

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 29th June, 2022, 11.00 am

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

11 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

13 DECLARATIONS OF INTEREST

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

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

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

14 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

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

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

16 MINUTES OF THE PREVIOUS MEETING

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

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

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

The Committee considered:

- A report by the Head of Planning on various planning applications.
- An update report by the Head of Planning on item no 1 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives on items 1 and 2. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

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

Item No. 1

Application No: 21/04590/FUL

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

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

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

The following public representations were received:

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

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

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

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

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

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

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

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

was appropriate screened.

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

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

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

Item No. 2

Application No: 21/00677/FUL

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

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

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

The following public representations were received:

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

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

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

She urged the committee to refuse the application.

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

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

In response to Members questions, it was confirmed:

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

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

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

RESOLVED that the application be refused for the following reasons:

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

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

The Committee considered:

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

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

Item No. 1

Application No: 21/05190/FUL

Site Location: Nempnett Farm, Greenhouse Lane, Nempnett Thrubwell

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

The following public representations were received:

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

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

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

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

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

In response to Members questions, it was confirmed:

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

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

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

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

Item No. 2

Application No: 21/02973/OUT

Site Location: Parcel 3589, Silver Street, Midsomer

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

The following public representations were received:

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

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

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

He urged the Committee to refuse the application.

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

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

In response to Members questions, officers confirmed:

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

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

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

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

Item No. 3

Application No: 21/04881/FUL

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

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

The following public representations were received:

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

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

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

In response to Members questions, it was confirmed:

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

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

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

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

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

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

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

Item No. 4

Application No: 21/04890/FUL

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

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

Item No. 5

Application No: 22/01299/FUL

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

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

The following public representations were received:

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

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

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

accommodation since 2011.

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

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

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

In response to Members questions, it was confirmed:

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

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

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

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

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

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

RESOLVED that the application be refused for the following reasons:

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

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

Item No. 6

Application No: 22/00672/FUL

Site Location: 13 Brookside Close, Paulton, Bristol

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

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

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

She asked the Committee to refuse the application.

In response to Members questions, it was confirmed:

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

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

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

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

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

Item No. 7

Application No: 22/00443/FUL

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

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

The following public representations were received:

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

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

In response to Members questions, it was confirmed:

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

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

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

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

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

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

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

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

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

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

Item No. 8

Application No: 22/00624/FUL

Site Location: 136 The Hollow, Southdown, Bath

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

The following public representations were received:

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

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

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

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

In response to Members questions, it was confirmed:

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

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

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

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

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

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

Update Report 20220629

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

The Committee considered the appeals report.

RESOLVED that the report be noted.

The meeting ended at 6.58 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date: 29th June 2022

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

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
001	21/04590/FUL	Homewood Park Hotel Homewood Hinton Charterhouse Bath BA2 7TB

Officers noted an error in the Green Belt Section of the report. Members will be aware that all Green Belt calculations have been consolidated/corrected following the previous meeting. However, an error through typo has occurred and has not been updated. The paragraph in question currently reads:

“The current built volume of buildings E, F,G and J (to be demolished) is 1295m3. The proposed volume of the replacement buildings is 1504m3. This represents a volume increase that, when viewed purely on volumetric terms, could be considered materially larger. However, the volume must be considered in conjunction with other spatial aspects (height and footprint).”

Please disregard the paragraph above and replace with:

“The current built volume of buildings E, F,G and J (to be demolished) is 1181m3. The proposed volume of the replacement buildings is 1504m3. This represents a volume increase that, when viewed purely on volumetric terms, could be considered materially larger. However, the volume must be considered in conjunction with other spatial aspects (height and footprint).”

Officers confirm that 1181m3 is the figure used in their calculations and this error was a typo when correcting the report.

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BATH AND NORTH EAST SOMERSET COUNCIL**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT
THE MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 29
JUNE 2022**

SITE VISIT LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	21/04590/FUL Homewood Park Hotel, Hinton Charterhouse	John Adler, Freshford Parish Council	
		Gary Parker	Against
		Kevin Murphy, agent	For
2	21/00677/FUL Proposed Development Site, Lansdown View	Jenny Bakhoff	Against
		Cllr Paul Crossley Cllr Dine Romero ward members	
MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	21/05190/FUL Nempnett Farm, Greenhouse Lane, Nempnett Thrubwell	Luke Ford, agent George Ford, applicant	For
		Cllr Vic Pritchard, ward member (unable to attend – statement read out)	
2	21/02973/OUT Parcel 3589, Silver Street, Midsomer	Rosie Dinnen, agent	For

	Norton	Cllr Michael Evans Cllr Shaun Hughes Adjacent ward members	
3	21/04881/FUL Parcel 6536, Top Lane, Farmborough, Bath	Annabel McGregor, applicant	For
		Cllr Neil Butters (unable to attend, statement read out)	
4	21/04890/FUL Land Below Inglescombe Farm, Haycombe Lane, Englishcombe, Bath	ITEM WITHDRAWN	
5	22/01299/FUL Frome House, Lower Bristol Road, Westmoreland, Bath	Jenny Bakhoff Alex Sherman, Bath Preservation Society	Against
		Matthew Halstead, applicant	For
		Cllr June Player, ward member Cllr Dine Romero, adjacent ward member	
6	22/00672/FUL 13 Brookside Close, Paulton, Bristol	Cllr Liz Hardman, ward member	
7	22/00443/FUL Pond House , Rosemary Lane, Freshford, Bath	John Adler, Freshford Parish Council Hinton Charterhouse Parish Council (unable to attend, statement read out)	
		Rob Hughes, agent	For
8	22/00624/FUL 136 The Hollow, Southdown, Bath	Andrew Webster, applicant	For
		Cllr Dine Romero, ward member	

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BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

29th June 2022

DECISIONS

Item No:	001		
Application No:	21/04590/FUL		
Site Location:	Homewood Park Hotel, Homewood, Hinton Charterhouse, Bath		
Ward: Bathavon South	Parish: Hinton Charterhouse	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of rear, side and front extension to existing spa, 6no new guest suites, new meeting / events space, admin office and ancillary accommodation following demolition of existing stables, garage and other outbuildings. Provision of additional on-site car parking, soft landscaping and associated external works, drainage and services provision.		
Constraints:	Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,		
Applicant:	Homewood Park Limited		
Expiry Date:	5th July 2022		
Case Officer:	Isabel Daone		

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Bat and Wildlife Protection and Mitigation Scheme (Pre-commencement)

No development shall take place until full details of a Bat and Wildlife Protection and Mitigation Scheme have been submitted to and approved in writing by the local planning authority. These details shall be in accordance with (but not limited to) the recommendations and proposed mitigation measures described in Table 5 of the Ecological Impact Assessment report dated 1st March 2022 produced by Nicholas Pearson Associates including:

(i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to trees,

hedgerows, bats, nesting birds, reptiles and badger and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works

- (ii) Full details and method statement of proposed bat mitigation and compensation scheme, including installation of only bitumen type 1F felt in the compensation roost; and
- (iii) Detailed proposals for implementation of the wildlife mitigation measures of the approved ecological report.

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

Reason: To prevent ecological harm to roosting/foraging bats, trees, hedgerows, badger, reptiles & nesting birds in accordance with Policy NE3 of the Bath and North East Somerset Local Plan. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

3 Ecological Management Plan (EMP) (Pre-occupation)

Landscaping shall demonstrate compliance with the approved Soft Landscaping Plan (drawing NPA 11124 500 C02) dated 10th February 2022 produced by Nicholas Pearson Associates. No operation of the development hereby approved shall take place until full details of an Ecological Management Plan, have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) A list of long-term wildlife conservation aims and objectives, to include: habitat-specific; species-specific; and issue-specific objectives (as applicable). Detailed proposals for implementation of ecological enhancement measures including wildlife-friendly planting / landscape details; provision of a sedum roof; and provision of bat & bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable;
- (ii) Proposed management prescriptions and operations; locations, timing, frequency, duration; methods equipment and personnel as required to meet the stated aims and objectives;
- (iii) All details, locations, boundaries of habitats and management units / areas shall be shown on a plan;
- (iv) A list of activities and operations that shall not take place and shall not be permitted within the EMP Plan area (for example use of herbicides, waste disposal, inappropriate maintenance methods, storage of materials);
- (v) All required measures shall be incorporated into and compatible with the wider scheme, and shown to scale on all relevant plans and drawings including landscape design and planting plans; and
- (vi) Proposed monitoring and reporting scheme, to include ongoing review and remediation strategy All works within the scheme shall be carried out and the land managed and maintained and utilised thereafter only in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: in the interests of avoiding net loss and proving net gain of biodiversity, birds in accordance with Policy NE3 of the Bath and North East Somerset Local Plan.

4 External and Internal Lighting (Bespoke trigger - requires approval of details prior to installation of new lighting)

Lighting shall be installed only in accordance with approved drawings 21/1837E/02, 21/1837E/04 A, 21/1837E/06 A, 21/1837E/07 A, 21/1837E/08 and Table 5 of the Ecological Impact Assessment report (Nicholas Pearson Associates, March 2022). No new external or internal lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority, details to include:

- i) proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan;
- ii) details of predicted lux levels and light spill (light spill onto the newly created habitat and north-western & south-western boundary habitats must be below 0.5lux); and
- iii) details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto existing trees and boundary vegetation and adjacent land to avoid harm to bat activity and other wildlife.

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

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

5 Ecological Follow-up Report (Bespoke trigger)

Within 6 months of completion of the development hereby approved a report produced by a suitably experienced professional ecologist (based on post-completion on-site inspection by the ecologist) confirming in writing and demonstrating, using photographs, full adherence to and completion of all bat and wildlife protection, mitigation and enhancement measures in accordance with approved details, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the bat and wildlife protection, mitigation and enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and Policies NE3 NE5 and D5e of the Bath and North East Somerset Local Plan.

6 Parking (Pre-occupation)

No occupation of the development shall commence until 78 parking spaces have been provided on-site and should be retained permanently thereafter.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

7 Turning Space (Pre-occupation)

No occupation of the development shall commence until the turning space shown on drawing number IMA-19-216-10 has been completed in accordance with the approved

details. The turning space shall be kept clear of obstruction and available for use as a turning space at all times.

Reason: To ensure that vehicles can enter and leave the site in a forward gear in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

8 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 10 bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

9 Travel Plan (Pre-occupation)

No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

10 Arboricultural Compliance (Bespoke Trigger)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement and Tree Protection Plan (Brynley Andrews September 2021). A signed compliance statement shall be provided by the appointed Arboriculturalist to the local planning authority within 28 days of completion of all works.

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

11 Landscape Design Proposals (Bespoke Trigger)

No development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)

8. Retained historic landscape features and proposals for restoration, where relevant

Soft landscape details shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes, details of tree maturity at planting and proposed numbers / densities
4. A management plan to detail the retention of the proposed "u-shaped" outer hedge to a height of at least 2 metres

Reason: To ensure the provision of amenity and a satisfactory quality of environment afforded by appropriate landscape design, in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

12 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works, including the proposed 2m high "u-shaped" outer hedge, shall be retained in accordance with the approved details for the lifetime of the development.

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

13 Sustainable Construction (Pre-occupation)

The development hereby approved shall be completed in accordance with all measures within the Sustainable Construction Checklist approved with the application, or with measures agreed in writing by the Local Planning Authority. At all times the development shall achieve at least a 19% reduction in regulated emissions compared to that required by the Building Regulations.

No occupation of the development shall commence until a Sustainable Construction Checklist (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) for the completed development has been submitted and approved in writing by the Local Planning Authority. This shall include:

1. The completion of all relevant tables (see indicated tracks/thresholds in the checklist);
2. All relevant supporting documents/evidence (see indicated tracks/thresholds in the checklist).

Reason: To ensure that the approved development complies with Policy CP2 of the Bath and North East Somerset Core Strategy (sustainable construction).

14 Materials - Submission of Materials Schedule (Bespoke Trigger)

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

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

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

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

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

15 Hours of Operation (Compliance)

The event/meeting space (labelled "meeting space" on drawing no. 398 137 A hereby approved shall not be used outside of the following hours:

Monday-Sunday (inclusive): 07:00 to 01:00 hours the next day.

Reason: In the interests of the residential amenity of the surrounding occupiers.

16 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

- 1398-125 A Site Plan as Proposed - Built Areas and Volumes
- 1398-129 A Land Use as Existing and Proposed
- 1398-135 A Site Plan as Proposed
- 1398-136 A Site Plan Car Park Plan as Proposed
- 1398-137 A Hotel Block Plan as Proposed
- 1398-139 A Hard Landscape Plan as Proposed
- 1398-142 A Ground Floor Plan as Proposed
- 1398-143 A First Floor Plan as Proposed
- 1398-144 A Roof Plan as Proposed

1398-145 A New Guest Accommodation - Elevations as Proposed - Sheet 1
1398-146 A New Guest Accommodation - Elevations as Proposed - Sheet 2
1398-147 A Spa Elevations as Proposed
1398-148 A Site Elevations as Proposed
1398-150 A Site Sections AA and BB as Proposed
1398-151 A Site Sections CC and DD as Proposed
1398-152 A Bat and Swallow Shelter
1398/SK/138 P1 NE Elevation of Guest Accommodation - Glazing Reduction
1398/SK/139 P1 Proposals Plan within Wider Site Context.
1398_20220210 P2 Site Views Comparison Document
NPA 11124 500 C02 Proposed Soft Landscape Plan
1837-E08 Spill Light Site Layout
1837-E02 Proposed Lighting and Alarms Layout-GF Gen Areas
1837-E04 Proposed Lighting and Alarms Layout-GF Guest Accommodation
1837-E06 Proposed Lighting and Alarms Layout-FF Guest Accommodation
1837-E07 Proposed Electrical Services, Car park, Ramp and Paved Areas

All received 22nd March 2022

1308 120 Site Location Plan. Received 11th October 2022

Permit/Consent Decision Making Statement

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

Condition Categories

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

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

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

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

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

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

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

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

Community Infrastructure Levy - 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

Responding to Climate Change (Informative):

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

Item No:	002	
Application No:	21/00677/FUL	
Site Location:	Proposed Development Site, Lansdown View, Twerton, Bath	
Ward: Southdown	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of seven new dwellings with access improvements and associated external works.	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Railway, SSSI - Impact Risk Zones,	
Applicant:	Ian Betts and Anthony Perry	
Expiry Date:	3rd June 2022	
Case Officer:	Chris Griggs-Trevarthen	

DECISION REFUSE

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BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

29th June 2022

DECISIONS

Item No:	01	
Application No:	21/05190/FUL	
Site Location:	Nempnett Farm, Greenhouse Lane, Nempnett Thrubwell, Bristol	
Ward: Chew Valley	Parish: Nempnett Thrubwell	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 2no. subterranean eco glamping pods with associated works following the demolition of 5no. intensive pig rearing buildings.	
Constraints:	Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	PG & GM Ford	
Expiry Date:	1st July 2022	
Case Officer:	Christopher Masters	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

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

No development shall take place until an arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation (including demolition, clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs

and soakaways, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan.

This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

4 Holiday Occupancy (Compliance)

The development hereby approved as holiday lets shall not be occupied other than for purposes of holiday accommodation and shall not be let to the same person(s) for more than 28 days in any calendar year or such other period as may be first approved in writing by the Local Planning Authority. Written records of lettings and occupiers' home address details shall be maintained and be made available for inspection by the Local Planning Authority upon request.

Reason: The building is unsuitable to accommodate a permanent residential use by reason of its size and conflict with planning Policy.

5 Bicycle Storage (Compliance)

No occupation of the development shall commence until the bicycle storage as shown on drawing 1269-21-101 REV A PROPOSED BLOCK PLAN received 22nd November 2021 has been provided on site. The bicycle storage shall be retained permanently thereafter.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

6 Wildlife Protection and Enhancement (Compliance)

The development hereby permitted shall be carried out only in full accordance with the approved recommended and proposed mitigation, compensation and enhancement measures described in the GREAT CRESTED NEWT AND REPTILE MITIGATION PLAN received 27th January 2022 and the ECOLOGICAL APPRAISAL received 1st March 2022.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

7 External Lighting (Bespoke Trigger)

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

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

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

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

8 Contaminated Land - Unexpected Contamination (Compliance)

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework. "

PLANS LIST:

This decision relates to the following plans:

All received 22nd November 2022

1269-21-001 rev A - Site Location Plan and Existing Block Plan

1269-21-002 EXISTING FLOOR PLAN

1269-21-003 EXISTING ELEVATIONS

1269-21-101 rev A - Proposed Block Plan and Bicycle/ Refuse Store

1269-21-102 - Proposed Subterranean Eco Holiday Accommodation

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy - 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

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.

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:	02		
Application No:	21/02973/OUT		
Site Location:	Parcel 3589, Silver Street, Midsomer Norton, Bath And North East Somerset		
Ward:	Midsomer Norton Redfield	Parish:	Midsomer Norton
		LB Grade:	N/A
Application Type:	Outline Application		
Proposal:	Outline planning permission for formation of access road, footpath and cycle links, open space, landscaping and associated works (All matters except access reserved).		
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Greenfield site, SSSI - Impact Risk Zones,		
Applicant:	Waddeton Park Ltd		
Expiry Date:	8th August 2022		
Case Officer:	Isabel Daone		

DECISION Defer to allow for further negotiations around the Heads of Terms for the Section 106 agreement

Item No:	03		
Application No:	21/04881/FUL		
Site Location:	Parcel 6536, Top Lane, Farmborough, Bath		
Ward: Bathavon South	Parish: Marksbury	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	The construction, installation, operation and subsequent decommissioning of a renewable energy scheme comprising ground mounted photovoltaic solar arrays together with substation compound, cable trench, inverters, transformer station, internal access track, landscaping, biodiversity measures, permissive footpath, security fencing, security measures, access improvements and ancillary infrastructure on the agricultural fields to the south of A368 and west of A39. At the end of decommissioning, the temporary permissive footpath would be removed.		
Constraints:	Clutton Airfield, Agric Land Class 1,2,3a, Coal - Referral Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Hazards & Pipelines, LLFA - Flood Risk Management, Policy NE5 Ecological Networks, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
Applicant:	Renewable Connections Developments Ltd.		
Expiry Date:	4th July 2022		
Case Officer:	Isabel Daone		

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

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

No construction or decommissioning shall take place until an arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation, during construction, landscaping operations and decommissioning phases. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE6 of the Placemaking Plan. This is a condition precedent because the works

comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

3 Construction Environmental Management Plan for Ecology (Pre-commencement)

No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall be in accordance with the approved Ecological Impact Assessment dated Sept 2021 by Clarkson and Woods, and shall also include the following:

- a) Risk assessment of potentially damaging activities
- b) Boundaries of mapped exclusion zones for the protection of ecologically sensitive species or retained habitats and features, with boundaries shown to scale on a plan, and details and specifications for proposed fencing, barriers, and warning signs, as applicable
- c) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person, and proposed pre-commencement checks and survey, including proposed reporting of findings to the Local Planning Authority Ecologist
- d) The times and frequency of visits during construction when a professional ecologist needs to be present on site to oversee works
- e) Responsible persons and lines of communication
- f) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), to include the location, timing and methodologies of specified works to avoid harm to wildlife and sensitive features, and to include measures for pollution control and covering runoff, dust, litter, chemical spillages, materials storage, vehicle movements, noise and lighting impacts

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to avoid harm to existing and retained habitats and species during site preparation and construction works. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

4 Construction Traffic Management Plan (Pre-commencement)

No development shall commence until a revised Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. In addition to the material already submitted it shall include:

- o a phasing plan defining distinct areas of the construction site and the order in which these will be delivered
- o any proposed street works, traffic management required to construct the proposed access and any temporary access arrangements
- o details of the layout of the temporary construction compound, with areas for parking, turning and storage of plant and equipment

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because any initial construction or

demolition works could have a detrimental impact upon highways safety and/or residential amenity.

5 Highway Condition Survey (Pre-commencement)

No development nor deliveries to the site shall take place (including investigation work, groundwork/site preparation/clearance, or siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed shall be agreed by the Local Planning Authority prior to the survey being undertaken.

The survey must consist of:

- o a plan to a scale of 1:1000 showing the location of all defects identified; and
- o a written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

6 Highway works - General Arrangement Plan (Pre-commencement)

No development shall take place until general arrangement plan(s) to a scale of 1:200 showing the PROPOSED SITE ACCESS ARRANGEMENTS number P20-1363 Figure 2.2 to the adopted highway has been submitted to and approved in writing by the Local Planning Authority, where applicable indicating proposals for:

- o Existing levels of the finished highway tying into building threshold levels
- o Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works labelled on the plan (if required as part of the proposals)
- o Signing, street furniture, street trees and pits
- o Structures on or adjacent to the highway
- o Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement) labelled on the plan (if required as part of the proposals)

The works shall be carried out in accordance with the approved details, prior to the first use of the site and to the satisfaction of the Local Planning Authority.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

7 Noise impact assessment (Pre-commencement)

No development shall commence until a noise impact assessment will be required to assess the potential impact of noise to existing nearby residents. The noise impact assessment should be implemented as approved.

Reason: To protect the residential amenity of nearby occupiers in accordance with policy D6. This condition is a precedent because it requires confirmation the development will not harm the residential amenity of nearby residents and any measures to mitigate impacts need to be implemented during construction.

8 Point of connection (Pre-commencement)

No development shall commence until details of the means of connecting the development to the electricity grid have been submitted to and approved in writing by the local planning authority. The development shall be connected to the electricity grid in accordance with the approved details.

Reason: To ensure the proposals deliver the estimated energy generation in accordance with the Very Special Circumstances justification.

9 Landscape Design Proposals (Bespoke Trigger)

Prior to the first exportation of electricity from the development to the electricity grid full details of both hard and soft landscape proposals and programme of implementation shall be submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure (including details of wildlife access points in fencing)
3. Other vehicle and pedestrian access and circulation areas
4. Hard surfacing materials
5. Minor artefacts and structures (e.g. storage units, signs, lighting)
6. Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)

Soft landscape details shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities
4. Details of proposed wildlife features including bird and bat boxes and new habitat planting.

The development shall proceed in accordance with the details approved.

Reason: To ensure the provision of amenity and a satisfactory quality of environment afforded by appropriate landscape design, in accordance with policies D1, D2, D4, NE3 and NE2 of the Bath and North East Somerset Placemaking Plan.

10 Landscape and Ecological Management Plan (LEMP) (Bespoke Trigger)

Prior to the first exportation of electricity from the development to the electricity grid full details of a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with recommendations of the approved Ecological Impact Assessment dated Sept 2021 by Clarkson and Woods and shall also include (but not be limited to):

- (i) A plan showing the boundary/ies of all land covered by the LEMP, and boundaries of habitats, management units / compartments, and locations of features and any other details as applicable
- (ii) A list of long-term wildlife conservation and landscape aims and objectives, to include: habitat specific; species-specific; and issue-specific objectives (as applicable) to include provision of suitable habitats and conditions for breeding skylark; and provision of

habitats and suitable conditions for other bird species as applicable including over-wintering birds

- (iii) Proposed measures to provide access for movement of wildlife across and around the site to include wildlife access points at frequent intervals in all fencing
- (iv) Proposed management prescriptions and operations; locations, timing, frequency, duration; methods equipment and personnel as required to meet the stated aims and objectives; to include proposed hedgerow maintenance regimes with minimum maintained hedgerow heights and widths stated
- (v) A list of activities and operations that shall not take place and shall not be permitted within the EMP Plan area (for example use of herbicides, waste disposal, inappropriate maintenance methods, storage of materials)
- (vi) Proposed long term monitoring and reporting scheme for the duration of the development, to include ongoing review and remediation strategy
- (vii) Proposals for habitat retention and long term provision beyond the life of the scheme
- (viii) Proposed costs, legal responsibility, and funding sources

All required measures shall be incorporated into and compatible with the wider scheme and shown to scale on all relevant plans and drawings including landscape design and planting plans. All works within the scheme shall be carried out, and the land managed, maintained and utilised thereafter only in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: in the interests of avoiding net loss and proving net gain of biodiversity, and to secure long term visual amenity.

11 Ecological Compliance Statement (Bespoke Trigger)

Prior to the first exportation of electricity from the development to the electricity grid a report produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by the ecologist) confirming and demonstrating, using photographs, adherence to and completion of all ecological measures as detailed in the approved CEMP and the approved Ecological Impact Assessment dated Sept 2021 by Clarkson and Woods, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the approved CEMP and all ecological mitigation and enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3, NE5 and D5e of the Bath and North East Somerset Local Plan.

12 Post Construction Survey (Bespoke Trigger)

Within 6 weeks of the first exportation of electricity from the development to the electricity grid, a post construction survey shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

13 Highway Repair Works (Bespoke Trigger)

Any damage to the adopted highway, caused by the construction vehicles associated with the development, as identified from the pre and post construction condition surveys shall be made good to the satisfaction of the local planning authority within 12 weeks of the first exportation of electricity from the development to the electricity grid.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

14 Public Right of Way (Bespoke Trigger)

No development shall take place over the route of any public right of way prior to the confirmation of a Town & Country Planning Act 1990 path diversion/stopping up order, if required to facilitate the development.

Reason: In the interests of public safety.

15 Paint Samples (Bespoke Trigger)

No structure shall be erected on site until a schedule of paint colours to be used has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate visual appearance to the minimise the impact of the proposals on the landscape in accordance with policy D1, D2, GB1 and NE2.

16 Turning Space (Pre-occupation)

No occupation of the development shall commence until the turning space shown on drawing PROPOSED SITE ACCESS ARRANGEMENTS number P20-1363 Figure 2.2 has been completed in accordance with the approved details. The turning space shall be kept clear of obstruction and available for use as a turning space at all times.

Reason: To ensure that vehicles can enter and leave the site in a forward gear in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

17 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; and details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

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

18 Hours of construction traffic (Compliance)

Any HGV construction traffic required to implement this planning permission shall be limited to outside the peak hours on Monday to Friday (1000-1600) and on Saturdays between 0800- 1900.

Reason: To ensure that safe operation of the highway and minimise traffic congestion in accordance with Policy ST1 & ST7 of the Bath and North East Somerset Placemaking Plan.

19 Arboricultural Compliance (Bespoke Trigger)

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

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

20 De-commissioning Strategy (Bespoke Trigger)

No less than six months before the 40th anniversary of the first export date, or six months after electricity supply to the grid has ceased for a continuous period of two years and there is no realistic prospect of the solar farm becoming operational again, a decommissioning and site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The decommissioning strategy shall include details of how plant and equipment's within the site will be removed, including any boundary treatments such as fences, and including the timescale for such works. The strategy shall include copies of pre-decommissioning ecological surveys, and which will inform any mitigation requirements. The site shall be decommissioned and restored in accordance with the details so approved.

The site will revert to Greenfield Land following decommissioning and will not be identified as previously development land.

Reason: To protect the landscape character and openness of the Green Belt in accordance with policies CP8, GB1 and NE2 of the Bath and North East Somerset Core Strategy and Placemaking Plan and to ensure sufficient ecological mitigation in accordance with policy NE3

21 Plans List (Compliance)

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

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

PLANS LIST:

21 Dec 2021	P20-1363_05 B	Landscape Strategy
14 Jan 2022	Mp-01 03	Marksbury Solar Farm Master Plan
14 Jan 2022	PI-01 10	Indicative Layout Plan
14 Jan 2022	Sd-01 01	Dno Substation Elevation And Dimension

14 Jan 2022	Sd-02 01	Customer Substation Elevations And Dimension
14 Jan 2022	Sd-03 01	Security Fence And Cctv Standard Details
14 Jan 2022	Sd-04 01	Access Gate Elevation
14 Jan 2022	Sd-05 01	Access Track Cross Section
14 Jan 2022	Sd-06 01	Inverter Elevations And Dimensions Layout
14 Jan 2022	Sd-07 01	Dno Track Cross Section Standard Detail
14 Jan 2022	Sd-08 01	Dno Substation Floor Plan
14 Jan 2022	Sd-09 01	Customer Substation Floor Plan
14 Jan 2022	Sd-10 01	Fixed Panel Cross Section Detail
14 Jan 2022	Sd-11 01	Indicative Cctv Post - Standard Drawings
14 Jan 2022	Sd-14 01	Inverter Floor Plan
14 Jan 2022	Sp-03 01	PV Site Location Plan

Permit/Consent Decision Making Statement

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

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy - 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

Public Right of Way Informative

1. It is essential that the Applicant arranges a Pre-construction site visit with Sheila Petherbridge (PROW Inspector - Tel 01225 394943) prior to any works taking place to discuss the intended fencing and hedging, removal of gating (if necessary), construction phase arrangements and the possible effects to the public rights of way.
2. If the construction and maintenance access route is intended to be permanent, there must be clear demarcation on the ground where it crosses the public footpaths and vehicles must make way for pedestrians at all times.
3. Both public footpaths currently have gates at both ends where they meet the highway. If gating is no longer needed, the PROW Team can arrange for the gates to be removed and reused at other sites. There must be no new gating installed at any point along either of the footpaths.
4. The PROW Team is not in favour of enclosing footpaths with fencing but recognises that the solar panels must be secured. It is noted that the perimeter fencing will be deer fencing, approximately 2 metres in height (Landscape and Visual Impact Assessment, Point 2.22). There must be no barbed wire adjacent to the footpaths. The Proposal shows new native hedging on the eastern side of BA15/25. A minimum of at least 3 metres width must be retained between the expected maximum width of the hedging / fencing to accommodate the footpaths.

This is to negate the impact of enclosure on the users of the footpath.

5. The PROW Team will not be responsible for the maintenance of the proposed fencing on either side of the two footpaths, or the maintenance of the proposed hedges. The hedges must be

maintained on a regular basis to ensure that the public footpath does not become obstructed.

6. There must be no effect to the surface, gradient, line or width of the footpath during or after

construction. Any damage to the footpath during the construction phase must be repaired to the

satisfaction of the PROW Inspector at Bath and North East Somerset Council.

7. A temporary path closure may be required to facilitate development. Full details of the process

involved can be found on the Council's website at:

<https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/public-rights-of-way/public-path-orders/temporary-path>

Responding to Climate Change (Informative):

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

Item No:	05	
Application No:	22/01299/FUL	
Site Location:	Frome House , Lower Bristol Road, Westmoreland, Bath	
Ward: Westmoreland	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Change of use of the existing building (excluding ground floor tyre repair centre) to 25 student bedspaces and associated works.	
Constraints:	Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Contaminated Land, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Railway, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,	
Applicant:	Crossman Acquisitions Ltd	
Expiry Date:	1st July 2022	
Case Officer:	David MacFadyen	

DECISION REFUSE

Item No:	06	
Application No:	22/00672/FUL	
Site Location:	13 Brookside Close, Paulton, Bristol, Bath And North East Somerset	
Ward: Paulton	Parish: Paulton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 1no four bed dwelling.	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, LLFA - Flood Risk Management, Neighbourhood Plan, SSSI - Impact Risk Zones,	
Applicant:	Mr Mike Baxter	
Expiry Date:	1st July 2022	
Case Officer:	Danielle Milsom	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Materials - Submission of Materials Schedule (Bespoke Trigger)

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

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

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

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

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

3 Soakaways (bespoke trigger)

The development hereby permitted is to manage surface water onsite using soakaways as indicated on the application form and/or approved drawings. Soakaways are to be

designed and constructed in accordance with Building Regulations Approved Document Part H section 3, noting the requirement for infiltration testing which should be undertaken at an early stage of the development to confirm viability of infiltration techniques.

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

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

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

4 Wildlife Protection and Enhancement Scheme (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, protection measures and proposed pre-commencement checks and update surveys, for the avoidance of harm to nesting birds, reptiles, amphibians and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works; and
- (ii) Detailed specification and location plan for native planting, provision of 2 x bat & 2 x bird boxes and hedgehog connectivity measures.

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

Reason: To prevent ecological harm in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) and to provide biodiversity gain in accordance with Policy NE3 of the Bath and North East Somerset Local Plan.

5 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a statement confirming and demonstrating, using photographs, completion and implementation of the Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and Policies NE3 and D5e of the Bath and North East Somerset Local Plan.

6 External Lighting (Bespoke Trigger)

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

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

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

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

7 Parking (Pre-occupation)

No occupation of the development shall commence until four parking spaces have been provided on-site and should be retained permanently thereafter.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

8 Bicycle Storage (Pre-occupation)

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

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

9 Rainwater Harvesting (Pre-occupation)

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

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

10 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

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

11 Sustainable Construction (Pre-Occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development

and submitted to the local planning authority together with the further documentation listed below:

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

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

12 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

Revised Drawing - 29 April 2022 - PLN-1 - Proposed Elevations, Floor Plan and Site Location Plan

OS Extract - 15 Feb 2022 - Site Location Plan

Condition Categories

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

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

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

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

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

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

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

Permit/Consent Decision Making Statement

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

Community Infrastructure Levy - 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

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.

Coal Mining - Low Risk Area (but within coalfield)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during

development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

Item No:	07		
Application No:	22/00443/FUL		
Site Location:	Pond House , Rosemary Lane, Freshford, Bath		
Ward: Bathavon South	Parish: Hinton Charterhouse	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Partial demolition of ancillary outbuilding and conversion of remaining building into granny annex. Erection of extensions following demolition of the south-west end of the existing dwelling.		
Constraints:	Agric Land Class 3b,4,5, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE3 SNCI, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, All Public Rights of Way Records, SSSI - Impact Risk Zones,		
Applicant:	Mr and Mrs Walters		
Expiry Date:	18th April 2022		
Case Officer:	Angus Harris		

DECISION REFUSE

1 The proposed development represents inappropriate development in the Green Belt and would be harmful to openness and the purposes of including land within the Green Belt. The proposal is therefore contrary to policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

2 The proposed development by virtue of its scale and massing would detract from the character of the existing building and adversely affect the natural beauty of the landscape of the designated AONB. The proposal is therefore contrary to policy NE2, D1, D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) as well as the Freshford and Limpley Stoke Neighbourhood Plan Planning, and the NPPF.

PLANS LIST:

This decision relates to the following plans:

Drawing - 01 Feb 2022 - 387(10)002 - EXISTING AND PROPOSED SITE PLANS
Drawing - 01 Feb 2022 - 387(20)001 - EXISTING GROUND AND FIRST FLOOR LAYOUTS
Drawing - 01 Feb 2022 - 387(20)002 - PROPOSED GROUND AND FIRST FLOOR LAYOUTS
Drawing - 01 Feb 2022 - 387(20)003 - EXISTING GROUND AND FIRST FLOOR LAYOUTS WITH PERMITTED DEVELOPMENT
Drawing - 01 Feb 2022 - 387(21)001 - EXISTING ELEVATIONS
Drawing - 01 Feb 2022 - 387(21)002 - EXISTING ELEVATIONS 2
Drawing - 01 Feb 2022 - 387(21)003 - PROPOSED ELEVATIONS

Drawing - 01 Feb 2022 - 387(21)005 - EXISTING ELEVATIONS WITH PD
Drawing - 01 Feb 2022 - 397(24)001 - 3D IMAGES
OS Extract - 01 Feb 2022 - 0387(10)004 B - SITE LOCATION PLAN
Drawing - 25 May 2022 - VOLUME COMPARISON TABLE PLAN

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

Community Infrastructure Levy

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

Item No:	08	
Application No:	22/00624/FUL	
Site Location:	136 The Hollow, Southdown, Bath, Bath And North East Somerset	
Ward: Southdown	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Loft conversion with side and rear dormers (Resubmission)	
Constraints:	Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Andrew Webster	
Expiry Date:	4th July 2022	
Case Officer:	Angus Harris	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

Drawing - 11 Feb 2022 - 002 - EXISTING PLANS
Drawing - 11 Feb 2022 - 003 - EXISTING ROOF PLAN
Drawing - 11 Feb 2022 - 004 - EXISTING ELEVATIONS
Drawing - 11 Feb 2022 - 005 - PROPOSED PLANS
Drawing - 11 Feb 2022 - 006 - PROPOSED ROOF PLAN
Drawing - 11 Feb 2022 - 007 - PROPOSED ELEVATIONS
OS Extract - 11 Feb 2022 - 001 - LOCATION AND BLOCK PLAN

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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