

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 10th April, 2024, 11.00 am

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

103 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

104 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence had been received from Cllr Toby Simon. Cllr Ruth Malloy was in attendance as substitute.

105 DECLARATIONS OF INTEREST

It was noted that Cllr Fiona Gourley would withdraw from the Committee for consideration of items (4) 24/00196/LBA - 31 James Street West, City Centre, Bath and (5) 22/02169/EOUT – Parcel 4234, Combe Hay Lane, Combe Hay, Bath and address the Committee during consideration of item (5) as ward Councillor.

Cllr Hal MacFie declared an interest in item (4) 24/00196/LBA - 31 James Street West, City Centre, Bath and withdrew from the meeting during consideration of this item.

Cllr Paul Crossley declared an interest in item (5) 22/02169/EOUT – Parcel 4234, Combe Hay Lane, Combe Hay, Bath as a Council representative on Cotswolds AONB Conservation Board. He stated that he had reconsidered his position since the previous meeting where the application was discussed and decided that he should withdraw from the meeting during consideration of the item.

Cllr Lucy Hodge stated that item (1) 23/03610/FUL - 9 Van Diemen's Lane, Lansdown, Bath was in her ward but did not declare an interest and participated in the debate on that item.

106 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

107 ITEMS FROM THE PUBLIC

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.

108 **MINUTES OF THE PREVIOUS MEETING**

It was moved by Cllr Eleanor Jackson seconded by Cllr Tim Warren and:

RESOLVED that the minutes of the meeting held on Wednesday 13 March 2024 be confirmed as a correct record for signing by the Chair.

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

There were no site visit applications for consideration.

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

The Committee considered:

A report and update report by the Head of Planning on the applications under the main applications list.

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

(1) **23/03610/FUL - 9 Van Diemen's Lane, Lansdown, Bath**

The Planning Case Officer introduced the report which considered an application for engineering and landscaping works to the rear garden of a 2-storey detached property to provide multiple levels, including the use of gabion retaining walls.

He gave a verbal update to confirm it was a retrospective application and the fifth paragraph under the title of "Residential Amenity" in the report had been included in error as the vegetation mentioned had been removed.

He confirmed the officers' recommendation that permission be refused for the reasons set out in the report.

The following public representations were received:

1. Nick Ruxton objecting to the application.
2. Richard Hayes, supporting the application.

Cllr Mark Elliott, local member, was unable to attend and asked for a statement to be read out in his absence summarised as follows:

1. He supported the officer's recommendation to refuse the application.
2. The garden was visible from the surrounding countryside and there would be an impact of the gabion wall on the green belt and Area of Outstanding Natural Beauty (AONB).
3. There would also be a detrimental impact on the residential amenity of the residents of a neighbouring property.

In response to Members' questions, it was confirmed:

1. A part of the garden was in the green belt and AONB. There were no very exceptional circumstances put forward to justify development in the green belt.
2. Officers were not aware of any problems relating to subsidence at the site.
3. The plans showed that the height of the gabion wall would remain at the existing height.
4. The land beyond the gabion wall was not in the ownership of the applicant and therefore it would not be possible to add a landscaping condition in relation to this land. Any planting would need to be in the boundary of the application site.
5. The retention of the hedgerow had been conditioned by a previous application but as it was outside the ownership of the applicant, this was not enforceable.
6. The garden level would be higher as a result of the development. The site was particularly visible when compared with other nearby properties.

Cllr Lucy Hodge opened the debate as Ward Councillor. She stated that she agreed with the officer recommendation to refuse the application on the grounds of the impact on the AONB and green belt, but also suggested there were further reasons for refusal as the application would have a detrimental impact on the neighbouring property due to overlooking and a further impact on ecology as a result of the removal of the hedgerow. The Case Officer advised that the ecological reason for refusal was not appropriate due to the hedgerow being outside the boundaries of the application site. Cllr Lucy Hodge moved that the application be refused due to the reasons set out in the report and an additional reason relating to the detrimental impact on the neighbouring property due to overlooking. This was seconded by Cllr Ian Halsall.

Cllr Tim Warren stated that he was not convinced that the application would result in harm to the green belt and AONB and did not support the motion.

Cllr Paul Crossley spoke in support of the motion in view of the obligation of the Council to protect the green belt.

On being put to the vote the motion was CARRIED (9 in favour, 0 against, 1 abstention)

RESOLVED that the application be refused for the reasons set out in the report relating to the harm to the green belt and Area of Outstanding Natural Beauty and an additional reason that the development would have a detrimental impact on residential amenity due to overlooking of the neighbouring property.

(2) 23/04499/FUL - 88 Whiteway Road, Whiteway, Bath

The Planning Case Officer introduced the report which considered an application for the demolition of an existing dwelling and erection of 2 semi-detached 3-bedroom dwellings. He confirmed the officer's recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Matthew Turner objecting to the application.
2. Holly Wilding, applicant, supporting the application.

In response to Members' questions, it was confirmed:

1. It had been recognised that the existing wall was an important feature of the street scene and a low boundary wall would be retained as part of the development.
2. The design had been amended to minimise impact to the neighbouring property in terms of loss of light. The roof dormers would not cause unacceptable harm in terms of overlooking neighbouring properties.
3. The maximum height of the development would be taller than neighbouring properties but the eaves were lower. The height range was similar to surrounding houses.
4. An electric charging point was a building regulations issue. The proposed parking spaces were a standard size and there was no policy requirement for visitor parking.

Cllr Paul Crossley opened the debate as Ward Councillor. He expressed the view that the application constituted overdevelopment of a small site and proposed that the application be refused. Cllr Eleanor Jackson seconded the motion and stated that there would be a loss of amenity to neighbouring properties. She also expressed concern at the loss of a bungalow although it was noted that there was no Council policy that bungalows should be preserved.

Cllr Ian Halsall spoke in support of the application, stating that it was an eco-friendly design and a good use of the land.

Cllr Tim Warren also spoke in support of the application and noted the benefit in creating an additional home.,

Cllr Fiona Gourley stated that the design reflected the opposite terrace of houses, and she would also support the application.

On being put to the vote the motion was NOT CARRIED (2 in favour, 8 against)

Cllr Lucy Hodge stated that she would support the application subject to the boundary wall being a "cock and hen" style in keeping with the character of the area and the wall being retained for the lifetime of the development. She therefore proposed that officers be delegated to permit the application subject to additional conditions relating to the design and retention of the wall. This was seconded by Cllr Ian Halsall.

On being put to the vote the motion was CARRIED (8 in favour, 2 against)

RESOLVED that officers be given delegated authority to permit the application subject to the conditions set out in the report and additional conditions to secure the design of the wall in keeping with the character of the local area and the retention of the wall for the lifetime of the development.

(3) 23/03554/FUL - Greenways, Stoneage Lane, Tunley, Bath

The Planning Case Officer introduced the report which considered an application for a 2-storey dwelling to replace an existing bungalow.

He gave a verbal update to confirm that the word "not" was missing from the last

paragraph relating to principle of development in the green belt and so it should read "As such, these measures are not Very Special Circumstances."

He confirmed the officers' recommendation that permission be refused for the reason set out in the report that the proposal would result in inappropriate development in the green belt.

The following public representations were received:

1. Alex Manning supporting the application.

Cllr Matt McCabe was in attendance to speak as ward Councillor and he also reported the comments of the Parish Council as follows:

1. There was strong support for the application from the Parish Council and local neighbours who agreed it would be an improvement to demolish a poorly built, ageing bungalow and replace it with an improved dwelling which would be a better design and more energy efficient. There was a fall-back position as a result of the Certificate of Lawfulness and it was the view of the Parish Council that the proposal was an improvement to the fall-back position.
2. He supported the view of the Parish Council and local residents in supporting the application and took the view that a 23% increase did not constitute a material larger property and that any harm to the openness of the green belt was minimal. The proposed building would be built to a high standard.

He asked the Committee to permit the development.

In response to Members' questions, it was confirmed:

1. The officer's conclusion was that the proposal had a greater impact on the green belt than the fall-back position in terms of the openness of the green belt. The increase in height and massing was more visual and prominent when viewed from the main road.
2. The proposal was 23% larger than the original building.
3. The Certificate of Lawfulness was not a test of acceptability in planning terms.

Cllr Fiona Gourley opened the debate as ward Councillor and confirmed that the Parish Council and neighbours supported the application. She stated her view that the scheme was an improvement on the existing and fallback position and made a better use of space and she did not consider there was an impact on the openness of the green belt as it was surrounded by other properties. She proposed that the application be permitted for these reasons. This was seconded by Cllr Shaun Hughes.

Cllr Ian Halsall spoke in support of the motion and stated the benefit of a new dwelling which would be eco efficient.

Cllr Paul Crossley spoke in support of the motion but made a general comment about whether there should be a policy relating to the retention of bungalows to allow for a mix of housing within Bath and North East Somerset.

Cllr Eleanor Jackson also suggested it would be useful for the committee to have training on Certificates of Lawful Use.

On being put to the vote the motion was CARRIED (10 in favour, 0 against)

RESOLVED that the application be permitted subject to suitable conditions for the following reason:

The development was considered to be appropriate in the green belt, it was surrounded by other properties and would not cause substantial harm to the openness of the green belt.

(4) 24/00196/LBA - 31 James Street West, City Centre, Bath

Cllr Hal MacFie withdrew from the meeting during the consideration of this item.

Cllr Fiona Gourley withdrew as a member of the Committee for the remainder of the meeting.

The Planning Case Officer introduced the report which considered a listed building application for replacement lead gutter, roofing felt and battens. She confirmed the officer's recommendation that the consent be granted subject to the conditions set out in the report.

There were no public speakers in relation to the application.

Cllr Tim Warren moved the officer recommendation that consent be granted. This was seconded by Cllr Eleanor Jackson.

On being put to the vote the motion was CARRIED (7 in favour, 0 against and 1 abstention)

RESOLVED that consent be granted subject to the conditions set out in the report.

(5) 22/02169/EOUT – Parcel 4234, Combe Hay Lane, Combe Hay, Bath

The Planning Case Officer introduced the report which considered a hybrid application as follows:

1. An outline application for Phases 3 and 4 for up to 290 dwellings; landscaping; drainage; open space; allotments; footpaths and emergency access; all matters reserved, except access from Combe Hay Lane via the approved Phase 1 spine road.
2. Detailed application for the continuation of the spine road (from Phase 1), to and through Sulis Manor and associated works comprising: the demolition of existing dilapidated buildings and tree removal; drainage; landscaping; lighting; boundary treatment; and the erection of 4 x Bat Night Roosts; to enable construction of the spine road; with the ecologic mitigation on Derrymans and the field known as 30Acres.

He gave a verbal update to confirm:

1. There had been a further letter from Combe Hay and South Stoke Parish Councils in relation to the update report.
2. There had been changes in national policy since the November meeting including duty under section 85 of the Countryside and Rights of Way Act 2000 to seek to further the purposes of the Area of Outstanding Natural Beauty (AONB) and a new version of the National Planning Policy Framework (NPPF).

He confirmed that the updates did not change the recommendations of officers.

He drew attention to issues raised in relation to the application and responded as follows:

1. Number of dwellings for both phases was 461 which was higher than the 300 allocation – the figure of 300 in the Core Strategy was not a cap, the number could be greater if the placemaking principles of the allocation could be met.
2. The Masterplan was not comprehensive – the masterplan did cover the full extent of the allocation with sufficient level of detail of what was proposed.
3. The allocation was for mixed use and the application was for residential - the requirement for mixed and community use covered the whole allocation and there were other uses outside of this application.
4. Highways impact – further assessments had been undertaken since the last meeting by the applicant and third parties. The applicant's assessment demonstrated there had not been a significant change since the previous assessment. The third party assessment showed an increase in cars queueing for an additional 2 minutes on the park and ride roundabout during the morning peak time as a result of the use of pedestrian crossing during this time. The evidence from drone footage and traffic surveys had been analysed by officers and there was not found to be sufficient evidence of rat running. The policy test as set out in paragraph 115 of the National Planning Policy Framework was that impact needed to be severe, and there was guidance and case law to demonstrate that driver queueing was not in itself a reason, there had to be a consequence of the queueing such as impact on emergency vehicles/public transport network. The view of officers was that there would not be a severe impact.
5. Loss of trees due to the spine road – there would be a loss of trees and this was regrettable. Other options to access the site were not considered to be viable. The impact on trees was minimalised and there would be replacement planting. A large number of the trees were Ash and would need to be replaced with or without the development due to Ash dieback disease.
6. AONB exceptional circumstances were not met – officers considered there to be exceptional circumstances due to the housing need. This was found to be the case in 2014 when the site was originally allocated, and the allocation was brought forward as part of the Local Plan Partial Update (LPPU) and so it was an up-to-date allocation.
7. Brownfield sites should be used for development before greenfield sites – there was no requirement to deliver on brownfield sites first, both greenfield and brownfield sites were required to deliver on housing needs, including affordable housing. Brownfield sites were often more difficult to deliver affordable housing.
8. Affordable housing. The scheme consisted of 40% affordable housing.
9. Wansdyke Crossing/alternative route. Scheduled monument consent was outside the control of the Council and applicant. The applicant was required to use reasonable endeavours to secure this, and consent had now been granted for an archaeological investigation.

He confirmed the recommendation that officers be delegated to permit the application subject to:

- (1) Authorising the Head of Legal and Democratic Services to enter into a Section 106 Agreement to cover the heads of terms detailed within the report.
- (2) the conditions set out in the report (or such conditions as may be

appropriate).

Cllr Paul Crossley withdrew from the meeting at this point.

The following public representations were received:

1. Malcolm Austwick, Combe Hay Parish Council objecting to the application.
2. Paul Beazley-Long, South Stoke Parish Council objecting to the application.
3. Dr Ned Garnett (South of Bath Alliance) and Alex Sherman (Bath Preservation Trust) objecting to the application.
4. Peter Frampton, Frampton Town Planning, supporting the application.

Cllr Joel Hirst addressed the Committee as adjacent ward member and raised the following issues:

1. The report overstated the benefits and understated the harms of the proposed development.
2. The Cotswold AONB had taken the view that exceptional circumstances had not been demonstrated.
3. The site was not mixed use and residents would be isolated with no community facilities.
4. There was a lot of local concern about traffic issues including rat running and driver behaviour near roundabouts.
5. The development would cause harm to Sulis Manor.
6. Too little had been done to secure the Wansdyke Crossing.
7. 40% affordable housing should not be the reason to outweigh the harm of developing in the AONB.

He asked the Committee to refuse the application.

Cllr Fiona Gourley addressed the Committee as ward Councillor and raised the following issues:

1. There had been an increase in the number of dwellings compared with the original allocation – what were the exceptional circumstances to justify this increase?
2. Although affordable homes were important, there was a history of developers not fulfilling this commitment. This could not be considered an exceptional circumstance.
3. There was a new statutory duty in relation to the AONB. The development risked the AONB status of the plateau.
4. The ecological mitigations were not enough.
5. Progress was slow in securing the Wansdyke crossing.
6. The loss of public transport meant that more people were dependent on using cars to access Bath. The additional traffic from 460 homes would have an impact and there were not enough developer contributions for traffic mitigations.

She urged the Committee to refuse the application.

In response to Members' questions, it was confirmed:

1. The 2014 allocation was still valid as the allocation had been brought forward as part of the LPPU. The LPPU would have been an opportunity to review this allocation, but that did not happen and so it was part of the up-to-date development plan. Therefore, the principle of development on the site was established and should be given considerable weight.
2. B&NES currently had a 6.14 year supply of housing, and while that was good,

- there was no room for complacency. The new NPPF still required local authorities to meet the housing delivery test.
3. Only very limited weight could be given to the new Local Plan options document as the number of homes had not yet been set and the options set out may not come to fruition.
 4. The number of houses was in the acceptable policy range for density.
 5. It was not possible to confirm if the target of affordable housing could be met if this development did not go ahead but the Housing Team was satisfied with the rate of delivery of affordable housing as part of phase 1 of the development and supported this application.
 6. There was no allocation for the agricultural land, and this was still located within the green belt.
 7. The spine road would still be required even if the development was for 129 homes as it was the only feasible access.
 8. In terms of impact on highways the term “severe” was not defined within the NPPF but there was case law which established that delays/traffic queueing did not equate to a “severe” impact, there needed to be a consequence such as a diversion, impact on other junctions and gridlock, delays to emergency vehicles or public transport and risk to safety.
 9. Combe Hay Lane had been examined in detail in terms of rat running as this was the particular area of concern raised by objectors.
 10. The VISSIM model had not been used as it was 10 years old, pre-Covid and the range of assumptions had now been superseded.
 11. No objections had been received from Avon and Somerset Police or the Fire and Rescue Service.
 12. The number of vehicle trips from the phase 1 development was 23% lower than expected.
 13. In terms of mixed developments, the policy was not specific on what should be included. It was not in the developer’s gift to provide a shop on site.
 14. The site was within walking distance from a number of schools, a supermarket and the Park and Ride bus service.
 15. Wansdyke monument consent was outside the control of the Council and applicant, and it was not possible to comment on timescales in securing consent.

Cllr Shaun Hughes stated that while there were positives about the development including the 40% affordable housing and the relatively sustainable location, there were also concerns including the number of proposed dwellings and the lack of community space and facilities. Cllr Tim Warren concurred with this view.

Cllr Ian Halsall stated that while it was an allocated site, he was concerned about the harm to the AONB and that the density of housing without community facilities could lead to social isolation. He expressed the view that employment benefits would be short term and that the Council could deliver affordable housing without the scheme.

Cllr Lucy Hodge expressed concern that there was not the right infrastructure to make it a sustainable place to live and stated that the application was not compliant with placemaking principles P1 and P7. Cllr Eleanor Jackson agreed and raised further concerns about the loss of trees.

Cllr Duncan Hounsell stated the land had been allocated for housing in 2014 and this had remained in the LPPU and that advice from officers was that the highway

implications would not be severe. He stated that it was a sustainable development and that the benefits would outweigh the harm.

Cllr Ruth Malloy questioned whether the shared pathway across the Wansdyke was achievable. She also expressed concerns about the harm to the Bath World Heritage site and Great Spa Towns of Europe Heritage site and Sulis Manor non designated heritage asset.

Cllr Tim Warren moved that the application be refused for the reasons outlined by Members relating to harm to AONB, impact on World Heritage/Great Spa Towns or Europe/Sulis Manor, lack of mixed facilities and uncertainty of securing the Wansdyke Crossing to ensure a sustainable development and the loss of trees. This was seconded by Cllr Lucy Hodge.

On being put to the vote the motion was CARRIED (7 in favour, 1 against)

RESOLVED that the application be refused for the following reasons:

1. AONB – the proposal represented a major development in the Cotswolds Area of Outstanding Natural Beauty and exceptional circumstances had not been demonstrated. There would be an adverse impact of the AONB which had not been avoided or minimised.
2. Heritage - the proposal would harm the Outstanding Universal Values of the City of Bath World Heritage Site and Great Spa Towns of Europe Heritage site as well as the Sulis Manor non-designated heritage asset.
3. Placemaking Principles – Sustainable community – due to the lack of Scheduled Monument Consent for a shared use crossing of the Wansdyke monument, the proposed development failed to provide an active travel link and the failure to provide a mix of uses would not create a sustainable community.
4. Trees and woodland - the proposed development would adversely impact on a large number of trees with significant value.

111 **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 5.41 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT
THE MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 10
April 2024**

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	OBJECTING/ SUPPORTING
1	23/03610/FUL - 9 Van Diemen's Lane, Lansdown, Bath	Nick Ruxton	objecting
		Richard Hayes, applicant	supporting
		Cllr Mark Elliot (to be read out in absence)	Ward Councillor
2	23/04499/FUL - 88 Whiteway Road, Whiteway, Bath	Matthew Turner	objecting
		Holly Wilding, applicant	supporting
3	23/03554/FUL - Greenways , Stoneage Lane, Tunley, Bath	Alex Manning, applicant	supporting
		Cllr Matt McCabe	Ward Councillor
4	24/00196/LBA - 31 James Street West, City Centre, Bath	No speakers	
5	22/02169/EOUT – Parcel 4234, Combe Hay Lane, Combe	Malcolm Austwick, Combe Hay Parish Council (3 minutes)	objecting

	Hay, Bath	Paul Beazley Long, South Stoke Parish Council (3 minutes)	
		Dr Ned Garnett – South of Bath Alliance (3 minutes) Alex Sherman – Bath Preservation Trust (3 minutes)	objecting
		Peter Frampton, Frampton Town Planning (6 minutes)	supporting
		Cllr Joel Hirst – adjacent Ward Councillor (5 minutes) Cllr Fiona Gourley – Ward Councillor (5 minutes)	objecting

BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
10th April 2024
DECISIONS

Item No:	01	
Application No:	23/03610/FUL	
Site Location:	9 Van Diemen's Lane, Lansdown, Bath, Bath And North East Somerset	
Ward: Lansdown	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Revised gabion walls to the East boundary and revised levels to the lawns in this position. (Retrospective)	
Constraints:	Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Policy NE3 SNCI, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, SSSI - Impact Risk Zones,	
Applicant:	R Hayes	
Expiry Date:	12th April 2024	
Case Officer:	Sam Grant	

DECISION REFUSE

1 The proposed development constitutes inappropriate development in, and reduces the openness of, the Green Belt. There are not considered to be any material considerations weighing in favour of the development, nor have any considerations put forward, which are considered to clearly outweigh the harm to the green belt coupled with the other harms identified, so as to amount to the very special circumstances necessary to justify granting permission. Consequently, the proposed development is contrary to policy CP8 of the Core Strategy and Policies GB1, D2 and NE2A of the Placemaking Plan, NE2 of the Local Plan Partial Update, and part 13 of the NPPF.

2 Due to the scale, siting and design, the proposal would harm the local landscape character, features, distinctiveness and views of this part of the Cotswolds National Landscape (AONB). The proposal does not contribute or respond to the local context and does not maintain the character and appearance of the surrounding area. As such it is contrary to policies NE2 of the Local Plan Partial Update, Policy D2 and NE2A of the BANES Placemaking Plan and the NPPF.

3 The proposed releveling of the rear garden and the introduction of the gabion basket retaining wall, would result, by virtue of overlooking, in an unacceptable impact on the

residential amenity of the adjoining neighbour of 10 Van Diemen's Lane. The proposal is therefore contrary to policy D6 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

This Decision relates to the following plans:

Drawing	26 Sep 2023		SOUTH WEST SURVEYS - LAND OR
THE NORTH OF VAN DIEMENS LANE			
Drawing	26 Sep 2023	002	EXISTING SITE PLAN
Drawing	26 Sep 2023	003	PROPOSED SITE PLAN
Drawing	26 Sep 2023	004	ELEVATION LOCATION PLAN
Drawing	26 Sep 2023	005	EXISTING ELEVATIONS A AND B
Drawing	26 Sep 2023	006	EXISTING ELEVATIONS C AND D
Drawing	26 Sep 2023	007	PROPOSED ELEVATIONS A AND B
Drawing	26 Sep 2023	008	PROPOSED ELEVATIONS C AND D
Drawing	26 Sep 2023	4046 - 11A	WEST RETAINING WALL
OS Extract	26 Sep 2023		LOCATION PLAN

Community Infrastructure Levy

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 39-43 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No:	02
Application No:	23/04499/FUL
Site Location:	88 Whiteway Road, Whiteway, Bath, Bath And North East Somerset
Ward: Southdown	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Demolition of exiting dwelling and erection of 2 no. semi-detached, 3 no. bedroom dwellings (use class C3).
Constraints:	Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones,
Applicant:	Marptree Design & Build LTD
Expiry Date:	12th April 2024
Case Officer:	David MacFadyen

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 Construction Management Plan (Pre-commencement)

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

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

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

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset

Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

3 Housing Accessibility (Pre-commencement)

Prior to the commencement of development (excluding demolition or site preparation works), a plan identifying 1 no. dwelling forming part of the development hereby approved, that will be constructed to meet the optional technical standards M4(2) (accessible and adaptable dwellings) in the Building Regulations Approved Document M, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the optional technical standards for accessibility for market housing in accordance with policy H7 of the Bath and North East Somerset Council Local Plan Partial Update (2023). This is a pre-commencement condition as identification of M4(2) dwellings is required prior to detailed design and construction being undertaken.

4 Materials - Submission of Detailed Construction Specifications and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a detailed schedule of proposed construction materials and finishes, and samples (as necessary) of the materials to be used in the construction of the external surfaces (including walls, roofs, windows, doors, lintels, sills, banding, porches, dormers, rainwater goods etc.) have been submitted to and approved in writing by the Local Planning Authority. The schedule must reflect the materials indicated on the approved drawings (drawing nos. P 200-01 REV A and P 200-02 REV A) and shall include:

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

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

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

5 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights, details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby vegetation and adjacent land, and to avoid

harm to bat activity and other wildlife. The lighting shall be installed 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 policy NE.3 of the Bath and North East Somerset Placemaking Plan.

6 Flood Risk and Drainage - Infiltration Testing (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.

7 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details (drawing nos. P100-05 REV B Biodiversity Map and P 200-01 REV A East & West Elevations). This shall include planting of 6 no. trees as set out in the Landscaping Scheme hereby approved. 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.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

8 Ecological and Biodiversity Net Gain Compliance Report (Pre-Occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist based on post-construction site visit and inspection, and confirming and demonstrating, using photographs, completion and implementation of ecological measures as detailed in the approved ecology report and Biodiversity Net Gain Plan (Preliminary Ecological Appraisal dated October 2023 by Cotswold Environmental Ltd. and Biodiversity Map drawing no. P100-05 REV B) has been submitted to and approved in writing by the Local Planning Authority.

The Ecological and Biodiversity Net Gain Compliance Report shall demonstrate that all wildlife, habitat and biodiversity enhancement measures proposed at planning stage have been delivered as part of the development. The report shall also include details of:

1. Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented;
2. Confirmation of compliance with the method statements referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
3. Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented.

All measures within the scheme shall be retained, adhered to, monitored and maintained thereafter in accordance with the approved details.

Reason: To prevent ecological harm and to ensure that biodiversity net gain is successfully provided in accordance with policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update.

9 Front Boundary Walls (Pre-occupation/Compliance)

Prior to first occupation of the dwellings hereby permitted, the proposed front boundary walls shall be constructed with stone retained from the existing front boundary wall, including cock and hen capping, in the positions as shown on drawing no. P 100-01 Proposed Ground Floor Plan. The boundary walls shall then be retained in perpetuity in accordance with the approved plans.

Reason: To ensure that the development maintains the appearance and character of the streetscene, and includes a robust, high quality, form of enclosure between the site and the public highway in accordance with Policies D2, D3, D4 and D5 of the Bath & North East Somerset Local Plan.

10 SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Minor Residential Development:

1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)

All Residential Development:

3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update and the Sustainable Construction Checklist SPD (2023).

11 Cycle Parking (Pre-occupation)

Prior to first occupation of the development, details of secure, weathertight and illuminated storage for at least 3 no. bicycles per house shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the cycle parking is installed in accordance with the approved details. The cycle parking shall be retained permanently in accordance with the agreed details thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

12 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

13 Dwelling Access (Compliance)

Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

14 Precautionary Working Methods for Bats and Birds (Compliance)

The development shall be implemented in full accordance with the recommendations of the Preliminary Ecological Assessment (Protected Species Report for Bats and Nesting Birds dated September 2023 by Cotswold Environmental Ltd. and Preliminary Ecological Appraisal dated October 2023 by Cotswold Environmental Ltd.) including following measures for the protection of bats and birds:

1. A careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the building and its roof, prior to any works affecting these areas;
2. Active nests shall be protected undisturbed until the young have fledged;
3. Works to the roof and any areas with potential to support concealed spaces or crevices shall be carried out by hand, lifting tiles (not sliding) to remove them, and checking beneath each one.
4. If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.

Reason: To protect nesting birds and bats and prevent ecological harm in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE3 of the Bath and North East Somerset Local Plan Partial Update.

15 Parking (Compliance)

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

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

16 Bin & Recycling Storage (Compliance)

The bin and recycling stores forming part of the development hereby approved (identified on Proposed Ground Floor Plan drawing no. P 100-01 REV A) shall be constructed in accordance with the approved details and used solely for the purpose of storage of bins, waste and recycling boxes thereafter. Bins and recycling boxes associated with the development shall be returned to the approved store as soon as possible following collection and must not be stored outside the boundary of the site at any time.

Reason: In the interests of the safe and free flow of the surrounding highway network as well as the amenity of the area as required by policies D6 and ST7 of the Bath & North East Somerset Local Plan, Transport and Development SPD and B&NES Waste Planning Guidance (2019).

17 Water Efficiency (Compliance)

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

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

18 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

Site Location Plan	1000 1000-E101 REV A	1st December 2023
Site Block Plan	1000 1000-E102 REV A	1st December 2023
Existing Drawings	1000 1000-E103 REV A	1st December 2023
Proposed Ground Floor Plan	P 100-01 REV A	23rd February 2024
Proposed First Floor Plan	P 100-02 REV A	23rd February 2024
Proposed Second Floor Plan	P 100-03 REV A	23rd February 2024
Proposed Roof Plan	P 100-04 REV A	23rd February 2024
Proposed Landscaping Biodiversity Plan	P 100-05 REV A	23rd February 2024
Proposed East & West Side Elevations	P 200-01 REV A	23rd February 2024
Proposed North & North Front & Rear Elevations	P 200-02 REV A	23rd February 2024

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.

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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

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Highways Access Advice Note

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

Highways Access Advice Note

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

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

All bats in England are protected under the Wildlife and Countryside Act 1981 as amended and the Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence to kill, injure or take a bat, and damage, destroy or obstruct access to any place that a bat uses for shelter or protection (including trees). This includes bat roosts whether bats are present or not. It is also illegal to disturb a bat whilst it is occupying a structure or place that it uses for shelter or protection.

Wessex Water

The Developer should contact Wessex Water in relation to agreeing connections to their network.

<https://developerservices.wessexwater.co.uk/your-project/developing-a-new-site>

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Wessex Water

The Developer should contact Wessex Water in relation to agreeing any connections to their network.

<https://developerservices.wessexwater.co.uk/your-project/developing-a-new-site>

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.

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Item No:	03
Application No:	23/03554/FUL
Site Location:	Greenways , Stoneage Lane, Tunley, Bath
Ward: Bathavon South	Parish: Dunkerton & Tunley Parish Council
LB Grade:	N/A
Application Type:	Full Application
Proposal:	Erection of 1no. 2 storey dwelling to replace existing bungalow.
Constraints:	Agricultural Land Classification, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy GB2 Infill Boundary, Housing Development Boundary, SSSI - Impact Risk Zones,
Applicant:	Mr Manning
Expiry Date:	8th January 2024
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.

3 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of the 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 the 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.

4 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.

5 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.

6 SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Minor Residential Development:

1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)

All Residential Development:

3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update.

7 Implementation of Landscaping Scheme (Bespoke Trigger)

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

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting

season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

PLANS LIST:

This decision relates to the following plans:

Drawing	22 Sep 2023	2354-01 P8	EXISTING BLOCK/ROOF PLAN AND SITE LOCATION PLAN
Drawing	22 Sep 2023	2354-02 P8	EXISTING GROUND FLOOR PLAN
Drawing	22 Sep 2023	2354-03 P8	EXISTING ELEVATIONS AND SITE SECTION
Drawing	22 Sep 2023	2354-04 P8	EX ELEVATIONS SHEET 2
Drawing	22 Sep 2023	2354-05 P8	PROPOSED BLOCK/ROOF PLAN
Drawing	22 Sep 2023	2354-06 P8	PROPOSED GROUND FLOOR PLAN
Drawing	22 Sep 2023	2354-07 P8	PROPOSED FIRST FLOOR PLAN
Drawing	22 Sep 2023	2354-08 P8	PROPOSED ELEVATIONS
Drawing	22 Sep 2023	2354-09 P8	PROPOSED ELEVATIONS AND SITE SECTIONS SHEET 2
Drawing	22 Sep 2023	2354-10 P8	PROPOSED GARDEN ROOM PLAN AND ELEVATIONS
Drawing	13 Nov 2023	2354-01 P9	EXISTING BLOCK/ROOF PLAN AND SITE LOCATION PLAN
Drawing	13 Nov 2023	2354-05 P9	PROPOSED BLOCK/ROOF 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:	04
Application No:	24/00196/LBA
Site Location:	31 James Street West, City Centre, Bath, Bath And North East Somerset
Ward: Kingsmead	Parish: N/A LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Replacement lead gutter, roofing felt and battens. Re-use existing slate and ridge tiles (with any shortfall made up to match)
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Bath Central Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, Flood Zone 2, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, SSSI - Impact Risk Zones,
Applicant:	Bath & NES Liberal Democrats
Expiry Date:	12th April 2024
Case Officer:	Helen Ellison

DECISION CONSENT

1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Roofing Materials to Match (Compliance)

Any replacement slate and ridge tiles shall match the existing in respect of type, size, thickness, texture and colour.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

3 Leadwork (Compliance)

All leadwork shall be in accordance with Lead Sheet Association good practice.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath

and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

4 Mortar Mix (Bespoke Trigger)

Before work begins on site details of the specification for the mortar mix and a sample area shall be provided on site for approval. Once approved the works shall be completed in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

5 Wildlife Mitigation Scheme (Compliance condition)

The development hereby approved shall be carried out only in accordance with the recommendations and measures for bats and birds as detailed in Sections 7 and 8 of the approved Preliminary Ecological Assessment Report produced by Greena Ecological Consultancy dated 4th March 2024 and with the following measures as described below:

- o Use of bitumen roofing felt only (no breathable roofing membrane to be used);
- o A pre-commencement bat survey and close inspection shall be carried out by a suitably experienced ecologist (licenced bat worker) as far as can safely be achieved (using scaffolding or any other safe access available), of all affected areas of the external roof, further emergence or dawn survey will be carried out if then deemed necessary and possible to carry out safely;
- o Ecological supervision of works affecting potential roost features shall be carried out by a suitably experienced professional ecologist (licenced bat worker); and
- o Bat, bird and insect boxes and bat tiles shall be obtained / ordered and installed under the guidance and instruction of a suitably experienced professional ecologist.

All such measures shall be adhered to retained and maintained thereafter for the purpose of wildlife conservation.

Reason: to avoid harm to ecology including protected species and to avoid net loss of biodiversity

6 Ecological Compliance Statement (Bespoke trigger)

Within 6 months of commencement of works a statement confirming and demonstrating, using photographs, adherence to and completion of the further bat survey inspection of the roof (to include reporting of findings and outcomes of all further survey); ecological supervision; adherence to precautionary working methods; installation of all additional features; all in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the Bat and Wildlife 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.

7 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following drawings and document;

Date: 18.01.2024 Drwg. No. 013 RN Drwg. title: Proposed roof plan

Date: 18.01.2024 Drwg. No. 014 RL Drwg. title: Proposed front elevaction

Date: 18.01.2024 Drwg. title: Site location plan

Date: 05.03.2024 Document title: Preliminary Bat Assessment Report

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 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:	05
Application No:	22/02169/EOUT
Site Location:	Parcel 4234, Combe Hay Lane, Combe Hay, Bath
Ward: Bathavon South	Parish: Combe Hay LB Grade: N/A
Application Type:	Outline Application with an EIA attached
Proposal:	(i) Outline application for Phases 3 and 4 for up to 290 dwellings; landscaping; drainage; open space; allotments; footpaths and emergency access; all matters reserved, except access from Combe Hay Lane via the approved Phase 1 spine road (details of internal roads and footpaths reserved); (ii) Detailed application for the continuation of the spine road (from Phase 1), to and through Sulis Manor and associated works comprising: the demolition of existing dilapidated buildings and tree removal; drainage; landscaping; lighting; boundary treatment; and, the erection of 4 x Bat Night Roosts; to enable construction of the spine road; with the ecologic mitigation on Derrymans and the field known as 30Acres (edged blue on the Location Plan).
Constraints:	Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy HE1 Scheduled Ancient Monuments, Policy HE2 Somersetshire Coal Canal & Wa, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, Placemaking Plan Allocated Sites, Public Right of Way, Scheduled Ancient Monuments, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant:	The Hignett Family Trust
Expiry Date:	12th April 2024
Case Officer:	Chris Griggs-Trevarthen

DECISION REFUSE

1 Cotswolds Area of Outstanding Natural Beauty

The proposal represents major development in the Cotswolds Area of Outstanding Natural Beauty (AONB) and exceptional circumstances have not been demonstrated. The quantum of development far exceeds the 'around 300 dwellings' figure in the allocation and the scale and extent of development in the AONB has not been limited. Furthermore, the proposal will result in adverse impacts on the special qualities of the AONB which have not been avoided or minimised. The proposal is therefore contrary to the development plan, in particular policies B3a and NE2, and the NPPF, in particular paragraphs 182-183.

2 Heritage

The proposal, due to the quantum and extent of development, would harm the setting and Outstanding Universal Values of the City of Bath World Heritage Site and the Great Spa Towns of Europe World Heritage Site. This harm is less than substantial and would not be outweighed by the public benefits. The proposals would also result in unacceptable harm to the Sulis Manor non-designated heritage asset. The proposal is therefore contrary to the development plan, in particular policies B3a, B4 and HE1, and the NPPF, in particular paragraphs 201, 205 and 208.

3 Placemaking Principle - Sustainable Community

In the absence of Scheduled Monument Consent for a shared use crossing of the Wansdyke monument, the proposed development fails to provide a sensitively designed and improved active travel link, following the desire line to Cranmore Place/Frome Road to allow access to Threeways School and the Supermarket. Furthermore, the failure to provide a mix of uses results in a homogenous, dormitory development and would not create a sustainable community. The proposal is therefore contrary to the development plan, in particular policies D1, D3, ST7 and placemaking principles 1 and 7 of B3a, and the NPPF, in particular paragraph 96 and 97.

4 Trees and Woodland

The proposal development would adversely impact upon a large amount of trees/woodland with significant value. The loss of a significant number of valuable trees is not justified by this inappropriate development. The proposal is therefore contrary to the development plan, in particular policy NE6.

PLANS LIST:

Outline Planning Permission

L-101 Rev B Application Red Line

L-102 Rev B Location Plan

PP 001 Rev D Land Use Parameter Plan

PP 002 Rev C Access & Movement Parameter Plan

PP 003 Rev D Green Infrastructure Parameter Plan

PP 004 Rev E Building Heights Parameter Plan

PP 005 Rev D Lighting Parameter Plan

PP 006 Rev C Drainage Parameter Plan

Detailed Planning Permission

B028955-TTE-HML-ZZ-DR-CH-0001-P05 Spine Road Geometry and Visibility

4242-LB-EX-XX-BR-E-7080 - 41 PO1 Street Lighting Strategy

NPA-11192-XX-DR-L-3002-S4-P03_SULIS ROAD LANDSCAPE GA PLAN

NPA-11192-XX-DR-L-4015-S4-P05_Detailed Landscape Sections

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The Local Planning Authority has worked positively and proactively with the applicant at pre-application stage and over the course of the application to resolve numerous issues with the development and officers recommended the application for approval. However, the Planning Committee took a different view on the planning balance and resolved to refuse planning permission for the reasons stated.

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

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