

Planning Committee

Date: Wednesday, 15th January, 2025
Time: 11.00 am
Venue: Council Chamber - Guildhall, Bath

Agenda

To: All Members of the Planning Committee

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

Permanent Substitutes:- Councillors: Alex Beaumont and Duncan Hounsell

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Corrina Haskins

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NOTES:

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

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

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

3. **Recording at Meetings:-**

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

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. 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, 15th January, 2025

at 11.00 am in the Council Chamber - Guildhall, Bath

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

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

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. ITEMS FROM THE PUBLIC

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

6. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 16)

To confirm the minutes of the meeting held on Wednesday 18 December 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 17 - 62)

The following items will be considered at 11am:

1. 24/00287/FUL - Whitecross House, Whitecross Road, East Harptree, Bristol, Bath and North East Somerset
2. 24/03112/FUL - Woodlands, Staunton Lane, Whitchurch, Bristol, Bath and North East Somerset

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 63 - 68)

The Committee is asked to note the report.

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

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

PLANNING COMMITTEE**Minutes of the Meeting held**

Wednesday, 18th December, 2024, 11.00 am

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

67 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the emergency evacuation procedure.

68 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

69 DECLARATIONS OF INTEREST

Cllr Deborah Collins declared an interest in item (2) on the main applications list 23/04529/FUL - Parcel 6600, Fairy Hill, Compton Dando as a member of Bath and West Community Energy and withdrew from the meeting during consideration of the application.

Cllr Tim Warren stated that he knew the landowner and some of the objectors in relation to item (2) on the main applications list 23/04529/FUL - Parcel 6600, Fairy Hill, Compton Dando but did not consider that this would impact his judgement and would remain in the meeting to participate and vote on the application.

70 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

71 ITEMS FROM THE PUBLIC

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

72 MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting held on Wednesday 20 November 2024 be confirmed as a correct record for signing by the Chair.

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

There were no site visit applications for consideration.

74 **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. 24/02198/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 reported that the application had been deferred from the previous meeting to ask the applicant to consider an earlier closing times Sundays (7pm) and Monday-Thursday (10pm). She updated that the applicants had not agreed to amend the opening hours as they concluded that this would result in their business being unviable but would agree to a reduction in Sunday hours to 9pm/10pm.

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. Dave Rich, applicant, supporting the application.

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

1. Concern that the applicant did not agree to a reduction of 8 hours during a week and that these 8 hours were considered important to the viability of the business.
2. The application would harm residents living 35m from the site.
3. The development would not result in 40 FTE jobs as originally cited in the application.
4. What could the applicants do to police behaviour of people leaving the site?
5. There were trees in the location and no tree survey was carried out.
6. There would be a predicted 1.2 vehicle movements per minute and no improvements to cycle facilities. The Council had declared a climate emergency and the application would increase carbon emissions. This would not be a carbon neutral development and so it should not be supported.
7. The development would result in noise, inside and outside at unreasonable and unsociable times. The site was proposed to be open every day except Christmas

day.

He asked the Committee to refuse the application.

In response to Members' questions, it was confirmed:

1. The original application form had cited 40 full time jobs, but this had since been clarified as 5 full-time and 35 part-time jobs. Officers considered that weight should be given to the creation of employment opportunities.
2. Officers were confident that all necessary steps had been taken to market the property as an industrial unit over a 2-year period and weight should be given to the fact that the unit remained empty.
3. The current use allowed for vehicular movements 24 hours a day with restrictions to the use of forklift trucks/reversing alarms after 8pm.
4. Highways officers did not consider there would be significant traffic generation as a result of the application.
5. The site was accessible to some local residents on foot and there were nearby bus stops on Chandag Road, Bath Road and the A4.
6. There were no acoustic screens around the site and the acoustic report from a similar site identified an increase in noise of 1 decibel.
7. The applicant did advertise stag/hen parties on promotional material. There was a limit of 16 people during any one session which would restrict the number of people using the facility.
8. It would not be reasonable to impose a condition restricting the opening hours as requested at the previous meeting as the applicant had stated that this was not viable.
9. The S106 contribution had been recommended by the Council's Economic Development Team using a formula and would result in 4 workplace placements.
10. The average cost to someone using the venue would be £50 per session.
11. There was a healthy supply of industrial units in Keynsham, but a lack of supply in Bath.
12. There would be a 10% reduction in carbon emissions as a result of the change of use. Officers were satisfied that policies had been met.

Cllr Hal MacFie opened the debate as ward member and stated that the main concern was the impact on residential amenity. He expressed concern that the applicant did not agree a reduction in opening hours and he was minded not to support the application. Cllr Tim Warren concurred with this view.

Cllr Toby Simon spoke in support of the application as it would make use of a vacant unit and create employment opportunities. He moved the officers' recommendation with a condition to restrict the opening hours to 10pm on Sunday. The motion was not seconded.

Cllr Shaun Hughes expressed concern about the loss of industrial space and impact on local residents.

Cllr Lucy Hodge shared these concerns and questioned whether there had been 2 years of sustained economic growth during the period the premises was marketed as required by policy ED2A.

Cllr Paul Crossley proposed that the application be refused due to the loss of an

industrial site and the loss of amenity for neighbouring residential properties. This was seconded by Cllr Hal MacFie.

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

RESOLVED that the application be refused for the following reasons:

1. Loss of industrial space.
2. Loss of amenity for neighbouring residential properties.

2. 23/04529/FUL - Parcel 6600, Fairy Hill, Compton Dando, Bristol, Bath and North East Somerset

Cllr Deborah Collins withdrew from the meeting during consideration of this item.

The Case Officer introduced the report which considered an application for the 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.

He confirmed the officers' recommendation that officers be delegated to permit the application subject to the completion of a Section 106 Agreement to secure off-site mitigation for loss of skylark nesting habitats including 2 skylark nesting plots, as well as measures and maintenance to provide appropriate nesting habitat; and appropriate conditions.

The following public representations were received:

1. Tony Butler objecting to the application.
2. Clive Howarth and Oli Jennings supporting the application.

Cllr Duncan Hounsell was in attendance as ward member and raised the following points:

1. Climate change was an urgent issue, and the Council had declared a climate emergency.
2. Planning applications needed to be assessed against policy.
3. The application was supported by an agricultural land assessment.
4. The application would deliver a 21% net gain in both habitats and hedgerow units.
5. The recent changes to the National Planning Policy Framework were a material consideration.
6. There were valid concerns about the construction phase in terms of traffic and plans needed to be monitored and implemented.
7. Many objectors wanted the land to remain the same but there would soon be pressure for additional housing and a solar farm would be preferable to housing.
8. The proposed development would be shielded from view.

He confirmed that he supported the application.

In response to Members' questions, it was confirmed:

1. There was no analysis on whether supporters/objectors lived within or outside the village as this was not a material consideration.

2. Construction traffic would travel along Redlynch Lane and through Chewton Keynsham.
3. Access to the public right of way would not be affected by the development. There would be a visual impact until the screening was established.
4. In terms of flood risk, the solar panels would not be located in the area closest to the river and the scheme included a drainage proposal.
5. The management of the orchard would be covered in the management plan and details of the scheme to rehouse the skylarks would be submitted. There was no impact on bat roosts.
6. The noise assessment condition had been requested by the Council's Environmental Health Officer.
7. There was a detailed Council strategy in relation to solar farms and the application was compliant.
8. The Archaeological Officer had been consulted and had not requested an archaeological assessment in advance of construction.
9. The applicant had met with Avon and Somerset Police to discuss security. There was a strategy in place which relied on measures other than the security fence e.g., CCTV.
10. Historic England had commented that there was less than substantial harm to scheduled monuments and officers had concluded that this was outweighed by public benefits and the case for very special circumstances had been met.
11. A lighting scheme would be agreed by Council officers, including an Ecology Officer.

Cllr Tim Warren expressed concern about the impact of traffic during the construction phase. He raised further concerns about the impact on ancient verges and ancient monuments and stated that he did not consider there were very special circumstances to permit the development. He proposed that the application be refused. This was not seconded.

Cllr Fiona Gourley moved the officers' recommendation to delegate authority to permit the application as the case for very special circumstances had been made due to the need for renewable energy. This was seconded by Cllr Toby Simon who asked officers to consider the proportionality of conditions, particularly the condition requiring a noise assessment.

Cllr Lucy Hodge spoke in support of the motion but asked officers to revisit the landscaping condition to ensure that the trees would be an appropriate size to screen the development site.

On voting for the motion, it was CARRIED (7 in favour, 2 against).

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

1. the completion of a Section 106 Agreement to secure off-site mitigation for loss of skylark nesting habitats including 2 skylark nesting plots, as well as measures and maintenance to provide appropriate nesting habitat;
2. Appropriate conditions. Consideration to be given to the proportionality of the noise assessment condition and to ensure appropriate trees to screen the development as part of the landscape condition.

3. 24/02761/FUL - Site Of Old Quarry, Bath Road, Peasedown St John, Bath, Bath and North East Somerset

The Case Officer introduced the report which considered an application for the erection of 1 dwelling with a detached garage.

She confirmed the officers' recommendation that the application be refused for the reasons set out in the report/update report. She clarified that the reason 4 refusal should also refer to insufficient information being provided in relation to light spill and impact on protected species.

The following public representations were received:

1. Paul Bryant, applicant, supporting the application.

Cllr Gavin Heathcote was in attendance as ward member and raised the following points:

1. The site was a privately owned brownfield site, it had been mistakenly marked as land for recreational purposes and had become a site for fly tipping.
2. The application would improve the site and would include screening to protect the Grade II listed building.
3. The applicant had included a 2m wildlife passage and would encourage bats to the area. Hedging would be maintained, and a wildlife survey had been conducted.
4. There was sufficient proposed parking for a single dwelling.
5. The application aligned with the desire for local homes.

Cllr Karen Walker was unable to attend the meeting and asked for a statement to be read in her absence as summarised below:

1. She supported the application for the following reasons:
 - a. The site was currently empty and was used for fly tipping.
 - b. The development of the site would be an improvement and would be screened so that it would not impact on the Grade II listed building (The Red Post).
 - c. The proposed materials were appropriate, there was sufficient parking, and the build would be sustainable and energy efficient.
 - d. Planning permission had been granted for other dwellings outside of the housing development boundary.

In response to Members' questions, it was confirmed:

1. As a former quarry, the site was excluded from the definition of brownfield land. The site was included as part of the designation for recreational use but could not be feasibly used for this purpose.
2. The habitat survey was insufficient and there was no information about potential light spill on protected species. If the Committee was minded to permit the application, it was recommended that this be subject to the receipt of this information.
3. If the application was permitted it would also have to be advertised as a departure from the development plan.
4. It would be possible to include a condition asking for materials to be approved by the local planning authority to ensure that it was appropriate due to the proximity

to the Grade II listed building.

5. The majority of dwellings in Peasedown were within the housing development boundary but there was also a cluster outside.

Cllr Toby Simon expressed the view that it was reasonable to depart from the development plan in relation to this application as its proximity to the housing development boundary meant that it would be part of the village and not an isolated dwelling. He believed that the harm to the Grade II listed building was minimal and outweighed by the benefits of an additional self-built dwelling. He proposed that officers be delegated to permit the application subject to the application being advertised as a departure to the development plan and the receipt of satisfactory information relating to the protection of reptiles/loss of hedgerow/impact of light spill and appropriate conditions including materials. Councillor Jackson seconded the motion.

The Planning Manager clarified that, should the ecology information reveal the need for an appropriate assessment, the application would need to be returned to committee for further consideration.

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

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

1. the application being advertised as a departure to the development plan.
2. the receipt of satisfactory information relating to the protection of reptiles/loss of hedgerow/impact of light spill.
3. appropriate conditions including a condition relating to materials.

4. 24/03655/FUL - 530 Wellsway, Bath, Bath and North East Somerset

The Case Officer introduced the report which considered an application for the change of use from a 3-bedroom dwelling (Use Class C3) to a 4 bedroom House in Multiple Occupation (HMO) (Use Class C4) to include minor internal reconfiguration; the removal of rear fence to create additional off-road parking space and the installation of a four bay cycle rack.

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. Chris Beaver, agent, supporting the application.

Cllr Steve Hedges was in attendance as ward member and raised the following points:

1. The local members had general concerns about the Supplementary Planning Guidance (SPG) in relation to HMOs not doing enough to protect and create balanced communities across the city of Bath.
2. There was a concentration of HMOs in low-income areas and these areas should be protected for family units.
3. In relation to this application, there were concerns that the application would result in an increase in cars with an impact on traffic and parking.

He asked the Committee to refuse the application.

Cllr Joel Hirst was in attendance as ward member and raised the following points:

1. There had been a growth in the number of HMOs in the south west of Bath and this was forcing key workers out of the area.
2. The 100m radius was not fit for purpose.
3. Consideration needed to be given to zoning the city to have a sliding scale with a lower than 10% threshold in areas the Council wanted to protect for affordable family housing.
4. In relation to this application, it was a very busy road and there was already pressure on parking which would potentially increase as a result of this application.

He asked the Committee to refuse the application.

In response to Members' questions, it was confirmed:

1. It was not possible to condition who could live in an HMO.
2. HMOs were separate to purpose-built student accommodation although students often lived in HMOs.
3. Cycle parking was available at the front of the property.
4. There was a mixture of gardens and hard landscaping at the back of nearby properties.

Members acknowledged the general point raised by the ward members in relation to the need to revisit Supplementary Planning Guidance in relation to HMOs.

Cllr Tim Warren stated that the application was policy compliant and moved the officers' recommendation to permit the application. This was seconded by Cllr Lucy Hodge.

Cllr Shaun Hughes expressed concern about over-development stating that the property was not designed as a HMO. He also raised concerns about the impact on the availability of affordable family housing in Bath. Cllr Paul Crossley shared concerns about the increase in HMOs and the changing the nature of local communities.

On voting for the motion, it was CARRIED (7 in favour, 3 against).

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

5. 24/03605/FUL – 51 Ambleside Road, Bath, Bath and North East Somerset

The Case Officer introduced the report which considered an application for the change of use from a dwelling house (C3) to a House in Multiple Occupation (HMO) (C4).

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. Karen Bazeley, applicant, supporting the application.

Cllr Joel Hirst was in attendance as ward member and raised the following points:

1. Re-emphasised the challenges of the current policy in relation to HMOs.
2. Odd Down ward was losing the balance between family homes and HMOs.
3. This application could potentially lead to 5 additional cars which would impact on the wider community.

He asked the Committee to refuse the application.

In response to Members' questions, it was confirmed:

1. The bike storage could be accessed either through the front of the property and down the internal stairs or via the side of the property and through the back door to the lower ground level.
2. The smallest size room permitted for an HMO was 6.51sqm for single room and 10.22sqm for a double room. The smallest room in this property was 6.51sqm.
3. The evidence base which was accessed by Highways officers to demonstrate HMOs did not significantly increase parking could be shared with members.

Cllr Paul Crossley reiterated the general concerns raised on the previous application in relation to the number of HMOs and requested that data on the number of HMOs being permitted be shared with members.

Cllr Eleanor Jackson moved the officers' recommendation that the application be permitted. This was seconded by Cllr Deborah Collins and on being put to the vote, the motion was CARRIED (7 in favour, 3 against).

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

6. 24/02867/FUL - Humphreston House, The Green, Temple Cloud, Bristol, Bath and North East Somerset

The Case Officer introduced the report which considered an application for the erection of a summerhouse.

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

There were no public speakers.

Cllr Lucy Hodge moved the officers' recommendation. This was seconded by Cllr Eleanor Jackson and on voting for the motion, it was CARRIED (10 in favour, 0 against).

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

7. 24/03722/FUL -22 Grange Road, Saltford, Bath and North East Somerset

The Case Officer introduced the report which considered an application for the erection of a two-storey extension and a garage with single storey rear extension following the demolition of existing garage and external works to provide for carriage driveway with additional access to Grange Road

and associated hard landscaping.

She advised the Committee that the neighbouring property was incorrectly referred to as 24 in the report rather than 22a and the standard plans list had been omitted from the list of conditions. She confirmed the officers' recommendation that the application be permitted subject to this condition and the conditions set out in the report.

The following public representations were received:

1. Paul Cini, local resident, objecting to the application.
2. Simon Russell, agent, supporting the application.

In response to Members' questions, it was confirmed:

1. Building up to the boundary was not a material consideration. Any disputes relating to the boundary was a civil matter.
2. There was access on the other side of the house to the back garden.
3. It was not considered reasonable to ask the applicant for light and shade studies in relation to this application and an assessment could be made from the plans.
4. A condition could be added to ensure the surfacing on the driveway was permeable.

Cllr Paul Crossley expressed concern about the proposed loss of green garden space and stated that he had previously asked officers for further guidance on this issue. The Planning Manager undertook to report back although advised that the loss of green space was not a sufficient reason to refuse this application.

Cllr Eleanor Jackson moved the officers' recommendation, and this was seconded by Cllr Toby Simon.

On voting for the motion, it was NOT CARRIED (3 in favour and 7 against).

Cllr Paul Crossley moved that the application be refused for the following reasons:

1. The development constituted an over-development of the site.
2. The development would result in a loss of amenity to neighbouring properties.

This was seconded by Cllr Lucy Hodge and on voting for the motion, it was CARRIED (8 in favour, 2 against).

RESOLVED that the application be refused for the following reasons:

1. The development constituted an over-development of the site.
2. The development would result in a loss of amenity to neighbouring properties.

8. 24/04115/TCA - Lindley, North Road, Bathwick, Bath, Bath and North East Somerset

The Case Officer introduced the report which considered a tree notification order in a conservation area.

She confirmed the officers' recommendation that no objection be made in relation to the order.

There were no public speakers.

Cllr Toby Simon moved the officers' recommendation. This was seconded by Cllr Paul Crossley and on voting for the motion, it was CARRIED (10 in favour, 0 against - unanimous).

RESOLVED that no objection be made to the tree notification order.

9. 24/04122/TCA - 1 Cambridge Place, Widcombe Hill, Widcombe, Bath, Bath and North East Somerset

The Case Officer introduced the report which considered a tree notification order in a conservation area.

She confirmed the officers' recommendation that no objection be made in relation to the order.

There were no public speakers.

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

RESOLVED that no objection be made to the tree notification order.

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

Cllr Shaun Hughes asked that officers be thanked for supporting the appeal in relation to 22/02932/FUL 26-28 Orchard Vale Midsomer Norton.

RESOLVED that the report be noted.

The meeting ended at 4.27 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	15th January 2025
RESPONSIBLE OFFICER:	Louise Morris - Head of Planning & Building Control
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

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.

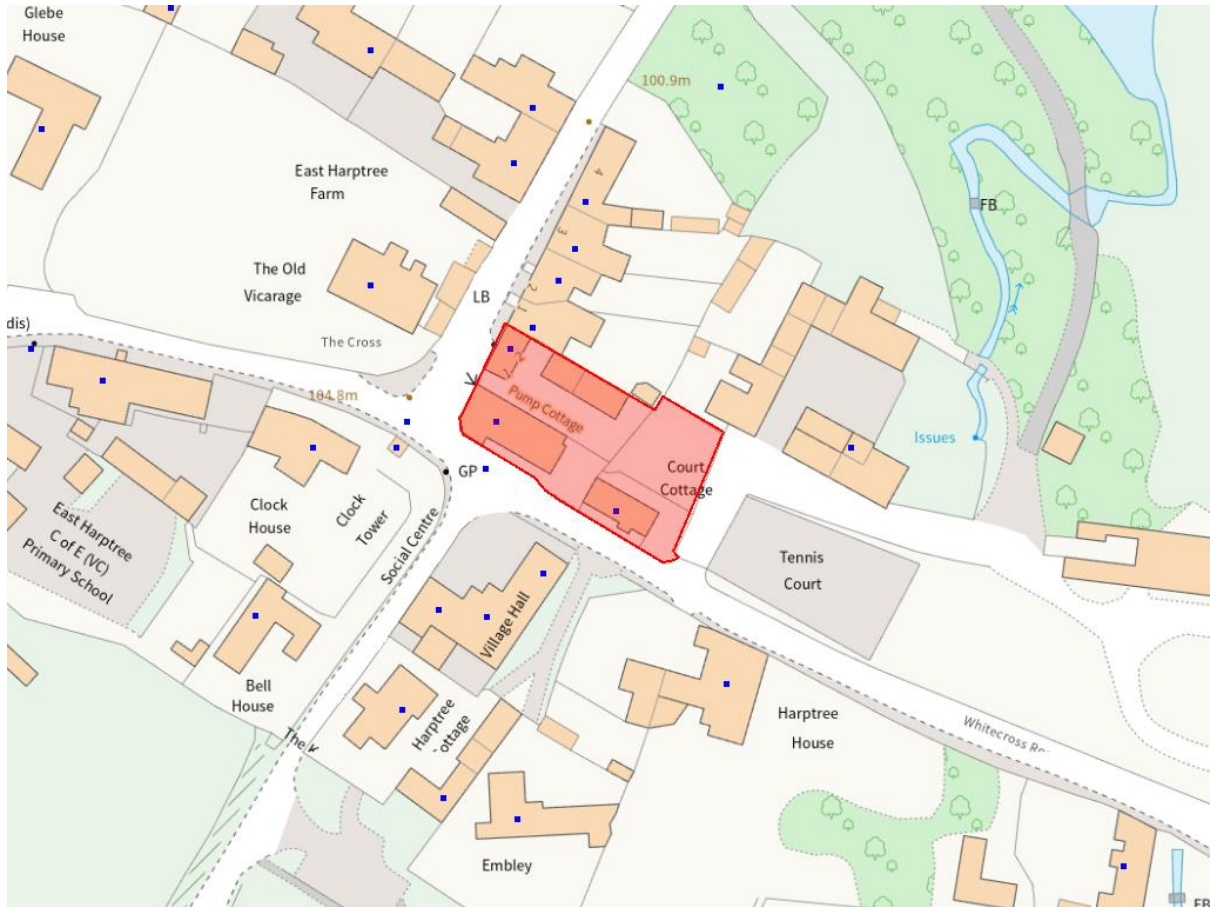
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	24/00287/FUL 17 January 2025	Mr N Branch Whitecross House , Whitecross Road, East Harptree, Bristol, Bath And North East Somerset Provision of 4no. dwellings by subdivision of main house, conversion of ancillary stables and erection of 1no. new dwelling	Mendip	Isabel Daone	PERMIT
02	24/03112/FUL 19 January 2025	Denmead Woodlands , Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset Technical details consent application following approval of 23/04121/PIP. Erection of 3 no. dwellings and associated works.	Publow And Whitchurch	Ed Allsop	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 24/00287/FUL
Site Location: Whitecross House Whitecross Road East Harptree Bristol Bath And North East Somerset



Ward: Mendip **Parish:** East Harptree **LB Grade:** N/A
Ward Members: Councillor David Wood
Application Type: Full Application
Proposal: Provision of 4no. dwellings by subdivision of main house, conversion of ancillary stables and erection of 1no. new dwelling
Constraints: Bristol Airport Safeguarding, Agricultural Land Classification, Conservation Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Housing Development Boundary, Policy NE2 AONB, Policy NE3 SNCI 200m Buffer, Neighbourhood Plan, Other Please specify, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mr N Branch
Expiry Date: 17th January 2025
Case Officer: Isabel Daone
To view the case click on the link [here](#).

REPORT

The application site is located within the heart of the village of East Harptree, within the Conservation Area and Mendip Hills National Landscape (designated as an Area of Outstanding Natural Beauty). The site is within the proximity of a number of listed buildings, including Harptree House, Harptree Court and its associated listed curtilage outbuildings, the Gate Piers to the Stable Yard southwest of Harptree Court and the Village Clock. These are all Grade II Listed.

Whitecross House is a former village store which is now fully in residential use and located on the corner of the junction with the High Street and Whitecross Road. The property has a range of former stables and outbuildings located to the rear which are used ancillary to the main house.

To the north of Whitecross House is a cottage known as Pump Cottage and to the east a cottage known as Court Cottage. Court Cottage has a plot of undeveloped land to the rear of it, which sits outside of its curtilage. All of these buildings are within the same ownership.

The current planning application seeks permission to sub-divide Whitecross House into 2no. 3-bedroom dwellings, convert the former stables and workshop to a 1no. 2-bedroom dwelling and erect a 1no. two-bedroom cottage within the undeveloped land to the east, alongside a new access and landscaping.

REASON FOR COMMITTEE:

In accordance with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee as there is an objection from the Parish Council. They have decided the application should be referred to Committee for decision.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

COUNCILLOR DAVE WOOD:

3rd November 2024 - I'd like to refer this decision to the Planning Committee if the recommendation is to approve. I concur with many of the comments made by residents and groups in East Harptree but particularly wanted to underline the following points: -

- The number of dwellings in this application seems to be over-development
- I'm very concerned by the highways impact in relation to the number of dwellings. This is a very tricky part of the village's road network, close to difficult crossroads and the turning itself in an area where there is a lot of parking and visibility is poor
- I'm concerned by the impact on amenity of currently uninhabited barn for conversion, particularly in relation to the windows from the proposed property. One would be about a metre from the French windows of the property next door at the same height!

CONSERVATION:

29th April 2024 - Scope for revision/Object

DRAINAGE AND FLOODING:

23rd February 2024 - Scope for revision

29th April 2024 - Scope for revision

4th July 2024 - Scope for revision

14th August 2024 - No objection subject to condition (drainage design)

EAST HARPTREE PARISH COUNCIL:

23rd February 2024 - Object

- Privacy concerns
- Access to light concerns
- Planning Officer to acknowledge Dark Skies policy
- Potential additional on-street parking
- Parking is restricted in this location
- Close to a primary school
- Visitor spaces have not been considered
- Properties are actually 4+ bedroom houses given that there are rooms which could be used as bedrooms
- Harm to the character of the Conservation Area
- Archaeological watching brief condition should be applied
- Bus service referenced in Planning Statement has been discontinued
- Flooding concerns
- Precautionary working methods condition should be applied

ECOLOGY:

3rd May 2024 - Object

22nd October 2024 - Scope for revision

30th October 2024 - No objection subject to conditions (BNG, internal and external lighting, precautionary working methods, ecological follow up report)

HIGHWAYS:

2nd February 2024 - No objection subject to conditions (visibility splay and parking compliance)

NATURAL ENGLAND:

19th December 2024 - No objection, subject to comments and Local Planning Authority being satisfied with regard to lighting

Third Party comments:

East Harptree Environment Group:

- Objection
- Further surveys required regarding bats
- 2-4 swift nest sites at Whitecross House
- Support the mitigation strategy for birds in the Ecology Survey
- Application proposes the loss of the existing Court Cottage Garden and in the absence of robust on site mitigation, the proposed development has high potential to disrupt continuing of mobile species movement through the local network.
- Proposes a significant amount of hardstanding
- 10% BNG required

Joint Management Committee of East Harptree Village Hall:

- Objection
- Additional vehicles will result in unacceptable levels of traffic
- Location of entrance will require the removal of 3 parking spaces on the road
- Access required to the Village Hall which has a high number of users

Transition Bath:

- Comment
- Support compliance with policy SCR6
- Insufficient space for solar panel capacity

19 people have objected to the scheme, some with multiple comments. The main issues are summarised as follows:

- Overdevelopment of the site
- Increase in congestion
- Parking spaces are of insufficient size
- Vehicle turning circle around central landscape feature is inadequate
- Internal stone wall height insufficient in the Conservation Area
- Air source heat pumps not shown on the plans
- 8 parking spaces are insufficient in this location
- Flood risk
- Loss of privacy to neighbouring residents
- Increased overlooking
- Overshadowing impacts
- Changes the character of the setting in the Conservation Area
- Development close to a listed wall; footings could cause damage
- Impact the historic view of the roof lines
- Fire risk
- Existing building not capable of conversion (no foundations/roof in disrepair)
- Noise disturbance from proposed dwelling
- Floor levels have not been provided
- No NE elevation drawing of the Workshop/Stables
- Some aspects positive for the Conservation Area
- Two storey extension to the original house is harmful
- Out of keeping

- Site in the AONB
- Sewerage system cannot cope

1 general comment has been received:

- Ecological survey carried out at a time when swift presence would not have been detected
- Known nesting sites at Whitecross House
- Works to the roof and eaves should not be permitted between late March and late August
- Archaeological watching brief required
- Construction Management Plan required

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:

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D6: Amenity

D7: Infill and backland development

HE1: Historic environment

LCR9: Increasing the provision of local food growing

RA2: Development in villages outside of the Green Belt not meeting Policy RA1 criteria

SCR5: Water efficiency

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

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)

NEIGHBOURHOOD PLANS:

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

Chew Valley Area

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).

CONSERVATION AREAS:

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character and appearance of the surrounding Conservation Area.

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.

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OFFICER ASSESSMENT

The main issues to consider are:

1. Principle of development
2. Character and appearance
3. Impact to heritage assets
4. Archaeology
5. Landscape impact
6. Residential amenity
7. Highways
8. Ecology
9. Flooding and drainage
10. Sustainable construction
11. Other matters
12. Public Sector Equality Duty
13. Planning balance
14. Conclusion

1. PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

The National Planning Policy Framework (NPPF) sets out that the development plan is the starting point for decision making, and that planning applications should be assessed against the up-to-date development plan.

Policy DW1 relates to the district wide spatial strategy which is the overarching strategy for new development within B&NES. It seeks to promote sustainable development and states that development in rural areas should be located at settlements with a good range of local facilities and good access to public transport.

East Harptree is defined by Placemaking Plan policy RA2 as an RA2 village. Policy RA2 states that in villages outside of the Green Belt with a housing development boundary some limited residential development will be acceptable where:

- They are of a scale, character and appearance appropriate to the village
- In the case of residential development, they lie within the housing development boundary

The site is located within the Housing Development Boundary and the principle of the new build residential development in this location is accepted. Matters of scale, character and appearance will be assessed within the body of this report below.

Concern has been raised by third parties that the stable and workshop are not capable of conversion, given that the foundations are insufficient, there is structural decay in the walls, the floor slab may need replacing and the roof is in a poor state of repair. In terms of the principle of development, new building residential development is accepted in this location and therefore, whether the building is capable of conversion is not an "in principle" issue. Notwithstanding, the description of development is clear that this building is proposed to be converted and if, at construction stage, the conversion of this building could not be achieved, a new planning permission would be required for the demolition and rebuilding of this building. The building is a substantial stone building structure and officers do not consider that a structural report is required in this instance.

Therefore, the principle of the proposed development is acceptable in this location.

2. CHARACTER AND APPEARANCE:

There are a number of elements of the proposed scheme which require assessment in terms of their design and impact to character and appearance. These are as follows:

- Sub-division and extension to Whitecross House
- Conversion of the former stables
- Erection of a new dwellinghouse
- Approach to internal landscaping
- Amendments to the boundary wall to facilitate access visibility
- Blocking up of the High Street access

Sub-division of and extension to Whitecross House:

Whitecross House is a large Victorian building which is sited on the corner of High Street and Whitecross Road. It was built in the 1870s and operated as the co-operative stores. The shop element of the building ceased use in around 2006/2007 according to the planning statement which accompanies the submission, and the village store is now located on the opposite site of the road.

The application seeks permission to sub-divide Whitecross House into two dwellings, facilitated by the insertion of roof lights to allow for attic accommodation and the erection of a two-storey side extension, on the eastern side of the building.

The proposed roof lights have been amended so that they are Conservation Style roof lights which is considered to be appropriate in this prominent location within the East Harptree Conservation Area. This can be secured by way of planning condition.

The existing single-storey side extension will be demolished which, given its limited architectural contribution is accepted. It will be replaced by a two-storey side extension. The proposed extension is around 3.4m in width, which is around a fifth of the width of the existing building. It is set back from the front elevation and down from the roof ridge. Officers consider it to be an appropriately scaled addition which is subservient to the main building. The materials proposed will match the existing and again, this can be secured by way of condition.

As such, officers consider that the proposed extension responds to the host building and represents a sympathetic addition to Whitecross House, in accordance with policies D1, D2 and D5 of the development plan.

Conversion of the Former Stables/Workshop:

The existing Former Stables and workshop building is located to the rear of Whitecross House, separated by the intervening courtyard. The existing building is traditional in appearance and appears as an ancillary, subservient building to the host building (Whitecross House). It features a number of openings on its front elevation (south-west) including windows and timber boarded doors. At the request of officers, a north-eastern elevation drawing has been submitted (9th December 2024). The Planning Officer has also conducted a site visit to the neighbour. The north-eastern elevation forms the site boundary with the neighbouring dwelling and features three existing windows. As existing, there are trellises in front of the windows externally, and these are proposed to be removed (as shown in revised plans received on 19th December 2024).

To facilitate the conversion, roof lights are proposed to the front (south west) elevation. These have amended so as to be conservation style at the request of officers and again, this can be secured by way of condition. New windows and doors are proposed on the front elevation, including double patio doors. A low stone boundary wall will be sited in front of the building to provide defensible garden space for the occupants. These amendments do alter the character of the existing building, from one of an ancillary outbuilding to a domestic dwelling. However, the new doors and windows generally utilise the existing openings, which is supported. The building is located at the rear of the site and therefore views from the public realm are more limited, though there are glimpses from the access on Whitecross Road. The alterations are considered to be appropriate in this location and are respectful of the existing building; they are, therefore, accepted.

The north-west elevation windows will be altered as part of the scheme and the style will match those proposed to the front elevation which is acceptable. To the rear elevation (north east) one of the three windows will be bricked up to reduce the potential overlooking impacts towards the neighbour. There is no objection to this in design terms and the residential amenity implications of this will be discussed in the relevant section of this report.

The works proposed to facilitate the conversion of the stable building are considered to be acceptable with regard to design and comply with policies D1, D2 and D5 of the development plan.

Proposed new dwelling:

The proposed new dwelling is to be sited in the eastern corner of the site, to the rear of Court Cottage. The prevailing character in this part of the village is one of traditional, stone-built buildings with gable, pitched roofs finished in clay tiles.

Policy D7 sets out that backland development could be supported where:

- a) It is not contrary to the character of the area
- b) It is well related and not inappropriate in height, scale, mass and form to the frontage buildings
- c) There is no adverse impact to the character and appearance, safety or amenity of the frontage development

The proposed dwelling would be considered to be backland development.

The proposed dwelling will be two-storeys. The frontage buildings in this location are Whitecross House and Court Cottage. The height of the proposed dwelling is significantly lower than Whitecross House, but slightly taller than Court Cottage, with the roof ridge sitting approximately 0.75m higher than the roof ridge of Court Cottage when viewed from street level (as shown on the context street elevation drawing). The buildings surrounding the site are varied in height. The form of the building reflects the character of the buildings which immediately surround it. The massing, height and scale is therefore considered to be acceptable in this location, despite being slightly taller than Court Cottage.

The proposed dwelling will be finished in stone and tiles reflecting the materiality of the surrounding dwellings; samples can be secured by way of planning condition.

The overall pattern and grain of development in this part of the village features backland development, particularly along High Street where there is a strong building line along the street, with dwellings/farms sited behind. The site itself is considered to lend itself to backland development given the siting of the Former Stables/workshop behind Whitecross House. It is not considered that it is contrary to the character of the area.

Whilst it is considered that there will be some (less than substantial) heritage harm as a result of the development, which is set out in detail in the section below, in design terms it is not considered that the proposal will harm the character of the area, and the proposed new dwelling is compliant with policy D7.

Site landscaping approach:

As existing, the site features hardstanding to the rear of Whitecross House, in front of the Former Stables. There is artificial turf located behind the existing access from Whitecross Road and the rest of the garden area, behind Court Cottage is natural grass with some garden landscaping.

The proposals will result in additional hardstanding to create a courtyard area to the rear of Court Cottage. This will create the parking area and circulation space for vehicles, cyclists and pedestrians within the site. A small garden area is proposed for the new dwelling, as well as some landscaping and garden space for the two dwellings to be sited within Whitecross House and the dwelling proposed in the Former Stables building. It has been raised that the proposals represent an overdevelopment of the site, and the outdoor amenity space is not sufficient in size. B&NES do not have a planning policy which specifies the amount of outdoor space which should be provided for a dwellinghouse in terms of square meterage.

The increase in the amount of hardstanding is not considered to be harmful from a design perspective. The siting of a central courtyard tree is supported, and this will provide greening to the site, particularly when viewed from the public realm via the access. As existing, the internal parts of the site are largely screened from public viewpoints in the immediate vicinity. The proposals will alter the existing garden character, but high-quality paving can be secured by condition and the Courtyard layout is considered to be appropriate in this rural, central village location. A detailed hard and soft landscaping scheme can be secured by condition to ensure that soft landscaping opportunities are maximized. The buildings are considered to be well sited with sufficient circulation space, and do not represent an overdevelopment of the site in the view of officers.

Amendments to boundary wall to facilitate visibility splay:

The submitted visibility splay notes that the boundary wall to the front of the access will need to be reduced in height to 900mm. This is shown on the proposed Street Scene drawings. This wall does provide a positive contribution to the character of the area. However, whilst it is being reduced in height, it is being retained and there are a variety of wall heights in the vicinity. Therefore, from a design perspective, officers consider this reduction to be acceptable.

Closing of the High Street access:

As existing, there is a vehicular access from the courtyard onto High Street. It is proposed to close this access for vehicles, creating a stone wall with pedestrian gate. Subject to a condition securing a sample of the stonework this is accepted.

Design conclusion:

The comments of consultees and third parties have been assessed. The design of the scheme is considered to reflect the character of the existing buildings, site, and context. A sympathetic scheme has been proposed, which makes efficient use of land and provides a well-considered layout. Officers consider that the scheme complies with policies D1, D2, D5, D7 and CP6 of the development plan.

3. IMPACT TO HERITAGE ASSETS:

The application site is located within the East Harptree Conservation Area. Whitecross House is considered to be a non-designated heritage asset which provides a positive contribution to the character and appearance of this part of the Conservation Area. Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes

identified as having a degree of significance meriting consideration in planning decisions because of their heritage interest but which do not meet the criteria for designated heritage assets (as defined by Annexe 2 of the NPPF). Additionally, the gate piers located to the east and providing the entrance to Harptree Court are also listed, as well as Harptree Court itself (Grade II). The Village Clock Tower, located opposite Whitecross House is also Grade II Listed.

Impact to non-designated Heritage Asset:

As aforementioned, Whitecross House is a large Victorian Building sited in a prominent location within the Conservation Area. It was built in the 1870s and operated as the Cooperative Stores. It makes a positive contribution to the character and appearance of the Conservation Area and is considered to be a non-designated heritage asset.

The NPPF dictates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining a planning application. In weighing applications that directly or indirectly affected non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm of loss and the significance of the heritage asset.

Following comments from officers, the applicant has revised the works to Whitecross House, specifically the roof lights which are now proposed to be Conservation Style. The extension is, as set out above, considered to be a subservient and sympathetic addition to the building. The Council's Conservation Officer has raised that the roof lights on the extension sit higher than those on the main dwelling and this appears awkward. However, it is not considered that this alone will cause harm to the non-designated heritage asset.

Impact to the Conservation Area:

The site is located within the historic core of the village. The Conservation Area washes over the site and is characterized by traditionally built, stone dwellings of varying forms and sizes. 13th century and Medieval pottery has been excavated in the locality.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. 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. Policy HED2 of the Chew Valley Neighbourhood Plan also requires proposals to reflect, conserve and enhance the locally distinctive design attributes (inclusive of scale, materials and density). There are a number of important characteristics set out in Appendix 3 of the plan which should be reflected including the following:

- Linear village pattern
- Houses and cottages generally close to the road
- Stone walls
- Frequent use of locally sourced natural stone
- Clay tiles/slates
- Use of timber frames, as opposed to PVC or aluminium

The extension to Whitecross House, as described above, is considered to be subservient and sympathetic. The use of matching materials is appropriate within this part of the Conservation Area and is in compliance with policy HED2. Timber framed windows are proposed which, given the prominent location close to the road with significant visibility within the Conservation Area, is fully supported. The extension to Whitecross House is preserves the character and appearance of the Conservation Area and is compliant with policies HE1 and HED2.

The works to the Former Stable building include the use of Conservation Style roof lights and utilising the existing openings for the proposed windows and doors. Whilst the windows will be aluminium framed as opposed to timber, its location to the rear of Whitecross House and subservient nature result in more limited views of the building from the public realm. On balance, officers consider that aluminium is acceptable for this building. This part of the development is therefore also considered to preserve the character of this part of the Conservation Area.

The Council's Conservation Officer has raised concerns with regard to the erection of a new dwelling to the rear of Court Cottage and the introduction of increased levels of hardstanding. Historic mapping shows this area as garden to Court Cottage. There is a high stone boundary wall which separates the plot from the rest of the courtyard. The introduction of a dwelling will result in the demolition of this wall and an increase in the amount of hardstanding within the site. The historic garden arrangement which currently exists is considered to contribute to the significance of this part of the Conservation Area, as it is an example of the historic layout, pattern and grain in this part of the village. The removal of the wall, erection of a dwelling and additional hardstanding will cause less than substantial harm to the character and appearance of this part of the Conservation Area.

To the front of the site, a new access will be created. The boundary stone wall adjacent to Court Cottage will be reduced in height by 0.9m; it is currently around 1.6m in height. Whilst stone walls, including this wall, provide a positive contribution to the Conservation Area, there are a variety of wall heights in the locality. This particular section is not considered to provide significantly more of a contribution to the character and appearance of the Conservation Area than those surrounding. The wall is not being removed altogether and it is not considered that the reduction in height will cause harm the character and appearance of the Conservation Area.

By virtue of the removal of the stone wall across the site, erection of a dwelling and additional hardstanding, the proposals are considered to cause less than substantial harm to the character and appearance of this part of the Conservation Area. Paragraph 215 of the NPPF states out 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. This will be dealt with in the Planning Balance below.

Impact to Listed Buildings:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "In considering whether to grant planning permission in principle 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 interests which it possesses".

The setting of a heritage asset (as set out in the NPPF Annexe 2: Glossary) is 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.' The PPG advises that 'when assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.'

The site is considered to be within the setting of the Gate Piers to Harptree Court (Grade II Listed), the Village Clock Tower (Grade II Listed) and Harptree Court itself (Grade II Listed).

Given the siting of the Village Clock Tower, which is located to the south west of Whitecross House on the opposite side of the road, it is considered that there is sufficient separation between the proposed dwelling to the rear of Court Cottage to ensure that the development does not harm the setting of this Listed Building. The extension to Whitecross House is considered to be sympathetic and also would not harm the setting of this Listed Building.

The listed gate piers are located at the entrance to Harptree Court. Harptree Court itself is also Listed. The outbuildings at the Court and wall which forms the boundary of the application site and Harptree Court are curtilage listed.

The new dwelling will be located on land, which is higher than the surrounding and will, as set out above be two-storey. The proposed dwelling will not adjoin to the curtilage listed wall and, in response to the Conservation Officers comments, the bin store/cycle store has been confirmed to also not be attached to it. Whilst the inclusion of a dwelling in this location will change the setting of the listed buildings as set out above, it is not considered that it will cause harm in this respect. Notwithstanding the identified less than substantial harm to the Conservation Area, the impact to the setting of the listed buildings is considered to be neutral, given that the dwelling has a design which is reflective of the traditional surrounding character and the existing garden arrangement provides a neutral ability to appreciate the setting of these designated assets. The Council's Conservation Officer has not raised an objection with regard to the impact upon listed buildings.

Given the proximity of the proposed dwelling to the listed wall, a condition securing a condition survey/structural report, and details of any proposed/required underpinning is recommended.

Heritage conclusion:

Overall, the development is considered to result in less than substantial harm to the character and appearance of the Conservation Area and this harm must be balanced against the benefits of the proposals, in accordance with the NPPF. This is set out in the planning balance section.

4. ARCHAEOLOGY:

Given that the development is within the historic core of the village and previous finds which have been discovered in the locality of the site, a condition securing an archaeological watching brief is recommended.

5. IMPACT TO LANDSCAPE:

The application site is within the Mendip National Landscape.

There is a duty under s86 of the Countryside and Rights of Way (CRoW) Act 2000 which states that, "Any relevant authority exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. This duty is pro-active, and not merely an afterthought: the Council must "seek to further" the stated purposes in the exercise of their functions. This must be in relation to the specific statutory purposes of the designation rather than general regard to the benefit of protecting such landscapes. To be clear, however, this does not mean that the duty precludes decisions that are "net harmful" to an AONB, but what is required is positive evidence that the Council has sought to further the purpose by taking all reasonable steps to further the purpose. The statutory purpose of the AONB designation is to conserve and enhance the natural beauty of the area.

It is considered that through its assessment and determination of the planning application, the Council have sought to further the purposes of the AONB. The proposal will make efficient use of a site within the centre of the village, which is surrounded by development. Traditional building materials which reflect the character of the village have been carefully considered and it is considered that the form, scale and massing will preserve the landscape character of views from within and towards the village.

Policy HDE15 is the Dark Skies policy in the Chew Valley Neighbourhood Plan which makes clear that development must design lighting to minimise the risk of light spillage beyond the development site boundary. The scale of the roof lights is considered to be appropriate, and a sensitive lighting scheme can be secured by way of condition.

Overall, the scheme is considered to preserve the landscape character of the area.

6. 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.

A number of concerns have been raised with regard to residential amenity. The potential impacts of each element of the scheme will be assessed in turn for clarity.

Erection of extension to Whitecross House:

Concerns with regard to overshadowing and potential overlooking have been raised. The proposed extension is separated from Court Cottage by the proposed access (around 8m separation). It is separated from the neighbour to the rear of the site by garden space and

the intervening proposed converted Former Stable. The extension is modest in width and is set down from the height of the main dwelling. It is not considered that it will cause significant levels of overbearing or overshadowing to neighbouring occupiers. Windows are proposed in the rear elevation of the extension. However, there are already a number of windows within the rear elevation of Whitecross House. The Stables obscure views toward the neighbour and again, it is not considered that this part of the scheme will result in a significant overlooking impact.

Conversion of the Former Stables:

Third parties have raised concern with regard to the potential for overlooking from the converted stables. The rear wall of this building forms the boundary with the neighbouring property. A site visit undertaken by the case officer confirms that there are three existing windows which face directly into the neighbouring garden, and these have direct lines of sight into the living area and kitchen of the neighbouring dwelling. Whilst these windows are existing, the building they currently serve is an ancillary outbuilding. The intensification of use to a separate planning unit has the potential to cause a significant loss of privacy to these occupiers. At the request of officers, a north eastern proposed elevation drawing of this building was submitted. This shows that the westernmost window within this building on the rear elevation will be bricked up, which is considered appropriate to help maintain the privacy of these occupiers. A planning condition can be used to ensure that obscure glazing is used on the other two windows and that they are non-opening below 1.7m above floor level. This will ensure that the privacy of these occupiers is maintained and therefore, the impact in this regard will not be significant to justify a refusal on this basis; the potential impact can be satisfactorily mitigated.

There will be some intervisibility between the new occupants of this dwelling and Whitecross House. However, there is some separation by way of the proposed gardens and given the central village location this is considered to be acceptable.

The separation of stables to create a new planning unit may increase the levels of noise and disturbance from the site but this will not be beyond the expected levels of comings and goings for a domestic context.

Erection of a new dwelling:

The land upon which the new dwelling is proposed is at a higher level than the neighbouring property. Concerns have been raised with regard to overlooking from the new dwelling. Given the siting of windows on the western elevation at first floor level it is considered that there is potential for overlooking from the proposed dwelling. The window closest to the boundary with the neighbour will serve a bathroom and it is considered that a planning condition can secure that this is obscurely glazed. The other two adjacent serve the proposed master bedroom. The angle of the proposed dwelling to the neighbouring garden will limit some of the views from these windows. The dwelling is considered to sufficient separated so that significant impacts of views into the neighbouring windows will be mitigated to an acceptable level. Whilst there will be views into the neighbouring garden, the angle of the dwelling, coupled with the suggested condition to obscurely glaze the closest window is considered to reduce the level of impact to one which is acceptable, and officers do not consider impacts to be justification for refusal.

Noise concerns with regard to the new dwelling have been raised. As above, there will be increased comings and goings from the site and noise associated with domestic use. This part of the site is currently a domestic garden which can be used as such. The provision of an additional dwelling is not considered to cause significant harm in this regard.

Other:

The creation of the access and development as a whole has the potential to result in additional noise and disturbance for the occupiers of Court Cottage in particular, as a result of the increased comings and goings from the site. However, this cottage is situated on a main road in the village, opposite the Village Hall and shop. The development is relatively small scale in terms of number of dwellings and likely future occupiers and, as such, it is not considered that impacts would be significant in this regard.

A construction management plan can be secured by way of condition to protect residential amenity during construction.

Residential amenity conclusion:

The concerns of residents have been assessed and amendments have been made to the proposals to address those considered to be significant. The scheme is now considered to be compliant with policy D6 of the Placemaking Plan.

7. HIGHWAYS:

A number of third parties and the Parish Council have raised highway related concerns. These concerns relate to matters such as insufficient levels of parking within the site, insufficient size of parking spaces proposed impact to on-street parking opposite the entrance to the site and increased levels of traffic as a result of the proposal.

Access:

There is an existing access to the site from the High Street. This is on the western side of the site, behind Whitecross House itself. The proposed site plan demonstrates that this will be closed off to vehicles and provide pedestrian access only. The Highway Authority consider this to be a highway safety benefit of the scheme and improvement to the site as a whole, as this access has a significantly constrained visibility splay.

The site will be served by an access proposed to be created on Whitecross Road. As existing, there are gates which serve this access, and it is noted that artificial turf has been laid in the area of the site behind the gates. There is space for a vehicle to park in front of the gates as existing, in a parallel parking position.

The proposed access arrangements will achieve sufficient levels of visibility, as demonstrated by the submitted visibility splay. The existing stone wall will be lowered, as set out in the character/heritage sections above and this can be secured by way of planning condition so that the splay is provided prior to the occupation of the new dwellings.

A number of third parties have raised concern that vehicles are often parked opposite this access, as they are close to the Village Hall and Community Shop. Officers note that when they have visited the site there are often vehicles parked here. Notwithstanding, these are informal, non-marked parking spaces on the street. Given this, it would be the responsibility of those parking here to ensure that they were not obstructing the driveway so that vehicles could enter and exit the site. These spaces are not marked and therefore the scheme is not formally removing on-street parking. This would not be a justified reason for refusal and the Highway Authority have no objection in this regard.

Overall, a satisfactory means of access can be achieved.

Vehicle parking:

A total of eight vehicle parking spaces are proposed as part of the development, all contained within the site. A number of individuals have commented that the internal courtyard arrangement will make it challenging to manoeuvre into and out of spaces. Whilst the internal courtyard arrangement is fairly constrained, it is considered that there is sufficient space for cars to enter and exit their allocated spaces. Officers do not object to the internal layout in this regard.

The Transport and Development Supplementary Planning Document (SPD) sets out the maximum vehicular parking standards for the district. The application site is located within Zone D (Rural) which has the following maximum vehicle parking standards:

- 1 space per one-bedroom dwelling
- 2 spaces per two-bedroom dwelling
- 2 spaces per three-bedroom dwelling
- 3-spaces per four-bedroom dwelling

The proposed development will result in the following dwelling mix:

- 2no. three-bedroom dwellings (via the subdivision of Whitecross House)
- 2no. two-bedroom dwellings (via the conversion of the former stables and erection of a new dwelling)

This housing mix requires a maximum provision of 8no. parking spaces. Third parties have raised that the parking spaces are insufficient in size. Officers have measured the site plans. The "bay" style spaces are 5m by 2.5m and the parallel spaces are 6m in length. This is acceptable.

It has been raised via the public consultation that there is no visitor parking provision and that this is not acceptable. An additional 0.2 spaces per dwelling for visitors should be provided where parking is allocated to a specific dwelling. This would equate to 0.8 spaces. Paragraph 4.10.6 of the Transport and Development SPD states that "where the parking standard calculations for a proposed development result in a decimal number (i.e. fractions of spaces) then the parking calculation should be rounded down to the next whole space, i.e. within the maximum standards". Therefore, no visitor parking provision is required. As such, officers are satisfied that a policy compliant number of parking spaces, which are of sufficient size, will be delivered as part of the development.

Cycle parking:

Page 66 of the Transport and Development SPD sets out that the two-bedroom dwellings require 2no. cycle parking spaces and the three-bedroom dwellings required 3no. cycle parking spaces. The submitted site plans show a policy compliant level of secure cycle storage.

Construction Management Plan:

Given the location of the site in the centre of the village, it is considered that a Construction Management Plan is required to ensure that the construction of the development does not significantly impact upon the local highway network, nor result in a significant loss of residential amenity to neighbouring residents. This can be secured by way of pre-commencement condition.

Chew Valley Neighbourhood Plan:

The Chew Valley Neighbourhood sets out different parking standards to the Local Plan Partial Update (policy HDE8b in the Chew Valley Neighbourhood Plan. The proposed development is not in accordance with HDE8b, as this would require more spaces, including visitors.

Policy ST7, the Transport and Development SPD and the maximum parking standards were adopted in 2023, following the adoption of the Westfield Neighbourhood Plan in 2017.

Once a Neighbourhood Plan has been made and "adopted", the policies it contains generally take precedence over existing non-strategic policies for the neighbourhood area covered, where they are in conflict. However, this is not the case where they have been superseded or where non-strategic policies have subsequently been adopted. As such policy ST7 takes precedence and the scheme proposes a policy compliant level of vehicle parking.

Highway conclusions:

Overall, officers are satisfied that a safe means of pedestrian, cycle and vehicular access can be delivered as part of the development. A sufficient number of vehicle and parking spaces are being provided and the development will not result in an unacceptable highway safety impact, nor a severe residual cumulative impact upon the local road network. As such, the development is in accordance with policy ST7 and part 9 of the NPPF.

8. ECOLOGY:

Designated sites:

The site not within nor immediately adjacent to any designated sites for their nature conservation interest.

The nearest component of the North Somerset and Mendip Bats Special Area of Conservation is located approximately 2.5km to the west of the site. The SAC is important for two bat species, greater and lesser horseshoes. The SAC itself comprises component Sites of Special Scientific Interest (SSSIs) which in North Somerset include King's Wood SSSI and Brockley Hall Stables SSSI. The landscapes around the SAC itself are also important in provided the foraging habitat needed to maintain the favourable conservation status of the horseshoe bats. Suitable habitat for supporting species associated with the SAC has been identified on the site and lesser horseshoes have been confirmed to be roosting within the outbuilding. Therefore, a Habitats Regulations Assessment is required. It is the duty of the Local Planning Authority, in consultation with Natural England, to complete the HRA, but sufficient survey effort and details of mitigation must be provided by the applicant. As assessment of these matters is set out below.

Bats:

The Bat and Bird Scoping Report (Nash Ecology, 2022) confirms the presence of a serotine day roost beneath a wooden fascia board on the southeastern aspect and a brown long-eared day/transitional roost in the Main House. In addition, the Outbuilding has been confirmed to support a day roost of lesser horseshoe bats. The proposals include the loss of the day roost for lesser horseshoe bats and brown long-eared roost. The serotine roost on the south-eastern aspect will be retained.

The proposed development would require a bat mitigation licence. (EPS licence). The Local Planning Authority must be confident, prior to issuing approval for any planning application involving the destruction or disturbance of the roost, that the "three tests" of the Habitats Regulations will be met.

Test 1 - Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment?

The proposal will provide a contribution to housing supply in the district on a sustainable site, which is, in part, previously developed. The construction phase will create jobs, albeit of a modest number given the scale of the scheme. The NPPF encourages sustainable development on previously developed sites. Therefore, it is considered that there are social and economic benefits to the scheme which would mean that Test 1 is passed.

Test 2 - There is no satisfactory alternative.

The buildings which contain the roosts are proposed for conversion. This will, inevitably result in the disturbance/removal of the roost given the necessity to undertake works to the roof space to facilitate the conversion. The removal of the roosts is required due to their siting; one roost is being retained as it is not considered necessary to remove it to facilitate works. Mitigation is proposed, as set out below. Test 2 is considered passed.

Test 3 - The action authorised will not be detrimental to the maintenance of the population of the species.

An outline mitigation strategy is presented in section 4.1.3 of the Bat and Bird Report which accompanies the submission. This is accepted in principle and considered suitable

to ensure Test 3 is passed. A condition can secure a full mitigation strategy prior to commencement, as well as evidence of the bat licence being obtained.

Officers therefore consider that the "three tests" of the Habitats Regulations are passed in this case. The bat mitigation and compensation scheme must be strictly adhered to and secured by condition. It should be noted that works must not commence until the bat licence has been confirmed, a licenced bat worker commissioned to provide on-site ecological supervision and other mitigation measures are in hand.

As set out above, a Habitats Regulations Assessment is required due to the potential for the scheme to impact upon components of a European Site. This application has been considered in light of the assessment requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 by Bath & North East Somerset Council which is the Competent Authority responsible for authorising the project.

Due to the small scale of the proposals, it is unlikely that in-combination impacts would occur. There are no proposals in immediate proximity which would impact lesser horseshoe bat flight lines or foraging habitat, or which may displace bats and increase the importance of the roosts on-site. Therefore, there is no risk of significant negative impacts as a result of in combination effects.

Following an Appropriate Assessment in accordance with the Regulations, the competent authority has ascertained that the project would not have an adverse effect on the Bath and Bradford on Avon Bats SAC either alone or in combination with other plans or projects.

Natural England have responded to the consultation request of the Local Planning Authority. They note that in order to inform an HRA, lighting details are often provided prior to consent. They state that the Local Planning Authority, as the competent authority, will need to be satisfied that there is sufficient information to conclude that a low level of light spill onto SAC bat habitat can be met with the design of the proposed development. Officers are satisfied that this can be achieved given the design of the site, the fact no external lighting is currently proposed and the placement of proposed windows in relation to habitat. Full details of a lighting strategy can therefore be secured by way of Planning Condition. Natural England also require that the bat mitigation measures noted in the ecology report and addendum are secured and a condition is recommended to this effect.

Natural England has not objected to the conclusions of the HRA and appropriate assessment.

Other notable/protected species:

A Preliminary Ecological Appraisal (PEA) has been submitted (Arbtech, 2023). The reports confirm that the site has the potential to support nesting birds and hedgehogs. An active swift nest box was identified on the Main House and was in use by sparrows at the time of survey. The recommendations for a precautionary approach for nesting birds and hedgehogs are supported and can be secured by condition. The recommendation for a corvid box on the outbuilding to replace an old nest identified during the survey is also supported.

Lighting:

Less horseshoe bats have been confirmed roosting on the site and therefore, light spill from the proposed development may cause them to be displaced. Policy HDE15 of the Chew Valley Neighbourhood Plan also has regard to dark skies and requires sensitive lighting for bats.

A sensitive lighting design strategy can be secured by way of planning condition, which considers internal and external lighting. Habitats to the northeast of the site are suitable for supporting horseshoe bats and a dark corridor must be maintained from the new roost access point to suitable surrounding habitat. Any lighting strategy which comes forward to approval must account for this.

Biodiversity net gain:

The scheme was received by the Local Planning Authority prior to 10% biodiversity net gain (BNG) becoming a mandatory requirement under the Environment Act 2021. However, policy NE3a of the Local Plan Partial Update sets out that for minor development, schemes should avoid a net loss of biodiversity and provide an appropriate BNG.

The submitted BNG metric demonstrates that much of the site is sealed surface, but the currently vegetated garden provides some habitat. The metric also sets out that a 41% increase in BNG will be provided on site, through the provision of tree planting and landscaping. This can be secured by condition, as well as the habitat management plan required to ensure the ongoing management of any BNG provided. The scheme is capable of complying with policy NE3a.

Species enhancement:

The provision of bat and bird boxes, installation for insect/bug hotels, planting of native shrubs and hedgehog holes in fences would be proportionate enhancements for the scheme to provide and enhancements set out in the PEA (section 4) are supported. New/extended buildings are expected to incorporate integrated features for bats and birds as set out in policy D5e. It is considered that it is feasible that these are incorporated in the design and details can be secured by way of planning condition.

Ecology conclusion:

The scheme is considered to comply with the relevant ecological planning policies (NE3, NE3a and NE5) and UK law.

9. FLOODING AND DRAINAGE:

A number of third parties have raised concern with regard to drainage, flooding and the sewerage system; the Parish Council have also raised concerns.

Following several rounds of consultation with the Lead Local Flood Authority, the applicant has submitted additional drainage information and undertaken infiltration testing. An outline design for the management of surface water has been submitted. Soakaways are

proposed to dispose of surface water within the site and are sized to accommodate the critical 1 in 100+45% climate change event. All impermeable areas are to be positively drained to a dedicated surface water system; at the moment some of the areas are proposed to be discharged into the foul sewer. However, the Lead Local Flood Authority has stated that a condition can be attached to the permission (pre-commencement) to ensure that a satisfactory drainage design is submitted which addresses this issue.

10. SUSTAINABLE CONSTRUCTION:

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 (SCC) is submitted with an application, evidencing that the prescribed standards have been met.

In this case, a Sustainable Construction Checklist has been submitted which evidence that the prescribed standards have been met for the proposed new dwelling.

Policy SCR5 of the Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g., water butts). Water Butts are shown on the proposed plans and will be secured by a compliance condition.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g., border planting, window boxes, vertical planting, raised beds etc.). There are opportunities for food growing within the proposed garden spaces.

11. OTHER MATTERS:

It has been raised that the proposed air source heat pumps are not shown on the plans. Details of these can be secured by way of planning condition, as well as a condition securing that the heat pumps are installed in line with current best practice noise guidelines.

Fire risk has already been raised as a concern. All works will need to comply with buildings regulations. At the planning stage, officers do not have concerns regarding fire risk, subject to all building regulation requirements being adhered to.

12. 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.

13. PLANNING BALANCE:

As set out above, the proposed development is considered to result in less than substantial harm to the character and appearance of the Conservation Area.

The NPPF sets out 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. It also makes clear 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. Great weight must therefore be given to the conservation of the character and appearance of the Conservation Area within the planning balance.

The scheme has a number of benefits which must be attributed weight in the planning balance. Paragraph 73 of the NPPF makes clear that small sites can make an important contribution to meeting housing requirements of an area and sets out that Local Planning Authorities should support the development of windfall sites through their policies and decision making, giving great weight to the benefits of using suitable sites within existing settlements for homes. Paragraphs 124 and 125 go on to make clear that decisions should promote an effective use of land in meeting the need of homes and substantial weight must be given to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.

The proposals will deliver a sustainable form of residential development within an existing settlement (the village of East Harptree), partially by utilising existing buildings on the site. The proposals represent an effective use of land within such a location and, in accordance with the NPPF, substantial weight must be given to this fact given that substantial harm has not been identified. Whilst the contribution to overall housing supply in the district will be relatively limited as a result of the small scale of the development, the NPPF clearly sets out that small sites make an important contribution to meeting housing requirements and therefore, moderate weight is attributed to the contribution towards housing supply.

A number of construction industry related jobs will be created as a result of the development. Although the number of these will be relatively small due to the scale of the scheme and temporary for the construction period, they are a benefit of the scheme which can be attributed limited to moderate weight in the planning balance.

As set out above, great weight must be given to the conservation of the designated heritage asset, in this case the conservation area, and therefore as a starting point the balance is tipped in favour of refusing the application. The benefits of the scheme have been clearly set out above. The site represents a sustainable form of development within an existing settlement which should also be given great weight. Limited to moderate weight has been identified in respect of job creation. Therefore, in this instance, officers consider that there are public benefits which outweigh the less than substantial harm identified to the Conservation Area, even with great weight attributed to this harm.

14. CONCLUSION:

The comments of third parties and consultees have been carefully considered as part of the application assessment process. The application has been found to be acceptable, given that the less than substantial heritage harm to the Conservation Area (attributed great weight) is satisfactorily outweighed by public benefits. As such, the application complies with the development plan and is 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 Biodiversity Net Gain Plan (Pre-commencement)

No development shall commence until full details of a Biodiversity Gain Plan providing a minimum of 0.04 habitat units, and a Habitat Management Plan for any on-site habitats and biodiversity measures, have been submitted to and approved in writing by the Local Planning Authority. The Plans shall be in accordance with current best practice guidelines and standards and shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation and shall include the following:

In all cases:

1. Pre and post development biodiversity values including a completed metric calculation tool using the DEFRA Biodiversity Metric or any successor, and accompanying evidence for baseline condition assessments;
2. A BNG habitat map for on-site proposed habitats
3. Information about the steps taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat and, in the case of any irreplaceable habitat, information on arrangements for compensation for any impact of the development has on the biodiversity of the irreplaceable habitat (which does not include the use of biodiversity credits).
4. Details and evidence of any registered off-site biodiversity gain units allocated to the development and any biodiversity credits purchased for the development;

Where on-site habitat is proposed/retained:

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

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

Reason: To protect and enhance ecological interests and to ensure delivery of Biodiversity Net Gain in accordance with Bath and North East Somerset Local Plan Partial Update policies NE3, NE3a NE5 and D5e.

3 Bat Mitigation Scheme & EPS Licence (Pre-commencement)

No development shall commence, including site clearance and demolition, until written confirmation from a licensed bat worker that the works do not require a licence, or a copy of the licence for the works in accordance with the Habitat and Species Regulations has been submitted to and approved in writing by the Local Planning Authority. This shall be accompanied by:

1. Full and completed bat survey findings;
2. Full details of proposed bat mitigation, including a replacement roost in Whitecross House which specifications meet those described in section 4.1.3 of the Bat and Bird Survey Report (Nash Ecology, September 2022) and includes an access point measuring at least 20cm x 30cm as described in the Ecology Addendum - Bat Roost Mitigation (Context Planning, 22nd October 2024) (this can take the form of a European Protected Species Mitigation Licence application method statement); and
3. Details of proposed soft landscaping and lighting design with the objective of providing suitable, dark, bat flight-corridor habitats, connecting roost locations to adjacent vegetation, and designed to encourage long-term use of the roost spaces by bats and to minimise the risk of roost failure.

The development shall thereafter be implemented only in accordance with the approved bat mitigation and lighting schemes or any amendment to the schemes as approved in writing by the Local Planning Authority.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE3 of the Bath and North East Somerset Local Plan Partial Update. 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. The inclusion of the option of providing a copy of the European Protected Species licence in place of the full details of the mitigation scheme is provided for convenience.

4 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, produced by a suitably experienced professional ecologist, have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Method statement for pre-construction and construction phases to provide full details of all necessary ecological protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to bats, nesting birds, badgers and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;
2. Detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report and addendum, including wildlife-friendly planting and landscaping details; provision of bat and bird boxes; provision of features and habitats to benefit wildlife. Details shall include proposed specifications; materials; dimensions; models; design; fixings (as applicable); and proposed numbers, heights and positions. Specifications for fencing and boundary treatments shall include provision of gaps or wildlife access points at intervals, to allow movement of wildlife
3. All details shall be fully incorporated into the scheme and accurately shown on all relevant plans and drawings.

All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development or in accordance with the approved programme of implementation.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update. 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 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;
7. Measures for the control of dust;

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

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

6 Flood Risk and Drainage - Detailed Drainage Design (Pre-commencement)

No development shall commence, except ground investigations and remediation, until a detailed drainage design demonstrating that surface water will be managed within the site using sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The design is to include soakaway test results (BRE Digest 265), plans, structure details and design calculations (including permeable paving) demonstrating performance of the system at the critical 1:1, 1:30 and 1:100+45% climate change events where there should be no flooding. The drainage design and scheme will be installed in accordance with the approved details prior to the occupation of the site.

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. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

7 Archaeology - Watching Brief (Pre-commencement)

No development shall commence, except archaeological investigation work and demolition required to undertake such work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

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

8 Wall Inspection and Underpinning (Bespoke Trigger)

Prior to any construction commencing on the approved new-building dwelling, an inspection of the Grade II Curtilage Listed wall (associated with Harptree Court) which runs along eastern boundary of the site shall be undertaken by a qualified structural engineer and a subsequent structural report of the findings submitted to and approved in writing by the Local Planning Authority. If applicable, following the results of the

inspection, details of the extent and methodology of any underpinning shall be submitted and approved in writing by the Local Planning Authority. Once approved the works shall be completed in accordance with the approved details.

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

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

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to or erected on site for inspection and approved in writing by the Local Planning Authority. The schedule shall include:

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

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

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

10 Landscape Design Proposals (Bespoke Trigger)

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

1. Proposed finished levels or contours
2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (e.g. outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Retained historic landscape features and proposals for restoration, where relevant

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

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)

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

11 Air Source Heat Pumps (Bespoke Trigger)

Prior to the installation of the Air Source Heat Pumps, details including specification and scaled plans showing their locations shall be submitted to and approved in writing by the Local Planning Authority. The Air Source Heat Pumps shall comply with the MCS Planning Standards or equivalent standards. The Air Source Heat Pumps shall be installed in accordance with the approved details.

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

12 External and Internal Lighting (Bespoke Trigger)

No new external or internal lighting shall be installed 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. Proposed lamps and lamp models, with manufacturer's specifications; proposed lamp positions; numbers and heights, with details also to be shown on a plan;
2. Light spill modelling, in accordance with the standards and best practice guidelines as described in ILP Guidance Note 08/23 "Bats and artificial lighting in the UK", including details of predicted light spill and lux levels within and beyond site boundaries, onto adjacent land and onto boundary vegetation and all ecological habitats and sensitive features within and adjacent to the site, on both vertical and horizontal planes, with details of predicted light levels to also be shown on a plan, and at heights using sections and drawings;
3. Details of lighting controls; proposed hours, frequency and duration of use; and details of all measures and features to contain light spill, and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to limit use of lights when not required; and to avoid harm to bat activity and other wildlife.

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 policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Local Plan Partial Update.

13 Junction Visibility Splay (Pre-occupation)

No occupation of the development shall commence until the visibility splay as shown on plan no. 020A (received 23rd July 2024) has been provided. There shall be no on-site obstruction exceeding 900mm above the ground level within the visibility splay. The visibility splay shall be permanently retained thereafter.

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

14 Ecological Compliance Statement/Follow-up Report (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist (licenced bat worker) (based on postconstruction on-site inspection by a suitably experienced professional ecologist) confirming and demonstrating, using photographs, adherence to and completed implementation of the bat and ecological mitigation and compensation measures in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Evidence and written confirmation that all ecological mitigation and compensation measures for bats, nesting birds and hedgehogs including precautionary working methods and pre-commencement checks were followed, and that all replacement roost and nesting features have been installed and are in accordance with approved details, dimensions, materials and specifications; and
2. Evidence that a Natural England bat mitigation licence was in place before works proceeded.

All measures within the scheme shall be retained, monitored and maintained thereafter in accordance with the approved details and for the purpose of wildlife conservation.

Reason: To demonstrate the completed implementation of ecological mitigation and enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and policies NE3, NE3A; NE5 and D5e of the Bath and North East Somerset Local Plan Partial Update.

15 SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the new-build dwelling hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

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

Minor Residential Development:

1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)
3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Bath and North East Somerset Local Plan Partial Update.

16 Rainwater Harvesting (Pre-occupation/Compliance)

No occupation of the approved dwellings shall commence until the water-butts as shown on plan reference 011B (Proposed Ground Floor Plans) have been installed.

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

17 Precautionary Working Methods for the Protection of Wildlife (Compliance)

Working must proceed only in accordance with the following measures for the protection of birds and hedgehogs:

- Appointment of a suitably qualified Ecological Clerk of Works to specify and oversee precautionary working methods;
- Removal of the rubble pile and conversion of the building should be undertaken outside the period of 1st March - 31st August.
- If avoidance of the 1st March - 31st of August is not possible, a careful visual check for signs of active bird nests shall be made of the interior and exterior of the building and its roof, and any crevices and concealed spaces, immediately prior to any works affecting these areas;
- Nests in use or under construction shall be protected undisturbed until the young have fledged;
- Covering of excavations overnight and/or a ramp fitted to ensure any animals can escape;
- Sensitive lighting design will be implemented.

Reason: To avoid harm to protected and notable species in accordance with policy NE3 of the Local Plan Partial Update.

18 Water Efficiency (Compliance)

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

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

19 Parking (Compliance)

The areas allocated for parking and turning on submitted plan(s) reference 010A and 011B shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

20 Conservation Style Roof Lights (Compliance)

All rooflights hereby approved shall be Conservation Style.

Reason: To ensure sympathetic conversion within the Conservation Area in accordance with policy HE1 of the Bath and North East Somerset Placemaking Plan.

21 Removal of Permitted Development Rights - No Windows (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the north east elevation of the building known as "Workshop/Stable" on plan reference 016B or the north east elevation of the new-build dwelling at any time unless a further planning permission has been granted.

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

22 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed north east elevation windows in the building known as "Workshop/Stable" on plan reference 016B and bathroom window in the north west elevation of the new-build dwelling 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.

23 Existing window blocked up (Compliance)

No occupation of the dwelling approved in the building known as "Workshop/Stable" shall occur until the dining/kitchen window in the north east elevation (annotated as '6. Existing window blocked in' on drawing no. 016B) has been blocked up as shown on drawing no. 016B.

Reason: In the interests of protecting the privacy of the adjoining residential property in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

24 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:

- 016 B Proposed Elevations - Workshop & Stable. Received 19th December 2024
- 011B Proposed Ground Floor Plans. Received 9th December 2024
- 020A Proposed Visibility Splay. Received 23rd July 2024
- 018A Proposed Street Scenes. Received 23rd July 2024
- 017A Proposed Elevations - New Dwelling. Received 23rd July 2024
- 015A Proposed Elevations - Whitecross House. Received 23rd July 2024

013A Proposed Attic Plan. Received 23rd July 2024
012A Proposed First Floor Plans. Received 23rd July 2024
010A Proposed Site Plan. Received 23rd July 2024
001 Site Location Plan. Received 24th January 2024

2 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Civil or legal consents

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

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 been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

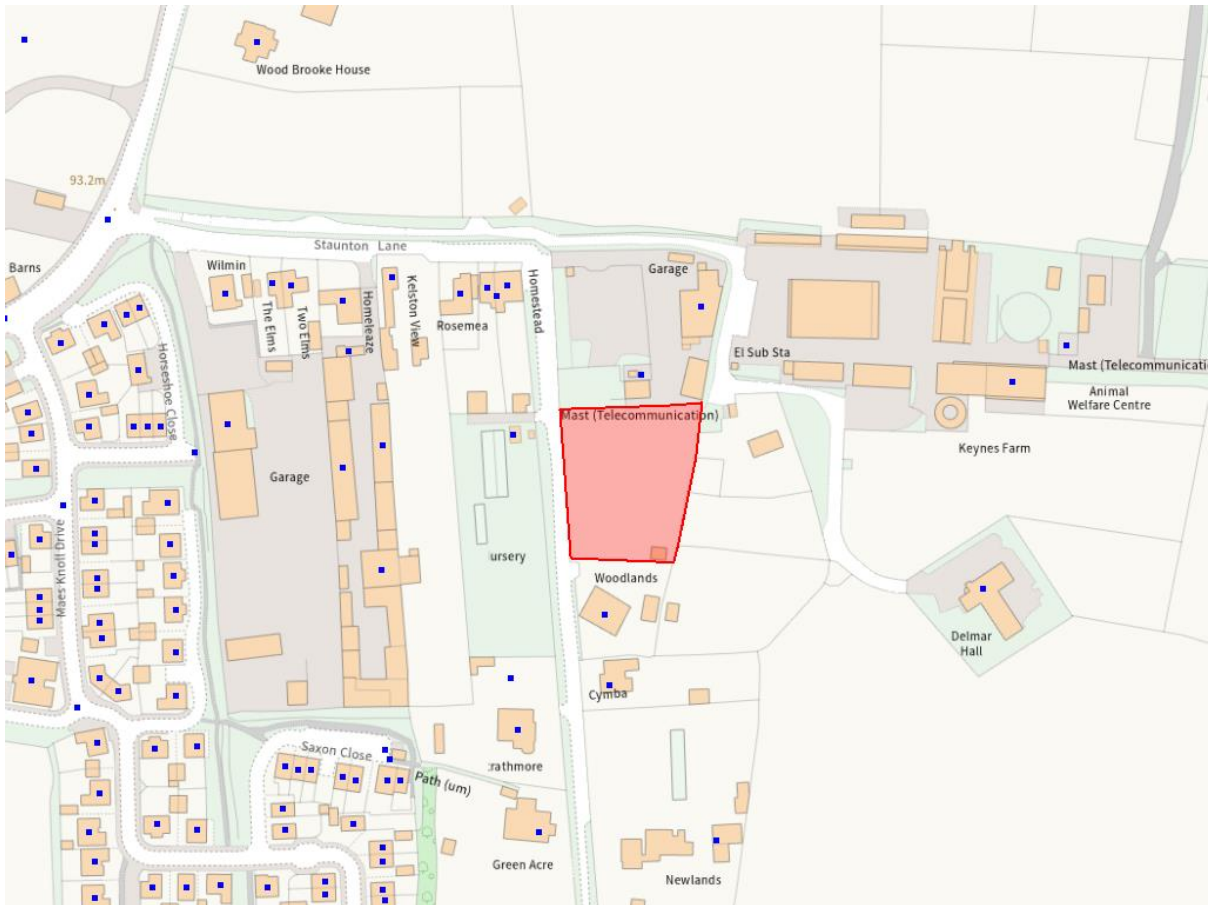
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply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

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

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: 24/03112/FUL
Site Location: Woodlands Staunton Lane Whitchurch Bristol Bath And North East Somerset



Ward: Publow And Whitchurch **Parish:** Whitchurch **LB Grade:** N/A

Ward Members: Councillor Paul May

Application Type: Full Application

Proposal: Technical details consent application following approval of 23/04121/PIP. Erection of 3 no. dwellings and associated works.

Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Contaminated Land, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, LLFA - Flood Risk Management, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Denmead

Expiry Date: 19th January 2025

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 from Whitchurch Village Council.

Cllr Lucy Hodge: 'Noting that Whitchurch Parish Council has maintained an objection to this application, I recommend that it is discussed in public by the Planning Committee to consider the Parish Council's concerns about policy compliance in relation to the design and any impacts on the local character in Staunton Lane. Any potential access problems due to the unadopted status of the road and any safety issues from increased vehicles exiting onto Staunton/Stockwood Lane may also be considered.'

It is accepted that the principle of development within the Green Belt and outside the housing development boundary has already been approved through the 2023 PIP consent.'

Cllr Ian Halsall: 'The principle of development has already been considered and therefore whilst Whitchurch Parish Council maintain their objection to the three dwellings outside the settlement boundary and within the greenbelt along an unadopted road whereby the owners are responsible for drainage, this cannot be taken into consideration.'

However, given the above sensitivity the Planning Committee may wish to considering the technical details of the proposed three dwellings in light of the Parish Council's concerns that that they do not believe them to be in keeping with the character of the area.'

This application relates to an area of vacant land within the property of 'Woodlands'. The site is located just outside of the housing development boundary, and within the Green Belt. The site is located on Staunton Lane, a road used to serve a number of residential properties.

Technical details consent is sought following approval of 23/04121/PIP for the erection of 3 no. dwellings and associated works.

Relevant Planning History:

23/04121/PIP- Permission in Principle Planning Application for the development of up to 3 dwellings and associated works- APPROVE

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Highways: No objection, subject to condition.

Trees: No objection, subject to condition.

Ecology: No objection, subject to condition.

Whitchurch Parish Council: Objection

- Inappropriate development in the Green Belt with no very special circumstances
- No need for further development

- Development is outside of the housing development boundary
- Poor access via unadopted lane and concerns about safety and visibility
- Development does not respect the local character or positively respond to site characteristics
- Concerns about flooding

Representations:

1no. support comment in relation to the Passivhaus levels of insulation and 1no. objection in relation to siting and drainage.

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

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
D.8: Lighting

ST7: Transport requirements for managing development
GB1: Visual amenities of the Green Belt
NE3A: Biodiversity Net Gain
NE1: Development and green infrastructure
NE3: Sites, habitats and species
NE5: Ecological networks and nature recovery
NE6: Trees and woodland conservation
SU1: Sustainable drainage policy

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).

Whitchurch Village Neighbourhood Development Plan:

Policy WV4.3- Traffic and Safety
Policy WV 1.1 - Village Design
Policy WV 2.4-Wildlife Corridors and Ecological Network

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

Background

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

This application is for the second stage, e.g. 'technical detail consent' and considers the detailed development proposals.

Principle of development:

The principle of development has been established. The site benefits from stage 1 Permission In Principle consent (reference 23/04121/PIP) that was granted in January 2024.

Therefore, this report will not consider the principle of development within the Green Belt and outside of the Housing Development Boundary as these matters have previously been considered when the previous application was permitted.

Instead, this report will focus on the Technical Details consent application which covers character, appearance, residential amenity, highways, trees, ecology, sustainable construction and Biodiversity Net Gain.

Character and appearance:

The locality hosts a variety of house type, size, siting, orientation and design. There is no prevalent building design and or character which defines the areas character or appearance. It should be noted that there is also no definitive building line, due to the variety outlined above.

The dwellings on this part of Staunton Lane are detached dwellings, with good garden space and off street parking. The proposed 3no. dwellings on this site respond positively to surrounding features by also being detached dwellings, set back from the road, with good amenity space. The spacing between each proposed dwelling is also not uncommon, and would not present a density or built form which would disrupt and or harm the areas' character and or appearance.

The proposed design of the dwellings are relatively typical, the slight variations in design between the three houses presents visual interest and helps to blend more appropriate with the variation found within the street, rather than having a more manufactured appearance. The two storey elements of the houses would be in brick, the single storey is render which are found within the area. The boundary treatment remains similar to the existing arrangement, which is comprised of 1.8m high timber fencing and vegetation. The gates for vehicular access to plot C will be timber, the gates to plots B and A will be 'metal framed'. Considering their appropriate height of 1.7m, this is acceptable.

The proposed development is therefore considered to be in keeping with the character and appearance of the area.

Residential amenity:

The size, scale and siting of the 3 dwellings means that there is no harmful level of shadowing or oppressive impacts of built development to nearby occupiers, or between occupiers of the new houses. Similarly, there are also no harmful levels of overlooking.

Flooding:

The site is located in flood zone 1, which is the lowest risk of flooding. Drainage officers also confirm that they are not aware of flooding specifically at this site/location and confirmed that there is no evidence to suggest this development could increase flooding.

A Package treatment plant is proposed for foul sewerage and drainage officers have informed the planning officer that the standard soakaway testing condition can be applied in relation to surface water drainage.

Trees:

The proposed layout would require the removal of the row of Leyland Cypress (G1) and there is no arboricultural objection. Previous hedge pruning has resulted in a moribund section and the remainder are poor quality individuals so combined would offer a BS 5837:2012 quality assessment of C and U. Their removal is therefore considered acceptable in accordance with policy NE6.

The number of car parking spaces provided for the southern plot has been reduced which has increased the separation distance between T2 and the dwelling and assisted in an increase in useable external space. The revised information received has removed the original arboricultural objection.

Highways:

The revised plans, drawing number 06c, illustrate that suitable parking for each dwelling will be provided, in accordance with the Transport and Development SPD.

Suitable vehicle parking and cycle storage space is able to be provided for each dwelling, including sufficient space in order to accommodate suitable Electric Vehicle Charging facilities in accordance with Approved Document S; Infrastructure for the charging of electric vehicles of The Building Regulations 2010.

Highways officers conclude that it is unlikely that the additional dwellings in this area would have a significant highway impact, nor would there be a risk to highways safety. Therefore, officers find no conflict with the traffic policies outlined in the neighbourhood plan (Policy WV4.3- Traffic and Safety) and the LPPU (Policy ST7).

Sustainable Construction:

All the proposed dwellings are compliant with the requirements of policy SCR6:

All predicted space heating demands meet the policy requirement of <30kWh/m² /year at 11kWh/m² /year, 8.8kWh/m² /year and 8.2kWh/m² /year.

All predicted total energy uses meet the policy requirement of <40kWh/m² /year at 14.7kWh/m² /year, 16.1kWh/m² /year and 16.7kWh/m² /year.

The predicted renewable energy generation for each dwelling meet the policy requirement of at least matching the total energy use at 14.8kWh/m² /year, 17.6kWh/m² /year and 17.8kWh/m² /year.

The proposal to install ASHPs for heating and hot water to the dwellings, MVHR systems, PV battery storage and the predicted u-values are all supported.

Policy SCR5 - Water efficiency:

It is proposed to meet the policy requirement of a maximum of 110 litres of water per person per day and to install rainwater harvesting methods for external uses by the residents.

Ecology:

A Preliminary Ecological Assessment report (Greena Ecology, v2 24th July 2024) is submitted and comprises a description of the findings of a walkover survey including inspection of the outbuilding on site for potential use by bats. The findings of the survey are accepted.

A habitat plan, a plan showing the boundary of habitat/s considered suitable to support reptiles and therefore to be subject to reptile mitigation measures, details of proposed measures to compensate for habitat loss and vegetation removal and details of proposed new features and habitat creation to provide new and additional benefit for wildlife can be secured via condition.

Lighting:

The site is located on the edge of a rural wildlife-rich landscape known to be used by bats including light-sensitive bats and other nocturnal wildlife. Policy D8 applies and sensitive lighting design is required for any new external lighting; this should be secured by condition.

Biodiversity Net Gain:

The scheme is exempt from BNG because it is self-build. However, there are ecological enhancements being proposed and secured via condition to comply with policy NE3.

Conclusion:

The principle of development has been approved, the site has been found acceptable for accommodating 3 detached dwellings, within the Green Belt and outside of the housing development boundary.

Officers consider that the size, scale, siting and appearance of the dwelling responds positively to the locality and would not cause harm to the area's character. The application has also been found acceptable by highways, trees, ecology and sustainable construction officers. Therefore, officers are recommending this application for technical details consent for approval, subject to conditions.

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	15th January 2025
RESPONSIBLE OFFICER:	Louise Morris - Head of Planning & Building Control
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 24/02363/FUL
Location: 39A Wellow Tynning Peasedown St John Bath Bath And North East Somerset BA2 8LJ
Proposal: Erection of two bedroom dwelling.
Decision: REFUSE
Decision Date: 5 November 2024
Decision Level: Delegated
Appeal Lodged: 3 December 2024

App. Ref: 24/02222/FUL
Location: 2 Northend Rock Road Welton Midsomer Norton Bath And North East Somerset
Proposal: Retention of single-storey outbuilding (Retrospective).
Decision: REFUSE
Decision Date: 30 October 2024
Decision Level: Delegated
Appeal Lodged: 6 December 2024

App. Ref: 24/02319/PIP
Location: Parcel 1636 Wells Road Hallatrow Bristol Bath And North East Somerset
Proposal: Permission In Principle Planning Application for the erection of 1 no. self-build dwelling with associated works.
Decision: REFUSE
Decision Date: 11 October 2024
Decision Level: Delegated
Appeal Lodged: 11 December 2024

App. Ref: 24/00682/FUL
Location: Street Record Orchid Way Writhlington Radstock Bath And North East Somerset
Proposal: Creation of new vehicular access adjoining Orchid Way.
Decision: REFUSE
Decision Date: 13 June 2024
Decision Level: Delegated
Appeal Lodged: 19 December 2024

App. Ref: 24/03446/FUL
Location: 5 Frys Leaze Charlcombe Lane Larkhall Bath Bath And North East Somerset
Proposal: Loft conversion, with hip to gable and flat roof rear dormer.
Decision: REFUSE
Decision Date: 25 November 2024
Decision Level: Delegated
Appeal Lodged: 19 December 2024

Case Ref: 22/00462/UNAUTH
Location: Parcel 4048 Durley Hill Keynsham Bath And North East Somerset
Breach: Without planning permission, the change of use of land from agriculture to a mixed use consisting of agriculture, the stationing of caravans for residential use, waste transfer station, burning of waste and open air storage (including but not limited to the storage of: caravans, mobile homes, vehicles, lorry trailers, shipping containers, logs and waste materials).
Notice Issued Date: 24 September 2024
Appeal Lodged: 09 December 2024

APPEALS DECIDED

App. Ref: 23/04030/FUL
Location: The Teasel Barn Stanton Road Pensford Bristol Bath And North East Somerset
Proposal: Demolition of existing detached single storey garage to be replaced with a two storey, two bedroom detached dwelling (annex).
Decision: REFUSE
Decision Date: 8 January 2024
Decision Level: Delegated
Appeal Lodged: 8 May 2024
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 4 December 2024

App. Ref: 23/02922/OUT
Location: Oaklea Sleep Lane Whitchurch Bristol Bath And North East Somerset
Proposal: Erection of Up To 9 Residential Dwellings (Use Class C3) with All Matters Reserved Except for Access
Decision: REFUSE
Decision Date: 7 February 2024
Decision Level: Delegated
Appeal Lodged: 27 March 2024
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 11 December 2024

App. Ref: 23/02579/TPO
Location: Parcel 714 Fersfield Lyncombe Bath Bath And North East Somerset
Proposal: T1-Lime Tree, fell
T2-Ash Tree, fell.
Decision: REFUSE
Decision Date: 31 August 2023
Decision Level: Non-Planning applications
Appeal Lodged: 12 June 2024
Appeal Decision: Appeal Allowed
Appeal Decided Date: 20 December 2024

Case Ref: 22/00002/HHEDGE

Location: 56 Leighton Road Upper Weston Bath Bath And North East
Somerset BA1 4NG

Breach: Hedge along the SW boundary of customer's property consists of multiple conifers at least 10m high, considerably reducing natural light and restricting views.

Appeal Lodged: 29 April 2024

Appeal Decision: Appeal Dismissed

Appeal Decided Date: 20 December 2024

FORTHCOMING HEARINGS & INQUIRIES

App. Ref: 23/03734/CLEU

Location: 5 Somer Ridge Midsomer Norton Radstock Bath And North East Somerset
BA3 2FB

Proposal: Use of land to the side of 5 Somer Ridge as residential garden.

Decision: REFUSE

Decision Date: 01 December 2023

Decision Level: Delegated

Appeal Lodged: 11 June 2024

Inquiry Date: 18 February 2025

Inquiry venue: Guildhall Bath, Brunswick Room

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