

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 8th May, 2024, 11.00 am

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

#### 112 ELECTION OF CHAIR

It was noted that the Chair would be elected at the June meeting and that Cllr Ian Halsall, Vice-Chair would chair the meeting.

#### 113 ELECTION OF VICE-CHAIR

It was noted that the Vice-Chair for the municipal year 2024-25 would be elected at the June meeting.

#### 114 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 115 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

#### 116 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 117 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

##### 1. Cllr Duncan Hounsell

On behalf of the Committee, Cllr Ian Halsall asked that thanks be recorded to Cllr Duncan Hounsell for chairing the Planning Committee for the 2023-24 municipal year. He paid tribute to his fairness and discipline in chairing meetings.

#### 118 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.

#### 119 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 10 April 2024 be confirmed as a correct record for signing by the Chair.

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

There were no site visit applications for consideration.

121 **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) 20/04965/ERES - Bath Quays North Development Site, Avon Street, Bath**

The Planning Case Officer introduced the report which considered the approval of reserved matters (details of access, layout, scale, appearance and landscaping) for Phase 1 of the Bath Quays North site.

He gave an update on the report as follows:

1. Additional conditions were recommended:
  - a. In relation to cycle parking and request for details of the CCTV strategy for the site and car park in response to the recommendation from Avon & Somerset Police.
  - b. In accordance with LPPU Policy NE3a biodiversity net gain implementation, management and monitoring plan to be submitted for approval pre-commencement.
2. There would be an appropriate assessment and consultation with Natural England on the Habitat Regulations Assessment.

He confirmed the officers' recommendation that the reserved matters be permitted subject to the carrying out of an appropriate assessment and consultation with Natural England on the Habitat Regulations Assessment and the conditions set out in the report and update report.

In response to Members' questions, it was confirmed:

1. Historic England had reservations about the application in relation to the design of the flat roof but had not submitted an objection. The flat roof design was considered appropriate by officers as it would achieve biodiversity net gain across the site and reduce CO2.
2. The roof would include soft landscaping and there would be access for office workers and residents. There was the potential for wider public access via the hotel, but this was not a specification of the application.
3. There were 13 projections above the height of the roof, including lift shafts

which were more than 2m higher than the overall height parameters. Some of the other projections were lateral rather than vertical.

4. A condition could be included to prevent further development of roofscape if this was a requirement of the Committee.
5. There were constraints to floor plates which dictated the design approach.
6. In terms of ground level landscaping there were detailed plans including the type of planting. There would be a Section 278 Agreement to secure tree planting and the overall landscaping would be above the required level of biodiversity net gain.
7. UNESCO had not commented on the application.
8. The application did not need to be referred to the Secretary of State as it was a reserved matters application.

Cllr Shaun Hughes opened the debate and stated that while he considered the design of the roof to be appropriate, he felt the overall design was blocky and did not reference the city of Bath. Cllrs Fiona Gourley and Eleanor Jackson also expressed reservations about the quality of the design.

Cllr Tim Warren spoke in support of the application and moved the officer's recommendation to permit. This was seconded by Cllr Paul Crossley who stated that it was a good mix of uses and design.

Cllr Lucy Hodge expressed concern about the design which she did not consider met the high standards required by NPPF and stated that she would be minded to overturn the officer's recommendation.

The Deputy Head of Planning advised members that, in terms of design, this needed to fit in with the approved parameter plans and the uses agreed in the outline consent and the constraints of the site. She further advised that if the Committee was minded to refuse the application that reasons be specified to include identifying the character of the area and why the design was not in keeping with the character.

Cllr Hal MacFie acknowledged that officers had worked with the applicant to secure improvements to the design and stated that he would support the motion to permit the application.

Cllr Ian Halsall expressed the view that the design was appropriate and reflected the Bath Quays South development.

Cllr Toby Simon spoke in support of the application but questioned whether an additional condition was required in relation to landscaping. Cllr Tim Warren confirmed he did not support an additional condition as part of his motion to permit the application and therefore the Committee voted on the original motion to permit the application as per the officer recommendation.

On being put to the vote the motion was CARRIED (7 in favour, 2 against).

**RESOLVED** that the reserved matters application be permitted subject to:

1. the conditions set out in the report/update report;
2. an appropriate assessment and consultation with Natural England on the

Habitat Regulations Assessment.

Items 2 and 3 were considered together.

**(2) 23/04499/FUL - Lower Shockerwick Farm, Shockerwick Farm Lane, Bathford**

**(3) 23/04748/LBA Lower Shockerwick Farm, Shockerwick Farm Lane, Bathford**

Items 2 and 3 were withdrawn from the Agenda. The Vice-Chair reported that as the update report circulated in advance of the meeting had contained information that all parties may not have had the opportunity to consider, the Legal Officer and Deputy Head of Planning had advised that the application be deferred until the June meeting.

Following requests by Members, it was considered that a site visit should take place in advance of the June meeting.

**(4) 23/04190/REG03 Land To Rear Of Danes Court, Dane's Lane, Keynsham**

The Planning Case Officer introduced the report which considered an application for the erection of 10 affordable apartments (Class C3) and associated access, drainage and landscaping works.

She clarified that a written update had been circulated to include the following paragraph which had been missed from the CHARACTER, APPEARANCE AND HERITAGE section of the report:

*“There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the setting of nearby listed buildings and would preserve the significance of the designated Heritage assets. The proposal accords with policy HE1 of the Placemaking Plan and part 16 of the NPPF”.*

She confirmed the officers' recommendation that permission be granted subject to the conditions set out in the report.

The following public representations were received:

1. Chris Beaver, agent speaking in support of the application.

In response to Members' questions, it was confirmed:

1. In terms of tree replacement, a tree had to be a certain size and maturity for the trigger for replacement and in this case, there was only one tree that complied. It would be an option to include an additional condition in relation to replacement tree planting if the Committee was minded to do so.
2. The area behind the development was hardstanding and a pub garden.
3. Some of flats above ground level had balconies.

4. There had been a second noise assessment report in response to objections raised about noise and the Environment Protection Team was reassured about mitigations. If residents had concerns about the level of noise in the future, they could raise this with the Environment protection Team.

Cllr Lucy Hodge moved the officer's recommendation to permit the application with the additional condition in relation to replacement tree planting.

Cllr Hal MacFie spoke in support of the benefits of the development in meeting housing need in Bath and North East Somerset and stated that he was reassured the noise mitigation measures would address the concerns of objectors. He seconded the motion to permit the application.

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

**RESOLVED** that the application be granted subject to the conditions set out in the report and an additional condition in relation to replacement tree planting.

#### **(5) 23/04380/FUL1 Bath Road, Peasedown St John, Bath**

The Planning Case Officer introduced the report which considered a change of use of land to residential curtilage and erection of a 3 bed dwelling and associated garaging, bike and bin store.

She gave a verbal update to confirm the submission from a third party including a petition and photographs with evidence of land ownership. She confirmed that land ownership was not a planning consideration but a separate civil matter.

She confirmed the officer's recommendation that consent be granted subject to the conditions set out in the report.

The following public representations were received:

1. Cllr Howard Hartley, Peasedown St John Parish Council, raising objections to the application.
2. Delyth Morris, objecting to the application.

In response to Members' questions, it was confirmed:

1. There were two issues relating to land ownership. The first was the private lane where contradicting evidence had been submitted about access rights. Any dispute over land ownership was a separate process from planning permission. It was the view of officers that even if the parking spaces could not be brought forward as part of the development due to access rights, this would not warrant a reason for refusal. The site was located in the Town Centre and was a sustainable location, served by public transport. The second issue related to the front of the site which was in highway ownership. The applicant would need to apply for a stopping up order which was separate to this application. The Case Officer confirmed that although there was a benefit to the highway improvements, if it did not happen it would not change the planning recommendation. It was the view of Highways Officers that an increased pavement width of 2.5m as shown in the site plan would provide a safe suitable footpath width and it was likely that a stopping order

- would be granted.
2. Highways officers considered there was enough width for a car to turn on the private lane to access the garage area.
  3. There was on street parking in the surrounding area.
  4. A badger sett was present at the bottom of the garden and the removal of rubbish may create a disturbance. A licence from Natural England would be required to protect the badger sett.

Cllr Paul Crossley proposed that a decision be deferred pending a site visit. This was seconded by Cllr Shaun Hughes.

On being put to the vote the motion was NOT CARRIED (2 in favour, 7 against).

Cllr Toby Simon spoke in support of the application, he stated that he considered the design to be appropriate and noted that officers considered the application to be acceptable even if the parking could not be delivered. He moved the officer's recommendation that permission be granted. This was seconded by Cllr Eleanor Jackson who stated the development was appropriate in the area and would provide an additional house and secure highway improvements.

Cllr Paul Crossley spoke against the motion stating that he considered the application to be an overdevelopment of the site.

Cllr Shaun Hughes also spoke against the application and expressed concerns about the access and the impact on the badger sett.

Cllr Hal MacFie spoke in support of the application and the provision of an additional house and acknowledged that the concerns expressed by objectors in relation to landownership was a civil matter which was separate from the planning process.

On being put to the vote the motion was CARRIED (6 in favour, 3 against).

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

#### **(6) 24/00163/FUL19 Alexandra Road, Lyncombe, Bath**

The Planning Case Officer introduced the report which considered an application for the erection of a rear side return infill extension and loft conversion, including the addition of external insulated render to the rear elevation.

She confirmed the officer's recommendation that the application be refused for the reasons set out in the report.

The following public representations were received:

1. Fergus McCormick, objecting to the application.
2. James Cusick, Agent, supporting the application.

Cllr Deborah Collins was in attendance as local Member and raised the following comments on behalf of herself and the other ward Member, Cllr Alison Born:

1. There was a balance between the benefits of the development versus the harm and the local members had come to a different conclusion to the officer and were of the opinion that the benefits outweighed the harm.
2. Significant weight should be given to the energy efficiency improvements which was in line with recent Local Plan Partial Update priorities and less weight to visual amenity as there was considerable variation between houses in the area.
3. The proposed extension was attractive and well designed. She asked the Committee to permit the application.

In response to Members' questions, it was confirmed:

1. It was not advisable to defer for further information to be provided on whether the passive house design principles had been followed as the Committee would need to be clear on what a deferral would achieve, and if it was deferred it was important not to pre-empt a subsequent decision.
2. The view of the officers was that the dormer was not necessary to secure the energy efficiency improvements as the external render, solar panels, new windows and roof insulation would all be secured without the dormer.
3. There were other dormers in the street, but these sat within the roof, and this was larger in comparison creating a third storey with a flat roof. It was the scale of the proposed dormer that had caused officers concern.

Cllr Eleanor Jackson agreed with the officer conclusion that the scale of the dormer was too large and moved the recommendation that the application be refused. This was seconded by Cllr Lucy Hodge.

On being put to the vote the motion was NOT CARRIED (3 in favour, 5 against and 1 abstention).

Cllr Toby Simon proposed that officers be delegated to permit the application subject to suitable conditions for the reasons that the development would not be visible from the public realm, there was no adverse impact on the conservation area and the development would contribute to energy efficiency. This was seconded by Cllr Hal MacFie.

On being put to the vote the motion was CARRIED (5 in favour, 4 against).

**RESOLVED** that officers be delegated to permit the application subject to suitable conditions for the reasons that the development would not be visible from the public realm, there was no adverse impact on the conservation area and the development would contribute to energy efficiency.

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

**RESOLVED** that the report be noted.

## 123 **QUARTERLY PERFORMANCE REPORT 1 JAN - 31 MAR 2024**

In response to a question about feedback on enforcement cases, the Deputy Head of Planning undertook to ask the Enforcement Manager to contact Cllr Eleanor

Jackson with an update.

**RESOLVED** that the report be noted.

The meeting ended at 3.33 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**

**WEDNESDAY 8 MAY 2024**

<b>MAIN PLANS LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>NAME</b>	<b>SUPPORTING/ OBJECTING/ REPRESENTING</b>
1	20/04965/ERES Bath Quays North Development Site, Avon Street, Bath	No speakers	
2 & 3	23/04747/FUL & 23/04748/LBA Lower Shockerwick Farm Shockerwick Farm Lane Bathford	Items deferred	
4	23/04190/REG03 Land To Rear Of Danes Court Dane's Lane Keynsham	Chris Beaver, Agent	supporting
5	23/04380/FUL1 Bath Road Peasedown St John Bath	Cllr Howard Hartley	Peasedown Parish Council
		Delyth Morris	objecting
6	24/00163/FUL19 Alexandra Road, Lyncombe, Bath	Fergus McCormick	Objecting
		James Cusick, Agent	Supporting
		Cllr Deborah Collins	Ward Councillor

This page is intentionally left blank

**BATH AND NORTH EAST SOMERSET COUNCIL**  
**PLANNING COMMITTEE**  
**8th May 2024**  
**DECISIONS**

<b>Item No:</b>	01
<b>Application No:</b>	20/04965/ERES
<b>Site Location:</b>	Bath Quays North Development Site, Avon Street, City Centre, Bath
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Reserved Matters App with an EIA
<b>Proposal:</b>	Approval of Reserved Matters for Plots 1-5 (Access, Appearance, Landscaping, Layout and Scale) of development permitted by 20/02787/VAR (Variation of Condition 42, approved drawings, development specification and design codes of application ref. 18/00058/EREG03 Outline planning application for comprehensive mixed-use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi-storey car park and amenity building).
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Area, Policy B2 Bath Central Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Contaminated Land, Policy CP12 Bath City Centre, Policy CP9 Affordable Housing, District Heating Priority Area, Flood Zone 2, Flood Zone 3, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Ecological Networks Policy NE5, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
<b>Applicant:</b>	BQN Ltd
<b>Expiry Date:</b>	30th September 2022
<b>Case Officer:</b>	Gwilym Jones

**DECISION** Permit with conditions

<b>Item No:</b>	02
<b>Application No:</b>	23/04747/FUL
<b>Site Location:</b>	Lower Shockerwick Farm , Shockerwick Farm Lane, Bathford, Bath
<b>Ward:</b> Bathavon North	<b>Parish:</b> Bathford <b>LB Grade:</b> II
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Change of use of farmhouse and garage Use Class C3 to residential agritherapy centre (Use Class C2). Farmhouse as weekend holiday let. Erection of extension to farmhouse and internal alterations. Internal alterations to The Stable remaining as a single use dwelling. Conversion of garage into a staff office. Replace existing windows. External works and creation of car park.
<b>Constraints:</b>	Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, Policy ST1 Promoting sustainable travel, Policy ST8 Safeguarded Airport & Aerodro,
<b>Applicant:</b>	Mr Jamie Feilden
<b>Expiry Date:</b>	15th March 2024
<b>Case Officer:</b>	Christine Moorfield

**DECISION** Defer for site visit – to allow Members to understand the context of the site.

<b>Item No:</b>	03
<b>Application No:</b>	23/04748/LBA
<b>Site Location:</b>	Lower Shockerwick Farm , Shockerwick Farm Lane, Bathford, Bath
<b>Ward:</b> Bathavon North	<b>Parish:</b> Bathford <b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Change of use of farmhouse and garage Use Class C3 to residential agritherapy centre (Use Class C2). Farmhouse as weekend holiday let. Erection of extension to farmhouse and internal alterations. Internal alterations to The Stable remaining as a single use dwelling. Conversion of garage into a staff office. Replace existing windows. External works and creation of car park.
<b>Constraints:</b>	Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
<b>Applicant:</b>	Mr Jamie Feilden
<b>Expiry Date:</b>	15th March 2024
<b>Case Officer:</b>	Christine Moorfield

**DECISION** Defer for site visit – to allow Members to understand the context of the site.

<b>Item No:</b>	04
<b>Application No:</b>	23/04190/REG03
<b>Site Location:</b>	Land To Rear Of Danes Court, Dane's Lane, Keynsham, Bath And North East Somerset
<b>Ward:</b> Keynsham North	<b>Parish:</b> Keynsham Town Council <b>LB Grade:</b> N/A
<b>Application Type:</b>	Regulation 3 Application
<b>Proposal:</b>	Erection of 10 No. affordable apartments (Class C3) and associated access, drainage and landscaping works
<b>Constraints:</b>	Agricultural Land Classification, Conservation Area, Policy CP12 Bath City Centre, Policy CP9 Affordable Housing, Policy CR3 Primary Shopping Areas, District Heating Priority Area, Housing Development Boundary, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Ecological Networks Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
<b>Applicant:</b>	BANES Council
<b>Expiry Date:</b>	9th May 2024
<b>Case Officer:</b>	Samantha Mason

## 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 Affordable Housing Scheme (Pre-commencement)

Prior to the commencement of the development hereby approved, an Affordable Housing Scheme to secure 100% affordable housing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the following:

1. The affordable housing mix
2. The tenure of the affordable units
3. The allocation standards
4. The management standards

Unless purchased under Right to Buy or other legislative scheme that compels the sale of residential units to a person for uses other than affordable housing, each of the affordable housing units on the site shall be permanently retained as affordable housing in accordance with the submitted Affordable Housing Scheme and shall not be occupied otherwise than in accordance with that scheme.

Reason: To ensure that the affordable housing is retained on site in perpetuity in accordance with Policy CP9.

### **3 Archaeology Controlled Excavation (Pre-commencement)**

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

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

### **4 Archaeology Post Excavation and Publication (Pre-occupation)**

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

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

### **5 Remediation Scheme and Further Monitoring (Pre-commencement)**

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The remediation scheme shall include the additional monitoring in boreholes/standpipes to determine levels of land gas and appropriate gas protection measures for new buildings, as recommended in the site investigation report. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

#### **6 Verification Report (pre-occupation)**

No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework.

#### **7 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 section 15 of the National Planning Policy Framework.

#### **8 Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs and a sample panel of brickwork, have 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.

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.

### **9 Noise (Pre-Occupation)**

On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect future occupants from exposure to environmental noise.

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

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

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

The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

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.

### **11 Dwelling Access (Pre-occupation)**

Each dwelling shall not be occupied until it is served by a properly bound and compacted footway 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 a safe and suitable access in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

### **12 Nesting Bird Protection (Bespoke Trigger)**

No removal of trees hedges or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds 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.

### **13 Biodiversity Gain and Habitat Management Plans (Pre-commencement)**

No development shall commence until full details of a Biodiversity Gain Plan for delivery and monitoring of Biodiversity Net Gain, and a Habitat Management Plan have been submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver 0.58 habitat units. The Plans shall be in accordance with the approved Biodiversity Net Gain Assessment and with current best practice guidelines and shall include the following:

1. An up-to-date BNG habitat map for on-site proposed habitats.
2. Habitat Management Plan- long-term management and protection measures for all retained habitats and species, including fencing and boundary details.
3. Long term aims and objectives for habitats (extents, quality) and species.
4. Detailed management prescriptions and operations for newly created habitats; locations, timing, frequency, durations; methods; specialist expertise (if required), specialist tools/machinery or equipment and personnel as required to meet the stated aims and objectives.
5. A detailed prescription and specification for the management of boundary habitats including hedgerows, woodland and scrub.
6. Details of any management requirements for species-specific habitat enhancements.
7. Annual work schedule for at least a 30 year period.
8. A list of activities and operations that shall not take place and shall not be permitted within the HMP Plan area (for example use of herbicides; disposing of grass cuttings / arisings in "compost" heaps on-site or in hedgerows (or other on-site waste disposal); routinely cutting ivy where there is no specific arboricultural justification; inappropriate maintenance methods; storage of materials; machine or vehicle access).

9. Detailed monitoring strategy for habitats and species, particularly (xx mod/high distinctiveness) habitats, and methods of measuring progress towards and achievement of stated objectives.
10. Details of proposed reporting to the Local Planning Authority and proposed review and remediation mechanism.
11. Proposed costs and resourcing, and legal responsibilities.

The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To protect and enhance ecological interests 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.

#### **14 Sustainable Construction 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 for approval to the local planning authority together with the further documentation listed below.

The development must comply with the requirements of SCR6.

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

Major (or larger) Residential Development:

- o Energy Summary Tool 2
- o Table 2.1 or 2.2 (if proposal has more than one dwelling type)

All Residential Development:

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

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

#### **15 Water (Compliance)**

The dwellings hereby approved 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.

#### **17 Fire Hydrants (Pre-Occupation)**

No occupation of the development shall commence until details demonstrating the installation and five years maintenance of one fire hydrant have been submitted and

approved by the Local Planning Authority. The proposed development shall be carried out in accordance with the approved scheme.

Reason: As required by BaNES Planning Obligations SPD to ensure the provision of a new fire hydrant in an accessible location within 100m of the development for fire safety purposes in line with Avon Fire and Rescue Service requirements.

### **18 Site Specific Targeted Recruitment and Training (Pre-Commencement)**

Prior to the commencement of development a scheme of Site Specific Targeted Recruitment and Training shall be submitted to and approved by the local planning authority. The proposed development shall be carried out in accordance with the approved scheme.

Reason: In the interests of promoting and delivering employment, training and regeneration opportunities that can contribute to a reduction in the health and social inequalities across the District, in accordance with policy SD1 of the Bath and North East Somerset Core Strategy and NPPF.

### **19 Landscape (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 be consistent with the Biodiversity Net Gain Assessment/ Biodiversity Gain Plan/ Ecological Report/ Bat Mitigation and shall include:

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

Replacement tree planting works shall be carried out during the next available planting season following completion.

Any trees or plants indicated on the approved soft landscaping scheme which, within a period of ten years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first submitted to and approved in writing by the Local Planning Authority.

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.

## 20 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:

07 Nov 2023		Tree Constraints Plan	
07 Nov 2023	A_1002_P3	Existing Site Plan	
07 Nov 2023	A_1003_P8	Proposed Site Plan	
07 Nov 2023	D-0005	Existing Impermeable Area Plan	
07 Nov 2023	D-0006	Proposed Impermeable Area Plan	
07 Nov 2023	D-0010	Existing Flood Exceedance Plan	
07 Nov 2023	D-0011	Proposed Flood Exceedance Plan	
07 Nov 2023	D-0015	Existing Drainage Plan	
20 Oct 2023	D-0016	Enlarged Existing Drainage Plan - Sheet 1	
07 Nov 2023	D-0017	Enlarged Existing Drainage Plan - Sheet 2	
07 Nov 2023	D-0025	Proposed Drainage Plan	
07 Nov 2023	D-0026	Enlarged Proposed Drainage Plan - Sheet 1	
07 Nov 2023	D-0027	Enlarged Proposed Drainage Plan - Sheet 2	
07 Nov 2023	D-0030	Proposed Drainage Details - Sheet 1	
07 Nov 2023	D-0031	Proposed Drainage Details - Sheet 2	
20 Oct 2023	D-0050 P01	Proposed Civil Details - Sheet 1	
30 Jan 2024	22043_Np_Xx_00_Dr_A_1001_P4	Site Location Plan	
20 Mar 2024	22043_Np_01_03_Dr_A_1103_P10	Proposed Apartment Block 1 - Roof Plan	
20 Mar 2024	22043_Np_02_03_Dr_A_1203_P6	Proposed Apartment Block 2 - Roof Plan	
20 Mar 2024	22043_Np_Xx_00_Dr_A_1100_P12	Proposed Apartment Block 1 - Ground Floor Plan	
20 Mar 2024	22043_Np_Xx_00_Dr_A_1200_P12	Proposed Apartment Block 2 - Ground Floor Plan	
20 Mar 2024	22043_Np_Xx_01_Dr_A_1101_P11	Proposed Apartment Block 1 - First Floor Plan	
20 Mar 2024	22043_Np_Xx_01_Dr_A_1201_P11	Proposed Apartment Block 2 - First Floor Plan	
20 Mar 2024	22043_Np_Xx_02_Dr_A_1102_P11	Proposed Apartment Block 1 - Second Floor Plan	
20 Mar 2024	22043_Np_Xx_02_Dr_A_1202_P10	Proposed Apartment Block 2 - Second Floor Plan	

20 Mar 2024	22043_Np_Xx_Xx_Dr_A_1004_P4	Proposed Site Roof Plan
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_1005_P2	Temporary Hoarding Plan
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_2100_P10	Proposed Apartment Block 1 - West Elevation
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_2101_P9	Proposed Apartment Block 1 - North, East And South Elevation
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_2200_P8	Proposed Apartment Block 2 - North And West Elevation
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_2201_P10	Proposed Apartment Block 2 - South And East Elevation
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_3001_P8	Proposed Site Section
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_3100_P7	Proposed Apartment Block 1 - Section 1
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_3200_P8	Proposed Apartment Block 2 - Section 1
20 Mar 2024	22043_Np_Xx_Xx_Dr_A_6000_P10	Proposed 3d Massing Model

### Condition Categories

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

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

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

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

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

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

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

### 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](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto: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.

<b>Item No:</b>	05		
<b>Application No:</b>	23/04380/FUL		
<b>Site Location:</b>	1 Bath Road, Peasedown St John, Bath, Bath And North East Somerset		
<b>Ward:</b>	<b>Peasedown</b>	<b>Parish:</b>	<b>Peasedown St John</b>
		<b>LB Grade:</b>	<b>N/A</b>
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Change of use of land to residential curtilage and erection of a 3 bed dwelling and associated garaging, bike and bin store		
<b>Constraints:</b>	White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Housing Development Boundary, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Hudson & Co Unique Developments Ltd		
<b>Expiry Date:</b>	9th May 2024		
<b>Case Officer:</b>	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 Badger Licence and Wildlife Mitigation Scheme (bespoke-trigger)

No further works to the rear garden of 1 Bath Road shall take place until full details of a Badger and Wildlife Mitigation Scheme has been submitted to and approved in writing by the local planning authority. These details shall be in accordance with the recommendations Section 5 of the Ecological Assessment produced by Country Contracts dated November 2023, subsequent email from Country Contracts dated 20th March 2024 and Proposed Site Plan (Dwg no. COBCS-23-096-03C) including:

1. Final details of the badger mitigation and compensation scheme (which can if desired take the form of a Natural England licence application), OR a copy of the Natural England badger mitigation licence that has been granted. 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;
2. 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 badger, bats and nesting birds, and proposed reporting of findings to the LPA prior to commencement of works;  
and
3. Details of proposed measures to compensate and enhance the value of the site for wildlife to include provision of a bat roosting opportunity in a roof void over the new garage, two bird boxes, an insect brick/hotel and hedgehog gaps.



Reason: To prevent ecological harm to badger, bats and other wildlife in accordance with Policy NE3 of the Bath and North East Somerset Local Plan and to provide biodiversity gain in accordance with NPPF and Policies NE3 and D5e.

### **3 Biodiversity Gain and Habitat Management Plans (bespoke-trigger)**

No further development shall take place until, full details of a Biodiversity Gain Plan for on-site delivery and monitoring of Biodiversity Net Gain, and a Habitat Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver at least 0.2178 habitat units and 0.601 hedgerow units. The plans shall be in accordance with (but not limited to) the approved report and associated metric and shall include (but not be limited to) the following:

- A) An up-to-date BNG habitat map for on-site proposed habitats.
- B) Habitat Management Plan- long-term management and protection measures for all retained habitats including trees and species, including fencing and boundary details.
- C) A detailed prescription and specification for the establishment of the native hedgerow, other neutral grassland and allotment to provide biodiversity gain.
- D) Annual work schedule for at least a 30 year period.
- E) Monitoring strategy for the native hedgerow, other neutral grassland and allotment and details of proposed reporting to the Local Planning Authority and LA Ecologist.
- F) Proposed resourcing and responsibilities.

The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To protect and enhance ecological interests in accordance with the Wildlife and Countryside Act 1981 (as amended) and Bath and North East Somerset Local Plan policies NE3, NE3a and D5e.

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

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:

- i) Proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; and
- ii) 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.

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 Compliance Report (Pre-occupation)**

Prior to occupation of the development hereby approved, a report by a by a suitably experienced professional ecologist (licenced badger worker) based on post-construction site visit and inspection, and confirming and demonstrating, using photographs, completion and implementation of ecological mitigation measures and Biodiversity Net

Gain Assessment (revised and updated version approved by condition) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Confirmation of compliance with the badger and wildlife mitigation scheme referenced above including dates and evidence of any measures undertaken to protect site biodiversity;
2. Evidence that a Natural England badger mitigation licence was in place before works proceeded; 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 provide biodiversity gain in accordance with NPPF and policies NE3, NE3a and D5e of the Bath and North East Somerset Local Plan.

### **6 Garages (Compliance)**

The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained to avoid an increase in on-street parking which would be detrimental to highways safety in accordance with policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

### **7 Parking (Compliance)**

The areas allocated for parking 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 D6 of the Bath and North East Somerset Placemaking Plan and policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

### **8 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.

### **9 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)
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

### 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 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 PLAN	26 Mar 2024	COBCS-23-096-03C	PROPOSED	SITE
Revised Drawing PLANS	13 Dec 2023	COBCS-23-096 - 04	PROPOSED	FLOOR
Revised Drawing ELEVATION	13 Dec 2023	COBCS-23-096 - 05A	PROPOSED	
Revised Drawing GARAGING	13 Dec 2023	COBCS-23-096 - 06A	PROPOSED	

### Order under Section 247 of the Town and Country Planning Act 1990

Prior to the commencement of works on site, the applicant must apply for an Order under Section 247 of the Town and Country Planning Act (1990) to stop up the highway. For more information see the following link

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

Please note, such orders cannot be sought retrospectively and must be done before any works commence on site.

### **Condition Categories**

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

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

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

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

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

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

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

### **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](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto: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.

Disruption or harm to protected species is an offence under the Conservation of Habitats and Species Regulations 2017. A license from Nature England is required prior to any development commencing to the rear of the site which may disrupt the identified Badger Setts.

The existing tree on site could be dangerous. The owner is advised to seek advice from an arborist to consider the health of the tree and remove should the tree present a threat to public safety.

<b>Item No:</b>	06
<b>Application No:</b>	24/00163/FUL
<b>Site Location:</b>	19 Alexandra Road, Lyncombe, Bath, Bath And North East Somerset
<b>Ward:</b> Widcombe And Lyncombe	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of rear side return infill extension and loft conversion, including the addition of external insulated render to the rear elevation.
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Policy NE3 SNCI, NE3 UK Priority Habitats, Ecological Networks Policy NE5, NRN Woodland Core Existing Policy NE5, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr Michael Donnelly
<b>Expiry Date:</b>	11th March 2024
<b>Case Officer:</b>	Kirsty Pratt

**DECISION**    Overturn – approve subject to conditions