

# Planning Committee

**Date: Wednesday 21st January 2026**

**Time: 10.00 am**

**Venue: Council Chamber, Guildhall, Bath**

## Agenda

To: All Members of the Planning Committee

**Councillors:-** Tim Ball, Paul Crossley, Fiona Gourley, Ian Halsall, Hal MacFie, Toby Simon, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson and Tim Warren CBE

**Permanent Substitutes:-** Councillors: David Biddleston, Sarah Evans, Ruth Malloy and Ann Morgan

Chief Executive and other appropriate officers  
Press and Public

The agenda is set out overleaf.



NOTES:

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

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

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

**3. Recording at Meetings:-**

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

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

**4. Public Speaking at Meetings**

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

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

Further details of the scheme can be found at:

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

**5. Emergency Evacuation Procedure**

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

**6. Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

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

**Planning Committee- Wednesday 21st January 2026**

**at 10.00 am in the Council Chamber, Guildhall, Bath**

**A G E N D A**

**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 - 8)**

To confirm the minutes of the meeting held on Wednesday 17 December 2025 as a correct record for signing by the Chair.

**7. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 9 - 60)**

- 1. 25/03496/FUL - 22 Tynings Road, Saltford, Bath and North East Somerset
- 2. 25/02637/FUL - Barn, Bailbrook Lane, Lower Swainswick, Bath, Bath and North

East Somerset

3. 25/04547/TCA - 4 Meadow View, Radstock, Bath and North East Somerset
4. 25/04609/TCA - Audley House, Park Gardens, Lower Weston, Bath, Bath and North East Somerset

8. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 61 - 64)

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.

**PLANNING COMMITTEE**

**Minutes of the Meeting held**

Wednesday 17th December 2025, 10.00 am

**Councillors:** Tim Ball (Chair), Ian Halsall, Hal MacFie, Toby Simon, Shaun Hughes, Dr Eleanor Jackson, George Leach, John Leach and Tim Warren CBE

**72 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

**73 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Cllr George Leach was in attendance as a substitute for Cllr Paul Crossley who had submitted his apologies.

Cllr Fiona Gourley submitted her apologies as she wished to speak as ward councillor in relation to application 22/01370/FUL - Parcel 4234, Combe Hay Lane, Combe Hay.

**74 DECLARATIONS OF INTEREST**

Cllr Eleanor Jackson stated that she was a tenant of an allotment in Radstock but that she did not consider that this was an interest that would prevent her participating in the debate and voting on the application.

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

There was no urgent business.

**76 ITEMS FROM THE PUBLIC**

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

**77 MINUTES OF THE PREVIOUS MEETING**

Cllr Jackson moved that the minutes be confirmed as a correct record subject to the following amendments:

1. Inclusion of the postcode in relation to application 25/01546/FUL – 1 Wells Road Westfield, **BA3 3RN**
2. In relation to bullet point 2 on responses to members questions on the same application, the inclusion of the word “very” to read “There were no free parking spaces **very** close to the site.”

This was seconded by Cllr Halsall and on voting for the motion it was:

**RESOLVED** that the minutes of the meetings of 19 November 2025 be confirmed as a correct record for signing by the Chair.

78 **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. 22/01370/FUL - Parcel 4234, Combe Hay Lane, Combe Hay**

The Planning Case Officer introduced the report which considered an application for the creation of new allotments including associated facilities and landscaping and access serving the allotments.

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

The following public representations were received:

1. Malcolm Austwick, Combe Hay Parish Council and Dr Ned Garnett, South Stoke Parish Council objecting to the application.
2. Robert Hellard, on behalf of South of Bath Alliance, objecting to the application.
3. Mark Sommerville, agent, supporting the application.

Cllr Fiona Gourley was in attendance as ward councillor and read a statement summarised as below:

1. She shared the frustrations of Parish Councils and local residents.
2. The allotments should not be in the proposed location, and this was due to an inefficient use of the phase 1 development site.
3. Other options were not pursued.
4. There was a shortage of allotment provision and demand from local residents, but Derryman's field was not an appropriate location.
5. There were concerns about who would take responsibility for the allotments.
6. There were many well-founded objections to the application, but on balance, she reluctantly agreed that the application should be permitted due to the need and demand for allotments.
7. Permission should be subject to strict conditions on the provision of water, a strong deer fence, a single good community shed and clarification on who will be responsible for the upkeep of the allotments.

In response to Members' questions, it was confirmed:

1. There would be a total of 9 allotments, and these would be a mixture of full size,

half size and quarter size.

2. The current Section 106 Agreement required the allotments to be managed by either a management company, the Council or a body nominated by the Council. This could be resolved at a later date.
3. If there was no demand for the allotments from residents of phase 1, they could be offered to the wider community.
4. The management plan would deal with issues such as the allotments becoming overgrown.
5. The original proposal for a kissing gate would be replaced by a swing gate to facilitate the use of wheelbarrows to carry compost etc.
6. The Section 106 agreement dealt with the management of the allotments as there may be a requirement for the transfer of land which was better dealt with by a legal agreement rather than condition. The condition to require an allotment management plan to be submitted would not be discharged until it was known who would be responsible for managing the land.
7. The use of the land would also be secured by the Section 106 Agreement, if the land was sold, the obligations would stand and there would be controls over who managed the allotments.
8. In relation to the Green Belt location, it was the view of officers that the facilities proposed would preserve the openness of the Green Belt and that the nature and appearance of the proposed allotments would not conflict with the purposes of the Green Belt.
9. A water supply would be secured as part of the Section 106 Agreement.
10. The Council's Greener Places Team was satisfied with the proposal for one community shed and also that there were sufficient growing conditions which would not be adversely affected by the adjoining woodland.
11. Only one community shed had been proposed rather than a number of individual sheds to protect the openness of the green belt. The size of the proposed community shed was 14ft by 7ft.

Cllr Halsall opened the debate and acknowledged the concerns around the proposed location of the allotments but considered that, on balance, the benefits of providing allotments outweighed concerns about the location and he moved the officers recommendation to permit the application. This was seconded by Cllr Simon.

Cllr Hughes expressed concern around the siting in the Green Belt, Cotswold National Landscape and Site of Nature Conservation Interest (SNCI) and the impact on ecology. He also raised concerns about the timing before the submission of revised submission for phases 3 and 4. Cllr Jackson agreed with these concerns and also questioned if the application would work without additional facilities and whether there would be interest from local residents.

Cllr Warren raised concerns that the allotments had not been sited within the phase 1 development and questioned whether the application was fit for purpose.

On voting for the motion to permit the application, it was NOT CARRIED (3 in favour and 6 against).

Cllr Hughes moved that the application be refused for the following reasons:

3. the proposed allotments and associated infrastructure would fail to preserve

the openness of the Green Belt and represent inappropriate development.

4. the proposed development would fail to conserve or enhance the natural beauty of the Cotswolds National Landscape.
5. The proposed development would adversely affect the Site of Nature Conservation Interest (SNCI) and would result in a loss of habitat.

This was seconded by Cllr Warren.

On voting for the motion, it was CARRIED (6 in favour and 3 against).

**RESOLVED** that the application be refused for the following reasons:

1. the proposed allotments and associated infrastructure would fail to preserve the openness of the Green Belt and represent inappropriate development.
2. the proposed development would fail to conserve or enhance the natural beauty of the Cotswolds National Landscape.
3. The proposed development would adversely affect the Site of Nature Conservation Interest (SNCI) and would result in a loss of habitat.

**79 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 10.57 am

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

|   |   |
|---|---|
| <b>Bath &amp; North East Somerset Council</b> |   |
| MEETING:                                      | <b>Planning Committee</b>                           |
| MEETING DATE:                                 | <b>21st January 2026</b>                            |
| RESPONSIBLE OFFICER:                          | Louise Morris - Head of Planning & Building Control |
| AGENDA ITEM NUMBER                            | <input type="text"/>                                |
| TITLE:  | <b>APPLICATIONS FOR PLANNING PERMISSION</b>         |
| WARDS:  | <b>ALL</b>  |
| BACKGROUND PAPERS:                            |   |
| <b>AN OPEN PUBLIC ITEM</b>                    |   |

**BACKGROUND PAPERS**

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

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

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

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

[2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.

[3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.

[4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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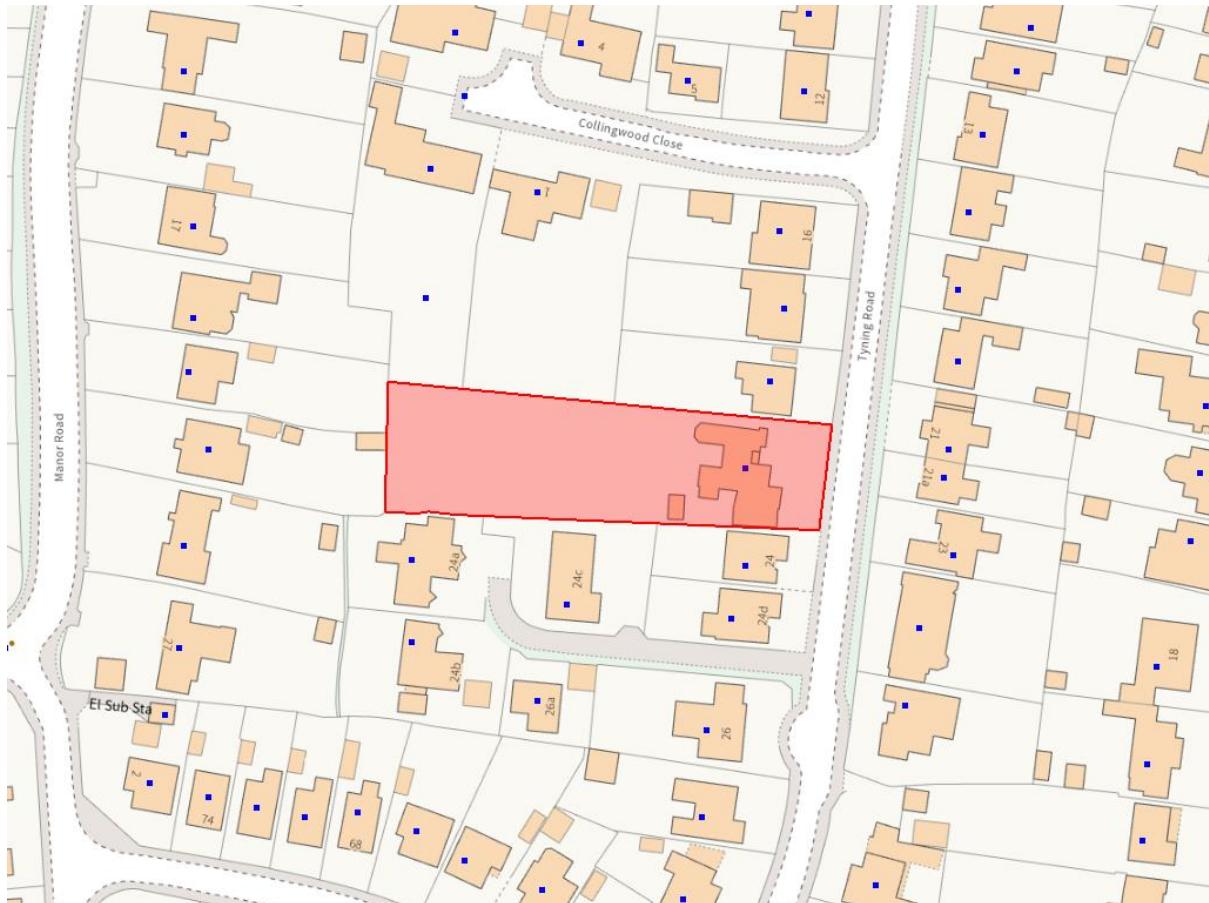
| ITEM NO. | APPLICATION NO. & TARGET DATE:  | APPLICANTS NAME/SITE ADDRESS and PROPOSAL   | WARD:          | OFFICER:     | REC:               |
|----------|---------------------------------|---|----------------|--------------|--------------------|
| 01       | 25/03496/FUL<br>23 January 2026 | Mrs Sandy Vear<br>22 Tynning Road, Saltford, Bath And North East Somerset, BS31 3HL,<br>Demolition of existing bungalow and construction of 5No. new bungalows including new access road off Tynning Road.  | Saltford       | Isabel Daone | Delegate to PERMIT |
| 02       | 25/02637/FUL<br>23 January 2026 | Mr Rob Fox<br>Barn, Bailbrook Lane, Lower Swainswick, Bath, Bath And North East Somerset<br>Change of use and conversion of a barn into a single dwellinghouse (C3 Use Class).  | Bathavon North | Ben Burke    | PERMIT             |
| 03       | 25/04547/TCA<br>5 January 2026  | Cllr Eleanor Jackson<br>4 Meadow View, Radstock, Bath And North East Somerset, BA3 3QT,<br>Front garden:<br>Red Cedar - reduce height by up to 2m.<br>Regenerating stump by front door - remove.<br>Mixed hedge ( a line of conifers and shrubs) - trim by about a metre.   | Radstock       | Mark Cassidy | NO OBJECTION       |
| 04       | 25/04609/TCA<br>12 January 2026 | Hodge<br>Audley House , Park Gardens, Lower Weston, Bath, Bath And North East Somerset<br>G1- 4 no Western Red Cedar, crown reduce by approximately 6-7m in height to allow more light to Beech and Atlas Cedar<br>G2-2 no Leylandii trees, crown reduce by approximately 3m in height and 1-1.5m on sides<br>G3-3 no Lawson Cypress, section fell as close to ground level as possible, to allow more light to Yew hedge | Weston         | Mark Cassidy | NO OBJECTION       |

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

**Item No:** 01

**Application No:** 25/03496/FUL

**Site Location:** 22 Tynning Road Saltford Bath And North East Somerset BS31 3HL



**Ward:** Saltford

**Parish:** Saltford

**LB Grade:** N/A

**Ward Members:**

Councillor Duncan Hounsell

Councillor Chris Warren

**Application Type:** Full Application

**Proposal:**

Demolition of existing bungalow and construction of 5No. new bungalows including new access road off Tynning Road.

**Constraints:**

Colerne Airfield Buffer, Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Housing Development Boundary, MOD Safeguarded Areas, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones,

**Applicant:**

Mrs Sandy Year

**Expiry Date:**

23rd January 2026

**Case Officer:**

Isabel Daone

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

## **REPORT**

22 Tynning Road is an existing bungalow within the housing development boundary of Salford. It is located on a residential street which features a range of architectural styles and dwelling sizes. It has a large rear garden.

Permission is sought to demolish the existing bungalow and construct 5no. bungalows on the site, alongside an access road, landscaping and associated works.

### **REASON FOR COMMITTEE:**

In accordance with the Council's Scheme of Delegation, the application has been referred to the Chair and Vice Chair of the Planning Committee. The Chair has decided that the application should be determined by the Planning Committee.

### **Relevant Planning History:**

99/02403/FUL

PERMIT - 9 June 1999

Pitched roof over flat roofed extensions; erect infill link between house and garage.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **CONSULTATION RESPONSES:**

#### **Arboriculture:**

2nd October 2025 - Object

25th November 2025 - Scope for revision

5th January 2026 - No objection subject to condition

#### **Councillor Duncan Hounsell:**

3rd October 2025 -

I wish this application to be determined at the planning committee (development management committee) should the case officer recommend permission be granted. The committee may wish to consider whether the proposal constitutes over-development on this plot and whether there is any loss of amenity to neighbours.

#### **Drainage and Flooding:**

3rd October 2025 - Scope for revision

13th November 2025 - No objection subject to conditions

#### **Ecology:**

22nd December - No objection subject to conditions

Education:

22nd September - No objection subject to SEND contribution

Highways:

26th September 2025 - No objection subject to conditions

Salford Parish Council:

8th October 2025 - Object

- Number of dwellings is too high for the size of the plot
- Overdevelopment of the site at odds with the pattern of development
- Under provision of parking spaces
- Private road is too narrow for visitor parking
- Accepts the intention for older residents
- Accept development being inside the housing development boundary in principle
- Seek a reduction in the number of dwellings
- If granted request conditions for EV charging, 10% BNG within the site and the protection of hedgerows and trees

#### THIRD PARTY REPRESENTATIONS:

1 support comment and 18 objection comments have been received and are summarised as follows:

Support:

- Need for housing
- Increase in density within existing built up area rather than greenfield sites
- Sustainable location
- Increased village population will help local businesses
- Downside that there is not an additional storey

Objection:

- Increase in traffic
- Increase in on street parking
- Insufficient levels of parking
- Overdevelopment
- Loss of privacy
- Access will lead to highway safety issues
- Impact to local character
- Removal of hedgerow and trees is harmful to biodiversity and landscape character
- Density not in keeping with the surroundings
- Noise impacts
- Air source heat pump locations not shown
- BNG loss should be mitigated as far as possible on site
- Harm to wildlife
- Overshadowing impacts
- Detrimental to village of Salford
- 4-bedroom bungalow not in keeping with the area

- Consultation cards not received by residents
- Construction disruption
- Tynings Road used as an overflow from the Pub and Airport parking

## **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

LCR9: Increasing the provision of local food growing

RA1: Development in the villages meeting the listed 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  
H7: Housing accessibility  
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  
ST1: Promoting Sustainable Travel  
ST7: Transport requirements for managing development

#### **SUPPLEMENTARY PLANNING DOCUMENTS:**

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

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

Planning Obligations Supplementary Planning Document (January 2023)

#### **NATIONAL POLICY:**

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

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

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

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

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

#### **OFFICER ASSESSMENT**

The overarching strategy for B&NES is to promote sustainable development by focussing new housing, jobs and community facilities in Bath, Keynsham and the Somer Valley, in

accordance with policy DW1. Development outside of this in rural areas should be located at settlements with a good range of local facilities and access to public transport.

Policy RA1 sets out that for villages located outside the Green Belt or excluded from it, residential development of a scale, character and appearance appropriate to the village and its setting will be acceptable within the housing development boundary provided the proposal is in accordance with the spatial strategy for the district set out under policy DW1 and the village has a primary school, at least 2no. key facilities and a daily bus service to main centres. Saltford is an RA1 village.

The Council cannot currently demonstrate a 5-year housing land supply. Therefore, the most important policies for determining this application (DW1 and RA1 set out above) are to be considered out of date. As such, paragraph 11(d) of the NPPF is applicable which sets out:

"d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

The application site is located within the housing development boundary of Saltford and is therefore acceptable in the context of DW1 and RA1 in respect of the principle of development. Paragraph 11(d) is considered further within the conclusion of this report. In principle, the development is acceptable.

#### DESIGN, CHARACTER AND APPEARANCE:

Policy D7 of the Placemaking Plan 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
- d. it is not harmful to residential amenity as outlined in policy D6.

Policies D1, D2, D3, D4 and D5 relate to other design principles and are also relevant to this application. A number of third-party comments, as well as the comments of the Parish raise concern with regard to the number of dwellings proposed, citing overdevelopment of the site, as well as the fact a 4-bedroom bungalow is not in keeping with the area.

On the eastern side of Tynings Road, there is a fairly consistent rhythm of development, with a strong building line and relatively similar sized plots. The western side, where the

application site is located, has a different character. There are breaks in the building line which lead to backland development sites; Collingwood Close and an extension of Tynning Road which is located behind nos. 24-26 Tynning Road. The properties 26a, 24b, 24a and 24c have smaller gardens than other surrounding dwellings, which are generally located within large plots. It is therefore considered that, in principle, backland development in this location would not be contrary to the surrounding character.

The number of dwellings proposed on the site, and the layout provided, does result in units which have fairly small garden areas. Whilst a reduction in the number of units would inevitably lead to dwellings with larger plots, it is not considered that the smaller plot sizes result in harm to the existing character in this location, particularly given the similarities to the dwellings along the Tynning Road cul-de-sac to the south. Some amendments to the scheme have been proposed which include pulling nos. 22C and 22B away from the boundaries and providing additional landscaping to the front garden of no.22. Whilst these changes are small, they do help to contain the dwellings further within the site and provide additional space for soft boundary treatments. This is important given that there will be an increase in hard landscaping when compared to the existing site. Each unit has a garden area, parking area and there is an access road with pavement. The layout is not considered to be contrived or result in an overdevelopment of the plot and respects the pattern and grain of development.

The proposed dwellings will be bungalows which are supported given the character of the surrounding properties and the style of the frontage buildings. The scale and massing as shown the submitted plans generally reflect the surrounding built form and the scheme is considered to be capable of complying with criterion b) of policy D7. The submitted elevation drawings show that the bungalows will have a typical gable style, incorporating rendered walls and tiled roofs. This is considered acceptable in this context. It has been raised that a 4-bedroom bungalow is out of character for the area. There are a number of large properties along Tynning Road, which feature a range of architectural styles. Officers therefore do not consider it out of character and there is not considered to be an impact on the frontage development in terms of design in compliance with D7(c).

The proposed development is considered to comply with policies D1, D2, D3, D4 and D5 of the Local Plan.

#### 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.

Concern has been raised by third parties in respect of potential impacts to residential amenities in terms of noise and disturbance, overbearing and overshadowing and loss of privacy.

#### *Noise and disturbance*

The proposed development will result in additional dwellings in this location. Concern has been raised that due to the proximity to the proposed garden areas to the existing gardens, noise and disturbance will occur.

Whilst the proposals will introduce additional residents in this location, the noise levels produced will be consistent with those of residential gardens, with in a residential area such as this would not usually be considered unacceptable. It is therefore not considered that significant levels of noise and disturbance would be produced that would cause harm to the neighbouring occupants.

#### *Overlooking and loss of privacy*

Nos. 22C and 22D, situated at the western end of the site, have the potential to overlook the garden areas of 2 Collingwood Close and 24A Tynning Road respectively. However, the bungalows have been thoughtfully designed with no windows proposed on the elevations facing these neighbouring plots. Whilst each dwelling includes a pedestrian access door on these elevations, the single-storey height and the transient nature of such doors render this arrangement unobtrusive, and it is considered acceptable.

The rear aspect of no. 22B will face the side elevation of 24C Tynning Road. Notably, there are no visible side windows on no. 24C, and the proposed windows for 22B will be effectively screened by the existing boundary treatments, which are to be retained. This approach is considered sufficient to mitigate any significant potential for overlooking.

There is some potential for overlooking the new dwellings from no. 24 Tynning Road, and the new bungalow no.22. The orientation of 22B and 22A and their L-shape building form will shield the gardens from direct line of site and ensure privacy for these future occupants.

To ensure that privacy is maintained for future residents in the area, conditions will be added to remove permitted development rights for extensions, roof extensions and new windows on certain elevations.

Overall, given the residential location where some overlooking is to be expected, it is not considered that the proposal will give rise to significant harm in this respect.

#### *Overshadowing and overbearing*

As a result of the close proximity of the dwellings on the southern edge of the site to those on Tynning Road, there is some potential for overshadowing and overbearing impacts.

The dwellings are single storey which limits the likelihood of them appearing overbearing. Whilst they are situated close to the boundary with the neighbouring dwellings, the limit in storey height will mitigate the potential impacts to an acceptable level.

The dwellings are single storey and given their siting to the north of the dwellings on Tynning Road, overshadowing impacts as the sun travels east to west are not likely to be significant. The dwellings are single storey, and it is not considered that they will be overly overbearing to these occupants.

### *Future occupiers*

The Design and Access Statement sets out that the proposed bungalows will comply with national space standards. These are not adopted standards in B&NES but having reviewed the submitted plans officers are satisfied that future occupiers will be provided with a good level of internal space and access to natural light and ventilation. Further, each property will have access to outdoor space.

### *Residential amenity conclusion*

The concerns of third parties and the Parish Council have been considered as part of the application process. It is acknowledged that the proposals will represent a change for the surrounding residents and introduce built form close to a number of boundaries. However, as set out above, the potential impacts are not considered to be significant and a refusal reason on this basis would not be justifiable. The accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

## HIGHWAYS SAFETY AND PARKING:

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

### **Access**

The access to the site will be relocated north of the existing arrangement, in order to provide simultaneous access and egress into the development. The existing cross-over access is shown to be reinstated to provide a continuous footway along the highway. An internal footway is also provided which connects the dwellings to the main highway for pedestrians. A number of third parties have raised concern with regard to highway safety. Although no visibility splays are shown, suitable visibility for oncoming vehicles and pedestrians are both able to be provided, given the slight relocation of the access along this relatively straight section of the highway. There is no objection from the highway authority.

### *Waste storage and collection*

The submitted Waste Management Plan sets out that the new cul-de-sac will be a private road. A bin collection point is proposed within the development, located adjacent to plot number 22, which is over the carry distance for waste operatives of 12m. The Council's Waste Planning team have provided comments on the scheme with concerns over the waste collection area, as this location would not allow the development to benefit from the existing collection services provided by the Council. Given the internal road is stated to remain private and not offered for adoption by the Council, a private waste collection service would need to be incorporated. This is a possibility and does not represent a planning reason for objection.

### *Parking*

The Council's Transport and Development Supplementary Planning Document (SPD) sets out maximum parking standards for development. The proposals are for 4no. 2-bedroom bungalows and 1no. 4-bedroom bungalows. The parking standards in this location for such types of homes are as follows:

2-bedroom - 1.25 spaces  
4-bedroom - 1.5 spaces

The total requirement for the development is therefore 6.5 spaces. 6no. parking spaces are shown on the plans, though realistically, the 4-bedroom bungalow parking area could likely accommodate 2no. spaces as opposed to the 1no. shown. Whilst the SPD sets out that the number of spaces required should be rounded down to the nearest whole number, it is not considered that this would cause a safety issue, and there is some flexibility in the standards so as to prevent overspill parking into adjacent streets.

A number of third parties have raised concern with regard to the low levels of parking and the potential for additional parking to occur on Tynning Road and the nearby roads. It is stated that these streets are used by commuters and by those utilising the Airport Flyer bus. There is concern that the additional dwellings would cause excessive parking in nearby streets. Whilst the proposals will create additional vehicles, sufficient parking is being provided in accordance with policy. The site is in a highly sustainable location. Whilst on-street parking does occur, there are no restrictions presenting this and officers have visited the site and area on a number of occasions and have not found the on-street parking at these times to be excessive or causing a highway safety issue. The additional dwelling numbers are relatively low. This is not considered to create a highway issue which would warrant the refusal of the application.

### *Cycle storage*

Suitable cycle storage is shown on the plans within the curtilage of each dwelling and can be secured by way of planning condition.

### *Highway conclusion*

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

## **DRAINAGE AND FLOODING:**

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

At the request of the Lead Local Flood Authority, additional information was provided with regard to surface water drainage and the suitability of the site for the use of soakaways. A revised surface water drainage plan has been submitted which is acceptable and this shows permeable surfaces. This can be secured by condition.

As such, the proposed development is considered to comply with policy CP5 of the Core strategy in regard to flooding and drainage matters, as well as part 14 of the NPPF.

#### TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland conservation. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland, and ancient or veteran trees will not be permitted.

A number of trees were removed from the site prior to the submission of the current application, and the removal of a further 5 trees is proposed as part of this application. Whilst there is no objection to the removal of the trees from the site, the removal of trees prior to the submission of an application is considered to be pre-emptive and these trees, as well as those proposed to be removed, will need to be replaced in accordance with the fixed tree replacement system set out in the Planning Obligations Supplementary Planning Document (SPD). The Council's Arboricultural Officer has calculated that 20no. replacement trees are required to compensate for the loss onsite.

The amount of development and layout proposed means that there is insufficient space outside of residential gardens to accommodate 20no. trees. The applicant has reviewed the proposals and has increased the number of onsite trees from 7 to 8, which is an improvement and is supported. A reduction in the number of dwellings on site would, of course, provide an increased opportunity for replacement tree planting onsite. The NPPF emphasises that planning decisions should make efficient use of land and goes as far to state at paragraph 130 c) that Local Planning Authorities should refuse applications which they consider fail to make efficient use of land. In this case, officers consider that the proposals make efficient use of the available land, within a sustainable location which is in a settlement that has good public transport links and local services. The scheme is considered to be compliant with other planning policies within the development plan. Therefore, a reduction in the number of dwellings has not been sought.

The SPD details that the rationale behind the fixed tree replacement system is to encourage developers to provide suitable numbers of replacement trees onsite but accepts that this is not always a possibility and ensures that green infrastructure can still be maintained or enhanced in other locations. The applicant/developer is therefore required to provide a financial contribution for 12no. trees. The level of contribution per tree in this case is £839.20, and thus the level of contribution required is £10, 070.40. The applicant has agreed to this contribution, and this will be secured via a Section 106 agreement.

With regard to retained trees and hedgerow, concern was raised by the Council's Arboriculturist in respect of the proximity of some of the dwellings to offsite trees and boundary hedgerow. In response, the plans have been amended so as to increase the distance between offsite trees and some of the boundary hedgerows. This will allow for tree protection measures and hand/no dig zones to be employed during construction which can be secured by way of pre-commencement condition. It also reduces pressure on this green infrastructure once the units are occupied.

On balance, it is considered that the amendments of the scheme show that the development has sought to avoid adverse impact to trees and where they have been removed or are required to be removed, suitable replacement tree planting is being secured. Overall, the proposal is considered to comply with policy NE6 of the Local Plan Partial Update.

#### ECOLOGY:

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

The following ecological reports (Keyne Ecology) have been submitted, alongside a statutory BNG metric calculation:

- Preliminary Ecological Appraisal (PEA) (14th July 2025)
- Ecological Impact Assessment (EclA) (3rd August 2025)
- Bat Survey Addendum to the EclA (16th September 2025)
- Reptile Survey Addendum to the EclA (13th August 2025)

The ecological and protected species survey and assessment work is comprehensive and thorough, and the Council's Ecologist accepts and supports the findings.

#### *Biodiversity net gain*

The application is required to provide a 10% net gain in biodiversity in accordance with mandatory legislation provided by the Environment Act 2021. The submitted information demonstrates that the site is not capable of meeting these requirements onsite and therefore, offsite units will need to be purchased.

Several third parties have expressed concerns regarding the removal of trees and vegetation from the site; however, this has been factored into the baseline assessment. It has also been suggested that reducing the quantum of development could allow for a greater proportion of the Biodiversity Net Gain (BNG) to be delivered onsite, reducing the need for offsite units. While this observation is acknowledged, it is important to balance the desire to maximise onsite BNG with the necessity of making efficient use of land, especially within established settlements. Current legislation permits the use of offsite units where onsite delivery is not feasible. Officers are satisfied that the mitigation hierarchy has been properly applied, with hedgerows and vegetation being retained

wherever possible. Overall, the approach to BNG is considered acceptable, and the Council's Ecologist has raised no objections.

The mandatory BNG condition can secure full details of onsite provision and proof of purchase with required to offsite units. A Habitat Management Plan for onsite BNG will also be secured by way of this condition.

#### *Protected species - bats*

The building proposed for demolition supports confirmed bat roosts, assessed as day roosts, for low numbers of common pipistrelle and soprano pipistrelle bats.

Outline recommendations are provided for the bat mitigation strategy, and these are accepted. Full details can be secured by condition. In accordance with the recommendations of the report, bat mitigation and compensation measures will need to comprise:

- Precautionary working methods and ecological supervision during site preparation and demolition works, and to oversee implementation of mitigation and EPS licensing requirements;
- incorporation of replacement and additional bat roost features into the scheme, primarily focusing on measures to be incorporated back into the new roadside frontage dwelling (to be located as closely as possible to the existing location); additional measures should also be provided within each of the other new dwellings; and
- provision / retention of habitat (as far as possible within the constraints of the site) and sensitive lighting.

Multiple bat roost features will be required, potentially exceeding the minimum provision required for licensing purposes. Bat roost features should be installed as integral features if possible and where features are to replace the roosts being, replacement features must be provided in sufficient numbers to replicate or replace crevice bat roost availability to an equivalent or greater level than the existing in accordance with policy NE3. The drawings currently shown the provision of an externally fitted bat box onto "bungalow A" residence. This is welcome but will not be sufficient alone; a condition can secure additional measures.

#### *The Three Derogation Tests*

The demolition of the building with bat roosts will require a European Protected Species (EPS) licence. Prior to issuing any consent, the Local Planning Authority must consider the "three tests" of the Habitats Regulations and be satisfied that they can be met. This assessment is carried out below.

Test 1: There are no feasible alternative solutions that would be less damaging or avoid damage to the site.

The existing bungalow is required to be demolished to allow for the provision of an access to the rear part of the land where the additional new dwellings are proposed. In order for a dwelling to be re-provided in this location, this necessitates the building to be relocated to the south. The retention of part of the dwelling is not considered feasible given the current layout of the site. As such, Test 1 is passed,

Test 2: The proposal needs to be carried out for imperative reasons of overriding public interest.

The application will provide additional dwellings, which is of social and economic public benefit, particularly in a context where the Council has no 5-year housing land supply. The dwellings proposed will be in a sustainable location, within the village. Test 2 is considered to be passed.

Test 3: The necessary compensatory measures can be secured.

Based on the proposed approach to mitigation, and the fact that the scheme is able to accommodate the necessary measures and features (which can be secured by condition), the Council's Ecologist is satisfied that this test can be met.

The three derogation tests are met.

#### *Other ecology*

Reptile surveys have been completed, with none found. Boundary treatment such as fencing should incorporate wildlife access points and holes sufficient to allow continued access and routes through the site in all directions for hedgehogs, badger and other small mammals. These should be incorporated into the detailed landscape scheme with positions, numbers and dimensions /specifications shown on the plans. These can be secured by condition.

The presence of glow-worm on the site is noted. This is a notable species and therefore mitigation should include provision of suitable habitats and conditions for this species to provide a chance of retaining breeding populations at and near to the site. Full details can be secured by condition.

#### *Ecology conclusion*

Subject to conditions, there is no ecological objection, and the scheme complies with policies NE3, NE3a and NE5.

#### **HOUSING ACCESSIBILITY:**

Policy H7 sets out that 48% of dwellings must meet the M4(2) accessible and adaptable dwellings standard. Therefore, 3 of the 5 proposed dwellings must meet enhanced accessibility standards.

The submitted Housing Accessibility checklist sets out that all of the dwellings will meet M4(2) standards which is acceptable. This can be secured by Condition. The scheme is considered to comply with policy H7 of the Local Plan Partial Update.

#### **SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:**

Policy SCR6 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Residential Development. The policy requires new residential development to achieve zero operational emissions by reducing heat and power demand, then supplying

all energy demand through on-site renewables. A sustainable construction checklist (SCC) is submitted with an application, evidencing that the prescribed standards have been met. This can be secured by condition. Concern has been raised with regard to the location of the Air Source Heat Pumps; as above, a condition can be added to ensure these comply with noise regulations.

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). These matters can be secured by a relevant planning 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.). The rear gardens provide opportunity for food growing.

#### EDUCATION:

The Council's Education Team has requested a financial contribution toward Special Educational Needs Provision of which there is an acute shortfall within the district. Officers do not currently seek contributions for such provision for minor developments and generally require this for major development (10 dwellings and above). It is therefore not required in this case.

#### PUBLIC SECTOR EQUALITY DUTY:

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

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

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

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

#### CONCLUSION:

"Section 70(2) of the Town and Country Planning Act (1990) makes clear that a Local Planning Authority must have regard to "the provisions of the development plan, so far as material to the application" and "any other material considerations". Further, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any

determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".

For the reasons set out above, the proposal is considered to comply with the provisions of the development plan and there are no material considerations which indicate that planning permission should be refused. Whilst a reduction in the number of dwellings would result in more opportunity for tree planting and biodiversity net gain provision onsite, this must be balanced against the requirement to make efficient use of land and the acute need for housing in the district. It has been concluded that the scheme complies with all relevant arboricultural and ecological policies.

As set out in the principle of development section of this report, Paragraph 11(d) of the NPPF is engaged. It is not considered that there are any adverse impacts of the development which would significantly and demonstrably outweigh the benefits of permitting this proposal and providing 4no. additional dwellings to the B&NES housing supply. In accordance with 11(d), the application should be granted permission without delay.

## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

0 A.) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to cover the following:

1. A financial contribution for replacement tree planting for 12no. replacement trees
2. Monitoring fees contribution £468 per obligation

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

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

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

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

### **2 Biodiversity Net Gain Plan (Pre-commencement)**

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

In all cases:

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

Where on-site habitat is proposed/retained:

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

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

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

### **3 Bat and Ecological Mitigation and Enhancement Scheme (Pre-commencement)**

Prior to the commencement of development including site preparation, vegetation clearance, or demolition works to the building on site, a bat and ecological mitigation and enhancement scheme, to include a bat mitigation method statement, shall be submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with (but not limited to) the recommendations of the approved Ecological Assessment and Ecological Impact Assessment reports by Keyne Ecology, and with the measures described in Section 5 of the approved "Bat Survey Addendum to the EclA" v1 dated 16th Sept 2025 by Keyne Ecology and shall include:

1. findings of update or further bat and ecological survey and assessment (as applicable)
2. proposed ecological Construction Environmental Method Statement (CEMP: Ecology), including details of precautionary working methods, timing of works, and details of proposed provision of toolbox talks and ecological supervision;
3. Full details and method statement for a bat mitigation and compensation scheme, with specifications and details for replacement and additional features for bats, to include integral features (built into the fabric of the building) and externally fitted features;
4. Species-specific wildlife protection method statements and details of proposed mitigation, enhancement and habitat provision for other wildlife including birds, reptiles, invertebrates (including glow-worm) and hedgehog (as applicable), to include wildlife access points within boundaries and fencing, and provision of wildlife homes and habitats.

All proposed wildlife and bat mitigation and enhancement features and habitats shall be fully incorporated into all relevant plans and drawings and detailed landscape design, and accurately shown on a scale plan, to include details of proposed numbers, heights and positions; proposed dimensions, designs, models, materials and fixings (as applicable); and proposed habitats and their boundaries, planting specifications, methodologies for installation and maintenance.

The development shall thereafter be implemented only in accordance with approved bat and ecological mitigation and enhancement scheme. All measures shall thereafter be retained and maintained for the purposes of wildlife and bat conservation.

Reason: to safeguard bats and their roosts and other wildlife and to provide additional benefit to wildlife in accordance with policies NE3 and D5e of the Bath and North East Somerset Local Plan Partial Update. The above condition is pre-commencement as it involves the approval of measures to ensure the protection of bats, their roosts and other wildlife that would otherwise be harm during site preparation and construction.

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

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall include details of the following:

1. A programme of works to include details of supervision and monitoring by an Arboricultural Consultant and the provision of site visit records and certificates of completion to the local planning authority;

2. Measures to control potentially harmful operations such as site preparation (including demolition, clearance, earthworks and level changes), the storage, handling, mixing or burning of materials on the site and the movement of people and machinery throughout the site;
3. The location of any site office, temporary services and welfare facilities;
4. The location of any service runs or soakaway locations;
5. A scaled Tree Protection Plan showing the location of all retained trees and tree protection measures.

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

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

### **5 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. Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)

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

1. Planting plans showing the locations of 8no. replacement trees
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.

### **6 Implementation of Landscaping Scheme (Bespoke Trigger)**

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

with the Local Planning Authority. The replacement tree planting shall be carried out to a reasonable standard and maintained in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice to promote successful establishment e.g. BS: 8545:2014 Trees: from nursery to independence in the landscape

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

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

### **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 Surface Water Drainage (Bespoke Trigger)**

The development hereby approved shall manage surface water onsite using soakaway as indicated on the approved Proposed Surface Water Drainage Plan (924/24/12 Revision B). Soakaways are to be design and constructed in accordance with Building Regulations Approved Document Part H Section 3, noting the requirement for infiltration testing which should be undertaken at an early stage of the development to confirm the viability of infiltration techniques.

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

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

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

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

No new external 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. Lamp models and manufacturer's specifications, positions, numbers, and heights;
2. Predicted lux levels and light spill on both the horizontal and vertical planes;
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

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

Reason: To avoid harm to bats and wildlife in accordance with 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.

### **10 Bound/Compacted Vehicle Access (Pre-occupation)**

No occupation of the development or use hereby permitted shall commence until an absolute minimum of the first 6 metres of the vehicular access beyond the back edge of the adopted public highway has been constructed with a bound and compacted surfacing material (no loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highway safety in accordance with policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

### **11 Bicycle Storage (Pre-occupation)**

No occupation of the development shall commence until secure, covered bicycle storage for at least 2no. bicycles for each 2-bedroom bungalow and 4no. cycles for the 4no. bedroom bungalow has been provided in accordance with details shown on the submitted Proposed Site Plan (924/24/05 Revision N), or in accordance with alternative details submitted to and agreed in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with policy ST7 of the Bath and North East

Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

### **12 Rainwater Harvesting (Pre-occupation)**

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

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

### **13 Ecological Compliance Report (Pre-Occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by a suitably experienced professional ecologist) confirming and demonstrating, using photographs, adherence to and completion of the Bat and Ecological Mitigation and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority. The report shall include reporting of any non-compliance or requirements for remediation, along with proposed remedial action or additional measures where applicable, which shall thereafter be implemented.

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

### **14 SCR6 Residential Properties (Pre-occupation)**

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

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

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 Local Plan Partial Update.

## **15 Air source heat pump (Compliance)**

The air source heat pumps (ASHP) to be installed shall comply with the MCS Planning Standards with regard to noise.

Reason: To ensure the ASHP's installed do not result in significant noise disturbance to local residents in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

## **16 Arboriculture - Compliance with Arb Method Statement (Compliance)**

All protective measures as stated in the approved Arboricultural Method Statement and Tree Protection Plan shall be fully implemented prior to the commencement of development and retained for the duration of the construction. No development or other operations shall thereafter take place except in accordance with the approved details.

Reason: To ensure that the approved method statement is complied with for the duration of the development and to ensure that trees to be retained are not adversely affected by the development proposals in accordance with NE6 of the Bath and North East Somerset Local Plan Partial Update.

## **17 Housing Accessibility (Compliance)**

At least 3no. dwellings hereby approved shall meet optional technical standards 4(2) in the Building Regulations Approved Document M.

Reason: To ensure that the optional technical standards for accessibility for market housing in accordance with policy H7 of the Bath and North East Somerset Council Local Plan Partial Update.

## **18 Water Efficiency (Compliance)**

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

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

## **19 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 southern elevation of no.22D, the northern elevation of no. 22C and the southern elevations of nos. 22A and 22B at any time unless a further planning permission has been granted.

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

## **20 Removal of Permitted Development Rights - No extensions or alterations (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement (including those to

the roof) of nos. 22A, 22B, 22C and 22D and roof extensions and enlargements only of no.22 hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: To ensure that future extensions are fully assessed in order to retain sufficient residential amenity to the neighbouring occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

## **21 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.

### **PLANS LIST:**

1 This decision relates to the following plans:

924/24/05N PROPOSED SITE PLAN  
924/24/06C BUNGALOW A1 PLANS  
924/24/07C BUNGALOW A1 ELEVATIONS  
924/24/08C BUNGALOW B2 PLANS  
924/24/09C BUNGALOW B2 ELEVATIONS  
924/24/10B BUNGALOW C PLANS  
924/24/11C BUNGALOW C ELEVATIONS  
924/24/12B SURFACE WATER DRAINAGE PLAN  
924/24/13A BUNGALOW A2 PLANS  
924/24/14A BUNGALOW A2 ELEVATIONS  
924/24/15A BUNGALOW B1 PLANS  
924/24/16A BUNGALOW B1 ELEVATIONS

All received 18th December 2025

### **01A LOCATION PLAN**

Received 4th September 2025

## **2 Biodiversity Net Gain - Standard Informative**

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

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

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity

Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. A detailed version of the biodiversity gain condition can be found in the list of conditions attached to this permission.

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

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

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

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

### **3 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.

### **4 Condition Categories**

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

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

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

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

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

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

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

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

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

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

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

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

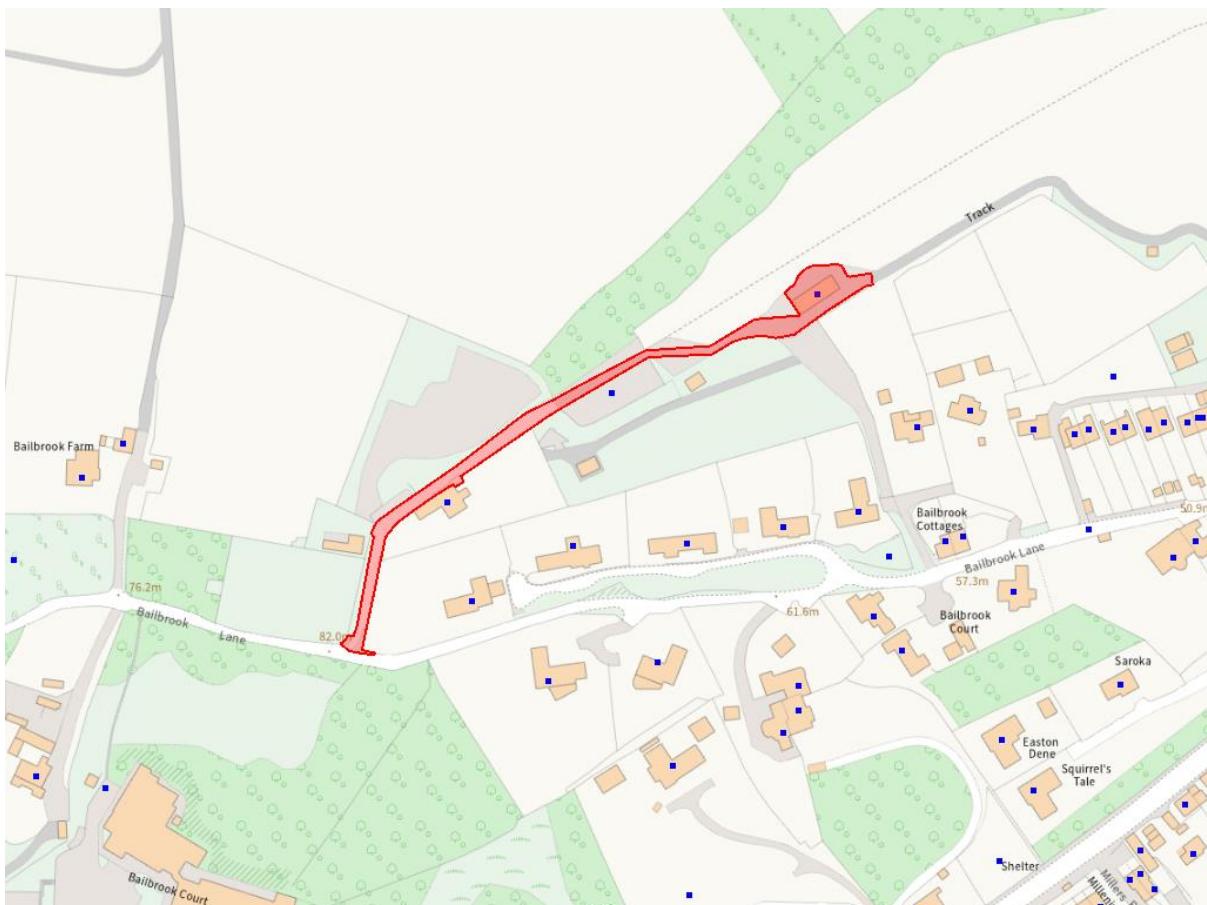
Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto:cil@BATHNES.GOV.UK)

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

## **7 Highways Access Advice Note**

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

**Item No:** 02  
**Application No:** 25/02637/FUL  
**Site Location:** Barn Bailbrook Lane Lower Swainswick Bath Bath And North East Somerset



**Ward:** Bathavon North

**Parish:** Batheaston

**LB Grade:** N/A

**Ward Members:** Councillor Kevin Guy      Councillor Sarah Warren

**Application Type:** Full Application

**Proposal:** Change of use and conversion of a barn into a single dwellinghouse (C3 Use Class).

**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Ecological Networks Policy NE5, NRN Woodland Strategic Networ Policy NE5, Neighbourhood Plan, All Public Rights of Way Records, SSSI - Impact Risk Zones,

**Applicant:** Mr Rob Fox

**Expiry Date:** 23rd January 2026

**Case Officer:** Ben Burke

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

## **REPORT**

### Committee Call-in:

Following the call-in made by Cllr Sarah Warren (Bathavon North) and Batheaston Parish Council's objection, the application was referred to the Chair and Vice Chair of the Planning Committee. It was determined that the application be decided at committee for the following reasons:

#### Chair - Cllr Tim Ball

After reviewing the details, I feel this proposal sits on the borderline of policies that allow variations in interpretation, which makes it a complex case. Given the potential implications and the need for transparency, I believe it is important that this application receives full scrutiny. For that reason, I will be referring it to the committee for further consideration and discussion.

#### Vice Chair - Cllr Paul Crossley

Whilst noting the report and its conclusion I feel that this is locally a controversial application and has several aspects that will benefit from the wider consideration that a public debate will have.

Therefore, I feel this should be referred to committee for decision.

#### Details of Location, Proposal and Relevant History:

The building is located close to but outside the Bailbrook part of Bath. It falls outside the city boundary and is within the Bristol-Bath Green Belt. It is outside the Bath World Heritage Site (BWHs) boundary but within the indicative setting of BWHs. It is located to the east of The Vine House and the property to the replacement property currently being constructed to the north and is within the agricultural holding associated with this property. The building has an agricultural store at ground floor level with office accommodation above.

#### Relevant Planning History:

15/00355/AGRN - AN - 18 February 2015 - Erection of agricultural building

17/00098/NACOU - PERDEV - 11 January 2017 - Change of use of upper floor of the barn to commercial office use in addition to the current use as a farm office

17/00222/FUL - PERMIT - 28 April 2017 - Change of use of the first floor from agricultural barn to office (B1)

19/00037/AGRN - AN - 31 January 2019 - Erection of 2no Polytunnels.

19/00038/AGRN - AN - 31 January 2019 - Erection of agricultural store.

19/03218/ODCOU - RF - 13 September 2019 - Prior approval request for a change of use from office (Use Class B1a) to dwelling (Use Class C3).

Dismissed

21/00089/AGRN - AP - 4 February 2021 - Extension to existing Barn  
Not PD

21/00090/AGRN - AN - 4 February 2021 - Creation of agricultural workshops and storage of seed and produce

Adjacent site (The Vine House):

06/03449/FUL - PERMIT - 15 February 2008 - Demolition of existing dwelling and erection of a sustainable dwelling, known as Bath Springs (Resubmission)

10/01067/FUL - PERMIT - 28 December 2011 - Erection of a sustainable dwelling (known as Bath Springs) following demolition of existing dwelling (known as Vine House) (Revised proposal)

24/02402/VAR - PERMIT - 9 January 2025 - Variation of condition 7 of application 10/01067/FUL (Erection of a sustainable dwelling (known as Bath Springs) following demolition of existing dwelling (known as Vine House) (Revised proposal)).

25/03825/NMA - APP - 15 October 2025 - Non Material Amendment to application 24/02402/VAR (Variation of condition 7 of application 10/01067/FUL (Erection of a sustainable dwelling (known as Bath Springs) following demolition of existing dwelling (known as Vine House) (Revised proposal)).

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses:

Cllr Sarah Warren (Bathavon North)

As ward councillor, I would like to note that this is clearly a very controversial application, being within the Green Belt, the Cotswold National Landscape, World Heritage Site setting, and having attracted a large number of comments. As such, the decision would benefit from discussion at Planning Committee.

Cllr Saskia Heijltjes (Cambridge)

As a Landbridge Ward cllr. I object to application 25/02637/FUL. Although this application sits in Bath Avon North Ward, the impact on Cambridge residents is considerable and should the Planning Officer be mindful to approve this application, we would ask that the ward cllrs for Bath Avon North Ward call in this application to committee, due to its impact on residents in Bailbrook Lane who are directly impacted by this application.

My reasons for objecting are:

Planning History and Prior Refusal

Public Right of Way and Land sensitivity

Over development and Inappropriate Use

While the application refers to the Council's lack of a 5-year housing land supply, paragraph 11 of the NPPF includes important caveats. Specifically, where land is subject to designations such as the Green Belt or a National Landscape, the presumption in favour of development does not automatically apply. In this case, the proposal would cause demonstrable harm to protected designations, and the tilted balance in favour of housing delivery does not apply.

The proposal constitutes inappropriate development in the Green Belt, and fails to respect the heritage and landscape sensitivities of its setting, and would set an unwelcome precedent for further encroachment into protected rural land.

As ward clrs for Lambridge I have already raised concerns with the Local Planning Authority's Enforcement Team regarding the construction of earth berms and other potential breaches of planning control on the wider site, which are presently under investigation.

#### Batheaston Parish Council: Objection

##### Planning History and Prior Refusal

This recent application appears to be a renewed attempt to establish residential use in a location where the principle has already been tested and found unsuitable.

##### Public Right of Way and Landscape Sensitivity

The proposed development sits immediately below a well-used Public Right of Way (PROW) that traverses the lower slopes of Solsbury Hill, a nationally significant and cherished landmark. This path offers sweeping views across the Avon Valley and is a key recreational and heritage asset for both residents and visitors.

The Parish Council is extremely concerned by:

- The introduction of stringent fencing along the PROW
- The erection of large earth berms, for which no planning consent has been found. These significantly impede views from the PROW and fundamentally alter the landscape character.
- Ongoing development activity across the wider site, including that associated with the replacement dwelling at Vine House (10/01067/FUL), where construction continues while the original house remains in situ.

##### Concerns of Overdevelopment and Inappropriate Use:

The Parish Council considers this proposal part of a broader pattern of incremental overdevelopment across the applicant's landholding. The barn is situated in a highly sensitive and visually prominent position, within the Green Belt, the Cotswolds National Landscape, and the setting of the Bath World Heritage Site.

Introducing a residential use into this context would represent an urbanising influence, compromising the openness of the Green Belt and diminishing the area's rural and scenic qualities.

##### Interpretation of Policy Framework:

While the application refers to the Council's lack of a 5-year housing land supply, the Parish Council notes that paragraph 11 of the NPPF includes important caveats. Specifically, where land is subject to designations such as the Green Belt or a National Landscape, the presumption in favour of development does not automatically apply.

In this case, the proposal would cause demonstrable harm to protected designations, and the tilted balance in favour of housing delivery does not apply.

## Conclusion

Batheaston Parish Council objects to application 25/02637/FUL. The proposal constitutes inappropriate development in the Green Belt, fails to respect the heritage and landscape sensitivities of its setting, and would set an unwelcome precedent for further encroachment into protected rural land.

## Ecology:

### Summary

- Clarification is required regarding retention of the tree, to establish with more confidence whether or not the scheme is exempt from the mandatory requirements for delivery of net gain for biodiversity [Tree is now retained resulting in development being exempt from BNG]

- Once this is resolved, there is no ecological objection, subject to conditions.

## Arboriculture:

No arboricultural objection.

## Public Rights of Way Team:

No response to 2nd consultation which expired 02/12.

## 1st response:

Public footpath BA2/6 runs along the access track leading to the proposed development site. The Site Location and Block Plan (dated 04 July 2025) shows the extent of the proposed hedging and fencing. The hedgerow is proposed to be 1.8 metres - 2.0 metres tall. The positioning of the proposed hedging appears to be in close proximity to the public footpath BA2/6, as shown on the plan below.

The PROW Team has no objection to the proposal but raises the following issues as concerns:

- o The long-term impact of the proposed fencing and hedgerow on the width of the public footpath. [The site and location plan (F179 25 201G) shows there is sufficient distance between the site and footpath to ensure that the latter would not be detrimentally affected.]
- o Does the landowner have lawful authority to drive a mechanically propelled vehicle along the public footpath? [The applicant has provided a solicitor's letter and title plans evidencing that this is the case]

Representations Received: 36 objections, 6 support comments and 2 neutral comments (total of 44)

## Objections and comments:

### Character and landscape:

Contrary to NE2A.

Harm to distinctive landscape setting of Solsbury Hill.

Trees that screened the barn were felled by previous owner and not replaced.

Proposal harmful to the rural setting of the area.

Further development would result in additional harm to the conservation area and AONB.

Proposal will be visible, when trees are leafless, from Bathampton and across the valley. [Any such views, if possible, will be significantly distant, given that Bathampton is located on the opposite side of the valley over 888m away, and for only part of the year.]

Negative impact on the landscape of Salisbury hills lower slopes.

Harmful to rural setting of site.

There have been recent development on Bailbrook Lane of 2 houses at 23 Bailbrook Lane, 136 and 138 Bailbrook Lane and the development of former nursery site. Bath Springs is currently being developed.

Proposal out of keeping with the character and appearance of the area.

Can the Council require trees to be planted to screen this proposal 21/00090/AGRN and Bath Spring. [21/00090/AGRN and the consent for Bath Springs are separate existing approvals. As such, this applicant cannot require screening of these buildings.]

Tree planting should be extended to cover the marked track.

Transport:

Lane is unsuitable for additional traffic.

No access to sustainable transport.

Increased traffic on Bailbrook Lane from construction and when occupied.

Transport Development Management raised traffic issues regarding use of (the single lane) Bailbrook Lane (17/00222/FUL) when permission was sought to convert the first floor to office use.

If approved this should be based on alternative access route.

If granted a separate access should be provided.

Details of cycle storage are not provided.

Ecology:

Construction would be harmful to wildlife.

Dark skies is an important issue.

Green Belt:

Cumulative volume of extensions will need to be considered with regard to Green Belt policy.

Planting to the north would have a negative impact on the openness of the Green belt. [Planting to the north consists of a hedgerow.]

An increase in traffic using the access lane would add activity harmful to the Green Belt.

Loss of privacy / amenity:

Addition of further windows will result in overlooking of neighbouring properties.

One first floor window overlooking neighbouring properties remains which should be deleted.

Need for further agricultural buildings:

Increased agricultural usage of the land makes it likely additional agricultural buildings will become necessary in the future.

Proposal set a precedent for conversion of agricultural buildings allowed under permitted development rights to dwellings.

Where is the agricultural need for 21/00090/AGRN beyond the building concerned.

The agricultural appraisal outlines an increase in the intensity of the agricultural use suggesting the existing barn should be retained.

There is no need for the agricultural store approved under 21/00090/AGRN. [The Council determined on the evidence submitted for this application that the building was reasonably necessary for the purposes of agriculture.]

With minor alterations to the existing barn, it could be used for storage.

Other:

Large-scale earth movements and tree felling on the land suggest further incremental development in the future.

Sewerage system is currently overloaded. [This is not a relevant planning consideration for 1 additional dwelling]

Development does not meet housing needs of local community or provide affordable housing.

Potential property could be operated as an Airbnb. If approved use should be restricted to exclude short-term holiday lets. [It is not possible to prohibit short-term holiday let use through condition, but any occupation would need to comply with C3 use].

Previous application to convert the barn to a dwelling was refused and dismissed at appeal. [This concerned a prior approval application for change of use of office to a single dwelling under Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Application was refused and dismissed on the basis that the site was not within lawful office use on 29th May 2013.]

Agricultural appraisal refers to the storage and use of copper powder as a pest control measure. Has an environmental Assessment on its environmental damage or harm to health of local residents been done. [This relates to an agricultural building consented under a separate application. Furthermore, this is not a material planning consideration as use of pesticides is controlled under other legislation and is regulated by the Health & Safety Executive (HSE).]

Silver Birch causes hay fever. Can it be replaced with alternative trees providing suitable screening.

Support:

Good use of underutilised space.

No issues on landscape.

Provision of further housing.

## **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:

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

CP8: Green Belt

## 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:

- D2: Local character and distinctiveness
- D5: Building design
- D6: Amenity
- GB1: Visual amenities of the Green Belt
- HE1: Historic environment

## LOCAL PLAN PARTIAL UPDATE:

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

- DW1: District Wide Spatial Strategy
- D8: Lighting
- NE3: Sites, species, and habitats
- NE3a: Biodiversity Net Gain
- NE6: Trees and woodland conservation
- ST7: Transport requirements for managing development

## SUPPLEMENTARY PLANNING DOCUMENTS:

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

- Transport and Development Supplementary Planning Document (January 2023)
- The Existing Dwellings in the Green Belt Supplementary Planning Document (October 2008)
- The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

## 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 of the surrounding Conservation Area.

## LOW CARBON AND SUSTAINABLE CREDENTIALS

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

## OFFICER ASSESSMENT

### PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

A primary issue to consider is whether the proposal represents inappropriate development in the Green Belt. Policy CP8 of the Core Strategy requires that the openness of the Green Belt is protected from inappropriate development in accordance with national planning policy. Paragraph 154 of the National Planning Policy Framework (NPPF) states that local planning authorities should regard the construction of new buildings as inappropriate within land designated as Green Belt. There are a number of listed exceptions to this statement set out in the Framework which include:

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

The proposal will be reviewed against this criterion:

The Green Belt PPG advises that assessing the impact of a proposal on the openness of the Green Belt requires a judgement based on the circumstances of the case. The courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- o openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume
- o the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness
- o the degree of activity likely to be generated, such as traffic generation

In terms of spatial impact, with the extension having been removed, the volume of the building is unchanged. The proposal has been significantly amended through removal of the extension, removal of most south elevation windows alongside reliance on existing openings. In addition, supplemental planting has been introduced at the southern boundary and an additional hedgerow adject to the southern elevation. As a result of the changes the building will largely retain its existing appearance and remain generally agricultural and rural in appearance.

Residential use will result in some increased activity. In terms of the building, windows are likely to be illuminated more consistently but given the limited number of openings and a significant reliance on existing windows the impact of this is likely to be limited. A rear garden is proposed to the north of the property, beyond which the land slopes upwards. A footpath traverses north-east south-west to the north of the site meaning the garden will

be visible from this route. Activity associated with use of a garden and domestic garden design and paraphernalia will have some impact on openness. However, the garden is relatively small, likely to be screened from medium and long-distance views due to the sloping ground level, and near distance views will in time be screened by hedgerow A. Consequently, the proposal will not cause substantial harm to the openness of the Green Belt.

The development is therefore considered to be compliant with policy CP8 of the Core Strategy, policies GB1 and GB3 of the Local Plan Partial Update and part 13 of the NPPF.

#### CONVERSION OF RURAL BUILDING:

Policy RE6 of the Placemaking Plan refers to re-use of rural buildings and states that conversion of a building or buildings to a new use in the countryside outside the scope of Policies RA1, RA2 and GB2 will only be permitted, provided 6 criteria are met. The proposal will be reviewed against these criteria:

- 1) its form, bulk and general design is in keeping with its surroundings and respects the style and materials of the existing building

The building is currently used as an agricultural store at ground floor level and an office at first floor. It is a substantial, tall, two-storey timber clad building with a shallow, metal standing seam dual-pitched roof. It is not a typical agricultural building given its height and proportions as well as its construction being of concrete block walls with horizontal brown stained timber cladding. However, its external materials and style present characteristics of an agricultural building. As such, on balance, it is in keeping with its surroundings.

As outlined in the Green Belt section, in terms of spatial impact, with the extension having been removed, the volume of the building is unchanged. The proposal has been significantly amended through removal of the extension and removal of most south elevation windows alongside reliance on existing openings. As a result of these changes the building's design and appearance will be largely unchanged.

- 2) the building is not of temporary or insubstantial construction and not capable of conversion without substantial or complete reconstruction or requires major extension

The structural statement within the design and access statement clearly demonstrates the building is not of temporary or insubstantial construction and capable of conversion without substantial or complete reconstruction.

- 3) the proposal would enhance visual amenity and not harm ecological function (e.g. bat roost)

A hedgerow is proposed at the north and east boundary of the site to be maintained between 1.8m and 2m by the occupier. In addition, supplemental planting has been introduced at the southern boundary and an additional hedgerow adject to the southern elevation. This planting will enhance visual amenity of the locality compliant with the above criterion.

- 4) the proposal does not result in the dispersal of activity which prejudices town or village vitality and viability

The proposal is located adjacent to the urban fringe of Batheaston and involves creation of a single dwelling. Given this, the above would not apply.

5) where the building is isolated from public services and community facilities and unrelated to an established group of buildings the benefits of re-using a redundant or disused building and any enhancement to its immediate setting outweighs the harm arising from the isolated location

Access is via the existing private track connecting onto Bailbrook Lane. Given the narrowness of the lane and lack of footpaths this restricts the potential to access services and facilities on foot, including public transport. However, being located adjacent to the edge of the Bailbrook area of Bath the site cannot be considered to be isolated from public services and community facilities even though part of the journey may need to be by car. As such, this criterion does not apply.

6) the development would not result, or be likely to result, in replacement agricultural buildings or the outside storage of plant and machinery which would be harmful to visual amenity;

The applicant has submitted an agricultural appraisal produced by a rural consultancy. This fully demonstrates that erection of the approved agricultural building (planning ref: 21/00090/AGR) and existing smaller barns at Vine House fully meets the requirements for agricultural production and the existing barn is not fit for modern agricultural purpose. As such, conversion to residential use will not be detrimental to agricultural production and it has been demonstrated that the above is not the case.

7) in the case of buildings in the Green Belt, does not have a materially greater impact than the present use on the openness of the Green Belt or would conflict with the purposes of including land within the Green Belt.

For the reasons outlined in the Green Belt section the proposal will not have a materially greater impact than the present use on the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.

8) The integrity and significance of buildings and farmsteads of architectural and historic interest and of communal, aesthetic and evidential value are safeguarded consistent with Policy HE1

The building is modern, does not form part of an historic farmstead and is not of architectural and historic interest. As such, this criterion does not apply.

For the reasons outlined above the proposal is compliant with policy RE6 concerning re-use of rural buildings.

#### HERITAGE, DESIGN, CHARACTER AND APPEARANCE:

Policies D2 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. 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, to enhance or better reveal its significance and setting. In respect of conservation areas, it states that development within conservation area's will only be permitted where it will preserve or enhance those elements which contribute to the special character or appearance of the conservation area.

The site is located to the north of Bath Conservation Area which largely follows the rear boundary of dwellings to the north of Bailbrook Lane. Due to the land topography, which slopes up from Bailbrook Lane and the distance from this road (118m), the barn is not visible from within the conservation area. However, it will be visible from the rear of adjacent properties on Bailbrook lane and visible when looking towards the conservation area from the footpath north of the building. Given the subtle changes to the building, sympathetic to the rural fringe location, and proposed screening the proposal will preserve the setting of the conservation area compliant with the above policy and legislation.

#### **WORLD HERITAGE SITE SETTING:**

The proposed development falls outside but BWHS but within the indicative extent of BWHS setting; therefore, consideration must be given to the effect the proposal might have on its setting. In this instance, due to the nature of the proposal and limited changes to the building's appearance the proposal would not result in harm to the setting of BWHS. Therefore, the proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan, and part 16 of the NPPF.

#### **RESIDENTIAL AMENITY:**

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

The building is sited a significant distance from the rear wall of the nearest adjacent dwelling, 207 Bailbrook Lane (55 metres). This property's garden extends to the site boundary but is substantially screened from the site by boundary trees and vegetation. Furthermore, no habitable upper floor windows are proposed in this elevation; it solely has one small corridor window. There is parking and access adjacent to the boundary, but there is existing screening, and it is adjacent to the end of a very long and extensive garden. Given this, the proposal will not result in harm to the amenity of local residents consistent with policy D6.

#### **HIGHWAYS SAFETY AND PARKING:**

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

An objection has been submitted that, given the Highway Authority objected to office use of the building under application 17/0022/FUL, this application is unacceptable on highway grounds. However, office use of part of the building is different to a single dwelling use in respect of traffic generation and each case is required to be assessed on its own merits.

Therefore, it does not follow from this that the proposal is unacceptable on highway grounds. Access will be via the existing access track onto Bailbrook lane serving The Vine House. A replacement dwelling is currently being built for the Vine House, following which the The Vine house is required to be demolished and the site restored. Proposal will result in one additional dwelling using the lane and access alongside the existing agricultural use of land within the blue line boundary. Addition of one single dwelling in place of the building mixed agricultural and office use will not materially increase the use of the access overall and therefore not raise highway safety issues.

The site is located with Zone D (rural) as defined by the Councils parking standards. There is a maximum car parking standard within this area of 3 parking spaces for a 4-bed dwelling which the proposal is consistent with. The standards also require a minimum of 3 cycle parking spaces which are catered for with a 4-cycle timber store. Therefore, the proposal accords with ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

#### **NATIONAL LANDSCAPES**

The site falls within Cotswold National Landscape. Policy NE2 states that great weight will be afforded to conserving and enhancing landscape and scenic beauty of designated Areas of Outstanding Natural Beauty (AONBs) (now National Landscapes (NL)), and with particular reference to their special qualities. There is also a legal duty for local planning authorities to seek to further the statutory purposes of Protected Landscapes. Given the subtle changes to the building, sympathetic to the rural fringe location, and proposed screening the proposal will result in no harm to the landscape and scenic beauty of the NL consistent with the above legal duty policy.

#### **ECOLOGY:**

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

The ecology team has advised that as the scheme does not propose extensive areas of glazing there is no risk of excessive light spill from within the building. Given this and subject to conditions preventing any further openings without planning permission and requiring prior approval of external lighting details there is no credible risk that the scheme, as it stands, could give rise to a "Likely significant effect" on the Bath & Bradford on Avon Bats Special SAC. Although revisions have been made to the scheme, glazing has remained minimal. Development that does not impact a priority habitat and impacts less than 25sqm (5m by 5m) of onsite habitat is categorised as being below the threshold and exempt from BNG. As this applies to the site it is exempt from BNG. Therefore, the application is compliant with NE3.

#### **OTHER MATTERS**

Cllr Heijltjes has raised concern regarding fencing along the PROW, and the construction of earth berms and other potential breaches of planning control reported to planning enforcement on the wider site. These are separate matters to this planning application which is required to be considered on its own planning merits.

## TILTED BALANCE

As the proposal is compliant with the Local Plan the titled balance, within paragraph 11 of the NPPF concerning the presumption in favour of sustainable development, is not triggered. Were committee disagree with the officer's assessment about compliance with the development plan, the Council's lack of a 5 year housing land supply would mean that the tilted balance is engaged and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the framework taken as a whole.

## PUBLIC SECTOR EQUALITY DUTY:

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

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

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

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to -

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Protected characteristics include disability.

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

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

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

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

## CONCLUSION:

The application complies with the relevant planning policies, as outlined above, and is therefore recommended for approval. Section 38(6) of the Planning and Compulsory

Purchase Act 2004 requires that the decision of whether to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal complies with the relevant local plan policies, as outlined above, and therefore complies with the development plan, as a whole, consistent with the above legislation. Therefore, officers recommend approval.

## **RECOMMENDATION**

### **PERMIT**

## **CONDITIONS**

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

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

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

### **2 Parking (Compliance)**

The areas allocated for parking and turning on approved location and block plan drawing referenced F179 25 201H 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.

### **3 Implementation of Landscaping Scheme (Bespoke Trigger)**

All hard and soft landscape works shall be carried out in accordance with the approved Location and Block Plan drawing (F179 25 201 H). The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

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

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

### **4 Removal of External Staircase:**

The existing external staircase shall be removed prior to occupation of the dwelling hereby approved.

Reason: To ensure the proposal complies with the terms of the application and in the interests of the character and appearance of the area.

### **5 Bicycle Storage (Pre-occupation)**

No occupation of the development shall commence until the bicycle store detailed on approved drawing F179 25 302 has been provided in accordance with this drawing. Thereafter, the bicycle storage shall be retained and maintained for the lifetime of the development.

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

### **6 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.

#### **PLANS LIST:**

|               |              |  |
|---------------|--------------|--|
| 1 13 Nov 2025 | F179 25 201H | LOCATION AND BLOCK PLAN                  |
| 05 Nov 2025   | F179 25 301F | PLANS AND ELEVATIONS                     |
| 04 Jul 2025   | F179 25 302A | BIKE STORE PLANS AND ELEVATIONS PROPOSED |

### **2 Condition Categories**

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

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

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

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

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

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

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

### **3 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.

### **4 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.

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

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

**Item No:** 03

**Application No:** 25/04547/TCA

**Site Location:** 4 Meadow View Radstock Bath And North East Somerset BA3 3QT



**Ward:** Radstock

**Parish:** Radstock

**LB Grade:** N/A

**Ward Members:** Councillor Chris Dando Councillor Lesley Mansell

**Application Type:** Tree Works Notification in Con Area

**Proposal:** Front garden:

Red Cedar - reduce height by up to 2m.

Regenerating stump by front door - remove.

Mixed hedge ( a line of conifers and shrubs) - trim by about a metre.

**Constraints:** Conservation Area,

**Applicant:** Cllr Eleanor Jackson

**Expiry Date:** 5th January 2026

**Case Officer:** Mark Cassidy

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

## **REPORT**

### **REASON FOR REPORTING NOTIFICATION TO COMMITTEE:**

The treework notification is associated with a B&NES Councillor.

### **DESCRIPTION:**

This notification relates to a single conifer (Lawsons Cypress) adjacent the house, a regenerating (cut) tree stem adjacent the house and a mixed hedge located within the Radstock Conservation Area.

The proposal is to reduce the conifer height by up to 2m, to fell the regenerating tree stem to ground level and to reduce the mixed hedge by 1m in height.

Six weeks notice must be submitted to the Council for tree works or tree felling within a conservation area if the tree has a trunk diameter of 7.5cm or over (when measured 1.5m above ground level) and where exceptions do not apply.

The proposal has been brought to Committee to ensure that the Planning Scheme of Delegation is complied with and that full transparency in decision making is demonstrated.

The purpose of a tree notification is to give the Council the opportunity to consider whether a Tree Preservation Order should be made to protect the tree.

The following criteria are used to assess whether trees are worthy of a Tree Preservation Order:

1. visibility to the general public
2. overall health, vigour and appearance
3. suitability of their location and anticipated future management
4. special factors such as contribution to the character of a conservation area, World Heritage Site setting or overall green infrastructure; their rarity; their ecological contribution and whether they have historical significance such as in the case of veteran trees.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

No public comments received

### **POLICIES/LEGISLATION**

Policies:

Town and Country Planning Act 1990 (in particular, sections 197-214 as amended)

Town and Country Planning (Tree Preservation)(England) Regulations 2012.

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

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the

policies as identified and these have been fully taken into account in the recommendation made.

## **OFFICER ASSESSMENT**

Conclusion:

Tree notices ( also known as S211 notices ) are not obliged by legislation to include reasons for the proposals or indeed include supporting documentation, although it is considered good practice to provide reasons to help inform interested parties such as neighbours and interest groups.

In this case, the reason given to prune the conifer is to manage the crown size and prune it back from adjacent power lines. The regenerating stump is very close to the house and allegedly causing damp. The reduction of the mixed hedge is simply to maintain a reasonable size.

The trees/shrubs are visible from Meadow View and it is evident that the tree has undergone a previous height reduction work which is consistent with several previously recorded tree notices going back to 2009.

The trees/shrubs are in close proximity with property and other residents and the pruning is reasonable and in-line with routine management of vegetation.

On balance, your officer does not consider that a Tree Preservation Order is a proportionate response to the tree notice.

Recommendation:

No objection

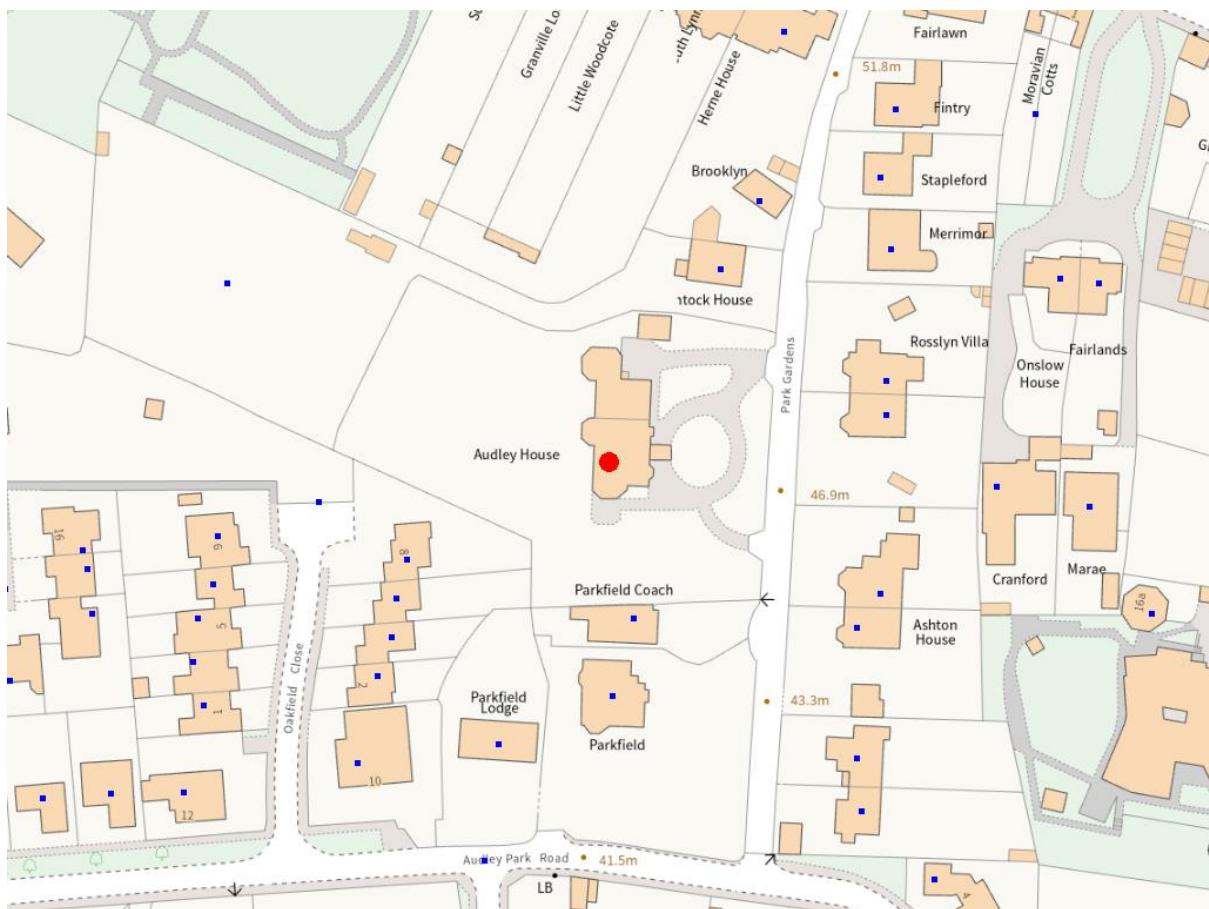
## **RECOMMENDATION**

NO OBJECTION

**Item No:** 04

**Application No:** 25/04609/TCA

**Site Location:** Audley House Park Gardens Lower Weston Bath Bath And North East Somerset



**Ward:** Weston

**Parish:** N/A

**LB Grade:** II

**Ward Members:** Councillor Ruth Malloy Councillor Malcolm Treby

**Application Type:** Tree Works Notification in Con Area

**Proposal:** G1- 4 no Western Red Cedar, crown reduce by approximately 6-7m in height to allow more light to Beech and Atlas Cedar

G2-2 no Leylandii trees, crown reduce by approximately 3m in height and 1-1.5m on sides

G3-3 no Lawson Cypress, section fell as close to ground level as possible, to allow more light to Yew hedge

**Constraints:** Conservation Area,

**Applicant:** Hodge

**Expiry Date:** 12th January 2026

**Case Officer:** Mark Cassidy

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

## **REPORT**

### **REASON FOR REPORTING NOTIFICATION TO COMMITTEE:**

The treework notification is associated with a B&NES Councillor.

### **DESCRIPTION:**

This notification relates to

- a) 2 x *Cupressus x leylandii* (conifers) adjacent a greenhouse in rear garden.
- b) 3 x Lawsons cypress tight adjacent the above trees.
- c) 4 *Thuja plicata* (conifers) nearby and situated within the Bath Conservation Area.

The proposal is to reduce the height of a) by 3m and trim sides by 1.5m to control their overall size, b) are heavily suppressed trees tight against a) and which do not contribute amenity. c) are trees that project out of the group and are consequently more visual than appear not to have been pruned previously, the proposal is aimed at allowing more light to other smaller trees (Cedar and Beech) but will also act to control their ultimate height which could attain a height of up to 65m in the UK.

Six weeks notice must be submitted to the Council for tree works or tree felling within a conservation area if the tree has a trunk diameter of 7.5cm or over (when measured 1.5m above ground level) and where exceptions do not apply.

The proposal has been brought to Committee to ensure that the Planning Scheme of Delegation is complied with and that full transparency in decision making is demonstrated.

The purpose of a tree notification is to give the Council the opportunity to consider whether a Tree Preservation Order should be made to protect the tree.

The following criteria are used to assess whether trees are worthy of a Tree Preservation Order:

1. visibility to the general public
2. overall health, vigour and appearance
3. suitability of their location and anticipated future management
4. special factors such as contribution to the character of a conservation area, World Heritage Site setting or overall green infrastructure; their rarity; their ecological contribution and whether they have historical significance such as in the case of veteran trees.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

No public comments received

### **POLICIES/LEGISLATION**

Policies:

Town and Country Planning Act 1990 (in particular, sections 197-214 as amended)  
Town and Country Planning (Tree Preservation)(England) Regulations 2012.

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

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary,

mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

### **OFFICER ASSESSMENT**

Tree notices ( also known as S211 notices ) are not obliged by legislation to include reasons for the proposals or indeed include supporting documentation, although it is considered good practice to provide reasons to help inform interested parties such as neighbours and interest groups.

In this case, the reason given to prune the conifers is to manage the crown size/height of trees and to dispense with suppressed individuals.

The trees/shrubs are not readily visible from nearby public streets due to distance and screening (houses and other vegetation obscuring vision of them). The pruning is considered reasonable and in-line with routine management of vegetation.

On balance, your officer does not consider that a Tree Preservation Order is a proportionate response to the tree notice.

Recommendation:

No objection

### **RECOMMENDATION**

NO OBJECTION

| <b>Bath &amp; North East Somerset Council</b> |   |                    |
|---|---|--------------------|
| MEETING:                                      | <b>Planning Committee</b>   |                    |
| MEETING DATE:                                 | <b>21<sup>st</sup> January 2026</b>   | AGENDA ITEM NUMBER |
| RESPONSIBLE OFFICER:                          | Louise Morris - Head of Planning & Building Control   |                    |
| TITLE:  | <b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b> |                    |
| WARD:   | <b>ALL</b>  |                    |
| BACKGROUND PAPERS:                            | None  |                    |
| <b>AN OPEN PUBLIC ITEM</b>                    |   |                    |

### **APPEALS LODGED**

**App. Ref:** 25/03113/FUL  
**Location:** 28 Catherine Way Batheaston Bath Bath And North East Somerset  
BA1 7NY  
**Proposal:** Formation of a single parking bay with EV charging point to the front  
garden area.  
**Decision:** REFUSE  
**Decision Date:** 27 November 2025  
**Decision Level:** Delegated  
**Appeal Lodged:** 16 December 2025

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## APPEALS DECIDED

**App. Ref:** 23/03629/OUT  
**Location:** Garage Block Bennett's Lane Walcot Bath Bath And North East Somerset  
**Proposal:** Erection of single dwelling to replace existing garages (Outline Application with All Matters Reserved).  
**Decision:** REFUSE  
**Decision Date:** 16 May 2025  
**Decision Level:** Delegated  
**Appeal Lodged:** 9 July 2025  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 9 December 2025

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**App. Ref:** 25/00204/FUL  
**Location:** Larkspur Rise House 22 Innox Grove Englishcombe Bath Bath And North East Somerset  
**Proposal:** Loft conversion with addition of rear dormer  
**Decision:** REFUSE  
**Decision Date:** 30 April 2025  
**Decision Level:** Delegated  
**Appeal Lodged:** 30 May 2025  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 9 December 2025

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**App. Ref:** 25/01695/FUL  
**Location:** 6 Southdown Avenue Southdown Bath Bath And North East Somerset BA2 1HY  
**Proposal:** Change of use from 3 bedroom dwelling (Class C3) to 6-Bedroom HMO (C4)  
**Decision:** REFUSE  
**Decision Date:** 31 July 2025  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 10 September 2025  
**Appeal Decision:** Appeal Allowed  
**Appeal Decided Date:** 17 December 2025

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**App. Ref:** 24/03253/FUL  
**Location:** Somerset Cottage 14 Somerset Lane Lansdown Bath Bath And North East Somerset  
**Proposal:** Installation of rear dormer to detached garage and pv panels to front. Installation of timber driveway gates. Repairs to existing front boundary wall with new gated entrance relocated. Installation of dormers to front of dwelling, porch canopy, pv panels to front elevation, enlargement of rear dormer and pv panels to dormer roof. Proposed side extension. Alterations to front elevation of existing outbuilding.  
**Decision:** REFUSE  
**Decision Date:** 14 March 2025  
**Decision Level:** Delegated  
**Appeal Lodged:** 4 June 2025  
**Appeal Decision:** Appeal Allowed/Dismissed in Part  
**Appeal Decided Date:** 23 December 2025

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**App. Ref:** 25/00991/LBA  
**Location:** Flat 1 Maisonette 20 New King Street Kingsmead Bath Bath And North East Somerset  
**Proposal:** Internal and external alterations to replace the rear lounge window with French Doors and re-open the wall dividing the kitchen and lounge.  
**Decision:** REFUSE  
**Decision Date:** 22 July 2025  
**Decision Level:** Delegated  
**Appeal Lodged:** 29 July 2025  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 30 December 2025

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