

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 31st July, 2024, 11.00 am

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

20 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence had been received from Cllr Ian Halsall (Cllr Duncan Hounsell was in attendance as substitute) and Cllr Toby Simon (Cllr Ruth Malloy was in attendance as substitute).

In the absence of Cllr Ian Halsall, the meeting was chaired by Cllr Lucy Hodge.

22 DECLARATIONS OF INTEREST

There were no declarations of interest.

Cllr Lucy Hodge asked for it to be noted that she was a ward member for the first item on the agenda and had referred the application to Committee due to the wider interest so that it could be discussed in the public domain.

23 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

24 ITEMS FROM THE PUBLIC

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

25 MINUTES OF THE PREVIOUS MEETING

Cllr Lucy Hodge asked for an amendment to the minutes to reflect that at the end of the meeting, she had requested a site visit to an operating padel court in advance of considering future applications for padel tennis facilities.

Subject to the amendment, it was moved by Cllr Paul Crossley, seconded by Cllr Tim Warren and:

RESOLVED that the minutes of the meeting held on Wednesday 3 July 2024 be confirmed as a correct record for signing by the Chair.

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

There were no site visit applications for consideration.

27 **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.

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

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

(1) 24/00607/FUL - Lansdown Lawn Tennis & Squash Racquets Club, Northfields, Lansdown, Bath

The Planning Officer introduced the report which considered an application for the replacement of an existing tennis court with two padel tennis courts and mini (juniors) tennis court, including extended terrace, replacement lighting and associated works. She gave an update to report that a condition relating to hours of use had been omitted from the report and so the recommendation was that officers be delegated authority to permit the application subject to the conditions set out in the report and an additional condition to restrict hours of use from 9am to 9pm. She also advised that videos had been sent to members of the Planning Committee in relation to current traffic and parking around the site and also showing two people playing a tennis match, one with a padel bat and one with a tennis racquet. She confirmed that this had been reviewed by officers and did not change the acoustic report submitted with the application or the officers' recommendation.

The following public representations were received:

1. Tessa Hampden, John Baxter, Julian Lewis, Geraldine Hudson and John Morgan objecting to the application.
2. Tom Rocke speaking in support of the application.

Cllr Mark Elliot was unable to attend as ward member and asked for a statement to be read in his absence as summarised below:

1. Concern that adding the padel tennis noise to the peak ambient noise would have a detrimental effect on the residential amenity of the surrounding properties.
2. Concern about the potential additional pressure on parking in surrounding roads.

In response to Members' questions, it was confirmed:

1. The distance from the proposed padel court to the nearby residential properties, the distance from the edge of the padel court boundary to the property Innisfree was 3.5m and to the cottage was 8.5m.
2. A transport plan could not be justified in relation to this application.
3. In relation to whether the club was looking to increase income generation, the club had not put forward a viability argument and so this was not a material planning consideration.
4. The Lawn Tennis Association recommended that where residential properties were less than 30m from a padel court there should be noise mitigation measures. This application complied with the advice as additional glazed screening would be provided to mitigate noise. The screening was 3 metres in height and officers considered this to be appropriate.
5. Officers did not recommend including a condition about noise monitoring and explained the implications of doing so and the options that were available to address noise.
6. In terms of benefits of the application, it would offer biodiversity net gain. There would also be a diversification of sporting provision, acknowledging that the club was membership only.
7. Issues relating to noise and the noise impact assessment had been addressed in the officer's report. The Environmental Protection Officer was happy with the method of data collection and the final assessment and report which had been carried out in accordance with best practice. The measured level of noise accounted for the strike noise associated with padel tennis.

Cllr Lucy Hodge confirmed that she was a ward member for the application site which was in the conservation area of Bath and had referred the application to Planning Committee due to the level of local concern and the wider importance to the city.

Cllr Tim Warren stated the importance of taking the professional acoustic report at face value and that there would be implications for the applicant if the information was not correct. He spoke in support of the officers' recommendation.

Cllr Deborah Collins stated that she took a different view about the acoustic report and considered 53 decibels to be significantly close to the 55-decibel level considered to be unacceptable by the World Health Organisation, especially in the context of the existing noise and the close proximity to housing. She acknowledged the benefits of the diversification of sporting provision but stated that this would be limited to club membership requirements.

Cllr Fiona Gourley concurred with these views and stated that she was minded not to support the application.

In response to a number of comments raised about whether it would be possible to have a post implementation check on noise levels, the Deputy Planning Officer advised that this would not meet the reasonable test for conditions as the opportunities to address any outcomes of that check post planning decision were limited and any noise complaints could be assessed through other noise control regimes.

Cllr Paul Crossley spoke in support of the application and the diversification of sporting provision. He moved the recommendation to delegate officers to permit the development subject to the conditions set out in the report and an additional condition restricting hours of use from 9am to 9pm. This was seconded by Cllr Tim Warren and on being put to the votes was NOT CARRIED (3 in favour and 7 against).

Cllr Deborah Collins proposed that the application be refused for the reason that there would be an unacceptable loss of residential amenity for residents of neighbouring properties due to the characteristics of the noise and perceived increase in disturbance causing a significant adverse impact and significant harm to the residential amenities of the neighbouring occupiers. This was seconded by Cllr Eleanor Jackson and on being put to the vote was CARRIED (6 in favour and 4 against).

RESOLVED that the application be refused for the reason that there would be an unacceptable loss of residential amenity for residents of neighbouring properties due to the characteristics of the noise and perceived increase in disturbance causing a significant adverse impact and significant harm to the residential amenities of the neighbouring occupiers.

(2) 21/05576/FUL - Westward, 2 The Orchard, Pensford, Bristol

The Planning Officer introduced the report which considered an application for the erection of two semi-detached dwellings with access.

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

The following public representations were received:

1. Matthew Carr on behalf of Ryan Pullen, objecting to the application

In response to Members' questions, it was confirmed:

1. Highways officers did not object to the application and the visibility splay was considered to be acceptable.
2. Officers had concluded that overlooking of the neighbouring property was unlikely.
3. The application had been submitted in advance of the Local Plan Partial Update and new biodiversity net gain (BNG) requirements and BNG was not considered as part of the initial application. However, off-site BNG would be secured by a condition. Off-site BNG provision was not unusual in the case of infill applications, and it was policy compliant.
4. There were no mines or shafts identified on the site.
5. The Parish Council had raised an objection on the grounds of over development, but officers had come to a different conclusion that the development met the definition of limited infill in villages which was an appropriate form of development within the Green Belt.

Cllr Duncan Hounsell stated that he agreed with the officers' recommendation and proposed that the application be permitted. This was seconded by Cllr Paul Crossley.

Cllr Fiona Gourley spoke in support of the motion to meet the need for smaller houses in rural areas.

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

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

(3) 23/04613/LBA - 10 Berkeley Place, Walcot, Bath

The Planning Officer introduced the report which considered an application for internal and external alterations to a listed building and confirmed that the application had been referred to the Planning Committee as the applicant was an employee of the Council.

She confirmed the recommendation that listed building consent be granted subject to the conditions set out in the report.

Cllr Tim Warren moved the officers' recommendation to grant consent. This was seconded by Cllr Paul Crossley and on being put to the vote the motion was CARRIED (10 in favour, 0 against - UNANIMOUS).

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

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

Members requested that additional information be included in the report in cases where an appeal has gone against the Council to outline briefly why the Planning Inspector came to a different view.

RESOLVED that the report be noted.

29 COMMITTEE PERFORMANCE REPORT APRIL - JUNE 2024

The Committee welcomed the performance report and thanked officers.

RESOLVED that the report be noted.

The meeting ended at 1.25 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT
THE MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 31
JULY 2024**

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	24/00607/FUL - Lansdown Lawn Tennis & Squash Racquets Club, Northfields, Lansdown, Bath	John Baxter Tessa Hampden Julian Lewis Geraldine Hudson John Morgan	Objecting (5 minutes in total)
		Tom Roche	Supporting (5 minutes in total)
		Cllr Mark Elliot (statement to be read in absence).	
2	21/05576/FUL - Westward, 2 The Orchard, Pensford, Bristol	Matthew Carr (on behalf of Ryan Pullen)	Objecting
3	23/04613/LBA - 10 Berkeley Place, Walcot, Bath	No speakers	

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BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
31st July 2024
DECISIONS

Item No:	01	
Application No:	24/00607/FUL	
Site Location:	Lansdown Lawn Tennis & Squash Racquets Club , Northfields, Lansdown, Bath	
Ward: Lansdown	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Replacement of existing Tennis court with two Padel Tennis courts and Mini (juniors) Tennis court, including extended terrace, replacement lighting and associated works.	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Other Please specify, SSSI - Impact Risk Zones,	
Applicant:	Ms Natalie Curtis	
Expiry Date:	5th August 2024	
Case Officer:	Isabel Daone	

DECISION REFUSE

1 The development, by reason of its proximity to neighbouring residents, the characteristics of the ball strike and impact and the increased comings and goings associated with the site, will increase the noise and perceived disturbance from the site. This will cause a significant adverse impact and significant harm to the residential amenities of the neighbouring occupiers, contrary to policy D6 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

This decision relates to the following plans:

07 May 2024 2321/019 MINI TENNIS RELOCATION EXISTING & PROPOSED LAYOUT
19 Apr 2024 2321/010B PROPOSED SITE PLAN
19 Apr 2024 2321/011B PROPOSED PLAN
19 Apr 2024 2321/015B PROPOSED WEST ELEVATION - FROM CAR PARK
19 Apr 2024 2321/017B PROPOSED EAST ELEVATION - FROM COURT 7
19 Apr 2024 2321/018B PROPOSED NORTH ELEVATION - FROM CLUBHOUSE
14 Feb 2024 001 SITE LOCATION PLAN
14 Feb 2024 2321/016A PROPOSED SOUTH ELEVATION - TOWARDS CLUBHOUSE

Item No:	02
Application No:	21/05576/FUL
Site Location:	Westward, 2 The Orchard, Pensford, Bristol
Ward: Publow And Whitchurch	Parish: Publow LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of two semi-detached dwellings with access.
Constraints:	Bristol Airport Safeguarding, Norton Malreward Unlicensed Airstrip, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Housing Development Boundary, LLFA - Flood Risk Management, Policy M1 Minerals Safeguarding Area, Policy NE1 Green Infrastructure Network, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Lacey and Morris
Expiry Date:	2nd August 2024
Case Officer:	Christopher Masters

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Biodiversity Net Gain Plan (Pre-commencement)

No development shall commence until full details of a Biodiversity Gain Plan achieving a minimum of 10% measurable biodiversity net gain, and a Habitat Management Plan for any on-site habitats and biodiversity measures, have been submitted to and approved in writing by the Local Planning Authority. The Plans shall be in accordance with current best practice guidelines and standards and shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation and shall include the following:

In all cases:

1. Pre and post development biodiversity values including a completed metric calculation tool using the DEFRA Biodiversity Metric or any successor, and accompanying evidence for baseline condition assessments;

2. A BNG habitat map for on-site proposed habitats
3. Information about the steps taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat and, in the case of any irreplaceable habitat, information on arrangements for compensation for any impact of the development has on the biodiversity of the irreplaceable habitat (which does not include the use of biodiversity credits).
4. Details and evidence of any registered off-site biodiversity gain units allocated to the development and any biodiversity credits purchased for the development;

Where on-site habitat is proposed/retained:

5. Long term aims and objectives and targets for habitats; proposed management prescriptions and operations; timing, frequency, durations and methods of operations; specialist expertise, specialist tools/machinery or equipment and personnel where required to meet the stated aims and objectives;
6. Annual work schedule for at least a 30 year period
7. A list of activities and operations that shall not take place and shall not be permitted within the Habitat Management Plan (HMP) area (for example use of herbicides; on-site disposal of grass cuttings or other vegetation waste; routine cutting of ivy where there is no specific arboricultural justification; inappropriate maintenance methods, storage of materials; inappropriate machine or vehicle access).
8. Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives.
9. Details of proposed reporting to the Local Planning Authority, and proposed review and remediation mechanism.
10. Proposed costs and resourcing, and legal responsibilities.

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

Reason: To protect and enhance ecological interests and to ensure delivery of Biodiversity Net Gain in accordance with Bath and North East Somerset Local Plan Partial Update policies NE3, NE3a NE5 and D5e and paragraph 13 of Schedule 7A to the Town and Country Planning 1990 Act (Biodiversity Gain Condition).

4 Wildlife Protection and Enhancement Scheme (Pre-commencement)

No development shall commence until full details of a Wildlife Protection and Enhancement Scheme has been submitted to and approved in writing by the local planning authority. These details shall be in accordance with (but not limited to) the proposed mitigation measures described in Section 7 of the PRELIMINARY ECOLOGICAL ASSESSMENT produced by Greena Ecological Consultancy dated April 2022, the email correspondence labelled EMAIL FROM AGENT dated 6th March 2023,

and the mitigation measures shown on drawing 267-GA-03 RD PROPOSED SITE PLAN received 12th October 2023. These details shall include a method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures for bats, badger, nesting birds, hedgehog, reptiles, and reporting of findings to the LPA prior to commencement of works;

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development, and retained and maintained thereafter for the purposes of wildlife conservation.

Reason: to avoid harm to wildlife and protected species (birds and other wildlife) and to avoid a net loss of biodiversity, in accordance with NPPF and Local Plan Policy NE3. NB. The above condition is required to be pre-commencement as it involves the approval of measures to ensure the protection of wildlife that would be otherwise harmed during the site preparation and construction phases.

5 Tree Protection Plan (Compliance)

The protective measures shown on the submitted Tree Protection Plan ref. TP-01a received 11th November 2022 and described in the 'Method Statement' section of the Tree Report submitted 16th December 2021 shall be fully implemented prior to the commencement of development and retained / remain in effect for the duration of the construction.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policies CP7 and NE6 of the Bath and North East Somerset Local Plan Partial Update.

6 Construction Management Plan (Pre-commencement)

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

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

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

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. This is a pre-commencement condition because any initial construction or

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

7 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and HE1 of the Bath and North East Somerset Placemaking Plan, Policy CP6 of the Bath and North East Somerset Core Strategy and Policy D5 of the Local Plan Partial Update.

8 Flood Risk and Drainage - Infiltration Testing (Bespoke Trigger)

The development hereby permitted is to manage surface water onsite using soakaways as indicated on the application form and/or approved drawings. Soakaways are to be designed and constructed in accordance with Building Regulations Approved Document Part H section 3, noting the requirement for infiltration testing which should be undertaken at an early stage of the development to confirm viability of infiltration techniques.

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

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

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

9 Implementation of Landscaping Scheme (Bespoke Trigger)

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

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

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate

biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and Policies NE3 and NE3a of the Bath and North East Somerset Local Plan Partial Update.

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

No new external lighting shall be installed other than that shown on drawing GA-07 PROPOSED EXTERNAL LIGHTING DESIGN received 6th March 2023 without full details of the proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; and details of all measures to limit the use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

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

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

Prior to occupation of the dwellings hereby approved a report produced by a suitably experienced professional Ecologist based on post-construction site visit and inspection, and confirming and demonstrating, using photographs, completion and implementation of ecological measures as detailed in the approved ecology report and Biodiversity Net Gain Plan has been submitted to and approved in writing by the Local Planning Authority. These details shall include: 1. Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented; and 2. Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented. All measures within the scheme shall be retained, adhered to, monitored and maintained thereafter in accordance with the approved details.

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

12 Water Efficiency - Rainwater Harvesting (Pre-Occupation)

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

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

13 SCR6 Residential Properties (Pre-Occupation)

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document)

shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

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

Minor Residential Development:

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

All Residential Development:

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

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

14 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until secure, covered bicycle storage for at least 6 bicycles (3 per dwelling) has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

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

15 Parking (Compliance)

The access, parking and turning areas shown on drawing 267-GA-03 RD PROPOSED SITE PLAN received 12th October 2023 shall be formed of a bound and compacted surfacing material (not loose stone or gravel), kept clear of obstruction and not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

16 Visibility Splays (Compliance)

The visibility splays shown on drawing number GA-06C SITE PLAN WITH PARKING received 11 Nov 2022 shall be kept clear of any obstruction to visibility 600mm above ground level.

Reason: To ensure visibility is maintained in the interests of highways safety in accordance with policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

17 Water Efficiency (Compliance)

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

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

18 Air Source Heat Pump (Compliance)

The proposed air source heat pump shall comply with the MCS Planning Standards or equivalent standards.

Reason: To safeguard the amenities of adjoining occupiers from noise and disturbance in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

19 Removal of Permitted Development Rights - No roof extensions / enlargements /alterations (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of any part of any roof of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of adjoining occupiers from potential loss of privacy or overlooking in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

This decision relates to the following plans:

Received 12th October 2023

267-GA-03 RD PROPOSED SITE PLAN
267-GA-04 R B PROPOSED PLANS
267-GA-05 R C PROPOSED ELEVATIONS

Received 6th March 2023

GA-07 PROPOSED EXTERNAL LIGHTING DESIGN

Received 11th November 2022

GA-01A SITE LOCATION AND BLOCK PLAN
GA-06C SITE PLAN WITH PARKING
TP-01A TREE PROTECTION PLAN

Received 16th December 2021

267 GA-02 EXISTING SITE PLAN

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

Responding to Climate Change (Informative):

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

Coal Mining - Low Risk Area (but within coalfield)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

Biodiversity Net Gain - Standard Informative

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the 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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. A detailed version of

the biodiversity gain condition can be found in the list of conditions attached to this permission.

The effect of section 73D of the Town and Country Planning Act 1990:-

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Highways Access Advice Note

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

Permit/Consent Decision Making Statement

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

Item No:	03
Application No:	23/04613/LBA
Site Location:	10 Berkeley Place, Walcot, Bath, Bath And North East Somerset
Ward: Walcot	Parish: N/A LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Internal and external alterations for the installation of windows with slim double glazing to replace existing sash windows at rear of property, retrofit existing windows with vacuum insulated glass at the front of the property, installation of solar PV panels on south facing inner roof slope of main building and removal of paint to vault wall and facade of lower ground floor.
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant:	Steve George
Expiry Date:	8th February 2024
Case Officer:	Emily Smithers

DECISION CONSENT

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Stone Cleaning Methodology and Sample (Bespoke)

No work shall commence on any of the paint removal and stone cleaning until method statement and sample panels and trial areas have been provided in-situ to establish the final parameters of the stone cleaning and approved in writing by the Local Planning Authority. The approved panel shall be kept on site for reference until the development is completed. Thereafter the work shall only be carried out in accordance with the approved sample panel.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan. This is a bespoke condition because without details of the parameters of the stone cleaning any stone cleaning which occurs may cause irreparable harm to the heritage asset.

3 Specification for mortar and stone replacement (Bespoke)

Following the stone cleaning and prior to any other work taking place a detailed specification (including mortar specifications and stone replacement) for the repair and/or repointing of the building supported as necessary by annotated elevations and photographs to be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

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

4 Solar panel installation (compliance)

The solar panels to be installed shall be 'Eurener's 415W all black half cut solar panels' as confirmed within the submission. All associated cabling shall be discreetly located alongside exiting services/rainwater goods.

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

5 Fenestration colour (Compliance)

The fenestration hereby approved shall be painted to match existing fenestration on the subject property at time of installation or within 3 months of installation unless otherwise agreed in writing by the Local Planning Authority.

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

6 Secondary Glazing (Bespoke Trigger)

Prior to the installation of secondary glazing details including 1:10 and 1:2 or 1:1 elevations and sections, to be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

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

7 Rooflights (Compliance)

The rooflights hereby approved shall be flush fitting, conservation style openings unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building in accordance with Policy HE.1 of the Bath and North East Somerset Placemaking Plan

8 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:

Drawing	20 Jun 2024	16	SIX OVER SIX WINDOW IN KITCHEN LEVEL
Drawing	20 Jun 2024	16	TYPICAL SASH WINDOW THROUGHOUT PROPERTY
Revised Drawing	20 Jun 2024		AREA FACING FRONT FACADE
Revised Drawing	20 Jun 2024		AREA FACING WEST (LEFT) AND EAST
Revised Drawing	20 Jun 2024		AREA OPPOSITE FRONT FACADE
Revised Drawing	20 Jun 2024		ROOF SECTION PROPOSED
Revised Drawing	20 Jun 2024	01	SITE LOCATION PLAN
Revised Drawing	20 Jun 2024	09	ROOF PLAN PROPOSED
Revised Drawing	20 Jun 2024	11	14MM SLIM DOUBLE GLAZING
Revised Drawing	20 Jun 2024	12	VACCUM INSULATED GLASS
Revised Drawing	04 Jul 2024	06A	FRONT AND REAR ELEVATIONS PROPOSED

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.

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

Civil or legal consents

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

Responding to Climate Change (Informative):

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

Permit/Consent Decision Making Statement

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