

# Planning Committee

**Date: Wednesday, 3rd July, 2024**  
**Time: 11.00 am**  
**Venue: Council Chamber - Guildhall, Bath**

## Agenda

To: All Members of the Planning Committee

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

**Permanent Substitutes:-** Councillors: Ruth Malloy

Chief Executive and other appropriate officers  
Press and Public

The agenda is set out overleaf.



**Corrina Haskins**

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## NOTES:

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

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

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

3. **Recording at Meetings:-**

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

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

4. **Public Speaking at Meetings**

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

**Advance notice is required by the close of business (5.00pm) two days before a committee. This means that for Planning Committee meetings held on Wednesdays, notice must be received in Democratic Services by 5.00pm the previous Monday.**

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

## Planning Committee- Wednesday, 3rd July, 2024

at 11.00 am in the Council Chamber - Guildhall, Bath

### AGENDA

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**, (as defined in Part 4.4 Appendix B of the Code of Conduct and Rules for Registration of Interests)

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

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. ITEMS FROM THE PUBLIC

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

6. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 18)

To confirm the minutes of the meeting held on Wednesday 5 June 2024 as a correct record for signing by the Chair.

7. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 19 - 30)

The following item will be considered at 11am:

1. 24/00360/FUL - Staddle Stones, 5 Saltford Court, Saltford
8. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 31 - 46)

The following item will be considered at 11am:

1. 24/01004/VAR - Willow Barn, Sunnymead Lane, Bishop Sutton, Bristol
9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 47 - 50)

The Committee is asked to note the report.

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

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

**PLANNING COMMITTEE****Minutes of the Meeting held**

Wednesday, 5th June, 2024, 11.00 am

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

**124 ELECTION OF CHAIR**

It was moved by Cllr Deborah Collins, seconded by Cllr Tim Warren and on being put to the vote it was;

**RESOLVED** that Cllr Ian Halsall be elected Chair of the Planning Committee.

**125 ELECTION OF VICE-CHAIR**

It was moved by Cllr Fiona Gourley, seconded by Cllr Deborah Collins and on being put to the vote it was;

**RESOLVED** that Cllr Lucy Hodge be elected Vice-Chair of the Planning Committee.

**126 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

**127 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

**128 DECLARATIONS OF INTEREST**

Cllr Deborah Collins declared the following interests:

Item (1) 22/03224/EFUL Former Gasworks, Windsor Bridge Road, Twerton, Bath as the former Cabinet Project Lead (Leader and Built Environment & Sustainable Development) she had met the developers and was briefed on the application and would withdraw from the meeting to avoid any perception of bias.

Item (2) 24/01261/VAR Bath Rugby Club, Bath Recreation Ground, Pulteney Mews, Bathwick, Bath as she had been a season ticket holder at Bath Rugby and would withdraw from the meeting during consideration of that application.

Cllr Tim Warren declared an interest in item (2) 24/01261/VAR Bath Rugby Club, Bath Recreation Ground, Pulteney Mews, Bathwick, Bath as a season ticket holder at Bath Rugby and that he would withdraw from the meeting during the consideration of that application.

Cllr Paul Crossley declared an interest in item (2) 24/01261/VAR Bath Rugby Club,

Bath Recreation Ground, Pulteney Mews, Bathwick, Bath as a season ticket holder at Bath Rugby and that he would withdraw from the meeting during the consideration of that application.

Cllr Shaun Hughes declared an interest in item (3) 24/00662/FUL - 26 - 28 Orchard Vale, Midsomer Norton, as he had already objected to the application as a ward member in Midsomer Norton. He confirmed he would stand down from the Committee, speak as local Member and then withdraw from the meeting.

Cllr Eleanor Jackson declared that she was a member of Westfield Parish Council and would be reading a statement on behalf of the Parish Council in relation to item (3) 24/00662/FUL - 26 - 28 Orchard Vale, Midsomer Norton. She confirmed she would not be withdrawing from the meeting as she had not prejudged the application.

Cllr Lucy Hodge declared an interest in item (9) 24/01330/TCA - Audley House, Park Gardens, Lower Weston, Bath as the owner of the property which was the subject of the application for tree surgery works and confirmed she would withdraw from the meeting.

Cllr Toby Simon declared an interest in item (9) 24/01330/TCA - Audley House, Park Gardens, Lower Weston, Bath as a near neighbour who could view the trees from his property and confirmed he would withdraw from the meeting.

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

There was no urgent business.

**130 ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS**

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

**131 MINUTES OF THE PREVIOUS MEETING**

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

**RESOLVED** that the minutes of the meeting held on Wednesday 8 May 2024 be confirmed as a correct record for signing by the Chair.

**132 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) 22/03224/EFUL – Former Gasworks, Windsor Bridge Road, Twerton, Bath**

Cllr Deborah Collins withdrew from the meeting for this application.

The Planning Case Officer introduced the report which considered the demolition of existing buildings and decontamination/remediation of the site to facilitate redevelopment for a residential-led mixed-use development.

She gave a verbal update to report a correction to the report to refer to the NHS Bath and North East Somerset, Swindon and Wiltshire Integrated Care Board (BSW ICB) and also to report that a further response had been received from BSW ICB and added to file but the submission had not changed the officer recommendation.

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

1. A Section 106 Agreement to secure:
  - a) The provision of 12% affordable housing and suitable viability review mechanism
  - b) A contribution of £6,000 towards fire hydrants
  - c) Highways and transport obligations/contributions
  - d) Landscape and ecological management plan
  - e) Delivery and marketing of the proposed nursery use
  - f) Parks and Open Space Contribution of £707,709
  - g) Sustainable construction contribution towards carbon offset fund of £225,310
  - h) Targeted recruitment and training in contribution obligation
  - i) Monitoring fee
2. The conditions set out in the report (or such conditions as may be appropriate)

The following public representations were received:

1. Caroline McHardy, agent, supporting the application.

In response to Members' questions, it was confirmed:

1. 12% of the residential units would be affordable housing and this would be 72 shared ownership units. There would be no social housing as this had not been considered viable following the viability assessment.
2. The applicants could justify having no affordable housing on site but had agreed 12% to be delivered through Homes England Affordable Grant
3. Funding. The affordable housing would be delivered in phase 4 in block B.
4. In terms of food growing space, there would be planters included as part of the landscaping scheme as well as balcony areas. There would be a contribution to parks and green spaces which could be used for offsite provision.
5. In relation to the stability of Alder trees, the Arboricultural Officer had been consulted about the mix of trees and had not raised any concerns.
6. Flood mitigation measures would be covered by a condition and there were already flood defences in place due to the site's proximity to the River Avon.

7. There would be some roof mounted solar panels but as the on-site generation would not meet with the total energy use, there would be a contribution towards the carbon offsetting fund. It was not possible to include additional solar panels without impacting on heritage views.
8. The vast majority of highways issues had been resolved and officers were satisfied that the application was policy compliant.
9. In terms of the delivery of the trees outlined in the plans, this would be secured by the landscaping condition and management plan condition. It would be possible to include semi mature trees as part of the scheme.
10. In relation to maintaining the same architect, it would not be reasonable to condition this, but the Local Planning Authority would be looking to ensure a high quality design.
11. There would be a shared green route to link this site with the adjacent development.

Cllr Shaun Hughes acknowledged the challenges in developing the site and welcomed the BNG provision but stated that there were some missed opportunities with the design. He referred to the affordable housing provision being shared ownership and questioned whether this provision would be affordable. He confirmed that on balance, he supported the application.

Cllr Tim Warren stated that although it would have been good to have an element of social housing, the scheme needed to be viable and the site being developed was contaminated. He moved the recommendation that officers be delegated to permit the development subject to a Section 106 Agreement and appropriate conditions. This was seconded by Cllr Toby Simon.

Cllr Fiona Gourley expressed disappointment that there was no social housing and also expressed reservations about the design but confirmed that, on balance, she supported the application.

Cllr Eleanor Jackson also stated that she was disappointed by the design.

Cllr Lucy Hodge concurred with these views but stated that she would support the application subject to the landscaping condition including the provision of a proportion of semi mature trees along the riverside.

Cllr Paul Crossley spoke in support of the application, including the design but expressed disappointment about the lack of social housing.

Cllr Ian Halsall stated that the application was an opportunity to regenerate the area and he supported the application.

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

**RESOLVED** that that officers be delegated to permit the application subject to:

1. A Section 106 Agreement to secure:
  - a) The provision of 12% affordable housing and suitable viability review mechanism
  - b) A contribution of £6,000 towards fire hydrants
  - c) Highways and transport obligations/contributions



- d) Landscape and ecological management plan
  - e) Delivery and marketing of the proposed nursery use
  - f) Parks and Open Space Contribution of £707,709
  - g) Sustainable construction contribution towards carbon offset fund of £225,310
  - h) Targeted recruitment and training in contribution obligation
  - i) Monitoring fee
2. The conditions set out in the report (or such conditions as may be appropriate)

**(2) 24/01261/VAR Bath Rugby Club, Bath Recreation Ground, Pulteney Mews, Bathwick, Bath**

Cllrs Deborah Collins, Paul Crossley and Tim Warren withdrew from the meeting for this item.

The Planning Case Officer introduced the report which sought approval, through a variation of Condition 2 of planning permission 21/05530/VAR, to retain the East stand during the summer of 2024.

He gave a verbal update to report a further representation from Pulteney Estate Residents' Association and confirmed that this did not change the officer recommendation.

He confirmed the officers' recommendation that permission be granted for the variation of the condition.

The following public representations were received:

- 1. Ceris Humphreys, Pulteney Estate Residents' Association, and Steve Osgood objecting to the application.
- 2. Tarquin McDonald, Chief Executive, Bath Rugby/Tim Burden, Director, Turley/John Flinn, Chief Executive, Bath Recreation Ltd, supporting the application.

Cllr Manda Rigby was in attendance as local Member and raised the following comments:

- 1. The application should have been submitted earlier.
- 2. Keeping the stand in place would not benefit the residents as the residents enjoyed the views once the stand had been dismantled.
- 3. The condition had been adhered to for many years and unlike the previous variation which had been agreed during the Covid pandemic in 2020, there were no exceptional circumstances to warrant varying the condition this year.

She urged the Committee to reject the application.

In response to Members' questions, it was confirmed:

- 1. The removal and reinstatement of the stand resulted in 200 vehicle movements involving 134 Heavy Goods Vehicles and 2 and a half tonnes of carbon emissions.
- 2. In terms of what was different this year, the timeframe for the stand being dismantled was shorter than usual due to the club reaching the Premiership semi-finals, 9-10 weeks rather than 13 weeks.
- 3. There was a timetable of events planned for the summer and the retention of

the stand would enable the in-built refreshments and toilets to be available for the use of public groups. Toilets and refreshments were also available in the other stand.

4. The issues of cost and convenience had not been put forward by the applicants as the reason for the application.
5. The dismantling of the stand would take place in the car park of Bath Leisure Centre. The closure of North Parade Bridge would mean that access and egress was only available from the A36.

Cllr Toby Simon opened the debate as a local ward Member. He stated that the application had been made too late and agreed that taking the stand down would open up the views and have public benefits, but that this needed to be balanced against the public benefits of retaining the stand, in particular avoiding the 134 HGV movements and 2 and a half tonnes of carbon emissions which was a considerable disadvantage to the city. He stated that the Council declaration of a climate emergency since the original application was a material consideration.

Cllr Hal MacFie concurred with this view and moved the officer's recommendation to permit the application. This was seconded by Cllr Toby Simon.

Cllr Fiona Gourley and Cllr Lucy Hodge expressed reservations about the application.

On being put to the vote the motion was CARRIED (5 in favour, 2 against).

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

### **(3) 24/00662/FUL - 26 - 28 Orchard Vale, Midsomer Norton**

Cllr Shaun Hughes stood down from the Committee for this item.

The Planning Case Officer introduced the report which considered an application for the demolition of 26 and 28 Orchard Vale and the development of 54 new homes with open space, landscaping and all associated infrastructure. She confirmed that this was a cross boundary application with Somerset Council and it was a material consideration that Somerset Council had permitted the development.

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

1. A Section 106 Agreement to secure:
  - a. 1no. affordable dwelling within Bath and North East Somerset (Plot 1)
  - b. 1no. affordable dwelling within Somerset with Nomination Rights to Bath and North East Somerset Council
  - c. £4,351 for a Traffic Regulation Order
  - d. £34, 000 for bus stop enhancements
  - e. £80, 955.75 contribution toward cycle infrastructure associated with the Somer Valley Enterprise Zone
  - f. £86, 892.50 for Route W05 of the West of England Local Cycling and Walking Infrastructure Plan
  - g. £132, 080.26 for offsite green space
  - h. £3,685 for Targeted Training and Recruitment

2. The expiry of the departure period;
3. The conditions set out in the report (or such conditions as may be appropriate).

The following public representations were received:

1. Cllr Eleanor Jackson read out a statement on behalf of Westfield Parish Council.
2. Debra Plummer objecting to the application.
3. Peter Roberts, applicant, supporting the application.

Cllr Shaun Hughes addressed the Committee as adjacent ward Member and raised the following points:

1. The development was not wanted or needed by Somerset Council, Bath and North East Somerset Council or local residents.
2. The site had been removed from the Local Plan.
3. Somerset's Planning Committee had been advised to permit the development as the Council didn't have a 5-year land supply but Somerset could achieve housing targets without the use of this land.
4. B&NES had previously refused a similar application.
5. The application would impact on B&NES and not Somerset but new residents would be paying Council Tax to Somerset Council.
6. The local infrastructure would not support the application. GP surgeries were already oversubscribed, and the nearest senior school was a 22-mile round trip which was not sustainable.
7. The creation of new jobs would only be temporary while the development was being constructed.
8. The site was at risk of flooding.
9. The area was rich in wildlife including bats, deer and otters.

Following his statement, Cllr Shaun Hughes withdrew from the meeting.

Cllr Michael Auton was in attendance as an adjacent ward Member and raised the following comments:

1. There would be a negative impact of the development for local residents of Midsomer Norton which would be significant and long lasting.
2. Local residents were opposed to the application.
3. The current application was the same as the last application that had been refused.
4. 144 objections had been received.
5. B&NES would not benefit from the application.
6. Any jobs created would be temporary and there was no guarantee they would be for local people.
7. GP surgeries were already overstretched and there would be an impact on other amenities.
8. There would be an increase in vehicle fumes from additional traffic.
9. There would be a detrimental impact on wildlife.
10. In relation to flooding and the proposal for a retention bowl - who would maintain this and for how long?
11. The development would impact on school places.
12. The detrimental impact of the development would exceed any benefits.

He urged the committee to reject the application.

In response to Members' questions, it was confirmed:

1. In relation to the contribution to the Somer Valley Employment Zone cycleway, this was to help mitigate the fact that the development was contrary to B&NES spatial strategy due to the imbalance between housing and employment.
2. The bus stop enhancements would benefit bus stops on Orchard Avenue and Pinewood Road.
3. In response to concerns about flooding, the drainage matters within B&NES had been sufficiently assessed by the Somerset Lead Local Flood Authority and there was a condition relating to a drainage scheme.
4. The site had been removed from Somerset Council's Development Plan but this did not prevent a developer from coming forward with an application. Somerset Council did not have a 5 year housing land supply and the NPPF stated that in these cases, the presumption was in favour of permitting a development unless there was demonstrable harm.
5. B&NES Council had objected to the previous application as a departure from its Spatial Strategy but in relation to the current application, officers had given considerable weight to Somerset Council not having a 5 year housing land supply and the decision of Somerset's Planning Committee to permit the development.
6. 50m on the eastern side near the site access would no longer be available for on street parking.
7. The applicant had committed to providing two affordable houses with nomination rights to B&NES. This was welcomed by the Housing Team but as it could not be secured through the planning process, it had been given limited weight in the evaluation of the application.
8. NPPF did state a preference for developing brownfield sites before greenfield sites, but this did not preclude an application coming forward on a greenfield site.
9. The Parks Team had not requested a contribution for allotments.
10. Somerset Council had different policies in relation to sustainable construction and homes built outside of the B&NES boundary did not need to comply to SCR6. The dwelling to be within the B&NES boundary would be compliant with policy SCR6 which addressed one of the reasons for refusal in relation to the previous application.

Cllr Tim Warren opened the debate as local ward Member. He stated that the site was an unsustainable location which had been removed from the Development Plan. He referred to the current pressures on services and facilities in Midsomer Norton which would be exacerbated by the development. He moved that the application be refused.

This was seconded by Cllr Lucy Hodge who stated that the application was contrary to policy SV1 of the spatial strategy.

Cllr Deborah Collins spoke in support of the motion, whilst noting the weight given by officers to the application being approved by Somerset Council, in her opinion, this was outweighed by the demonstrable harm caused by the development.

Cllr Toby Simon spoke in support of the officer recommendation to permit the application in view of the need for housing in the wider area.

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

**RESOLVED** that the application be refused for the following reason:  
The principle of development was contrary to policies SV1: Somer Valley Spatial Strategy (Placemaking Plan) and DW1: District Wide Spatial Strategy (LPPU).

**(4) 23/03510/FUL - Odd Down Sports Pavilion, Chelwood Drive, Odd Down, Bath**

The Planning Officer introduced the report which considered an application for the erection of an extension, addition of 4 padel tennis courts and replacement of existing floodlights to LED-based lights.

She gave a verbal update to confirm:

1. An additional condition to ensure a noise condition in relation to plant machinery.
2. An error in the report which omitted the word “not” so the sentence should read “that sound should not exceed 50db”.

She confirmed the recommendation that officers be delegated to permit subject to:

1. A Section 106 Agreement to secure a Travel Plan Monitoring Fee of £4775
2. The conditions set out in the report (or such conditions as may be appropriate)

The following public representations were received:

1. Rob Lucas objecting to the application.

Cllr Joel Hirst was in attendance as a local ward Member and raised the following comments on behalf of himself and Cllr Steve Hedges:

1. There were a lot of benefits to the application but there were concerns about the proposed siting of the padel tennis courts.
2. The visual and noise impact were the key areas of concern.
3. The Lawn Tennis Association recommended courts should be at least 30m away from housing but in relation to this development, some housing was 25m away from the proposed courts.
4. There would be a visual impact on Bath Conservation Area and the proposal was not in keeping with the Odd Down area.
5. The padel courts would be better located on the other side of the site.

In response to Members’ questions, it was confirmed:

1. The proposed structure was not a solid building, it was oak framed with toughened glass and a mesh panel with metal to support the canopy.
2. The applicants had considered an alternative siting for the padel tennis courts beyond the 3d pitches but this was not feasible as there needed to be a drainage area for the grass pitch.
3. The noise assessment covered the play of the game.
4. The noise levels were difficult to assess due to a lack of similar facilities and had been ascertained from a noise assessment undertaken for a padel tennis court in Dorset. The average levels were mid-50s (decibels) but could reach as high as 70-80.
5. There was no acoustic fence or other noise mitigations as this had not been required as a result of the noise assessment. There were a number of conditions which were restrictive around the use of the site.

6. The applicant proposed replacement tree planting and a nature trail around the site to replace the 8 trees lost to Ash Dieback disease.

Cllr Ian Halsall stated that he supported the proposals for the extension and lighting but was concerned about the padel tennis courts and impact on residential amenity due to the noise and the impact of the scale and height of the proposed building. This view was supported by a number of Members.

Cllr Toby Simon stated that he was inclined to support the officer recommendation as no objections had been raised by Environmental Health Officers and in relation to the visual impact, he considered that the proposal was a reasonable distance from residential properties.

Cllr Lucy Hodge proposed that the application be refused for the reasons that there would be a detrimental impact on residential amenity in terms of noise and that the height and scale of the building would impact on the conservation area and the City of Bath World Heritage Site. This was seconded by Cllr Hal MacFie.

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

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

1. The siting of proposed padel tennis courts would have a detrimental impact on residential amenity in relation to noise pollution. Contrary to Policy D6 of the Placemaking Plan
2. The height design, mass and scale of building would impact on the conservation area and the City of Bath World Heritage Site. Contrary to Policies D1, D2, D3 and D5 of the Placemaking Plan

Items 5 and 6 were considered together.

- (5) **23/04499/FUL - Lower Shockerwick Farm, Shockerwick Farm Lane, Bathford**
- (6) **23/04748/LBA Lower Shockerwick Farm, Shockerwick Farm Lane, Bathford**

The Planning Case Officer introduced the reports which considered two associated applications for a change of use of farmhouse and garage (Use Class C3) to residential agritherapy centre (Use Class C2).

She confirmed the officers' recommendation that the applications be refused for the reasons set out in the report.

The following public representations were received:

1. Jamie Feilden/Tom Rocke supporting the application.

Cllr Kevin Guy was in attendance as local Member and raised the following comments:

1. The application met Council policies in relation to the climate emergency, creating jobs in the rural sector and growing local food.

2. If the Committee approved the application, it would improve the lives of some of most vulnerable young people in relation to both mental and physical health.
3. The social good of the application was life changing.  
He urged the Committee to overturn the officer recommendation as the public and social benefits outweighed the harm to the listed building/heritage asset.

Cllr Sarah Warren was unable to attend as local Member and a statement was read out on her behalf as summarised below:

1. The proposal was a sympathetic restoration, retrofit and extension of a listed building currently in a poor and deteriorating state of repair.
2. The restored building would be used to further the important aims of the charity which provided opportunities for young people, particularly those at risk of social or educational exclusion.
3. The development aimed to improve the energy efficiency of the building using natural, environmentally friendly materials with a low carbon footprint.
4. The applicant had a regenerative approach to farming practice in line with Council's policies.
5. The social and environmental benefits outweighed any small degree of harm.

In response to Members' questions, it was confirmed:

1. The roof was a modern addition to the building.
2. If the Committee was minded to permit the application, it would be possible to include a condition requiring a method statement on the underpinning of the proposed rear extension to the kitchen to ensure that it was carried out in the safest way to protect the listed building.
3. The planning permission could not be linked to a specific charity but the change of use to a residential agritherapy centre would ensure that the use would remain the same.

Cllr Fiona Gourley stated that the application was a good way of improving a property that was falling into disrepair and the proposed change of use was compliant with Council policies.

Cllr Lucy Hodge proposed a motion that officers be given delegated authority to permit the application subject to suitable conditions as the public benefit of the application outweighed the less than substantial harm to the Grade II listed building/heritage asset. This was seconded by Cllr Fiona Gourley.

Cllr Toby Simon spoke in support of the motion and asked that a condition requiring a method statement on the underpinning of the proposed rear extension be included.

Vote on item No. 5 - 23/04499/FUL

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

**RESOLVED** that officers be given delegated authority to permit the application subject to appropriate conditions including a condition requiring a method statement on the underpinning of the proposed rear extension to the kitchen to ensure that it was carried out in the safest way to protect the listed building.

Vote on item No. 6 - 23/04748/LBA

Cllr Lucy Hodge moved that listed building consent be granted. This was seconded by Cllr Lucy Hodge and on being put to the vote, the motion was CARRIED (10 in favour and 0 against - unanimous).

**RESOLVED** that listed building consent be granted.

**(7) 23/04001/OUT Corner Cottage, Frog Lane, Ubley, Bristol**

The Planning Officer introduced the report which considered an application for an erection of a new dwelling, formation of garden areas within the development site and the construction of a new vehicle parking area.

She gave a verbal update to clarify issues relating to:

1. Design, character and appearance - this was an outline application with all matters reserved and officers considered that the design could be made acceptable at the reserved matters stage.
2. A sustainable construction checklist was not needed at this time and would be required at the reserved matters stage.

She confirmed the recommendation that officers be delegated to permit the application subject to Section 106 Agreement to secure off site Biodiversity Net Gain (BNG) and the conditions set out in the report.

The following public representations were received:

1. Rachel Tadman, objecting to the application.
2. Thomas Gay, applicant, supporting the application.

Cllr Anna Box was unable to attend the meeting and a statement was read out on her behalf as summarised below:

1. Concern that the new property would overlook the neighbouring property and block sunlight due to its elevated position.
2. The Parish of Ubley had raised concerns about the application and noted mistakes in the application such as where the frontage of Corner Cottage was and that it was a 2 bedroom property rather than a 4 bedroom property.
3. The area was dependent on cars due to limited public transport and there was not enough parking provided.
4. The proposed development was too large for the site.
5. For the above reasons, the application could not be supported.

In response to Members' questions, it was confirmed:

1. The parking standards in the neighbourhood plan and the Local Plan was different and the requirements of the Local Plan took precedent as the Local Plan Partial Update was adopted after the neighbourhood plan. The application had therefore been assessed against the Local Plan and was found to be acceptable.
2. It would not be possible to condition parameters as this would need to be assessed again at the reserved matters stage.
3. The access was indicative and could change at the reserved matters stage.



Cllr Tim Warren stated that the application was in a sustainable location and concerns about the proposed height could be resolved at the reserved matters stage. He moved the recommendation to delegate officers to permit the development. This was seconded by Cllr Toby Simon, noting that the parameters would be reassessed at the reserved matter stage.

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

**RESOLVED** that officers be delegated to permit the application subject to Section 106 Agreement to secure off site Biodiversity Net Gain (BNG) and the conditions set out in the report.

**(8) 24/00360/FUL - Staddle Stones, 5 Salford Court, Salford**

Cllr Tim Warren was called away from the meeting during the discussion of this item and did not participate in the debate or decision.

The Planning Case Officer introduced the report which considered an application for the erection of a two-storey side extension, new front gable facade, first floor rear balcony and associated works.

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

The following public representations were received:

1. Carol Cheung/Helen Mulholland objecting to the application.

Cllr Duncan Hounsell was unable to attend as the local Member but a statement was read out on his behalf summarised as follows:

1. Request a decision be deferred for a site visit so that Members could experience how the extension would look on the ground taking into account site context, land form and boundary treatments.
2. Neighbours argue that Salford Court is an existing cluster of modest sized buildings rather than large buildings and is in close proximity to the Grade 2 listed Salford House. Salford House is an historic building along with the nearby Tunnel House and the area is of great sensitivity.
3. Request Members consider whether the glazed link would be an appropriate design feature.

Cllr Lucy Hodge moved that a decision be deferred pending a site visit. This was seconded by Cllr Hal MacFie.

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

**RESOLVED** that a decision be deferred pending a visit to the site.

**(9) 24/01330/TCA - Audley House, Park Gardens, Lower Weston, Bath**

Cllrs Lucy Hodge and Toby Simon withdrew from the meeting during consideration

of this application.

The Arboricultural Officer introduced the report which considered an application for a tree works notification in a conservation area which had come before Committee as the applicant was a Member of Council.

She confirmed the officers' recommendation that no objection be raised.

There were no public speakers in relation to the application.

Cllr Paul Crossley moved the officer recommendation that no objection be raised. This was seconded by Cllr Tim Warren and on being put to the vote the motion was CARRIED (8 in favour, 0 against).

**RESOLVED** that no objection be raised in relation to the tree works notification.

133 **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 5.17 pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services

<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Planning Committee</b>
<b>MEETING DATE:</b>	<b>3rd July 2024</b>
<b>RESPONSIBLE OFFICER:</b>	Louise Morris - Head of Planning & Building Control
<b>TITLE:</b>	<b>SITE VISIT AGENDA</b>
<b>WARDS:</b>	ALL
<b>BACKGROUND PAPERS:</b>	
<b>AN OPEN PUBLIC ITEM</b>	

AGENDA  
ITEM  
NUMBER

### BACKGROUND PAPERS

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- [2] Department work sheets relating to each application/proposal as above.
  
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
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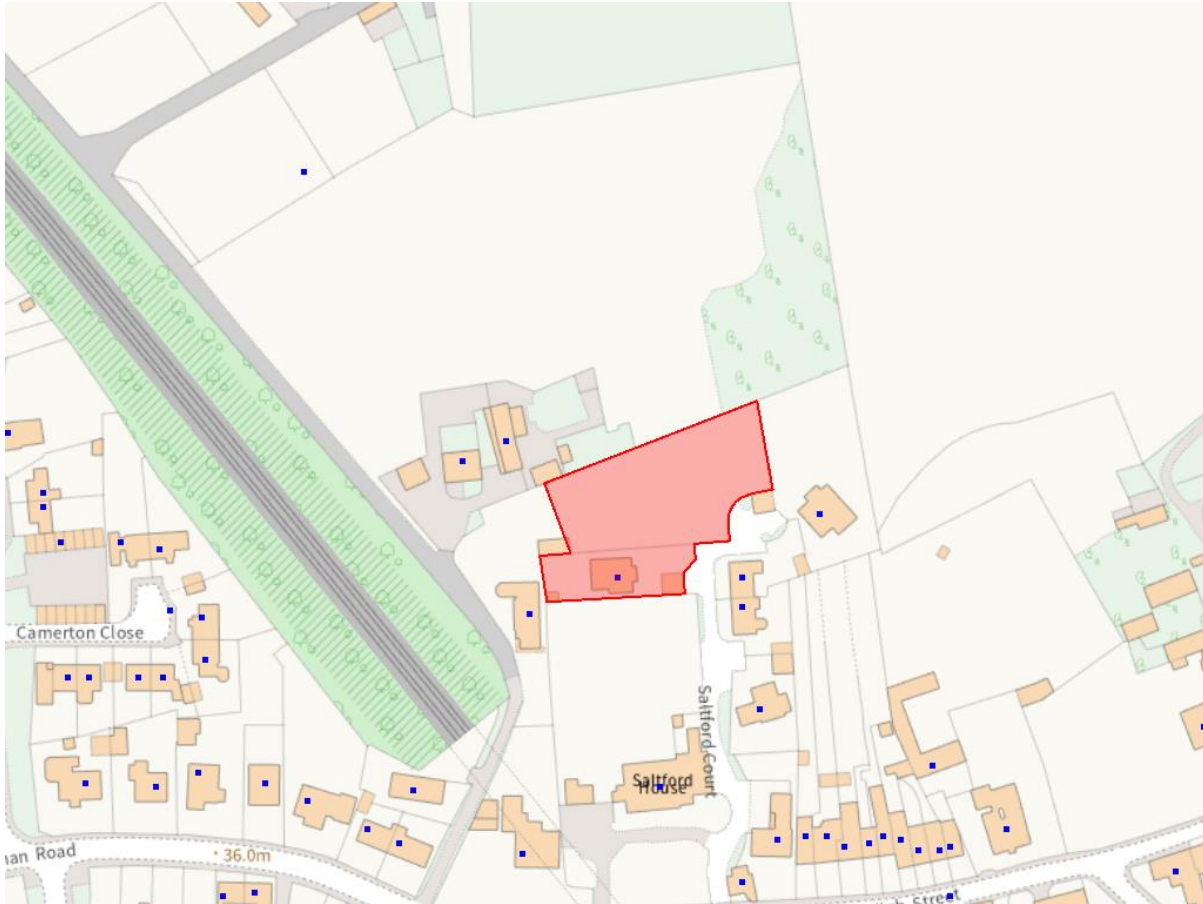
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## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	24/00360/FUL 4 July 2024	Mr/s Selwood Staddle Stones , 5 Saltford Court, Saltford, Bath And North East Somerset, BS31 3EB Erection of two storey side extension, new front gable facade, first floor rear balcony and associated works.	Saltford	Ed Allsop	PERMIT

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

**Item No:** 001  
**Application No:** 24/00360/FUL  
**Site Location:** Staddle Stones 5 Salford Court Salford Bath And North East Somerset BS31 3EB



**Ward:** Salford                      **Parish:** Salford                      **LB Grade:** N/A  
**Ward Members:** Councillor Duncan Hounsell                      Councillor Alison Streatfeild-James

**Application Type:** Full Application

**Proposal:** Erection of two storey side extension, new front gable facade, first floor rear balcony and associated works.

**Constraints:** Colerne Airfield Buffer, Salford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Housing Development Boundary, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones,

**Applicant:** Mr/s Selwood

**Expiry Date:** 4th July 2024

**Case Officer:** Ed Allsop

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

## **REPORT**

This application was referred to the Chair and Vice Chair following the objection raised by Salford Parish Council, as per the scheme of delegation.

Chair comments: "This proposal represents a substantial increase in volume from the original house. Although not located within the greenbelt, it is adjacent to it and the extension will see the expansion of the curtilage into albeit confirmed residential garden which is within the greenbelt. There are also planned to be substantial changes to the external appearance of the host dwelling when married with its extension. Mindful of the Parish Council's objection and those raised by neighbours it is considered that this application should be discussed by the Committee to discuss the impact of the scale of the proposal and debate whether there will be potential harm to the conservation area conflict with greenbelt policy".

Therefore, the application will be determined by the planning committee.

This application relates to a detached residential property at the end of Salford Court, which is a private drive north of the High Street serving a number of other properties. The existing dwelling is located within the Housing Development Boundary and is outside of the Green Belt. However, a portion of the proposed two storey side extension will be located in the Green Belt. The site is located within the Salford Conservation Area.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation responses:

Salford Parish Council- Objection to loss of green belt land and overlooking from the proposed 1st floor balcony.

Representations:

5no. objections have been received. The objections relate to building on Green Belt land, design and character, impact on conservation area, increase in traffic and disturbance

Officer comments:

The above matters are mostly covered under the officer's assessment below. Some comments have touched on restrictions in potentially relevant Deed(s), however, these do not form part of the planning application process and would be for the applicant to deal with, outside of the planning process, if relevant. Similarly, this would be the case for any issues in relation to access from the private drive from a legal standpoint. It was also mentioned that there was objection to the repositioning of a listed wall, but this is not proposed as part of the application.

## **POLICIES/LEGISLATION**

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

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

Core Strategy:

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

B1: Bath Spatial Strategy  
 CP5: Flood Risk Management  
 CP6: Environmental Quality  
 DW1: District Wide Spatial Strategy  
 SD1: Presumption in favour of sustainable development  
 CP8: Green Belt

Placemaking Plan:

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

D1: General urban design principles  
 D2: Local character and distinctiveness  
 D.3: Urban fabric  
 D.4: Streets and spaces  
 D.5: Building design  
 D.6: Amenity  
 HE1: Historic Environment  
 GB1: Visual amenities of the Green Belt  
 GB3: Extensions and alterations to buildings in the Green Belt  
 NE5: Ecological networks and nature recovery

Local Plan Partial Update (LPPU):

On the 19th January 2023, Bath and North East Somerset Council updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU).

National Policy:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the Planning Practice Guidance (PPG).

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

## LOW CARBON AND SUSTAINABLE CREDENTIALS

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

## OFFICER ASSESSMENT

Principle of development in the Green Belt:

The NPPF states that the local planning authority should regard the construction of new buildings in the Green Belt as inappropriate, subject to the exemptions listed. The proposed works are extensions to an existing house which constitute a new 'building' for these purposes. However, extension to buildings in the Green Belt are not a form of inappropriate development (paragraph 154 C NPPF) provided that they do not represent disproportionate additions to the original building

The existing property is not located within the Green Belt, but part of the proposed extension (the new 'building') would be. The relevant policies are paragraph 154 C of the NPPF and policy GB3 of the placemaking plan.

Paragraph 154 of the NPPF notes that the extensions to existing buildings are acceptable, as long as they are proportionate to the size of the original dwelling (Paragraph 154 c). This is echoed in the placemaking plan under policy GB3, where it is advised that an increase in volume of approximately one third is generally considered acceptable or 'proportionate'.

Volume increase:

Policy GB3 aims to ensure that proposals are not disproportionate over and above the size of the original building. Although the original building is located outside of the Green Belt, it is still the original building to which the extension (new building) would be attached.

Therefore, previous additions to the original building will be included in a cumulative assessment, to ensure the original dwelling is not disproportionately extended.

A review of historic aerial imagery would indicate that the double garage is original, with the house. Therefore, it is included as forming the original volume. Case Law (Sevenoaks DC v SSE & Dawe) demonstrates that existing outbuildings can form part of the 'existing dwelling'. Officers have also taken into consideration the siting of the garage and how it physically and visually relates to the main dwelling. Officers generally agree with the applicant's volume increase calculations.



Officers consider there to be an increase of approximately 66%. This includes the previous additions to the house located outside of Green Belt, and the proposed additions now proposed under this application, including parts both inside and out of the Green Belt.

Although in numerical terms, 66% is in excess of the one third guideline, it is important to consider the visual and spatial aspects of the proportionality assessment. In determining whether the extension is disproportionate or not, it is important to take into account the size, scale, siting and design of the proposed, as well as how it is experienced on the ground, taking into account topography, site context, land form, boundary treatments etc.

The position of most of the house outside of the green belt means that it is viewed as part of an existing cluster of large buildings comprising Saltford Court. The extension itself would be positioned, partly on land which has been confirmed to be residential garden and therefore the enlargement of the building (despite the change to the boundary) would appear to remain within the residential curtilage. The successful use of a glazed link and subservient design (see character and appearance section below) further reduce the visual size of the extension in relation to the original house.

Considering the visual and spatial aspects of the above, the proposed extension, in this instance, would not appear disproportionate .

Consideration has also been given to the fact that the extent of built works in the Green Belt is actually rather small in percentage terms. In this instance, the proposals are considered proportionate to the original dwelling and the proposals do not represent inappropriate development in the Green Belt. Furthermore, the proposals would not be harmful to openness or the purposes of including land within the green belt. The proposal accords with policy CP8 of the adopted Core Strategy and policies GB1 of the Placemaking Plan for Bath and North East Somerset (2017) and LPPU and part 13 of the NPPF.

Residential garden:

The majority of the proposed 2 storey side extension will be sited on land associated with 'Selwood Farm' (neighbouring site). Although, this is under the same ownership as the application site. This land has been considered to be residential garden and this was formalised through planning application 05/02884/FUL. Although, this conclusion of the land being residential garden was in relation to 'Selwood Farm', not the application site.

However, as the applicant owns both sites, this is not a problem in planning terms. The applicant will need to take any necessary legal and land registry steps outside of the planning process as well as serving the any appropriate notices.

Character, appearance and impact on the Conservation Area:

The majority of the two side storey extension will be relatively traditional, following materials and design of the existing house. The glazed link is more modern and it will be introducing a new design element into the immediate area. This in itself is not harmful, and overall a glazed link can be achieved. This is because of it's siting and the location of the plot which is 'tucked away' where it would be masked from a number of angles, until in close proximity to the house. Similarly, the proposed changes to the existing house,

outside of the Green Belt respond positively to the character and appearance of the original house and also the appearance of the wider area.

Therefore, the proposals would be considered to preserve the character and appearance of this part of the Conservation Area and would preserve the setting of the Grade II listed 'Saltford House' which is located a considerable distance away to the south.

The proposed works by reason of their design, siting, scale, massing, layout and materials is acceptable and contributes and responds positively to the local context and maintains the character and appearance of the surrounding area and this part of the Conservation Area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4, D5 and HE1 of the Placemaking Plan and LPPU for Bath and North East Somerset (2017) and part 12 and part 16 the NPPF.

Residential amenity:

The proposed 1st floor rear balcony is set further back than the existing 1st floor rear balcony, the positioning and siting of the new balcony is also further away from the neighbouring house. Therefore, the proposed 1st floor rear balcony is not considered to result in an increase in overlooking compared to that may already exist.

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking. Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Ecology:

The submitted lighting assessment demonstrates that no light spill over 0.5 lux would fall onto adjacent hedgerows.

Other:

Given that the extension is partly located in the Green Belt and outside of the housing development boundary, a condition would be attached to ensure that the extension is tied to the main house and does not become a separate living unit.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

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

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

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

### **2 Ancillary Use (Compliance)**

The two storey side extension hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Staddle Stones, 5 Saltford Court; and shall not be occupied as an independent dwelling unit.

Reason: The creation of a new independent dwelling unit in the green belt and outside of the housing development boundary would be contrary to the Council's housing strategy and also national green belt policy.

### **3 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

1 This decision relates to the following plans:

Site location plan- 001  
Existing site plan- 002  
Existing ground floor plan- 003  
Existing first floor plan- 004  
Existing roof plan- 005  
Existing north and east elevations- 006  
Existing south and west elevations- 007  
Existing sections AA and BB-008

Proposed site plan- 012  
Proposed ground floor plan- 013  
Proposed first floor plan- 014  
Proposed roof plan- 015  
Proposed north and east elevations- 016  
Proposed south and west elevations- 017  
Proposed sections CC and DD- 018  
Lighting assessment

### **2 Biodiversity Net Gain - Exempt/Not required**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

### **3 Community Infrastructure Levy - General Note for all Development**

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

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

### **Community Infrastructure Levy - Exemptions and Reliefs Claims**

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

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

### **4 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.

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

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

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

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

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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Planning Committee</b>
<b>MEETING DATE:</b>	<b>3rd July 2024</b>
<b>RESPONSIBLE OFFICER:</b>	Louise Morris - Head of Planning & Building Control
<b>TITLE:</b>	<b>APPLICATIONS FOR PLANNING PERMISSION</b>
<b>WARDS:</b>	ALL
<b>BACKGROUND PAPERS:</b>	
<b>AN OPEN PUBLIC ITEM</b>	

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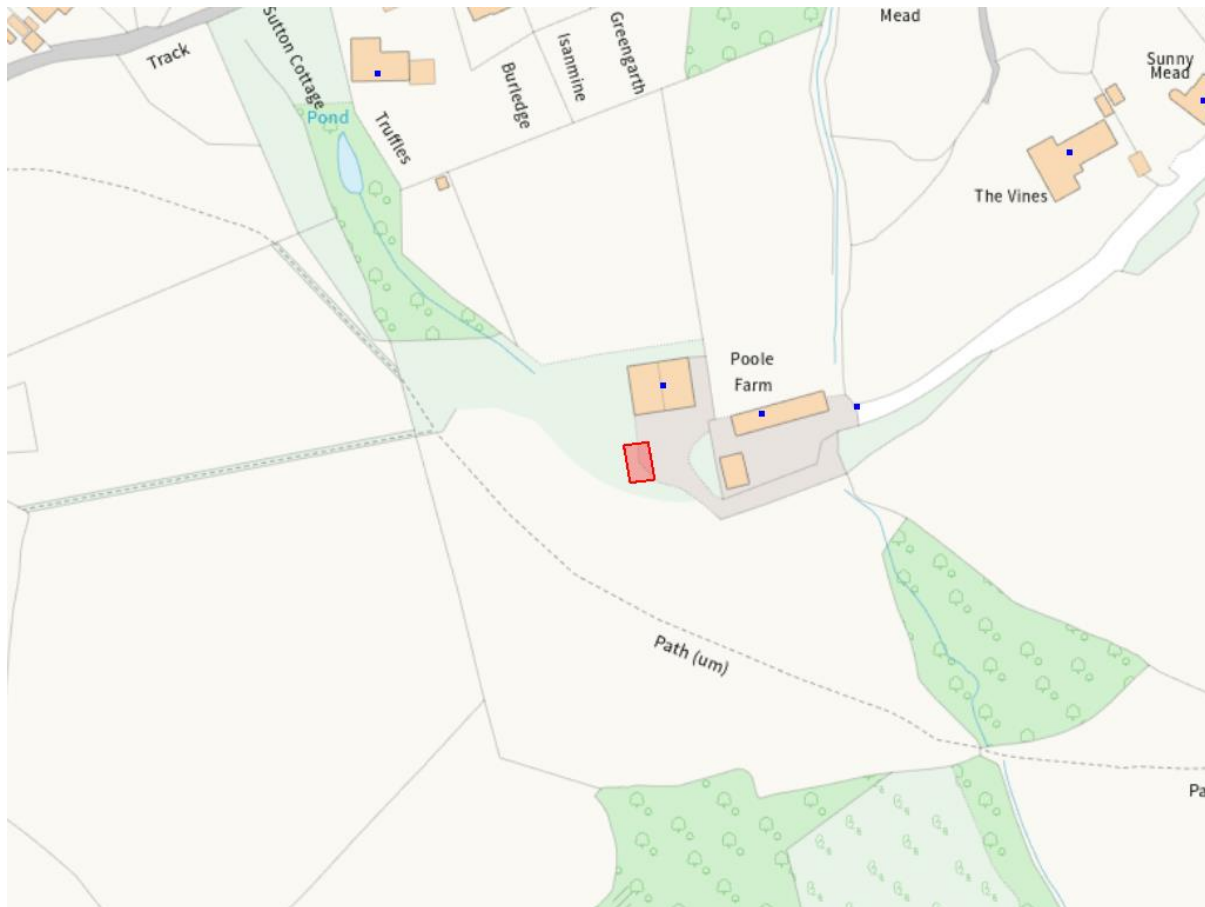
## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	24/01004/VAR 15 May 2024	Mr Wayne Pickford Willow Barn , Sunnymead Lane, Bishop Sutton, Bristol, Bath And North East Somerset Variation of conditions 2 (Plans List (Compliance)) and 5 (Garages (Compliance)) of application 20/03934/FUL (Erection of new garage/carport).	Chew Valley	Angus Harris	PERMIT

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



**Item No:** 01  
**Application No:** 24/01004/VAR  
**Site Location:** Willow Barn Sunnymead Lane Bishop Sutton Bristol Bath And North East Somerset



**Ward:** Chew Valley      **Parish:** Stowey Sutton      **LB Grade:** N/A

**Ward Members:** Councillor Anna Box      Councillor Dave Harding

**Application Type:** Application for Variation of Condition

**Proposal:** Variation of conditions 2 (Plans List (Compliance)) and 5 (Garages (Compliance)) of application 20/03934/FUL (Erection of new garage/carport).

**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Mr Wayne Pickford

**Expiry Date:** 15th May 2024

**Case Officer:** Angus Harris

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

## **REPORT**

The application relates to a detached building situated off Sunnymead Lane. The site is located within the parish of Stowey Sutton but falls outside of a defined housing development boundary. The site is situated within the Mendip Hills Area of Outstanding Natural Beauty (AONB).

The planning permission was granted for the erection of a new garage/carport.

This variation of conditions applications seeks to modify conditions 2 (plans list) and 5 (garaging) in order to alter the internal spaces into a home office and garage, with bi-fold doors on the front elevation.

Relevant Planning History:

DC - 19/02567/COND - DISCHG - 4 July 2019 - Discharge of conditions 4 & 7 of application 18/02323/FUL (Conversion of existing agricultural barn into single residential dwelling.)

DC - 19/03568/VAR - PERMIT - 1 October 2019 - Variation of condition 11 of application 18/02323/FUL (Conversion of existing agricultural barn into single residential dwelling.)

DC - 19/03994/COND - DISCHG - 3 December 2019 - Discharge of conditions 2 and 8 of application 19/03568/VAR (Conversion of existing agricultural barn into single residential dwelling.).

DC - 20/03932/NMA - APP - 5 January 2021 - Non-material amendment to application 18/02323/FUL (Conversion of existing agricultural barn into single residential dwelling).

DC - 20/03934/FUL - PERMIT - 11 February 2022 - Erection of new garage/carport.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

Stowey Sutton Parish Council

At its meeting held on Wednesday 3rd April 2024, Stowey Sutton Parish Council considered this application and made the following resolution:

The first point to make on this application is that the B&NES Planning Portal does not contain drawings of an acceptable standard for this application, no site location plan is included, and the "Proposed office & garage storage" drawing does not show depth measurements for the building. Whilst the buildings cladding material is disclosed the "bi-fold" doors are not described adequately, although the drawings suggest that they are largely glazed.

This application is to modify a recently constructed (2020 approved by B&NES against SSPC comments) building comprising of an agricultural style building containing one enclosed single garage section with two adjacent open fronted parking bays, to enclose the two open fronted parking bays with glazed bi fold doors, creating an "office area" of

approximately 29m<sup>2</sup>, also adding a toilet, sink & water cylinder to the existing garage area that is not shown on the plans for application 20/03934/FUL.

The application should be considered against the Adopted Stowey Sutton Neighbourhood Plan.

The application site is outside the established housing development boundary & the green belt but inside the AONB, backing onto open countryside.

In our response to the underlying application 20/03934/FUL that today's application seeks to vary in November 2020 Stowey Sutton Parish Council noted;

The building is in a modern agricultural style, not characteristic of this area of the parish as identified in the character assessment which forms appendix E of the adopted Stowey Sutton Neighbourhood Plan.

The proposed development is outside the housing development boundary and is within the AONB, which carries the highest level of protection within the NPPF, the proposal cannot be described as infill development and the palette of materials selected do not match the surrounding properties character & therefore does not meet the aims of this policy.

The proposed development is for a dwelling sized building for non-residential use & therefore does not meet the aims of this policy.

2

No details of external lighting or measures to control the spill of light from the roof lights have been included within the information available despite the property being in the AONB & a known bat foraging route, so the application does not demonstrate compliance with SSHP06.

Reference was made in planning inspectorate Appeal Ref: APP/F0114/D/20/3252191 (B&NES ref 19/04452/FUL) at Poole Farm, Sunnymead Lane, immediately adjacent to this application site, to the impact that further building in this area could potentially have for harm to owls and bats due to disturbance to commuting routes to foraging habitat and from additional lighting. Bats and barn owls are protected species under the Wildlife and Countryside Act 1981, and bats are a European Protected Species (EPS) under The Conservation of Habitats and Species Regulations 2017. Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat.

Stowey Sutton Parish Council conclude that the application does not meet the aims of policies SSHP01, SSHP02, SSHP03, SSHP04 & SSHP06 of the adopted Stowey Sutton Neighbourhood Plan, encroaches un-necessarily on the AONB & offers no mitigation to address concerns over wildlife such as the bats identified in a survey for application 18/02323/FUL previously permitted at this property (prior to its separation from then host building Poole Farm).

As a result, Stowey Sutton Parish Council did not support the underlying application 20/03934/FUL: Willow Barn, Sunnymead Lane, Bishop Sutton - Erection of new garage/carport.

#### Summary

Whilst Stowey Sutton Adopted Neighbourhood Plan policy SSBE04 does support the principle of minor alterations to domestic properties to support homeworking, SSHP06 requires lighting to be controlled, particularly in areas where darkness is characteristic, such as this site's location within the AONB.

The current application is for conversion of a stand-alone building, not a domestic property & does not provide adequate information to confirm non-commercial use of the proposed office, its external finishes & details of any factors to minimise light spill from the large glazed area of the bifold doors, which is of particular concern as planning inspectorate Appeal Ref: APP/F0114/D/20/3252191 (B&NES ref 19/04452/FUL) for a previous application on this site raised concerns over the impact on bats & wildlife as a significant contributing factor in refusing that appeal.

#### RESOLUTION

Whilst Stowey Sutton Parish Council accepts that the proposed variation may be acceptable in some form, based on the information available, the current application cannot be supported due to the inadequate drawings, lack of detail on the proposed glazing of the bi-fold doors & absence of any measures to control or mitigate against artificial light pollution which is of particular importance given the sites location within the AONB.

Representations Received :

None received

#### POLICIES/LEGISLATION

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

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- o Made Neighbourhood Plans

#### CORE STRATEGY:

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

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

#### PLACEMAKING PLAN:

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

- D1: General urban design principles
- D2: Local character and distinctiveness
- D3: Urban fabric
- D4: Streets and spaces
- D5: Building design
- D6: Amenity

#### LOCAL PLAN PARTIAL UPDATE:

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

- DW1: District Wide Spatial Strategy
- D8: Lighting
- NE2: Conserving and enhancing the landscape and landscape character
- NE3: Sites, species, and habitats
- ST7: Transport requirements for managing development

#### SUPPLEMENTARY PLANNING DOCUMENTS:

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

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

#### NEIGHBOURHOOD PLANS:

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

Stowey Sutton

#### NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in December 2023 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

## LOW CARBON AND SUSTAINABLE CREDENTIALS

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

### **OFFICER ASSESSMENT**

This application seeks to vary conditions 2 and 5 of application 20/03934/FUL which granted permission for the erection of new garage/carport.

#### "Condition 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".

#### "Condition 5 - Garages (Compliance)

The garage hereby approved shall only be used for the garaging of private motor vehicles associated with the residential use of the dwelling known as Willow Barn, Sunnymead Lane and/or ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan"

The outbuilding as approved consists of a single enclosed garage, and 2no car port spaces which are enclosed within the mass of the building, but retained an open front.

This variation application seeks to modify the use of the building and to alter the principal elevation. The 2no car port spaces are to be modified to a home office, with bifold doors and an extension of the principal elevation's timber cladding enclosing the space.

The single garage will retain its garage door, however the internal space will be modified with the addition of a toilet which shortens the space available for car parking down to 4m.

### PRINCIPLE OF DEVELOPMENT:

The site is located within the parish of Stowey Sutton but falls outside of a defined housing development boundary. The site is situated within the Mendip Hills Area of Outstanding Natural Beauty (AONB).

Given the proposal is for a garage associated with an existing dwelling it was not considered to be justifiable to refuse the previous application for being set outside of a defined housing development boundary. Similarly, the alterations to the buildings retain its incidental use to its host dwelling.

### DESIGN, CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

The proposed garage measures 9.9m by 7m with a height of 4m to its highest point. With regards to materials the garage is set to incorporate slate roof tiles, while the walls will incorporate timber weatherboarding. This variation seeks to install bi-fold doors on the front elevation to enclose the approved car port area for use as a home office instead. The approved cedar cladding on the front elevation will be extended above the bifold doors.

The garage is set to be placed within the front garden area of an existing detached dwelling. It is noted that with the placement of the dwelling the front garden area will have a significant amount of space remaining, as indicated by the submitted block plan. In addition to this space the site has further open land to the rear of the dwelling as indicated by the submitted site location plan. Given the site has sufficient space to accommodate the garage it is considered that the site will not result in overdevelopment.

Regarding the appearance of the building the use of the suggested materials would not appear out of character. The redevelopment of the barn (Reference: 18/02323/FUL) allowed for the use of cedar cladding (Reference: 19/03994/COND). The use of the suggested materials was approved as part of the full and conditioned. This same condition would be implemented again.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

#### LANDSCAPE:

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in landscape, including conserving the local landscape character and conserving. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape. Proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

As indicated above it is considered that the proposed garage will not result in the overdevelopment of the site.

It is noted that the site is set down with an open field set on higher ground. A Public Right of Way (Prow) is set within this field (Reference: CL20/19). The siting of the garage will allow for it to be viewed within the context of the existing dwelling.

The modifications to infill the front elevation to enclose the car port will not enlarge the building within its context. The use of the space as a home office and the installation of glazed doors however has received objection based on artificial light pollution within the AONB where darkness is characteristic.

The glazed doors will be set within the principal elevation which is set back into the front of the building, overhung by the roof pitch. LED downlights are proposed inside the building to serve the home office space. Whilst there will be an element of light spill through the doors, the level of glazing is not excessive, and the home office space is not a primary living space for the dwelling.

The introduction of a home office space with glazed doors is not considered to result in unacceptable light spill within the AONB.

Overall, the proposal is considered to comply with policy NE2 of the Local Plan Partial Update, policy NE2A of the Placemaking Plan and part 15 of the NPPF.

#### RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

#### HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The full application granted permission for 2no car port spaces and an internal garage space. At the time of the decision, Policy ST7 of the Placemaking Plan sought to ensure that new development provided a minimum provision of car parking.

Since then, the Local Plan Partial Update (2023) has been adopted which has modified the objectives of Policy ST7 which now seeks to restrict the amount of car parking made available for new development, in order to reduce reliance on private cars. As such, the



condition to retain the garage space only for the parking of private motor vehicles is no longer necessary. As such, Condition 5 can be removed.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

#### ECOLOGY AND ARBORICULTURE:

The proposed garage is set to be placed on gravel or hardstanding which is currently undeveloped. Comments were received on the full application which cited concerns to protected species and habitats. This is specifically following the approval of the barn conversion associated with the site (Reference: 18/02323/FUL).

Given the location of the site and comments received, the Bath Ecology Team were consulted as part of the full. Within the response received it was noted that the proposal is located within a wildlife-rich landscape in an ecologically sensitive location near to fields and woodlands that are designated as Sites of Nature Conservation Interest (SNCIs) and a Site of Special Scientific Interest (SSSI), and where there is known occurrence of a range of wildlife including bat activity.

A planning application for the adjacent building required a bat mitigation scheme (18/02323/FUL) which was approved via discharge of condition 7 (19/02567/COND). Condition 5 of the same decision (& 19/03568/VAR) required a hard and soft landscape scheme, and sensitive lighting was also secured by condition.

The current proposal must demonstrate that it avoids compromising previously approved bat mitigation and reinforces the measures needed to ensure conditions at the site remain suitable and are improved for use by wildlife - in particular bats, and other wildlife such as birds, reptiles, badger and hedgehog, that may utilise boundary vegetation and habitats that are immediately adjacent too or connecting with the site.

It is noted that landscaping and replacement hedgerow planting requirements for the adjacent development have been approved and implemented. The intention is for the proposed new building to avoid impacting on the new planting - however if any of the new planting is impacted by the new building the ecology team would request additional replacement planting to further compensate it is noted that there is room for this to be achieved if required. Any replacement planting can be secured by condition.

The same condition would be implemented again.

The Parish Council have objected on the basis that insufficient details have been provided to show external lighting. Details of proposed lighting were provided with the full application, showing the locations and specifications of on some external lights positioned within the oversail of the roof. Confirmation has been received that the external lighting as permitted in application 20/03934/FUL is not proposing to be varied. A compliance condition was added as part of the full application to ensure its installation is in accordance with the approved details and this condition will remain.

The proposed development is a new build garage not requiring the redevelopment of a redundant building. The site location is undeveloped land with no disturbance to vegetation within proximity. Given the above the proposed development will not have an adverse impact on protected species, habitats or trees which have a significant visual or amenity value. The proposal is therefore compliant with Local Plan Partial Update policies NE1, NE3, NE5, NE6, D5e and D8. This is in addition to policy SSHP06 of the Stowey Sutton Neighbourhood Plan.

#### STOWEY SUTTON NEIGHBOURHOOD PLAN:

The proposal is for a garage and ancillary space. Policy SSHP01 and SSHP04 of the Stowey Sutton Neighbourhood Plan relate to the development of dwellings which are therefore not considered applicable for this proposal.

The development is of an individual character which is in keeping with the Parish Character Assessment and is not deemed to be harmful to the AONB in accordance with Housing and Development Policy SSHP02 and SSHP03 of the Stowey Sutton Neighbourhood Plan.

External lighting can be conditioned as part of the development. Therefore, the proposal does not conflict Housing and Development Policy SSHP06 Lighting of the Stowey Sutton Neighbourhood Plan.

#### OTHER MATTERS:

Objection has been received by the Parish Council that the application does not provide adequate information to confirm that the building will be non-commercial in use. This application is applying to vary a permitted application for an incidental outbuilding related to a domestic dwelling, where the variations seek to change the permitted car port into a home office. A home office space is still incidental to the domestic use of the site and no change of use is being sought.

Objection has also been raised by the Parish Council that the proposed drawings are inadequate and have no annotated the measurements for the depth of the building. The drawings are draw to a scale of 1:75 which allowed any dimension shown on the building to be measured. The depth of the building measures 6.0m. The proposed drawings are sufficient for planning purposes.

#### SCHEME OF DELEGATION:

The application was referred to the Chair and Vice Chair of the B&NES Planning Committee in accordance with the Council's Scheme of Delegation, as the officer's recommendation is contrary to formal comments received by the local Parish's and Ward Councillor, which gave planning reasons objecting to the application.

The Vice Chair decided that the application should be deferred to the committee, commenting as follows:

I note the objection from Stowey Sutton Parish Council, who also raised an objection to the permitted application for the garage (20/03934/FUL) in this location. Concerns are raised about the lack of detail in the drawings particularly in relation to mitigation of the light pollution from the proposed glazing in terms of wild life and the AONB.

I note that the previous application (20/03934/FUL) which this seeks to vary was for an agricultural style building with one enclosed single garage and an open car port of dimensions 9.9m X 7m X 4m. The appeal decision to uphold refusal (19/04452/FUL) of an earlier more extensive proposal in this location (9.9m x 7m x 6m height) is relevant in that it cites insufficient information submitted in relation to disturbance to commuting routes and foraging habitats from additional lighting.

The variation of condition 5 to permitted application 20/03934/FUL will effectively allow a change of use from a garage to a garage plus home office with significant new areas of glazing to the front elevation. This seems to warrant a further Ecology opinion and consideration of compliance with policies NE3 and D8 to avoid harm to bats and wildlife. I recommend referral to the Planning Committee to consider whether these policies are met by the design for this new use and whether the design details are adequate.

The Chair decided to refer the decision to the committee, commenting as follows:

Whilst acknowledging the Parish Council's objection, this is an amendment to a previously approved development. The Local Planning Authority were satisfied that the information was sufficient to validate the application and make a recommendation based upon the submitted detail. Regard is had to the design, parking and amenity issues, but the committee may wish to consider the impact that the additional glazing and associated light spillage may have on the surrounding area and ecology.

The application will therefore be referred to the planning committee.

#### CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

#### **RECOMMENDATION**

PERMIT

#### **CONDITIONS**

##### **1 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.

**2 External Lighting (Bespoke Trigger - requires approval of details prior to installation of new lighting)**

External lighting shall be installed and operated only in accordance with the approved details of lighting and downlight lamp models as set out in the full application, reference 20/03934/FUL, unless full details of proposed lighting design have first been submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; and details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

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

### **3 Materials (Compliance)**

The external walling materials to be used shall be of vertical timber weatherboarding. The roofing materials to be used shall be of slate roof tiles.

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

### **4 Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details submitted under application 20/03934/FUL. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five 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 approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

### **PLANS LIST:**

1 This decision relates to the following plans:

Drawing	18 Mar 2024	01 REV 0	PROPOSED	OFFICE	AND	GARAGE
STORAGE - FLOORS PLAN						
Drawing	18 Mar 2024	01 REV 0	PROPOSED	OFFICE	AND	GARAGE
STORAGE- ELEVATIONS AND FLOORS PLAN						

### **2 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.

### 3 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.

### 4 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)

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

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

<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Planning Committee</b>
<b>MEETING DATE:</b>	<b>3 July 2024</b>
<b>RESPONSIBLE OFFICER:</b>	Louise Morris - Head of Planning & Building Control
<b>TITLE:</b>	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>
<b>WARD:</b>	ALL
<b>BACKGROUND PAPERS:</b>	None
<b>AN OPEN PUBLIC ITEM</b>	

**APPEALS LODGED**

**App. Ref:** 22/05081/FUL  
**Location:** 53 Rockliffe Road Bathwick Bath Bath And North East Somerset BA2 6QW  
**Proposal:** Erection of a three-bedroom dwelling with associated landscaping and car parking (Resubmission).  
**Decision:** REFUSE  
**Decision Date:** 14 March 2024  
**Decision Level:** Planning Committee  
**Officer Recommendation:** Permit  
**Appeal Lodged:** 28 May 2024

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**App. Ref:** 24/00332/FUL  
**Location:** 21 Darlington Place Bathwick Bath Bath And North East Somerset BA2 6BX  
**Proposal:** Demotion of existing conservatory; erection of a two-storey side extension, replacement roof covering; revisions to fenestration and associated retrofitting works.  
**Appeal Lodged:** 28 May 2024 following non-determination within time scale

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**App. Ref:** 23/04419/FUL  
**Location:** Masons Cottage 281 Bloomfield Road Bloomfield Bath Bath And North East Somerset  
**Proposal:** Erection of new dwelling on land adjoining existing dwelling.  
**Appeal Lodged:** 28 May 2024 following non-determination within time scale

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**App. Ref:** 23/03734/CLEU  
**Location:** 5 Somer Ridge Midsomer Norton Radstock Bath And North East Somerset BA3 2FB  
**Proposal:** Use of land to the side of 5 Somer Ridge as residential garden.  
**Decision:** REFUSE  
**Decision Date:** 1 December 2023  
**Decision Level:** Delegated  
**Appeal Lodged:** 11 June 2024

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**App. Ref:** 23/02579/TPO  
**Location:** Parcel 714 Fersfield Lyncombe Bath Bath And North East Somerset  
**Proposal:** T1-Lime Tree, fell  
T2-Ash Tree, fell.  
**Decision:** REFUSE  
**Decision Date:** 31 August 2023  
**Decision Level:** Non-Planning applications  
**Appeal Lodged:** 12 June 2024

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**App. Ref:** 23/00537/FUL  
**Location:** 14 Woodland Grove Claverton Down Bath Bath And North East Somerset BA2 7AT  
**Proposal:** Erection of first floor extension over existing single-storey accommodation with ground floor entrance lobby  
**Decision:** REFUSE  
**Decision Date:** 14 March 2024  
**Decision Level:** Planning Committee  
**Officer Recommendation:** Permit  
**Appeal Lodged:** 14 June 2024

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**Case Ref:** 22/00173/UNAUTH  
**Location:** Dorset Villa 14 Newbridge Road Newbridge Bath Bath And North East Somerset BA1 3JX  
**Breach:** Without planning permission the change of use of nil use property to commercial holiday let accommodation (Use Class Sui Generis).  
**Notice Issued Date:** 3 August 2023  
**Appeal Lodged:** 12 June 2024

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**APPEALS DECIDED**

None

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