

# Planning Committee

**Date: Wednesday, 18th December, 2024**

**Time: 11.00 am**

**Venue: Brunswick Room - Guildhall, Bath**

## Agenda

To: All Members of the Planning Committee

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

**Permanent Substitutes:-** Councillors: Alex Beaumont, Duncan Hounsell and Ruth Malloy

Chief Executive and other appropriate officers  
Press and Public

The agenda is set out overleaf.



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## NOTES:

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

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

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

3. **Recording at Meetings:-**

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

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

4. **Public Speaking at Meetings**

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

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

Further details of the scheme can be found at:

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

5. **Emergency Evacuation Procedure**

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

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

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

**Planning Committee- Wednesday, 18th December, 2024**

**at 11.00 am in the Brunswick Room - Guildhall, Bath**

**AGENDA**

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

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

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. ITEMS FROM THE PUBLIC

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

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

To confirm the minutes of the meeting held on Wednesday 20 November 2024 as a correct record for signing by the Chair.

7. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

There are no site visit applications for consideration.

8. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 19 - 152)

The following items will be considered at 11am:

1. 24/02198/FUL - Unity Road, Northern Part, Keynsham, Bath and North East Somerset
2. 23/04529/FUL - Parcel 6600, Fairy Hill, Compton Dando, Bristol, Bath And North East Somerset

The following items will be considered at 2pm:

3. 24/02761/FUL - Site Of Old Quarry, Bath Road, Peasedown St John, Bath, Bath And North East Somerset
4. 24/03655/FUL - 530 Wellsway, Bath, Bath And North East Somerset
5. 24/03605/FUL - 51 Ambleside Road, Bath, Bath and North East Somerset
6. 24/02867/FUL - Humphreston House, The Green, Temple Cloud, Bristol, Bath and North East Somerset
7. 24/03722/FUL – 22 Grange Road, Saltford, Bath and North East Somerset
8. 24/04115/TCA - Lindley, North Road, Bathwick, Bath, Bath and North East Somerset
9. 24/04122/TCA - 1 Cambridge Place, Widcombe Hill, Widcombe, Bath, Bath and North East, Somerset

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 153 - 156)

The Committee is asked to note the report.

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

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

Wednesday, 20th November, 2024, 11.00 am

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

**58 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

**59 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Cllr Hal MacFie and Cllr Duncan Hounsell was in attendance as substitute.

**60 DECLARATIONS OF INTEREST**

Cllr Duncan Hounsell advised that he would be standing down for item 6 - 24/01826/FUL – 14 Manor Road, Saltford to address the Committee as ward member and would not be participating in the debate or vote.

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

There was no urgent business.

**62 ITEMS FROM THE PUBLIC**

The Democratic Services Officer informed the meeting of the process for public speakers to address the Committee.

**63 MINUTES OF THE PREVIOUS MEETING**

It was moved by Cllr Jackson, seconded by Cllr Simon and;

**RESOLVED** that the minutes of the meeting held on Wednesday 23 October 2024 be confirmed as a correct record for signing by the Chair.

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

There were no site visit applications for consideration.

**65 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. 24/00155/RES - Land Parcel 0005, Bath Road, Keynsham, Bath And North East Somerset**

The Case Officer introduced the report which considered a reserved matters application for the development of 208 homes, replacement sports pitch to facilitate expanded primary school, open space, landscaping and associated infrastructure pursuant to planning permission ref: 20/02673/OUT.

She gave a verbal update to amend the wording of the sustainable construction condition to confirm this would be discharged in line with the phasing of the construction.

She confirmed the officers' recommendation that officers be delegated to permit the application subject to the completion of a Section 106 Agreement to secure a financial contribution of £82,892 towards the Council's Carbon Offsetting Fund and the conditions set out in the report.

The following public representations were received:

1. Jason Price, Avon and Somerset Police – Designing Out Crime Officer, objecting to the design of the development in terms of safety and security.
2. Peter Roberts, applicant, supporting the application.

Cllr Andy Wait was in attendance as ward Councillor and raised the following points:

1. He raised comments on behalf of Ian Saunders, Chair of the adjacent Hygge Park development community group:
  - a. The construction management plan not been seen by the local community,
  - b. There had been drainage and flooding issues at Hygge Park and the drainage strategy had not been adhered to in relation to that development.
  - c. The proposed garages were too small for a modern car and would increase car parking problems in the local area.
2. He stated the need for traffic management across the whole site, including Hygge Park to be looked at. Consideration should be given to securing a contribution to a bus service.

3. As ward member, he had been made aware of anti-social behaviour within the Hygge Park development and he questioned whether the applicant could manage the site effectively to prevent further anti-social behaviour.
4. He expressed concern about the impact on the woodland.

In response to Members' questions, it was confirmed:

1. The access would be a signalled junction via the A4 and the layout had been approved at the outline stage. The signalised junction would discourage rat-running. There would be a linking road to the Hygge Park development, and it was possible for a small community bus to access the site. The nearest bus stop was 300m away which was an approximate walk of 3-4 minutes.
2. The use of the cycle path by school children was assessed at the outline stage.
3. The Council's parking standard did not include garages as parking spaces and so the size of the garages was not relevant. There was adequate on street parking.
4. The tree which housed the existing bat roost was being retained and would be managed by the landscape management plan. The lighting scheme was designed with bats in mind and the Council's ecologist was satisfied with the plans.
5. The sports pitch was intended as a community facility rather than a formal sporting facility and no associated facilities were required to support the pitch. This facility was secured at the outline stage, and it would have been difficult to add facilities due to its location in the green belt. An additional sports pitch would be provided for the use of Two Rivers Primary School.
6. The community hub on the illustrative Masterplan was indicative and not given any weight at the outline stage. There was no policy requirement for this to be delivered.
7. The mature oak tree would be replaced if a problem arose as a result of the development within the next 30 years. An additional oak tree would also be planted as mitigation.
8. The drainage details had been analysed and no objections had been raised by the local flood authority.
9. There would be a condition to ensure that the details for the allotments would be submitted to the Local Planning Authority for approval.
10. Officers considered the segregated pathways to be acceptable, acknowledging the balance between lighting and ecology.
11. There would be an estimated 478 residents living in the development site.

Cllr Shaun Hughes opened the debate and welcomed aspects of the development including the affordable homes, allotments and orchard, but expressed disappointment about the lack of community hub and acknowledged the concerns of the police relating to the design and community safety.

A number of members expressed concern about the lack of community facilities but noted that it was not a policy requirement. Members recognised the concerns about the permeability of the site in terms of safety and the need to balance this with creating a network of pedestrian and cycle routes. Specific concerns were expressed about the safety of the segregated pathway.

Cllr Toby Simon spoke in support of the application and moved the officers' recommendation. Cllr Duncan Hounsell acknowledged there were some concerns around the detail, but no substantial reason to overturn the recommendation and he seconded the motion.

On voting for the motion, it was CARRIED (6 in favour, 5 against – Chair using casting vote).

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

1. The completion of a Section 106 Agreement to secure a financial contribution of £82,892 towards the Council's Carbon Offsetting Fund.
2. The conditions set out in the report.

**2. 24/00768/FUL - Former Keynsham Fire Station, Temple Street, Keynsham, Bath and North East Somerset**

The Case Officer introduced the report which considered an application for the erection of 21 apartments (over 55's) with ground floor space for Class E use, parking, associated landscaping and public realm improvements, to follow demolition of existing former Keynsham Fire Station building.

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

A. The completion of a Section 106 Agreement to secure:

1. Restriction to ensure that the building is occupied by over-55s only.
2. Contribution of £4,351 towards a Traffic Regulation Order to burn off/replace existing road markings as required.
3. A contribution towards the relocation of 2no. disabled parking bays, at a cost to be agreed with the Council (based on costings prior to the commencement of development).
4. A contribution of £53,340.11 towards parks and green space.
5. Targeted Training and Recruitment Contribution of £825.
6. Late-Stage Viability Review Mechanism for affordable housing.
7. A contribution of £8,611.50 towards the Council's carbon offsetting fund.

B. the conditions set out in the report.

The following public representations were received:



1. Alison Lugsden, agent, supporting the application.

In response to Members' questions, it was confirmed:

1. The application constituted C3 development, the proposal was for 21 apartments for over 55s only with no care or communal facilities.
2. The S106 Agreement would ensure that the flats were not sold to anyone under the age of 55.
3. One of the 21 units was wheelchair adaptable, and all of the dwellings had been designed to meet M4(2) accessible and adaptable dwellings standard, which was a significant over provision.
4. The development included a lift.
5. There were no south facing balconies.
6. Fire safety would be addressed by building regulations.
7. There were 2 electric vehicle charging points and these would be assigned to residents.
8. Officers were satisfied that affordable housing was not viable as part of the development. There would be a S106 Agreement to ensure a late-stage viability review mechanism for affordable housing.
9. The design reflected the nearby Civic Centre and Riverside development. There was a condition to ensure materials had to be submitted and approved by the Local Planning Authority.
10. The Environmental Protection Team had not requested a Seagull Management Plan.
11. There was no proposed condition to prevent further additions to the roof.
12. Officers had suggested a lower height in pre-application discussions for design reasons. The viability of a higher scheme had not been tested and an assessment had been made on the application as submitted.
13. There were 42 cycle parking spaces, but these were double stacked and there wasn't an option to reduce this facility to provide additional car parking.

Cllr Fiona Gourley expressed concern about the scheme due to lack of community facilities, affordable homes and green space.

Cllr Eleanor Jackson also raised concerns about the application and moved that the application be refused for the reason that the development did not enhance or preserve the character and setting of the conservation area. This was seconded by Cllr Crossley. The Committee was informed that an additional reason challenging the viability study was not advisable. On being put to the vote the motion was NOT CARRIED (2 in favour and 8 against).

Cllr Duncan Hounsell spoke in support of the scheme and moved the officers' recommendation with an additional condition requiring a Seagull Management Plan.

This was seconded by Cllr Toby Simon. Following further debate, the mover and seconder agreed to the inclusion of a condition to prevent any further additions to the roof and an amendment to the landscaping condition to secure the maintenance of green roof/tree/climbers for the lifetime of the development.

On voting for the motion, it was CARRIED (6 in favour, 4 against).

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

A. The completion of a Section 106 Agreement to secure:

1. Restriction to ensure that the building is occupied by over-55s only.
2. Contribution of £4,351 towards a Traffic Regulation Order to burn off/replace existing road markings as required.
3. A contribution towards the relocation of 2no. disabled parking bays, at a cost to be agreed with the Council (based on costings prior to the commencement of development).
4. A contribution of £53,340.11 towards parks and green space.
5. Targeted Training and Recruitment Contribution of £825.
6. Late-Stage Viability Review Mechanism for affordable housing.
7. A contribution of £8,611.50 towards the Council's carbon offsetting fund.

B. the conditions set out in the report with additional conditions requiring (i) a Seagull Management Plan and (ii) preventing any further additions to the roof and an amendment to the landscaping condition to secure the maintenance of green roof/tree/climbers for the lifetime of the development.

### **3. 24/02198/FUL - Unity Road, Northern Part, Keynsham, Bath and North East Somerset**

The Case Officer introduced the report which considered an application for the change of use of an industrial unit to provide an indoor electric go karting centre (sui generis use).

She gave a verbal update to advise on the reasons for referral to Committee from Cllr Lucy Hodge as Vice-Chair which had been omitted from the report as follows:

1. the application be referred to committee given the objections of ward councillors/Keynsham Town Council and the comments in support and objection to the application so that the amenity and highway issues could be considered and balanced with any potential benefits.

The Case Officer confirmed the officers' recommendation that officers be delegated to permit the application subject to the completion of a Section 106 Agreement to ensure a financial contribution of £1320 towards Targeted Training and Recruitment and the conditions set out in the report.

The following public representations were received:

1. Adam Snell, local resident, objecting to the application.
2. Dom Gaynor, applicant, supporting the application.

Cllr Andy Wait was in attendance as ward member and raised the following points:

1. The applicant's website encouraged stag and hen parties, and the application included a bar. This use was not suitable near a residential area and properties in Unity Road would be impacted.
2. There would be huge increases in traffic to the site as the proposed opening hours were every day up to 11pm.
3. The application offered little benefit to wider community of Keynsham.
4. The application was not in line with Council policies which protected industrial/warehouse use.

In response to Members' questions, it was confirmed:

1. Opening hours were until 11pm, the last session was at 10pm and so this would limit the number of people using the facilities. There was a maximum of 16 people who could use the go-karts during a session. If the Committee was minded to seek a change to opening hours, it was recommended that the application be deferred for further negotiation with the applicant.
2. Officers were satisfied with the noise evaluation report. There had been no objection from the Environmental Protection Team and there was no requirement for additional noise protection measures. The noise levels would be secured by a condition. Any future problems with noise levels could be reported to the Environmental Protection Team.
3. The highways assessment had considered the impact against the existing use, and it was considered that the removal of HGV movements may be a benefit. Cars would not pass the residential area in order to access the site and there would be signage to ensure traffic avoided Unity Road.
4. It would not be reasonable to add a condition that the use of the site return to B8 in the future. If the application was permitted, the use would be limited to electric go-karting and any different use would require planning permission.
5. The sale of alcohol was a licensing consideration. If a license was granted, it could be reviewed in the event of future problems.
6. Policy ED2A had a presumption for retaining the site for industrial use but officers considered the applicant had successfully challenged this presumption. Sub-division of the unit would be challenging, and future economic growth could not be taken into consideration.
7. The proposed development would result in 40 full time equivalent jobs.
8. The applicants had submitted a travel plan which could be secured by a

condition.

Following concerns raised about the possible impact on residential amenity of people leaving the site, Cllr Tim Warren moved that a decision be deferred for 1 month for officers to negotiate with the applicant about an earlier closure time Sunday-Thursday. He suggested 10pm closure Monday-Thursday and 7pm on Sunday. This was seconded by Cllr Fiona Gourley.

Cllr Shaun Hughes asked if the applicant could also be requested to share the licensing plans as concerns were linked to the sale of alcohol.

Cllr Duncan Hounsell expressed the view that the application would cause significant harm in terms of increased noise and traffic and the loss of a warehouse on land that was set aside for that in purpose.

On voting for the motion, it was CARRIED (6 in favour, 5 against – chair using casting vote).

**RESOLVED** that a decision be deferred pending negotiations with the applicant about an earlier closing time Sunday-Thursday.

#### **4. 24/01360/FUL - 14 Kenilworth Close, Keynsham, Bath and North East Somerset**

The Case Officer introduced the report which considered an application for the erection of a three-bedroom house following the removal of the existing two storey extension.

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. Barry Preece, agent, supporting the application.

In response to Members' questions, it was confirmed:

1. The existing two storey extension would be removed and replaced by the new dwelling.
2. There would be 4 parking spaces which was above the usual standard to address concerns about parking. There would be no change to the driveway and so no impact on existing on-street parking.
3. There was no garage proposed and this was in line with other properties in the street.
4. The materials would match the existing dwelling, and this would be secured by a condition.
5. The internal layout of the proposed dwelling in term of bathroom facilities was a building regulations issue rather than a planning consideration.

Cllr Duncan Hounsell proposed that the officers' recommendation be approved. This was seconded by Cllr Tim Warren.

On voting for the motion, it was CARRIED (9 in favour, 0 against, 1 abstention).

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

**5. 24/01202/FUL - The Hollies, Hillcrest, Pensford, Bristol, Bath and North East Somerset**

The Case Officer introduced the report which considered an application for the erection of a 3-bedroom bungalow in the green belt.

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. Paul Baxter, Publow Parish Council, speaking in support of the application.

In response to Members' questions, it was confirmed:

1. Green belt policies were robust, and any new development was inappropriate without exceptional circumstances. The applicant had put forward an argument that there were special circumstances due to the sustainability benefits of an experimental proposed heating system which would go above and beyond sustainable construction policies. However, there was no pre-existing data or evidence to support this claim.
2. Officers were not aware if the system had been trialled successfully outside of the UK.
3. Once planning permission had been given, this could not be taken away even if the heating system was proven not to work.

Cllr Duncan Hounsell opened the debate and stated that green belt policies were clear, and he did not consider that exceptional circumstances had been demonstrated. He moved the officers' recommendation that the application be refused, and this was seconded by Cllr Lucy Hodge.

Cllr Shaun Hughes spoke in support of the motion and stated that it was not the role of the Committee to change the green belt boundaries, and the proposed heating system could be tested on a site outside of the green belt.

Cllr Paul Crossley concurred with this view and stated that the appropriate route to change housing boundaries was via the Local Plan process.

Cllr Deborah Collins expressed disappointment that it was not possible to consider how policies could be applied to encourage zero carbon developments.

Cllr Tim Warren stated that he believed there were exceptional circumstances, and he would support overturning the officers' recommendation.

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

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

## **6. 24/01826/FUL – 14 Manor Road, Saltford, Bath and North East Somerset**

Cllr Duncan Hounsell stood down from the committee during consideration of this application, addressed the committee as local member but did not participate in the debate or vote.

The Case Officer introduced the report which considered an application for the erection of a 2-bed dormer bungalow adjacent to No.14 Manor Road, including forming a new access onto Claverton Road.

He gave a verbal update to amend the reason for condition 12 "protection of neighbourhood nature area planting within verge" and include an additional condition to ensure the refuse and recycling storage area within the verge was only used for receptacles on refuse and recycling collection days and the preceding day.

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

The following public representations were received:

1. Rob Hannan, local resident, objecting to the application.
2. John Blake, architect, supporting the application.

Cllr Duncan Hounsell addressed the Committee as ward member and raised the following points:

1. The application was a cause of concern for local residents.
2. A similar application had previously been refused.
3. The application contravened policy on local character and distinctiveness in Claverton Road.
4. The site area was limited and there was no front garden. The site faced on to a public green space which would impact on the privacy of the occupier and people using the green space.
5. The development of the site relied on a valuable parcel of land being given to applicant.

He asked the Committee to refuse the application or if there was uncertainty, to attend a site visit. Following his statement, Cllr Hounsell withdrew from the meeting.

In response to Members' questions, it was confirmed:

1. A similar application in the area had been refused in 2004 and as planning

policies had changed over the last 20 years, very limited weight could be given to that decision.

2. In terms of access, a highway licence had been approved for a dropped kerb.
3. Six trees had been removed before the application was submitted and this had been taken into account in the Biodiversity Net Gain requirements.
4. The proposed bungalow was set back from the street by 4.4m. This would be the closest property to the street, but not by a significant distance.
5. Officers did not consider the overlooking of the neighbour to be significant, the bathroom dormer window would be obscure glazed and fixed shut.
6. Permitted development rights would be removed.

Cllr Eleanor Jackson moved the officers' recommendation that permission be granted. This was seconded by Cllr Simon.

On voting for the motion, it was CARRIED (8 in favour, 1 against).

**RESOLVED** that the application be permitted subject to the conditions set out in the report with an amendment to the reason for condition 12 "protection of neighbourhood nature area planting within verge" and an additional condition to ensure the refuse and recycling storage area within the verge was only used for receptacles on refuse and recycling collection days and the preceding day.

#### **7. 24/02425/VAR - 2 Mayfields, Keynsham, Bath And North East Somerset**

The Case Officer introduced the report which considered an application for the variation of condition 11 (Plans List (Compliance)) of application 21/05172/VAR (Variation of condition 11 (Plans List)) of application 19/00590/FUL (Erection of 4no flats on land adjacent to 2 Mayfields).

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

1. An update to the plans list to add in site layout plan 11D and remove plans 15d and 16d as they had been superseded.
2. An informative to confirm the details of the Section 73.

There were no public speakers.

In response to Members' questions, it was confirmed:

1. There were no flats in the roof space, this was a void space.
2. If the applicant wished to convert the void space to flats, they would need to submit a new planning application.
3. The access to the void space was via a hatch, there was no staircase.
4. The application was retrospective. If the Committee was minded to refuse the

application, the case would be referred to the enforcement team.

5. It would be possible for the loft space to be utilised for the first-floor flats without planning permission, but there would be a building regulations process.

Cllr Tim Warren moved the officers' recommendation, and this was seconded by Cllr Deborah Collins. On voting for the motion, it was CARRIED (10 in favour, 0 against - unanimous).

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

1. An update to the plans list to add in site layout plan 11D and remove plans 15d and 16d as they had been superseded.
2. An informative to confirm the details of the Section 73.

#### **8. 24/01371/FUL - 37 Gaston Avenue, Keynsham, Bath and North East Somerset**

The Case Officer introduced the report which considered an application for the erection of new fencing and replacement gates.

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

There were no public speakers.

In response to Members' questions, it was confirmed:

1. The north area of the fencing faced onto Keynsham bypass.
2. The 17m stretch of fencing which ran alongside neighbouring properties would be permitted development if it was standalone. The height of the 17m fence would be a similar height to the existing boundary fence.
3. The design of the fencing would include open trellising to minimise impact on neighbouring properties.

Cllr Toby Simon proposed the officer's recommendation to permit the application. This was seconded by Cllr Eleanor Jackson.

Cllr Shaun Hughes raised concerns about the proposed fencing changing the street scene.

On voting for the motion, it was CARRIED (5 in favour, 4 against, 1 abstention).

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



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

Cllr Eleanor Jackson asked that thanks be recorded to officers for their support in the appeal relating to Land West Of Providence Bungalow Frome Road, Radstock.

**RESOLVED** that the report be noted.

The meeting ended at 5.35 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Planning Committee</b>
<b>MEETING DATE:</b>	<b>18th December 2024</b>
<b>RESPONSIBLE OFFICER:</b>	Louise Morris - Head of Planning & Building Control
<b>TITLE:</b>	<b>APPLICATIONS FOR PLANNING PERMISSION</b>
<b>WARDS:</b>	ALL
<b>BACKGROUND PAPERS:</b>	
<b>AN OPEN PUBLIC ITEM</b>	

**BACKGROUND PAPERS**

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
  - (i) Sections and officers of the Council, including:
    - Building Control
    - Environmental Services
    - Transport Development
    - Planning Policy, Environment and Projects, Urban Design (Sustainability)
  - (ii) The Environment Agency
  - (iii) Wessex Water
  - (iv) Bristol Water
  - (v) Health and Safety Executive
  - (vi) British Gas
  - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
  - (viii) The Garden History Society
  - (ix) Royal Fine Arts Commission
  - (x) Department of Environment, Food and Rural Affairs
  - (xi) Nature Conservancy Council
  - (xii) Natural England
  - (xiii) National and local amenity societies
  - (xiv) Other interested organisations
  - (xv) Neighbours, residents and other interested persons
  - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

**The following notes are for information only:-**

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	24/02198/FUL 9 January 2025	Go Karting For Fun Ltd Ij McGill Transport Ltd, Unity Road Northern Part, Keynsham, Bath And North East Somerset, BS31 1FU Change of use of the existing building to provide an indoor electric go-karting centre (sui generis use) with associated installation of plant, and signage.	Keynsham East	Isabel Daone	Delegate to PERMIT
02	23/04529/FUL 3 May 2024	Bath And West Community Energy Limited Parcel 6600, Fairy Hill, Compton Dando, Bristol, Bath And North East Somerset Installation of ground mounted solar panels, substation compound, access tracks, perimeter fencing with CCTV cameras, access gates and associated grid infrastructure, in connection with development of a 2.1MW community solar energy farm.	Saltford	David MacFadyen	Delegate to PERMIT
03	24/02761/FUL 23 September 2024	Mr Paul Bryant Site Of Old Quarry, Bath Road, Peasedown St John, Bath, Bath And North East Somerset Erection of 1 no. dwelling with detached garage.	Peasedown	Danielle Milsom	REFUSE
04	24/03655/FUL 5 December 2024	Gray & Amor Properties Ltd 530 Wellsway, Bath, Bath And North East Somerset, BA2 2UD, Change of use from 3 bedroom dwelling (Use Class C3) to 4 bedroom House in Multiple Occupation (HMO) (Use Class C4) to include minor internal reconfiguration. Removal of rear fence to create additional off road parking space and installation of four bay cycle rack.	Odd Down	Ed Allsop	PERMIT

05	24/03605/FUL 2 December 2024	Mrs Karen Bazeley 51 Ambleside Road, Southdown, Bath, Bath And North East Somerset, BA2 2LP Change of use from Dwelling House (C3) to HMO (C4) and internal alterations	Odd Down	Angus Harris	PERMIT
06	24/02867/FUL 18 November 2024	Ann Morgan Humphreston House , The Green, Temple Cloud, Bristol, Bath And North East Somerset Erection of summerhouse.	Mendip	Angus Harris	PERMIT
07	24/03722/FUL 29 November 2024	Mrs Jessica Fragapane 22 Grange Road, Saltford, Bath And North East Somerset, BS31 3AG, Erection of two storey extension and garage with single storey rear extension following demolition of existing garage. External works to provide for carriage driveway with additional access to Grange Road and associated hard landscaping.	Saltford	Laura Beacham	PERMIT
08	24/04115/TCA 16 December 2024	Fiona Broadfield Lindley , North Road, Bathwick, Bath, Bath And North East Somerset T1 Eucalyptus - reduce crown by 2-3m.	Bathwick	Jane Brewer	NO OBJECTION
09	24/04122/TCA 19 December 2024	Alison Born 1 Cambridge Place, Widcombe Hill, Widcombe, Bath, Bath And North East Somerset T1 Strawberry Tree- Reduce the width of the lower crown over the boundary to the West by 2m.	Widcombe And Lyncombe	Jane Brewer	NO OBJECTION

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

**Item No:** 01  
**Application No:** 24/02198/FUL  
**Site Location:** Ij McGill Transport Ltd Unity Road Northern Part Keynsham Bath And North East Somerset BS31 1FU



**Ward:** Keynsham East      **Parish:** Keynsham Town Council      **LB Grade:** N/A

**Ward Members:** Councillor Hal McFie      Councillor Andy Wait

**Application Type:** Full Application

**Proposal:** Change of use of the existing building to provide an indoor electric go-karting centre (sui generis use) with associated installation of plant, and signage.

**Constraints:** Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing, Policy ED2A Primary Industrial Estates, Flood Zone 2, LLFA - Flood Risk Management, Ecological Networks Policy NE5, Railway, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

**Applicant:** Go Karting For Fun Ltd

**Expiry Date:** 9th January 2025

**Case Officer:** Isabel Daone

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

## **REPORT**

The application refers to a commercial building located on the Unity Road Industrial Estate in Keynsham. The site is currently vacant but has a lawful B8 use. The Industrial Estate forms part of a Strategic Industrial Estate allocation (policy ED2A).

Planning permission is sought for the change of use of the existing building to provide an indoor electric go-karting centre (sui generis use) with associated installation of plant, and signage

### **REASON FOR COMMITTEE:**

The application has been referred to the Chair and Vice Chair in accordance with the Council's Planning Scheme of Delegation and it has been concluded that the application should be decided by Planning Committee. The Chair's decision is as follows:

"The views of one of the ward members and the Town Council are acknowledged as is the mix of views both in support and against this proposed change of use. We must support the reuse of any redundant commercial space if policy allows, but mindful of the amenity and highway concerns but also the potential economic and leisure benefits, it is considered that this application would be best determined by the Committee."

The Vice Chair's decision is as follows:

"Given the objections from the Ward Councillor and Town Council, but also noting views both for and against from third parties, I recommend that this application is determined by the Planning Committee so that the amenity and highways issues may be full debated in public and balanced against any potential benefits."

### **REASON FOR DEFERRAL:**

The application was presented to and debated by the Planning Committee on 20th November 2024. The application was deferred by Planning Committee Members who requested officers discuss alternative hours of operation with the applicant. The Committee requested that the following planning condition was presented to the applicant for their agreement:

#### **Hours of Use (Commercial) (Compliance)**

The use hereby approved shall not be carried out and no customer shall be served or remain on the premises outside of the following hours:

Sundays 8am - 7pm (with last racing at 6:30pm)

Monday to Thursday - 8am - 10pm (with last racing at 9:30pm)

Friday and Saturday - 8am-11pm (with last racing at 10:30pm)

Reason: To protect the residential amenity of the neighbouring occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

The applicant has not agreed to amend the opening hours, as they have concluded that this would result in their business being unviable. Their reasoning is fully set out in an

email to the Case Officer dated 27th November 2024, from Olivia Frost (Savills) which is available to view on the public website. They have suggested that, if the Committee considered it necessary, that on a Sunday the hours could be reduced to 8am-9pm/10pm. The Committee Report below has been amended to review the following matters:

- Residential amenity - Further assessment in regard to new opening hours requested
- Highways - amended to include a condition to secure compliance with the travel plan
- Sustainable Construction - section added following previous update report
- Other Matters - section added to provide further clarity on employment and licensing following Committee discussion

Relevant Planning History:

01/00691/FUL

PERMIT - 12 July 2004

Variation of condition 2 attached to planning permission WK 5044/M dated 16/3/83 to allow use as a general warehouse within Use Class B8 of the Use Classes Order and extensions and alterations to provide improved loading

03/00316/FUL

PERMIT - 20 August 2003

Security fencing and gates in accordance with letter and plan received 1 July 2003

03/01342/FUL

PERMIT - 9 July 2004

Extension to provide covered loading bays and erection of acoustic barrier in accordance with letter, plans and statement received 2 February 2004

16/03788/FUL

PERMIT - 5 October 2016

Installation of 1no temporary single storey Portakabin Titan building to be used as office accommodation. To be hired for a period of 3 years.

19/02668/FUL

PERMIT - 1 October 2019

Change of use of part of existing warehouse B8 use to Sui Generis Builders Merchant. Demolition of Garage repair workshop and installation of new door to facilitate this including revised parking arrangements

20/00337/FUL

PERMIT - 3 March 2020 - Retention of building at front of property and installation of new door to retained building. Reduction in size of door to Unit 1 previously approved.

20/03135/FUL

PERMIT - 2 December 2020

Change of use of part of existing warehouse B8 use to Sui Generis Builders Merchant. Retention of building at front of property and installation of new door to retained building.



Reduction in size of door to Unit 1 previously approved. Existing parking to be reconfigured to provide 37 spaces per unit (37 for Unit 1 and 37 for Unit 2)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Councillor Andy Wait:

My concerns include the change to sui generis use which, as you know, could allow an even worse activity to move into the space in future as happened at The Old Railway Site in Keynsham. I have other concerns as well around the use car use which is compounded by already increasing traffic use at Broadmead roundabout caused by the new recycling centre, the proposed new Aldi store and the new Withies Park development. Despite it being electric, I think most of the users will not use Active Travel methods to get to the activity. There is also a shortage of warehouse space in the area.

I attended the Keynsham Town Council Planning Committee meeting last night and they voted unanimously to object to this development.

This is an inappropriate change of use, and should you be minded to approve it, I would like this application called in to be discussed and decided by the B&NES Planning committee.

Economic Development:

28th June 2024 - Objection

23rd July 2024 - Comment

19th September 2024 - Objection

Environmental Protection:

No objection, subject to conditions.

Highways:

10th July 2024 - Further information required

27th August 2024 - Further information required

Keynsham Town Council:

12th July 2024:

Object - The proposal is inappropriate in this locality. Keynsham Town Council have strong concerns in respect of Traffic and Highways safety implications which are not acceptable. It is envisaged that if permitted the proposal will add to the already congested traffic issues in the part of the town with an influx of visitors to such a go-karting centre. Hence the application is contrary to policies D1 and D1b of Bath and North East Somerset adopted Placemaking Plan 2017 and Local Plan (Core Strategy) Partial Update Jan 2023. There is concern as the amenity of neighbours will be significantly affected in respect of light pollution and noise pollution, hence the application is also in contrary to planning policy D6.

1st October 2024 -

- Reiterate objection of 12th July 2024
- Support B&NES Highways request for further information
- Support comments of the Economic Development Team
- Concern about further changes of use

#### THIRD-PARTY REPRESENTATIONS:

10 objections, 1 general comment and 8 comments of support have been received with regard to this application. A summary of the comments is presented below, and the full comments are viewable on the Council's website.

#### Objections:

- Departure from policy which protection industrial/warehouse uses
- Extensive hours of operation
- Noise generation and disturbance
- Increase in traffic
- Detrimental to residential amenity
- Will create less jobs than the current use
- Congestion concerns
- Promotion of Hen Parties and Stag Do's will harm residential amenity
- Battery technology may cause fire
- Light pollution
- Comings and goings will cause disturbance
- Nothing to prevent parking in surrounding areas
- Road safety concerns

#### Support:

- Local children can use the facility
- Benefit to the Bristol/Bath area
- Sufficient car parking for potential users
- New leisure facility within Keynsham
- Bring jobs to the area
- Good use of empty space
- Positive addition for the local community

#### General comment:

- A great idea, fully support, but PV should be considered

#### **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

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

#### CORE STRATEGY:

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

CP5: Flood Risk Management  
CP6: Environmental Quality  
SD1: Presumption in favour of sustainable development

#### PLACEMAKING PLAN:

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

CP12: Centres and Retailing  
D1: General urban design principles  
D2: Local character and distinctiveness  
D3: Urban fabric  
D4: Streets and spaces  
D6: Amenity  
D9: Advertisement and outdoor street furniture  
PCS1: Pollution and nuisance  
PCS2: Noise and vibration  
SU1: Sustainable drainage policy

#### LOCAL PLAN PARTIAL UPDATE:

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

DW1: District Wide Spatial Strategy  
KE1: Keynsham spatial strategy  
Policy ED2A: Strategic Industrial Sites  
CR1: Sequential test  
CR2: Impact assessments  
CP1: Retrofitting Existing Buildings  
D5: Building design  
D8: Lighting  
ST1: Promoting Sustainable Travel  
ST7: Transport requirements for managing development

#### SUPPLEMENTARY PLANNING DOCUMENTS:

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

Transport and Development Supplementary Planning Document (January 2023)

**NATIONAL POLICY:**

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

**LOW CARBON AND SUSTAINABLE CREDENTIALS:**

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

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**OFFICER ASSESSMENT**

**PRINCIPLE OF DEVELOPMENT:**

Loss of strategic industrial premises:

The application site is located within a Strategic Industrial Estate, as identified under planning policy ED2A within the policies map; Ashmead Road & Unity Road Estate.

The policy sets out that the identification of this areas as a Strategic Industrial Estate means that there is a presumption in favour of retaining them for the E(g)(iii), B2 and B8 uses. Proposals for builder's merchants will also be accepted in these locations. There are strong economic reasons why other uses would be inappropriate because of the economic significance of these areas. Applicants seeking to challenge this presumption should provide compelling evidence that circumstances have changed to the extent that there is no reasonable prospect of land or premises being used for the allocated purpose, with reference to the following criteria:

- a) Whether existing premises are being used productively, or if not, the viability of reusing vacant premises or developing allocated land for industrial use,
- b) the level of interest in existing premises following a marketing period of 24 months, on reasonable terms, during a sustained period of UK economic growth.

c) general market signals of demand across the District and in relation to the locality i.e. the relevant settlement(s)

d) The availability and quality of alternative premises

e) Whether any other evidence casts critical doubt on the validity of Policy B1, KE1 and SV1 insofar as they relate to the required supply of industrial space

A marketing report has been submitted with the application which has been assessed by the Planning Officer and Economic Development Team. The marketing report sets out that the property has been marketed for a period of 25 months (since April 2022) and has been vacant since October 2022. The unit has been marketed as being available immediately. The Economic Development Team have not objected to the marketing information or methodology, and it is therefore accepted that the site has been marketed for a period of at least 24 months on reasonable terms.

The Planning Officer challenged the applicant on addressing criterion (a) of ED2A, in that the marketing report appears to demonstrate that there had been interest in the unit, but that factors such as the size of the unit and the number of roller doors had dissuaded potential tenants from utilizing the unit. In order for the change of use to be accepted in principle the applicant is required to demonstrate that there is no "reasonable prospect of the premises being used for the allocated purpose".

In response, the applicant has provided more information in respect of addressing the matters raised by potential tenants/purchasers.

The sub-division of the unit has been considered. The unit has already been sub-divided (granted consent in 2019); unit 1 is the subject of this application and unit 2 sits immediately adjacent to the east. A letter (Savills August 2024) sets out that the unit cannot be subdivided further due to spatial constraints. The site can only be accessed from the north by larger vehicles and therefore if the unit were to be divided, it would need to be done so north south, creating two long units. Due to the existing arrangement, retaining wall and ramped access, there would not be sufficient space within the site for vehicles for two units to turn. This is accepted.

As part of the refurbishment of the building, the landlord has widened the roller loading door. The letter sets out that the option of a second loading door was given to all prospective tenants. However, this did not lead to any additional offers. Examples are set out in the marketing report - for example, Space Engineering did not make an offer because they required an additional loading door, and this would have impacted upon external vehicle circulation and parking. It is therefore accepted that, even with the offer of an additional door, this would lead to logistical and circulation issues on the site.

Officers therefore accept that the site has been marketed for a period of 2 years, using methodology accepted by the Economic Development Team and that a number of alterations to the building to make it more viable for prospective tenants have been explored. This has not resulted in any offers. As such, criteria (a) and (b) of ED2A are considered to be satisfied.

The Economic Development Team, despite accepting the marketing report, have objected to the proposals. Their comments set out that the Core Strategy Plans for the increase in industrial floorspace within Keynsham (of 8,300m<sup>2</sup>) have not been achieved and a net loss for the period of 2011 and 2022 has occurred. They highlight that the retention of allocated industrial land is important for meeting the Core Strategy target. The HJA Employment Needs Assessment also sets out that whilst there is a "healthy level of supply at Keynsham relative to anticipated requirements...given documented constraints within Bath City, the Keynsham sub-area is likely to need to play a role in meeting some demand". The Economic Development Team conclude that "Whilst the marketing information appears to be in order it doesn't address the broader losses issue. Whilst each application is of course assessed by its own merits buildings do not exist in isolation and the broader policy goals to retain industrial space within Keynsham both now and in the future should still be honoured. Again, were this to be approved then this should be limited to this occupier only and revert back to its original use class."

It is accepted that there has been a loss of industrial premises across the B&NES district and that, in regard to supply issues in Bath, sites in Keynsham, the Somer Valley and other parts of the district will need to be utilised to accommodate demand. Policy ED2A does require the wider market signals to be considered, but also (as detailed in criterion (c)) in relation to the local settlement. The HJA Employment Needs Assessment notes that there is a healthy level of supply within Keynsham. Whilst it is likely that Keynsham will need to absorb some demand due to pressures within the city of Bath, the marketing report (which has not been challenged by the Economic Development Team) clearly demonstrates that the local market signals demonstrate that the unit is not fit for purpose, despite interest and has been vacant for a significant time period. This must be given weight in the consideration.

As such, officers consider that the applicant has responded to comments and challenge made by the Planning Officer in respect of their submitted evidence which is now considered compelling that the circumstances have changed to the extent that there is no reasonable prospect of land or premises being used for the allocated purpose.

The Economic Development Team have requested that a condition be attached to the permission to ensure that the use reverts to B8 if the occupier vacates the unit. The Town Council have also raised concern about the sui generis use. The sui generis use is specific to Go Kart racing. Whilst another Go Kart occupier could use the site, any other use on the site would require a change of use and therefore, any further change of use would need to be assessed against the relevant policies at that time (including ED2A if relevant).

As such, the planning officer is satisfied that policy ED2A is met given the evidence put forward and the principle of the change of use in respect of this policy is accepted.

Sequential test:

The proposed use can be considered a commercial leisure use.

Policy CP12 of the Core Strategy states that "Retail development, offices, leisure and entertainment uses, markets, community facilities, arts, culture, and tourism uses will be primarily located within, or where appropriate, adjoining the centres in the identified

hierarchy of centres as required by Policy CR1". The site is not located within or adjoining a centre as defined by the hierarchy.

Policy CR1 has regard to the sequential test. It makes clear that "Retail and other main town centre uses (including commercial leisure) should be located within the centres identified on the Policies Map and in Core Strategy Policy CP12." It goes on to confirm that "out of centre development of main town centre uses will only be acceptable where:

i) no suitable of viable centre or edge of centre sites are available, and the proposal would be in a location readily accessible on foot, by cycle and by public transport, with preference given to sites that are well connected to the town centre; or

ii) the proposal is of a small scale (less than 280 sqm gross floorspace), located within the existing urban area of Bath or a settlement with a Housing Development Boundary, and aimed at providing for local needs (refer to Policy CR4)."

Policy CR1 also sets out that sequential tests should be proportionate and appropriate for the given proposal. The applicant did not originally submit a sequential test. They concluded that, given the nature of the proposed use which required significant levels of floorspace, that the development could not be accommodated in an identified centre. The majority of TeamSport's other karting sites around the country are located out of centre. However, following discussion with officers and the comments of the Policy Team, a sequential test has been provided.

The applicant has set an area of search across the whole district. However, they have noted that Midsomer Norton and Radstock are not considered to be a great enough catchment area for a business to be viable. Notwithstanding, they have considered units in these areas.

The applicant has carried out their search using an EGI search engine, which is used by the vast majority of industrial and commercial landlords to advertise available space.

The applicant notes that, as a result of spatial requirements of the site and type of development, the site size must be at least 2,500-3000 square metres.

The search parameters are accepted.

Applying the search parameters, four sites were identified within the district including the application site. Of the remaining three sites, two of these (Unit 4, Ashmead Road, Keynsham) and Unit 1, Westfield Trading Estate are also out of centre and not sequentially preferable. Ashmead Road is also not of sufficient size and height to accommodate a karting track.

The Former Welton Factory, which is available, is an edge of centre location. However, it is considered to be too small internally to accommodate a karting track.

Given the requirements of the proposed development, which are specific in terms of scale, it is not considered that there are any other sequentially preferable sites within the district and as such, officers are satisfied that the sequential test is passed.

Impact Test:

Policy CR2 relates to Impact Assessments and states that commercial and retail development outside of the centres will not be permitted if:

- i. It would be liable to have a significant adverse impact on the vitality, viability and diversity of existing centres; or
- ii. It would have a significant adverse impact on existing, committed or planned investment in a centre or centres in the catchment area of the proposal.

For commercial leisure proposals anywhere in the District, an Impact Assessment (IA) is required for schemes over 1,000sqm which are located outside of a designated town centre.

The policy confirms that the application of the impact test should be proportionate and appropriate for the given proposal. The Planning Practice Guidance is also explicit on this point.

Impact on Existing Commercial Leisure Uses:

The submitted Impact Assessment (Savills, November 2024) sets out that there are no other karting facilities within the B&NES District. Avon Valley Adventure and Wildlife Park (also out of centre) has pedal karts and some motorised mini electric quad bikes; these facilities are primarily aimed at children. It is clear that there would be a different consumer market for the karting track.

The nearest comparable facilities are located in Clay Hill, Bristol and Avonmouth. Given the location of the proposals within Keynsham which is in the northern part of the district and some distance from other Town local centres (such as Midsomer Norton), it is considered proportionate to primarily consider the impact to Keynsham as a local centre. Whilst Bath is fairly close to Keynsham to the east (around 15mins by car), given the varied offering of Bath as a historic, shopping and leisure destination, it is not considered that the proposal would impact upon Bath and its designated local centres.

The commercial leisure offering in Keynsham Town Centre is relatively limited and it is not considered that there is a comparable offering within the designated local centre or on the edge of the centre. Keynsham has a series of sporting facilities including the Better Health Leisure Centre which offers a pool, racquet sports, gym fitness studios and soft play. There are also small scale studios within the High Street, for activities such as Pilates.

On the edge of the defined local centre, is Keynsham Memorial Park. This is an outdoor park which offers a play area and skate park.

The PPG states that "as a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities."

It is not considered that there is a like-for-like or even similar facility within Keynsham that the development would compete with. Similarly, within neighbouring authorities, primarily



considering Longwell Green and Brislington there is no similar offering inside their local centres, or at out of centre retail parks.

As such, it can be concluded that the proposal would not have a significant adverse impact on the existing nearby centres.

Emerging Uses:

Policy CR2 is clear that IAs should assess the impact to any committed or planned investments in the catchment area.

There are no sites identified for commercial leisure uses within the emerging Local Plan.

Overall, it is concluded that the development passes the impact test and complies with policy CR2.

#### DESIGN, CHARACTER AND APPEARANCE:

The external works proposed to the building are minimal. The main changes are proposed on the northern elevation, which faces the front of the site. The existing roller shutter door will be removed and replaced with an entrance door, which will comprise of an aluminum sliding door, with new cladding to match the existing. Additionally, following discussion with the Planning Officer, the plant (2no. air conditioning units) have been relocated to the northern elevation. The units are small scale and given the existing appearance of the building, are acceptable.

The proposed works to the building is considered to reflect the character of the existing building and the locality.

Some minor works are proposed to the area surrounding to the building, which includes the provision of a 2m high timber bin store, the retention of 5no. covered cycle stands and the inclusion of 2no. disabled parking bays. New parking spaces and motorcycle bays are also proposed. Given the context of the existing site, these works will not harm the visual amenities of the area, and this is acceptable.

Details of the proposed signage have been included with this application. However, these are subject to a separate advertisement consent (24/02199/AR) and the visual impacts of the signage will be assessed as part of this application.

Overall, it is considered that the scheme complies with policies D1, D2 and D5 of the B&NES Placemaking Plan and Local Plan Partial Update.

#### RESIDENTIAL AMENITY:

A number of concerns have been raised in respect of residential amenity and largely relate to the potential for noise and disturbance as a result of the development. The main issues raised can be summarised as:

- Noise from karting track and vehicles
- Noise from vehicles coming and going from the site
- Noise from people (specifically hen/stag parties)

The application site is located on a large industrial estate. The nearest residential properties are located approximately 35m to the west of the site (Unity Road). The properties have the existing Keynsham Bypass immediately to the south, and another commercial unit located to the north-west.

An Acoustic Letter (Quantum Acoustics, 23 May 2024) was submitted with the application. The Noise Assessment utilises noise data from an existing Team Sport karting site near Tower Bridge which establishes the internal noise levels of an operational track. Third parties have questioned the appropriateness of the use of data from another centre. The centre used operate the same karts proposed to be used at the application site. A follow-up letter from Quantum Acoustics (16 August 2024) confirms that the noise measurements taken internally were a "reverberant noise level in a large reverberant warehouse type building, similar in size and construction to the building on the application site". Officers agree that this data is entirely appropriate to use as a measure of proposed noise levels and there is no objection from the Environmental Protection Team in this regard.

The background noise survey was undertaken on Sunday 19th May 2024 between 20:00 and 23:00 outside the nearest residential receptors located on Unity Road. The time and date of the survey is considered appropriate. Given that traffic levels were likely to have been less during these times than at 'rush hour', the background noise levels are likely to have been lower than during many parts of the day. The background noise levels were dominated by traffic noise; it has been confirmed that noise from tree foliage would not have affected the measurements taken. The background noise levels have been measured as:

Position 1:

47dB 20:00-21:00

46dB 21:00-22:00

41dB 22:00-23

Position 2:

42dB 20:00-21:00

42dB 21:00-22:00

37dB 22:00-23:00

The internal noise levels for the proposed track have been subjected to an equation which allows for a sound reduction from inside to outside levels. This accounts for the composite sound reduction of the roof, the distance from the roof and the area of roof over track. This has been done for the eastern and western halves of the roof. It has been raised by third parties that this equation is overly simplistic. In response, the applicant's noise consultants have stated that although simplistic, it provides a good level of accuracy. To demonstrate this, their follow up letter utilises a widely used acoustic package called Cadna-A. Their letter confirms that this "software predicts noise in accordance with BS EN ISO 9613-2:1996 'Acoustics - Attenuation of sound during propagation outdoors. Part 2: General method of calculation'. The software demonstrates that there is good agreement (+ or - 1.6dB) in the predicted noise at the closest receptors. This is accepted.

The predicted noise level from the equation at the nearest residential receptor is 36.4dB. Using the software, this is 38dB at the southern end and 37dB at the northern end. The

predicted noise levels account for the fact that races on the track will be intermittent and therefore include a correction of +3dB. Taking the lowest background noise level as a representation (37dB), the noise levels are shown to not increase above the background noise level at the southern end, and a 1dB increase at the northern end against the lowest recorded background noise level.

The noise assessment demonstrates that the increase in noise level from the track racing will be barely perceptible, given the background noise levels. This has been accepted by the Council's Environmental Protection Team and there is no objection in this regard.

The noise from any associated plant material must be taken into account. As the karts are electric, ventilation equipment which would be necessary for petrol vehicles will not be required. The plant (air conditioning units) has been relocated to the northern elevation so as to face away from the residential dwellings and reduce any potential noise and disturbance as a result of operation.

A condition is recommended by the Environmental Protection Team that will ensure that no ventilation and extraction for the kitchen will be installed without the detail first being agreed by the Local Planning Authority. This condition is supported and will ensure that this element of the scheme does not harm residential amenity in this regard.

A number of residents have raised concern with regard to people entering and leaving the site and this having the potential to cause noise and disturbance. The number of customers entering and leaving the site will be limited by the number of people which can occupy the track at any one time (16 drivers). The number of drivers entering and existing the site is estimated to be one every 2-4 minutes during peak periods.

Officers recommended a condition to Planning Committee on 20th November 2024 which secured the opening hours (hours of use) of the site from 8am until 11pm. The submitted Management Statement confirms that the last session which can be booked is 10pm which will limit the number of visitors at the site after 9:30pm. The last session finishes at 10:30pm and the recommended condition secured that all customers have left the premises by 11pm. Officers consider that the compliance with the submitted Management Plan can also be secured by way of condition and recommend a condition to this effect.

As set out in the introduction to this report, Planning Committee deferred the decision so that officers could discuss whether reduced opening hours would be acceptable to the application, with the following hours proposed by Committee:

Sundays 8am - 7pm (with last racing at 6:30pm)  
Monday to Thursday - 8am - 10pm (with last racing at 9:30pm)  
Friday and Saturday - 8am-11pm (with last racing at 10:30pm)

These hours have been presented to the applicant. The applicant has stated that it would not be viable to proceed with the hours cited above. Their Planning Agent states in an email to the Planning Officer that "The application has robustly demonstrated that the proposal will not give rise to unacceptable impacts on neighbouring amenity; therefore, reducing the opening hours to the times suggested would not be necessary - thus failing the tests for planning conditions." The NPPF sets out the six tests for applying planning conditions at paragraph 56 and these are as follows: necessary, relevant to planning and

to the development to be permitted, enforceable, precise and reasonable in all other respects. The Noise Assessment and Management Plan are considered by officers to be sufficient to demonstrate that the proposal will not have an unacceptable impact upon the neighbouring occupiers in regard to noise and disturbance and therefore, do not think that further restricting the hours of use is necessary or reasonable, thus failing the six tests of planning conditions.

Notwithstanding the view of officers, the applicant has suggested that should the Committee feel it necessary to further restrict the hours, they would be willing to reduce the hours of opening until 9pm or 10pm on a Sunday. Officers have therefore not suggested an alternative planning condition but would suggest that members could review and discuss this potential avenue during Planning Committee.

The applicant has set out evidence that, in practice, the site is unlikely to operate 15 hours a day all year round. Operating hours will be based on the bookings made. TeamSport operate other centres and have confirmed that in reality, their sites are quieter in the daytime and so do remain closed during this time. Based on their other sites, they have set out that their operating hours in reality are generally:

Off Peak Monday to Thursday: 3pm-11:15pm, Friday 1pm - 11:45pm, Saturday and Sunday 8am to 11:45pm

Peak Monday to Friday 9am/10am to 11:15pm, Saturday and Sunday 8am to 11:45pm

Whilst in effect the site could operate between 8am and 11pm every day at this site and therefore the above is given limited weight, it does serve to demonstrate that potential noise impacts would not be consistent throughout the day. TeamSport have set out that having flexibility to allow bookings between 8am and 11pm is very important for the viability of the business. For example, corporate bookings may take place on weekday mornings and during school holidays, earlier morning sessions are often required.

It is also important to consider the potential noise levels which could be associated with the existing site. The existing site has a lawful B8 (storage and distribution) use, and the site can lawfully operate 24 hours a day, 7 days a week. Whilst it is understood that the site is currently empty, the current lawful use is a material planning consideration. The lawful use would allow an unrestricted number of vehicular movements to and from the site (including HGVs), 24 hours a day, 7 days a week; there would be associated noise from the operators of the building and vehicles. Conditions restrict the use of forklift trucks and vehicle reversing alarms during certain hours under applications 20/00337/FUL and 20/03135/FUL, but do not restrict the hours of operation of the site.

Taking into account the current use of the site and the lawful way in which it could operate, the submitted Acoustic Report and follow up letter, proposed hours of use and site location adjacent to the Keynsham Bypass, officers do not consider that the proposals will cause significant levels of noise and disturbance of residents which would justify the refusal of the application. The scheme is considered to be compliant with policy D6.

HIGHWAYS:

Access:

The site is proposed to utilise the existing access from Broadmead Lane, which contains pedestrian footways leading to the nearest bus stop along Bath Road. A small residential cul-de-sac is located to the west of the site. There is no objection to the existing site access being utilised for the proposals.

#### Parking:

The external layout of the building is shown on drawing number, 14391-PL-007 Rev B. The drawing demonstrates the parking arrangement for the site to contain 45 parking spaces with 2 blue badge parking bays. The plan now shows the disabled parking as requested by Highways.

#### Trip generation and business operation:

In response to comments raised by the Highway Authority, survey data was provided to the Council with regard to trip generation from the proposed development. The survey was taken at 16 sites which are run by the applicant, 10 which were found to be the most comparable with the proposed site along Unity Road.

The previous supporting information provided shows that the scheme would have a reduction in vehicle movement during the weekday and will remove the heavy goods vehicle activity from the site. The number of vehicle arrival trip rate to the site was shown to be around 123 trips during the course of the operational hours of a Saturday, which coincided with the peak traffic times of the existing nearby retail attractions. Much consideration was given to the potential impacts associated with an application for a nearby discount food store which would impact the highway and nearby roundabout. Consequently, further survey data was requested by and subsequently provided to the Council.

The data provides the trip rate to each site and includes the number of passengers, and travel to the site taken by train, bus, on foot, by bicycle or taxi, which is valuable to give a full understanding of the anticipated modes of travel.

Although there was some discrepancy with the totals contained within the survey data, these discrepancies have been resolved by Mayer Brown, as rounding issues however, the survey data has been recorded correctly. The data provided shows that the vehicle trips to the other sites are significantly lower than the first comparable site at Reading, and although the site gives a slight increase to the weekday evening peak period this would unlikely result in a significant operational impact on the local highway network. The highway authority is satisfied that the updated data demonstrates that the proposal is unlikely to have a material impact on the operation of the A4 Broadmead Roundabout on a Saturday.

#### Travel Plan:

The submitted Travel Plan can be secured by way of planning condition.

#### Cycle storage:

The proposed development will retain 10no. existing cycle spaces which are located to the west of the building. It is considered that this is sufficient to serve the proposed use and their retention is supported.

Highway conclusion:

The scheme is considered to comply with policies ST1 and ST7.

#### SUSTAINABLE CONSTRUCTION:

Whilst the application is not for new build non-residential development, the change of use is of a scale which triggers the requirement for Table 4 of the Sustainable Construction Checklist to be submitted with the application. This has been submitted to the Council. Policy CP1, which applies to changes of use on buildings which have floor area of over 500m<sup>2</sup>, seeks that development should demonstrate a 10% improvement in regulated CO<sub>2</sub> emissions. It is noted that the existing building is not Part L compliant. The submitted Table 4 demonstrates that the scheme can achieve a 13% reduction, largely through the new design measures of the building (the removal of the roller door for example). The U values of the building will improve, as will the average conductance. This is accepted and a condition can be used to secure demonstration of these figures post development.

#### OTHER MATTERS:

Licensing:

At the previous Planning Committee meeting, a number of queries were asked with regard to Licensing. The Licensing of premises for the sale and/or consumption of Alcohol is a separate regime to planning. TeamSport's website states that "Alcoholic drinks are only allowed to be consumed after you have finished karting and if you are lucky to look under 25 you may be asked to provide proof of age. You are not allowed to bring your own alcohol onto the premises." TeamSport would be required to obtain their premises license to be able to serve alcohol.

Employment:

The applicant was requested by Officers following the Planning Committee Meeting on 20th November to provide some more information with regard to employment at the site. The application has responded with the following: "It is projected that the centre will create approximately 40 jobs - this is the number of jobs created at the newest centre. This would be in a mix of full time and part time positions, with 5 full time and 35 part time staff estimated for Keynsham. A wide range of employment opportunities would be created including skilled and non-skilled, and on the job, training would be provided to all staff." Officers consider that this is a material consideration, and it is a benefit of the scheme that it will provide employment on site.

Further, TeamSport have also submitted details of their Social Value initiatives, including their Fast Forward Scheme. This is a vocational training programme focussed on providing young people with qualifications in motor vehicle studies, functional and employability skills. Whilst this scheme cannot be secured by condition and is therefore given limited weight in the planning assessment, it does serve to highlight that TeamSport

have a commitment across their centres to providing employment and opportunities for their staff.

## CONCLUSION:

"Section 70(2) of the Town and Country Planning Act (1990) makes clear that a Local Planning Authority must have regard to "the provisions of the development plan, so far as material to the application" and "ant other material considerations". Further, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise"."

The matters raised by third parties and consultees have been assessed and considered as part of this application. It is considered that the applicant has submitted sufficient evidence to challenge the presumption of policy ED2A and the loss of this industrial unit is accepted. The scheme will introduce a new leisure offering to the district, and particularly to Keynsham. The proposed scheme will result in around 40 jobs being created at the site which is a significant benefit of the proposals. A S106 contribution toward Targeted Training and Recruitment will be secured and a number of conditions can be used to ensure that residential amenity is maintained for those who reside on Unity Road. Overall, the scheme is considered to comply with the development plan as a whole and officers therefore recommend it for permission subject to conditions and a S106 agreement.

## RECOMMENDATION

Delegate to PERMIT

## CONDITIONS

0 A). Authorise the Head of Legal and Democratic Services to complete a Legal Agreement to secure:

1. A financial contribution of £1320 towards Targeted Training and Recruitment

B.) Subject to the prior completion of the above agreement, authorise the Head of Planning to PERMIT subject to the following conditions (or such conditions as may be appropriate):

### 1 Standard Time Limit (Compliance)

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

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

### 2 Construction Management Plan (Pre-commencement)

No development 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. Site compound arrangements;

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

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

3 CP1 Major or Medium Works to an Existing Building (Pre-occupation)  
Prior to the occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted for approval to the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of CP1.

1. Table 4
2. Building Regulations Part L post-completion documents for renewables;
3. Building Regulations Part L post-completion documents for energy efficiency;
4. Microgeneration Certification Scheme (MCS) Certificate/s (if renewables have been used)

Reason: To ensure that the approved development complies with Policy CP1 of the Local Plan Partial Update.

4 Ventilation and Extraction Details (Bespoke Trigger)  
Prior to the installation of any ventilation and extraction equipment within the site, a detailed scheme for the ventilation and extraction of fumes/cooking smells will be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including:

1. The stack height;
2. The design and position of all ductwork and filters;
3. The noise/power levels of the fan(s);
4. The number, type and attenuation characteristics of any silencers;
5. Details of anti-vibration mounts and jointing arrangements in the ductwork;
6. The number of air changes per hour and the efflux velocity.

The scheme shall be installed in accordance with the approved details prior to the first use of the kitchen/equipment and thereafter maintained as such.



Reason: In the interests controlling odours and protecting residential amenity in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

#### 5 Noise Levels (Compliance)

The Rating Level of sound associated with the proposed development must not exceed the typical background noise levels within the nearest residential windows by more than the amounts provided in the approved Noise Report (Quantum Acoustics, 23 May 2024) when assessed in accordance with BS4142 Methods for rating and assessing industrial and commercial sound.

Reason: To protect neighbouring residents from exposure to environmental noise, in accordance with policy D6 of the Bath and North East Somerset Local Plan Partial Update.

#### 6 Hours of Use - Commercial (Compliance)

The use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 8:00 and 23:00. No employee shall remain on the site outside of the hours of 7:00 and 23:15.

Reason: To safeguard the amenities of nearby occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

#### 7 Delivery Hours (Compliance)

No vehicular deliveries shall arrive, be received or despatched from the site outside the hours of 07:30 and 22:00.

Reason: To safeguard the amenities of nearby occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

#### 8 Travel Plan (Compliance)

The development hereby approved shall be operated in accordance with the approved Travel Plan (Mayer Brown, June 2024).

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

#### 9 Operation and Management Plan (Compliance)

The development hereby approved shall be operated in accordance with the approved Operation and Management Statement (TeamSport, July 2024).

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

#### 10 Plans List (Compliance)

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

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

## **PLANS LIST:**

1 This decision relates to the following plans:

10 Jun 2024 14391-PL-009 PROPOSED MEZZANINE FLOOR PLAN  
10 Jun 2024 14391-PL-011 PROPOSED MEZZANINE FLOOR BLOCK PLAN  
30 Aug 2024 L(00)005 G&S KEYNSHAM- PROPOSED ELEVATIONS  
30 Oct 2024 14391-PL-007 B PROPOSED SITE PLAN  
30 Oct 2024 14391-PL-010 B PROPOSED GROUND FLOOR BLOCK PLAN  
30 Oct 2024 14391-PL-008 A PROPOSED GROUND FLOOR PLAN  
30 Oct 2024 14391-PL-013 A PROPOSED ELEVATIONS  
30 Oct 2024 14391-PL-014 A PROPOSED ELEVATIONS SIGNAGE  
30 Oct 2024 14391-PL-013 A PROPOSED ELEVATIONS

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

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

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

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

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

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

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

## **4 Condition Categories**

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

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

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development.

The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

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

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

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

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

## **5 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**

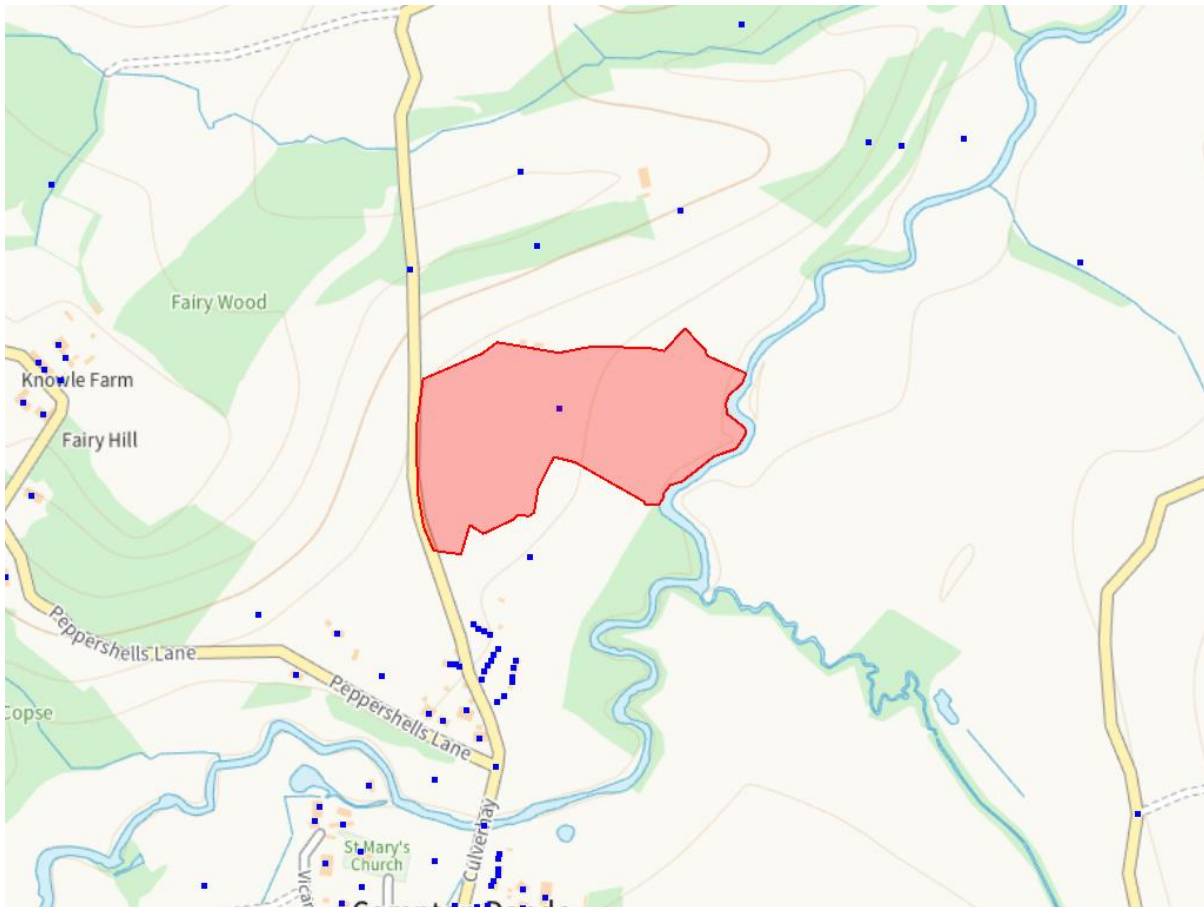
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply 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)

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

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

**Item No:** 02  
**Application No:** 23/04529/FUL  
**Site Location:** Parcel 6600 Fairy Hill Compton Dando Bristol Bath And North East Somerset



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

**Application Type:** Full Application

**Proposal:** Installation of ground mounted solar panels, substation compound, access tracks, perimeter fencing with CCTV cameras, access gates and associated grid infrastructure, in connection with development of a 2.1MW community solar energy farm.

**Constraints:** Bristol Airport Safeguarding, Agricultural Land Classification, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Flood Zone 2, Flood Zone 3, LLFA - Flood Risk Management, Policy M1 Minerals Safeguarding Area, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, Policy NE3 SNCI, Ecological Networks Policy NE5, NRN Woodland Strategic Networ Policy NE5, NRN Wetland Strategic Network Policy NE5, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

<b>Applicant:</b>	Bath And West Community Energy Limited
<b>Expiry Date:</b>	3rd May 2024
<b>Case Officer:</b>	David MacFadyen
To view the case click on the link <a href="#">here</a> .	

## **REPORT**

### **Reason for Planning Committee Decision:**

This application has been referred for decision by the Council's Planning Committee by Saltford Ward Councillor Duncan Hounsell. The referral has been considered by the Chair and Vice Chair of the Planning Committee in accordance with the Council's Planning Scheme of Delegation. The Chair and Vice Chair of the Planning Committee have decided it is appropriate for the Committee to decide the application given the application has generated a substantial level of public interest and the application covers a significant range of planning issues. The Chair notes it will be in the public interest for this application to be considered by the Planning Committee.

### **Site Background**

The application relates to a site known as 'Parcel 6600'. The site is an agricultural field situated to the eastern side of Fairy Hill, north of the village of Compton Dando. The site is in the administrative boundary of Saltford Ward and is approx. 3km south of Keynsham.

The field is accessed from a farm gate in the hedgerow that lines the western boundary adjacent to Fairy Hill. The field has an irregular shape and is lined by hedgerow margins with trees on 3 no. sides. The field declines in elevation to the south east and the eastern boundary is formed by the River Chew. The field is cultivated for cereal crops and contains modified grassland habitat. There is an ancient Oak tree located to the south west of the field. A public right of way (no. BA8/84) runs north-to-south across the eastern side of the field, following the course of the river and forming part of the 'Two Rivers Way' long distance walking route.

The site is located in the Bristol-Bath Green Belt. The River Chew to the east of the site is part of a Site of Nature Conservation Interest (SNCI). The Wansdyke Scheduled Monument runs east-to-west approx. 200m south of the site. St Mary's Church in Compton Dando is a Grade II\* listed building and is approx. 400m south of the site. The eastern part of the site near the river is in Flood Zone 2 and 3.

### **Planning History**

22/02428/SCREEN EIA screening opinion request is made pursuant to Regulation 6 of the Town and Country (Environmental Impact Assessment) Regulations 2017 in relation to proposal to construct and operate a solar farm.

NOT EIA DEVELOPMENT - 30.08.2022

## **Development**

The application seeks full planning permission for development of a solar farm at the site. The development would comprise installation of 4, 264 no. solar photovoltaic panels within an L shaped compound in the centre of the field. An inverter building, switchroom building, distribution network operator (DNO) cabin, satellite mast and access track infrastructure are also proposed. The equipment would be bound by a 2m high timber post and wire mesh security fence with CCTV posts.

The solar panels would be installed in 21 no. horizontal rows. They would be mounted on metal frames facing south at an angle of 15 degrees. The front edge would be approx. 0.7m above the ground and back edge would reach a max height of approx. 1.9m. The inverter building would be located to the north west of the site and would be 2.5m height, 2.5m width and 12m depth with a flat roof. The development also involves installation of underground cabling to connect into the electricity grid to the south on Fairy Hill.

The development involves planting of 29 no. trees, an apple orchard and hedgerow to the east of the site. This area would create a new community orchard and nature reserve area with permissive public access.

The solar farm is estimated to generate 2.1MW of electricity per annum which is equivalent to the average energy consumption of 600 homes.

The development will operate for a 30-year period following which the equipped can be removed and field restored to its former state.

The application is made by Bath and West Community Energy (BWCE). BWCE is a not-for-profit community benefit society aimed at reducing carbon emissions by increasing local renewable energy generation, funding community projects that also aim to reduce carbon emissions and fuel poverty, as well as supporting residents to make their homes more energy efficient. The BWCE vision is for an energy system where local people can buy low-cost, clean energy direct from local energy projects owned and shaped by their communities.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **Internal Consultation**

#### **Historic Environment & Conservation, Bath & North East Somerset Council:**

The application is for the construction of a solar farm on agricultural land outside the village of Compton Dando.

The development site is characterised by its rural agricultural landscape, and it is part of the wider setting of designated heritage assets notably sections of the Wansdyke (scheduled monument), Church of St Mary's (Grade II\* listed) and Compton Dando Bridge (Grade II listed and scheduled) as well as other listed buildings in the village.

Due to the size and scale of the proposed development, there will be some impact on the rural character of the landscape, which forms part of the setting of designated heritage assets.

Assessed against the NPPF, there will be a degree of harm to the setting of designated heritage assets due to the scale of development and the change in nature to the rural landscape. This is considered to be lower spectrum of less than substantial harm to the significance of the designated heritage assets and therefore will need to be weighed against the public benefits of the proposal (para 208).

### **Landscape, Bath & North East Somerset Council:**

The revised information relating to landscape and visual effects is clear and comprehensive. The revised LVIA is based on landscape mitigation plan Rev B rather than the latest version (Rev C) but the differences are small and do not materially affect the conclusions reached.

Landscape mitigation plan Rev C provides a satisfactory basis for production of detailed landscape design proposals which can be secured via Condition.

The conclusions reached in the LVIA in respect of predicted effects on character, on views and on the openness of the Green Belt (carried forward to pages 19-21 of the DAS) are considered generally fair and reasonable, and I concur with the great majority of the judgements reached on levels of effect.

The conclusion reached in the LVIA that the levels of harm to the green belt and to visual amenity are not unacceptable once mitigating factors and the benefits of the scheme are taken into account is not unreasonable.

The Landscape and Ecological Management Plan (LEMP) (Rev 003, dated March 2024) is not acceptable in its current form and requires revision. Detailed comments were provided in my response of 15 March 2024 but have not yet been addressed.

[Note Revised LEMP submitted: 21 August 2024]

### **Transportation and Highways, Bath & North East Somerset Council:**

Further to our response dated 05/03/2024, the applicant has now submitted a revised Construction Traffic Management Plan (CTMP). The highway authority has no objection to the principle of the CTMP.

The construction vehicle route would be from the Charlton Road, Redlynch Lane junction. The CTMP does include vehicle activated warning signs to be placed at this junction to warn road user and provide Construction Traffic Warning signs on the approaches to the construction route. The detail of these warning signs and placement will need to be agreed with the Council's Street Works team prior to any work commencing on site.

It is noted that Delivery and other construction related HGV movements will be limited to 09:30 to 15:00 Monday to Friday. This will avoid the peak hours on the road network. The CTMP also states that a Banksman / Signallers, with radio communication equipment, will be provided at either end of Redlynch Lane (at Charlton Road and Chewton Road) and at Fairy Hill at the site access, to warn motorists that an HGV is approaching.



The temporary widening of the access would require a highway licence to facilitate the works, to arrange this the applicant would need to contact [Highways@bathnes.gov.uk](mailto:Highways@bathnes.gov.uk). The relevant agreement will need to be in place before any works commence on site.

The highway authority raises no objections to the application but request a finalised CTMP to agree the details of the construction route and location of vehicle activated signs (as noted above the detail of these positions will need a further approval). It is recommended that this can be conditioned to any planning permission.

**Ecology, Bath & North East Somerset Council:**

The newly submitted/revised information addresses the majority of previous comments with the exception of the ancient/veteran tree. Revisions i.e. modification of metric to include ancient/veteran tree is requested in accordance with Policy NE3a.

Providing that the issue with the ancient/veteran tree is satisfactorily addressed, conditions should be attached to secure a Construction Environmental Management Plan, a Biodiversity Net Gain Plan, a compliance report and sensitive lighting. In addition, the offsite skylark provision should be secured by a s106 agreement.

**Arboriculture, Bath & North East Somerset Council:**

The revised landscape mitigation plan 3282.001 REV B has omitted the path which previously encircled the ancient oak.

I have noted the revised Landscape comments in respect of the LEMP and references to existing hedge management.

A tree and green infrastructure condition is recommended to prevent accidental damage to trees and hedging during construction activities.

**Environmental Protection, Bath & North East Somerset Council:**

I have no grounds for objection from Environmental Protection team's perspective, I would recommend conditions securing a detailed noise assessment and construction management plan in the event of permission being granted.

**Climate Policy, Bath & North East Somerset Council:**

From a Sustainable Construction perspective, there are no objections to the application.

**Drainage and Flooding, Bath & North East Somerset Council:**

No Objection.

**Public Rights of Way, Bath & North East Somerset Council:**

The proposal does not appear to affect the public rights of way network. Clarifications requested but no objection subject to conditions.

## **External Consultation**

### **Historic England:**

On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

The application seeks consent for the construction of a solar farm on agricultural land just outside the ancient village of Compton Dando.

The development includes the installation of 4264 solar PV panels up to 1.9 meters high when inclined, a substation, a switchroom building, a satellite mast, underground cabling, a 2 meters high galvanised steel mesh and wooden post fencing around the site.

The rural landscape within which the site is located is characterised by the undulating terrain of the Chew valley, falling gently towards the river, to the east of the development. Arable fields and pastures are knitted together by hedges and country lanes, a mosaic of natural shapes and features widely appreciated from the roads and paths that traverse the land and high vantage points scattered in the surrounding environment. The area and its distinctive undeveloped character is protected as Green Belt.

This area, and its particular open and tranquil character, provides the setting to a number of designated heritage assets to the immediate south of the application site: the grade II\* Church of St Mary, the scheduled and listed late medieval bridge in Compton Dando, the scheduled Wansdyke and the scheduled Stantonbury Camp.

The LVIA sets out that there is no visibility between the site and the highly designated Church. No visibility is also identified between the site and the bridge. It is also clear that any construction or operational route will not include the use of the bridge.

The development will instead be visible from some sections of the Wansdyke and Stantonbury Camp. However, the document concludes that there will be no or negligible impact on the setting of these scheduled monuments.

We disagree with this conclusion. The site sits within the wider setting of both monuments, which are ancient territorial landmarks. Their form, location, the views they command, the wider distances from which they can be appreciated and their intervisibility are strictly connected to their historic function as boundary monuments and defensive settlement, respectively.

Their rural setting therefore highly contributes to their overall significance.

It is our opinion that the introduction of a large solar farm and the resulting change of character of this landscape, from rural to industrial, will affect and diminish the way that setting enhances the significance of the designated heritage asset. It will therefore carry a certain degree of harm.

In the language of the national Planning Policy Framework (NPPF) (Dec 23), we consider this to be 'less than substantial' harm.

Paragraph 201 of the NPPF sets out that when harm of any level is identified, the LPA should seek opportunities 'to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

Paragraph 206 of the NPPF states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'

The NPPF then concludes those sequential tests by stating in Paragraph 208 that any residual harm 'should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

In determining the application your Local Authority should satisfy itself that the above tests have been met.

### **Designing Out Crime Officer, Avon and Somerset Police:**

I have reviewed the supporting documents in order to understand the proposed security measures the applicant intends to adopt to secure the solar installation site.

Security provision is set out for a 2-metre-high galvanised mesh fence set to wooden posts with strategically placed CCTV cameras, mounted on 3 metre columns, utilising night vision.

Police are experiencing increased reporting of Solar equipment related theft and we expect this type of crime to increase. This is largely due to the remote nature of solar farm sites and the lack of suitable security.

Additional security proposals were shared with the Police on a confidential basis in February 2024. Following this, confirmation was provided that the proposals were acceptable and the Police had no objection.

### **Compton Dando Parish Council:**

2nd January 2024 - Compton Dando Parish Council wish to COMMENT ONLY on this application, as follows:

It was thought the fact that this is a Community Project and it would also contribute to the Climate Emergency were important positive factors.

However, concerns were raised that the heavy construction traffic through the narrow lanes and extra traffic for maintenance following the construction, could impact negatively on the parishioners, the lanes and old bridges.

It is hoped that the destructive effect on the flora during the construction will be outweighed by the suggested biodiversity improvements in the future.

Another concern raised, was that chemical run off during construction and afterwards from the solar panels themselves, would find its way into the River Chew.

There would be a negative impact on the Green Belt (Policy GB1) which would affect some Parishioners in Compton Dando more than others. Parishioners in Burnett, walkers and cyclists on the Avon Cycle route would have negative impact on their views of the Chew Valley towards Compton Dando across the valley.

The Parish Council support applications that contribute positively to the Climate Emergency but with the two solar farms at Marksbury, another proposed in Burnett and the large domestic solar array constructed in Burnett, this application would contribute to a feeling of being surrounded by solar farms, the cumulative impact of industrialisation all impacting on the local natural beauty and Greenbelt.

Concerns were raised about having to import more food if too much of our land goes to solar farm development, which in itself is a negative contribution to the Climate Emergency.

It was thought that the land was not that poor agriculturally to justify it being turned into use as a solar farm.

14th March 2024 - Additional comment by Compton Dando Parish Council:

1) Having viewed the comments on the BANES portal, it is evident that the majority of residents of Compton Dando do not support this project. Out of the 91 Compton Dando residents who responded to the planning application, 70 of them objected. This equates to 77%. Many of the support comments were from people who do not live in Compton Dando village.

2) BWCE were not able to state the specific transport route before the deadline. Now that Redlynch Lane has been named as the HGV route we have serious concerns on safety grounds because of the dangerous Redlynch Lane/Charlton Road junction. In fact this junction is already part of an ongoing safety issue with BANES.

## **Public Consultation**

As the site does not immediately neighbour any adjacent addresses, the application was advertised by site notice erected at the site and a press advert was published in the local newspaper. The application was also listed on the weekly list of planning applications published by the Council and listed on the Planning section of the Council website.

The deadline for public consultation responses was 1st February 2024.

A total of 258 public consultation responses to the application have been received.

136 responses are classified as in objection and 122 responses were in support of the proposed development.

Grounds of objection are summarised as follows:

- o No need for additional green energy due to large scale projects elsewhere, reducing very special circumstances;
- o Compton Dando is a beautiful village that will be completely ruined if these go in;

- o Spoil scenery and rural character;
- o Harmful impact to Green Belt;
- o Site is visible from around the valley and development will visually harm the landscape;
- o Solar farm development inappropriate in Green Belt, causing harm carrying substantial weight;
- o Very special circumstances do not exist to justify the development;
- o Development will have industrial character which would conflict with the rural, agricultural character of Fairy Hill;
- o Landscape screen planting will take significant time to mature and effectively screen the development;
- o Loss of agricultural land that should be used for farming and food production;
- o Development will be visible from PROW and reduce amenity value for walkers;
- o Development will harm health and wellbeing of users of adjacent footpaths;
- o Harm to wildlife;
- o There is also an ecological emergency;
- o Solar panels are not a pre-requisite for improving bio-diversity or grazing sheep;
- o Impact to adjacent River Chew habitats and water quality as a result of run off must be considered;
- o Solar farm is too close to neighbouring homes and too obtrusive for neighbours;
- o Construction traffic using rural lanes will cause congestion;
- o Conflict between pedestrians, cyclists and horse riders with construction traffic on rural lanes;
- o Concerns over construction traffic using local highways and bridges that have weight restrictions;
- o Noise impacts during construction causing harm to amenity;
- o Concerns over carbon cost of manufacturing solar panels vs benefits of low carbon energy;
- o There must be alternative sites with lower impact;
- o Site chosen as easiest and cheapest location to connect to grid rather than based on minimising harmful impacts;
- o 30 year period for development is not temporary;
- o There are many other solar farms including larger sites in the district;
- o Development is not a 'community' project as it does not have support from the community;
- o Development will not benefit the local community;
- o The village should be offered free power from the development as a genuine local benefit;
- o People commenting in support do not live locally to the site;
- o Concerns over timing of public consultation;
- o Development will detrimentally effect house prices in Compton Dando;

#### Summary of comments in support:

- o We need solar farms to transition away from fossil fuels towards less polluting energy;
- o Development will reduce carbon emissions by 508 tonnes of CO2 per year, equivalent to 1,180 people's average annual emissions from driving;
- o Solar farms are one of the most established renewable energy technologies...and the cheapest form of electricity generation;

- o UK Government has declared a climate emergency and set a statutory target of achieving net-zero emissions by 2050;
- o Proportion of profits generated will be reinvested in the community;
- o Development will contribute to BANES Policy CP3 targets;
- o The benefits of the proposal far outweigh any harm;
- o Concerns regarding temporary construction impacts (such as routing of the traffic, noise etc) can be overcome by planning condition;
- o In recent appeal decisions, planning inspectors have found benefits of solar farms to be sufficient to outweigh Green Belt harm;
- o The site is set low in the valley and will have limited visual impact in the wider landscape;
- o The LVIA views are taken in winter, so present worse case - in the other seasons the views will be well mitigated by hedgerows and trees in leaf;
- o Only residual harm of development is moderate adverse visual effects and minor adverse landscape effects;
- o Development is temporary solution whilst other energy technology progresses;
- o The impacts are not too great given need to respond to the climate emergency;
- o Whilst the development will have a small impact on the countryside, climate change and doing nothing to reduce carbon emissions will also impact the countryside;
- o Removing the site from agricultural use may positively effect water quality as no weedkillers, fertilisers or pesticides will be used on the field;
- o I have lived next door to a much larger solar farm for over 10 years with no issues at all;
- o Solar farms can provide wildlife benefits as well as cleaner, more secure energy;
- o Pasture areas can continue to support sheep farming in the same fields;
- o Land will be restored to former state following 30 years;
- o Development will open wider permissive access to land that is currently a private field;
- o There is need for more localised sources of power to support the grid at peak times, saving transmission costs over long distances;
- o The development is for essential infrastructure, similar to roads, railways, power lines or telegraph poles;
- o Minor landscape impacts are a non-issue compared to energy needs and climate change;

## **POLICIES/LEGISLATION**

### **National Legislation:**

Section 38(6) of the Planning Act 2004 requires:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

In addition, there is a duty placed on the Council under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Whilst not planning specific legislation or policy, the following are relevant and material considerations for development involving decarbonisation and renewable energy:

The Climate Change Act 2008;  
The Environment Act (2021)  
The Energy White Paper (2020)  
Powering Up Britain (2023)

**National Policy:**

National Planning Policy Framework (Dec 2023) and the National Planning Practice Guidance (March 2014) must be awarded significant weight in decision making.

National Policy Statements for Energy Infrastructure (NPS) (Jan 2024):

EN-1 Overarching National Policy Statement for Energy  
EN-3 National Policy Statement for Renewable Energy Infrastructure

**Local Plan:**

The Council's Local Plan can be reviewed in full at the following website:

<https://beta.bathnes.gov.uk/core-strategy-placemaking-plan-and-local-plan-partial-update>

The Local Plan for Bath and North East Somerset comprises:

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

The following policies of the Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update are relevant to the determination of this application:

- DW1 District-wide Spatial Strategy
- SD1 Presumption in favour of Sustainable development
- CP3 Renewable Energy
- SCR4 Community Renewable Energy Schemes
- CP5 Flood Risk Management
- SU1 Sustainable Drainage
- CP6 Environmental Quality
- D1 General Urban Design Principles
- D2 Local Character & Distinctiveness
- D6 Amenity
- D8 Lighting
- HE1 Historic Environment
- HE2 Somersetshire Coal Canal and the Wansdyke
- NE2 Conserving and Enhancing the Landscape and Landscape Character
- NE2A Landscape Setting of Settlements

NE3 Sites, Habitats and Species  
NE3A Biodiversity Net Gain  
NE5 Ecological Networks and Nature Recovery  
NE6 Trees and Woodland Conservation  
CP7 Green Infrastructure  
NE1 Development and Green Infrastructure  
CP8 Green Belt  
GB1 Visual Amenities of the Green Belt  
PCS1 Pollution and Nuisance  
PCS2 Noise and Vibration  
PCS5 Contamination  
LCR6 New and Replacement Sports and Recreational Facilities  
RE5 Agricultural Land  
ST1 Promoting Sustainable Travel  
ST7 Transport Requirements for Managing Development and Parking Standards  
CP13 Infrastructure Provision

### **Supplementary Planning Documents and relevant planning guidance:**

Bath & North East Somerset Transport & Development SPD (2023)  
Bath & North East Somerset Council Landscape Sensitivity Assessment Renewable Energy Development (2021)

### **Climate and Ecological Emergencies**

The Council declared a climate emergency in March 2019 and in July 2020 declared an Ecological Emergency. These matters are material considerations in the determination of this application. The declarations have directly informed the preparation and content of planning policies adopted within the Local Plan Partial Update (2023).

### **Low Carbon and Sustainability Credentials**

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

### **LOW CARBON AND SUSTAINABLE CREDENTIALS**

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

### **OFFICER ASSESSMENT** **Assessment**



## Renewable Energy Infrastructure

The Energy National Policy Statements (NPS) are a material consideration for planning applications and the designation of NPS EN-1 and EN-3 in January 2024 confirms the presumption for granting renewable energy projects due to the critical national priority to deliver low carbon and renewable electricity generation to meet the legally binding targets of delivering electricity from renewable sources by 2035. The Energy NPS' establish the urgent and critical need for renewable energy schemes.

The National Planning Policy Framework (NPPF) (2023) states that the purpose of the planning system is to contribute to the achievement of 'sustainable development', including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.

Sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. It involves economic, social and environmental objectives.

Renewable and decarbonised energy will play an important role in both ensuring we are able to meet present and future needs, without compromising the environment for future generations.

Section 14 of the NPPF relates to national policy in respect of 'Meeting the challenge of climate change' and includes the following policies:

Para. 157 of the NPPF states that: "The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."

Para. 161 of the NPPF states that: "Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning."

Para. 163 of the NPPF states that: "When determining planning applications for renewable and low carbon development, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;

b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and

c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.

At local level, Policy CP3 (Renewable Energy) of the Council's Local Plan seeks to achieve an increase in the level of renewable energy generation in the District. The policy sets a minimum requirement for 110MWe (Megawatt Electricity) to be generated within the District from renewable sources by 2029.

The policy sets out that:

- a) Proposals for all renewable and low carbon energy-generating and distribution networks, will be supported in the context of sustainable development and climate change, where:
  - b) They balance the wider environmental, social and economic benefits of renewable electricity, heat and/or fuel production and distribution;
  - c) They will not result in significant adverse impacts on the local environment that cannot be satisfactorily mitigated and they accord with national policy, including:
    - o impacts to biodiversity;
    - o landscape and visual impacts including cumulative effects;
    - o impacts on the special qualities of all nationally important or protected landscapes which must be conserved or enhanced;
  - d) They are informed by an assessment of the impact the development might have on the significance of heritage assets and their settings.
  - e) They are supportive of land diversification and continued agricultural use;
  - f) They provide at least 10% biodiversity net gain and multi-functional Green Infrastructure e.g. permissive paths and wildlife corridors; and
  - g) There are appropriate plans and a mechanism in place for the removal of the technology on cessation of generation, and restoration of the site to its original use or an acceptable alternative use;

Support will be given to community led energy schemes where evidence of community support can be demonstrated, with administrative and financial structures in place to deliver/manage the project and any income from it.

The development proposals are for a smaller scale, 'Band A' (<5ha) solar energy farm development by Bath and West Community Energy (BWCE).

BWCE is a not-for-profit community benefit society aimed at reducing carbon emissions by increasing local renewable energy generation, funding community projects that also aim to reduce carbon emissions and fuel poverty, as well as supporting residents to make their homes more energy efficient. The BWCE vision is for an energy system where local people can buy low-cost, clean energy direct from local energy projects owned and shaped by their communities.

The site at Fairy Hill, Compton Dando is located in part of the District (area 2b - Chew Valley) that Policy CP3 and the B&NES Landscape Sensitivity Assessment for Renewable Energy Development (2021) identifies as having Moderate - High potential for smaller sized (<5ha) ground mounted solar photovoltaic (PV) array developments. Smaller scale ground mounted solar PV development is acceptable in accordance with Policy CP3 in this area subject to the other criteria in this policy (balance of the wider environmental, social and economic benefits, landscape visual impact, heritage, agricultural land value, ecology, biodiversity etc.).

As reflected by national planning policy listed above, there is wide ranging support for development of renewable energy infrastructure including solar farms. The Energy National Policy Statements (NPS, Jan 2024) EN-1 and EN-3 confirm a presumption in favour of granting renewable energy projects due to the critical national priority to deliver low carbon and renewable electricity generation.

There is further express support specifically for community-led initiatives for renewable and low carbon energy. Whilst the current project does not have unanimous community support, it is led by a local organisation that is a not-for-profit community benefit society. The scheme is therefore a community project rather than a commercial one and therefore receives further policy support from para. 161 of the NPPF and Policy CP3 of the Local Plan.

The solar energy development is estimated to generate 2.1MW of electricity which will make a smaller (2%) but important contribution to the total requirement (110MW) identified in Policy CP3. This capacity is equivalent to the energy required to power approximately 606 homes per year. For scale and comparison, this development could meet the entire electricity supply for Compton Dando annually. The development would make a significant contribution to decarbonising electricity supply and renewable energy provision in this area.

Given objectives for sustainable development, transition to a low carbon future in response to the climate emergency and the urgent and critical need for renewable energy schemes recognised within national and local planning policy, the proposals for generation of a significant quantity of renewable energy are a significant benefit of the development, that receives substantial weight from policy and weighs strongly in favour of the application.

### **Green Belt**

The site is in the Green Belt and energy infrastructure development is inappropriate development in this area.

Para. 152 of the NPPF recognises: "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

Para. 153 of the NPPF states: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by

reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

Para. 156 of the NPPF also clarifies that specific to renewable energy projects within the Green Belt:

"When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."

At local level, Policy CP8 of the Local Plan provides protection for Green Belt and largely replicates the national policy above.

The development will harmfully impact on essential Green Belt characteristics of openness and permanence. However, the impact on openness is limited by the scale of the solar farm proposed, which is at the smaller end of the spectrum for a grid-level energy infrastructure project. The solar farm will relate to part of a single field only, rather than spanning multiple fields or any changes to established field boundaries. The scale and extent contribute to preservation of landscape character.

The solar panels would be inset a considerable distance from the edges of the field. The perimeter security fence would be sited between 40-70m from Fairy Hill to the west, and around 50m from the public right of way to the east. They would be mounted with 2 cells in portrait at a 15° angle configuration with a maximum height of 1.9m. A 2m high fence would line the perimeter of the installation. Vegetation would remain visible nearby beneath and between rows of cells. The development would not be a continuous built form. The positioning and limited height of the equipment would also limit the impact on openness.

With regard to permanence, the application seeks permission for the development for a 30-year period following which it would be required to be removed. It is recommended removal and a decommissioning strategy is secured by planning condition if granted. Such a condition would also limit the impact on permanence, given that the development has a limited lifespan, albeit long term.

Despite the low profile and non-permanent nature, the development would be energy infrastructure in a rural countryside field. It would be visible in both near and some long-range views. There is fundamental conflict with such proposals and the intent of Green Belt policy objectives of safeguarding the countryside from encroachment and preserving the individual character, identity and setting of Compton Dando as a historic rural village within the Green Belt.

In accordance with national and local policy, the development will therefore only be acceptable if very special circumstances exist.

As clarified by para. 156 of the NPPF, the Government recognises that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Indeed, national energy policy recognises

an 'urgent' and 'critical' need for renewable energy to mitigate the effects of climate change. This is also recognised at local level by the Council's declaration of a 'Climate Emergency' and adopted planning policy CP3 which targets minimum levels of renewable energy generation in the district by 2029.

There is a plethora of wider legislation, policy and literature regarding the effects of climate change and the importance of decarbonising energy supply as an appropriate response. These are relevant material considerations when considering if there are very special circumstances associated with the development.

In 2019, the UK Government set a new climate target achieve net zero in terms of carbon emission by 2050 and has also committed to reducing the UK's emissions by at least 68% by 2030. The UK is also party to multiple international agreements such as The Paris Agreement and COP26 which require specific targets for reductions in global warming by certain dates and securing global net zero by mid-century. It is recognised in these agreements that accelerating the phase-out of coal and encouraging investment in renewables will play an important role if these targets are to be achieved.

Furthermore, in March 2019, Bath and North East Somerset Council declared a Climate Emergency. In doing so it acknowledged the devastating impacts that climate change and global temperature increases will have on the lives and livelihoods of people around the world and the urgent need for action to be taken fast enough for there to be a chance of further climate change being limited to avoid the worst impacts of drought, floods, extreme heat and poverty for hundreds of millions of people. One of the priorities identified as part of the first progress report since the Council declared a Climate Emergency includes a need for rapid and large-scale increase in local renewable energy generation. The targets in Policy CP3 reflect this aspiration, however progress towards these targets have been gradual and limited to date.

There would also be some other benefits associated with the development such as achievement of a net-gain for biodiversity through on-site and off-site habitats, planting of at least 29 trees, provision of a community orchard with permissive public access to a larger area of the countryside as well as some economic benefits associated with jobs in construction, operation and maintenance of the infrastructure.

Taking account of the climate context, urgent need to transition to a low carbon society, as well as other environmental and economic benefits of the development, it is judged that very special circumstances exist to allow inappropriate development in the Green Belt in this instance. When weighed in the balance, the harm posed to the Green Belt is judged to be clearly outweighed by the critical climate context and other benefits of the development.

## **Landscape**

Policy NE2 (Conserving and Enhancing the Landscape and Landscape Character) of the Local Plan requires proposals with potential to impact on the landscape / townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

The application is accompanied by a comprehensive Landscape Visual Impact Assessment which has been reviewed and revised over several iterations in liaison with the Council's Landscape Officer. This has been prepared in connection with a detailed landscape mitigation scheme that would be implemented on the site.

The LVIA concludes that overall, the residual level of effect on landscape character would be slight adverse, and the residual level of effect on visual amenity would be moderate adverse after 15 years, because although after this time new planting would provide complete screening for certain viewpoints, for others (e.g. Viewpoints 3 and 5) the proposed development would still be clearly seen.

The Council's Landscape Officer has confirmed that they agree with the conclusions reached in the LVIA in respect of predicted effects on character, on views and on the openness of the Green Belt (carried forward to pages 19-21 of the DAS). They agree with judgements on predicted landscape effects and consider conclusions fair and reasonable.

In their feedback, the Landscape Officer highlights that the LVIA acknowledges there would be a degree of harm to the green belt through loss of openness, but also that measures that have been put in place to mitigate this, including:

- o 'The perception of a loss of openness is reduced from many locations by the careful placing of mitigation planting. However, some views of the development remain at others.
- o Although the landscape cover is changed, the field pattern is unaltered by the proposals, with all established boundaries and existing hedges retained.
- o Some landscape character elements are enhanced such as habitats, new hedges and trees.'

The Landscape Officer highlights that they do not consider the level of landscape harm and adverse effects to be so significant to undermine an argument that the harm could be outweighed by other benefits and justified by very special circumstances.

With regard to the proposed on-site landscaping and maintenance strategy, it is noted that the mitigation plan provides a satisfactory basis for production of detailed landscape design proposals which can be secured via planning condition.

The western boundary hedge will be maintained which is supported, with a height between 2.0 - 4.0m. This will restrict views of the development for most passersby such as motorists, cyclists, walkers etc. from Fairy Hill. It is proposed to plant 29 no. trees on site, in addition to a series of fruit trees to form an orchard near the river.

A Landscape Ecological Management Plan has been provided with a regime for managing the site to achieve enhancements for wildlife and to mitigate adverse impacts on landscape and visual amenity. This will be secured by planning condition in the event of permission being granted.

Overall, the development will result in some adverse landscape effects which will be mitigated to an extent but not entirely. There is some conflict with local policies NE2 and NE2A. The adverse effects have been illustrated by the submitted assessments and are

clearly understood. These effects and conflict with relevant policies weigh against the development and must be considered in the overall planning balance.

## **Agricultural Land**

Para. 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by:

...

"recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;"

Policy RE5 (Agricultural Land) of the Local Plan requires that:

- 1) Development which would result in the loss of the best and most versatile agricultural land particularly Grade 1 and 2 will not be permitted unless significant sustainability benefits are demonstrated to outweigh any loss.
- 2) Where it can be demonstrated that there is an overriding need for a proposal which will result in the loss of agricultural land, development should be steered towards the use of lower quality agricultural land in preference to higher quality agricultural land.

The Natural England South West Region Agricultural Land Classification map shows that the land around Compton Dando including the site is agricultural land Grade 3 'Good to moderate'. The land is therefore not categorised as the 'best' and 'most versatile' agricultural land (which is Grades 1 and 2) as protected by Policy RE5.

Grade 3 is split into two categories 3a and 3b for good and moderate quality land. These are not distinguished on the regional classification map and require detailed assessment. The application is accompanied by an Agricultural Land Classification Assessment undertaken by soil quality expert. They have surveyed the site and undertaken auger borings and a pit excavation to test the soil quality. Samples have been subject to lab analysis.

The Assessment concludes that the land at the site should be categorised as Grade 3b 'Moderate' quality agriculture land. This categorisation is largely as a result of soil wetness limitations caused by clay topsoil texture. These wetness conditions mean that the site is only capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops, thus being moderate quality agricultural land.

The Assessment further confirms the conclusion that any development of this site would not cause the loss of any best or most versatile agricultural land. Furthermore, the development itself does not exclude agricultural potential, for example the proposals include planting of a community orchard at the site. It is also possible for livestock such as sheep to graze land also used as solar farms given that the equipment preserves grassland habitat surrounding and beneath. It is also highlighted that the development is for a temporary 30-year period, following which it can be removed, and agricultural use of the land could continue as is currently the case.

Taking the above into account, the development will not result in the loss of any higher quality agricultural land in Grade 1 and 2 classifications. Agricultural use of the land can continue to an extent in harmony with the development and can be reinstated when the permission expires in 30 years. No conflict with para. 180 of the NPPF or Policy RE5 of the Local Plan is identified. The development is acceptable in terms of impacts on agricultural land.

## **Heritage & Conservation**

The site is not within a Conservation Area, World Heritage Site and does not contain any buildings or structures on the National Heritage List for England or any known archaeological interest.

The site is however located nearby a Grade II\* listed church (St. Mary) and Grade II listed bridge in Compton Dando as well as other historic listed buildings. The scheduled monuments of the Wansdyke and Stantonbury Camp are also nearby. The development will be within the setting of all of the aforementioned nationally designated heritage assets.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Para. 195 of the NPPF states that:

"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

Para. 200 of the NPPF states that:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."

Para. 201 of the NPPF states that:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal



on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Para. 205 of the NPPF states that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Para. 208 of the NPPF states that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Policy HE1 (Historic Environment) of the Local Plan states that:

"Within the scope of Core Strategy Policies B4 and CP6, development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and/or setting, and make a positive contribution to its character and appearance".

"Great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals will be weighed against the public benefits of the proposal; whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset."

Policy HE2 (Somersetshire Coal Canal and the Wansdyke) of the Local Plan requires that development adversely affecting the physical remains and/or historic routes of the Wansdyke or Somersetshire Coal Canal, as defined on the Policies Map, and/or their setting, will not be permitted unless it can demonstrate appropriate mitigation and/or enhancement consistent with Policy HE1.

Both Historic England and the Council's Conservation Officer have been consulted regarding impacts to the settings of nearby historically significant buildings and monuments. Both advise that the development will pose a degree of harm to the setting of designated heritage assets due to the scale of development and the change in nature to the rural landscape.

It is noted that the rural landscape within which the site is located is characterised by the undulating terrain of the Chew valley, falling gently towards the river, to the east of the development. Arable fields and pastures are knitted together by hedges and country lanes, a mosaic of natural shapes and features widely appreciated from the roads and paths that traverse the land and high vantage points scattered in the surrounding environment.

This area, and its particular open and tranquil character, provides the setting to a number of designated heritage assets to the immediate south of the application site: the grade II\* Church of St Mary, the scheduled and listed late medieval bridge in Compton Dando, the scheduled Wansdyke and the scheduled Stantonbury Camp.

It is noted that the site of the proposed solar farm is not visible from either St Marys Church or the medieval bridge. However, the development will be visible from some sections of the Wansdyke and Stantonbury Camp. Therefore, the development will have a limited and indirect impact on the setting of the listed buildings, but a more direct effect on the setting of the ancient territorial landmarks of the Wansdyke and Stantonbury Camp. It is acknowledged that the rural setting of both contributes highly to overall significance.

As acknowledged in both Green Belt and Landscape subheadings above, development will cause some change in the character of this landscape. Despite its low profile, modern energy infrastructure is an alien feature within this otherwise natural rural landscape. This change will affect and diminish the way that the setting enhances the significance of the designated heritage asset. It will therefore carry a certain degree of harm to the setting of the Wansdyke and Stantonbury Camp.

Both Historic England and the Council's Conservation Officer have advised that the impact to setting would fall into the 'less than substantial' categorisation as defined by the NPPF. The Council's Conservation Officer notes they consider harm to be at the lower spectrum of this categorisation.

Para. 208 of the NPPF states that: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

As previously addressed, the public benefits case for the development is substantive. The development will generate a significant amount of renewable energy which will make a positive contribution to reducing carbon emissions and Policy CP3 targets for renewable energy production. As acknowledged above, there are very special circumstances that are judged to be sufficient to clearly outweigh harm to Green Belt. These very special circumstances of critical climate need are equally applicable as public benefits in the heritage balance. The development will also provide a 21% net gain for both habitats and hedgerows at the site in addition to planting of 29 no. additional trees as well as an apple orchard. The development will also provide increased permissive access to a new open space for the community. It will also generate economic activity and support jobs associated with construction and maintenance of the energy infrastructure.

Following the balancing exercise required by para. 208 of the NPPF, officers' have concluded that there are sufficient public benefits of the proposal to outweigh the level of harm posed to adjacent heritage assets. It is noted that the public benefits are substantial and numerous, and the harms posed are lower in magnitude. Therefore, despite posing a degree of harm to historic setting, the development is not in conflict with Section 16 of the NPPF or Policy HE1 of the Local Plan. The development has demonstrated mitigating circumstances that are consistent with Policy HE1 thereby complying with Policy HE2.

## **Arboriculture**

Paragraph 131 of the NPPF states that:

"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users."

Policy NE6 (Trees and Woodland Conservation) of the Placemaking Plan states that development will only be permitted where:

- a) it seeks to avoid any adverse impact on trees and woodlands of wildlife, landscape, historic, amenity, productive or cultural value; and
- b) it includes the appropriate retention and new planting of trees and woodlands; and

If it is demonstrated that an adverse impact on trees is unavoidable to allow for appropriate development, compensatory provision will be made in accordance with guidance in the Planning Obligations SPD (or successor publication) on replacement tree planting.

The site is bound by established hedgerow tree lines to all sides and contains an ancient open-grown Pendunculate Oak tree.

The development has been located at least 30m away from the ancient Oak tree in accordance with a calculated root protection area including buffer zone specific for ancient specimens. Sizable protection areas have also been provided for hedgerow trees. The Council's Arborist has reviewed these root protection areas and confirmed they are sufficient to protect trees at the site from harm associated with the development.

The site security fence is proposed to be installed prior to the wider development, and this will further protect surrounding trees from harm during construction. This has been agreed by the Council's Arborist and provides comfort that all trees shall be retained and protected during development. Safeguarding planning conditions are recommended.

The planting of no. 29 new trees as well as the Apple orchard is welcomed by the Council's Arborist. Full details of proposed landscaping will be secured by condition if permission is granted to ensure planting specifications are appropriate.

## **Ecology & Biodiversity**

Para. 180 of the NPPF outlines that:

"Planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Policy NE3 (Sites, Habitats and Species) of the Local Plan states that:

Development resulting in significant harm to biodiversity will not be permitted. Harm to biodiversity must always first be avoided and minimised. Where avoidance of harm is not possible, mitigation, and as a last resort, compensation must be provided, to at least equivalent ecological value.

For designated sites and other important habitat, this means:

1. Development that would adversely affect, directly or indirectly, internationally designated sites (such as RAMSAR) and sites within the National Sites Network (including new and existing SACs and SPAS) will not be permitted other than in exceptional circumstances where:
  - o There are no feasible alternative solutions that would be less damaging or avoid damage to the site.
  - o The proposal needs to be carried out for imperative reasons of overriding public interest.
  - o The necessary compensatory measures can be secured.
2. Development that would adversely affect, directly or indirectly nationally designated sites including SSSIs will not be permitted except in exceptional circumstances where:

a) the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest

b) mitigation measures can be secured to prevent any significant adverse effect on the site, including retention of existing habitat and vegetation in situ; and

c) provision of replacement habitat creation and bespoke measures.

3. Development that would adversely affect, directly or indirectly other, habitats or features of biodiversity/geodiversity importance or value will only be permitted in the following cases:

a) for Sites of Nature Conservation Importance; Local Nature Reserves, Regionally Important Geological/ Geomorphological Sites and other sites of equivalent nature conservation value, where material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site; where impacts have been minimised; and where there are opportunities to replace and/or offset the loss to at least equivalent or greater ecological value

b) for UK Priority Habitats (not covered by Clause 4), where the importance of the development and its need for that particular location is sufficient to override the value of the species or habitat; and where impacts have been minimised; and where it can be demonstrated that it is possible to replace and/or offset the loss to at least equivalent or greater ecological value

c) for locally important habitats, where the importance of the development and its need for that particular location is sufficient to override the value of the habitat;

d) for features of the landscape such as trees, copses, woodlands, grasslands, batches, ponds, roadside verges, veteran trees, hedgerows, walls, orchards, and watercourses and their corridors if they are of amenity, wildlife, or landscape value, or if they contribute to a wider network of habitats, where such features are retained and enhanced unless the loss of such features is unavoidable and material considerations outweigh the need to retain the features.

4. Development is expected to protect and enhance irreplaceable habitats (within B&NES including (but not confined to) ancient woodlands; ancient and veteran trees; priority grasslands; or SAC bat habitat within juvenile sustenance's zones). Development negatively impacting irreplaceable habitat will not be permitted unless there are wholly exceptional circumstances\* and a suitable mitigation and compensation strategy is provided.

5. In all cases:

a) Firstly, any harm to the nature conservation value of the site should be avoided where possible before mitigation and as a last resort compensation are considered and

b) secondly, compensatory provision of at least equal nature conservation value is made for any outstanding harm, and

c) Thirdly, Biodiversity Net Gain will be delivered and managed in perpetuity (minimum of 30 years) through the appropriate means e.g. a legal agreement

d) Then, as appropriate:

(i) Measures for the protection and recovery of priority species are made.

(ii) Provision is made for the management of retained and created habitat features.

(iii) Site lighting details are designed to avoid harm to nature conservation interests; including habitat connectivity and function as part of an ecological corridor.

For protected species this means:

Adverse impacts on European, UK protected species, UK Priority and locally important species must be avoided wherever possible

(i) subject to the legal tests afforded to them, where applicable; and

(ii) otherwise, unless the need for and benefits of the proposed development clearly outweigh the loss; and

(iii) where impacts have been minimised; and

(iv) it can be demonstrated that it is possible to mitigate and compensate for any loss

\*Note: wholly exceptional reasons mean, for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat."

Policy NE3 section 5 also requires:

"in all cases:

a Firstly, any harm to the nature conservation value of the site should be avoided where possible before mitigation and as a last resort compensation are considered is minimised and

b secondly, compensatory provision of at least equal nature conservation value is made for any outstanding harm, and

c Thirdly, Biodiversity Net Gain will be delivered and managed in perpetuity (minimum of 30 years) through the appropriate means e.g. a legal agreement

d Then, as appropriate:

i. Measures for the protection and recovery of priority species are made.

- ii. Provision is made for the management of retained and created habitat features.
- iii. Site lighting details are designed to avoid harm to nature conservation interests; including habitat connectivity and function as part of an ecological corridor.

For protected species this means: Adverse impacts on European, UK protected species, UK Priority and locally important species must be avoided wherever possible"

The Council's Ecologist has agreed an approach securing creation of offsite habitats suitable for skylark nesting to compensate for habitats lost as a result of the development. This would be secured by s106 agreement in the event of permission being granted.

The biodiversity enhancement plan for the site has been agreed which includes enhancement through mixed scrub planting, species rich hedgerow planting, tree and orchard planting. This will deliver a 21% net gain in both habitats and hedgerow units which exceeds the required 10% target. A total of 29 no. trees are proposed to be planted which is welcomed. A detailed biodiversity plan would be secured by planning condition.

The site's eastern boundary lies within the River Chew and Adjacent Land Site of Nature Conservation Interest (SNCI). The SNCI is designated for the riverine and marginal habitats that it supports; it also has an important function as a wildlife corridor. The Council's Ecologist has confirmed that the SNCI can reasonably be protected from impacts providing that mitigation measures and a sensitive lighting strategy are secured by condition.

The PV Layout and RPA Buffer Plan confirms there will be no operational lighting. However, given the sites sensitive location adjacent to the River Chew this should be secured by condition to ensure no lighting is installed at a later date.

The inclusion of 3 x bat boxes, 3 x bird boxes and 1 x reptile refugia as per Section 5 of the LEMP is welcomed and would also be secured by condition. Subject to these measures, the development will accord with the requirements of Section 15 of the NPPF and policies NE3 and NE3A of the Local Plan.

### **Residential Amenity**

Para. 135 of the NPPF requires that planning decisions ensure that developments:

"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".

Policy D6 (Amenity) of the Local Plan requires that development must provide for appropriate levels of amenity and must:

- a. Allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light;

- b. Not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance;
- c. Allow for provision of adequate and usable private or communal amenity space and defensible space.;
- d. Include adequate storage and functional arrangements for refuse and recycling; and
- e. Ensure communal refuse and recycling provision is appropriately designed, located and sized.

Policy PCS1 (Pollution and Nuisance) of the Local Plan requires that "development will only be permitted providing there is:

- 1) no unacceptable risk from existing or potential sources of pollution or nuisance on the development, or
- 2) no unacceptable risks of pollution to other existing or proposed land uses arising from the proposal."

Policy PCS2 (Noise and Vibration) of the Local Plan requires that:

- 1) Development will only be permitted where it does not cause unacceptable increases in levels of noise and/or vibration that would have a significant adverse effect on health and quality of life, the natural or built environment or general amenity unless this can be minimised or mitigated to an acceptable level.
- 2) Noise-sensitive development should avoid locations wherever possible where the occupants would be subject to unacceptable levels of noise or vibration from an existing noise source.

The site is located on Fairy Hill to the north of Compton Dando. The site is outside the village, with a neighbouring field to the south separating the proposed development site and the first neighbouring properties to the north of the village (nos. 1-4 Fairy Hill). This provides a minimum distance of approximately 100m between neighbouring homes and the proposed development.

Neighbours would have some visual awareness of the development in views from first floor windows. These would be limited by intervening vegetation to an extent. Taking account of the separation distance, the impact is judged to be limited. The effect on landscape character has been addressed above and impact on private views is not a relevant planning matter in any event.

The development would not impact daylight or sunlight in neighbouring homes given its low profile scale and position to the north of adjacent homes.

The development may cause some glare and reflection towards neighbouring windows at certain times of day, at certain points of the year. However, this impact would be



temporary and short term in nature given the movement of the sun. Furthermore, there are intervening trees and vegetation that would mitigate this. This is not considered to pose significant harm to neighbouring living conditions and amenity, warranting refusal of permission.

Noise emissions will be localised and unlikely to effect neighbours over 100m away. However, a planning condition has been recommended by the Council's Environmental Health Office to ensure noise emissions are within an acceptable range. Subject to this measure, the development is found to preserve acceptable levels of amenity for neighbours and would comply with para. 135 of the NPPF and policies D6, PCS1 and PCS2 of the Local Plan.

## **Transport & Highways**

Para. 114 of the NPPF requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Para. 115 of the NPPF states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Policy ST1 (Promoting Sustainable Travel) of the Local Plan requires that:

"planning permission is permitted for developments which reduce the growth and the overall level of traffic and congestion through reducing private car dependency and giving priority to active and low carbon modes of transport such as walking and cycling."

Policy ST7 (Transport Requirements for Managing Development) of the Local Plan requires that:

"development avoids prejudicing highway safety, provides safe and convenient access, suitable vehicle access, avoids excessive traffic impact and provides adequate mitigation and improvements."

The Council's Transport & Development SPD provides detailed local requirements for transport and highways issues relating to development, including access standards, parking standards and travel plans.

Once operational, the development will be associated with only rare access by vehicles for routine or emergency maintenance. This access would be similar in frequency and nature to the existing agricultural use and would use the same farm access gate. This access does not pose any traffic or highway safety concerns.

The main transport and highways issues therefore relate to the construction phase of development. It has been highlighted in public consultation and mirrored by the Council's Highways Officers that the site is in a rural location and surrounding highways have limitations. It has therefore been required that the Applicant supplies a detailed Construction Management Plan to understand and assess impacts at application stage.

The Construction Management Plan has been subject to multiple revisions following review and comment by Highways Officers. The Plan details construction vehicles being routed from the Charlton Road, Redlynch Lane junction.

The Plan specifies installation of activated warning signs to be placed at this junction to warn road user and provide Construction Traffic Warning signs on the approaches to the construction route. The detail of these warning signs and placement will need to be agreed with the Council's Street Works team prior to any work commencing on site.

The Plan restricts deliveries and other construction related HGV movements to be between 09:30 to 15:00 Monday to Friday. This will avoid the peak hours on the road network, as well as minimising disruption at weekends. The Plan also states that a Banksman / Signaller, with radio communication equipment, will be provided at either end of Redlynch Lane (at Charlton Road and Chewton Road) and at Fairy Hill at the site access, to warn motorists that an HGV is approaching.

Following review, the Council's Highways Officers have raised no objections to the method and measures set out in the Construction Management Plan. It is requested that a final Plan is secured by planning condition confirming details and all necessary approvals. Subject to this measure, Highways Officers are satisfied that the development can be constructed without severe impacts to the surrounding road network or undue highway safety issues. No conflict with Section 9 of the NPPF or policies ST1 or ST7 are identified associated with the proposed development.

## **Flood Risk & Drainage**

Policy CP5 (Flood Risk Management) of the Local Plan requires that: "Development in the District will follow a sequential approach to flood risk management, avoiding inappropriate development in areas at risk of flooding and directing development away from areas at highest risk in line with Government policy NPPF).

Policy SU1 (Sustainable Drainage) of the Local Plan requires that: "Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of runoff from both major development (as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015) and for minor development in an area at

risk of flooding (from any source up to and including the 1 in 100year+ climate change event)."

"SuDS are to comply with the "Non-statutory technical standards for sustainable drainage systems" published by the Department for Environment, Food and Rural Affairs (DEFRA) and the standards/requirements contained in the West of England Sustainable Drainage Developer Guide (2015), or successor guidance."

The eastern part of the site adjacent to the River Chew is in Flood Zone 2 and 3. The proposed solar farm development would be essential infrastructure development but would not be located within the flood zones. The community orchard, open space and biodiversity enhancement proposals are within the flood zones. However, this would be 'water-compatible development' in accordance with Annex 3 of the NPPF: Flood risk vulnerability classification.

Due to the scale of the site being over 1ha, a Flood Risk Assessment has been prepared and submitted with the application. This identifies that the vulnerable development on the site is all located above an elevation of 23.5mAOD. Comparing this to the 1 in 100 plus 20% climate change flood level it can be concluded that ground levels on the site in the area proposed for development are at least 3m above the 1 in 100 plus 20% climate change flood level. The area of the site proposed for development is therefore within Flood Zone 1. A buffer of more than 60m is provided between the main river and the proposed development.

The Flood Risk Assessment also provides a drainage strategy to ensure run off is not increased following development and that water quality is improved. It is proposed that surface water runoff is intercepted and retained by a series of 0.5m high berms, with rock filled gaps within to allow for outflow, located along contour lines downslope from the area of solar panels. The proposed berms will provide at least 80m<sup>3</sup> of storage for any increase in surface water runoff generated and promote infiltration.

Therefore, the proposals accord with national and local policy and guidance, and the development would be at low risk of flooding. The surface water drainage scheme will improve existing drainage rates and provide water quality improvements. The change of use from agriculture to a solar farm will reduce agricultural pollutants discharging from the site and provide a reduction in soil erosion consequently leading to less sediment runoff from the site. Subject to conditions securing the drainage strategy, the development accords with the objectives of flooding and sustainable drainage policies.

### **Public Rights of Way**

Policy ST2A (Active Travel Routes) of the Local Plan requires that: "Development which adversely affects the recreational and amenity value of, or access to, public rights of way and other publicly accessible routes for walking, cycling and riding will not be permitted, unless any harm can be successfully mitigated."

The development would not materially change the course or effect the state of the public right of way (no. BA8/84) that crosses the site following the course of the river and forming part of the 'Two Rivers Way' long distance walking route. There would be some views of

the solar farm from the public right of way and these have been modelled as part of the landscape visual impact assessment.

Similar to the landscape impact associated with the development, it is judged that there would be some change in the character of views from the public right of way. However, the change would largely be mitigated by the proposed landscape planting proposals involving 29 no. trees, community orchard and hedgerows. Thus, effects on the amenity value of the public right of way would be temporary in nature. The community orchard and larger area of publicly accessible open space would likely eventually enhance the amenity value of the public right of way.

Any adverse effects to the public right of way would relate to amenity rather than access. Adverse effects to amenity would be temporary and eventually that amenity of the route would be enhanced by the development. Therefore, the proposed mitigation is adequate and shall be secured by planning condition if permission is granted. This will ensure compliance with Policy ST2A of the Local Plan.

## **Security**

Para. 135 of the NPPF requires that planning decisions create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Concerns were initially flagged by Avon & Somerset Police in relation to potential for crime, specifically theft, associated with a solar farm in this rural location. The Applicant has subsequently met with the Police and provided further information in relation of their security proposals.

It is noted that security requirements for this development are significant for insurance purposes. The site will have CCTV and an alarm system with 24/7 monitoring and in person keyholder response. All fencing and gates proposed will meet required standards. However, full details of security proposals will not be made public for confidentiality reasons. Following the provision of further information by the Applicant, the Police confirmed the security proposals for the site as acceptable.

The concerns raised have been addressed and the development is found to comply with para. 135 of the NPPF and will avoid an undue increase in crime in the area.

## **Other Matters**

### **Planning Obligations and Community Infrastructure Levy**

The development will also be associated with the following planning obligation which will be secured by s106 agreement with the Council prior to permission being granted:

1. Secure mitigation for loss of habitats by providing off site land, measures and maintenance appropriate for skylark nesting habitat.

### **Environmental Impact Assessment Screening**

This development has been screened under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 (see screening application: and it has been determined that the application does not represent EIA development and that an Environmental Statement is not required.

### **Public Sector Equalities Duty**

In accordance with the duty required by sections 149-157 of the Equality Act 2010, the Local Planning Authority as public sector organisation is required to have due regard to the need to eliminate inequality against people with different protected characteristics, advance equality of opportunity, and foster good relations in relation to activities such as policy, consultation and public service.

This has been taken into account both in relation to the application and decision making process as well as when assessing the impacts and merits of the development itself.

Measures which the Local Planning Authority takes to advance equality of opportunity in the planning process at set out in the Council's adopted Statement of Community Involvement. This involves measures such as community consultation, advertising applications via a range of different mediums and making application documents available in a variety of print and non-print formats if required. These measures have been implemented in accordance with the Council's adopted Statement of Community Involvement prior to and during processing of this planning application.

In relation to the development itself, it is considered that the development will reduce inequalities, advance equal opportunity and foster good relations with those sharing protected characteristics in a variety of forms. As an example, whilst it is recognised that the proposals will have an effect upon the visual amenity of the PROW route at the site in the short term, the course of and access to the route will be unaffected by the development. As such, there will be no disadvantage caused by the development to protected groups such as the elderly, disabled or those with mobility issues and their ability to access the countryside for health, wellbeing and recreation benefit.

Overall, the potential equality impacts have been assessed relating to both the application process and in relation to the development itself. The Local Planning Authority is satisfied that it has taken a range of steps to achieve compliance with the Equalities Act 2010 and therefore discharged its public sector equalities duty.

### **Planning Balance & Conclusion**

This development is associated with a series of harms, including to the character and qualities of the Green Belt, landscape character and the setting of heritage assets. These have been identified in application documents, recognised by consultees and understood by officers. Invariably planning policy requires that decisions take account of very special circumstances and apply balance when deciding such cases. In this instance, generally the harms are assessed at the lower end of magnitude as a result of the nature, scale and permanence of the development. The climate emergency and benefits of development including generation of a significant amount of renewable electricity, biodiversity enhancement, public open space provision and economic benefits provide a compelling

counterweight. The Case Office judges the climate emergency and critical need for renewable energy in response to provide very special circumstances that clearly outweigh harm posed to the Green Belt. Furthermore, a quality scheme of landscape mitigation has been prepared in collaboration with Council officers. There are sufficient public benefits to outweigh the lower degree of harm posed to the setting of adjacent heritage assets. The Applicant has provided sufficient comfort that residual impacts can be managed to an acceptable degree through planning conditions and obligations. Subject to a s106 agreement securing the offsite skylark nesting plots and necessary planning conditions, on balance, the development is found acceptable. The application is therefore recommended to be permitted subject to conditions beneath.

## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

0 A) Authorise the Head of Legal and Democratic Services to complete a Legal Agreement to secure:

1. Off site mitigation for loss of skylark nesting habitats including 2 no. skylark nesting plots, as well as measures and maintenance to provide appropriate nesting habitat;

B.) Subject to the prior completion of the above agreement, delegate authority the Head of Planning to PERMIT the application subject to the following conditions (or other such conditions as may be appropriate):

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

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

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

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

No development shall commence until an updated Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall reflect the plan submitted at application stage (Construction Traffic Management Plan, Revision A by CDA Condon Transport, received: 28th May 2024) 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. Details of approved warning signs and locations (as agreed with the Street Works team);
10. Maximum noise levels of construction equipment; and
11. Measures and mitigation to control noise and dust pollution during the construction phase;

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

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity

### **3 Noise Assessment (Pre-commencement)**

Prior to the commencement of development, a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall be prepared by a suitably qualified Acoustician and be prepared in accordance with BS4142 and other relevant industry guidance.

Should the assessment demonstrate noise exceeding the following levels, a noise mitigation scheme shall be prepared and submitted to the Local Planning Authority:

1. Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively;
2. For bedrooms at night individual noise events (measured with F timeweighting) shall not (normally) exceed 45dBLAmax.

The noise mitigation scheme shall be carried out in accordance with the approved details prior to first use of the development.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the details of the noise mitigation features need to be known before development commences to ensure that appropriate noise levels can be achieved and to avoid the need for retrofitting.

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

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

- a) Risk assessment of potentially ecologically damaging construction activities;

- b) Boundaries of mapped exclusion zones for the protection of ecologically sensitive species or retained habitats and features (SNCI/River Chew and ancient tree) with boundaries shown to scale on a plan, and details and specifications for proposed fencing, barriers and warning signs, as applicable;
- c) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- d) The times and frequency of visits during construction when a professional ecologist needs to be present on site to oversee works;
- e) Responsible persons and lines of communication; and
- f) 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 (including but not limited to reptiles, bats, badger, otter and kingfisher) and sensitive features (SNCI/River Chew and ancient tree) and prevent spread of invasive species. This shall include vegetation removal to be completed during the reptile active season and measures to avoid construction lighting impacts on tree roosting bats.

The approved CEMP 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.

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

No development shall commence until full details of a Biodiversity Gain Plan achieving a minimum of 10% measurable biodiversity net gain, 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).

## **6 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall reflect the Arboricultural Scoping Assessment submitted at application stage (Arboricultural Scoping Assessment, Ref: TC220914-.ASA-10.2022, dated 06 September 2022 by Jon Kiely received: 4th December 2023) and include details of the following:

1. A programme of works to include details of supervision and monitoring by an Arboricultural Consultant and the provision of site visit records and certificates of completion to the local planning authority;
2. Measures to control potentially harmful operations such as site preparation (including demolition, clearance, earthworks and level changes), the storage, handling, mixing or burning of materials on the site and the movement of people and machinery throughout the site;
3. The location of any site office, temporary services and welfare facilities;
4. The location of any service runs or soakaway locations;
5. A scaled Tree Protection Plan showing the location of all retained trees and tree protection measures.

No development or other operations shall thereafter take place except in accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals 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.

## **7 Landscape Design Proposals (Pre-commencement)**

Prior to the commencement of development, full details of both hard and soft landscape proposals and programme of implementation shall be submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

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

Soft landscape details shall be consistent with the Proposed Landscape Mitigation Plan, Proposed Habitats Plan and Biodiversity Gain Plan 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

The landscaping scheme shall thereafter be implemented in accordance with the approved details. 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 next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard and soft landscape works shall be permanently retained in accordance with the approved details.

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

### **8 Ecological Compliance Report (Bespoke Trigger)**

Within six months of completion of the development hereby approved, a report produced by a suitably experienced professional ecologist based on post-construction site visit and inspection, and confirming and demonstrating, using photographs, completion and implementation of ecological mitigation measures as detailed in the approved ecology report and Biodiversity Net Gain Assessment (revised and updated version approved by condition) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented;
2. Confirmation of compliance with the CEMP 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. This shall include provision of 3 x bat boxes, 3 x bird boxes and 1 x reptile refugia.

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3, NE3a, NE5 and D5e of the Bath and North East Somerset Local Plan.

### **9 External Lighting (Bespoke Trigger)**

No external lighting shall be installed at the site until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights;

2. Additional information that demonstrates a high level of confidence that the proposed lighting will not result in unacceptable light spill levels onto habitats or features of ecological value (this may include details of predicted lux levels and light spill modelling where appropriate); and

3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

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

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

### **10 Landscape Ecological Management Plan (Compliance)**

The development hereby permitted shall be implemented, managed and maintained in accordance with the submitted Landscape Ecological Management Plan (Landscape Ecological Management Plan by Engain, reference: eg211118\_LEMP, Revision: 03, received: 21 August 2024).

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1 and D2, NE2, NE3 and NE3A of the Local Plan.

### **11 Flood Risk and Drainage (Compliance)**

The development hereby permitted shall be implemented in accordance with all measures and recommendations contained within the submitted drainage strategy (Flood Risk Assessment and Drainage Strategy by CHW Engineering, dated: 16th January 2022, Revision V1.0, received: 4th December 2023).

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.

### **12 Temporary Permission (Compliance)**

This permission shall expire on the 30th anniversary of date of first export of electricity generated by the development to the grid; and the development hereby permitted shall be removed and the use and development hereby permitted discontinued and the land restored in accordance with a scheme of works and a programme of implementation which shall be submitted to and approved by the Local Planning Authority no less than 6 months prior to the 30th anniversary date.

Reason: The Local Planning Authority considers that a permanent planning permission is inappropriate as the very special circumstances that justifies the development against Green Belt policy is associated with current circumstances which are not guaranteed in

perpetuity. The permission must be temporary to protect the landscape character and essential characteristics of the Green Belt as protected by Section 13 of the National Planning Policy Framework and policies CP8, GB1, GB2 and NE2 of the Local Plan.

### 13 Plans List (Compliance)

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

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

#### PLANS LIST:

##### 1 Plans List:

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

Unnumbered	Site Location Plan	4th December 2023
CFR-FAIRYH-GA-02-B	Proposed PV Layout	4th December 2023
CFR-FAIRYH-SD-01	Typical DNO Cabin Details	4th December 2023
CFR-FAIRYH-SD-02	Typical Control Room & Customer Switchroom	
4th December 2023		
CFR-FAIRYH-SD-03	Typical Inverter/Transformer Substation	4th
December 2023		
CFR-FAIRYH-SD-06	Typical Fence & CCTV Details	4th December
2023		
CFR-FAIRYH-SD-08	Typical PV Table Details	4th December 2023
Eg211118	Proposed Habitats	10th June 2024
3282.001 REV C	Landscape Mitigation Plan	24th June 2024

##### 2 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.

### **3 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.

### **4 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.

### **5 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.

6 This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

**Item No:** 03  
**Application No:** 24/02761/FUL  
**Site Location:** Site Of Old Quarry Bath Road Peasedown St John Bath Bath And North East Somerset



**Ward:** Peasedown      **Parish:** Peasedown St John      **LB Grade:** N/A  
**Ward Members:** Councillor Karen Walker    Councillor Gavin Heathcote  
**Application Type:** Full Application  
**Proposal:** Erection of 1 no. dwelling with detached garage.  
**Constraints:** White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Policy LCR5 Safeguarded existg sport & R, Policy NE3 SNCI 200m Buffer, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones,  
**Applicant:** Mr Paul Bryant  
**Expiry Date:** 23rd September 2024  
**Case Officer:** Danielle Milsom  
To view the case click on the link [here](#).

## REPORT

Following the call to committee request made by Cllr Gavin Heathcote and Cllr Karen Walker, the application has been referred to planning committee. The Parish Council have



also supported the application, contrary to officer recommendation to refuse. The decision was made for the application to be decided by Planning Committee. Comments are as follows:

Cllr Ian Halsall (Chair):

The Officer's recommendation has been set out on balance in line the relevant policies of the Development Plan. However, there is strong support at local level for this proposal. I think the balance of acceptability or not in light of what exists, noting that this site does not officially constitute previously developed land and what could potentially take place; the merits of that proposal should be discussed by the Committee.

Consideration can also be given to whether there is less than substantial harm to the setting of the listed Red Post Inn and whether the Committee is satisfied that the lack of information in respect of nature conservation and protected species warrants refusal over the regeneration opportunity this sight could potentially offer.

Cllr Lucy Hodge (Vice-Chair):

There are a number of complex policy issues to consider in determining this application which sits outside the housing development boundary and has impacts on the setting of a designated heritage asset, set against the benefits of an additional single dwelling. The ecological information is incomplete.

Noting however the compelling arguments made in support of the development by both ward councillors in terms of the potential to improve the site and the support of the Parish Council, I recommend that this application is determined in public by the Planning Committee.

This application relates to the 'Site of Old Quarry' which is located along the Bath road in Peasedown. The site is located outside of the housing development boundary and opposite the Grade II listed Red Post Inn.

Planning permission is sought for the erection of 1 no. dwelling with detached garage.

Relevant Planning History:

DC - 13/03003/FUL - RF - 19 December 2013 - Erection of new car maintenance facilities to include workshops, engine rebuild, MOT bay, staff rooms and office and outside car sales area

DC - 14/03904/FUL - RF - 6 February 2015 - Erection of new car maintenance facilities to include workshops, engine rebuild, MOT bay, staff rooms and office and outside car sales area (Resubmission of 13/03003/FUL)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

Highways: No objection

Ecology: scope for revision

Contaminated land: no objection

Drainage and flooding: no objection

Peasedown St John Parish Council: Support

There was one public comment listed on the B&NES Council website relating to this application from 'Transition Bath' which objected on the grounds of the lack of documentation relating to sustainable construction and energy consumption etc. The plans were reviewed, along with councillors' existing knowledge of the site and the feedback provided in the public session. The general feeling was that the proposed development would not have any adverse impact on neighbouring properties and being of dormer bungalow style should not impact on the street scene. It was acknowledged that a significant amount of work has been done to clear the site and was felt that the proposed development would stop any future fly-tipping. It was resolved to support the application as it will provide sympathetic development alongside improvement of a site that has been frequently subject to fly tipping. The proposed development site is outside of the Housing Development Boundary (albeit adjacent the boundary line) and due to this fact, it is noted this is a one-off consideration by the Parish Council.

Representations Received :

Call to committee requests received from Cllr Gavin Heathcote and Cllr Karen Walker. Their comments are as follows:

Cllr Walker:

The Old Quarry site has been left empty and has been used for fly tipping for many years. The site has been unpleasant for residents and people using public transport when passing by The Red Post Inn Grade 11 listed building is located opposite, The Red Post was renovated in 1998 with a two storey extension to north and a single extension to the south. The additional screening and planting proposed alongside the Bath road side of the development together with the proposed dwelling being sited towards the rear corner of the site and the proposed low ridge line, will mitigate any harm to the views of the Grade 11 listed building The Red Post.

The Materials proposed are a mix of local natural stone and reclaimed materials. An underfloor wet pipe system coupled to an air source pump, will provide a sustainable and energy efficient build. Sufficient parking of 4 spaces is adequate for a proposed property of this size.

A extended habitat survey was carried out on 11th June 2024, it was considered that as the development proposals are confirmed to a single dwelling in an area which has been historically managed with minimal current ecological value, it will not have an adverse impact on the designated site.

The proposed site is in the Brownfield site, which is outside, but immediately adjacent to the housing development boundary (policySV1). Because this proposed site is immediately outside this should be no reason to object; but to support a self build home to a high standard and regenerate a piece of land that has stood empty and eyesore for many years.

In 2016 the Old Bakery planning application 16/00564/ful 2 storey side extension was given planning permission, this is located outside the housing building development boundary.

In 2017 17/00147/ful, 2019 19/05265/ful & 19/04775/ful 19/02368/ful Kingswell Eckweek Lane 2 Peasedown St John, 2022 21/05039/ful Satara Eckweek lane Peasedown St John planning was granted for both. Of these properties on Greenbelt outside but immediately adjacent, both these properties have been built close to a Bronze Age burial Mound. I fully support the proposed build on The Old Quarry Site Bath Road Peasedown St John.

Cllr Heathcote:

I concur with the statement made by Cllr Walker and completely agree with the proposal put forward by Mr Bryant, I also concur that I wish the application to go before committee for the following reason. The applicant has had two previous applications 13/03003/ful and 14/03904/ful for Industrial unit, The refusal was mainly due to over urbanisation of the site at unacceptable level. This application is very different to the previous ones, which should be considered on its most merits. A pre-app enquiry was submitted 13th December and planning Officer Danielle Milsom has given an informal opinion that any development will be seen as unacceptable due to the site being outside the village housing development boundary and would cause harm to the setting of the Grade 11 Red post Building opposite. As I have stated in my support statement online 4 planning applications submitted for 1 development permitted and a further 1 planning application for a further 1 dwelling permitted. Both of these applications are in the Greenbelt outside the housing development boundary, and located close to Bronze Age Burial mound.

Transition Bath: Objection

We object to this application because of the lack of SCR6 documentation, missing SAP/PHPP calculations, Etudes Energy Statement and incomplete Sustainable Construction Checklist which fails to state the 2 key SCR6 criteria heat loss and net annual energy consumption. We assume the applicant's agent has no experience of applying to B&NES for new building construction before? We also object to the Sustainable Construction Checklist being labelled as "SUSTAINABLE WASTE CONSTRUCTION CHECKLIST" by the council. Could we be updated once the required documentation has been submitted so we can comment?

In addition to our previous comments we would like to specifically comment on the heating arrangements not from a planning perspective but general advice to the home owners:

1. the use of ground source heat pump is an expensive and potentially unnecessary choice over an air source heat pump and probably won't yield any significant efficiency savings. The unit chosen however has good modulation range which will help efficiency
2. The UHF design flow temperature at 40C with 300mm spaced pipes would provide greater efficiency of a lower < 35C flow temperature was specified with narrower e.g. 150mm pipe spacing. Ask your designer to specify the heating for a 35C flow at the outside design temperature
3. the 4.5 kW design capacity seems a little high to us given the fabric and the MVHR, we would expect it to be nearer to 3 kW for this size of property, but this oversizing probably won't have a significant material impact on the efficiency of the system

One support comment received. A summary is as follows:

- I live very close to this application. Great care has been taken to improve this site and I believe that the proposal will enhance this whole area. I am totally in favour of approval being granted

**POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

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

#### CORE STRATEGY:

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

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

#### PLACEMAKING PLAN:

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

SV1: Somer Valley Spatial Strategy

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D6: Amenity

HE1: Historic environment

#### LOCAL PLAN PARTIAL UPDATE:

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

DW1: District Wide Spatial Strategy

D5: Building design

D8: Lighting

NE1: Development and green infrastructure

NE2: Conserving and enhancing the landscape and landscape character

NE3: Sites, species, and habitats

NE3a: Biodiversity Net Gain

NE5: Ecological networks

NE6: Trees and woodland conservation

SCR6: Sustainable Construction Policy for New Build Residential Development

ST7: Transport requirements for managing development

#### SUPPLEMENTARY PLANNING DOCUMENTS:

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

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

#### NATIONAL POLICY:

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

#### LISTED BUILDINGS:

In addition, there is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

#### LOW CARBON AND SUSTAINABLE CREDENTIALS:

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

#### LOW CARBON AND SUSTAINABLE CREDENTIALS

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

#### **OFFICER ASSESSMENT**

This application relates to the 'Site of Old Quarry' which is located along the Bath road in Peasedown. The site is located outside of the housing development boundary and opposite the Grade II listed Red Post Inn.

#### PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

Policy SV1 of the Somer Valley Spatial Strategy sets out to enable new homes to be built within Peasedown St John within the housing development boundary. Residential development on sites outside of the housing development boundary will also be acceptable if identified in an adopted Neighbourhood Plan.

The site does not form what would be considered as previously development land. The NPPF makes clear that previously development land does not include land that has been developed for minerals extraction or waste disposal by landfill which has since been left to be overgrown and as such has blended into the landscape. The use of the site for fly-tipping also does not qualify the site to be considered previously developed.

The site is located outside of the housing development boundary. Peasedown St John does not have an adopted Neighbourhood Plan. The proposal for a residential dwelling at the proposed site is therefore contrary to policy SV1 and as such is unacceptable in principle.

*Loss of sport and recreational land:*

The site is included within the designated under policy LCR5, a site safeguarded for sport and recreational facilities. Development involving the loss of open space (amenity green space, parks

and recreation grounds, outdoor sports space, play space for children and youth, accessible natural green space), land and buildings of sport and recreation, will only be permitted provided it can be demonstrated:

- 1) is a surplus of similar facilities in the area and that the loss would not adversely affect the existing and potential recreational needs of the local population, making allowance for the likely demand generated by allocations in this area; or
- 2) the proposed development only affects land which is incapable of being used for sport and recreation; or
- 3) suitable replacement facilities of at least equivalent quality, quantity and community value are provided in locations accessible by sustainable transport modes; or
- 4) the proposed development is for an indoor or outdoor sports facility with at least equal benefit to the development of sport and community access to sport to outweigh the loss of the existing or former recreational use, and
- 5) in the case of open space, it is not critical component of eco/green infrastructure network and any redevelopment improves habitat connectivity.

It is considered that the loss of this site from the designated would comply with criteria 1 and 2. Adjacent to the site lies large expanses of recreational land, with various sports facilities. The site itself is enclosed by vegetation at its boundary and is separated from the sports grounds. The surrounding uses are considered to be sufficient for the current demand. The removal of this site would not lessen the amount of recreational or sport offering within Peasedown. The site is considered to be incapable of being used for sport and recreation due to its current state and separation from the access of the sports facilities. The proposal therefore accords with criteria 1 and 2. The loss of the site from the designation is therefore acceptable, compliant with policy LCR5 of the Placemaking Plan.

## DESIGN, CHARACTER AND APPEARANCE:

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

The site occupies a vacant piece of land along Bath Road. The site is located opposite the Grade II listed Red Post Inn.

The north-western site of this part of the Bath Road and the area immediately surrounding, comprises of open fields, utilised by community uses such as sports and playing area. There is a clear distinction between built residential form on the eastern side of Bath Road, and an open space to the western area. The construction of a dwelling on the western side would as such be contrary to this character, with residential development spreading across into what is currently open space. A single dwelling in isolation on the north-western side of the Bath Road is considered to be an incongruous form of development which fails to complement the grain of development by reason of its separation from the dense residential form to the south and east.

The design in and of itself is single storey and incorporates gable ended roof. Accommodation is provided within the roof space. At the gable ends, large expanses of glazing are proposed, with the addition of an integrated balcony. Materials consist of natural stone and render which are common within the area. The overall design considered in isolation is considered to be acceptable and reflects elements of residential development in the area. This however would not overcome the in principle issue of siting a dwelling at this site and the harm identified above.

The proposal by reason of its siting is unacceptable and does not contribute or responds to the local context and does not maintain the character and appearance of the surrounding area. The proposal is contrary to policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

## LISTED BUILDINGS:

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

The site sits opposite the Grade II listed building Red Post Inn. The listed building presents a positive appearance within the street scene and its opposite open green nature, comprising of the application site contributes to its setting. The development as proposed would alter the setting of the listed building, through urbanisation of site. Whilst it would be for a single dwelling, the site would appear as a more prominent feature within the street scene, with the addition of an incongruous form of development to the north western side of Bath Road. The historical setting of the listed building would as such be compromised. The resulting harm would be considered as less than substantial, in the

words of the NPPF. Any development resulting in less than substantial harm must be weighed against public benefits. This is continued within the planning balance section of this report.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals would cause less than substantial harm to the setting of the listed building. The proposal is therefore not consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would have an unacceptable impact on the setting and would as such fail to preserve the significance of the designated Heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF. Assessment of public benefits continues within the planning balance section of this report.

#### RESIDENTIAL AMENITY:

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

The dwelling would be isolated and therefore is unlikely to cause any residential amenity issues with regards to impact from overlooking or overshadowing. The garden space is generous for the benefit of the occupiers.

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

#### HIGHWAYS SAFETY AND PARKING:

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

The plan provided (drawing number P-02 Rev A) shows that the site will utilise the existing access from Bath Road, with a continuation to the pedestrian footway in order to link to the nearest bus stop along the highway. A new upgraded access is shown to be provided to allow suitable parking for the property within the boundary of the site, in accordance with the Council's Transport and Development SPD.



The proposed site plan shows onsite turning space and parking for one parked vehicles, although it is likely that another car could be accommodated. Up to two parked cars would comply with the maximum standards for a 4 bedroom dwelling.

As the road is subject to a 20mph post speed limit, the visibility for on coming vehicles is deemed achievable.

The property contains suitable availability to provide cycle storage facilities in accordance with the Council's Policy.

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

#### ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

An Extended Habitat Survey report produced by Country Contracts dated June 2024 has been submitted and reviewed by the Council's Ecologist.

The proposed development site comprises a former stone quarry, which has historically been infilled. The proposal involves the construction of a new self-build dwelling. The existing site access along the western boundary will be used.

The majority of the site consists of ruderal vegetation and the western boundary comprises a low earth bank and trees. Piles of brash and stone are also present on site.

#### Habitats and hedgerows

The northern, eastern and southern boundaries comprise native hedgerows, which are classified as Habitats of Principal Importance. It is unclear from the Existing and Proposed Site Plan (Dwg no. P-02

A) whether the northern and eastern hedgerows will be retained. All hedgerows should be outside of garden curtilages to secure long-term retention and maintain the protection conferred by the Hedgerows Regulations 1997.

The hedgerow remains within the proposed curtilage of the dwelling. It would therefore lose its protection by the hedgerow act and therefore could be removed without prior consent. It is therefore considered that the hedgerow should be accounted for as a loss of a habitat of principle importance.

#### Reptiles

The discarded material piles offer opportunities for hibernating reptiles. Mitigation includes a supervised destructive search. In the absence of survey information relating to presence/absence of reptiles on site, a precautionary approach should be taken. The

reptile mitigation needed to be updated to include seasonal constraints to clearance; spoil removal should be undertaken during the reptile active season (March-October inclusive) to avoid impacts on hibernating reptiles. The information has not be updated. The information submitted is therefore not sufficient to demonstrate harm would not be caused to reptiles.

#### Other protected and notable species

Habitats on site may support nesting birds and commuting badger, the mitigation proposed would be supported and can be secured by condition for a WPES.

No potential for roosting bats was found in the trees.

#### Lighting

The northern boundary corridor is likely to be used by foraging and commuting bats, including light-sensitive species. Our in-house mapping system highlights greater horseshoe activity records in proximity to the site. There are concerns about the impact of internal light spill onto adjacent bat habitats as a result of the site layout. The production of an outline mitigation strategy is required, demonstrating that internal light spill will be minimised. This information is required before determination to demonstrate policy compliance and avoid potential issues with delivery of the scheme. This information has not been provided. There is therefore insufficient information to demonstrate that the scheme would not cause harm to the foraging and commuting corridor used by protected species.

#### BNG

Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG). The proposal is submitted as a self-build residential development. Guidance set out within Schedule 7A of the Town and Country Planning Act 1990 identifies application which are exempt from requiring the provision of biodiversity net gain. Self-build dwellings are included within the exemption list.

#### SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR6 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Residential Development. The policy requires new residential development to achieve zero operational emissions by reducing heat and power demand, then supplying all energy demand through on-site renewables. A sustainable construction checklist has been submitted following request from officers. The information provided demonstrates compliance with policy SCR6 in relation to space heating standards, total energy use and renewable energy generation.

#### PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- Protected characteristics include disability.

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

#### PLANNING BALANCE:

As discussed within this report, the principle of development is unacceptable as the site lies outside of the housing development boundary, contrary to policy SV1 of the Somer Valley Spatial Strategy. Planning law requires that application for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Consideration has therefore been given to any benefits which may arise as a result of the proposed development. It is considered that the provision of a dwelling would contribute to the housing supply within Peasedown, being accessible to services and facilities. The Council can currently demonstrate a 5-year housing land supply. Supply is therefore not reliant upon windfall sites for residential development. The benefits arising from the single dwelling would in any event be limited in scope due to the scale of development. It has also been identified that harm would be caused to the character and appearance of the site resulting from the siting of the dwelling.

In addition, the proposed development would alter the historical setting of the adjacent listed building, resulting in less than substantial harm. Section 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This

is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This is supported by Placemaking Policy HE1 which states that great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified.

Section 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The public benefits identified are considered to be unsuccessful and outweighing the harm to the setting of the designated heritage asset.

As such it is considered that the benefits would not outweigh the conflict with the development plan. The development would conflict with the development plan as a whole and no material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it.

#### **CONCLUSION:**

"Section 70(2) of the Town and Country Planning Act (1990) makes clear that a Local Planning Authority must have regard to "the provisions of the development plan, so far as material to the application" and "ant other material considerations". Further, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise"."

The proposed residential development lies outside the housing development boundary and is therefore contrary to policy SV1 of the Core Strategy (2014).

The siting of the dwelling in an isolated position is contrary to the pattern of residential development, contrary to policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

The development would cause harm to the setting of the Grade II listed building, the Red Post Inn, resulting in less than substantial harm. Public benefits are not sufficient enough to outweigh the harm demonstrated. The proposal is contrary to policy HE1 of the Placemaking Plan and part 16 of the NPPF.

#### **RECOMMENDATION**

**REFUSE**

#### **REASON(S) FOR REFUSAL**

1 The proposed residential development lies outside the housing development boundary and is therefore contrary to policy SV1 of the Core Strategy (2014).

2 The siting of the dwelling in an isolated position is contrary to the pattern of residential development, contrary to policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

3 The development would cause harm to the setting of the Grade II listed building, the Red Post Inn, resulting in less than substantial harm. Public benefits are not sufficient enough to outweigh the harm demonstrated. The proposal is contrary to policy HE1 of the Placemaking Plan and part 16 of the NPPF.

## **PLANS LIST:**

1 This decision relates to the following plans:

Drawing	29 Jul 2024	P-03 A	PROPOSED GROUND AND FIRST FLOOR PLANS
Drawing	29 Jul 2024	P-04 A	PROPOSED ELEVATIONS
Drawing	29 Jul 2024	P-05 A	GARAGE PLAN AND ELEVATIONS
Drawing	29 Jul 2024	P-06 A	SECTIONS
OS Extract	19 Jul 2024	P-01 A	SITE LOCATION PLAN

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

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

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

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

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

3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

## **4 Condition Categories**

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

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

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

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

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

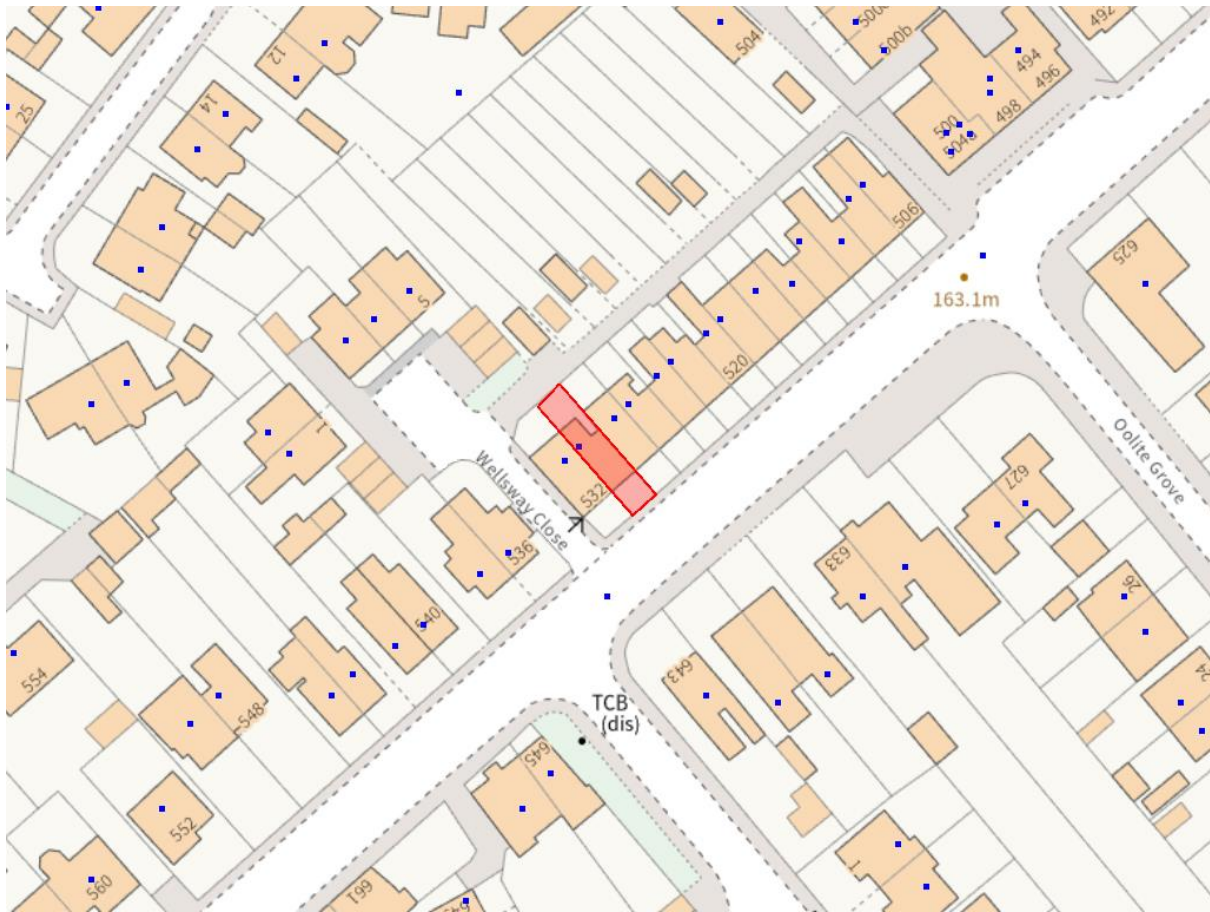
Please note all conditions should be read fully as these headings are intended as a guide only.

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

## **5 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)

**Item No:** 04  
**Application No:** 24/03655/FUL  
**Site Location:** 530 Wellsway Bath Bath And North East Somerset BA2 2UD



**Ward:** Odd Down      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Steve Hedges      Councillor Joel Hirst  
**Application Type:** Full Application  
**Proposal:** Change of use from 3 bedroom dwelling (Use Class C3) to 4 bedroom House in Multiple Occupation (HMO) (Use Class C4) to include minor internal reconfiguration. Removal of rear fence to create additional off road parking space and installation of four bay cycle rack.  
**Constraints:** Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,  
**Applicant:** Gray & Amor Properties Ltd  
**Expiry Date:** 5th December 2024  
**Case Officer:** Ed Allsop  
To view the case click on the link [here](#).

## REPORT

This application was referred to the Chair and Vice Chair following an objection and call in request from Councillors Steve Hedges and Joel Hirst.

**Chair and Vice Chair comments:**

Cllr Lucy Hodge: 'Noting the Officer's assessment of compliance with policy H2, it is recommended that on this occasion this HMO application is debated in public by the Planning Committee to consider whether Policy H2 is sensitive enough to the cumulative impacts of increasing numbers of HMOs in particular residential areas.'

Cllr Ian Halsall: ' The ward members continually raise objection to the effectiveness of Policy H2 and the criteria set out in the supplementary planning documents on Houses in Multiple Occupation insofar as it affects Odd Down.

Whilst the officer confirms that the proposal is policy compliant, the Committee may wish to discuss this policy and its current "one size fits all" approach, which applies across the whole district rather than the overall impact such change of uses may have upon specific residential neighbourhoods.'

This application relates to a terraced house in the built-up urban area of Bath.

Planning permission is sought for the change of use from 3 bedroom dwelling (Use Class C3) to 4 bedroom House in Multiple Occupation (HMO) (Use Class C4) to include minor internal reconfiguration. Removal of rear fence to create an additional off road parking space and installation of four bay cycle rack.

Relevant Planning History:

None.

**SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation responses:

None.

Representations:

Cllr Steve Hedges and Cllr Joel Hirst. Object in principle to more HMOs being created in Odd Down ward. We feel strongly that Odd Down ward needs to be protected for housing for family units. The city of Bath is incrementally pricing families out of areas like Odd Down. This is being driven by a number of factors including unsustainable growth in student numbers at the Universities without growth in purpose build student housing on campus to meet this demand.

The city of Bath is limited in its ability to grow because of world heritage status. If we want a sustainable city where a range of people from a range of economic backgrounds can afford to live in Bath we need to protect key areas for potential key worker properties. Odd Down is one such area. We are concerned about the appropriate parking in this area - there is a real challenge. We are trying to ensure we have good through roads which allow



free flowing traffic and buses including some of the improvements to A367 corridor. We have already had concerns about inappropriate parking leading to requests for new double yellow lines.

We note there are already in the area: 3 registered HMOs on Wellsway, 1 close to Wellsway on Old Fosse Road, 6 on Stanaway Close and 2 in the Beeches. If the officers are minded to recommend to support this application - please can this be called in to committee.'

1no. neighbour objection was also received in relation to principle of HMO, residential amenity and highways impacts.

## **POLICIES/LEGISLATION**

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

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
  - Policy GDS.1 Site allocations and development requirements (policy framework)
  - Policy GDS.1/K2: South West Keynsham (site)
  - Policy GDS.1/NR2: Radstock Railway Land (site)
  - Policy GDS.1/V3: Paulton Printing Factory (site)
  - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

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

- B1: Bath Spatial Strategy
- B4: Bath World Heritage Site and its Setting
- CP5: Flood Risk Management
- CP6: Environmental Quality
- DW1: District Wide Spatial Strategy
- SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

- D1: General urban design principles

D2: Local character and distinctiveness  
D.3: Urban fabric  
D.4: Streets and spaces  
D.5: Building design  
D.6: Amenity  
H2: Houses in Multiple Occupation

Local Plan Partial Update (LPPU):

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

SPD:

Houses in multiple occupation SPD 2023

National Policy:

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

Public Sector Equality Duty:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty Section 149 provides that the Council must have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Due to the nature of the proposals, the development would not have any negative effects upon those with protected characteristics.

Low carbon and sustainable credentials

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

## LOW CARBON AND SUSTAINABLE CREDENTIALS

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

### **OFFICER ASSESSMENT**

#### **Change of use from residential (Use Class C3) to house in multiple occupation (HMO) (Use Class C4):**

Policy H2 concerns Houses in Multiple Occupation (HMOs), the policy states that these applications will be refused if:

i) The site is within an area with a high concentration of existing HMOs having regard to the Houses in Multiple Occupation SPD as they will be contrary to supporting a balanced community.

The site passes this criterion because the HMO density would be 4.8%. The policy allows up to 10% of properties within a 100m radius to be HMOs.

ii) The HMO is incompatible with the character and amenity of established adjacent uses.

The site passes this criterion because the HMO density is low, meaning the change of use is not incompatible with surrounding character and amenity.

iii) The HMO significantly harms the amenity of adjoining residents through a loss of privacy, visual and noise intrusion.

The proposals would be considered to pass this test.

iv) The HMO creates a severe transport impact.

The proposals result in the change of use from a 3 bed residential dwelling, to a 4 bedroom HMO. This would not result in a severe transport impact.

As part of the evidence base to inform the recently adopted Transport & Development Supplementary Planning Document (SPD), which includes parking standards, the highway authority undertook a comprehensive review of the potential parking impacts associated with houses in multiple occupation (HMOs).

This work summarised that:

"The results from the surveys suggest an average of 4.5 bedrooms per HMO, with an average of 0.9 cars per HMO. This compares to a range of car ownership across B&NES from 0.61 cars per household in Bath City Centre, to 1.65 in the more rural areas. This supports the findings by a 2007 study by DCLG (now known as Ministry of Housing, Communities & Local Government) that HMOs result in no net increase in parking demand over that of a family home."

This evidence indicates that there would not typically be a significant increase in car parking demand as a result of a HMO proposal, and in this case, the highway authority would not be able to sustain a planning reason for refusal on the basis of a possible parking impact.

It should also be noted that 1 additional off street parking space is being created to the rear in any case and the proposed site plan demonstrates that provision will be made for bicycle provision. However, a condition is attached to ensure this provision is adequate (covered and secure) rather than an exposed bike rack.

v) The HMO does not provide a good standard of accommodation for occupiers:

The bedroom and kitchen/living areas would comply with the HMO SPD and provide sufficient space and standard of accommodation for the proposed occupiers.

vi) The HMO property does not achieve an Energy Performance Certificate 'C' rating unless one or more of the exemptions listed in the policy are met.

The property achieves an EPC rating of 'C' and is therefore policy compliant with this requirement.

vii) The HMO use results in the unacceptable loss of accommodation in a locality, in terms of mix, size and type;

The site is not located within an area of high HMO density, therefore it passes this criterion.

viii) The development prejudices the continued commercial use of ground/lower floors

Not applicable in this instance.

Additionally, section 4 of the adopted Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) provides 2 key criteria in which applications for HMO need to be considered against. If the proposal fails either it is deemed to be contrary to this guidance and policy H2, and will be refused planning permission.

**Criterion 1:**

This criterion states that HMOs will not be permitted where it would result in any residential property (C3 use) being 'sandwiched' between two HMOs. Where C3 residential properties are sandwiched between two HMOs, issues commonly associated with HMOs regarding disturbance and impact on amenity can be intensified. Criterion 1 aims to prevent the potential for negative impacts upon an existing dwelling due to this sandwiching effect.

The change of use of no.530 Wellsway does not sandwich any residential property between 2no. HMOs, and is therefore compliant.

### **Criterion 2:**

This specifies that proposals will be unacceptable where HMO properties represent 10% or more of households within a 100-metre radius of the application property, or the application property tips the concentration to 10% or more. According to our records the proposal would result in 5 HMOs within a 100m radius. This equates to an 4.8% concentration of HMOs. The proposal therefore passes criterion 2.

It should be noted that the HMO properties referred to in the objection received are not located within the 100m radius catchment of the property.

### **Conclusion:**

The proposals are policy compliant with the Council's HMO policy (Policy H2).

This is because the concentration of HMOs in a 100m radius is low and because a residential property will not be sandwiched between 2 HMOs as a result.

The bedroom/living and kitchen sizes are also policy compliant and the property is a policy compliant EPC level 'C'.

There are no external changes or enlargements proposed to the building.

Therefore, officers recommend this application is supported.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

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

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

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

### **2 Cycle Provision (Pre-occupation)**

No occupation of the development shall commence until secure, covered bicycle storage for at least 4no. bicycles has been provided in accordance with details which have been

submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

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

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

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

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

#### **PLANS LIST:**

1 This decision relates to the following plans:

Proposed block plan  
Block plan existing  
Floor plan existing  
Floor plan proposed  
Site plan  
Site location plan

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

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

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

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

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

### **3 Condition Categories**

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

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

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

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

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

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

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

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

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

**Do not commence development** until you 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)

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

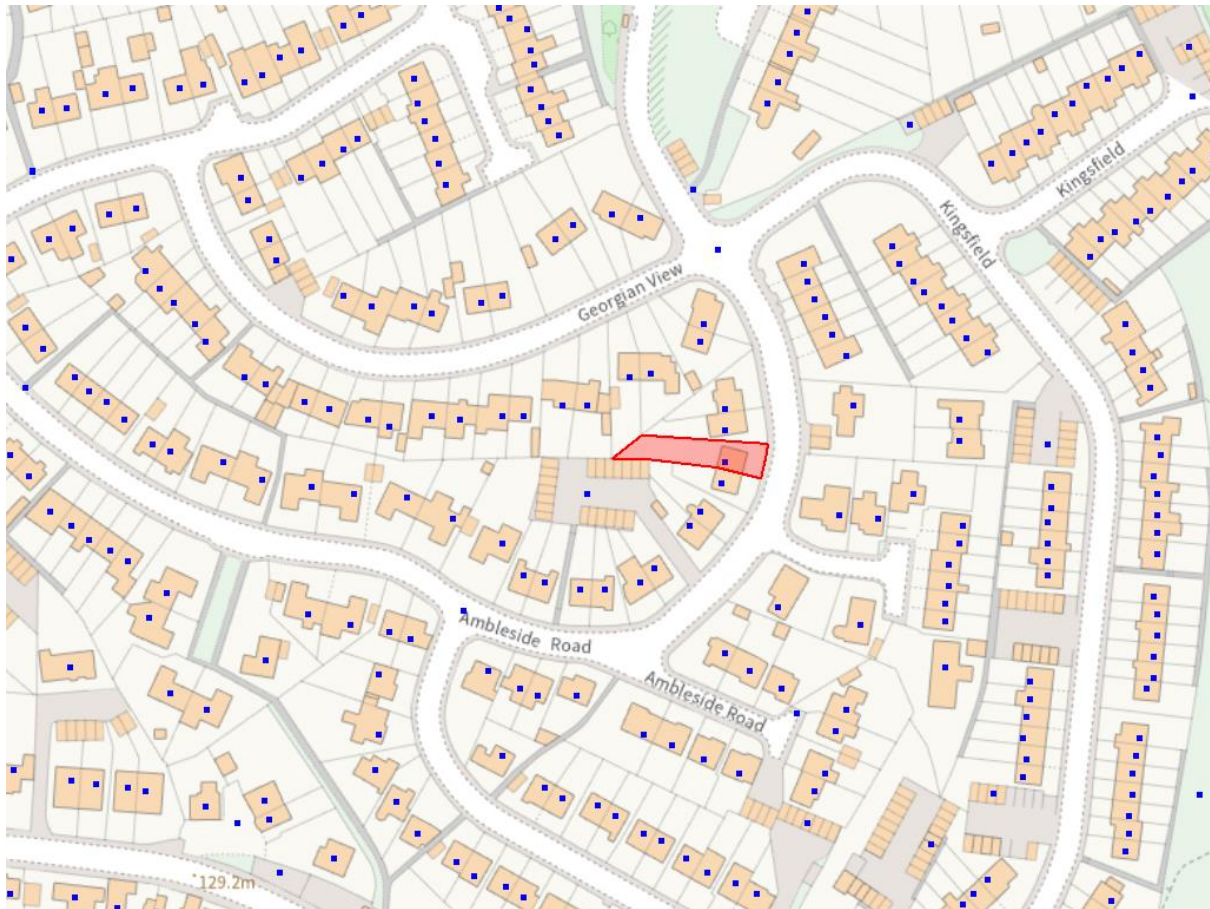
The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

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

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



**Item No:** 05  
**Application No:** 24/03605/FUL  
**Site Location:** 51 Ambleside Road Southdown Bath Bath And North East Somerset  
BA2 2LP



**Ward:** Odd Down                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Steve Hedges      Councillor Joel Hirst  
**Application Type:** Full Application  
**Proposal:** Change of use from Dwelling House (C3) to HMO (C4) and internal alterations  
**Constraints:** Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, SSSI - Impact Risk Zones,  
**Applicant:** Mrs Karen Bazeley  
**Expiry Date:** 2nd December 2024  
**Case Officer:** Angus Harris  
To view the case click on the link [here](#).

## **REPORT**

The application refers to the semi-detached property 51 Ambleside Road, Southdown, BA2 2LP.

Planning permission is sought for the change of use from a dwelling house (C3) to HMO (C4) with internal alterations

Relevant Planning History:

There is no relevant planning history on this site.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

Cllr Steve Hedges and Cllr Joel Hirst:

Object in principle to more HMOs being created in Odd Down ward. We feel strongly that Odd Down ward needs to be protected for housing for family units. The city of Bath is incrementally pricing families out of areas like Odd Down & Kingsway. This is being driven by a number of factors including unsustainable growth in student numbers at the Universities without growth in purpose build student housing on campus to meet this demand.

The city of Bath is limited in its ability to grow because of world heritage status. If we want a sustainable city where a range of people from a range of economic backgrounds can afford to live in Bath we need to protect key areas for potential key worker properties. Odd Down and Kingsway are such an area.

We are especially concerned about the impact on parking, currently the parking is already challenging in this area and a HMO will inevitably put more pressure on parking. In addition there already is a high concentration of HMOs in the area with many (at least 10) being registered in the Kingsway area : Marsden Road, Cannons Close, Ambleside, Georgian View, Ambleside and Edgeworth.

For these reasons we respectfully ask this is called in to planning committee for consideration.

Representations Received :

17no objections have been received. These can be viewed in full on the application file online, and have been summarised into the following points:

- There are already 6no HMO's on this road and others in close proximity,
- Local student population has increased significantly,
- The presence of students disrupts local families,
- They cause disruption by unnecessary noise, including during the night,
- There is no up-keep of the existing HMOs, with unattended bins and overgrown gardens,
- The development would increase on street parking,

- There is insufficient parking available in this area and the development would result in more cars,
- On street parking already causes disruption to the bus route, resulting in a road-safety issue,
- The provision of bicycle parking is not relevant to the parking concerns as students are not witnessed cycling,
- These properties should remain as family dwellings, for young families,
- There is a danger that this area will cease to be an affordable estate for first time buyers and family homes,
- The road is losing its feeling of 'familyness' due to the increase in HMO's,
- Students and transitory tenants do not integrate into the community,
- There should be no need for students in this area, which should be accommodated by the development on Lower Bristol Road,
- Allowing this change would undermine the character and balance of the community.
- The application details are inaccurate. The dwelling has been unoccupied since December 2023 and there is a large apple tree in the garden.
- Consideration amount of work has been undertaken before planning approval,
- No contact has been made with neighbours,
- There should be a Party Wall agreement in place with the adjoining property,
- No notification of the application has been received by some residents living in the area,

## **POLICIES/LEGISLATION**

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

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

## **CORE STRATEGY:**

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

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

## **PLACEMAKING PLAN:**

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

B1: Bath Spatial Strategy  
BD1: Bath Design Policy  
D1: General urban design principles  
D2: Local character and distinctiveness  
D3: Urban fabric  
D4: Streets and spaces  
D5: Building design  
D6: Amenity  
HE1: Historic environment

#### LOCAL PLAN PARTIAL UPDATE:

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

DW1: District Wide Spatial Strategy  
B2: Central Area Strategic Policy  
H2: Houses in multiple occupation  
ST7: Transport requirements for managing development

#### SUPPLEMENTARY PLANNING DOCUMENTS:

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

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

The Houses in Multiple Occupation in Bath Supplementary Planning Document (January 2022)

#### NATIONAL POLICY:

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

#### LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary,

mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

## **OFFICER ASSESSMENT**

### **PRINCIPLE OF DEVELOPMENT:**

The property is located within an area subject to an Article 4 Direction restricting the conversion of residential properties into HMOs (up to six people living together). The main planning considerations in respect of an application of this nature are as follows:

- the principle of the proposed change of use from a dwelling house to an HMO.
- the impact on the character and appearance of the Bath world heritage site,
- impact to residential amenity
- internal standards
- impact on parking and highways

Principle of the proposed change of use from a dwelling house to an HMO.

Policy H2 of the Placemaking Plan provides the following criteria to be considered when determining an application for change of use to an HMO;

- i) Where there is high concentration of existing HMO's, further changes of use to HMO use will not be supported as they will be contrary to supporting a balanced community.
- ii) The HMO use is incompatible with the character and amenity of established adjacent uses.
- iii) The HMO use significantly harms the amenity of adjoining residents through a loss of privacy, visual and noise intrusion.
- iv) The HMO use creates a severe transport impact.
- v) The HMO use results in the unacceptable loss of accommodation in a locality, in terms of mix, size and type.
- vi) The development prejudices the continued commercial use of ground/lower floors.

The SPD includes the following criteria which advises change of use will not be permitted where:

Criterion 1: It would result in any residential property (C3 use) being 'sandwiched' between two HMOs; or

Criterion 2: Test: HMO properties represent more than 10% of households within a 100-metre radius of the application property.

Following a GIS search, the conversion of this property into an HMO would not result in 'sandwiching' between other HMO certified properties and therefore complies with Criterion 1.

Looking at Criterion 2, the change of use of the property to an HMO does not represent more than 10% of households. In this instance based on Council data this permission

would result in 6 of 101 residential properties within a 100-metre radius of the site being HMOs, equating to 5.9%.

Policy CP10 supports housing mix in line with national policy, where a mix of housing types and households are encouraged in the interest of community cohesion. This is supported by HMO policy H2 and the SPD, which aim to direct new HMO development to areas of lower concentration.

Internal alterations to the building will not require planning permission however all HMOs need to be licensed.

Policy H2 of the Local Plan Partial Update also outlines the following criteria, where a new HMO is required to achieve an Energy Performance Certificate (EPC) of rating 'C'. The applicant has submitted the EPC for the property, demonstrating compliance with this criterion.

#### DESIGN, CHARACTER AND APPEARANCE:

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

The change of use of the property shows internal conversions to modify the internal spaces and increase the number of bedrooms from 3 to 5, but there are no external changes proposed to the building.

As such, the proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

#### WORLD HERITAGE SITE:

The proposed development is within two World Heritage Sites and therefore consideration must be given to the effect the proposal might have on the settings of these World Heritage Sites.

In this instance, due to the site location and lack of proposed external changes to the building, it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

#### RESIDENTIAL AMENITY:

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

Policy H2 requires that HMOs provide a good standard of accommodation for occupiers. The HMO Supplementary Planning Document (SPD) details the minimum space standards required for bedrooms and shared facilities. The proposed use of the property as a HMO would involve the use of 5 bedrooms, all of which (shown on the proposed floor plans) would meet the minimum space standards required for a C4 HMO.

According to the data held by the Council, the proposal would not result in a residential property becoming sandwiched between two HMOs. Criterion 1 aims to prevent the potential for negative impacts upon an existing dwelling resulting from the sandwiching effect of an HMO use to both sides of a C3 dwelling.

The objections received raise concerns to the detrimental impact on the existing residents. It is appreciated that C3 dwellinghouses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and patterns of movement. Conversely, HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements.

The comings and goings of the occupiers of an HMO are likely to be less regimented and may occur at earlier and later times in the day than a C3 family home. Such a change of use can therefore result in increased comings and goings, noise and other disturbance compared to a C3 use. Notwithstanding this, individually HMOs are not generally considered to result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect. As set out above, such a concentration is not found to exist in this location.

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

## INTERNAL STANDARDS

The Council's SPD for HMOs requires single bedrooms to have a minimum Gross Internal Floor Area (GIA) of 6.51 sqm, and double bedrooms or twin bedrooms must have a minimum GIA of at least 10.22 sqm.

The submitted floor plans do not specify whether the bedrooms will be single or double, but measurement of the plans find 3no bedrooms measuring over 10.5sqm, with the smallest 2no rooms measuring 6.5sqm and 8.9sqm. The bedrooms are found compliant with these criteria.

The existing property is shown to have an Energy Performance Rating of BAND C.

In summary the proposed change of use to a class C4 is considered acceptable and in line with the development plan policies

## HIGHWAYS SAFETY AND PARKING:

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

Objections have been raised to the lack of parking in the local area and the road-safety concerns that result from the existing on street parking, creating hazards for busses.

The application site is within Parking Zone B (Outer Bath, Keynsham and Saltford) and the Highways SPD sets out the vehicle and bicycle parking requirements in line with Policy ST7.

For development within this zone, a maximum number of 1.5 parking spaces should be provided. There is however, no requirement for the property to provide a minimum number of parking spaces.

The Transport and Development Supplementary Planning Document (SPD) also details the required bicycle parking standards, that buildings should adhere to. In this instance, the requirements are the same for a C3 dwellinghouse and a C4 HMO, being the provision of long stay cycle storage for 4 bicycles. Internal storage is shown on the floor plans for the lower ground floor, which is considered acceptable.

The means of access and parking arrangements are acceptable and maintain highway safety standards in line with Policy ST7 of the Local Plan Partial Update. The Parking arrangements would be acceptable for both the C3 and C4 uses. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

#### PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Protected characteristics include disability.

It is not considered that the proposal would prejudice individuals with protected characteristics.



## CONCLUSION:

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

## RECOMMENDATION

PERMIT

## CONDITIONS

### 1 Standard Time Limit (Compliance)

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

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

### 2 Plans List (Compliance)

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

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

## PLANS LIST:

1 This decision relates to the following plans:

Drawing	30 Sep 2024	ELEVATIONS
Drawing	30 Sep 2024	EXISTING FIRST FLOOR PLAN
Drawing	30 Sep 2024	EXISTING GROUND FLOOR PLAN
Drawing	30 Sep 2024	EXISTING LOWER GROUND FLOOR PLAN
Drawing	30 Sep 2024	PROPOSED FIRST FLOOR PLAN
Drawing	30 Sep 2024	PROPOSED GROUND FLOOR PLAN
Drawing	30 Sep 2024	PROPOSED LOWER GROUND FLOOR PLAN
OS Extract	24 Sep 2024	SITE LOCATION PLAN

### 2 Permit/Consent Decision Making Statement

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

### 3 Condition Categories

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

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

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

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

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

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

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

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

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

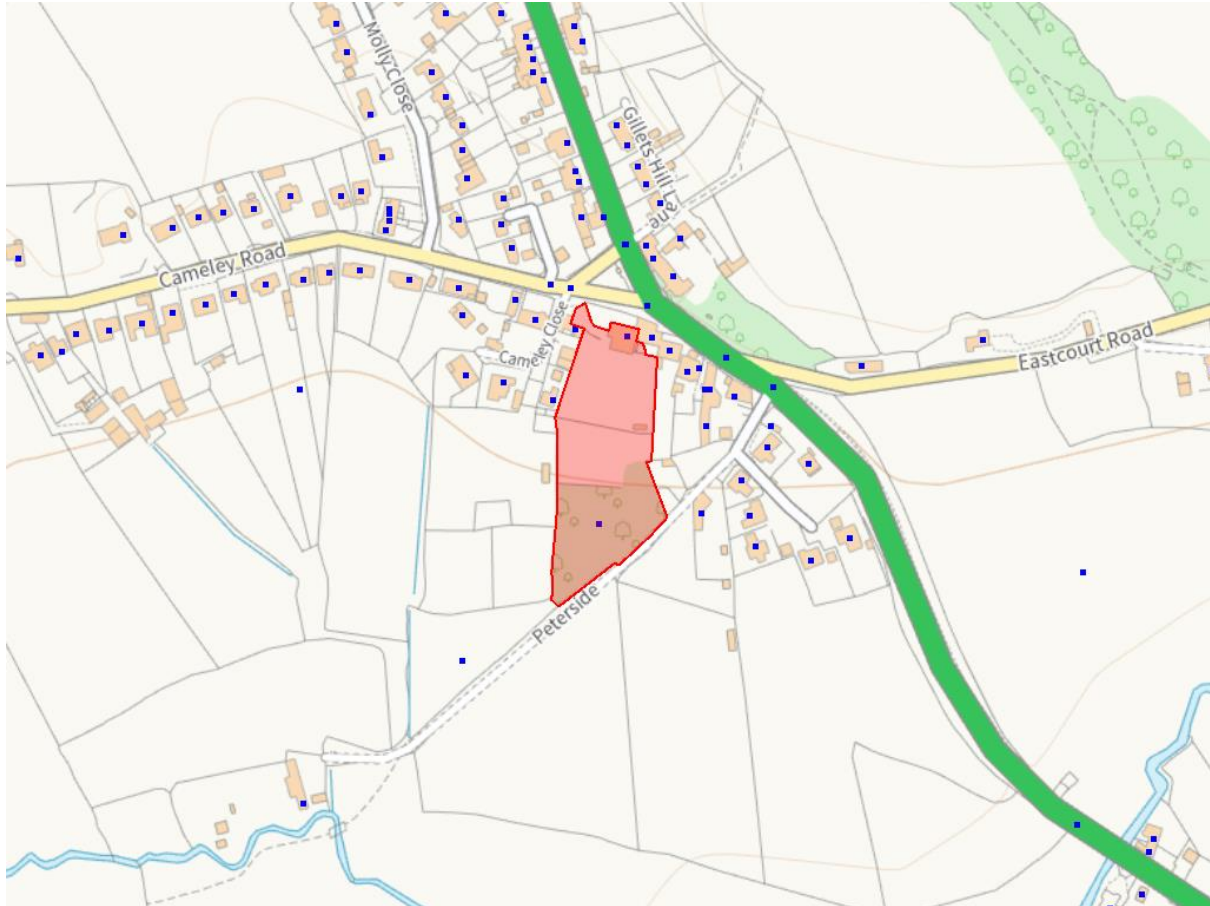
Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available

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

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

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

**Item No:** 06  
**Application No:** 24/02867/FUL  
**Site Location:** Humphreston House The Green Temple Cloud Bristol Bath And North East Somerset



**Ward:** Mendip **Parish:** Temple Cloud With Cameley Parish Council  
**LB Grade:** II

**Ward Members:** Councillor David Wood

**Application Type:** Full Application

**Proposal:** Erection of summerhouse.

**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Housing Development Boundary, Listed Building, LLFA - Flood Risk Management, Policy M1 Minerals Safeguarding Area, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, NRN Woodland Connectivity Opp Policy NE5, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Ann Morgan

**Expiry Date:** 18th November 2024

**Case Officer:** Angus Harris

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

## **REPORT**

The application refers to a grade II Listed, semi-detached property of Humphreston House, Temple Cloud, BS39 5BW.

Planning permission is sought for the erection of summerhouse.

Relevant Planning History:

DC - 04/03418/LBA - CON - 20 January 2005 - External works to include addition of glazing bars to south elevation (retrospective) and removal of horns to windows on north elevation

DC - 06/00424/FUL - RF - 3 July 2006 - Erection of detached building to provide ancillary residential accommodation.

DC - 06/03382/FUL - PERMIT - 21 November 2006 - Erection of detached building to provide ancillary accommodation (Resubmission)

DC - 07/01406/FUL - PERMIT - 27 July 2007 - Erection of a first floor rear extension to existing house and alterations to accommodate dependant relatives annexe, together with rear conservatory.

DC - 07/01407/LBA - CON - 10 August 2007 - Internal and external alterations for the erection of first floor extension to existing house and alterations to accommodate dependant relatives annexe, together with ground floor conservatory

### **SCHEME OF DELEGATION:**

This application is submitted on behalf of a Councillor. In line with the Banes Scheme of Delegation, this application is to be determined by the Planning Committee.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

Arboriculture:

No tree details have been provided Because of this I have plotted the approx. location of the summer house onto an aerial image - showing nearby trees.

The proposal appears to be being situated on a garden feature (veg beds) meaning the location will require some obvious preparation (to level it, & make a shed foundation). While the location appears at some distance from the surrounding trees, tree roots will likely be in the vicinity of the proposed summer house footprint. Therefore it would be adviseable to make a concrete base/wooden supporting structure for the summer house on the surface of the ground (i.e above ground level) as opposed to it being sunk into the ground (where roots are). This will ensure tree roots aren't severed through the creation of the base/foundation (and will keep the wooden building up off the ground). I see there is a sizeable field gate at the bottom of the site (can be seen on streetview) and that the summer house (in panels) will logically be driven into the site from there (following a route

central to the grass and away from trees - i.e like my black line below which I hope won't move when I convert this to a pdf).

I appreciate I have made assumptions with the methodology of the construction of the structure here - I have done so in an attempt to assist in erecting the summer house in such a way as to remove tree conflicts. If the applicant agrees to construct the foundation base above the ground, and access the site keeping sensible distance from trees then I believe tree risks are reasonably dispensed with (& we don't need to get them to provide an Arb Method Statement/Tree Protection Plan).

Conservation:

It is proposed to erect a summerhouse in the grounds of the Grade II listed Humphreston House. It is a late 18th century coursed rubble house of three storeys, with a 20th century rear extension. It has a large rear garden containing several large trees.

There is no objection to the principle of erecting an outbuilding / summerhouse in this location. It is a sufficient distance from the listed building and is of a suitable scale. A house of this status and with considerable grounds would have had typically had garden buildings, and historic maps show that there was a greenhouse in approximately this location during the 19th and 20th centuries.

The plans originally submitted did not provide sufficient detail to assess the proposal against conservation policy / legislation. An example photograph was then provided by the applicant of a similar off-the-shelf design, with weatherboarded elevations and timber framed open glazed windows and doors. This design is suitable in terms of the setting of the listed building.

An adequate level of detail should be provided within the approved plans to secure a design similar to the example given; e.g. annotations specifying materials.

Providing that these details are secured, the proposal would be considered to meet the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, where there is a duty in considering whether to grant planning permission for INTEML development which affects a listed building or its setting, to have special regard to the desirability of preserving the setting of the building.

## **POLICIES/LEGISLATION**

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

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

CORE STRATEGY:

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

CP5: Flood Risk Management  
CP6: Environmental Quality  
SD1: Presumption in favour of sustainable development

#### PLACEMAKING PLAN:

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

D1: General urban design principles  
D2: Local character and distinctiveness  
D3: Urban fabric  
D4: Streets and spaces  
D5: Building design  
D6: Amenity  
HE1: Historic environment

#### LOCAL PLAN PARTIAL UPDATE:

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

DW1: District Wide Spatial Strategy  
NE6: Trees and woodland conservation

#### NATIONAL POLICY:

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

#### LISTED BUILDINGS:

In addition, there is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

#### LOW CARBON AND SUSTAINABLE CREDENTIALS

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

## **OFFICER ASSESSMENT**

### **DESIGN, CHARACTER AND APPEARANCE:**

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

The application seeks the erection of a detached outbuilding. The building will be low lying, providing a garden room incidental to the dwelling use. It will form a mono pitched roof, with narrow glazed panels and doors on the front elevation. Materials are not specified on the plans, but some examples photographs provided by the applicant show a natural timber outbuilding.

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

### **LISTED BUILDING:**

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would be an acceptable alteration/addition to the listed building that would preserve the significance of the designated Heritage asset. However, a greater level of detail with regards to the materials will need to be provided in order to secure a design similar to the example given.

As such, with the inclusion of a condition requiring the submission of a materials schedule, the proposal accords with policy HE1 of the Placemaking Plan and part 16 of the NPPF.

### **RESIDENTIAL AMENITY:**



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

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

#### **HIGHWAYS SAFETY AND PARKING:**

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

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

#### **TREES:**

Local Plan Partial Update policy NE6 has regard to trees and woodland consecration. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland and ancient or veteran trees will not be permitted.

The outbuilding is in close proximity to some trees within the rear garden of the dwelling. Consultation has been undertaken with the Banes Arboricultural Team who highlight that the outbuilding is likely to impact the tree roots of the nearby trees, recommending that a timber or concrete base should be constructed. The applicant has shown a concrete base that the building is to sit within.

Overall, the proposal is considered to comply with policy NE6 of the Local Plan Partial Update.

#### **CONCLUSION:**

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

#### **RECOMMENDATION**

## PERMIT

### CONDITIONS

#### 1 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 Materials - Submission of Materials Schedule (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

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

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

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

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

#### 3 Plans List (Compliance)

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

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

### PLANS LIST:

- 1 This decision relates to the following plans:

Drawing	18 Sep 2024	PROPOSED FLOOR PLAN AND ELEVATIONS
Drawing	23 Sep 2024	BLOCK PLAN
OS Extract	29 Jul 2024	LOCATION PLAN

#### 2 Permit/Consent Decision Making Statement

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

### **3 Condition Categories**

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

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

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

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

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

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

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

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

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

**Do not commence development** until you 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

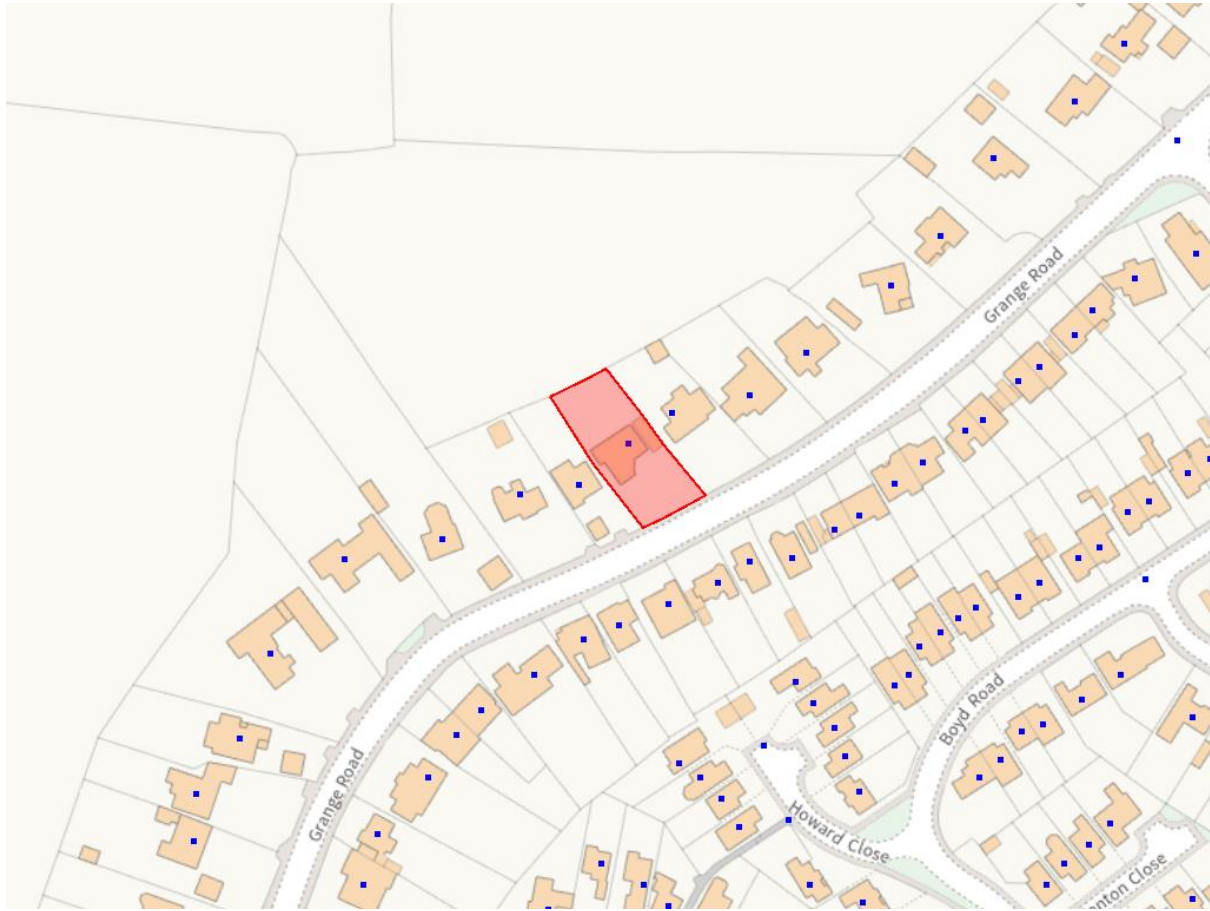
important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced 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)

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

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

**Item No:** 07  
**Application No:** 24/03722/FUL  
**Site Location:** 22 Grange Road Saltford Bath And North East Somerset BS31 3AG



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

**Application Type:** Full Application

**Proposal:** Erection of two storey extension and garage with single storey rear extension following demolition of existing garage. External works to provide for carriage driveway with additional access to Grange Road and associated hard landscaping.

**Constraints:** Colerne Airfield Buffer, Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Policy CP9 Affordable Housing, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

**Applicant:** Mrs Jessica Fragapane

**Expiry Date:** 29th November 2024

**Case Officer:** Laura Beacham

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

## **REPORT**

No.22 Grange Road is a two storey, detached dwelling with a pitched roof and gable front. The property currently benefits from a large driveway to the front and a private rear garden.

Planning permission is sought for the erection of a two storey extension and garage with a single storey rear extension following demolition of the existing garage. External works to provide for carriage driveway with additional access to Grange Road and associated hard landscaping.

### **REASON FOR COMMITTEE:**

In accordance with the Council's Planning Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee who have both stated that the application should be debated and decided by the Bath and North East Somerset (B&NES) Planning Committee. Their comments are as follows:

#### **Chair:**

The character of this part of Grange Road is one of large, detached dwellings located within generous curtilages that are reasonably well spaced from their neighbours. Overall, the character of the area is one of mid 20th Century styles of architecture, but each house is varied in its overall design and appearance yet retaining a common theme.

The Parish Council's concerns about the potential impact on number 20 is acknowledged. As the two storey side extension will be built on the boundary of the adjacent property, the Committee may wish to discuss the potential amenity implications on those neighbours and how this may affect the overall street scene.

#### **Vice Chair:**

Noting the concerns raised by Saltford Parish Council, particularly in respect of potential amenity impacts for neighbours relating to the height and proximity of the new extension which extends to the boundary line, I recommend that this application is determined by the Planning Committee.

#### **Relevant Planning History:**

There is no relevant planning history on this site.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **Consultation Responses :**

Saltford Parish Council:- Concerns regarding the two-storey side extension. Despite a lack of clarity in the plans, the proposed 2-storey side extension replacing the existing single storey garage is on the boundary line with No. 20 Grange Road. At potential considerable future inconvenience to the neighbouring property, access for maintenance or repair of the extension will be required from the neighbouring property at No. 20. In circumstances like this Saltford Parish Council considers that a gap of around 1 metre between the outside wall of the proposed extension and the adjacent boundary would be appropriate and maintain some level of openness of development at this location in Grange Road. Furthermore, the height of the new side extension combined with its proposed close

proximity to No. 20 will result in an overbearing affect and loss of light to side windows and the side garden of No. 20 that includes at least one mature tree close to the boundary that would also lose light; this loss of light and overbearing effect would be reduced if the side extension's width is reduced to allow for a gap with the boundary line of 1 metre or wider.

Highways:- Having reviewed the proposal, the highway authority raises no objection to the planning application. The proposal includes a new additional access to the driveway, the highway authority has no concerns with this arrangement, and it is also noted that neighbouring properties have similar driveways.

Representations Received :

Residents:-

Two letters of objection have been raised regarding the proposed works, as summarised below:

- o Loss of light and privacy due to close proximity of side extension to the shared boundary
- o Construction on the shared boundary of a neighbouring property
- o Potential overbearing impact

Two comments in support of the proposal: to provide better access to the property on Grange Road.

## **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

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

## **CORE STRATEGY:**

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

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

## **PLACEMAKING PLAN:**

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

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D6: Amenity

#### LOCAL PLAN PARTIAL UPDATE:

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

D5: Building design

DW1: District Wide Spatial Strategy

ST7: Transport requirements for managing development

#### SUPPLEMENTARY PLANNING DOCUMENTS:

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

Transport and Development Supplementary Planning Document (January 2023)

#### NATIONAL POLICY:

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

#### LOW CARBON AND SUSTAINABLE CREDENTIALS:

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

#### LOW CARBON AND SUSTAINABLE CREDENTIALS

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

#### **OFFICER ASSESSMENT**

The main issues to consider are:

- Character and appearance
- Residential amenity
- Highways and parking



## DESIGN, CHARACTER AND APPEARANCE:

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

Grange Road is generally characterised by two storey residential properties set within good sized plots, with the occasional single storey bungalow and a small grouping of semi detached dwellings. A predominant feature of the area is the render finish of properties as well as the good sized plots that the properties are set within.

The application proposes extensions and alterations to the existing building comprising a two storey side extension with a single storey rear extension, following the demolition of the existing garage and new landscaping to the driveway to improve access onto Grange Road. Each element of the proposal has been broken down to describe better in detail.

### Two storey side extension

The two storey element of the proposal would feature a pitched roof matching the existing dwelling. The maximum height of this would be 5.3 metres at the eaves. The proposed first floor element of the extension has a depth of approximately 12.6 metres, bordering the existing built form of the main dwelling. It will have a width of around 5 metres.

The proposed first floor extension will meet the roof ridge of the existing dwelling in order to create symmetry across the front elevation of the property. A bay window on the front elevation of the two storey extension will match that on the opposite side of the host dwelling. The existing separate garage will be demolished and is set to be replaced by a new garage on the ground floor of the extension. The proposal also includes adding an additional bedroom to the first floor at the front of the property, with an en-suite included as well as a separate stairway access from the extended section of the ground floor. The property consists of white render facing, interlocking tiles and a combination of white UPVC and timber windows and doors with the exception of the grey anthracite front door. The proposed extension will match these materials and this will be secured by way of planning condition.

Moreover, the current front elevation of the property is relatively broken up due to the existing separate garage as well as the overall width the host property spans. This alleviates the impact of the increase in width and is not found to cause harm to the way in which the property is viewed from the overall street scene. The plans further reveal a relatively large width from the rear of the property however, it can be perceived that this elevation of the property is not visible from the main public view due to the existing rear boundary wall, existing landscaping and building separation distances between the application property and its immediately surrounding neighbours.

A site visit further demonstrated the presence of similarly sized two storey side extensions, with varied finishes, including both flat and hipped roofs. The addition of an

extension of this scale, form and mass would therefore not be out of keeping with the local character and is found to have a positive contribution to the overall character and appearance of the host dwelling and the wider locality.

#### Single storey rear extension

The proposal would extend approximately 3.6 metres beyond the side elevation and be set back from the principal elevation of the dwelling by approximately 16.2 metres and will adjoin the two storey element of this proposal. The maximum height of the single storey extension would be 3.4 metres at the eaves height. The rear extension would be finished with a flat roof and with 1 no. rooflight. The extension would use matching materials and would feature a large bifold door and 2no. UPVC white windows.

The extension would be of matching rough cast white render with black painted vertical timber cladding to the eaves at the front and rear elevations and proposes the use of various UPVC doors including a white UPVC door for the proposed rear bifold, 1no. rooflight within the rear roof slope of the rear flat roof and a steel retractable garage door. The rear element will provide for additional family and living space on the ground floor and will extend by approximately 3.4 metres beyond the rear elevation. The extension's positioning to the rear of the property means it would not be visible from the public view and would not detriment the character of the street scene or the site's immediate context.

#### Overall assessment

The only proposed elements of the development that would be seen from the street is the front elevation of the side extension. Due to the two storey side element of the proposal, this will have potential to create an impact on massing as a result of the increased proximity to the boundary with the neighbouring dwelling of no.20 Grange Road. The reduction of spacing from just under 1.4 metres to abutting the boundary does reduce the standard spacing between the dwellings on Grange Road and would alter the appearance of the dwelling within the street scene.

It is noted that objections have been raised in relation to the overall size of the proposed extension as well as development being sited within close proximity to the shared boundary of neighbouring dwellings; while the extension would increase the footprint of the house, in the context of this area which is characterised by large houses with large garden plots, it is not considered to detriment the character of the surrounding area or the host dwelling by way of being too dominant. This side extension would be of subservient scale to the existing dwelling, being of an identical arrangement to the other side elevation of the current formation of the application property. The design of the garage door and pitch roof, in combination with the proposed matching materials provides a harmonious design to the existing design of the dwelling.

The overall design, appearance and scale of the extended dwelling is therefore considered to be acceptable in this regard.

Furthermore, as the additional footprint created by the rear extension is of a smaller scale, the massing would not exceed the height, depth or width of the existing dwelling. Therefore this increase is considered to be of a suitable scale that would not result in an incongruous addition.

But by virtue of its subservient design, scale and matching materials; the elements of the proposal that would be visible from the street scene, would appear sympathetic to the host dwelling and appropriate within the street scene. Furthermore by virtue of its large rear garden the proposed single storey rear extension would not significantly detract from the existing outside amenity space given that it is sited at the rear of the property and it would not impact upon off-street car parking space.

It is clear from the plans that the proposed extension is of an appropriate depth and height so as not to result in a disproportionate or incongruous addition to the property. Both extensions would be finished in materials which match the host dwelling, therefore demonstrating appropriate integration between existing and proposed built form and integrating with the established character of the street scene. This is also supported by the inclusion of characterful features mirrored with the existing dwelling, such as the projecting front gable, as well as 1no. matching bay window on the front elevation of the side extension.

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

#### RESIDENTIAL AMENITY:

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

The property itself is detached but sits within close proximity to its neighbours at No. 20 to the north and No.37 is separated by the road itself. There are no neighbours to the front or rear which would likely be affected by the proposal, therefore the impact of the proposal on the residential amenity of these two neighbours has been assessed. Comments and concerns raised during the consultation proceed will also be taken into account within this section of the report.

As existing, there are a number of windows to the front elevation, northern side and rear, including bedroom and bathroom windows at first floor level, a stairwell window and windows serving living accommodation at ground floor level. It is noted from the proposed plans that there are 2no. windows at ground floor level and 2no. windows (including 1no. velux window) at the side elevation of the two storey extension. At ground floor, these windows are to be either sliding or are to open inwards.

#### Impact on 20 Grange Road

Overlooking: With regard to the two storey extension, the proposed first floor windows including the proposed bay window would mimic the existing outlook. The proposed plans suggest that 1no. window on the first floor of the side elevation is proposed with obscured glazing for the walk in wardrobe; this raises the potential of an overlooking impact on the occupiers at no.20, due to its siting on the side elevation. However due to the siting and relationship of the host dwelling and no.20, this window would largely have an outlook on

to the blank side elevation of the neighbouring dwelling therefore, although the side elevations of the two dwellings would be closer, and so there will be no result in detrimental harm through the loss of light through proximity to the neighbouring dwelling. The window proposes to be obscure glazing which will mitigate potential impact and this will be secured by way of planning condition.

The proposal also includes 1no. roof light as well as a rear facing bi-fold door. These would either face skyward or towards the rear, replicating the existing outlook. As such, the proposed windows within the side extension are not considered to result in significant harm to the amenity of residents at no.20. Therefore, this is not considered to result in unacceptable overlooking to this neighbour.

As the application site and the neighbouring dwellings have large gardens, mirroring of the existing outlook is not considered to result in significant harm to the distance the dwellings habitable rooms in relation to the neighbouring properties and with an open provision of outdoor amenity space present at the two adjacent neighbouring properties of nos. 20 and 24.

**Overshadowing:** The location of the proposed first floor extension has the potential to cause additional overshadowing to the neighbouring occupiers at no.20, located to the east of the proposals. It is noted that, as the sun travels east to west over the course of the day, the proposed extension may cause additional shadowing into the garden area of no.20, during the latter parts of the day. However, due to the orientation of the dwelling to the neighbouring property, this will be limited to the afternoon. No. 20 sits within a relatively large plot and given that the overshadowing impact will be limited to the latter parts of the day, it is not considered that the impact of overshadowing will be significant and a refusal reason on this basis will not be justified.

**Overbearing:** With regards to 20 Grange Road, it is noted that there is a relatively small separation distance between the two properties, given the suburban nature of the area, by approximately 5.8 metres. The proposal would see this reduced to approximately 2.2 metres.

Concerns have been raised by the Parish Council with regard to the height of the new side extension combined with its proposed close proximity to No. 20 will result in an overbearing effect and loss of light to side windows and the side garden of No. 20 that includes at least one mature tree close to the boundary that would also lose light. Whilst the relatively small separation distance between these two properties has been noted by officers, the proposal is not likely considered to cause significant detrimental or overbearing impact given that it would not project excessively in front of existing building lines and would effectively be of a subservient addition to the existing property.

#### Impact on 37 Grange Road

**Overlooking:** With regard to the two storey extension, 1no. bay window is proposed on the first floor of the front elevation, facing onto Grange Road, which raises the potential overlooking impact on the occupiers at no.37. However, the host dwelling is separated from no.37 by Grange Road itself and the front gardens of these properties which amounts to a significant distance. Therefore, it is not considered the proposal will result in significant levels of overlooking to this occupier.

Overshadowing: The proposal is a significant distance from these occupiers and is not considered to result in additional overshadowing.

Overbearing: The proposal is a significant distance from these occupiers and is not considered to result in additional overbearing on no.37.

Furthermore, the impact of the proposal on No. 37 would be limited due to the two storey element of the scheme being sited to the side elevation and the rear extension being of an appropriate scale, form and massing. No concerns are therefore raised with respect to the amenity of this neighbour.

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

#### HIGHWAYS SAFETY AND PARKING:

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

The Transport and Development Supplementary Planning, (Section 4, Parking Standards) states that the standards require that a 5-bed dwelling provide 1.5 spaces for an outer city location. The existing dwelling has 2 parking spaces and these are proposed to be retained which is acceptable.

The internal layout of the dwelling will be altered by the proposed works with the addition of 1no. bedroom on the first floor; this is not considered to impact on the parking provision at the property given that it complies with the parking standards set out in Policy ST7.

The applicant proposes to undertake external works to provide for a carriage driveway with additional access to Grange Road. This will increase car movability and safety when turning in and out of the site, the highway authority has no concerns with this arrangement, given that neighbouring properties also have similar driveway arrangements.

The proposed parking arrangements would formalise the area to the front of the existing dwelling and provide a suitable turning area for vehicles to exit in forward gear as a result of the proposed landscaping and external works to the driveway. This will be an overall safety improvement to what is already in place and prevent vehicles reversing out onto the road.

The site is located within a sustainable location with access to bus routes. There is no concern with regards to its location and access to public amenities.

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

#### **PUBLIC SECTOR EQUALITY DUTY:**

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

#### **CONCLUSION:**

In this case it is considered that the application complies with the relevant planning policies as discussed in the report above is therefore recommended for permission.

#### **RECOMMENDATION**

PERMIT

#### **CONDITIONS**

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

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

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

##### **2 Materials to Match (Compliance)**

All external walling and roofing materials on the two storey side extension to be used shall match those of the existing building in respect of 22 Grange Road.

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

##### **3 Obscure Glazing (Compliance)**

The proposed first floor north east elevation window shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

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

4 This decision relates to the following plans:

OS Extract - Location Plan - Received 4 October 2024  
Drawing No. 24/638/010 - Proposed Ground Floor Plan - Received 4 October 2024  
Drawing No. 24/638/011 - Proposed First Floor Plan - Received 4 October 2024  
Drawing No. 24/638/012 - Proposed Elevations 01 - Received 4 October 2024  
Drawing No. 24/638/013 - Proposed Elevations 02 - Received 4 October 2024

#### **PLANS LIST:**

1 This decision relates to the following plans:

OS Extract - Location Plan - Received 4 October 2024  
Drawing No. 24/638/010 - Proposed Ground Floor Plan - Received 4 October 2024  
Drawing No. 24/638/011 - Proposed First Floor Plan - Received 4 October 2024  
Drawing No. 24/638/012 - Proposed Elevations 01 - Received 4 October 2024  
Drawing No. 24/638/013 - Proposed Elevations 02 - Received 4 October 2024

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

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

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

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

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

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

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one

or more of the statutory exemptions or transitional arrangements is/are considered to apply.

#### **4 Condition Categories**

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

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

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

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

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

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

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

#### **5 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



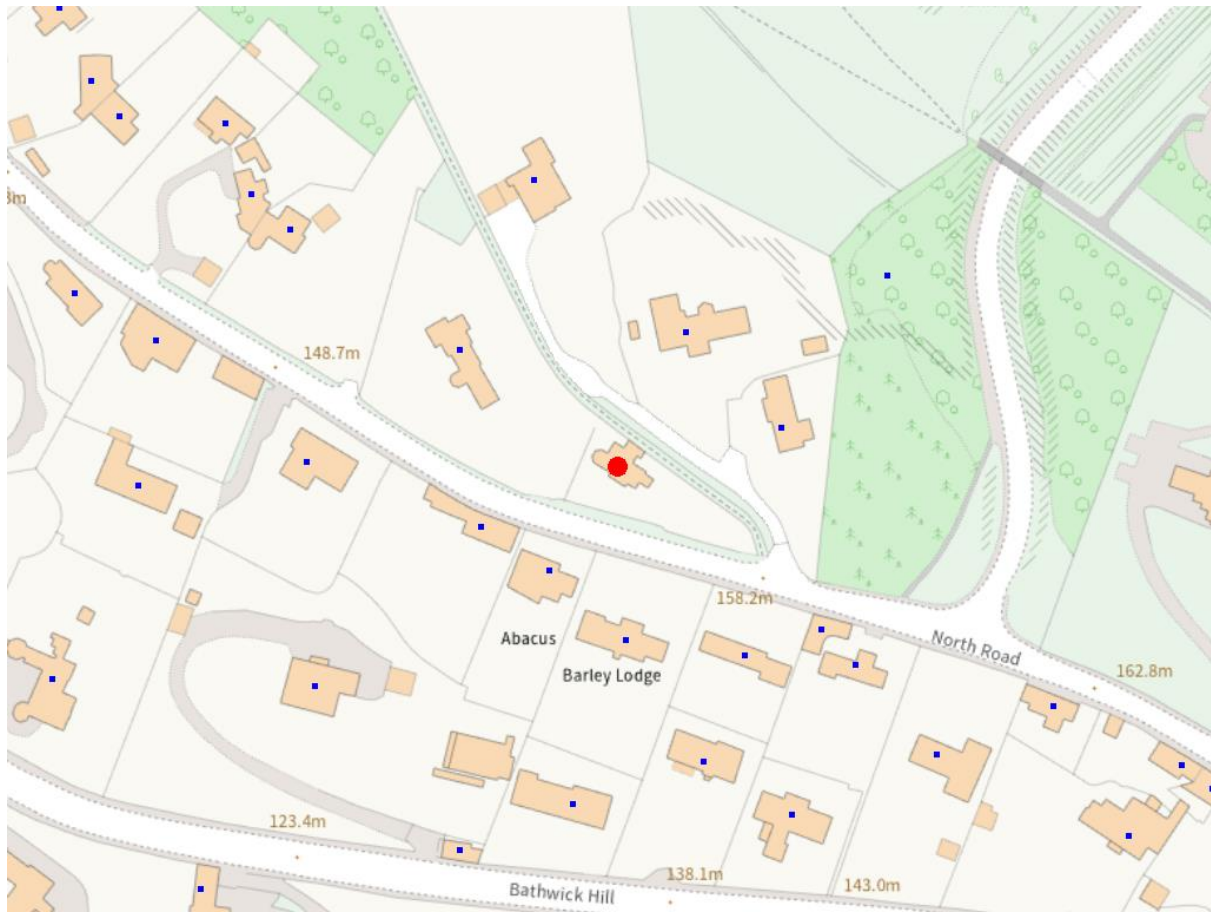
important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced 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)

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

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

**Item No:** 08  
**Application No:** 24/04115/TCA  
**Site Location:** Lindley North Road Bathwick Bath Bath And North East Somerset



**Ward:** Bathwick                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Manda Rigby      Councillor Toby Simon  
**Application Type:** Tree Works Notification in Con Area  
**Proposal:** T1 Eucalyptus - reduce crown by 2-3m.  
**Constraints:** Conservation Area,  
**Applicant:** Fiona Broadfield  
**Expiry Date:** 16th December 2024  
**Case Officer:** Jane Brewer  
To view the case click on the link [here](#).

## REPORT

**REASON FOR REPORTING NOTIFICATION TO COMMITTEE:**  
The notification is associated with a member of staff.

## DESCRIPTION:

This notification relates to a single eucalyptus tree located within the Bath Conservation Area.

The proposal is to reduce the crown by up to 3m.

Six weeks notice must be submitted to the Council for tree works or tree felling within a conservation area if the tree has a trunk diameter of 7.5cm or over (when measured 1.5m above ground level) and where exceptions do not apply.

The proposal has been brought to Committee to ensure that the Planning Scheme of Delegation is complied with and that full transparency in decision making is demonstrated.

The purpose of a tree notification is to give the Council the opportunity to consider whether a Tree Preservation Order should be made to protect the tree.

The following criteria are used to assess whether trees are worthy of a Tree Preservation Order:

1. visibility to the general public
2. overall health, vigour and appearance
3. suitability of their location and anticipated future management
4. special factors such as contribution to the character of a conservation area, World Heritage Site setting or overall green infrastructure; their rarity; their ecological contribution and whether they have historical significance such as in the case of veteran trees.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

No representations have been received.

## **POLICIES/LEGISLATION**

Town and Country Planning Act 1990 (in particular, sections 197-214 as amended)  
Town and Country Planning (Tree Preservation)(England) Regulations 2012.

## **LOW CARBON AND SUSTAINABLE CREDENTIALS**

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

## **OFFICER ASSESSMENT**

Tree notices ( also known as S211 notices ) are not obliged by legislation to include reasons for the proposals or indeed include supporting documentation, although it is considered good practice to provide reasons to help inform interested parties such as neighbours and interest groups.

In this case, a reason has been given to manage the crown size and improve the health of the tree.

The tree is readily visible from North Road and it is evident that the tree has undergone a previous crown reduction which is consistent with a previously recorded tree notice from 2009.

Die back is evident within the canopy and several previously reduced branches have subsequently died. Foliage cover is sporadic and sparse in places which is suggestive of an underlying health issue.

On balance, your officer does not consider that a Tree Preservation Order is a proportionate response to the tree notice.

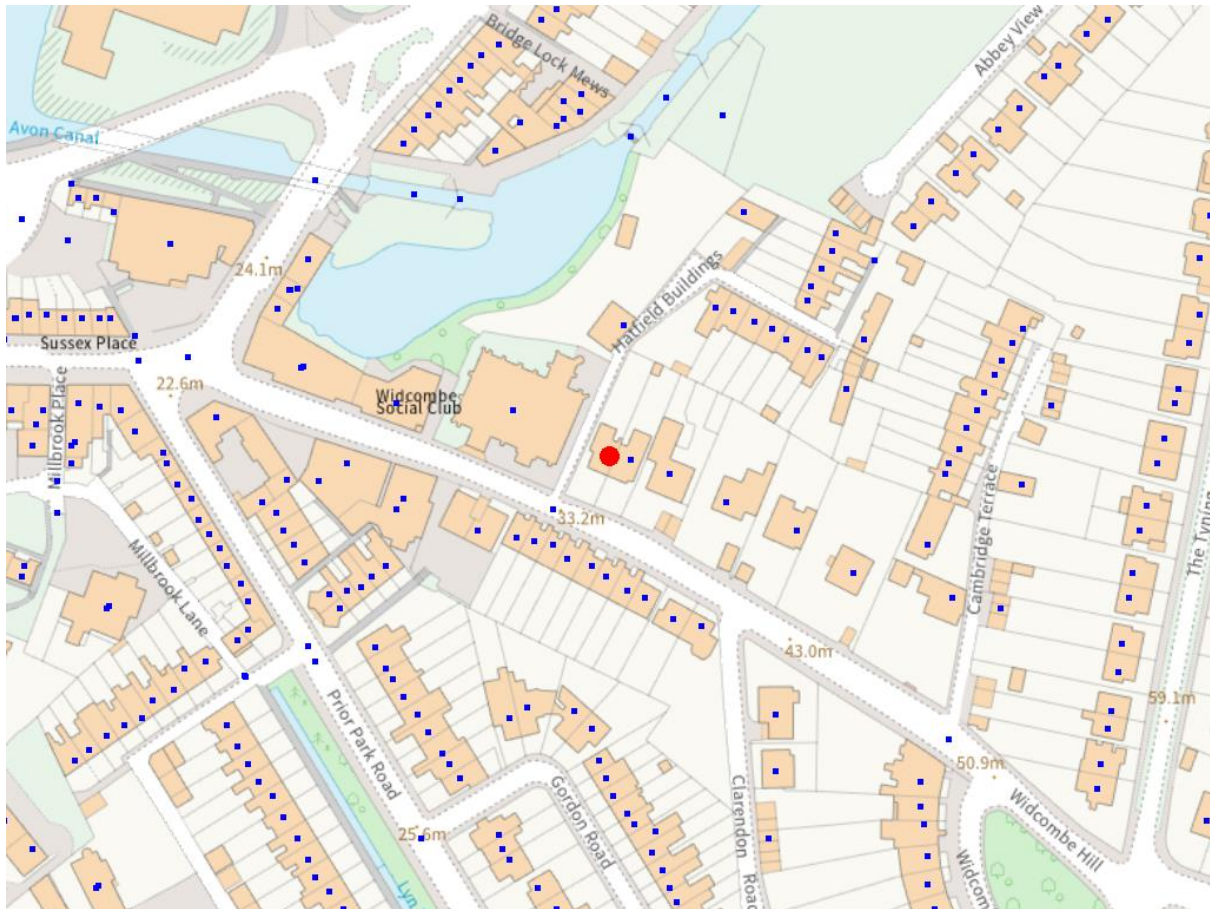
Recommendation:

No objection

**RECOMMENDATION**

**NO OBJECTION**

**Item No:** 09  
**Application No:** 24/04122/TCA  
**Site Location:** 1 Cambridge Place Widcombe Hill Widcombe Bath Bath And North East Somerset



**Ward:** Widcombe And Lyncombe      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor Alison Born      Councillor Deborah Collins  
**Application Type:** Tree Works Notification in Con Area  
**Proposal:** T1 Strawberry Tree- Reduce the width of the lower crown over the boundary to the West by 2m.  
**Constraints:** Conservation Area,  
**Applicant:** Alison Born  
**Expiry Date:** 19th December 2024  
**Case Officer:** Jane Brewer  
To view the case click on the link [here](#).

**REPORT**  
**REASON FOR REPORTING NOTIFICATION TO COMMITTEE:**  
The notification is associated with an elected member.

**DESCRIPTION:**

This notification relates to a single strawberry tree located within the Bath Conservation Area.

The proposal is to reduce the width of the lower crown growing over the boundary to the West by 2m.

Six weeks notice must be submitted to the Council for tree works or tree felling within a conservation area if the tree has a trunk diameter of 7.5cm or over (when measured 1.5m above ground level) and where exceptions do not apply.

The proposal has been brought to Committee to ensure that the Planning Scheme of Delegation is complied with and that full transparency in decision making is demonstrated.

The purpose of a tree notification is to give the Council the opportunity to consider whether a Tree Preservation Order should be made to protect the tree.

The following criteria are used to assess whether trees are worthy of a Tree Preservation Order:

1. visibility to the general public
2. overall health, vigour and appearance
3. suitability of their location and anticipated future management
4. special factors such as contribution to the character of a conservation area, World Heritage Site setting or overall green infrastructure; their rarity; their ecological contribution and whether they have historical significance such as in the case of veteran trees.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

No representations have been received.

### **POLICIES/LEGISLATION**

Town and Country Planning Act 1990 (in particular, sections 197-214 as amended)  
Town and Country Planning (Tree Preservation)(England) Regulations 2012.

### **LOW CARBON AND SUSTAINABLE CREDENTIALS**

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

### **OFFICER ASSESSMENT**

Tree notices ( also known as S211 notices ) are not obliged by legislation to include reasons for the proposals or indeed include supporting documentation, although it is considered good practice to provide reasons to help inform interested parties such as neighbours and interest groups.

Reasons have been provided for the works which are to minimise the crown encroachment over the boundary and St Matthew's Church building nearby and to reduce the weight on the lower lateral limbs.

The tree is visible from Widcombe Hill and is growing close to the tall retaining boundary wall. Growth overhangs the access serving properties to the north in Hatfield Buildings and is extending towards the side elevation of St Matthew's Church.

The works are considered to represent the normal management of trees within a domestic garden setting and a TPO would not be a proportionate response to the tree notice.

Recommendation:

No objection

**RECOMMENDATION**

NO OBJECTION

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<b>Bath &amp; North East Somerset Council</b>	
MEETING:	<b>Planning Committee</b>
MEETING DATE:	<b>18<sup>th</sup> December 2024</b>
RESPONSIBLE OFFICER:	Louise Morris - Head of Planning & Building Control
TITLE:	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>
WARD:	ALL
BACKGROUND PAPERS:	None
<b>AN OPEN PUBLIC ITEM</b>	

AGENDA ITEM NUMBER
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**APPEALS LODGED**

**App. Ref:** 24/01493/LBA  
**Location:** Lower Maisonette 34 Daniel Street Bathwick Bath Bath And North East Somerset  
**Proposal:** Internal alterations to replace waterproof membrane in vaults and addition of plasterboard wall lining. Regularisation.  
**Decision:** REFUSE  
**Decision Date:** 18 July 2024  
**Decision Level:** Delegated  
**Appeal Lodged:** 19 November 2024

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## APPEALS DECIDED

**App. Ref:** 22/02932/FUL  
**Location:** 26-28 Orchard Vale Midsomer Norton Bath And North East Somerset  
**Proposal:** Demolition of Nos. 26 and 28 Orchard Vale and development of 54 new homes with open space, landscaping and all associated infrastructure (Cross Boundary Application with Somerset).  
**Decision:** REFUSE  
**Decision Date:** 5 December 2023  
**Decision Level:** Delegated  
**Appeal Lodged:** 16 July 2024  
**Appeal Decision:** Appeal Allowed  
**Appeal Decided Date:** 27 November 2024

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## **FORTHCOMING HEARINGS & INQUIRIES**

**App. Ref:** 22/02169/EOUT

**Location:** Parcel 4234 Combe Hay Lane Combe Hay Bath Bath And North East Somerset

**Proposal:** (i) Outline application for Phases 3 and 4 for up to 290 dwellings; landscaping; drainage; open space; allotments; footpaths and emergency access; all matters reserved, except access from Combe Hay Lane via the approved Phase 1 spine road (details of internal roads and footpaths reserved);

(ii) Detailed application for the continuation of the spine road (from Phase 1), to and through Sulis Manor and associated works comprising: the demolition of existing dilapidated buildings and tree removal; drainage; landscaping; lighting; boundary treatment; and, the erection of 4 x Bat Night Roosts; to enable construction of the spine road; with the ecologic mitigation on Derrymans and the field known as 30Acres (edged blue on the Location Plan).

**Decision:** REFUSE

**Decision Date:** 12 April 2024

**Decision Level:** Committee

**Appeal Lodged:** 03 September 2024

**Inquiry Date:** 28th, 29th, 30th, 31st Jan

4th, 5th, 6th, 7th February

11th, 12th, 13th, 14th February

The 13th and 14th are reserve dates in case additional time is needed.

**Inquiry venue:** Kaposvar and Banqueting Room, Guildhall

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