

Planning Committee

Date: Wednesday, 18th October, 2023

Time: 11.00 am (please note that all business will take place in the morning and there will not be an afternoon session of the Committee)

Venue: Brunswick Room - Guildhall, Bath

Agenda

To: All Members of the Planning Committee

Councillors:- Duncan Hounsell, Ian Halsall, Paul Crossley, Lucy Hodge, Hal MacFie, Toby Simon, Shaun Hughes, Dr Eleanor Jackson and Tim Warren CBE

Permanent Substitutes:- Councillors: Ruth Malloy and Fiona Gourley

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



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NOTES:

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

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

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

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

3. **Recording at Meetings:-**

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

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Public Speaking at Meetings**

The Council has a specific scheme for the public to make representations at Planning Committee meetings.

Advance notice is required by the close of business (5.00pm) two days before a committee. 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, 18th October, 2023

at 11.00 am in the Brunswick Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer will 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 4.4 Appendix 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 STATEMENTS, PETITIONS OR QUESTIONS

To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to Democratic Services 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 - 10)

To confirm the minutes of the meeting held on 20 September 2023 as a correct record for signing by the Chair.

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

There are no site visit applications for consideration.

8. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 11 - 42)

The following items will be considered at 11am:

1. 23/01535/PIP - Strathmore, Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset
2. 23/02676/FUL - 22 Rockliffe Avenue, Bathwick, Bath, Bath And North East Somerset
3. 23/03048/VAR - Parcel 2000, Silver Street, Midsomer Norton, Bath And North East Somerset

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 43 - 46)

The Committee is asked to note the report.

10. COMMITTEE PERFORMANCE REPORT - JULY TO SEPTEMBER 2023 (Pages 47 - 54)

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

Delegated List Web Link: <https://beta.bathnes.gov.uk/document-and-policy-library/delegated-planning-decisions>

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 20th September, 2023, 11.00 am

Councillors: Duncan Hounsell (Chair), Ian Halsall (Vice-Chair), Paul Crossley, Lucy Hodge, Hal MacFie, Toby Simon, Shaun Hughes, Dr Eleanor Jackson, Tim Warren CBE and Fiona Gourley

39 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

40 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

41 DECLARATIONS OF INTEREST

There were no declarations of interest.

42 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

43 ITEMS FROM THE PUBLIC - TO RECEIVE 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.

44 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Eleanor Jackson, seconded by Cllr Ian Halsall and:

RESOLVED that the minutes of the meeting held on 23 August 2023 be confirmed and signed as a correct record.

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

There were no site visit applications for consideration.

46 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 under the main applications list.

Oral statements by members of the public and representatives. A copy of the speakers' list is attached as Appendix 1 to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the Main decisions list attached as Appendix 2 to these minutes.

(1) 23/00660/FUL - Pixash Business Centre, Pixash Lane, Keynsham

The Planning Officer introduced the report which considered an application for the construction of 2 industrial units with associated parking, external yards, landscaping and services.

He confirmed the recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Chris Beaver, objecting to the application.
2. Mike Taylor, supporting the application.

Cllr Andy Wait was in attendance as local ward member and drew attention to the following points:

1. Although Keynsham Town Council did not object to the application, it did raise concerns in respect of the development being of Class B2, which could have a detrimental effect on the local community if the wrong type of industry was permitted so close to residential properties.
2. His main objection was that the application constituted over-development of the site, especially in the context of the recent developments in the area: Hygge Park, Withies Green, the new recycling centre and nursing home.
3. There was a concern about the increase in HGVs, especially as the A4 was a route for children walking to school.
4. The Pixash Lane site had a number of successful businesses and there was a concern that the proposed development would have a detrimental impact on existing businesses.
5. The swept path analysis should have included both HGVs and articulated lorries.
6. There had been a right of way in place for 80 years and a covenant agreed in 1998 requiring access at all times. It was likely that this would be broken by the application.
7. An alternative proposal had been suggested by local businesses which would retain the existing turning head and remove unit 1.

He asked the Committee to refuse the application or defer a decision pending a visit to the site.

In response to Members' questions, it was confirmed:

1. There would be some tree removal as part of the development, but this was mitigated by replacement planting in the boundary hedgerow and landscaped area.
2. The covenant was a private matter and not a material consideration for the Planning Committee. If planning permission was granted it would be a matter for the applicant to resolve before the permission was implemented.
3. Swept path analysis was included within the Transport Statement which demonstrated that rigid HGVs would be able to turn within the site. Articulated lorries were longer than rigid HGVs but there was no swept path analysis for articulated lorries. However, articulated lorries were designed to turn in a similar space to HGVs. The view of Highways Officers was that HGVs/articulated lorries could turn in the new access road and that there was enough room for vehicles to load and unload.
4. There was secure parking for 10 bicycles and the location of the secure unit was sufficient distance away from turning vehicles.
5. The proposed use of B2 (general industrial) was a broad definition and it was not known what type of businesses would use the site. However, the proposed conditions mitigated future impact. If members were minded to exclude certain uses, it would be better to defer a definition to allow further negotiations with the applicant. This would be a better option that delegate to permit to allow the issues of concern to be resolved.
6. There were no mitigations included for neighbours being overlooked as there was a distance of 27 metres between the development and residential properties which was sufficient in planning terms. As the building was industrial, use would be limited which would minimise overlooking outside office hours. A condition could be included about operating hours, but officers did not think this was necessary.
7. In terms of control of dust control and emissions, the environmental team did not recommend any conditions relating to these issues. It would be possible to include a condition requiring the user to submit information about emissions, but officers would need to consider the wording and how the information would be used.

Cllr Hal MacFie opened the debate as local ward member. He expressed concern about the size of the proposed unit and the lack of space for vehicles to turn and load/unload as well as the uncertainties about the future use and the impact on residential properties. He proposed that a decision be deferred. This was seconded by Cllr Ian Halsall who stated that there were too many uncertainties about the proposal.

Cllr Shaun Hughes spoke in support of the proposal to defer the application for the following reasons:

1. To allow the developer to provide a swept path analysis for 16m vehicles.
2. To allow further information to be provided to demonstrate that there would be no negative impact on the viability of existing businesses.
3. To give clarity on the access road in terms of ownership and use.
4. To review the class B2 use to see if conditions could be attached in relation to

the future use of the site.

Cllr Hal MacFie also requested further information to be provided on the viability of the loading and unloading of forklift trucks.

Cllr Tim Warren spoke against the motion to defer as he considered that the Committee had enough information to determine the application.

On being put to the vote the motion to defer a decision was CARRIED (9 in favour, 1 against).

Cllr Paul Crossley moved that the Committee undertake a site visit. This was seconded by Cllr Eleanor Jackson and, on being put to the vote, it was CARRIED (10 in favour, 0 against – unanimous).

RESOLVED that

(1) A decision be deferred on the application for the following reasons:

- a. To allow the developer to provide a swept path analysis for 16m vehicles.
- b. To allow further information to be provided to demonstrate that there would be no negative impact on the viability of existing businesses.
- c. To give clarity on the access road in terms of ownership and use.
- d. To review the class B2 use to see if conditions could be attached in relation to the future use of the site.
- e. To allow further information to be provided on the viability of the loading and unloading of forklift trucks.

(2) That the Committee undertake a site visit.

(2) 23/02945/TCA - Orchard Cottage, Dovers Lane, Bathford, Bath

The Planning Case Officer introduced the report which considered an application for proposed works to a fell a cypress tree in a conservation area.

She confirmed her recommendation that no objection be raised as the tree was dead and removal of the tree was considered to be appropriate. She stated that the application had been referred to the Committee in accordance with the scheme of delegation as the applicant was related to a member of staff.

In response to Members' questions, it was confirmed that, in the case of dead trees, there was a standard obligation to replant a tree and in this case the applicant had confirmed their intention to plant a rowan tree.

Cllr Eleanor Jackson commented that dead trees did have ecological value.

Cllr Tim Warren moved the officer recommendation that no objection be raised. This was seconded by Cllr Toby Simon and on being put to the vote the motion was CARRIED (10 in favour, 0 against – UNANIMOUS).

RESOLVED that no objection be raised to the application.

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

Cllr Eleanor Jackson raised a concern that there had been more successful appeals than usual. She also commented that she had received complaints from constituents about neighbouring properties not being notified of planning applications in a timely manner and asked officers to investigate whether there was a problem in the system.

In response questions, the Team Leader – Development Management confirmed:

1. In relation to the dismissed appeal for the retrospective application 22/03020/FUL – Timsbury Road, Farmborough, the Enforcement Team would need to consider the best course of action.
2. Applications for a variation would be treated as a new application and if a member wished the application to be considered by the Committee, they would need to request a call in, in line with the scheme of delegation.

RESOLVED that the report be noted.

The meeting ended at 12.25 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	18th October 2023
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

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

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

- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)

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

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

The following notes are for information only:-

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

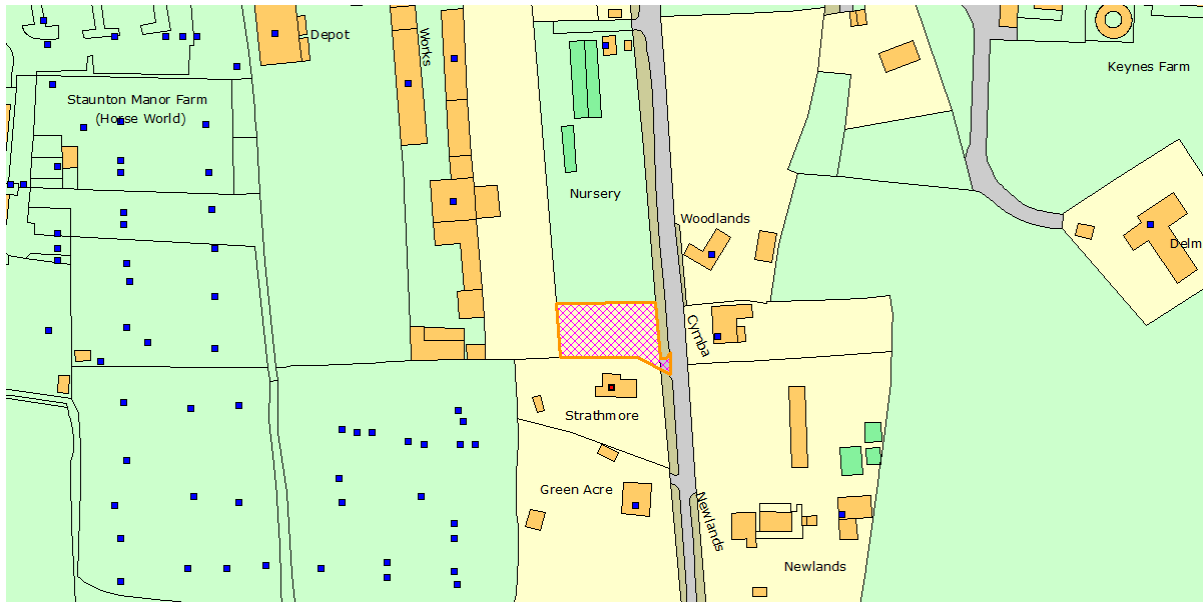
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	23/01535/PIP 20 October 2023	Mr Trought Strathmore, Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset Permission in Principle Planning Application for the erection of 1no. dwelling and associated works.	Publow And Whitchurch	Christine Moorfield	PERMIT
02	23/02676/FUL 12 September 2023	Ms Catherine Parker 22 Rockcliffe Avenue, Bathwick, Bath, Bath And North East Somerset, BA2 6QP Erection of front porch extension, replacment of windows and doors, installation of raised flat roof to rear extension and new ground floor side windows. Alterations to front and rear ground floor window and door openings and rear first floor window opening.	Bathwick	Christine Moorfield	PERMIT
03	23/03048/VAR 15 November 2023	Ms S James Parcel 2000, Silver Street, Midsomer Norton, Bath And North East Somerset, Variation of condition 10 (plans list) of application 23/00462/VAR to revise location of Plot 9 boundary wall and associated landscaping (Variation of conditions 4, 5, and 8 of application 21/00971/RES (Erection of 40 dwellings, provision of public open space and associated works - (Approval of reserved matters with regard to phase 3 of outline application 18/02095/OUT)).)	Midsomer Norton Redfield	Wendy Tomlinson	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 23/01535/PIP
Site Location: Strathmore Staunton Lane Whitchurch Bristol Bath And North East Somerset



Ward: Publow And Whitchurch **Parish:** Whitchurch **LB Grade:** N/A

Ward Members: Councillor Paul May

Application Type: Permission in Principle

Proposal: Permission in Principle Planning Application for the erection of 1no. dwelling and associated works.

Constraints: Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mr Trought

Expiry Date: 20th October 2023

Case Officer: Christine Moorfield

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

REPORT REASON FOR REPORTING TO COMMITTEE

This application was referred to the Chair and Vice Chair of the Planning Committee due to the parish council's comments (objection) being in conflict with the case officer's recommendation. The application has been called to committee by both the Chair and Vice Chair.

The Chair has commented as follows: I note the objections of the Whitchurch Parish Council. The proposed development is in Green Belt and is adjacent to but outside the Housing Development Boundary. The committee will wish to consider if there are indeed the special circumstances to depart from development plan policy. The committee will want to understand relevant planning history and consider the situation that exists "on the ground". This application needs to be determined at committee.

The Vice Chair has commened as follows: It would be helpful for the benefit of the committee and the public to understand the concept of a Permission in Principle - in that it is not an application for detailed or even outline planning permission. The Parish Council has objected to highway issues which are not relevant to the PIP as there are no technical details to consider, but they do confirm that the site is in the Green Belt and outside the housing development boundary. However, despite the boundary lines "on the ground" the site reads as part of built form of Whitchurch village and is in a sustainable location. In light of the Parish objection and that of a neighbour I would ask that the application be determined by committee given the recommendation and special circumstances to depart from development plan policy.

BACKGROUND

As a PIP application, permission is sought 'in principle' for the development of a single dwelling. The scope of permission in principle (PIP) is limited to location, land use and amount of development only. The submitted scheme has been assessed on this basis. Other matters are considered at the technical details consent stage.

It should be noted that the local authority cannot list the information they require for the application for permission in principle in the same way that they can for applications for planning permission at this stage.

Access to the site is via an unadopted highway. The site is within the green belt but outside the housing development boundary. It is noted that the housing development boundary runs along the western boundary of Strathmores garden but does not immediately adjoin the site. The housing boundary runs along the edge of the large housing development recently constructed between Sleep Lane and Queen Charlton Lane.

The application has been advertised as a departure.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Whitchurch Village Council have objected to the application for the following reasons:

- o In respect of an application in 2017 Highways objected, so what has changed?
- o The proposed development is outside of the Housing Development boundary and is within designated green belt land, there are no very special circumstance associated with the application.
- o Policy RA5 has previously removed land from the Green Belt for a strategic site and there is no current need for any further development in the Green Belt.

Two neighbour objections have been received.

- o The site is rural far removed from Whitchurch Village
- o This is a rural backwater for walking
- o The Planning Committee might care to see this lovely spot for themselves.
- o Allowing further houses to be built in the Lane would rob the community of an irreplaceable amenity.
- o The granting of planning permission on the Greenacre site has devastated the very bottom of the Lane, with the destruction of many mature trees.
- o The proposed development is not infill.
- o This would set a precedent for further development
- o The road is unsuitable/ unfit for the existing vehicular traffic, residential development would only exacerbate the problem.
- o Traffic using this private road encroach on private property and cause damage

HIGHWAYS: No objection

The planning application is seeking "permission in principle" for the erection of a single dwellings. Having reviewed the requirements for this type of application, it is noted that the scope of permission in principle is limited to location, land use and amount of development only. The submitted scheme has been assessed on that basis.

Location - having reviewed the relevant site planning history and the examples of other similar schemes at nearby sites (as referenced in the planning submission), the highway authority would not have an in-principle objection to a development at this location. In particular, the decision relating to planning application number 22/04414/PIP has been reviewed, and the highway authority raised no objection to that proposal. It is noted that a relatively new footpath link now connects Staunton Lane to the recently completed development immediately to the west of the site, and this improves pedestrian access to the wider area.

Land use - there is no highway objection to the principle of the proposed land use.
 Amount of development - having reviewed the relevant planning history and the examples of other similar schemes at nearby sites, the highway authority would not have an in-principle objection to the development of a single dwelling at this location.

Summary - Having reviewed the scheme and the relevant planning history, the Transport Development Management has no objection to the principle of the development.

DRAINAGE: No objection

Site should utilise soakaways, these should be designed and constructed in accordance with Building Regulations Part H. Drains will need to be constructed to prevent surface water from flowing onto road or third party land.

TREES: Objection

No arboricultural comments were sought for 17/04898/FUL and no tree survey was provided to support that application on which to inform comments on the current application.

This application is limited to location, land use and amount development all of which should be informed by an assessment of trees present on and adjacent to the site. The supporting document states that ' The dwelling is indicatively shown to be set well back from the trees at the front of the site and could be positioned to avoid encroaching on the root protection area of the trees.'

If no tree survey has been undertaken then how can there be any confidence that root protection areas can be avoided. This is not the full picture which must be considered when considering the scale and positioning of a new dwelling and garden. The tree species, size, future growth, aspect and separation distance from a dwelling and outside space must also be considered. Ash trees are present in the vicinity so ash dieback will be a consideration and other tree species present may warrant assessment for suitability for retention

ECOLOGY: Objection

Insufficient information is available to enable the LPA to fully assess the likely impact of the proposal on mature trees, hedgerows and protected species and the ability of the proposal to comply with Policy NE3 and NE3A. There is therefore an Ecological objection to the scheme as it is not clear that the proposal is capable of meeting local plan policy requirements.

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

- RA5: Land at Whitchurch Strategic Site Allocation
- CP6: Environmental Quality
- CP8: Green Belt
- 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
D7: Infill and backland development
GB1: Visual amenities of the Green Belt
LCR7B: Broadband
LCR9: Increasing the provision of local food growing
RA1: Development in the villages meeting the listed criteria
SCR5: Water efficiency
SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy
D8: Lighting
GB2: Development in Green Belt villages
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE6: Trees and woodland conservation
SCR6: Sustainable Construction Policy for New Build Residential Development
SCR9: Electric Vehicles Charging Infrastructure
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)
Transport and Development Supplementary Planning Document (January 2023)

NEIGHBOURHOOD PLANS:

The following Neighbourhood Plan is relevant to the determination of this application:
Whitchurch Village

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).

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 scope of permission in principle (PIP) is limited to location, land use and amount of development only. The submitted scheme has been assessed on this basis.

Other matters are considered at the technical details consent stage.

LOCATION

The proposed development is sited within the garden of Strathmore which is a detached dwelling. The garden area is located to the north with a road frontage and is partly lawned and partly hard surfaced with some small outbuildings. There is hedging and some trees along the west and north boundaries. Access to the site is via an unadopted highway. The site is within the green belt but outside the housing development boundary. It is noted that the housing development boundary runs along the western boundary of the garden belonging to Strathmore and does include a small strip of the garden area. The proposed plot however, is not within the housing boundary. The housing boundary runs along the edge of the large housing development recently constructed between Sleep Lane and Queen Charlton Lane.

The area of land located to the north and west of the application site was removed from the Green Belt, but not included in the residential site allocation. The area of land to the immediate west is in employment use, currently car repairs / bodywork use. The site to the immediate north of the application site is a piece of land, which appears to have been used in the past as a plant nursery.

The car repairs and nursery sites were removed from the green belt but they were not included in the allocation because it was not intended that they should be allocated for housing development.

Placemaking Plan (PMP) Policy CP8 (Green Belt) explains that the openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy.

Policy GB1 (Visual Amenities of the Green Belt) cites that development in or conspicuous from the Green Belt should not prejudice but seek to enhance the visual unities of the Green Belt by reason of the siting, design or materials.

Policy GB2 states that "Development in villages in the Green Belt will not be permitted unless it is limited to infilling and in the case of residential development, the proposal is within the defined Housing Development Boundary.

Within villages which are within the green belt and (not excluded from it), in line with the NPPF infill development is considered appropriate as an exception. Guidance offered describes infill sites as being capable of being developed with one or two houses, on a small vacant plot in an otherwise extensively built-up frontage, the plot generally being surrounded on at least three sides by developed sites or roads. This site is a plot with development on three sides (including the road) and would therefore meet with this description. Whitchurch is not however, washed over by the green belt and this site is outside the HBD.

Case Law was given significant weight in the determination of a recent appeal (APP/F0114/W/21/3287000) which was for the erection of 3 infill dwellings located outside of the Housing Development Boundary of Whitchurch adjacent to Sleep Lane. This site is located in close proximity to this site being the other side of the residential estate recently constructed. Of particular note was the Inspectors conclusion that caselaw suggests that decision makers should, when determining whether or not a site can be considered in a village, have regard to the situation 'on the ground' as well as to any relevant policies. Indeed, the Inspector highlighted that the HDB is not determinative for the purpose of making this assessment.

As stated, the site is enclosed to the south by Strathmore and to the west by the car repair site. The residential development on the allocated site is readily visible from the application site. The site is visually connected to the new housing estate which is part of the village.

Staunton Lane is physically joined to other substantial areas of built form in Whitchurch with no greenfield land separating them. A public footpath runs parallel to the northern boundary of Greenacres, southern boundary of Strathmore and this path directly links Staunton Lane to Saxon Close (part of the larger residential estate) to the immediate West. This footpath link provides ready access for residents in Staunton Lane to the village.

Therefore, it is considered that the site is within the visual and physical extent of the village and forms part of the village of Whitchurch.

Para 148 of the NPPF states 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. Green Belt has five purposes:

- A. to check the unrestricted sprawl of large built-up areas;
- B. to prevent neighbouring towns merging into one another;
- C. to assist in safeguarding the countryside from encroachment;
- D. to preserve the setting and special character of historic towns; and
- E. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The site is visually related to the development land to the northwest and south. Given the relatively enclosed nature of the site it has a limited visual presence or impact on the openness of the green belt and open countryside to the east. Therefore, the proposal to

develop this site with a single residential unit is not seen to conflict with the five purposes of the Green Belt.

The site is also functionally connected to the village and given the footpath link provided is within reasonably easy reach of local shops and services in Whitchurch. Its location is as sustainable and reliant on the services of Whitchurch as the adjacent housing development.

At paragraph 10 of the NPPF it advises 'so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development'. Paragraph 11 outlines how the presumption in favour of sustainable development, should be seen as a golden thread running through both plan making and decision taking is engaged. For decision taking this means 'approving development proposals which accord with an up-to-date Development Plan without delay'.

At para. 38 the NPPF states that Local Planning Authorities (LPA) should approach decision-making on proposed development in a positive and creative way. It goes on to say that decision makers at every level should seek to approve applications for sustainable development where possible.

Whitchurch Village Neighbourhood Plan Policy WV 2 seeks to manage the green buffer between Whitchurch Village and Bristol. It explains that development will not be permitted outside the housing development boundary if individually or cumulatively it would result in promoting the coalescence between Whitchurch Village and Bristol or reducing their separate identity by:

- a) reducing the gap between Whitchurch Village and Bristol or
- b) increasing the density of development within existing curtilages

The site is located on the south-eastern side of Whitchurch which is the opposite side of the village to Bristol. Whilst the proposal results in the Strathmore plot being subdivided the resulting plots are not out of character with the surrounding context of density of development.

In conclusion the site is outside the HDB and is within the Green Belt and for this reason the application has been advertised as a departure. However, given the specific nature of the site in terms of its visual prominence, its sustainable location and the recent relevant caselaw within close proximity of this site it is concluded that these factors clearly outweigh any harm to the green belt and therefore, very special circumstances are seen to exist which render the proposal acceptable. In terms of the Location of the development it is seen to accord with other development plan policies.

LAND USE

The use of the land immediately adjacent to the north is an old nursery site with car maintenance to the west beyond which is residential development. On the opposite side of the unadopted highway there are residentially properties set within large gardens. It is noted that the northern end of Staunton Lane has commercial premises whereas the area to the east and south of the site is predominantly residential in use and therefore, the use of this site for a residential dwelling is acceptable.

AMOUNT OF DEVELOPMENT

In respect of transport, paragraph 110 of the NPPF advises that it should be ensured that 'safe and suitable access to the site can be achieved for all users'. Paragraph 111 advises that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

Policy ST7 states that development will only be permitted provided, amongst other things, highway safety is not prejudiced, safe access is provided, and development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity. In this instance the Highway Engineer has raised no objection to the principle scale of the development.

Paragraph 130 of the NPPF guides that planning decisions should ensure that developments will 'function well and add to the overall quality of the area'; 'are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'.

Policy NE6 of the Placemaking Plan has regard for the conservation of trees and woodland. It states that development will only be permitted where it seeks to avoid any adverse impact on trees or makes provision for compensatory provision if an adverse impact is unavoidable. Policy NE2 seeks to protect, conserve and enhance the character and quality of the landscape of the district. The purpose of Policy NE2A is to protect, conserve and enhance the landscape setting of settlements.

The amount of development is stipulated in the application as a single dwelling. No indication is given as to the size of the dwelling other than an indicative footprint. The size of the dwelling will dictate how much of the site will be developed, and consequently the scale of the development could have a negative impact on ecological and arboricultural interests on the site. The councils ecologist and tree officers have objected to the proposal on this basis. It is noted that there is hard surfacing and outbuildings on the site at present. The issues of harm being caused to trees and ecology on the site due to the size of the site could result in the proposal being considered unacceptable at the technical details consent stage.

However, given the size of the site it is considered that there is likely to be adequate space to provide a single dwelling without conflict with other development plan policies.

The granting of a Planning in Principle permission does not guarantee development on the site as issues arising at the technical details consent stage could justify refusal of the application.

PUBLIC SECTOR EQUALITIES DUTY

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the grant nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether or not to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. The development is contrary to the development plan as the site is outside of the Housing Development Boundary however the material considerations outline above, principally the situation 'on the ground', indicate that a decision contrary to the development plan ought to be made.

For the reasons set out above, the proposal is recommended for approval. No conditions are recommended because conditions cannot be attached to Permission in Principle decisions as per the guidance set out in the National Framework. An informative will be added to any permission reminding the applicant that a Technical Details Consent application must be made within 3 years of the date of any permission.

RECOMMENDATION

PERMIT

CONDITIONS

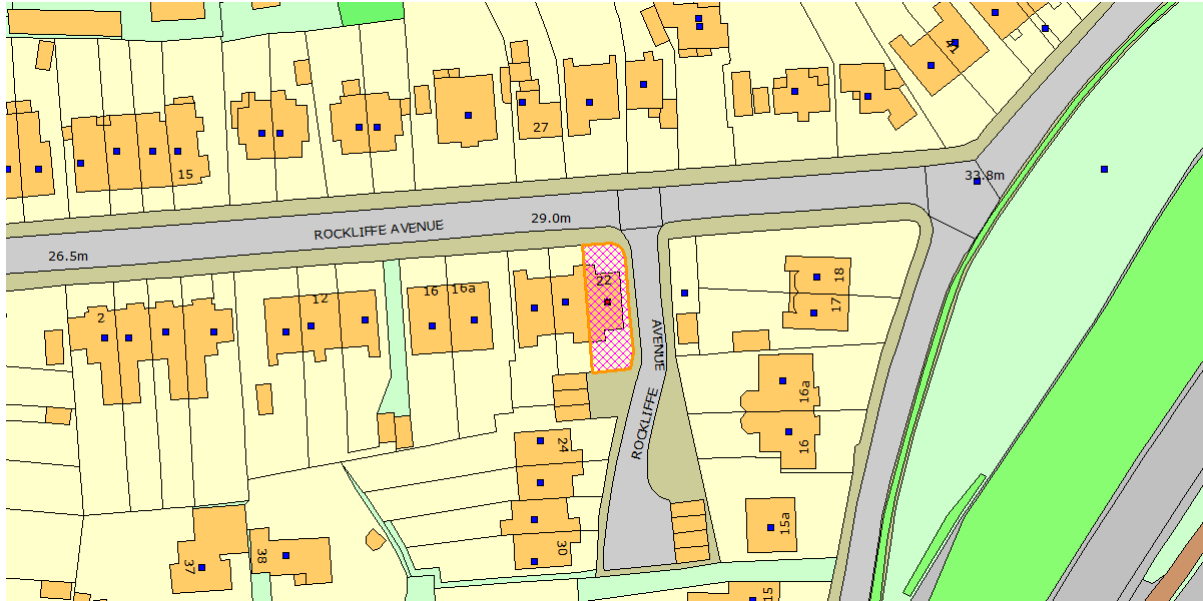
PLANS LIST:

1 This decision relates to the following drawings:

Site Plan and Location Plan both dated 24th April 2023.

2 An application for Technical Details Consent must be made prior to commencement of development and no later than the expiration of three years from the date on this decision notice, after this period this Planning Permission in Principle shall lapse.

Item No: 02
Application No: 23/02676/FUL
Site Location: 22 Rockliffe Avenue Bathwick Bath Bath And North East Somerset BA2 6QP



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Manda Rigby Councillor Toby Simon
Application Type: Full Application
Proposal: Erection of front porch extension, replacment of windows and doors, installation of raised flat roof to rear extension and new ground floor side windows. Alterations to front and rear ground floor window and door openings and rear first floor window opening.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, NRN Wetland Strategic Network Policy NE5, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant: Ms Catherine Parker
Expiry Date: 12th September 2023
Case Officer: Christine Moorfield
To view the case click on the link [here](#).

REPORT
REASON FOR REPORTING TO COMMITTEE

This application is presented to committee as the applicant is an employee of the council and is employed within the Planning Service.

PROPOSAL

This application is for the erection of a front porch extension, replacement of windows and doors, installation of raised flat roof to rear extension and new ground floor side windows. Also proposed are alterations to front and rear ground floor window, door openings and rear first floor window opening.

HISTORY

There is no recent planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

No third party comments have been received.

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D5: Building design

D6: Amenity

HE1: Historic environment

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

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).

CONSERVATION AREAS:

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

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

Character and Appearance

The proposals are for a small front porch extension and single storey rear extension. The materials and design are appropriate for this location and given this is a terraced property. The adjoining pair read as a pair with this unit being visually slightly separate. The materials shown match those of the host dwelling.

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

Core Strategy, policies D1, D2, D3, and D4 of the Placemaking Plan, policy D5 of the Local Plan Partial Update and part 12 of the NPPF.

Residential Amenity

No third party comments have been received.

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 and part 12 of the NPPF.

World Heritage Site

The proposed development is within two World Heritage Sites; therefore, consideration must be given to the effect the proposal might have on the outstanding universal values of the World Heritage Sites and their setting. In this instance, due to the size, location, and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values or the setting of the World Heritage Sites. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan part 16 of the NPPF.

Conservation Area

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the desirability of preservation or enhancing the character or appearance of the surrounding conservation area. In this case by virtue of the design, scale, massing, position, and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the Core Strategy, policy HE1 of the Placemaking Plan and part 16 of the NPPF.

Low Carbon and Sustainable Credentials:

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

Public Sector Equalities Duty:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the grant nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

Conclusion:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether or not to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed extension complies with the development plan as a whole for the reasons outlined in the report, and there are no material considerations indicating that a decision contrary to the development plan ought to be taken, therefore the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

1 2308-01, 02, 03, 04 and site location plan all dated the 18th July 2023

2 Condition Categories

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

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

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

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

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

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

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

3 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

4 Civil or legal consents

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

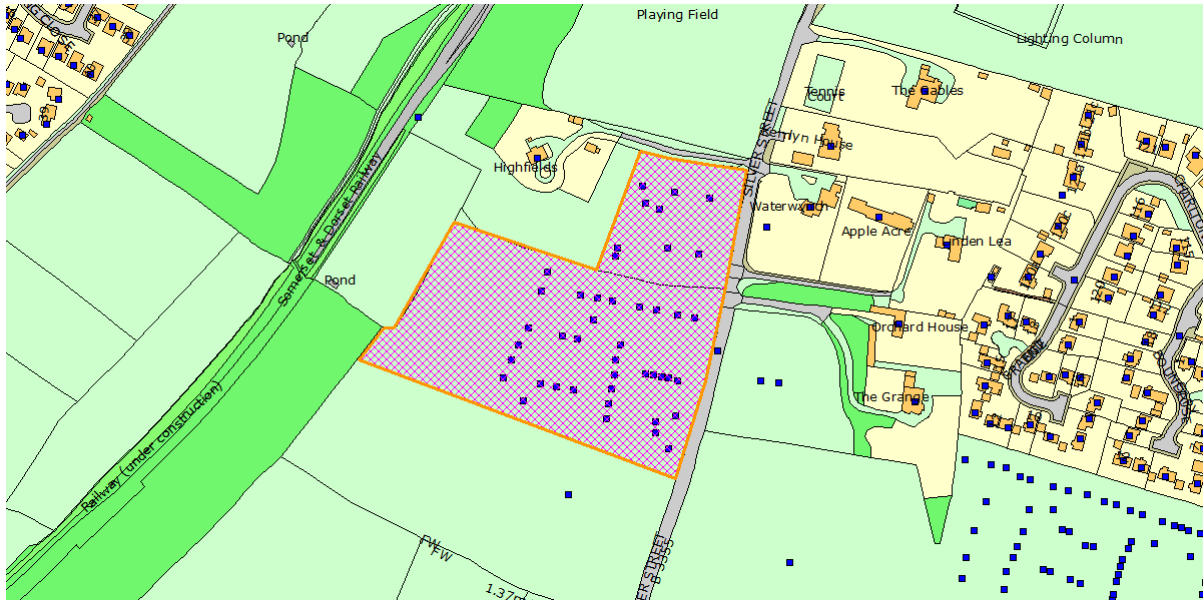
5 Responding to Climate Change (Informative):

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

6 Permit/Consent Decision Making Statement

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

Item No: 03
Application No: 23/03048/VAR
Site Location: Parcel 2000 Silver Street Midsomer Norton Bath And North East Somerset



Ward: Midsomer Norton Redfield **Parish:** Midsomer Norton **LB Grade:** N/A

Ward Members: Councillor Sarah Evans Councillor Tim Warren

Application Type: Application for Variation of Condition

Proposal: Variation of condition 10 (plans list) of application 23/00462/VAR to revise location of Plot 9 boundary wall and associated landscaping (Variation of conditions 4, 5, and 8 of application 21/00971/RES (Erection of 40 dwellings, provision of public open space and associated works - (Approval of reserved matters with regard to phase 3 of outline application 18/02095/OUT))).

Constraints: Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Contaminated Land, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Greenfield site, Housing Development Boundary, Policy LCR3 Primary educational purposes, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, NRN Woodland Core Existing Policy NE5, NRN Woodland Strategic Networ Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Tree Preservation Order,

Applicant: Ms S James

Expiry Date: 15th November 2023

Case Officer: Wendy Tomlinson

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

REPORT

REASON FOR REPORTING TO COMMITTEE

This application is presented to committee as the applicant is an employee of the council and is employed within the Planning Service.

BACKGROUND

In 2019, outline planning permission was granted under application reference 18/02095/OUT for the phased development of Norton Hill Primary School, a 630 pupil, three form entry primary school (D1); up to 40 residential dwellings (C3); 64 bed care home (C2); 15 unit age restricted shelter accommodation (C3); public open space; and proposed highways works on and off site including provision of a new cycle/footpaths, road widening (Silver Street), 2 no. bus stops (Silver Street), junction improvements (Charlton Road) and 1No. Gas Governor and Electricity Substation, with associated works.

As can be seen from the extensive planning history below, the original permissions, and the site, has been subject to numerous Section 73 applications (variations), discharge of conditions and non-material amendment applications.

This application now seeks to vary Condition 10 (plans list) of 23/00462/VAR to revise the location of the boundary wall to Plot 9 and revise the associated landscaping.

PLANNING HISTORY

The following applications are most relevant to the scheme:

18/02095/OUT

PERMIT - 13 February 2019

Outline application for the phased development of Norton Hill Primary School, a 630 pupil, three form entry primary school (D1); up to 40 residential dwellings (C3); 64 bed care home (C2); 15 unit age restricted shelter accommodation (C3); public open space; and proposed highways works on and off site including provision of a new cycle/footpaths, road widening (Silver Street), 2No. bus stops (Silver Street), junction improvements (Charlton Road) and 1No. Gas Governor and Electricity Substation, with associated works.

21/00971/RES

APP - 11 June 2021

Erection of 40 dwellings, provision of public open space and associated works - (Approval of reserved matters with regard to phase 3 of outline application 18/02095/OUT)

23/01777/NMA APP - 6 June 2023

Non-Materials Amendments to application 21/00971/RES (Erection of 40 dwellings, provision of public open space and associated works - (Approval of reserved matters with regard to phase 3 of outline application 18/02095/OUT)).

22/04749/VAR

APP - 11 January 2023

Variation of condition 10 of application 18/02095/OUT (Outline application for the phased development of Norton Hill Primary School, a 630 pupil, three form entry primary school (D1); up to 40 residential dwellings (C3); 64 bed care home (C2); 15 unit age restricted shelter accommodation (C3); public open space; and proposed highways works on and off site including provision of a new cycle/footpaths, road widening (Silver Street), 2No. bus stops (Silver Street), junction improvements (Charlton Road) and 1No. Gas Governor and Electricity Substation, with associated works).

23/00462/VAR

APP - 13 July 2023

Variation of conditions 4, 5, and 8 of application 21/00971/RES (Erection of 40 dwellings, provision of public open space and associated works - (Approval of reserved matters with regard to phase 3 of outline application 18/02095/OUT)).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Midsomer Norton Town Council: Recommends approval as there were no reasons for objection

Highways: No comment

Arboricultural Officer: No objection

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

CP5: Flood Risk Management

CP6: Environmental Quality

CP13: Infrastructure provision

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:

SV1: Somer Valley Spatial Strategy

D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces D6: Amenity
LCR2: New or replacement community facilities
LCR7B: Broadband
NE2A: Landscape setting of settlements N
E4: Ecosystem services
PCS1: Pollution and nuisance
PCS2: Noise and vibration
PCS3: Air quality
PCS7A: Foul sewage infrastructure
SCR2: Roof-mounted/ building integrated scale solar PV
SCR5: Water efficiency
ST2: Sustainable transport routes
SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy
CP3: Renewable Energy
CP4: District Heating
CP7: Green infrastructure
D5: Building design
D8: Lighting
H7: Housing accessibility
NE1: Development and green infrastructure
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
NE6: Trees and woodland conservation
PCS5: Contamination
SCR6: Sustainable Construction Policy for New Build Residential Development
SCR8: Embodied Carbon
SCR9: Electric Vehicles Charging Infrastructure
ST1: Promoting Sustainable Travel
ST2A: Recreational routes
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)
Transport and Development Supplementary Planning Document (January 2023) Planning
Obligations Supplementary Planning Document (January 2023)

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).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

The principle of development has been established under 18/02095/OUT and 21/00971/RES. This application seeks to vary Condition 10, the plans list, of application 23/00462/VAR.

CONDITION 10:

The proposal seeks permission to amend the plans list forming Condition 10 of the approved development. It is proposed to replace approved drawing no 200101 L 05 01 B with 200101 L 05 01 C and replace drawing no 200 101 L 02 02 D with 200 101 L 02 02 E in addition to the annotated drawing DETAILED EXTRACT PLOT 9. The revisions to the drawings show the relocation of the southernmost boundary wall to Plot No.9 in order to expand the private garden to the extent of that which lies within the ownership of Plot No.9.

The boundary wall is currently approved as being set between south eastern corner of Plot No. 9 running in an easterly direction to the plot's boundary with its neighbour at the rear, Plot No.7. This left a large area of amenity space alongside Plot No.9 that was still within its ownership but unusable for the occupants. It is therefore proposed to relocate and extend the boundary wall to enclose this area of land within the private garden space of Plot No,9.

This will result in the loss of some landscaping within the public realm including an 'Understorey Woodland mix' planting comprising 16 species and a laurel hedge (*Prunus Laurocerasus rotundifolia*) and three lime trees (*Tilia Cordata Greenspire*). The applicant has provided information that shows that the type of laurel approved for the hedge has the capacity to grow 5-8 m in height and a spread of 2.5-4 m. Furthermore, the species of lime tree approved has the capacity to grow 6-7 m in height and a spread of 3-4 m.

In response to the proposed amendments to the scheme the Arboriculture Officer acknowledges the suggested issues with the approved scheme and supports the replacement of the single species 'Hedgerow Residential' with a 'Hedgerow Native' comprising a mix of eight plant species used elsewhere on the site:

Arboriculture Officer Comments: "I understand the rationale for the variation and have viewed the proposed layout detailed in document 'detailed extract plot 09'. I am happy for the proposed boundary wall to be re-located circa 4m south of its current proposed location and to be screened by native hedging on its external/southern side (between it and public footpath). I see the curved wall ends allow 2 recesses that are to contain trees of a different species to *Tilia cordata* 'Greenspire', which I agree will be too large a species for the domestic setting/proximity to property and which would realistically not attain maturity as a consequence. Please confirm what species of tree will be used to replace these. I politely suggest being mindful of the proximity of the proposed wall to the revised tree planting locations (circa 1m) and as such leads you to smaller species choices".

OFFICER ASSESSMENT:

The garden edge to Plot No. 9 is bounded by a wide pavement, a continuation of the pavement that passes in front of Plot Nos.5, 6, and 7, now occupied. Between the back edge of the pavement and the front gardens of these dwellings 'Hedgerow Residential' has been planted. In view of this, amending the alignment of the hedge as proposed to follow the pavement edge bounding the side garden of Plot No.9 will create an uninterrupted green boundary rather than stepping back to form a segregated strip of planting within which three trees are planted as shown on the approved plans. It is not felt that using a mix of native species for hedging rather than the 'Residential' hedging will have a detrimental visual impact on the scheme. Using an appropriate mix of hedging species will compensate to an extent for the loss of biodiversity that removing the 'Understorey Woodland' mix may result in. While the reduction of the number of trees from three to two is regrettable, overall, the impact of this will be ameliorated by proximity to the adjacent parkland. The introduction of a curved wall in this location is within the architectural design language of the wider site so will not look out of context.

The proposed amendment is minor but will allow the householder to benefit from the side garden that is within their ownership and remove any ambiguities over future maintenance. On balance the proposed amendment will result in a visually more coherent soft and hard boundary, and the replacement hedge and tree species are better suited to the site constraints offering an improved chance of reaching maturity.

OTHER MATTERS:

As part of the consideration of 23/00462/VAR, a number of conditions had already been discharged and therefore, the conditions had been amended to become compliance conditions to reflect this.

PUBLIC SECTOR EQUALITIES DUTY

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the grant nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether or not to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed variation to Condition 10 will result in a development that continues to comply with the development plan as a whole for the reasons outlined above and there are no material considerations indicating that a decision contrary to the development plan ought to be taken, therefore the proposed variation of Condition 10 is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Reptile Mitigation Strategy (Compliance)

No development, excavation or site and vegetation clearance shall take place except in complete accordance with the Technical Note Reptile Survey - Revision 1 (Reference: 210922_P1141_Silver_Street_TN1 Rev 1) prepared by EAD Ecology dated 23 September 2021), as approved as part of application 21/03247/COND on 6th October 2021.

Reason: To avoid harm to reptiles in accordance with Policy NE3 of the Bath and North East Somerset Local Plan Partial Update.

2 Play Space (Compliance)

The Play Space Youth and Play Space Children shall be implemented in complete accordance with the details approved as part of application 22/04150/COND approved on 5th April 2023.

Reason: To ensure that the Play Space secured through the s106 agreement is of an acceptable design.

3 Parking (Compliance)

The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted

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

4 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 within each phase as shown on plan reference 200101 L 02 01, Proposed Site Layout, Phasing Plan - Midsomer Norton (received by the Local Planning Authority 17th April 2023), prior to the first occupation of the relevant phase.

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 of the Bath and North East Somerset Placemaking Plan and NE2 of the Bath and North East Somerset Local Plan Partial Update.

5 Electric Vehicle Charging Points (Pre-Occupation)

Prior to first occupation of each phase of the development, as shown on plan reference 200101 L 02 01, Proposed Site Layout, Phasing Plan - Midsomer Norton (received by the Local Planning Authority 17th April 2023), the approved Electric Vehicle Charging Points shall be installed in accordance with the detail illustrated on plan reference 200101 L 02 06 C or as otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that electric vehicles are adequately accommodated for and encouraged in accordance with Policy ST7 of the Bath & North East Somerset Local Plan Partial Update.

6 Arboriculture - Arb Method Statement (Compliance)

No development shall take place except in complete accordance with the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan Rev A, Land West of Silver Street, Midsomer Norton prepared by Hillside Trees Ltd dated February 2021, approved as part of application 21/03247/COND on 6th October 2021.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE6 of the Bath and North East Somerset Local Plan Partial Update.

7 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)

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

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

8 Sustainable Construction Details - Overheating (Pre-Occupation)

Prior to the occupation of the final dwelling on the site the following table (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted, along with supporting documents, to the local planning authority:

o Table 5.1

Reason: To monitor the extent to which the approved development meets the requirements of the checklist in regard to overheating and in the interests of sustainable development.

9 Phasing Plan (Compliance)

The development shall be occupied in accordance with the numerical order which is specified on plan reference 200101 L 02 01, Proposed Site Layout, Phasing Plan - Midsomer Norton (received by the Local Planning Authority 17th April 2023. For the avoidance of doubt, the phases will be occupied in the following order and shall not be occupied out of sequence.

Phase 1

Phases 2 and 3

Phase 4

Phase 5

Phase 6

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

10 Plans List (Compliance)

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

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

PLANS LIST:

1 APPROVED PLANS LIST

28 May 2021	200101	HT B 01 01 H	HT B FLOOR PLANS
28 May 2021	200101	HT B 01 02 F	HT B FLOOR PLANS - PLOT 35
28 May 2021	200101	HT B 02 01 E	HT B ELEVATIONS
28 May 2021	200101	HT B 02 02 G	HT B ELEVATIONS - PLOT 35
28 May 2021	200101	HT D 01 01 F	HT D FLOOR PLANS
28 May 2021	200101	HT D 02 01 G	HT D ELEVATIONS
28 May 2021	200101	L 02 01 Z	PROPOSED SITE LAYOUT
28 May 2021	200101	L 02 03 C	HOUSE TYPE LAYOUT
28 May 2021	200101	L 02 04 C	PARKING LAYOUT
28 May 2021	200101	L 02 05 C	BIN COLLECTION STRATEGY
28 May 2021	200101	L 02 06 C	ELECTRIC VEHICLE CHARGING POINT
28 May 2021	200101	L 02 09 F	OPEN SPACE MANAGEMENT PLAN
28 May 2021	200101	L 04 01 B	HARDWORKS PLAN
28 May 2021	200101	L 05 02 B	SOFTWORKS PLAN 2 OF 3
28 May 2021	200101	L 05 03 B	SOFTWORKS PLAN 3 OF 3
28 May 2021	7817 - 01-01	B	PLANNING LAYOUT SHEET 1
28 May 2021	7817 - 01-02	B	PLANNING LAYOUT SHEET 2
28 May 2021	7817 - 03		LONGITUDINAL SECTIONS
28 May 2021	7817 - 200C		REFUSE VEHICLE TRACKING
28 May 2021	7817 - 201C		FIRE TENDER TRACKING
28 May 2021	7817 - 203C		LARGE CAR TRACKING
28 May 2021	7817 - 501-01C		PROPOSED DRAINAGE LAYOUT - SHEET 1
28 May 2021	7817 - 501-02C		PROPOSED DRAINAGE LAYOUT - SHEET 2
04 Mar 2021	190605	GT 01 01	PROPOSED SINGLE ATTACHED GARAGES
04 Mar 2021	190605	GT 03 01	PROPOSED DOUBLE GARAGE
04 Mar 2021	200101	D 03 02	TYPICAL CLOSED BOARD TIMBER FENCE
04 Mar 2021	200101	D 03 03	TYPICAL MESH FENCE
04 Mar 2021	200101	D 04 01	TYPICAL STONE WALL
04 Mar 2021	200101	D 04 01	TYPICAL TREE PIT IN SOFT
04 Mar 2021	200101	D 04 02	TYPICAL POST AND WIRE HEDGEROW
04 Mar 2021	200101	D 04 03	TYPICAL HEDGEBANK
04 Mar 2021	200101	GT 02 01	PROPOSED SINGLE DETACHED GARAGES
04 Mar 2021	200101	HT A 01 01	HT A FLOOR PLANS (PLOTS 26/27)
04 Mar 2021	200101	HT A 01 01	HT A FLOOR PLANS (PLOTS 28/29)
04 Mar 2021	200101	HT A 02 01	HT A ELEVATIONS (PLOTS 26/27)
04 Mar 2021	200101	HT A 02 01	HT A ELEVATIONS (PLOTS 28/29)
04 Mar 2021	200101	HT C 01 01	HT C FLOOR PLANS (PLOT 25)
04 Mar 2021	200101	HT C 02 01	HT C ELEVATIONS (PLOT 25)
04 Mar 2021	200101	HT C 02 01	HT C FLOOR PLANS (PLOT 24)
04 Mar 2021	200101	HT C 02 02	HT C ELEVATIONS (PLOT 24)
04 Mar 2021	200101	HT E 01 01	HT E FLOOR PLANS

04 Mar 2021 200101 HT E 02 01 HT E ELEVATIONS
 04 Mar 2021 200101 HT F 01 01 HT F FLOOR PLANS
 04 Mar 2021 200101 HT F 02 01 HT F ELEVATIONS
 04 Mar 2021 200101 HT F 02 02 HT F ELEVATIONS
 04 Mar 2021 200101 HT G 01 0 HT G FLOOR PLANS (PLOT 4)
 04 Mar 2021 200101 HT G 01 01 HT G FLOOR PLANS
 04 Mar 2021 200101 HT G 02 01 HT G ELEVATIONS
 04 Mar 2021 200101 HT G 02 02 HT G ELEVATIONS (PLOT 4)
 04 Mar 2021 200101 HT H 01 0 HT H FLOOR PLAN
 04 Mar 2021 200101 HT H 01 02 HT H FLOOR PLANS (PLOTS 8 AND 9)
 04 Mar 2021 200101 HT H 02 01 HT H ELEVATIONS Public
 04 Mar 2021 200101 HT H 02 03 HT H ELEVATIONS (PLOTS 8 AND 9)
 04 Mar 2021 200101 HT I 01 01 HT I FLOOR PLANS
 04 Mar 2021 200101 HT I 02 01 HT I ELEVATIONS
 02 Mar 2021 170209 SC 02 01 STREET SCENES - SHEET 1
 02 Mar 2021 170209 SC 02 02 STREET SCENES - SHEET 2
 02 Mar 2021 200101 L 01 02 EXISTING SITE PLAN
 17 Apr 2023 200101 L 02 01 PROPOSED SITE LAYOUT, PHASING PLAN -
 MIDSOMER NORTON
 16 August 2023 200101 L 05 01 C SOFTWORKS PLAN 1 OF 3
 16 August 2023 200101 L 02 02 E BOUNDARY TREATMENTS
 16 August 2023 DETAILED EXTRACT PLOT 9

2 Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at

www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

4 Permit/Consent Decision Making Statement

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

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	18th October 2023
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 22/03744/FUL
Location: Bath Road Hand Car Wash Bath New Road Radstock Bath And North East Somerset BA3 3AF
Proposal: Proposed wall and roof enclosure of carwash area.
Decision: REFUSE
Decision Date: 14 April 2023
Decision Level: Delegated
Appeal Lodged: 6 September 2023

App. Ref: 22/01407/LBA
Location: Chelscombe Farm Fonthill Road Lansdown Bath Bath And North East Somerset
Proposal: Internal and external alterations to include renovation, conversion and extension of farmhouse and associated outbuildings (Revised Proposals).
Decision: REFUSE
Decision Date: 30 November 2022
Decision Level: Delegated
Appeal Lodged: 13 September 2023

App. Ref: 22/03705/LBA
Location: 46 Sydney Buildings Bathwick Bath Bath And North East Somerset BA2 6DB

Proposal: Demolition of a C20th Ground Floor side extension and replacing and enlarging it on Ground Floor only; including small internal and service alterations.
Decision: REFUSE
Decision Date: 16 January 2023
Decision Level: Delegated
Appeal Lodged: 18 September 2023

App. Ref: 23/01116/PIP
Location: Land Adjacent To Greystones Ashgrove Peasedown St John Bath Bath And North East Somerset
Proposal: Permission in Principle for an infill residential development of 2 no. dwellings.
Decision: REFUSE
Decision Date: 18 April 2023
Decision Level: Delegated
Appeal Lodged: 21 September 2023

App. Ref: 23/00739/FUL
Location: 52A Specklemead Paulton Bristol Bath And North East Somerset BS39 7ND
Proposal: Conversion of garage to one bed dwelling
Decision: REFUSE
Decision Date: 20 April 2023
Decision Level: Delegated
Appeal Lodged: 26 September 2023

Case Ref: 23/00028/DEMOL
Location: Land West Of Providence Bungalow Frome Road Radstock Bath And North East Somerset
Breach: Without Planning Permission the unauthorised demolition of a wall in a conservation area.
Notice Issued Date: 31 May 2023
Appeal Lodged: 12 September 2023

APPEALS DECIDED

App. Ref: 23/01197/AR
Location: Management Suite 12 Southgate Street City Centre Bath Bath And North East Somerset
Proposal: Display of 1no. externally illuminated fascia sign and 1no non-illuminated projecting sign.
Decision: REFUSE
Decision Date: 18 May 2023
Decision Level: Delegated
Appeal Lodged: 26 July 2023
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 6 September 2023

App. Ref: 22/03969/FUL
Location: Ground Floor 15 Bladud Buildings City Centre Bath Bath And North East Somerset
Proposal: Retrospective application to increase length of single storey slate clad rear extension previously approved under 18/02149/FUL
Decision: REFUSE
Decision Date: 6 December 2022
Decision Level: Delegated
Appeal Lodged: 25 May 2023
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 15 September 2023

App. Ref: 22/05179/FUL
Location: Three Ways Station Road Clutton Bristol Bath And North East Somerset
Proposal: Construction of hardstanding (Resubmission).
Decision: REFUSE
Decision Date: 20 April 2023
Decision Level: Delegated
Appeal Lodged: 28 July 2023
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 20 September 2023

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Bath & North East Somerset Council		
MEETING:	Planning Committee	
MEETING DATE:	18 October 2023	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report covering period 1 July – 30 September 2023	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
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.

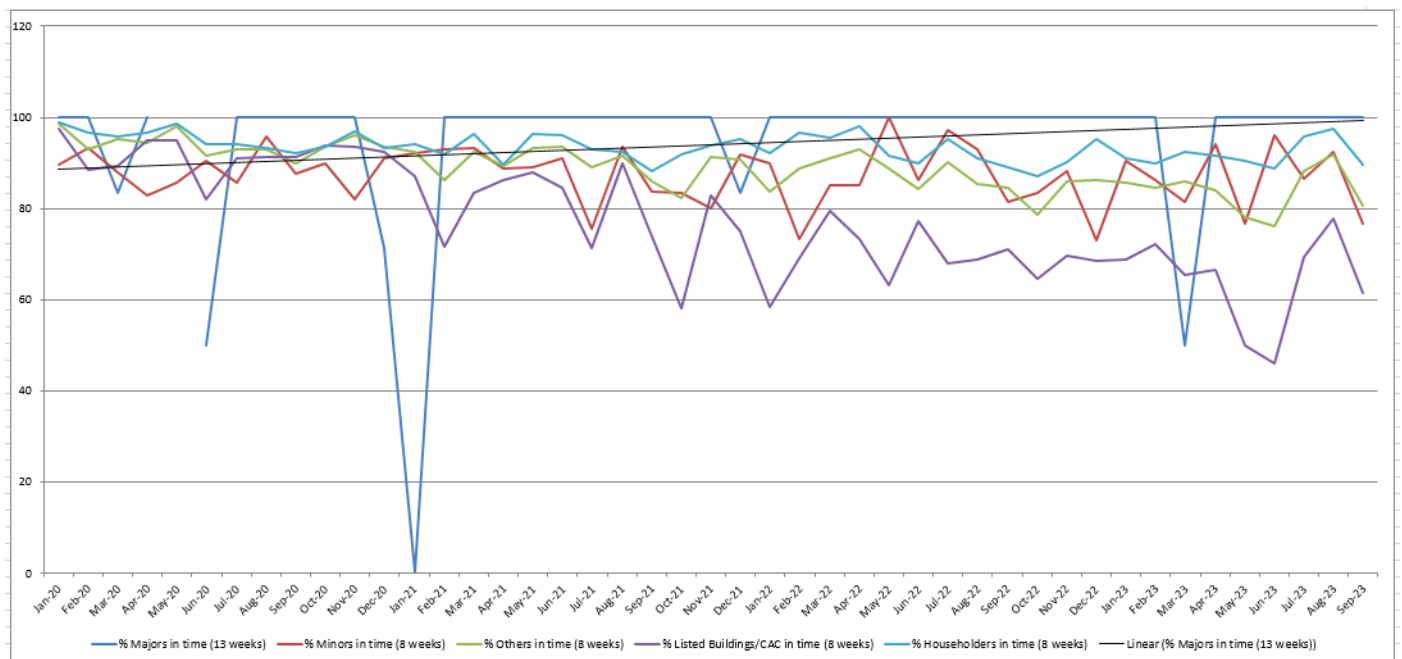
2 RECOMMENDATION

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



Majors target 60%, non-majors target 70%

% of planning applications in time	2021-2022				2022-2023			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
% Majors in time	(8/9) 89%	(11/11) 100%	(4/4) 100%	(7/7) 100%	(7/7) 100%	(7/8) 88%	(8/8) 100%	(5/5) 100%
% Minors in time	(83/97) 86%	(78/94) 83%	(75/83) 90%	(93/103) 90%	(82/101) 81%	(78/91) 86%	(82/92) 89%	(75/88) 85%
% Others in time	(353/400) 88%	(379/431) 88%	(373/420) 89%	(332/383) 87%	(329/394) 84%	(318/372) 85%	(338/426) 79%	(311/359) 87%

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, demolition in a conservation area

2 - Recent Planning Application Performance

Application nos.	2021-2022				2022-2023			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Received	643	710	610	618	564	605	541	526
Withdrawn	47	60	51	42	76	54	70	45
Delegated no. and %	481 (95%)	526 (98%)	482 (95%)	472 (96%)	494 (98%)	461 (98%)	518 (98%)	449 (99%)
Refused no. and %	39 (8%)	42 (8%)	34 (7%)	30 (6%)	40 (8%)	26 (6%)	38 (7%)	30 (7%)

3 – Dwelling Decisions and Numbers

Decisions on Major residential applications	2021-2022				2022-2023			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Decisions on Major residential applications (10 or more dwellings)	4	3	3	0	3	4	3	3
Major residential decisions granted	3	1	2	0	2	4	3	2
Number of dwellings applied for on Major schemes	502	103	300	776	65	0	428	70
Number of dwelling units permitted on schemes (net)	273	105	610	46	78	251	189	38

4 - Planning Appeals

	Oct – Dec 2022	Jan – Mar 2023	Apr – Jun 2023	Jul – Sep 2023
Appeals lodged	21	15	15	14
Appeals decided	20	15	15	12

Appeals allowed	2 (10%)	9 (60%)	6 (40%)	5 (42%)
Appeals dismissed	18 (90%)	6 (40%)	9 (60%)	7 (58%)

5 - Enforcement Investigations

	Oct – Dec 2022	Jan – Mar 2023	Apr – Jun 2023	Jul – Sep 2023
Investigations launched	122	124	131	123
Investigations in hand	441	474	510	423
Investigations closed	95	86	79	227
Enforcement Notices issued	1	0	6	2
Planning Contravention Notices served	0	6	3	5
Breach of Condition Notices served	1	0	0	1
Stop Notices	0	0	0	0
Temporary Stop Notices	0	0	0	1
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

	Oct – Dec 2022	Jan – Mar 2023	Apr – Jun 2023	Jul – Sep 2023
Other types of work	352	350	345	341

7 – Works to Trees

	Oct – Dec 2022	Jan – Mar 2023	Apr – Jun 2023	Jul – Sep 2023
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	37	18	15	19
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	95%	89%	87%	95%
Number of notifications for works to trees within a Conservation Area (CA)	216	187	159	243
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	94%	95%	97%	97%

8 – Corporate Customer Feedback

The latest quarterly report is published here:

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.

Ombudsman Complaints	Oct – Dec 22	Jan – Mar 23	Apr – Jun 23	Jul – Sep 23
Complaints upheld	0	0	0	0
Complaints Not upheld	0	0	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 (2023/24)	£182,624.78
CIL sums overview – Potential Liability amount (April 2015 to date)	£10,817,220.40
CIL sums overview – Paid (April 2015 to date)	£28,489,289.81

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.

	Oct – Dec 2022	Jan – Mar 2023	Apr – Jun 2023	Jul – Sep 2023
Chair referral delegated	15	18	16	2
Chair referral to Planning Committee	3	4	6	6

12 – 5 Year Housing Land Supply

5 year housing land supply

A	Total planned housing 2011-2029		13,000
B	Completions 2011-2022	2011-2021	8,784
C	Plan requirement	2011-2027	11,552
D	5 year supply requirement (100%)	2022-2027	2,768
E	5 year supply requirement (with 5% buffer)	2022-2027	2,906
G	Deliverable supply (#)	2022-2027	4,246
H	Deliverable supply buffer (%)	2022-2027	53%
I	Deliverable supply (#) over 100% requirement	2022-2027	1,478
J	Deliverable supply (#) over 105% requirement	2022-2027	1,340

A	Alternative Calculation Method			
B	5 year supply requirement (722x5)		3,610	
C	Surplus/deficit		842	
D	Deliverable supply		4,246	
E	5 year requirement + backlog/surplus		2,768	Supply as a % of requirement
F	5 year requirement + backlog/surplus +5% buffer		2,906	146%
				Supply in years
				7.30

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
23/01759/FUL	8 Rennie CloseBathwickBathAnd North East SomersetBA2 4GZ	Erection of a ground floor extension to the rear and installation of 1 no. roof light.	COMMDC	24-Aug-23	PERMIT	Application was called to committee by Cllrs Deborah Collins and Cllr Alison Born.
23/01873/PIP	62 St Clement's RoadKeynshamBristolBath And North East SomersetBS31 1AH	Application for Permission in Principle for the development of the site to provide a minimum of four dwellings and a maximum of five dwellings, together with associated hard/soft landscape works and drainage.	CHAIR	04-Aug-23	PERMIT	Chair referral delegated decision
23/01675/FUL	The Surgery Dark LaneFreshfordBathAnd North East SomersetBA2 7TT	Alterations of the existing building (Proposing new door and window openings, internal staircases from ground floor to first floor and from first floor to the loft) and loft conversion.	CHAIR	16-Aug-23	PERMIT	Chair referral delegated decision
22/04498/FUL	The Cottage Sutton Hill RoadBishop SuttonBristolBath And North East SomersetBS39 5UR	Single Storey Front Extension (Resubmission)	COMMDC	24-Aug-23	PERMIT	Chair referral to committee. I note the detailed commentary of Stowey Sutton Parish Council and the assertion that the application complies with the local Neighbourhood Plan. The site is constrained and currently largely obscured. The committee might wish to consider the particular circumstances in this location, the styling and materials proposed, and the impact and stated purpose of the extension.
22/01862/LBA	The Old Farmhouse WithyditchDunkertonBath And North East SomersetBA2 8AY	Internal and external alterations for the replacement of an existing single-storey rear extension, adjustments to an existing two-storey rear extension and removal of a single-storey lean-to structure.	COMMDC	27-Jul-23	CON	Chair referral to committee. I note the strong letter of support for this application from Dunkerton and Tunley Parish Council which addresses material planning issues. The proposal may ameliorate existing harm to the listed building. The application concerns a listed building in green belt and ecological matters. These issues are of public interest and the application should be debated and determined at committee.
22/01861/FUL	The Old Farmhouse WithyditchDunkertonBath And North East SomersetBA2 8AY	Replacement of an existing single-storey rear extension, adjustments to an existing two-storey rear extension and removal of a single-storey lean-to structure.	COMMDC	27-Jul-23	PERMIT	Chair referral to committee. I note the strong letter of support for this application from Dunkerton and Tunley Parish Council which addresses material planning issues. The proposal may ameliorate existing harm to the listed building. The application concerns a listed building in green belt and ecological matters. These issues are of public interest and the application should be debated and determined at committee.



22/03580/FUL	Former Welton Bibby And Baron FactoryStation RoadWeltonMidsomer NortonBath And North East Somerset	Application for 'enabling works' in preparation for the Policy SSV4 site redevelopment including demolition, groundworks, flood mitigation and formation of 2m footpath along Station Road frontage.	COMMDC	24-Aug-23	RF	Chair referral to committee. The application, if approved, would involve a departure from the development plan. The application proposes demolition of a non-designated heritage asset. The site and the proposals will have wide public interest. I believe that the weighing of the planning balance – harm v benefits – should be determined in public by the committee.
23/00895/FUL	Waterworks Cottage Charlcombe WayFairfield ParkBathBath And North East SomersetBA1 6JZ	Erection of two detached dwellings with associated means of access, car parking and associated infrastructure following demolition of existing dwelling and outbuilding (Resubmission).	COMMDC	27-Jul-23	PERMIT	the latest in a series of applications proposing development on this site. I note the comments of Charlcombe PC and the ward councillors as well as the comments from many members of the public and interest groups. The case officer has set out the reasons for her recommendation. In view of the widespread public interest, it is best if the planning history is explained and the planning issues are considered and
22/04431/FUL	Regency Laundry Service Lower Bristol RoadWestmorelandBath And North East SomersetBA2 3BX	Redevelopment of the former laundry services site to provide three storey building plus inset mansard roof comprising self-storage units (Use Class B8) with ancillary Business Centre Facility, signage and associated works	COMMDC	27-Jul-23	PERMIT	Chair referral to committee. This site holds significance for those living close by and for the wider public because of its prominent location and commercial history. This is a major redevelopment with many planning considerations. These should be considered in public. I refer the determination to the planning committee.
23/02945/TCA	Orchard Cottage Dovers LaneBathfordBathAnd North East SomersetBA1 7SX	T1-cypress, fell	COMMDC	20-Sep-23	NOOBJ	The notification relates to an employee of the council's tree.

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