

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 25th September, 2024, 11.00 am

**Councillors:** Ian Halsall (Chair), Lucy Hodge (Vice-Chair), Colin Blackburn, Hal MacFie, Toby Simon, Dr Eleanor Jackson, Tim Warren CBE, Alex Beaumont, Duncan Hounsell and Ruth Malloy

#### 39 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 40 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllrs Deborah Collins, Paul Crossley, Fiona Gourley and Shaun Hughes and there were the following substitutions:

Cllr Ruth Malloy for Cllr Deborah Collins  
Cllr Alex Beaumont for Cllr Paul Crossley (am only)  
Cllr Duncan Hounsell for Cllr Fiona Gourley  
Cllr Colin Blackburn for Cllr Shaun Hughes

#### 41 DECLARATIONS OF INTEREST

Cllr Tim Warren stated that the applicant in relation to application 3 - 23/04243/OUT - Hartley Wood, King Lane, Clutton had been formerly connected with his family, but he did not consider he had an interest in the application that would impact his judgement.

Cllr Lucy Hodge stated that she was ward member for application 2 -24/00523/FUL - Chalfont, Charlcombe Lane, Lansdown but she did not have a declarable interest in the item.

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

There was no urgent business.

#### 43 ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS

The Democratic Services Officer advised on the process for those registered to make statements on planning applications.

#### 44 MINUTES OF THE PREVIOUS MEETING

Cllr Jackson proposed that the minutes be confirmed as a correct record subject to the insertion of the word "project" after "Somerset Valley Link". This was seconded by

Cllr Toby Simon and:

**RESOLVED** that the minutes of the meeting held on Wednesday 28 August 2024 be confirmed as a correct record for signing by the Chair.

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

The Committee considered:

1. A report and update report by the Head of Planning on the applications under the main applications list.
2. 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. 23/04136/RES - 37 Coomb End, Radstock**

The Planning Officer introduced the report which considered an application for the approval of reserved matters with regard to outline application 20/03800/OUT (proposed demolition of existing buildings, change of use of land to residential and erection of 5 dwellings).

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

Cllr Lesley Mansell was unable to attend as ward member and a statement was read on her behalf summarised as below:

1. She thanked the Committee for visiting the site and reiterated her support for Radstock Town Council's objection to the application.
2. The original application was for 7 x 2 bed dwellings and the latest application was for 6 in total (1 x 4 bed and 5 x 3 bed). The reduction would not help meet housing targets in the area and it is not clear how these larger dwellings will be affordable to local people.
3. In the past there had been a collapse of the land due to water drainage from Bath New Road and this needed to be taken into account.
4. A previous application for a petrol station at Coombend was refused on the basis that it would block the view from Clandown to Radstock and this would be the case with this application.
5. There was a need to develop the infrastructure, and this was not included as part of the application.
6. There was a need for an improved pedestrian access and a concern about an increase in parking on the highway.

In response to Members' questions, it was confirmed:

1. The principle of development was agreed at outline stage including the number of dwellings and access.

2. The Traffic Regulation Order to restrict parking in the nearby area was still ongoing. In terms of parking on site, this was in accordance with adopted standards.
3. Unit 2 had two associated parking spaces.
4. An application for 10 houses was the trigger point for affordable housing.
5. A watching brief for archaeology could not be included at the reserved matters stage.

Cllr Eleanor Jackson confirmed that the application in relation to the petrol station at Coombend which was referred to in the local member's statement had now been approved.

Cllr Tim Warren stressed the need for housing and that he was satisfied the flooding issue had been satisfactorily addressed. He moved the officers' recommendation to permit the application. This was seconded by Cllr Toby Simon who stated that it would make a good use of the site, and the design would fit in with the surrounding area.

Cllr Lucy Hodge recognised concerns about the lack of affordable housing but noted that the application was for less than 10 houses and was policy compliant.

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

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

## **2. 24/01160/FUL - 11 Richmond Road, Bath**

This application was withdrawn from the agenda and would be considered at the next meeting.

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

The Committee considered:

1. A report and update report by the Head of Planning on the applications under the main applications list.
2. 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. 24/01168/REG03 - Land To The Rear Of 89 -123, Englishcombe Lane, Southdown, Bath**

The Case Officer introduced the report which considered an application for the erection of 16 supported living units (Use Class C3(b)) with associated communal hub (to include ancillary carers accommodation), access, landscaping and ancillary works.

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

The following public representations were received:

1. Christopher Pound, objecting to the application.
2. Aydin Zorlutuna, agent and Nick Plumley, B&NES Housing Enabling & Development Manager supporting the application.

Cllr Jess David raised the following points as the ward member:

1. She shared concerns of many local residents about the suitability of the site for development due to the ecological value of the site; the drainage and land instability issues, and the narrow access to the site but acknowledged that the site was allocated for development in the Local Plan.
2. She appreciated the efforts of the applicant to engage with local residents.
3. There was a risk of flooding from a build-up of surface water and it was important for the sustainable drainage features to be inspected and maintained every three months. Assurances were needed that this would happen.
4. There was a concern about the proposed recycling/waste arrangements.
5. There was insufficient parking on site which would lead to an increase of parking on Englishcombe Lane.

Cllr Steve Hedges raised the following points as an adjacent ward member:

1. He was pleased that there was a lower number of dwellings proposed than in the previously approved scheme for the site.
2. There were still concerns from local residents relating to the flood risk.
3. He requested that heavy plant use be restricted from between 9am and 6pm during construction to reduce impact on local residents.

In response to Members' questions, it was confirmed:

1. The waste collection plans had been analysed in detail. To minimise ecological impact the on-site roads would be too light to accommodate waste collection vehicles. Staff would take the bins to the collection point on Englishcombe Lane for collection. There was a condition for a Waste Management Plan which set out the details and could be enforced if necessary.
2. Each property would have an individual bin, but it was a worst-case scenario that 16 bins would be put out for collection at the same time, it was likely to be less based on previous experience of similar developments. There would be recycling facilities within the bin store.
3. The Council's Housing Team would be responsible for the management of the site including the maintenance of drainage. The drainage strategy would improve the current situation, and this was included as a condition.
4. This was a low-density scheme, and officers did not consider it appropriate to remove permitted development rights and it may not be possible to do so in relation to a Class 3b application.
5. The construction hours in the Construction Environmental Management Plan set the parameters and 8am-6pm were common but the applicant could put forward

different hours within those parameters.

Cllr Duncan Hounsell opened the debate and stated that as the site was allocated for development within the Local Plan and there were social benefits associated with the application. He moved the officers' recommendation that the application be permitted subject to the conditions set out in the report. This was seconded by Cllr Lucy Hodge who stated that she was pleased that this was a smaller scheme than the one previously approved and that it would fulfil an important social need. She also welcomed the plans to achieve a net zero emissions development.

Cllr Eleanor Jackson stated that she was concerned about the ecological impact and comments in the police response relating to security and would support an amended motion that officers be delegated to permit the development to enable further discussions on these issues. Cllr Duncan Hounsell confirmed that he did not support an amendment to his motion.

Cllr Tim Warren agreed with comments that the application was preferable to the previously approved scheme for 38 houses, but he still had concerns about the location and the arrangements for waste collection.

Cllr Toby Simon stated that the applicant could apply for a variation of the condition in the event of needing to reassess the waste management arrangements. He confirmed that he was assured about plans for drainage maintenance.

On voting for the motion, it was CARRIED (8 in favour, 0 against and 2 abstentions).

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

Cllr Alex Beaumont withdrew from the meeting at this point.

## **2. 24/00523/FUL - Chalfont , Charlcombe Lane, Lansdown, Bath**

The Planning Officer introduced the report which considered an application for the erection of 2 detached houses with garages and home offices following the demolition of an existing house.

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

The following public representations were received:

1. Mark Reynolds on behalf of local residents, objecting to the application.
2. Glynn Davies, architect supporting the application.

In response to Members' questions, it was confirmed:

1. The proposed trees were native species and the Council's ecologist was satisfied with the planting scheme.
2. In terms of the future removal/pruning of the beech tree, officers did not consider the tree would cause an adverse impact as there was extensive space in both gardens.
3. The removal of permitted development rights was not included as a condition.
4. The gap between the two dwellings was comparable with other nearby

properties. The area of hardstanding at the front was also comparable and would include adequate drainage.

5. In terms of impact on Hermitage Lodge, the proposed development would not overlook any habitable rooms.

Cllr Lucy Hodge opened the debate as ward member. She stated that Charlcombe was a well-known lane in the area which was predominately green with single dwellings. She asked the Committee to consider the comments of the arboriculturist and concerns about impact on residential amenity.

Cllr Tim Warren stated that the development was in keeping with the wider area and moved the officers' recommendation to permit the application. This was seconded by Cllr Toby Simon.

Cllr Lucy Hodge expressed the view that the application would result in over-development and would have a detrimental impact on the character and distinctiveness of the area and the residential amenity of neighbouring properties.

On voting for the motion, it was CARRIED (7 in favour, 1 against and 1 abstention).

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

### **3. 23/04243/OUT - Hartley Wood, King Lane, Clutton**

The Planning Officer introduced the report which considered an outline application for the erection of 9 residential dwellings with access to be determined and all other matters reserved.

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

The following public representations were received:

1. Barney Bonner, Vice Chair of Clutton Parish Council speaking in support of the application.
2. John White, agent supporting the application.

Cllr Sam Ross raised the following points as the ward member:

1. She supported the officers' recommendation to refuse the application.
2. The development would be an isolated settlement of 9 houses and would be reliant on car journeys. There was no easily accessible bus network and no active travel routes.
3. The development was contrary to Clutton's neighbourhood plan as it was not sustainable.
4. There were housing developments being built within the housing boundary area which would create homes within the village.

In response to Members' questions, it was confirmed:

1. There were differences between this application and a recent application at Hinton Blewitt which had been allowed on appeal in that the Hinton Blewitt application had been just outside the housing boundary and there was a fallback position was an existing permission which had been taken into account by the

Inspector. In this case there was no fallback position and the development was 1km away from the housing development boundary.

2. An application for 10 houses was the trigger point for affordable housing and this application was for 9 houses.
3. There were public rights of way near the application site, but these were not considered to give reasonable access to the site. Limited weight had been given to the Westlink responsive transport service as funding had not been secured beyond April 2026.

Cllr Eleanor Jackson moved the officers' recommendation to refuse the application for the reasons set out in the report that the application site was an isolated development, within the green belt and outside the housing development boundary and did not meet the rural exception criteria. This was seconded by Cllr Lucy Hodge.

Cllr Tim Warren spoke in support of the application as he considered the site to be close to the village and that the existing use involved a lot of car movements.

Cllr Colin Blackburn spoke in support of the motion on the grounds that the application was not policy compliant and did not offer any affordable housing to qualify as a rural exception.

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

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

#### **4. 23/02251/FUL - 48 Hillcrest, Pensford, Bristol**

The Planning Case Officer introduced the report which considered an application for the erection of 2 bungalows.

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

The following public representations were received:

1. Sasha Berezina, agent supporting the application.

In response to Members' questions, it was confirmed:

1. The removal of permitted development rights was included as a condition.
2. Two trees were being removed as part of the application, but they were not subject to a tree preservation order and a landscaping condition was also included.
3. Officers had not sought a footpath to access the cycle stores as this was not considered necessary.
4. There was one parking space per dwelling in accordance with policy.

Cllr Colin Blackburn spoke in support of the application and moved the officers' recommendation. This was seconded by Cllr Lucy Hodge.

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

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

#### **5. 24/01947/FUL - 21 Darlington Place, Bathwick, Bath**

The Planning Case Officer introduced the report which considered an application for the demolition of an existing conservatory; erection of a two-storey side extension, replacement roof covering; revisions to fenestration; recladding of elevations and dormers; and associated retrofitting works.

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

The following public representations were received:

1. Robin Barnes, local resident on behalf of objectors to the application.
2. James Pullen, applicant and Chris Beaver, agent supporting the application.

Cllr Manda Rigby raised the following points as the ward member:

1. The proposed development was located in the City of Bath World Heritage Sites and conservation area.
2. Although the existing dwelling was not of historic or architectural value, it had previously been screened by planting which minimised the impact.
3. Consideration needed to be given to conditions in relation to materials - glazing to prevent overlooking; reinstating the planting on site so that the development would be screened and a construction management plan to minimise the impact on Sydney Gardens.
4. Consideration should also be given to relacing the modern garage door with a more appropriate design for the setting.

In response to Members' questions, it was confirmed:

1. The garage was not part of the proposed development and so changes could not be secured as part of the application.
2. The general materials condition did not include details of glazing.
3. The appeal for non-determination in relation to another application on the same site would still go ahead and if both applications were approved there would be two permissions. The Committee was advised to give limited weight to the appeal as this was ongoing.
4. Officers had not included a condition for a landscaping scheme relating to tree planting as this was a householder application rather than a new development and it was not considered that trees were needed to prevent overlooking.

Cllr Toby Simon opened the debate as ward member. He stated that there needed to be a compromise situation to improve the current dwelling taking account of the sensitive location. He moved that officers be given delegated authority to permit the application subject to the conditions set out in the report and to consider additional conditions, if appropriate, in relation to window materials, a tree planting scheme and a construction management plan. He clarified that he wanted officers to be satisfied with the material of window frames and that glazing should be obscure where windows were overlooking. This was seconded by Cllr Ruth Malloy.

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



**RESOLVED** that officers be delegated authority to permit the application subject to the conditions set out in the report and additional conditions, if considered necessary in relation to window materials, a tree planting scheme and a construction management plan.

Councillor Hal MacFie withdrew from the meeting at this point.

**6. 24/00319/FUL - Town Mills, Mill Road, Radstock**

The Planning Officer introduced the report which considered an application for the conversion of a vacant ground floor office into a 2-bedroom flat, and provision of a flood refuge at first floor level; change of use of the vacant shop into office use and a communal cycle store and change of use to the external yard from sui generis use to residential use only.

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

There were no public representations.

In response to Members' questions, it was confirmed:

1. All other units on the site had been converted to residential use.
2. In terms of Radstock Town Council's concern that the application would result in the loss of employment, the site was classified as sui generis use rather than industrial use.
3. The site was in Flood Zone 3 but the Environment Agency was satisfied that there were appropriate mitigations in place which would be secured by a condition.

Cllr Duncan Hounsell moved the officer recommendation that the application be permitted subject to the conditions set out in the report. This was seconded by Cllr Tim Warren.

On being put to the vote, the motion was CARRIED (5 in favour, 1 against and 2 abstentions).

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

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

**RESOLVED** that the report be noted.

The meeting ended at 4.07 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 25  
SEPTEMBER 2024**

<b>SITE VISIT LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>NAME</b>	<b>SUPPORTING/ OBJECTING/ REPRESENTING</b>
1	23/04136/RES - 37 Coombend, Radstock	Cllr Lesley Mansell (statement to be read in absence)	Ward Councillor
2	<del>24/01160/FUL - 11</del> <del>Richmond Road, Bath</del>	Item withdrawn from the agenda	
<b>MAIN PLANS LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>NAME</b>	<b>FOR/AGAINST</b>
1	24/01168/REG03 - Land To The Rear Of 89 -123, Englishcombe Lane, Southdown, Bath	Christopher Pound (on behalf of local resident)	Objecting
		Nick Plumley B&NES Housing Enabling & Development Manager / Aydin Zorlutuna, agent	Supporting
		Cllr Jess David (5 minutes) Cllr Steve Hedges (5 minutes)	Ward Councillor Adjacent Ward Councillor
2	24/00523/FUL - Chalfont, Charlcombe Lane, Lansdown, Bath, Bath And North East Somerset	Mark Reynolds	Objecting
		Glynn Davies, architect	Supporting
3	23/04243/OUT - Hartley Wood, King Lane, Clutton, Bristol	Barney Bonner	Clutton Parish Council

		John White, agent	Supporting
		Cllr Sam Ross (5 minutes)	Ward Councillor
4	23/02251/FUL - 48 Hillcrest, Pensford, Bristol	Sasha Berezina, agent	Supporting
5	24/01947/FUL - 21 Darlington Place, Bathwick, Bath, Bath And North East Somerset	Robin Barnes, local resident	Objecting
		Chris Beaver, agent	Supporting
		Cllr Manda Rigby (5 minutes)	Ward Councillor
6	24/00319/FUL - Town Mills, Mill Road, Radstock, Bath and North East Somerset	No speakers	

**BATH AND NORTH EAST SOMERSET COUNCIL**  
**PLANNING COMMITTEE**  
**25th September 2024**  
**SITE VISIT DECISIONS**

<b>Item No:</b>	001	
<b>Application No:</b>	23/04136/RES	
<b>Site Location:</b>	37 Coombend, Radstock, Bath And North East Somerset, BA3 3AN	
<b>Ward:</b> Radstock	<b>Parish:</b> Radstock	<b>LB Grade:</b> N/A
<b>Application Type:</b>	PI Permission (Approval Reserved Matters)	
<b>Proposal:</b>	Approval of reserved matters with regard to outline application 20/03800/OUT (Proposed demolition of existing buildings, change of use of land to residential and erection of 5no. dwellings (1no. 3 to 4 bedroom detached and 4no. 3 bedroom terraced) at Coomb End Garage, Coomb End, Radstock, BA3 3AN (Outline Application to determine access with all other matters reserved)).	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Policy CP9 Affordable Housing, Housing Development Boundary, LLFA - Flood Risk Management, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	SR Catchers Ltd	
<b>Expiry Date:</b>	30th September 2024	
<b>Case Officer:</b>	Danielle Milsom	

**DECISION APPROVE WITH OFFICER RECOMMENDATIONS**

<b>Item No:</b>	002
<b>Application No:</b>	24/01160/FUL
<b>Site Location:</b>	11 Richmond Road, Beacon Hill, Bath, Bath And North East Somerset
<b>Ward:</b> Lansdown	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of 1no 3 bed dwelling on land to the rear of 11 Richmond Road.
<b>Constraints:</b>	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, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr & Mrs Melbourne
<b>Expiry Date:</b>	29th August 2024
<b>Case Officer:</b>	Ed Allsop

**DECISION    WITHDRAWN FROM AGENDA, DEFERRED TO NEXT COMMITTEE**

**BATH AND NORTH EAST SOMERSET COUNCIL**  
**PLANNING COMMITTEE**  
**25th September 2024**  
**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	24/01168/REG03	
<b>Site Location:</b>	Land To The Rear Of 89 To123, Englishcombe Lane, Southdown, Bath	
<b>Ward:</b> Moorlands	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Regulation 3 Application	
<b>Proposal:</b>	The erection of 16 no. supported living units (Use Class C3(b)) with associated communal hub (to include ancillary carers accommodation), access, landscaping and ancillary works	
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Policy NE3 SNCI, Ecological Networks Policy NE5, NRN Woodland Core Existing Policy NE5, NRN Woodland Strategic Networ Policy NE5, Placemaking Plan Allocated Sites, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Ms Hayles	
<b>Expiry Date:</b>	27th September 2024	
<b>Case Officer:</b>	David MacFadyen	

**DECISION PERMIT**

**1 Standard Time Limit (Compliance)**

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

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

**2 Arboriculture - Arb Method Statement and Revised Tree Protection Plan (Pre-commencement & Compliance)**

Prior to the commencement of development an Arboricultural Method Statement with revised Tree Protection Plan following the recommendations contained within BS 5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. This shall reflect 'Option 3' within the Arboricultural Technical Note (ref: 30210292-ARB, dated 8th July 2024, by Arcadis).

The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statements to the local planning authority on completion of the development. Wording for all measures required must state what will happen and use committal language that is enforceable (eg "shall" instead of "should"). The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Thereafter, the development shall proceed in accordance with the approved Arboricultural Method Statement and all tree protection measures must be installed prior to the commencement of development.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

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

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

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

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.

### **4 Construction Environmental Management Plan (Pre-commencement)**



No development shall take place until a site-specific Construction/Demolition Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- o Procedures for maintaining good public relations with neighbours including complaint management, public consultation and liaison;
- o Arrangements for liaison with the Council's Environmental Protection Team;
- o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
  - o 08 00 Hours and 18 00 Hours on Mondays to Fridays and
  - o 08 00 and 13 00 Hours on Saturdays and;
  - o at no time on Sundays and Bank Holidays.
- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- o Procedures for emergency deviation of the agreed working hours;
- o Control measures for dust and other air-borne pollutants following BRE Code of Practice guidance on the control of dust from construction and demolition activities. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants; and
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

The development shall be undertaken in accordance with all measures and mitigation set out in the approved Construction Environmental Management Plan.

Reason: To protect the health, wellbeing and amenity of neighbouring residents as well as the environmental quality of the area during construction in accordance with Policies D6, PCS1, PCS2 and PCS3 of the Local Plan.

### **5 Ecological Construction Environmental Management Plan (CEMP: Ecology) (Pre-commencement)**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for Ecology (CEMP: Ecology) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Ecology shall include the following:

- a) Risk assessment of potentially damaging construction activities boundaries of mapped exclusion zones for the protection of ecologically sensitive species or retained habitats and features, with boundaries shown to scale on a plan, and details and specifications for proposed fencing, barriers and warning signs, as applicable;
- b) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

- c) The times and frequency of visits during construction when a professional ecologist needs to be present on site to oversee works;
- d) Responsible persons and lines of communication; and
- e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), to include the location, timing and methodologies of specified works to avoid harm to wildlife and sensitive features, including proposed details for reptile mitigation scheme and translocation exercise; and mitigation schemes for badger, birds and mammals.

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

Reason: To avoid harm to existing and retained habitats and species during site preparation and construction works in accordance with Policy NE3 of the Local Plan. NB: The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

## **6 Wildlife Mitigation and Enhancement Scheme (Pre-commencement)**

No development shall take place until a Wildlife Mitigation and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority.

The Wildlife Mitigation and Enhancement Scheme must be produced by a suitably experienced professional ecologist. It shall be in accordance with (but not confined to) the recommendations and measures described in the approved Ecological Impact Assessment (Rev 4 10th July 2024, Engain) and shall include detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report, including wildlife friendly planting and landscaping details; provision of bat and bird boxes; provision of additional features and habitats to benefit wildlife. Details shall include proposed specifications; materials; dimensions; models; design; fixings (as applicable); and proposed numbers, heights and positions.

Specifications for fencing and boundary treatments shall include provision of a gap at the base of the fencing, and wildlife access points at intervals, to allow movement of wildlife. All details shall be fully incorporated into the scheme and shown to scale on all relevant plans and drawings. 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 prevent ecological harm and to provide additional benefits for wildlife in accordance with policies NE3 and D5e of the Bath and North East Somerset Local Plan.

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

No development shall commence until full details of a Biodiversity Gain Plan for delivery and monitoring of Biodiversity Net Gain, and a Habitat Management Plan have been submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver 13.78 habitat units and 0.96 watercourse units. The Plans shall be in accordance with the approved Biodiversity Net Gain Assessment (Biodiversity Net Gain Assessment, Rev 03, dated 27th August 2024 by Matt Davies Engain) and with current best practice guidelines and shall include the following:

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 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.

### **8 Sustainable Urban Drainage (Pre-commencement)**

Prior to the commencement of development, a detailed drainage design supported by updated on-site infiltration testing and maintenance schedule for drainage features shall be submitted to and approved in writing by the Local Planning Authority. The detailed drainage design shall reflect the Drainage Strategy assessed and approved at application stage (Sustainable Drainage Strategy, 30210292-AUK-XX-XX-RP-DE-0001 P04, dated September 2024 by Arcadis, and Drainage Strategy drawing no. 30210292-AUK-XX-XX-SK-CE-0503-REV02, dated 6th September 2024).

The Drainage Strategy shall then be implemented and maintained in accordance with the approved details prior to first occupation of the development.

Reason: To ensure that an appropriate method of sustainable 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 Affordable Housing Scheme (Pre-commencement)**

Prior to the commencement of the development hereby approved, an Affordable Housing Scheme to secure a minimum of 30% affordable housing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the following:

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

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

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

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

Prior to the commencement of development a scheme of Site Specific Targeted Recruitment and Training shall be submitted to and approved by the Local Planning Authority. The scheme must incorporate a minimum of 3 no. work placements associated with the development and provide evidence of the necessary financial contribution

towards Targeted Recruitment and Training. The proposed development shall be carried out in accordance with the approved scheme.

Reason: In the interests of promoting and delivering employment, training and regeneration opportunities that can contribute to a reduction in the health and social inequalities across the District, in accordance with policy SD1 of the Bath and North East Somerset Core Strategy and the Bath and North East Somerset Planning Obligations SPD (2023).

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

No construction of the external walls of the development shall commence until a detailed schedule of proposed construction materials and finishes, and samples (as necessary) of the materials to be used in the construction of the external surfaces (including walls, roofs, windows, doors, coping, sills, rainwater goods etc.) have been submitted to and approved in writing by the Local Planning Authority. The materials schedule must reflect the materials within the submitted Facade Material Strategy (drawing no. 145599-ARC-XX-XX-EL-A-250-0006 P01 S3) and elevation drawings (145599-ARC-WS-XX-EL-A-250-0001 P06 S3 and 145599-ARC-WS-XX-EL-A-250-0002 P05 S3) and shall include:

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

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policies HE1, B4, BD1, D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

### **12 Architectural Details - Large Scale Drawings (Bespoke Trigger)**

No construction of the external walls of the development shall commence until large scale details and construction sections of the following elements of built fabric are submitted to and approved in writing by the Local Planning Authority.

1. Typical window construction including reveal and sill;
2. Banding detail;
3. Timber screens;
4. Wall and roof parapet junction;
5. Green roof construction;
6. Balcony railings;
7. Retaining walls and railings;

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

Reason: In the interests of safeguarding the architectural intent, design quality, the appearance of the development and contribution to the surrounding area in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policies HE1, D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

### **13 Landscape Design Proposals (Bespoke Trigger)**

No development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall reflect the landscape scheme hereby approved (Illustrative Landscape Masterplan, drawing no. 30210292-AUK-XX-XX-DR-LA-0005-P14 dated 12th July 2024 and Landscape General Arrangement, drawing no. 30210292-ARC-XX-XX-DR-LA-0012 REV P07 as well as the Landscape Strategy Report Englishcombe Lane Supported Living dated March 2024 by Arcadis) include, as appropriate:

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

Soft landscape details shall be consistent with the Biodiversity Net Gain Assessment/ Biodiversity Gain Plan/ Ecological Report/ Bat Mitigation and shall include:

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

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

### **14 External & Internal Lighting (Bespoke Trigger)**

No internal or external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with the approved 'Lighting Strategy' (Lighting Strategy Rev P03 dated September 2024 by Arcadis) and the accompanying predicted light spill calculations, and shall include:

- 1) Proposed lamps and lamp models, with manufacturer's specifications; proposed lamp positions, numbers and heights, with details also to be shown on a plan;
- 2) Light spill modelling, in accordance with the standards and best practice guidelines as described in ILP Guidance Note 08/23 "Bats and artificial lighting in the UK", including details of predicted light spill and lux levels within and beyond site boundaries, onto adjacent land and onto boundary vegetation and all ecological habitats and sensitive features within and adjacent to the site, on both vertical and horizontal planes, with details of predicted light levels to also be shown on a plan, and at heights using sections and drawings;
- 3) Details of lighting controls, proposed hours, frequency and duration of use; and details of all measures and features to contain light spill, and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land, and to limit use of lights when not required and to avoid harm to bat activity and other wildlife; and
- 4) Details of a proposed lighting compliance and operational monitoring and reporting scheme, to demonstrate that the scheme has been installed and is being operated in accordance with approved details and that light spill levels are in accordance with predicted lux levels, to be carried out by suitably experienced professionals and details of reporting to the Local Planning Authority and proposed actions for remediation if applicable.

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

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

### **15 Contaminated Land - Unexpected Contamination (Bespoke trigger)**

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.

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

No occupation of the development shall commence until evidence demonstrating that 2 no. fire hydrants have been installed to serve the site and five years maintenance has been committed, is submitted and approved by the Local Planning Authority. The fire hydrants shall be retained and maintained in accordance with the approved evidence.

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

### **17 Highway Access Works (Pre-occupation)**

The development hereby approved shall not be occupied until the scheme of proposed 'Highway Works' are completed, and evidence of the completed works has been submitted to and approved in writing by the Local Planning Authority. The scheme of 'Highway Works' shall reflect the proposals shown on the Englishcombe Lane Concept Design Sheet 1 of 2 plan (drawing no. 30210292 - ARC - XX - XX - DR - HE - 00001 P03 dated 19th March 2024 by Arcadis). There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: In order that the development provides safe and appropriate access for pedestrians and vehicles prior to first use, as well as ensuring the public realm adjacent to the site is accessible, inclusive, safe and convenient for pedestrians to encourage walking and active travel by the public. Developments are required to fulfil such objectives by Section 9 of the NPPF, Policies ST1, ST7, DW1 and SD1 of the Bath and North East Somerset Local Plan Partial Update.

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

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

Reason: To ensure that the development is served by a safe and suitable access in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

### **19 Cycle Parking (Pre-occupation/Compliance)**

Prior to first occupation of the development hereby approved, the cycle parking facilities as shown on the Proposed General Arrangement Site Plan (General Arrangement Plan - Proposed - Sheet 1 of 2, drawing no. 145599-ARC-WS-00-PL-A-250-0003 P05 S3 and General Arrangement Plan - Proposed - Sheet 2 of 2, drawing no. 145599-ARC-WS-00-PL-A-250-0004 P05 S3) shall be implemented, providing cycle parking for a minimum of 18 no. bikes. The cycle parking shall be retained thereafter, unimpeded and used solely for the purposes of parking bicycles.



Reason: In the interest of enabling cycling as genuine choice of travel mode, in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

## **20 Waste Management Plan (Pre-occupation/Compliance)**

The bin and recycling stores forming part of the development hereby approved (identified on the Refuse Strategy drawing no. 145599-ARC-WS-XX-PL-A-100-0010 P08 S3) shall be constructed in accordance with the approved details, prior to first occupation of the development and used solely for the purpose of storage of bins, waste and recycling boxes thereafter.

From first residential use of the development, waste and recycling at the site shall be managed in accordance with the proposals shown on the Refuse Strategy plan (Refuse Strategy drawing no. 145599-ARC-WS-XX-PL-A-100-0010 P08 S3 by Arcadis dated 23rd August 2024). Bins and recycling boxes associated with the development shall be returned to the approved bins stores as soon as possible following collection and must not be stored outside the boundary of the site at any time.

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

## **21 Sustainable Construction 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 (as built) 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 Policy SCR6 of the Local Plan and Sustainable Construction Checklist submitted at application stage (V3.0, received: 15th July 2024).

PHPP 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.

1. Energy Summary Tool 2
2. Table 2.1 or 2.2 (if proposal has more than one dwelling type)
3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

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

## **22 Ecological Compliance Statement (Pre-occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional Ecologist (based on post-construction on-site inspection by a suitably experienced professional ecologist) confirming and demonstrating, using photographs, adherence to and completion of the approved CEMP: Ecology and Wildlife Mitigation and Enhancement Scheme, in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the CEMP: Ecology and Wildlife Mitigation and Enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE3A; NE5 and D5e of the Bath and North East Somerset Local Plan.

### **23 Implementation of Landscaping Scheme (Compliance/Bespoke Trigger)**

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

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

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

### **24 Arboricultural Compliance (Compliance/Bespoke)**

The development must be implemented in accordance with the Arboricultural Method Statement and Tree Protection Plan approved under condition no. 2 of the permission. Within 28 days of first occupation of the development, an Arboricultural Compliance Statement prepared and signed by the project Arborist shall be submitted to and approved in writing by the Local Planning Authority. This must detail and confirm compliance with the Arboricultural Method Statement and Tree Protection Plan for the duration of works on site.

Reason: To ensure that the approved Arboricultural Method Statement and all tree protection measures are complied with for the duration of the development to protect the retained trees as required by the NPPF and Policy NE6 of the Placemaking Plan.

### **25 Noise Levels (Compliance)**

Any plant or equipment installed as part of the development hereby approved, shall not generate noise emissions at nearest noise sensitive premises exceeding levels listed at table 6-2 in the submitted Acoustic Noise Study (Acoustic Noise Study, ref: 30210292-ARC-P01-XX-TR-AE-00001, dated: April 2024).

Reason: To ensure the development does not generate noise pollution that causes disturbance to neighbouring residents and therefore preserves acceptable amenity standards at neighbouring properties in accordance with Policy D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

## 26 Water Efficiency (Compliance)

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

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

## 27 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:

#### Plans List:

This decision has been based on the following list of plans and reports:

#### Architectural Plans:

Site Location Plan	145599-ARC-WS-XX-PL-A-100-0000 P06 S3	11 April 2024
Existing Site Plan	145599-ARC-WS-XX-PL-A-100-0001 P04 S3	11 April 2024
Existing Site Sections	145599-ARC-WS-XX-SE-A-250-0001 P05 S3	11 April 2024
General Arrangement Plan - Existing - Sheet 1 of 2	145599-ARC-WS-00-PL-A-250-0001 P04 S3	11 April 2024
General Arrangement Plan - Existing - Sheet 2 of 2	145599-ARC-WS-00-PL-A-250-0002 P04 S3	11 April 2024
Communal Hub Proposed Plan	145599-ARC-WB-00-PL-A-250-0004	P04 S3 11 April 2024
Type 1 Unit (1 bed) Proposed Plan	145599-ARC-WB-00-PL-A-250-0001	P04 S3 11 April 2024
Type 2 Unit (2 bed) Proposed Plan	145599-ARC-WB-00-PL-A-250-0002	P04 S3 11 April 2024
Type 3 Unit (3 bed / 2 bed + office) Proposed Plan	145599-ARC-WB-00-PL-A-250-0003 P03 S3	11 April 2024
Proposed Roof Plan	145599-ARC-WS-RF-PL-A-250-0001-P05 S3	28 August 2024

Proposed Site Plan	145599-ARC-WS-XX-PL-A-100-0002 P08 S3	28 August 2024
General Arrangement Plan - Proposed - Sheet 1 of 2	145599-ARC-WS-00-PL-A-250-0003 P05 S3	28 August 2024
General Arrangement Plan - Proposed - Sheet 2 of 2	145599-ARC-WS-00-PL-A-250-0004 P05 S3	28 August 2024
Proposed Site Elevations 01 S3	145599-ARC-WS-XX-EL-A-250-0001-P06	28 August 2024
Proposed Site Elevations 02 S3	145599-ARC-WS-XX-EL-A-250-0002-P05	28 August 2024
Communal Hub Proposed Elevations S3	145599-ARC-XX-XX-EL-A-250-0004	P05 28 August 2024
Facade Material Strategy	145599-ARC-XX-XX-EL-A-250-0006 P01 S3	28 August 2024
Proposed Refuse Strategy	145599-ARC-WS-XX-PL-A-100-0010 P08 S3	28 August 2024
Proposed Fire Strategy	145599-ARC-WS-XX-PL-A-572-0001 P07 S3	28 August 2024

Landscaping Plans:

Illustrative Landscape Masterplan	30210292-ARC-XX-XX-DR-LA-0005 P14	15 July 2024
Landscape General Arrangement	30210292-ARC-XX-XX-DR-LA-0012 P07	15 July 2024

Technical Plans:

Englishcombe Lane Concept Design Sheet 1 of 2 (Highways Access Works)	30210292 - ARC - XX - XX - DR - HE - 00001 P03	28 March 2024
Drainage Strategy	30210292-AUK-XX-XX-SK-CE-0503 REV 02	06 September 2024
Catchment Plan	30210292-AUK-XX-XX-SK-CE-0504 REV 02	06 September 2024
Overland Flows Plan	30210292-AUK-XX-XX-SK-CE-0504 REV 02	06 September 2024
South Catchment Surface Water Strategy Section	30210292-AUK-XX-XX-SK-CE-0509 REV 01	06 September 2024
Standard Drainage Details Sheet 1 of 2	30210292-AUK-XX-XX-SK-CE-0505	REV 06 September 2024
Standard Drainage Details Sheet 2 of 2	30210292-AUK-XX-XX-SK-CE-0506	REV 06 September 2024
Gravel Blanket Standard Detail	30210292-AUK-XX-XX-SK-CE-0510	REV 06 September 2024

**Condition Categories**

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at [www.planningportal.co.uk](http://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](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto:cil@BATHNES.GOV.UK)

### **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.

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

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

<b>Item No:</b>	02
<b>Application No:</b>	24/00523/FUL
<b>Site Location:</b>	Chalfont , Charlcombe Lane, Lansdown, Bath
<b>Ward:</b> Lansdown	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of 2 no. detached houses with garages and home offices following demolition of existing house.
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, SSSI - Impact Risk Zones, Tree Preservation Order,
<b>Applicant:</b>	Ms Stephanie Machin
<b>Expiry Date:</b>	11th April 2024
<b>Case Officer:</b>	Danielle Milsom

**DECISION** APPROVE WITH OFFICER RECOMMENDATIONS



<b>Item No:</b>	03		
<b>Application No:</b>	23/04243/OUT		
<b>Site Location:</b>	Hartley Wood , King Lane, Clutton, Bristol		
<b>Ward:</b>	Clutton And Farmborough	<b>Parish:</b>	Clutton
		<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Outline Application		
<b>Proposal:</b>	Outline application for the erection of 9 residential dwellings with access to be determined and all other matters reserved (resubmission).		
<b>Constraints:</b>	Bristol Airport Safeguarding, Clutton Airfield, Agricultural Land Classification, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, LLFA - Flood Risk Management, Ecological Networks Policy NE5, NRN Woodland Connectivity Opp Policy NE5, NRN Woodland Strategic Networ Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
<b>Applicant:</b>	Mr Richard Evans		
<b>Expiry Date:</b>	7th August 2024		
<b>Case Officer:</b>	Ed Allsop		

## DECISION REFUSE

1 The proposal is in an isolated countryside location away from settlements, defined with Housing Development Boundaries (HDB) on the Local Plan Policy Map; the nearest being Clutton located a kilometre from the site. Given this and that it does not comply with the exceptions for isolated countryside housing listed at paragraph 84 of the National Planning Policy Framework (NPPF) the proposal is contrary to part 5 of the NPPF. In addition, as the proposal is an inaccessible and unsustainable location, located a significant distance from settlements supporting a range of facilities and good access to public transport the proposal is also contrary to policy DW1 of the Local Plan Partial Update 2023.

2 The proposal, located remote from services, employment opportunities, with limited potential of using active travel or public transport to make most journeys, is contrary to the key aims of Policy ST1 and ST7 of the Local Plan Partial Update (2023) and part 9 of the NPPF, which seek to ensure that developments are well connected and located to facilitate the use of sustainable modes of transport.

3 The proposal is not a rural exception site as it does not propose affordable housing consistent with policy RA4 of the Core Strategy. As such, the proposal is contrary to policy CNP3 'Housing Development Boundary' of the Clutton Neighbourhood Plan.

## PLANS LIST:

This decision relates to the following plans:

Site location plan, site plan and site elevations-100 G  
Access Plan- 1011 P02  
Refuse vehicle tracking- 1015- P02  
Visibility Splay P01

### **Community Infrastructure Levy**

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

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

<b>Item No:</b>	04
<b>Application No:</b>	23/02251/FUL
<b>Site Location:</b>	48 Hillcrest, Pensford, Bristol, Bath And North East Somerset
<b>Ward:</b> Publow And Whitchurch	<b>Parish:</b> Publow <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of 2no. bungalows
<b>Constraints:</b>	Bristol Airport Safeguarding, Norton Malreward Unlicensed Airstrip, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy GB2 Infill Boundary, Housing Development Boundary, Policy M1 Minerals Safeguarding Area, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, NRN Woodland Strategic Networ Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
<b>Applicant:</b>	Garbild Ltd
<b>Expiry Date:</b>	27th September 2024
<b>Case Officer:</b>	Ed Allsop

## 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 Drainage (Compliance)

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.

### **3 Ecological Precautionary Working Methods and Mitigation (Compliance)**

The development hereby approved shall adhere to recommendations of the EclA dated 13th Sept 2023 by Abricon, as set out in Section 6 and Appendix D

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

### **4 Ecological and Biodiversity Net Gain Compliance Report (Pre-Occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist based on post-construction site visit and inspection, and confirming and demonstrating, using photographs, completion and implementation of ecological measures as detailed in the approved ecology report and Biodiversity Net Gain Plan 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;
2. Confirmation of compliance with the method statements referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
3. Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented.

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

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

### **5 LEMP with details of habitat management (pre-commencement)**

No development shall commence until a LEMP and details of habitat management produced by a suitably experienced professional ecologist has been submitted to and approved in writing by the Local Planning Authority.

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

### **6 Removal of Permitted Development Rights - No extensions/enlargements (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 or external walls 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: In the interests of the appearance of the development and the surrounding area in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3 and D4 of the Bath and North East Somerset Placemaking Plan.

### **7 Landscape Design Proposals (Bespoke Trigger)**

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

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

Soft landscape details shall include:

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

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

### **8 Biodiversity Gain Plan (Pre-commencement)**

No development shall commence until full details of a Biodiversity Gain Plan achieving no net loss and an appropriate gain (address BNG deficit), including 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 Statutory 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).

### **9 Plans List (Compliance)**

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

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

## **PLANS LIST:**

This decision relates to the following plans:

Proposed site block plan- A03 REV A  
Proposed site layout- A05 REV B  
EXISTING & PROPOSED SITE SECTION- A06 REV A  
PLOT 1 - GROUND & FIRST FLOOR PLANS - A07 REV A  
PLOT 2 - GROUND & FIRST FLOOR PLANS - A08 REV A  
PLOT 1 & 2 - ROOF PLAN-A09 REV A  
PLOT 1 & 2 - FRONT ELEVATION- A10 REV A  
PLOT 1 & 2 - REAR ELEVATION - A11 REV A  
PLOT 1 & 2 - SIDE ELEVATION 1- A12 REV A  
PLOT 1 & 2 - SIDE ELEVATION 2 - A13 REV A  
PLOT 1 & 2 - SIDE ELEVATION 2- A13 REV A  
PROPOSED BIN & CYCLE STORES- A13 REV B

## **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.

## **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)

### **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.

### **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.

<b>Item No:</b>	05
<b>Application No:</b>	24/01947/FUL
<b>Site Location:</b>	21 Darlington Place, Bathwick, Bath, Bath And North East Somerset
<b>Ward:</b> Bathwick	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Demotion of existing conservatory; erection of a two-storey side extension, replacement roof covering; revisions to fenestration; re-cladding of elevations and dormers; and associated retrofitting works.
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, NE3 UK Priority Habitats, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, NRN Wetland Strategic Network Policy NE5, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr J Pullan
<b>Expiry Date:</b>	2nd August 2024
<b>Case Officer:</b>	Ed Allsop

**DECISION**    DELEGATE TO PERMIT WITH AMENDMENTS TO CONDITIONS

<b>Item No:</b>	06
<b>Application No:</b>	24/00319/FUL
<b>Site Location:</b>	Town Mills , Mill Road, Radstock, Bath And North East Somerset
<b>Ward:</b> Radstock	<b>Parish:</b> Radstock <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Conversion of the vacant ground floor office into 1 No. 2 bedroom flat, and provision of a flood refuge at first floor level. Change of use of the vacant shop into office use and a communal cycle store. Change of use to the external yard from sui generis use to residential use only.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing, Policy ED2A Primary Industrial Estates, Flood Zone 2, Flood Zone 3, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SSCI 200m Buffer, Ecological Networks Policy NE5, NRN Woodland Strategic Network Policy NE5, NRN Wetland Strategic Network Policy NE5, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr and Mrs Timothy and Diane Gregory
<b>Expiry Date:</b>	14th June 2024
<b>Case Officer:</b>	Angus Harris

**DECISION**    APPROVE WITH OFFICER RECOMMENDATIONS

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