

## **PLANNING COMMITTEE**

### **Minutes of the Meeting held**

Wednesday 24th September 2025, 10.00 am

**Councillors:** Tim Ball (Chair), Paul Crossley (Vice-Chair), David Biddleston, Ian Halsall, Hal MacFie, Ruth Malloy, Toby Simon, Shaun Hughes, John Leach and Tim Warren CBE

#### **47 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

#### **48 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Cllr Eleanor Jackson and Cllr Fiona Gourley. Cllr David Biddleston and Cllr Ruth Malloy were substituting.

#### **49 DECLARATIONS OF INTEREST**

Cllr Warren declared an interest in application 24/02489/EFUL - Parcel 1643, Middle Piece Lane, Burnett, Keynsham and withdrew from the meeting during consideration of the application.

#### **50 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was no urgent business.

#### **51 ITEMS FROM THE PUBLIC**

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

#### **52 MINUTES OF THE PREVIOUS MEETING**

The minutes of 17 September were not available and would be confirmed as a correct record at the October meeting.

#### **53 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.

The Chair changed the order of the agenda, and the following application was considered first:

### **3. 25/01744/FUL - 30 Shaws Way, Twerton, Bath, Bath**

The Planning Case Officer introduced the report which considered an application for a change of use from a 3-bedroom dwellinghouse (Use Class C3) to a 6-bedroom House in Multiple Occupation (HMO) (Use Class C4) and single-storey rear extension and alterations and bicycle and bin storage.

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

The following public representation was received:

1. Brian Maddocks objecting to the application.

Cllr Sarah Moore was in attendance as ward member and read a statement as summarised below:

1. She was objecting to the application.
2. The structure of the dwelling made it unsuitable for the change of use. The party wall was thin with no insulation. The structure was a metal frame with internal stud walls and there was no block work and nothing to attach an extension to without extensive works.
3. There would need to be significant internal changes before any soundproofing can take place, and this would cause a lot of disruption for the neighbours.
4. The proposed extension would replace the conservatory and would block the light for neighbouring properties.
5. Parking was a severe issue on the road, there was only space to park on one side of the road.
6. 40 local residents had objected to the application, there were too many HMOs in the area and this type of property was not suitable to be changed into a 6 bed HMO.

In response to Members' questions, it was confirmed:

1. The size of the bedrooms did meet the minimum size standard and sound insulation was included on the plans. It was also recommended that sound insulation be secured by a condition.
2. The size of the downstairs bedrooms did not include the ensuite bathroom.
3. The definition of sandwiching in relation to HMOs was a property with an HMO on either side.
4. The issues relating to the structure of the property and the logistics of building an extension would be covered by building regulations.
5. The applicant had not supplied a structural or acoustic report to support the application. In terms of the noise assessment condition, the criteria would be a modern acceptable level of noise.

Cllr Halsall opened the debate and acknowledged that the application was compliant in terms of the SPD relating to HMOs, but he was concerned about the impact on the residential amenity of neighbouring properties. He expressed the view that the application constituted over-development of a 3 bed-dwelling to accommodate 6 people and their associated activities, and this was contrary to Policy D6.

Cllr Hughes concurred with this view and stated that without structural and acoustics reports, there was insufficient evidence to reassure the Committee that the proposed development would not result in a loss of amenity to neighbouring properties. He confirmed that he would not support the officers recommendation to permit the application.

Cllr Warren moved that the officers' recommendation be overturned, and the application be refused due to the loss of amenity to neighbours and the over-development of the site. This was seconded by Cllr Crossley.

Cllr Malloy spoke in support of the motion and also raised concerns about the amenity of the future occupiers as well as concerns about parking.

The Team Manager – Development Management advised against including refusal reasons relating to parking or the amenity of future occupiers as the application was compliant in relation to parking standards and the bedrooms met the minimum size requirements.

On voting for the motion, it was CARRIED (10 in favour and 0 against).

**RESOLVED** that permission be refused for the following reason:

1. The application to change a framed 3-bed house into a 6-bed HMO~ would result in over development of the site and a loss of amenity for neighbouring properties due to noise and disturbance.

Cllr Warren withdrew from the meeting during consideration of the next application.

#### **1. 24/02489/EFUL - Parcel 1643, Middle Piece Lane, Burnett, Keynsham, Bath**

The Planning Case Officer introduced the report which considered an application for the installation, operation and decommissioning of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.

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

The following public representation was received:

1. Cllr Phillipa Paget raising concerns on behalf of Compton Dando Parish Council.
2. Richard Arthur/Rosemary Turner, objecting to the application.
3. Nick Leaney, agent, supporting the application.

Cllr Duncan Hounsell was in attendance as ward member and read a statement as summarised below:

1. He had asked for the application to be determined at committee to allow it to be debated in the public domain.
2. He had previously supported an application for a smaller solar farm in a nearby village and recognised the need for renewable energy in view of the climate emergency.
3. Planning policy did not support solar farms in every case, for example when developments would result an adverse impact on landscape.
4. The size of this application would mean that it would be highly visible in the landscape.
5. Development in the green belt was harmful by definition and there needed to be strong reasons to outweigh the harm.
6. A smaller site in this location could be acceptable.
7. He supported officers' recommendation to refuse the application due to the size and impact on the green belt and landscape.

In response to Members' questions, it was confirmed:

1. The number of the battery containers on the site was indicated on the plans. The containers were situated at the opposite side to the housing in Burnett. There was no proposal to include acoustic barriers, and this had not been requested by the Environmental Protection team.
2. Avon and Somerset Fire Service had requested a developer contribution towards fire hydrants in the event of the application being permitted.
3. In terms of meeting the Council's target of 110Mwe (Megawatt Electricity) level of Renewable Energy and Heat generation by 2029, 47Mwe had been installed since 2010 and there was a potential for an additional 86Mwe through consented applications.
4. The Environment Agency had reviewed the flood risk assessments and had withdrawn an initial objection on receipt of further information.
5. As to whether the application would be policy compliant if field 1 was excluded, this would require a full assessment. The applicant had chosen not to reduce the size of the proposed development.
6. The applicant had assessed alternative sites within a 4k radius, and it was the view of officers that this was not wide enough as there had been no consideration of smaller sites and sites outside of the green belt.

Cllr Hughes opened the debate and spoke in support of the officers assessment of the application. He moved the officers' recommendation to refuse the application. This was seconded by Cllr Crossley who stated that the application was too large and impactful and constituted inappropriate development in the green belt.

Cllr Halsall spoke in support of the motion and commented that although there was no objection to the principle of development, the scale was not appropriate and there should have been a wider sequential assessment.

Cllr Simon agreed that there would be an impact on the landscape, and that there would also be an impact on cyclists as Middlepiece Lane was part of cycle route.

Cllr Leach spoke against the motion to refuse the application as he expressed the view that due to the climate emergency, the balance lay with the benefits of generating renewable energy rather than harm to the green belt.

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

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

Cllr Warren returned to the meeting at this point.

### **23/03586/FUL - The Smallholdings, Claude Avenue, Twerton, Bath**

The Planning Case Officer introduced the report which considered an application for the change of use of land and the erection of a storage building.

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

The following public representation was received:

1. John Branston, local resident, objecting to the application.
2. Morgan Jones, agent, supporting the application.

Cllr Jess David was in attendance as adjacent ward member and read a statement as summarised below:

1. The site sat along the boundary of the Southdown and Moorlands wards.
2. There was a history of ad hoc and unauthorised uses of the site including changes to the mud track which ran alongside Sandpits Park and the installation of a metal gate which resulted in an increase of vehicles using the track to access the site.
3. She was not objecting to the use of the site but had concerns around the vehicular access and the safety of the children using the park.
4. She requested an additional condition to ensure that the eastern access was not used and welcomed the plans for landscaping to create a natural barrier.

Cllr Dine Romero was in attendance as a ward member and read a statement as summarised below:

1. She was concerned about the impact on children's safety as the lane was used for children to get to the local primary school.
2. There had been an increase in drivers using the track to access units and she wanted a restriction on vehicles using the lane to avoid times when children were going to and from school.
3. The ground at the site was compacted and she was concerned about the impact on the waterway in Sandpits Park.
4. She would like to see a condition restricting noise levels.
5. She asked if the applicant could make a contribution to the school and church towards the upkeep of the lane.

In response to Members' questions, it was confirmed:

1. It was not possible to ask the applicants to make a contribution to the church and school for the upkeep of the lane.

2. It would not be reasonable to add a condition to restrict hours of vehicles accessing the site as other businesses on the site did not have this restriction and it could not be added retrospectively. There was an extant planning permission for a larger building on the site with no restrictions to hours of operation.
3. There was a condition for a landscaping scheme to prevent access from the eastern side, but it would also be possible to include an additional condition to block this access and remove the gate.
4. The ownership of the track was unknown. It was beyond the remit of the Planning Committee to instruct the Council to take ownership of the track in order to secure improvements.
5. There was no highway objection to the application as there was no material change from the existing use.
6. Vehicles associated with the proposed development would be low trucks used to transport scaffolding rather than heavy goods vehicles.
7. The predicted noise levels had been established by an acoustic report submitted with the application and considered by the Environmental Protection Team.
8. The site was classified as sui generis, and any other uses would require planning permission.

Cllr Crossley opened the debate as a ward member. He stated that there was a need for industrial land in the centre of Bath and the site had been used as an employment site for a long period of time but noted that there were mixed views from local residents about the use of the site. He expressed disappointment that it wasn't possible to secure improvements to the track as part of the planning permission.

Cllr Halsall suggested that the Committee consider delegating authority to officers to permit the application subject to an additional condition to secure the closure of the eastern access.

Cllr Simon acknowledged that the biodiversity net gain would result in a soft landscaping blockage of the eastern access to the site, but he would support an additional condition to secure the permanent closure of the access.

Cllr Warren moved that officers be delegated to permit the application subject to an additional condition to ensure that the existing eastern access was permanently closed. The was seconded by Cllr Halsall.

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

**RESOLVED** that officers be delegated to permit the application subject to the conditions set out in the report and an additional condition to ensure the eastern access to the site was permanently blocked.

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

The Committee considered the appeals report.

**RESOLVED** that the report be noted.

The meeting ended at 12.13 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT THE MEETING OF THE PLANNING COMMITTEE WEDNESDAY 24 SEPTEMBER 2025**

<b>MAIN PLANS LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>NAME</b>	<b>SUPPORTING/ OBJECTING/ PARISH OR WARD COUNCILLOR</b>
1.	24/02489/EFUL - Parcel 1643, Middle Piece Lane, Burnett, Keynsham, Bath And North East Somerset	Councillor Philippa Paget	Compton Dando Parish Council
		Richard Arthur/ Rosemary Turner	Objecting
		Nick Leaney, agent	Supporting
		Cllr Duncan Hounsell	Ward Councillor
2.	23/03586/FUL - The Smallholdings, Claude Avenue, Twerton, Bath, Bath And North East Somerset	John Branston, local resident	Objecting
		Morgan Jones, agent	Supporting
		Cllr Jess David	Adjacent Ward Councillor
		Cllr Dine Romero	Ward Councillor
3.	25/01744/FUL - 30 Shaws Way, Twerton, Bath, Bath and North East Somerset	Brian Maddocks	Objecting
		Cllr Sarah Moore	Ward Councillor

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**BATH AND NORTH EAST SOMERSET COUNCIL**  
**PLANNING COMMITTEE**  
**24th September 2025**  
**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	24/02489/EFUL	
<b>Site Location:</b>	Parcel 1643, Middle Piece Lane, Burnett, Keynsham	
<b>Ward:</b> Saltford	<b>Parish:</b> Compton Dando	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application with an EIA attached	
<b>Proposal:</b>	Installation, operation and decommissioning of renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.	
<b>Constraints:</b>	Colerne Airfield Buffer, Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Hazards & Pipelines, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE3 SNCI, Other Please specify, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Conrad Energy (Developments) II Limited	
<b>Expiry Date:</b>	29th September 2025	
<b>Case Officer:</b>	Danielle Milsom	

**DECISION REFUSE**

**1 Green Belt**

The proposed development represents inappropriate development in the Green Belt. Very special circumstances do not exist to clearly outweigh the harm caused by the inappropriate development, harm to openness and the other harms identified. The development is as such contrary to policy CP8 of the Bath and North East Somerset Core Strategy, GB1 of the Placemaking Plan, and part 13 of the NPPF.

**2 Landscape**

The proposed development is considered to result in significant harm to the landscape and its setting due to the scale and location of development. It would fail to conserve or enhance local landscape character, landscape features and local distinctiveness. The application is as such contrary to policy NE2 and NE2a of the Bath and North East Somerset Placemaking Plan.

**3 Policy CP3**

The proposed development will cause significant adverse landscape and visual impacts on the local environment that cannot be satisfactorily mitigated. The proposed

development is therefore considered to be contrary to policy CP3 of the Local Plan Partial Update.

## **PLANS LIST:**

This decision relates to the following plans:

Drawing 01 Nov 2024 1322/09 LANDSCAPE AND ECOLOGICAL ENHANCEMENT PLAN  
Drawing 15 Oct 2024 2303-010\_SK01-B PROPOSED SITE ACCESS  
Drawing 15 Oct 2024 2303-010\_SK03 PROPOSED SITE ACCESS CONSTRUCTION DETAIL  
Drawing 15 Oct 2024 2303-010\_SK03 GRID CONNECTION PLAN  
Drawing 15 Oct 2024 CRE020-CCP-05 CONSTRUCTION COMPOUND PLAN  
Drawing 01 Jul 2024 CEL-STD-SUB-WPD-206 SUBSTATION  
Drawing 01 Jul 2024 CRE020-PL-01-REV 08 SITE LAYOUT  
Drawing 01 Jul 2024 CRE020-SD-01 REV04 MVS3200 SUBSTATION TRANSFORMER  
  
Drawing 01 Jul 2024 CRE020-SD-02 REV 04 CUSTOMER SWITCHGEAR  
Drawing 01 Jul 2024 CRE020-SD-03 REV 04 INDICATIVE DEER FENCE  
Drawing 01 Jul 2024 CRE020-SD-04 REV 04 PALISADE FENCING  
Drawing 01 Jul 2024 CRE020-SD-05 REV 04 ACCESS TRACK CROSS SECTION  
Drawing 01 Jul 2024 CRE020-SD-06 REV 05 ENTRANCE GATE PLAN  
Drawing 01 Jul 2024 CRE020-SD-07 REV 04 STANDARD DRAWINGS - INDICATIVE CCTV POST  
Drawing 01 Jul 2024 CRE020-SD-08 REV 04 PV ARRAY CROSS SECTION  
Drawing 01 Jul 2024 CRE020-SD-09 REV 05 20FT BATTERY CONTAINER  
Drawing 01 Jul 2024 CRE020-SD-11 REV 02 20FT CONTAINER BATTERY INVERTER  
  
OS Extract 01 Jul 2024 CRE020-SP-01 REV 08 SITE LAYOUT

## **Community Infrastructure Levy**

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No:	02	
Application No:	23/03586/FUL	
Site Location:	The Smallholdings, Claude Avenue, Twerton, Bath	
Ward: Southdown	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Change of use of land and erection of storage building (Sui Generis use) for Bath Scaffolding Ltd (Retrospective).	
Constraints:	Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, NRN Wetland Strategic Network Policy NE5, SSSI - Impact Risk Zones,	
Applicant:	B.A.T.H Scaffolding	
Expiry Date:	26th September 2025	
Case Officer:	Christopher Masters	

## DECISION PERMIT

### 1 Standard Time Limit (Compliance)

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

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

### 2 Plans List (Compliance)

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

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

### 3 Local Plan Biodiversity Gain and Habitat Management Plans (Bespoke Trigger)

Within 6 months of this decision full details of a Biodiversity Gain Plan for on-site and offsite delivery and monitoring of Biodiversity Net Gain, and a Habitat Management Plan have been submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver a minimum of 1.3920 habitat units. The Plans shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation, and with current best practice guidelines and shall include the following:

1. An up-to-date BNG habitat map for on-site and off-site proposed habitats.
2. Habitat Management Plan, long-term management and protection measures for all retained and proposed habitats and species, including fencing and boundary details.
3. Long term aims and objectives for habitats (extents, quality) and species.

4. Detailed management prescriptions and operations for newly created habitats; locations, timing, frequency, durations; methods; specialist expertise (if required), specialist tools/machinery or equipment and personnel as required to meet the stated aims and objectives.
5. A detailed prescription and specification for the management of boundary habitats including hedgerows, woodland and scrub.
6. Details of any management requirements for species-specific habitat enhancements.
7. Annual work schedule for at least a 30 year period.
8. 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; disposing of grass cuttings / arisings in "compost" heaps on-site or in hedgerows (or other on-site waste disposal); routinely cutting ivy where there is no specific arboricultural justification; inappropriate maintenance methods; storage of materials; machine or vehicle access).
9. Detailed monitoring strategy for habitats and species and methods of measuring progress towards and achievement of stated objectives.
10. Details of proposed reporting to the Local Planning Authority and proposed review and remediation mechanism.
11. 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.
12. Details and evidence of registered off-site biodiversity gain units allocated to the development or, if units cannot be obtained, any biodiversity credits purchased for the development.

Reason: To protect and enhance ecological interests in accordance with policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE3A and NE5 of the Bath and North East Somerset Local Plan Partial Update.

#### **4 Construction Environmental Management Plan (Bespoke Trigger)**

No further development shall take place (including ground works or vegetation clearance) until a detailed construction management plan has been submitted to and approved by the Local Planning Authority. The plan shall:

1. Propose timescales and hours of construction phase including for arrival and departure of vehicles including deliveries noting the sensitive nature of the access to the site past a school.
2. Show exclusion zones and specification for fencing of exclusion zones to protect wildlife and ecology.
3. Specify procedures for maintaining good public relations including complaint management.
4. Propose mitigation methods to protect residents and wildlife from adverse impacts of construction including from noise, dust, vibration and site lighting.

The works shall thereafter be carried out in accordance with the approved plan.

Reason: In order to protect the amenity of local residents and avoid harm to wildlife before and during construction in accordance with policies D6 and NE3 of the Local Plan Partial Update.

### **5 Drainage Strategy (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a scheme for the sustainable disposal of surface water within the site has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall thereafter be implemented in accordance with the approved details prior to the first occupation of the building.

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.

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

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

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

### **7 Materials - Submission of Materials Schedule (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

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

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

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

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

### **8 Wildlife Mitigation and Enhancement (Pre-occupation)**

No occupation of the development hereby approved shall commence until:

(a) measures to provide nesting sites/features for birds have been installed on site in line with the recommendations in the submitted and approved ecology technical report (October 2024).

(b) a brief report produced by a suitably experienced professional ecologist confirming and demonstrating, including using photographs, completion of the measures in part (a) of this condition, has been submitted to and approved in writing by the Local Planning Authority.

All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat.

Reason: to avoid loss of nesting habitat for birds and bats and a net loss to biodiversity, in accordance with Policy NE3 of the Local Plan Partial Update.

### **9 Parking and Turning Areas (Compliance)**

The areas allocated for parking and turning, as indicated on submitted plan(s) reference LPC 5626 PR 01 A, shall be provided prior to first occupation of the building and thereafter kept clear of obstruction and not be used other than for the parking or turning 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, and to prevent the unconstrained storage within the site area, 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.

### **10 Noise (Compliance)**

No operations or activities audible at the site boundary, including arrival or despatching of deliveries shall occur outside the hours of 7:30 - 18:30. Within these times the rating level of noise emitted from plant, operations or activities at the use hereby approved shall not exceed background sound levels (LA90T) by more than 5dB(A). The rating level shall be determined by measurement or calculation at the boundary of the nearest noise sensitive premises. The background noise level shall be expressed as an LA90 1 hour and the ambient noise levels shall be expressed as an LAeq 1 hour during the daytime [07:00-23:00].

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

### **11 Access Route (Compliance)**

Vehicular access and egress from the site shall only be taken from Claude Avenue via the access to Smallholdings off Claude Avenue ('Old Track'). The existing access gate on the eastern boundary of the site shall be fixed shut so as to prevent vehicular access to the site for the lifetime of the development unless it is replaced with an alternative means of enclosure which prevents vehicular access to the site occurring from the east.

Reason: In the interest of ensuring vehicular access is both safe and suitable with particular regard to maintaining pedestrian safety in the vicinity of the site in accordance with policy ST7 of the Bath and North East Somerset Placemaking Plan.



## **PLANS LIST:**

This decision relates to the following plans:

Received 2nd September 2025

PR03 REV B NORTH EAST AND SOUTH EAST ELEVATIONS  
PR04 REV B NORTH WEST AND SOUTH WEST ELEVATIONS

Received 2nd May 2024

LPC 5626 PR 01 A SITE PLAN PROPOSED

Received 25th September 2023

LPC 5626 EX 02 EXISTING SITE PLAN  
LPC 5626 PR 02 PROPOSED PLAN  
LOCATION PLAN

### **Condition Categories**

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

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

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

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

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

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

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

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

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new

developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

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

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

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

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

### **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.

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

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

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

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

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

### **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.

<b>Item No:</b>	03	
<b>Application No:</b>	25/01744/FUL	
<b>Site Location:</b>	30 Shaws Way, Twerton, Bath, Bath And North East Somerset	
<b>Ward:</b> Twerton	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use from a 3 bedroom dwellinghouse (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4) and single-storey rear extension and alterations bicycle and bin storage.	
<b>Constraints:</b>	Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Coal - Standing Advice Area, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Ecological Networks Policy NE5, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Rivers Birtwell	
<b>Expiry Date:</b>	14th August 2025	
<b>Case Officer:</b>	Christine Moorfield	

## **DECISION REFUSE**

### **1 Residential Amenity**

The proposals to alter, extend and change the use of this 3 bedroomed semi detached framed house to an HMO for 6 people would result in overdevelopment of the property and would result in significant harm being caused to the amenity of neighbours through significant noise and disturbance. The application is contrary to policy D6 of the Bath and North East Somerset Council Placemaking Plan and part 12 of the NPPF.

### **PLANS LIST:**

3093-01 and 02A

### **Community Infrastructure Levy**

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework. The application was recommended for permission, but the officer recommendation was overturned by the planning committee for the reasons given in the above notice.