-term impact upon the species concerned. These measures can be secured by condition.



## *SCNI and BNG*

The proposals will also impact upon the SNCI through the removal of riverside trees and other vegetation providing habitat value to a range of wildlife.

Policy NE3 states that developments which adversely affect SNCIs will only be permitted where material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site. This balancing exercise is discussed in the planning balance section below.

NE 3 also requires that in all cases, harm is minimised and compensatory provisions, alongside enhancements, are made.

The review of options (discussed in the trees and woodland section above) demonstrates that harm has been minimised. The proposals include appropriate compensatory planting on-site, but also rely upon off-site replacement tree planting to ensure provision of equivalent ecological value for the trees to be removed (as discussed in the trees and woodland section above).

The BNG calculations submitted with the application also demonstrate that, once the off-site tree planting has been implemented, the proposals will result in a net gain of 25.91% above the existing baseline. The calculation also does not take account of a variety of nest boxes and roosting features proposed as part of the landscaping scheme. The proposals are therefore considered to make appropriate ecological enhancements consistent with policy NE3.

## **SAC**

This proposal has potential to result in a significant impact to the SAC through an increase in light spill onto the River Avon commuting corridor and loss of riverside vegetation. Due to the potential impacts to the SAC, a Habitat Regulations Assessment will be required. A Shadow Habitats Regulations Assessment has been submitted as part of the application and this has been reviewed by the Council's Ecologist and Natural England.

Following the receipt of further lighting information, they have both ruled out any likely significant effect on the Bath and Bradford on Avon Bats SAC as a result of lighting from the proposals

They also consider that due to the proposed landscape scheme in combination with the proposed fencing between the business park and south of the river, the retention of scrub and the installation of back shields on the existing lampposts on Windsor Road, the proposal would not impact the River Avon commuting corridor.

## **4. PUBLIC REALM**

Upper Bristol Road and the river towpath are both important and busy routes for pedestrian and cycle movements. The link between the two routes is provided via a gravel path immediately to the west of the pipe bridge landing and to the east of the Windsor

Castle properties. The entrance to the route from the Upper Bristol Road is poorly identified and, as a result, is not easy to find and navigate.

The visibility of the junction between the link path and the riverside towpath is impinged by the support structures of the pipe bridge. Clear therefore must be taken when joining the route which is popular with cyclists. The route is also often muddy in nature and can become unsuitable for wheelchair users.

The landscaped area to the north of pipe bridge contains three significant lime trees which provide a prominent landmark as the junction of Windsor Bridge Road and Upper Bristol Road. However, beyond these trees the area does not provide much in terms of public realm value. The surface treatment is of low quality, with limited ground level vegetation and biodiversity value and much of the area is enclosed and inaccessible around the area of the pipe bridge landing.

The application proposes the implementation of public realm works alongside the removal of the pipe bridge which including opening up the area where the current northern landing of the bridge is located. The removal of the northern bridge pier enables the creation of a larger public space which allows for the existing route to be opened up and for the creation of a new stepped route from the Windsor Bridge junction down to the Riverline towpath alongside the creation of new green space for planting.

The proposals would create a more welcoming space which, the entrance to which would be more visible and usable by pedestrians and cyclists. It creates opportunities for more formal planting and would create a much more attractive piece of public realm, akin to a small pocket park. The proposals would improve the visibility between users of the towpath and the link route, improving the safety of both pedestrians and cyclists. It would also help create new views towards the river.

The proposals are also consistent with the aims of the Bath River Line project which aims to create a linear park following the River Avon from Batheaston to Newbridge.

The loss of the 3 prominent lime trees would have a negative impact upon the public realm in this area, but it is considered that, on balance, this is outweighed by the more comprehensive improvements to the public realm proposed.

It is therefore considered that the proposals contribute towards public realm improvement in accordance with policy D10 and will enhance the character and urban fabric of the area consistent with policies D2 and D3 of the Placemaking Plan. The detail of the landscaping scheme is to be secured by condition.

## 5. RESIDENTIAL AMENITY

Several comments have raised concerns that the removal of the bridge will create new views into the private areas of nearby properties. The nearest properties to the application site are The Windsor Castle apartments which lie just to the west of the pipe bridge.

When viewed from Windsor Bridge, the pipe bridge does block some views towards the south elevation of The Windsor Castle properties, although the majority of the upper floor

are still visible. The removal of the pipe bridge will open up these views but given the orientation of the properties these views will be from an indirect angle. In any case, the views created are no greater or more harmful than views that are already available from the Riverline towpath where close up views of the lower floors of Windsor Castle can already been achieved from the public realm.

It is therefore considered that, due to the distance and angles involved, the removal of the pipe bridge will not result in any significant new overlooking of any private rooms or areas.

Conversely, the removal of the bridge could improve the outlook from the Windsor Castle apartments. However, for the same reasons as given above, this is unlikely to result in any significant improvement to the amenity of these properties.

A construction management plan will be secured by condition to mitigate the impacts of the demolition/construction works upon the nearby residential properties adjacent to the site.

## 6. HIGHWAYS

Windsor Bridge Road is a Class A adopted highway and a critical component of Bath's city centre road network. The highway is highly congested at peak hours and links to two important arterial routes to / from the city centre (A4 Upper Bristol Road and A36 Lower Bristol Road).

The submitted Design and Access statement states that traffic management measures will be required on Windsor Bridge Road to enable the scheme, however no details have been provided within the current submission as to what this is likely to entail. Any traffic management measures will have significant implications on traffic conditions locally and elsewhere within the city centre. There are also a number of other road works proposed in the vicinity of Windsor Bridge Road which need to be taken account of.

The Highways Officer has therefore requested that a construction management plan be secured by condition and includes details as to the proposed traffic management procedures required on Windsor Bridge Road (in addition to any other locations on the adopted network) throughout the demolition / construction phases.

Subject to a construction management plan being secured by condition, there is no highways objection to the proposals.

## 7. FLOOD RISK

The Pipe Bridge main span, the site area adjacent to the northern approach span and the grassy riverbank on the south area of the site are within Flood Zone 3; at high risk of fluvial flooding. Given their location, they are identified as zone 3b, i.e. functional floodplain.

The proposed works (demolition of a bridge and public realm improvements) are classed as falling within the 'water compatible' vulnerability classification and are considered appropriate in accordance with the NPPF.

The NPPF requires the application of the sequential test to guide development to the areas of lowest flood risk. The NPPG supplements the NPPF on this matter and indicates that the sequential test should be applied pragmatically. In this case, the proposals are to remove an existing bridge and provide improvements to an existing area of public realm, therefore there are no 'other sites' which could be reasonably available for the proposed development. It is therefore considered that the sequential test is passed.

Notwithstanding the sequential test, the temporary and permanent works must not result in an increase flood risk, either to the site or off site. A flood risk assessment has been submitted with the application which concludes that the proposed works will not have a negative impact in terms of flood risk. The proposals seek to retain the existing configuration of the river's cross section with the exception of the removal of the bridge piers supporting the central span. The permanent works are therefore expected to have net zero impact on the floodplain due to the abutments being substantially retained or replaced by gabions along the alignment of the existing abutments.

There is no objection from the Environment Agency. It is considered that the proposals will not result in any increase in flood risk and are consistent with policy CP5 of the Core Strategy.

## 8. PUBLIC BENEFITS

The proposals will have several public benefits, some of which have been discussed above but are summarised here.

### *Pedestrian and cycle improvements*

The proposals will create an improved access onto the river path for both pedestrians and cyclists, making the space more legible and user friendly. It also results in an improvement in safety by increasing visibility. The proposals are consistent with the approach and aims of the Bath River Line project to create a linear park along the river with high quality routes for walking and cycling. The improvements to the PROW routes are consistent with policy ST2A of the Placemaking Plan and the overall approach of promoting sustainable travel expressed in policy ST1.

### *Public realm improvements*

They will also provide improvements which make this space adjacent to the river more attractive as a piece of public realm and opens up views of the river. The landscaping proposals will also provide the opportunity to incorporate on-site interpretation of the non-designated heritage asset, helping to improve understanding of Bath's industrial heritage. Albeit this is tempered by the loss of most of the bridge itself.

### *Ecological/biodiversity improvements*

It creates opportunities for ecological/biodiversity improvements and new areas of planting. However, this is tempered by the harm arising from the loss of the existing established trees and will be partially dependent upon the provision of off-site planting.

### *Economic benefits*

The proposed works will also create demolition jobs and generate local employment and supply chain expenditure which represents an economic benefit of the proposals.

Taken together, these represent a significant package of public benefits which would arise from the proposed development.

## 9. OTHER MATTERS

### *Consultation*

Concern have been raised in one of the comments received that inadequate consultation had been carried out on this application. However, the application has been publicised in accordance with the Council's My Neighbourhood Planning Protocol and has meet the statutory requirements of the Town and Country Planning (Development Management Procedure) Order 2015. Notification cards were sent out to all neighbours sharing an immediate boundary with the site and a site notice was erected near the site for no less than 21 days.

### *Public sector equality duty*

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposals do not raise any particularly significant issues in respect of equalities duty, but a couple of points are noted.

The proposed improvements to the public realm will improve accessibility between the towpath and the Upper Bristol Road for the elderly, disabled and otherwise vulnerable residents. The proposals could therefore provide benefit to these effected groups.

Consideration has been given to how the proposals may impact upon other protected groups and it is considered that the application will not cause significant harm to any affected party, as such, the Council has complied with its Public Sector Equality Duty.

## 10. PLANNING BALANCE

### *Heritage balance*

As concluded above, the proposals will result in a large degree of harm to the non-designated heritage asset (the bridge itself) and will result in a relatively low level of 'less than substantial harm' to the World Heritage Site and the Bath Conservation Area.

This harm must be weighed against the public benefits of the proposal and great weight must be given to the assets' conservation.

In this instance, it is considered that the public benefits arising from the proposal, including the pedestrian and cycle improvements, the public realm improvements, the ecological/biodiversity improvements and the economic benefits, combine to outweigh the harm to these heritage assets.

The proposed development is therefore considered to comply with the NPPF and with policy HE1 of the Placemaking Plan.

#### *SNCI balance*

Policy NE3 requires that material considerations outweigh the value of the SNCI harmed.

In this instance, the scheme provides several public benefits which can be given significant weight. Furthermore, it is the examination of alternatives that has demonstrated that the 'do nothing' approach and the alternative demolition options would likely result in similar levels of impact upon the SNCI. Within this context, it is considered that the proposed benefits of the scheme clearly outweigh the identified harm to the SNCI.

#### *Ecology balance*

The second test of the Habitat Regulations derogation tests requires that the proposals are carried out for imperative reasons of overriding public interest.

In this case, it is relevant to take account of the fact that the proposals will only affect a single pipistrelle roost. Furthermore, the consideration of alternatives is highly relevant. A 'do nothing' approach is not feasible and would lead to critical health and safety issues associated with a deteriorating bridge. The other options for demolition or refurbishment would both still result in the destruction of the bat roost.

In addition, the proposal provides a significant package of public benefits (see above) and cannot be delivered without the destruction of the roost.

It is therefore considered that there are imperative reasons of overriding public interest to carry out the proposals. All three of the Habitat Regulations derogation tests are therefore met and there is confidence that an EPS licence would be granted for the development.

## 11. CONCLUSION

The proposed development would result in the removal of a redundant pipe bridge and would allow for the provision of significant improvements to the public realm that would benefit all users of the link between the towpath and Upper Bristol Road.

Whilst there would be some harm arising from the loss of the historic bridge, this is outweighed by the public benefits arising from the proposals.

The proposed tree losses, whilst regrettable (particularly the three limes to the north), are unavoidable given that the alternative scenarios considered are either not feasible or would have a similar impact. Appropriate compensatory tree planting will be provided through both on and off-site replacements.

The proposal therefore complies with all relevant policies of the development plan and is considered acceptable. In accordance with paragraph 11 of the NPPF should be approved without delay.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

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

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

### **2 Construction Management Plan (Pre-commencement)**

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

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

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

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

### **3 Arboricultural Method Statement (Pre-commencement)**

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority 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 shall incorporate an initial site meeting between the appointed contractor, appointed arboricultural consultant and Council arboricultural officers to discuss the precise working methodology in order to identify a way to retain as many trees as possible.

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 NE.6 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.

#### **4 Archaeology - Watching Brief (Pre-commencement)**

No development shall commence, except archaeological investigation work and demolition required to undertake such 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 pre-commencement condition because archaeological remains and features may be damaged by the initial development works.

#### **5 Building Recording (Pre-commencement)**

No development or demolition shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of recording work in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority. The programme of recording work should provide a record of those parts of the building(s), which are to be demolished, disturbed or concealed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme and submitted to the Local Planning Authority.

Reason: The bridge structure is of heritage interest and the Council will wish to examine and record it in accordance with Policy HE1 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because archaeological remains and features may be damaged by the initial development works.

#### **6 Wildlife Mitigation Scheme (compliance condition)**

The development hereby approved shall be carried out only in accordance with the ecological and bat mitigation and compensation measures, habitat creation, and new planting, as detailed in the approved Ecological Impact Assessment (Sections 5 and 6) by NPA, 25th Feb 2022, including the Biodiversity Net Gain Assessment, Proposed On-site Habitat Plan (NPA 25 Feb 2022) and Biodiversity Metric Calculation (excel spreadsheet);



and the Ecological Addendum (NPA 16th May 2022). All such measures shall be adhered to retained and maintained thereafter for the purpose of wildlife conservation.

Reason: To avoid harm to ecology including protected species and to avoid net loss of biodiversity in accordance with the National Planning Policy Framework and policy NE3 of the Placemaking Plan.

### **7 External Lighting (Bespoke Trigger)**

No new external lighting shall be installed until full details of the proposed lighting design that shall be in accordance with the approved "Outline Lighting Strategy" by Buro Happold dated 16th May 2022 have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- (i) proposed lamp models and manufacturer's specifications, and proposed lamp positions, numbers and heights, with details to be shown on a plan
- (ii) Full details of lighting controls, proposed hours, frequency and duration of use, and measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land, and to avoid harm to bat activity and other wildlife.

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

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

### **8 Surface Water Drainage (Pre-commencement)**

No development of the public realm works shall commence until details of the proposed surface water drainage design have been submitted to and agreed in writing by the Local Planning Authority. The details shall include a programme of implementation. The surface water drainage design shall thereafter be completed in accordance with the approved details and programme of implementation.

Reason: This matter requires further consideration to prevent unregulated flows across the towpath and to prevent possible pollution of the river in compliance with paragraph 174 of the National Planning Policy Framework. This is a pre-commencement requirement as the surface water drainage may be prejudice by initial development works.

### **9 Landscape Design and Heritage Interpretation (Bespoke Trigger)**

No development of the public realm works shall commence until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (e.g. outdoor furniture, play equipment, refuse or other storage units, signs, lighting)

7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
8. Retained historic landscape features, proposals for restoration and interpretation, where relevant

Soft landscape details shall include:

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

Reason: To ensure the provision of amenity and a satisfactory quality of environment afforded by appropriate landscape design and to ensure that historic interpretation of effected heritage asset is provided, in accordance with policies D1, D2, D4, NE2 and HE1 of the Bath and North East Somerset Placemaking Plan.

### **10 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 occupation of any part of the development 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.

### **11 Arboricultural Compliance (Bespoke Trigger)**

No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement. A signed compliance statement shall be provided by the appointed Arboriculturalist 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 NE.6 of the Placemaking Plan.

### **12 Off-site Tree Replacements (Bespoke Trigger)**

Within 12 months of the commencement of development a site and scheme to provide replacement tree planting in a riverside location and in accordance with the Biodiversity Net Gain Assessment (as detailed in Chapter 5 and Appendix 4, Ecological Impact Assessment, NPA 11231 101) shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with tree establishment)
3. Schedules of trees, noting species, planting sizes and proposed numbers / densities
4. A programme of implementation and long term maintenance

The approved scheme shall thereafter be carried out in accordance with the approved programme of implementation and the habitat and trees maintained and retained accordingly thereafter.

Reason: To ensure that the proposals deliver biodiversity net gain and avoid net loss in accordance with policy NE3 of the Placemaking Plan and the National Planning Policy Framework.

### **13 Ecological Compliance Statement (post-works)**

Within 3 months of the site being re-opened to the public, or within 12 months of commencement of works, whichever date is sooner, a report produced by a suitably experienced professional ecologist (based on post-works on-site inspection by the ecologist) confirming and demonstrating, using photographs, adherence to and completion of all ecological and bat mitigation and compensation measures, including new planting and habitat creation, in accordance with approved details, and providing full details, scale drawings and photographs of newly installed ecological features and roost structure/s for bats; shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the ecological and bat mitigation and enhancement requirements of the scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Placemaking Plan

### **14 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

1 0295-BDL-XX-XX-DR-L-0001-P05	SITE LOCATION PLAN
WBR_BHE_XX_XX_DR_GE_0002	PROPOSED DEMOLITION EXTENTS
WBR_BHE_XX_XX_DR_GE_0001	EXISTING GENERAL ARRANGEMENT
0295-BDL-XX-XX-DR-L-0005-P02	EXISTING SITE PLAN
0295-BDL-XX-XX-RP-L-0004-P06	SOFT LANDSCAPE PLAN
0295-BDL-XX-XX-DR-L-0800-P01	ILLUSTRATIVE LANDSCAPE MASTERPLAN
0295-BDL-XX-XX-DR-L-0101-P01	ILLUSTRATIVE LANDSCAPE SECTION A-A
0295-BDL-XX-XX-DR-L-0002-P05	TREE RETENTION AND REMOVAL PLAN
0048051-3817-001 REV 003	OUTLINE LIGHTING STRATEGY

## **2 Condition Categories**

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

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

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

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

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

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

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

## **3 Permit/Consent Decision Making Statement**

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

## **4 Responding to Climate Change (Informative):**

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

## **5 INFORMATIVES**

1. The Landscape Strategy (dated 16th May 2022) lists, at Page 30, the soft landscaping and hard landscaping elements to be included in the ongoing maintenance by the Management Company. The PROW Team requires the regular maintenance of the vegetation in the public realm area to ensure that the public footpaths do not become obstructed or encroached by vegetation. Regular sweeping will ensure that the surface of the public footpaths do not become slippery with leaf litter.

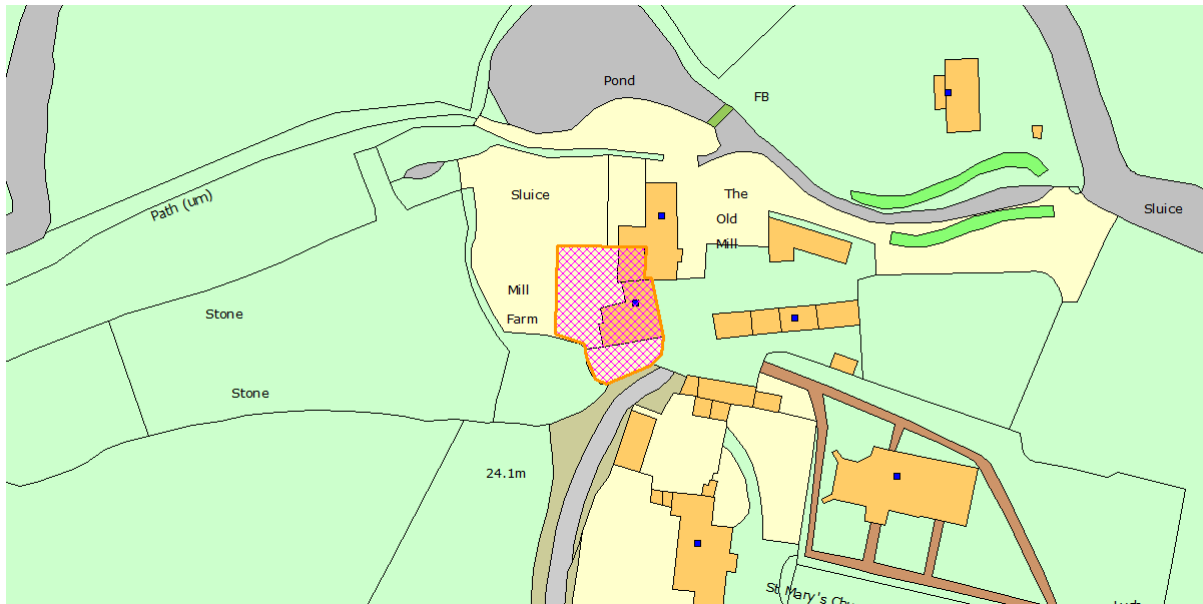
2. There must be no effect to the surface, gradient, line or width of the public footpaths during or after construction. Any damage to the public footpaths during the construction phase must be repaired to the satisfaction of the PROW Inspector at Bath and North East Somerset Council.

3. A temporary path closure may be required to facilitate development. Full details of the process involved can be found on the Council's website at: <https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/publicrights-way/public-path-orders/temporary-path>

4. The proposed demolition of the bridge and removal of bridge abutments plus construction of a temporary bridge will require a Flood Risk Activity Permit under the Environmental Permitting (England and Wales) Regulations 2016 to be obtained for any activities which will take place on or within 8 metres of the River Avon, a designated main river (16 metres if tidal).

5. The applicant should contact Canal and River Trust's Infrastructure Services Team by email to [enquiries.TPWSouth@canalrivertrust.org.uk](mailto:enquiries.TPWSouth@canalrivertrust.org.uk) to ensure that the works comply with their Code of Practice for works affect the Canal and River Trust.

**Item No:** 02  
**Application No:** 22/01448/FUL  
**Site Location:** Mill Farm Vicarage Lane Compton Dando Bristol Bath And North East Somerset



**Ward:** Saltford                      **Parish:** Compton Dando                      **LB Grade:** II  
**Ward Members:** Councillor Duncan Hounsell                      Councillor Alastair Singleton  
**Application Type:** Full Application  
**Proposal:** Erection of timber orangery  
**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, Policy M1 Minerals Safeguarding Area, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,  
**Applicant:** Mr and Mrs Swann  
**Expiry Date:** 1st July 2022  
**Case Officer:** Danielle Milsom  
To view the case click on the link [here](#).

## REPORT

Compton Dando Parish Council have supported the application, contrary to the officer's recommendation to refuse. 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's comments:

"I have reviewed this application and note the comments from Compton Dando Parish Council. The officer and applicant have worked together to revise the proposal in order to bring it into line with policy but have been unable to reach a position where, in the officer's

judgment, the balance of harm to the listed building is acceptable. I believe that this aspect of the proposal would benefit from a debate at committee."

Vice Chair's comments:

"I have looked at this application noting CDPC support comments & amendments made as the application has progressed through the planning process.

The application has been assessed against relevant planning policies, but it still felt there would be harm to the listed building however I feel this aspect should be debated in the public arena therefore I recommend the application be determined by the planning committee."

Details of location and proposal and relevant history:

This application is in relation to Mill Farm, a Grade II listed Farmhouse located within the village of Compton Dando. The site falls within the Green Belt.

This application for listed building consent proposes external alterations for erection of timber orangery.

Relevant Planning History:

96/02617/FUL - permit - Alterations to barn

11/04726/LBA - refused - Internal alterations for the removal of ground floor partition and cupboard within lounge areas.

11/04735/FUL - permit - Erection of two storey rear extension.

11/04743/LBA - permit - Internal and external alterations to include general refurbishment to the fabric of the building, addition of new stairs and other alterations to improve living accommodation, provision of a mezzanine floor, replacement of roof on rear to match existing and erection of two storey rear extension.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

Conservation: Objection

Representations Received :

None recieved

## **POLICIES/LEGISLATION**

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

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:

- Policy GDS.1 Site allocations and development requirements (policy framework)
- Policy GDS.1/K2: South West Keynsham (site)
- Policy GDS.1/NR2: Radstock Railway Land (site)
- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

#### Core Strategy:

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

CP6: Environmental Quality

CP8: Green Belt

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

#### Placemaking Plan:

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

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D5: Building design

D6: Amenity

GB1: Visual amenities of the Green Belt

GB2: Development in Green Belt villages

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

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



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

### GREEN BELT:

Inappropriate development is by definition harmful to the Green Belt. Paragraphs 149 and 150 of the NPPF set out forms of development which are considered not to be inappropriate development. One of these exceptions includes extensions to existing buildings providing it does not result in a disproportionate addition. The extensions in the Green Belt SPD states that an extension which results in an increase of over 1/3 is considered to be disproportionate.

Officer calculations have revealed that the original volume of the dwelling equates to 783m<sup>3</sup>. Previous extensions have increased this to 858.5m<sup>3</sup>, a 9.6% increase in volume. The proposed extension would further increase the volume to 920.2m<sup>3</sup> which equates to a 20% increase from the original building. This increase is therefore under a 1/3 and as such the extension is not considered to be disproportionate. The extension is not considered to cause harm to the openness of the Green Belt due to its positioning set within the walls of the existing dwelling.

### CHARACTER AND APPEARANCE AND IMPACT TO HERITAGE ASSETS:

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.

When considering the impact of works on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial

harm, total loss or less than substantial harm to its significance. There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission 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.

This application proposes the erection of a single storey orangery to the rear of the dwelling. The property is an early/mid-19th century grade II listed farmhouse. Its intrinsic interest will be enhanced by the close physical relationship to other mill related structures. It sits at the end of a cul-de-sac lane that primarily serves the church, a grade II\* listed building.

Following comments from the Conservation Officer, revisions were submitted which reduced the size of the proposed orangery. The amendment to the footprint has only resulted in a small reduction in the level of harm to the listed building. The proposed orangery is still considered to be disproportionately large in relation to the size of the house, appearing as a visually dominant addition. Whilst the design of the fenestration has been altered to incorporate glazing bars, rather than large expanses of glass, this is still considered to appear too grand and subsequently jars against the listed building. The addition of the large roof box also adds to the grand appearance which detracts attention from the listed building.

It has been stated in the design and access statement that the orangery would not be seen given its position to the rear of the property. However, this is immaterial. The building is listed in its entirety and all work, whether or not it is visible is subject to the same considerations of impact on significance. Although, in this case a public footpath runs behind the house. The rear of the house is clearly visible from the footpath.

The proposed opening to create access into the orangery has been reduced in size in response to initial conservation comments. This will still result in a small loss of historic fabric, however this is considered to cause a negligible level of harm on the listed building.

It is concluded that the harm caused to the designated heritage assets, is, in the context of the significance of the assets as a whole and in the language of the NPPF, less than substantial. In such circumstances Paragraph 202 of the NPPF (2021) requires that any harm be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of the building. It is considered that any benefit from the proposed orangery would be merely private. It is considered therefore that there are not any public benefits secured by this proposal that would outweigh the harm.

The proposals are not therefore consistent with the aims and requirements of the primary legislation and planning policy and guidance and constitute unacceptable alterations to the listed building that would not preserve the significance as a designated heritage asset, also failing to meet the requirements of policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 and paragraph 202 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.

The proposed orangery does not show potential to cause harm to residential amenity. No overlooking would be caused due to the extensions siting away from neighbouring dwellings and no additional overshadowing will be caused.

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 12 of the NPPF.

## CONCLUSION:

The proposal is therefore contrary to policy CP6 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 as outlined above. There are no public benefits resulting from the proposal which would outweigh the harm identified to the listed building and character of the wider conservation area. The proposal is therefore recommended for refusal.

## RECOMMENDATION

REFUSE

## REASON(S) FOR REFUSAL

1 The proposal is contrary to policy CP6 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 as outlined above. There are no public benefits resulting from the proposal which would outweigh the harm identified to the listed building. The proposal is therefore recommended for refusal.

## PLANS LIST:

1 This decision relates to the following plans:

Drawing - 4 April 2022 - 12395 SWANN - 04 - Site Block Plan

Revised Drawing - 4 July 2022 - 12395 SWANN 02 REV B - Proposed Plans and Elevations

Revised Drawing - 4 July 2022 - 12395 SWANN 03 REV B - Block Plan

Revised Drawing - 4 July 2022 - 12395 SWANN 04 - Site\_Block Plan

Revised Drawing - 4 July 2022 - 12395 SWANN 05 - Detail Section REV A

Revised Drawing - 4 July 2022 - 12395 SWANN 06 REV A - Detail Section

Revised Drawing - 4 July 2022 - 12395 SWANN 07 REV A - Detail Section

## 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.

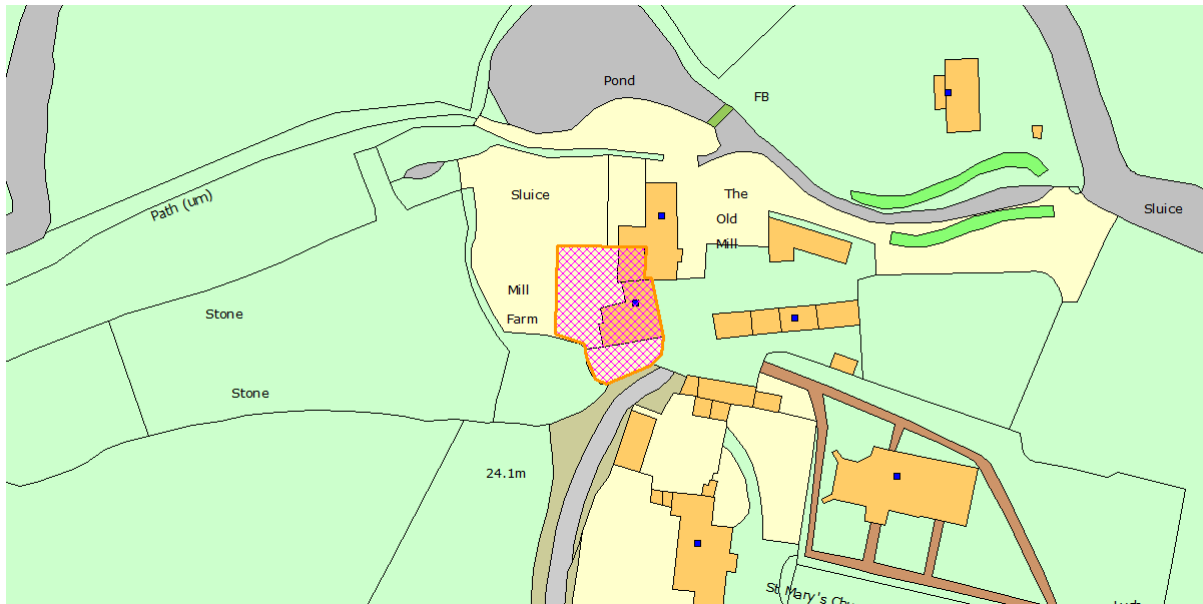
Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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.

#### **4 Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. 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](http://www.bathnes.gov.uk/cil)

**Item No:** 03  
**Application No:** 22/01449/LBA  
**Site Location:** Mill Farm Vicarage Lane Compton Dando Bristol Bath And North East Somerset



**Ward:** Saltford                      **Parish:** Compton Dando                      **LB Grade:** II  
**Ward Members:** Councillor Duncan Hounsell                      Councillor Alastair Singleton  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:** External alterations for erection of timber orangery  
**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, Policy M1 Minerals Safeguarding Area, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,  
**Applicant:** Mr and Mrs Swann  
**Expiry Date:** 1st July 2022  
**Case Officer:** Danielle Milsom  
To view the case click on the link [here](#).

## REPORT

Compton Dando Parish Council have supported the application, contrary to the officer's recommendation to refuse. 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's comments:

"I have reviewed this application and note the comments from Compton Dando Parish Council. The officer and applicant have worked together to revise the proposal in order to bring it into line with policy but have been unable to reach a position where, in the officer's

judgment, the balance of harm to the listed building is acceptable. I believe that this aspect of the proposal would benefit from a debate at committee."

Vice Chair's comments:

"I have looked at this application noting CDPC support comments & amendments made as the application has progressed through the planning process.

The application has been assessed against relevant planning policies, but it still felt there would be harm to the listed building however I feel this aspect should be debated in the public arena therefore I recommend the application be determined by the planning committee."

Details of location and proposal and relevant history:

This application is in relation to Mill Farm, a Grade II listed Farmhouse located within the village of Compton Dando. The site falls within the Green Belt.

This application for listed building consent proposes external alterations for erection of timber orangery.

Relevant Planning History:

96/02617/FUL - permit - Alterations to barn

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11/04743/LBA - permit - Internal and external alterations to include general refurbishment to the fabric of the building, addition of new stairs and other alterations to improve living accommodation, provision of a mezzanine floor, replacement of roof on rear to match existing and erection of two storey rear extension.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

Conservation: Objection

Representations Received :

None recieved

## **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 Revised National Planning Policy Framework (NPPF) 2021 is national policy in the conservation and enhancement of the historic environment which must be considered 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:

CP6 Environmental quality  
CP2 Sustainable Construction

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:

HE1 Historic Environment

Guidance:

Historic England Advice Note 2 'Making Changes to Heritage Assets' (2016)

Historic England 'Conserving Georgian and Victorian terraced housing - A Guide to managing Change' (2021)

BaNES Draft City Centre Character Appraisal Bath (2015)

BaNES Draft Bathwick Character Appraisal Bath Conservation Area (2018)

## 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**

#### **LISTED BUILDING ASSESSMENT**

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.

This application proposes the erection of a single storey orangery to the rear of the dwelling. The property is an early/mid-19th century grade II listed farmhouse. Its intrinsic interest will be enhanced by the close physical relationship to other mill related structures. It sits at the end of a cul-de-sac lane that primarily serves the church, a grade II\* listed building.

Following comments from the Conservation Officer, revisions were submitted which reduced the size of the proposed orangery. The amendment to the footprint has only resulted in a small reduction in the level of harm to the listed building. The proposed orangery is still considered to be disproportionately large in relation to the size of the house, appearing as a visually dominant addition. Whilst the design of the fenestration has been altered to incorporate glazing bars, rather than large expanses of glass, this is still considered to appear too grand and subsequently jars against the listed building. The addition of the large roof box also adds to the grand appearance which detracts attention from the listed building.

It has been stated in the design and access statement that the orangery would not be seen given its position to the rear of the property. However, this is immaterial. The building is listed in its entirety and all work, whether or not it is visible is subject to the same considerations of impact on significance. Although, in this case a public footpath runs behind the house. The rear of the house is clearly visible from the footpath.

The proposed opening to create access into the orangery has been reduced in size in response to initial conservation comments. This will still result in a small loss of historic fabric, however this is considered to cause a negligible level of harm on the listed building.

It is concluded that the harm caused to the designated heritage assets, is, in the context of the significance of the assets as a whole and in the language of the NPPF, less than substantial. In such circumstances Paragraph 202 of the NPPF (2021) requires that any harm be weighed

against the public benefits of the proposal including, where appropriate, securing the optimum viable use of the building. It is considered that any benefit from the proposed



orangery would be merely private. It is considered therefore that there are not any public benefits secured by this proposal that would outweigh the harm.

The proposals are not therefore consistent with the aims and requirements of the primary legislation and planning policy and guidance and constitute unacceptable alterations to the listed building and the conservation area that would not preserve the significance as a designated heritage asset, also failing to meet the requirements of policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 and paragraph 202 of the NPPF.

#### CONCLUSION:

The proposal is therefore contrary to policy CP6 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 as outlined above. There are no public benefits resulting from the proposal which would outweigh the harm identified to the listed building. The proposal is therefore recommended for refusal.

#### RECOMMENDATION

REFUSE

#### REASON(S) FOR REFUSAL

1 The proposed extension by reason of its design, scale and siting will result in an inappropriate addition which would detract from the character of the listed building. There is no public benefit to the proposal which would out-weigh the less than substantial harm identified to the listed building. The proposed development is therefore contrary to Policy HE.1 of The Placemaking Plan for Bath and North East Somerset adopted July 2017 and Paragraph 193 and 196 of the National Planning Policy Framework.

#### PLANS LIST:

1 This decision relates to the following plans:

Drawing - 4 April 2022 - 12395 SWANN - 04 - Site Block Plan

Revised Drawing - 4 July 2022 - 12395 SWANN 02 REV B - Proposed Plans and Elevations

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Revised Drawing - 4 July 2022 - 12395 SWANN 04 - Site\_Block Plan

Revised Drawing - 4 July 2022 - 12395 SWANN 05 - Detail Section REV A

Revised Drawing - 4 July 2022 - 12395 SWANN 06 REV A - Detail Section

Revised Drawing - 4 July 2022 - 12395 SWANN 07 REV A - Detail Section

#### 2 Condition Categories

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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.

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

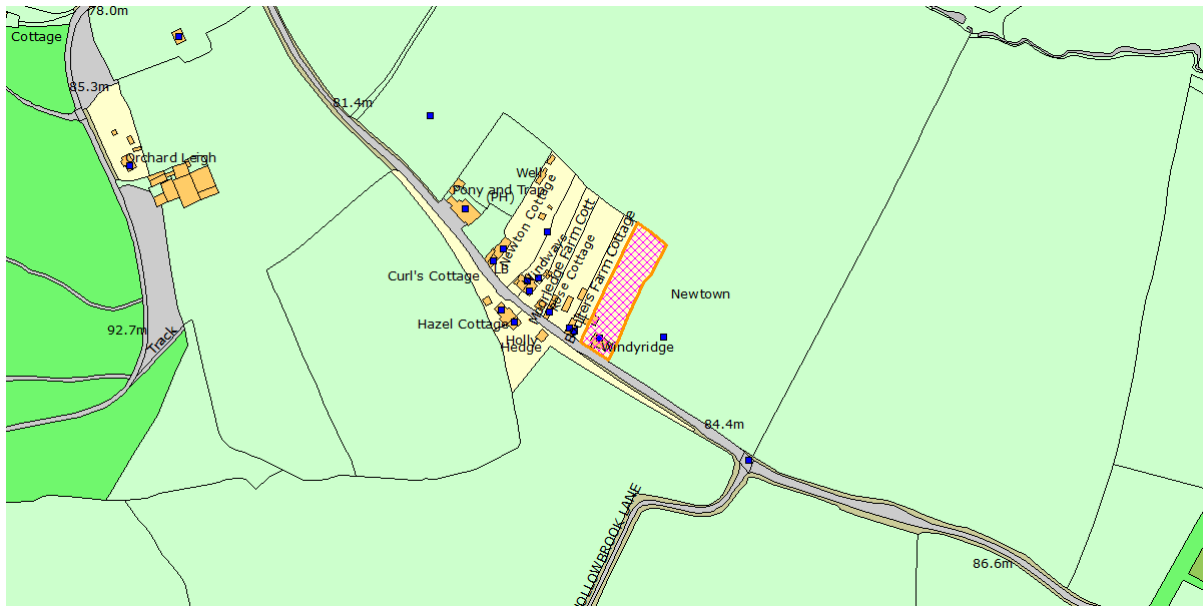
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3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted 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.

#### **4 Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. 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](http://www.bathnes.gov.uk/cil)

**Item No:** 04  
**Application No:** 22/00371/FUL  
**Site Location:** Windyridge Newtown Moorledge Road Chew Magna Bristol



**Ward:** Chew Valley      **Parish:** Chew Magna      **LB Grade:** N/A  
**Ward Members:** Councillor Vic Pritchard      Councillor Karen Warrington  
**Application Type:** Full Application  
**Proposal:** Repair of core historic cottages, demolition of modern extensions and garage, construction of new extension.  
**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,  
**Applicant:** Mr & Mrs Richard and Donnalee Webb  
**Expiry Date:** 29th July 2022  
**Case Officer:** Christopher Masters  
To view the case click on the link [here](#).

## REPORT

The application refers to Windyridge, a two-storey detached dwelling situated in the hamlet of Newtown, Chew Magna. The site falls within the Bristol-Bath Green Belt.

Planning permission is sought for the repair of a historic cottage, the demolition of some modern extensions and a garage, and the construction of a new extension.

Relevant Planning History:

- o 98/02274/FUL - PERMIT - 28 April 1998 - Two storey extension

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Chew Magna Parish Council - Support. The proposed removal of piecemeal alterations and extensions to this pair of basic 18c. Labourers' cottages and building a connected pair of carefully planned contemporary units on the falling gradient of the curtilage seems to be an innovative and effective solution that would provide a practical, family dwelling that fits unobtrusively into its rural setting while conserving the historic buildings' heritage.

Conservation - Given high level of alteration to design and external appearance this cottage cannot be regarded as a non designated heritage asset in its own right. Place Making Plan policy HE1 therefore does not apply. Nevertheless, the full weight of the relevant Place Making Plan design policies should be applied to ensure that the scheme is for an extension of appropriate scale, design and materiality.

Ecology - The main dwelling supports day roosts for small numbers of non-breeding common pipistrelle, soprano pipistrelle and brown long-eared bats. Conditions should be attached to secure full and final details of mitigation (which can be in the form of Natural England licence documentation), a pre-occupation compliance report and sensitive lighting.

Landscape - The site is in a prominent hill-top location within the Green Belt and is therefore sensitive in terms of potential landscape and visual impact, but the proposals respond appropriately to their landscape context and subject to suitable Conditions anticipated effects will be acceptable and will not be harmful to the character and appearance of the Green Belt.

Representations Received :

None received

## **POLICIES/LEGISLATION**

Planning policies, legislation & other information relevant to your proposal

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

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

- o Made Neighbourhood Plans

#### Core Strategy:

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

CP6: Environmental Quality

CP8: Green Belt

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

#### Placemaking Plan:

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

D1: General urban design principles

D2: Local character and distinctiveness

D.3: Urban fabric

D.5: Building design

D.6: Amenity

GB1: Visual amenities of the Green Belt

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

NE3: Sites, species and habitats

NE5: Ecological networks

NE2: Conserving and Enhancing the landscape and landscape character

NE2A: Landscape setting of settlements

ST7: Transport requirements for managing development

#### National Policy:

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).

#### SPD's:

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

#### Neighbourhood Plans:

The following Chew Valley Neighbourhood Plan policies are relevant to this application:

HDE1: Rural Landscape Character  
HDE3: Important Views  
HDE8: Parking for Domestic Dwellings  
HDE9: Sustainable Drainage to Minimise Flooding  
HDE13: Green Corridors and Biodiversity  
HD15: Dark Skies Policy

## 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:

- o Whether the development is appropriate within the green belt.
- o The impact on the character and appearance of the site and wider landscape.
- o The impacts on the residential amenity of surrounding properties.
- o The impact on biodiversity and ecology.

### PRINCIPLE OF DEVELOPMENT:

The proposal is an extension to an existing dwelling where the principle of development is acceptable subject to other material planning considerations discussed below.

### GREEN BELT:

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

Paragraphs 147 and 148 of the National Planning Policy Framework 2021 (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.

The NPPF continues at paragraphs 149 and 150 by setting out the forms of development that are not considered inappropriate in the Green Belt.

One such exception is 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. Additions will be found proportionate where there is a volume increase of about a third

over that of the original building, as highlighted in the 'Existing Dwellings in the Green Belt SPD' and Policy GB3 of the Placemaking Plan. Accordingly, previous modifications to the original dwelling contribute to this calculation.

It is noted from the information submitted that the existing dwelling has a volume of 622.1m<sup>3</sup>. This represents a volume increase of 71% above that of the original dwelling (363.83m<sup>3</sup>). For the purposes of this assessment 'original' is taken as how the building stood on the 1st July 1948.

Given the volume increase of the previous alterations, it follows that the proposed alteration of the buildings would inherently result in a building which is disproportionate in size over that of the original building. It follows that the scheme constitutes inappropriate development within the green belt which is by definition harmful and should not be approved except in very special circumstances. As set out by Paragraph 148 of the NPPF substantial weight must be 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. An assessment of this will be made in the Planning Balance section of this report.

It is noted that in this instance the scheme seeks to redistribute the volume of existing buildings on the site and would not increase the volume of built form on the site.

#### 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.

Windyridge comprises a two-storey detached dwelling located within the hamlet of Newtown. The existing dwelling is typical of buildings within the hamlet which are characterised by their traditional form, external finishes of either stone or render and incremental additions.

At present the existing additions largely respond to the form of the host dwelling and do not appear obtrusive. This is largely achieved by their siting and the single storey nature of many elements such as the porches, sunroom and garage.

Whilst of poor quality, the two-storey rear extension does assimilate with the roof form of the original building such that it does not appear as an incongruous addition, especially given it is currently faced with matching render / concrete. The addition is considered broadly successful in balancing the massing of the main part of the dwelling, with the various other additions.

It is understood that the host dwelling historically (1800s) comprised of two modest cottages. However, over time these have been amalgamated into one and undergone

extensive alteration and enlargement such that their original form has been lost. Conservation Officers advise that given the high level of alteration to the design and external appearance of the cottage, the dwelling cannot be regarded as a non-designated heritage asset in its own right. Placemaking Plan policy HE1 therefore does not apply.

The dwelling is located at the easternmost end of the hamlet and occupies a prominent hill-top location within the Green Belt. It is therefore sensitive in terms of potential landscape and visual impact.

The design rationale for the development is that the cottage shall be stripped back to the form of the 'original' cottages as they stood in the 1800s with the resultant volume from previous additions being redistributed in the form of a visually discernible rear 'link' extension.

Whilst the demolition of the various latter additions and fundamental design rationale of the project is considered acceptable. In this instance it is considered that the proposed 'link' extension, which comprises of two contemporary, two-storey elements is inappropriate in terms of its scale, design and relationship with the other element of the dwelling.

Specifically, the additions would appear disproportionate to what will be read as the 'original' main dwelling. The additions would lack subservience being both considerably deeper and wider than the 'original' element. The volume of the 'link' elements would exceed that of the 'original' element and would dominate the modest scale of the 'original' element.

The height of the rear additions would be such that they exceed the eaves height of the 'original' element further overshadowing it. The use of zinc cladding and brick would be at odds with the established materials palette of the immediate vicinity.

The contemporary design of the 'link' additions in contrast with the traditional and modest form of the 'original' element will make the rear elements appear more dominant and have greater prominence in the street scene. Consequently, it would draw more attention to its unsuitable design and result in greater overall harm to the character and appearance of the street scene and wider landscape.

In summary, it is considered that the proposed scheme would result in two contrasting elements comprising of a modest and simple cottage which is overshadowed and visually dominated by the contemporary additions to the rear. It is not considered that the extensions would complement or enhance the host building. By virtue of its design and prominent location it is considered that the scheme shall appear incongruous within wider views. Accordingly, the scheme is considered contrary to policy CP6 of the adopted Core Strategy (2014) and policies D2, D5, GB1 and NE2 of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions 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 fenestration arrangement, 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.

## ECOLOGY:

### Designated Sites

The proposals are not within or immediately adjacent to any sites designated for their nature conservation interest.

### Habitats

The EclA produced by Clarkson and Woods Ltd dated December 2021, identifies that the site comprises a residential property with adjacent garage and associated garden. The garden supports improved grassland including patches which are unmown and surrounded by hedgerows.

### Protected Species

The habitats on site are considered suitable to support bats, nesting birds and reptiles. It has also been confirmed that the main dwelling supports day roosts for small numbers of non-breeding common pipistrelle, soprano pipistrelle and brown long-eared bats.

The submitted information provides sufficient information on which to base a planning decision. An EPS licence will be required for this proposal and therefore the local planning authority must consider the "three tests" of the Habitats Regulations, and be satisfied that they would be met and a licence would be likely to be obtained.

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

The public benefits should be commensurate with the level of impact. The roof of the existing dwelling is in need of repair to ensure the building remains in good condition and damage to the dwelling is avoided due to weather ingress. There are sustainability benefits in replacing the existing additions which are understood to be of poor quality. Furthermore, although modest in size, the level of conversion will provide jobs in the construction phase, albeit only for a short period of time. The test can be said to be passed.

Test 2 - There is no satisfactory alternative.

It is proposed for the roof to be replaced on a like for like basis and all roost habitat will be reinstated. Additional roost features shall be provided which are understood to provide roost enhancement for the affected bat populations.

The submitted information sets out that the applicant and their planning agent have, with input from an ecological consultant, researched alternative solutions to the proposed work which will result in impacts on the known bat roosts present within the roof structure and void. However, the impacts cannot be avoided as the roof containing the roosts needs to be repaired as it is currently in a poor condition.

Other alternatives such as a complete demolition would not be a suitable alternative as this would result in the loss of the building. If the roof is left in its present condition it is likely to deteriorate over time which shall eventually result in the loss of the roost as well as damage to the dwellinghouse.

It is considered that there is no satisfactory alternative other than what is put forward as these works are necessary to avoid damage over time to the dwellinghouse.

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

The Ecological Impact Assessment report and follow-up letter includes details of a bat mitigation and compensation scheme and proposes works should proceed under a Bat Mitigation Licence. This approach and the proposed mitigation and compensation measures are considered acceptable. Based on the proposed mitigation the Council's Ecologist is satisfied that the proposal will not harm the conservation status of the affected species and that this test of the Habitats Regulations will be met. It is therefore considered that the third test of the habitats regulations is met i.e. that conservation status of the affected species will not be harmed.

If the development is found to be acceptable conditions should be attached to secure full and final details of mitigation (which can be in the form of Natural England licence documentation), a pre-occupation compliance report and sensitive lighting.

#### LOW CARBON AND SUSTAINABLE CREDENTIALS:

It is acknowledged that the existing additions are of poor quality and that their replacement is sought, in part, to provide improvements in energy efficiency.

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:

As indicated in the report above, the proposal represents inappropriate development in the Green Belt. Local Planning Authorities should ensure, when assessing planning applications, that substantial weight is given to any harm to the Green Belt. Paragraph 148 of the NPPF states that "Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

The harms identified by the proposal are as follows:

- o Harm to the Green Belt by reason of being considered, by definition, inappropriate development in the Green Belt. As such, the proposals fail to comply with Part 13 of the NPPF and policy CP8 of the Bath and North East Somerset Core Strategy;
- o Harm to the character and appearance of the host dwelling and wider street scene contrary to policies D2 and D5 of the Placemaking Plan for Bath and North East Somerset;
- o Harm to the landscape character of the area contrary to policies GB1 and NE2 of the Placemaking Plan for Bath and North East Somerset.

#### **OTHER CONSIDERATIONS:**

It is noted that the scheme seeks to redistribute the existing volume of built form on the site and would therefore not increase the volume of built form on the site. This can be afforded substantial weight. Additionally, the creation of jobs during construction can be given weight as a benefit of the scheme. The development is relatively small and therefore this contribution will be limited; this benefit is afforded limited weight.

In summary the matters which weigh in favour of the application are considered to be:

- o The scheme seeks to redistribute the volume of existing buildings on the site and would not increase the volume of built form on the site.
- o Job creation during construction

Overall, given the weight which can be afforded to the other considerations in this instance, it is found that the other considerations in this case do clearly outweigh the identified harm to the Green Belt, which is given substantial weight, coupled with the other harms of the development. Consequently, very special circumstances necessary to justify the development, in green belt terms, exist. As such, the proposal is considered to accord with policy CP8 of the Bath and North East Somerset Core Strategy, and Section 13 of the NPPF.

#### **CONCLUSION:**

Whilst the proposed development is considered acceptable in Green Belt terms, the proposed development would still cause unacceptable harm to the character and appearance of the existing dwelling, the site and its wider setting. Accordingly, the scheme is considered contrary to policy CP6 of the Core Strategy (2014) and policies D2, D5, GB1 and NE2 of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions of the NPPF. It is therefore recommended that permission be refused.

#### **RECOMMENDATION**

**REFUSE**

#### **REASON(S) FOR REFUSAL**

1 By virtue of the two contrasting elements' siting, scale, massing and materials, the proposed scheme will result in the modest form of the traditional cottage being visually

dominated by the contemporary additions to the rear. It is not considered that the extensions would complement or enhance the host building. The scheme is considered contrary to policy CP6 of the adopted Core Strategy (2014) and policies D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions of the NPPF.

2 The proposed development, due to its design and prominent position would be detrimental to the visual amenity of the Green Belt and local landscape character. The proposed development is therefore be contrary to the development plan, in particular policies GB1 and NE2 of the Placemaking Plan, and the National Planning Policy Framework.

## **PLANS LIST:**

1 This decision relates to the following plans:

Received 9th June 2022

6625.205D ROOF PLAN PROPOSED

Received 7th June 2022

6625.201D BLOCK PLAN PROPOSED  
6625.203D GROUND FLOOR PLAN PROPOSED  
6625.204D FIRST FLOOR PLAN PROPOSED  
6625.220D SECTIONS AA, BB PROPOSED  
6625.240A SOUTH ELEVATIONS EXISTING & PROPOSED  
6625.241A EAST ELEVATIONS EXISTING & PROPOSED  
6625.242A NORTH ELEVATION PROPOSED  
6625.243A WEST ELEVATIONS EXISTING AND PROPOSED  
V2.5 GARDEN CONCPET PLAN

Received 26 Jan 2022

6625.103 GROUND PLAN EXISTING  
6625.104 FIRST FLOOR PLAN EXISTING  
6625.105 ROOF PLAN EXISTING  
6625.112 GARAGE ELEVATIONS EXISTING  
6625.120 SECTIONS AA BB CC EXISTING  
6625.130A AREA FOR DEMOLITION  
6625.200D SITE PLAN PROPOSED  
6625.100 LOCATION PLAN EXISTING

## **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](http://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.

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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Planning Committee</b>
<b>MEETING DATE:</b>	<b>27<sup>th</sup> July 2022</b>
<b>RESPONSIBLE OFFICER:</b>	Simon de Beer – Head of Planning
<b>TITLE:</b>	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>
<b>WARD:</b>	ALL
<b>BACKGROUND PAPERS:</b>	None
<b>AN OPEN PUBLIC ITEM</b>	

**APPEALS LODGED**

**App. Ref:** 21/03754/FUL  
**Location:** Parcel 1120 Bungays Hill High Littleton Bristol Bath And North East Somerset  
**Proposal:** Erection of a general purpose farm building  
**Decision:** REFUSE  
**Decision Date:** 7 October 2021  
**Decision Level:** Delegated  
**Appeal Lodged:** 15 June 2022

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**App. Ref:** 22/01075/FUL  
**Location:** 3 Ruskin Road Westfield Radstock Bath And North East Somerset BA3 3UU  
**Proposal:** Installation of hard standing driveway with drop kerb access.  
**Decision:** REFUSE  
**Decision Date:** 3 May 2022  
**Decision Level:** Delegated  
**Appeal Lodged:** 15 June 2022

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**App. Ref:** 21/04803/AGRN  
**Location:** Land West Of Barrow Castle Rush Hill Odd Down Bath Bath And North East Somerset  
**Proposal:** Erection of agricultural barn.

**Decision:** REFUSE  
**Decision Date:** 15 November 2021  
**Decision Level:** Delegated  
**Appeal Lodged:** 20 June 2022

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**App. Ref:** 21/05150/FUL  
**Location:** The Vicarage 13 St Peter's Road Westfield Radstock Bath And North East Somerset  
**Proposal:** Erection of dwelling  
**Decision:** REFUSE  
**Decision Date:** 13 January 2022  
**Decision Level:** Delegated  
**Appeal Lodged:** 28 June 2022

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**App. Ref:** 21/05630/FUL  
**Location:** 120 Wells Road Lyncombe Bath Bath And North East Somerset BA2 3AH  
**Proposal:** Erection of side extension to existing house to form new dwelling.  
**Decision:** REFUSE  
**Decision Date:** 27 April 2022  
**Decision Level:** Delegated  
**Appeal Lodged:** 30 June 2022

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**App. Ref:** 21/00606/FUL  
**Location:** Land Adjacent To River Chew Hunstrete Lane Woollard Bristol Bath And North East Somerset  
**Proposal:** Change of use to dual use (agricultural/commercial) and site Shepherd's hut used ancillary to Bell Farm Alpacas and as cafe (Retrospective).  
**Decision:** REFUSE  
**Decision Date:** 17 November 2021  
**Decision Level:** Delegated  
**Appeal Lodged:** 4 July 2022

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## APPEALS DECIDED

**App. Ref:** 21/01038/LBA  
**Location:** Crockbarton East Rectory Lane Timsbury Bath Bath And North East Somerset  
**Proposal:** External alterations for the erection of a timber framed garden room.  
**Decision:** REFUSE  
**Decision Date:** 4 May 2021  
**Decision Level:** Delegated  
**Appeal Lodged:** 22 March 2022  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 20 June 2022

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**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  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 20 June 2022

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**App. Ref:** 21/00966/LBA  
**Location:** 46 Sydney Buildings Bathwick Bath Bath And North East Somerset BA2 6DB  
**Proposal:** Demolition of first floor extension and replacement with enlarged first floor extension. Alteration of lower ground floor layout and services in existing building  
**Decision:** REFUSE  
**Decision Date:** 24 May 2021  
**Decision Level:** Delegated  
**Appeal Lodged:** 23 March 2022  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 22 June 2022

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**App. Ref:** 21/02688/FUL  
**Location:** 32 Richmond Place Beacon Hill Bath Bath And North East  
Somerset BA1 5QA  
**Proposal:** External alterations for the erection of a two-storey rear extension  
above an existing extension at lower ground floor level (Resubmission).  
**Decision:** REFUSE  
**Decision Date:** 9 September 2021  
**Decision Level:** Delegated  
**Appeal Lodged:** 1 April 2022  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 22 June 2022

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**App. Ref:** 21/02689/LBA  
**Location:** 32 Richmond Place Beacon Hill Bath Bath And North East  
Somerset BA1 5QA  
**Proposal:** External alterations for the erection of a two-storey rear extension  
above an existing extension at lower ground floor level (Resubmission).  
**Decision:** REFUSE  
**Decision Date:** 9 September 2021  
**Decision Level:** Delegated  
**Appeal Lodged:** 8 April 2022  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 22 June 2022

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<b>Bath &amp; North East Somerset Council</b>		
MEETING:	Planning Committee	
MEETING DATE:	27 July 2022	<b>AGENDA ITEM NUMBER</b>
TITLE:	Quarterly Performance Report covering period 1 April – 30 June 2022	
WARD:	ALL	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Analysis of Chair referral cases		

**1 THE ISSUE**

*At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across Planning.*

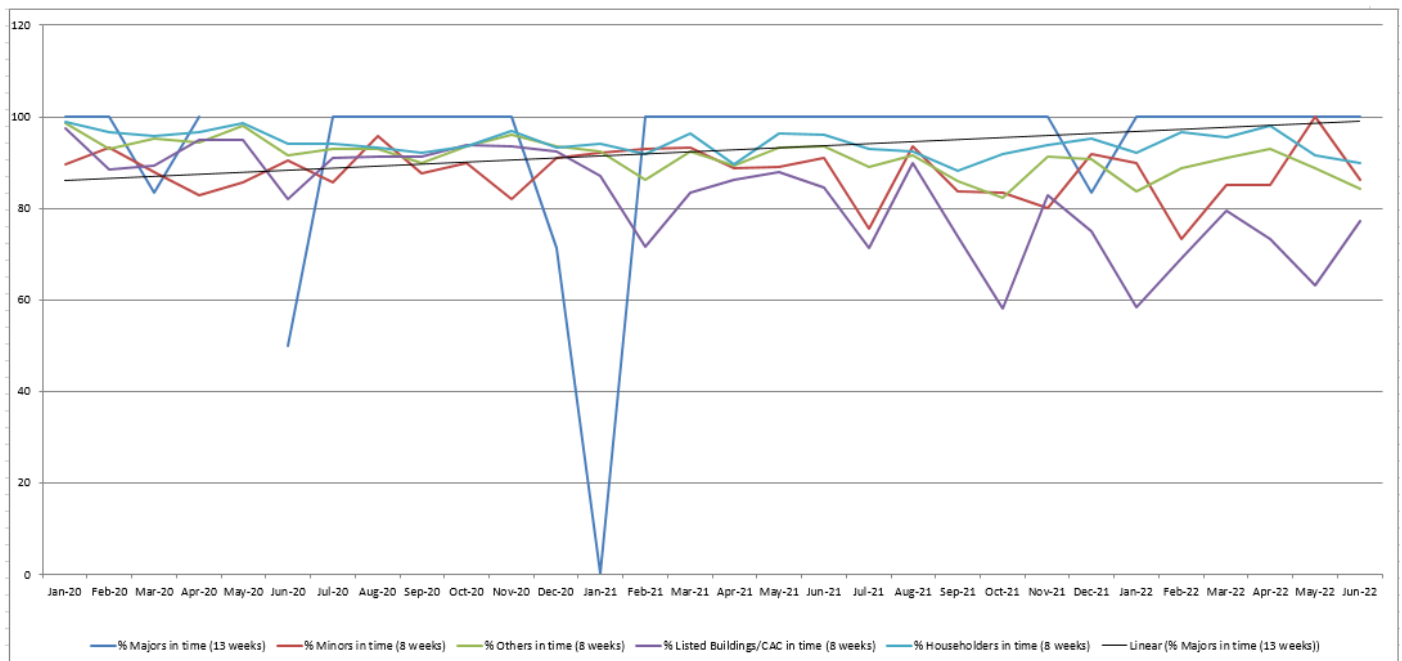
**2 RECOMMENDATION**

Members are asked to note the contents of the performance report.

**3 THE REPORT**

Tables, charts and commentary

**1 - Comparison of Applications Determined Within Target Times**



% of planning applications in time	2020-2021				2021-2022			
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
% Majors in time	(9/9) 100%	(9/11) 82%	(4/5) 80%	(10/10) 100%	(8/8) 100%	(8/9) 89%	(11/11) 100%	(4/4) 100%
% Minors in time	(80/90) 89%	(89/101) 88%	(129/139) 93%	(96/107) 90%	(94/113) 83%	(83/97) 86%	(78/94) 83%	(75/83) 90%
% Others in time	(336/365) 92%	(370/393) 94%	(401/443) 91%	(487/529) 92%	(411/463) 89%	(353/400) 88%	(379/431) 88%	(373/420) 89%

Note:

**Major** - 10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over

**Minor** - 1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare

**Other** - changes of use, householder development, adverts, listed building consents, lawful development certificates, notifications, etc

## 2 - Recent Planning Application Performance

Application nos.	2020-2021				2021-2022			
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
Received	599	695	768	774	621	643	710	610
Withdrawn	67	41	58	60	45	47	60	51
Delegated no. and %	436 (94%)	486 (96%)	570 (97%)	633 (97%)	556 (95%)	481 (95%)	526 (98%)	482 (95%)
Refused no. and %	34 (7%)	50 (10%)	30 (5%)	39 (6%)	34 (6%)	39 (8%)	42 (8%)	34 (7%)

## 3 – Dwelling Numbers

Dwelling numbers	2020-2021				2021-2022			
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
Major residential (10 or more dwellings) decisions	8	0	1	4	2	4	3	3
Major residential decisions granted	5	0	1	3	2	3	1	2
Number of dwellings applied for on Major schemes	300	100	423	0	10	502	103	300
Number of dwelling units permitted on schemes (net)	64	280	393	143	88	273	105	610

## 4 - Planning Appeals

	Jul – Sep 2021	Oct – Dec 2021	Jan – Mar 2022	Apr – Jun 2022
Appeals lodged	17	14	24	20
Appeals decided	14	21	21	19
Appeals allowed	3 (23%)	8 (42%)	4 (21%)	4 (21%)
Appeals dismissed	10 (77%)	11 (58%)	15 (79%)	15 (79%)

## **5 - Enforcement Investigations**

	<b>Jul – Sep 2021</b>	<b>Oct – Dec 2021</b>	<b>Jan – Mar 2022</b>	<b>Apr – Jun 2022</b>
Investigations launched	119	61	118	113
Investigations in hand	264	263	298	356
Investigations closed	137	70	86	58
Enforcement Notices issued	2	2	0	0
Planning Contravention Notices served	2	3	1	4
Breach of Condition Notices served	0	0	0	0
Stop Notices	0	0	0	0
Temporary Stop Notices	0	0	0	0
Injunctions	0	0	0	0

## **6 – Other Work (applications handled but not included in national returns)**

The service also processes other statutory applications (discharging conditions, prior approvals, prior notifications, non-material amendments etc) and discretionary services like pre-application advice. The table below shows the number of these applications received

	<b>Jul – Sep 2021</b>	<b>Oct – Dec 2021</b>	<b>Jan – Mar 2022</b>	<b>Apr – Jun 2022</b>
Other types of work	346	323	385	342

## **7 – Works to Trees**

	<b>Jul – Sep 2021</b>	<b>Oct – Dec 2021</b>	<b>Jan – Mar 2022</b>	<b>Apr – Jun 2022</b>
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	29	27	28	23
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	97%	89%	86%	96%
Number of notifications for works to trees within a Conservation Area (CA)	184	250	177	148
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	93%	97%	98%	96%

## **8 – Corporate Customer Feedback**

The latest quarterly report is published here:

<https://beta.bathnes.gov.uk/view-complaint-reports>

## **9 - Ombudsman Complaints**

When a customer remains dissatisfied with the outcome of the Corporate Complaints investigation they can take their complaint to the **Local Government Ombudsman** for an independent view.

<b>Ombudsman Complaints</b>	<b>Jul – Sep 21</b>	<b>Oct – Dec 21</b>	<b>Jan – Mar 22</b>	<b>Apr – Jun 22</b>
<b>Complaints upheld</b>	0	0	1	0
<b>Complaints Not upheld</b>	0	1	0	0

## **10 – Section 106 Agreements and Community Infrastructure Levy (CIL)**

Members will be aware of the Planning Obligations SPD first published in 2009. Planning Services have spent the last few years compiling a database of Section 106 Agreements. This is still in progress, but does enable the S106/CIL Monitoring Officer to actively monitor the delivery of agreed obligations. S106 and CIL financial overview sums below will be refreshed for every quarterly report. CIL annual reports, Infrastructure Funding Statement and Infrastructure Delivery Plan 2020 are also published on our website: <https://beta.bathnes.gov.uk/policy-and-documents-library/annual-cil-spending-reports>

**(Note: figures are for guidance only and could be subject to change due to further updates with regards to monitoring S106 funds)**

S106 Funds received <b>(2022/23)</b>	<b>£9,151.82</b>
CIL sums overview - Potential (April 2015 to date)	<b>£12,950,838.25</b>
CIL sums overview - Collected (April 2015 to date)	<b>£22,827,800.16</b>

## **11 – Chair Referrals**

**Table 12** below shows the numbers of planning applications where Chair decision has been sought to either decide the application under delegated authority or refer to Planning Committee. *A further **analysis of Chair referral cases** is in Appendix 1 below.*

	<b>Jul – Sep 2021</b>	<b>Oct – Dec 2021</b>	<b>Jan – Mar 2022</b>	<b>Apr – Jun 2022</b>
Chair referral delegated	21	24	19	11
Chair referral to Planning Committee	8	11	11	10

## **12 – 5 Year Housing Land Supply**

## 5 year housing land supply

	Standard methodology			
A	Calculation based on standard method			
B	5 year supply requirement (676x5)		3,380	
C	Deliverable supply		3,728	
D	5 year requirement		3,380	Supply as a % of a requirement
E	5 year requirement + 5% buffer		3,549	Supply in years
				105%
				5.25

The figures within the housing trajectory have been collected as of March 2021 when the councils Core Strategy is more than 5 years old.

The housing requirement within the Core Strategy does not include the student population. However, the standard method makes no such alteration and includes student population growth. Therefore student accommodation is factored into the five year supply. The ratio of 2.5 bed spaces to one dwelling from the Housing Delivery Test Measurement Rule Book applies

The Old Bakery – 63 beds, ratio delivery of 25 dwellings  
 Bath Cricket Club – 136 beds, ratio delivery of 54 dwellings  
 Pickfords – 204 beds, ratio delivery of 82 dwellings  
 Plumb centre - 72 bed, ratio delivery of 29 dwellings  
 Hartwells garage - 186 beds, ratio delivery of 74 dwellings

Total – 264

The monitoring reports are also published on our website: <https://beta.bathnes.gov.uk/policy-and-documents-library/five-year-housing-land-supply-and-housing-and-economic-land>

## Appendix 1 - Analysis of Chair referral cases

Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
22/00380/FUL	King Edwards School North Road Bathwick Bath Bath And North East Somerset BA2 6HY	Replacement of the building's east facade with new curtain walling.	COMMDC	07-Apr-22	PERMIT	Applicant is a Councillor
22/00598/TCA	Audley House Park Gardens Lower Weston Bath Bath And North East Somerset BA1 2XP	Cypress - Remove Cherry - Remove Cedar x2 - Remove broken limbs	COMMDC	07-Apr-22	NOOBJ	Applicant is a Councillor
20/03071/EFUL	Dick Lovett (bath) Ltd Wellsway Garage Lower Bristol Road Westmoreland Bath Bath And North East Somerset BA2 3DR	Demolition of existing buildings and mixed-use redevelopment of the site comprising the erection of residential units (Class C3); erection of purpose built managed student accommodation (Sui Generis); flexible commercial floorspace (Class E); associated p	COMMDC	19-Apr-22	PERMIT	Application is subject to a viability assessment in respect of affordable housing and in accordance with the scheme of delegation is being reported to the Planning Committee.
22/00576/VAR	Fieldside Ashton Hill Corston Bath Bath And North East Somerset BA2 9EY	Variation of condition 4 of application 16/01987/FUL (Erection of 1no. detached dwelling following demolition of empty property and associated outbuildings (Revised Application)).	CHAIR	11-Apr-22	PERMIT	Chair referral delegated decision
22/00410/VAR	9A Upper Bloomfield Road Odd Down Bath Bath And North East Somerset BA2 2RY	Variation of condition 14 (plans list) of application 16/06053/FUL (Erection of apartment block comprising of 8 no. self-contained studio flats following demolition of existing office and flat).	CHAIR	14-Apr-22	PERMIT	Chair referral delegated decision
22/01227/PIP	West Holme 19 Dene Road Whitchurch Bristol Bath And North East Somerset BS14 0PG	Erection of one dwelling to the rear of the existing dwelling following demolition of existing garage.	CHAIR	16-May-22	PERMIT	Chair referral delegated decision
21/05219/FUL	Parcel 0043 Breach Hill Common Chew Stoke Bristol Bath And North East Somerset	Erection of extensions to existing agricultural barn and inclusion of mezzanine floor.	CHAIR	23-May-22	PERMIT	Chair referral delegated decision
21/01785/FUL	Telecommunications Mast 121577 Broadlands School St Francis Road Keynsham Bath And North East Somerset	Replacement of the existing 15m monopole (17.9m to the top of antennas) with a new 20m monopole (top of antennas), accommodating 6no. antennas, 1no. microwave dish, the installation of RRU's, the replacement / installation of equipment within the existing	CHAIR	25-May-22	PERMIT	Chair referral delegated decision
22/00996/FUL	2 Orchard Close Keynsham Bristol Bath And North East Somerset BS31 2EG	Erection of single-storey rear extension following demolition of existing rear extensions.	CHAIR	30-May-22	PERMIT	Chair referral delegated decision



22/00474/FUL	15 Rush Hill Odd Down Bath Bath And North East Somerset BA2 2QN	Change of use from C3 (Residential) 3/4 bedroom dwelling to C4 (HMO) six bedroom dwelling with loft conversion with dormer and associated landscaping and parking space	CHAIR	30-May-22	PERMIT	Chair referral delegated decision
22/00961/FUL	Clandown Stores 1 Fosse Way Clandown Radstock Bath And North East Somerset BA3 3BL	Change of use of shop and cellar (Use Class E) to additional residential accommodation (Use Class C3) (Resubmission)	CHAIR	31-May-22	RF	Chair referral delegated decision
22/01148/FUL	25 Crandale Road Twerton Bath Bath And North East Somerset BA2 3HX	Erection of rear dormer.	CHAIR	31-May-22	PERMIT	Chair referral delegated decision
22/01611/FUL	Midsomer Mead Church Lane Sutton Bristol Bath And North East Somerset BS39 SUP	Erection of a single-storey timber ancillary annexe.	CHAIR	09-Jun-22	PERMIT	Chair referral delegated decision
19/05512/FUL	The Yard Northend Batheaston Bath BA1 7ES	Demolition of existing buildings and erection of new building (Class E Business use).	CHAIR	15-Jun-22	PERMIT	Chair referral delegated decision
22/00294/FUL	Durley Grange Durley Lane Keynsham Bristol Bath And North East Somerset BS31 2AQ	Erection of a new outbuilding to an existing dwelling, incorporating an existing garage with new garden room and garden equipment storage space (Resubmission).	COMMDC	05-May-22	PERMIT	Chair referral to 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.

21/04049/FUL	The ScalaShaftesbury RoadOldfield ParkBathBath And North East SomersetBA2 3LH	Redevelopment of The Scala site including the demolition of existing extensions and new extensions to improve retail store at ground floor level, provide a new community space and student accommodation (16no bed spaces) at first floor levels. Erection of	COMMDC	22-Apr-22	PERMIT	Chair referral to committee. I have reviewed this application and note the comments and objections raised against it. The reduction in height of the Courtyard Building is welcome and addresses the main objection raised against the previous submission made for this development. In the interests of consistency, I recommend that this application is once again debated in public by the planning committee.
22/00631/LBA	10 Highbury PlaceWalcotBathBath And North East SomersetBA1 6DU	External alterations for the creation of new parking bay (Resubmission).	COMMDC	05-May-22	CON	Chair referral to committee. I have reviewed this application and note the comments from ward councillors. In view of the previous appeal decision in a nearby property, I think it would be worth having this application debated at planning committee.
22/00630/FUL	10 Highbury PlaceWalcotBathBath And North East SomersetBA1 6DU	Creation of new parking bay (Resubmission).	COMMDC	05-May-22	PERMIT	Chair referral to committee. I have reviewed this application and note the comments from ward councillors. In view of the previous appeal decision in a nearby property, I think it would be worth having this application debated at planning committee.
21/05364/FUL	16 Broadlands AvenueKeynshamBristolBath And North East SomersetBS31 2DU	Erection of front, side and rear extension. Provision of attic conversion and garden room.	COMMDC	07-Apr-22	PERMIT	Chair referral to 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.
21/05622/FUL	36 Naishes AvenuePeasedown St. JohnBathBath And North East SomersetBA2 8TW	Erection of a two storey side extension and single storey rear extension (Resubmission).	COMMDC	01-Jun-22	PERMIT	Chair referral to committee. I have reviewed this application and note the objections from PSJ parish council, other 3rd parties and in particular, from Highways. Given that the objection from Highways has been sustained despite changes made to the proposal, I believe this would benefit from being debated at committee.
21/03965/FUL	Manor HouseWatery LaneBurnettKeynshamBristolBath And North East SomersetBS31 2TF	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.	COMMDC	07-Apr-22	RF	Chair referral to committee. 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
21/03966/LBA	Manor HouseWatery LaneBurnettKeynshamBristolBath And North East SomersetBS31 2TF	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.	COMMDC	07-Apr-22	RF	Chair referral to committee. 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.
21/05683/FUL	Bromley MountBromley RoadStanton DrewBristolBath And North East SomersetBS39 4DE	Erection of 1no. 4bed dwellinghouse	COMMDC	07-Apr-22	RF	Chair referral to committee. I have reviewed this application and note the support comments from the ward councillor and Stanton Drew Parish Council. The applicant is requesting permission now, to rebuild including the potential 30% additional size allowance which may be granted in future, were a further application to be submitted. The grounds put forward for this are that it is environmentally advantageous to do so and the proposed safeguard against further expansion would be conditioning that permitted development rights are removed. This has previously been, and still is, refused on the grounds of inappropriate development in the green belt. I believe that this would benefit from public debate at planning committee.
21/03682/FUL	Church FarmChurch LanePristonBathBath And North East SomersetBA2 9EF	Erection of two dwellings and associated works, to follow demolition of existing equestrian related barns.	COMMDC	07-Apr-22	PERMIT	Chair referral to committee. 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.

<b>Contact person</b>	John Theobald, Project/Technical and Management Support Officer, Planning 01225 477519
<b>Background papers</b>	CLG General Development Management statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: <a href="https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics">https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics</a>
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