

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 4th May, 2022, 11.00 am

**Councillors:** Sue Craig (Chair), Sally Davis (Vice-Chair), Shelley Bromley, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, Hal MacFie and Brian Simmons

#### 120 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 121 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

The Committee noted that Cllr Brian Simmons had replaced Cllr Vic Clarke as the permanent member of the Committee and Cllr Vic Clarke would be a permanent substitute.

#### 122 DECLARATIONS OF INTEREST

Cllr Brian Simmons declared an interest in agenda item 1 of the site visit list Durley Grange, Durley Lane, Keynsham as a member of Keynsham Town Council which had already determined the application. He confirmed that he would withdraw from the meeting and take no part in the debate or decision.

Cllrs Duncan Hounsell and Hal MacFie declared a minor non-pecuniary interest in agenda item 1 of the site visit list Durley Grange, Durley Lane, Keynsham in that they were acquainted with the applicant but that this would have no impact on their consideration of the application.

Cllr Eleanor Jackson declared a minor non-pecuniary interest in agenda item 2 of the main application list, former Radstock County Infant School, Bath Old Road, Radstock as she was acquainted with some of the local residents as the former ward councillor for the area but confirmed this would have no impact on her consideration of the application.

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

There was no urgent business.

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

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

125 **MINUTES OF THE PREVIOUS MEETING**

It was moved by Cllr Eleanor Jackson, seconded by Cllr Brian Simmons and:

**RESOLVED** that the minutes of the meeting held on Wednesday 6 April 2022 be confirmed as a correct record and signed by the Chair.

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

The Committee considered:

1. A report by the Head of Planning on the planning application.
2. Oral statements by members of the public and representatives on the item.  
(A copy of the speakers' list is attached as Appendix 2 to these minutes).

**RESOLVED** that in accordance with the Committee's delegated powers, the application be determined as set out in the Site Visit decision list attached as Appendix 3 to these minutes.

**Item No. 1**

**Application No. 22/00294/FUL**

**Site Location: Durley Grange, Durley Lane, Keynsham, Bristol**

The Case Officer introduced the report and confirmed the officer's recommendation that the application should be refused for the reasons set out in the report.

The following public representations were received:

1. The applicant, Dr Peter Roberts spoke in support of the application.

In response to members' questions, it was confirmed:

1. The whole of the site was in the ownership of the applicant.
2. If the applicant was applying for an extension to his house instead of a separate building, the usual principle would be to approve extensions up to a third of the size of the existing property, however each application had to be considered on its merits.
3. The officers did not have details in relation to the solar panels and heat pump.
4. The green belt boundary was last reviewed at the time of the Local Plan adoption.
5. Future travel plans associated with another planning application and the potential to reduce traffic on the bypass were not a material consideration in relation to this application.
6. Access to the public right of way was a consideration, but the officer view was that the application would not have an impact on the public right of way.
7. Approving the application would not set a precedent for other green belt sites near main roads as each application would be considered on its merits.

Cllr Shelley Bromley noted that the report stated the level of harm was considered acceptable when the bypass was constructed but questioned whether this was still

the case. She stated that from visiting the site, she considered the new construction would provide shielding from the bypass.

Cllr Duncan Hounsell expressed the view that in the case of this specific site, there were very special circumstances to allow development due to the fact that the openness of the green belt had already been damaged by the construction of both the Keynsham bypass and the nearby modern office building. He commented that the application would improve the visual amenity of residents by screening the bypass and agreed with the comments raised by Keynsham Town Council in support of the application.

Cllr Hal MacFie agreed that any harm to the green belt was not significant in view of the nearby office building and expressed the view that the proposal would reduce noise from the bypass. He also referred to the sustainable elements of the application including the proposed solar panels and a heat pump to charge electric cars.

Cllr Sally Davis stated that she did not consider that there was evidence of very special circumstances to allow development in the green belt.

Cllr Eleanor Jackson concurred with this view and moved that the application be refused as recommended by officers for the reasons set out in the report. This was seconded by Cllr Sally Davis and on being put to the vote was NOT CARRIED (3 in favour and 6 against).

Following comments raised about the proposed building reducing air and noise pollution, members were advised not to give weight to this as it had not been evidenced.

Cllr Hal MacFie moved that the application be permitted for the following reasons that constituted very special circumstances to allow development in the green belt:

1. The harm to the green belt was not significant in view of the fact that the openness of the green belt had already been compromised by the construction of the bypass and nearby office building.
2. The application improved the residents' privacy and amenity by shielding their property from the A4 bypass and protecting against onlooking from occupants of vehicles.

This was seconded by Cllr Shelly Bromley.

On being put to the vote, the motion was CARRIED (6 in favour and 3 against).

**RESOLVED** that officers be delegated to permit the application subject to appropriate conditions including a condition for details of the sustainable elements of the application to be submitted to the local planning authority, for the following reasons that constitute very special circumstances to allow development in the green belt:

1. The harm to the green belt was not significant in view of the fact that the openness of the green belt had already been compromised by the construction of the bypass and nearby office building.
2. The application improved the residents' privacy and amenity by shielding their property from the A4 bypass and protecting against onlooking from occupants

of vehicles.

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

The Committee considered:

A report by the Head of Planning on various planning applications.

An update report by the Head of Planning attached as Appendix 1 to these minutes.

Oral statements by members of the public and representatives. A copy of the speakers' list is attached as Appendix 2 to these minutes.

**RESOLVED** that in accordance with the delegated powers, the applications be determined as set out in the Main decisions list attached as Appendix 4 to these minutes.

**Item No. 1**

**Application No. 20/02673/OUT**

**Site Location: Land Parcel 0005, Bath Road, Keynsham, Bath And North East Somerset**

The Case Officer introduced the report and advised that although the application was contrary to the current development plan, officers were recommending approval for the following reasons:

1. Local authorities were required to have a five-year supply of land for housing and there was a predicted shortfall.
2. The Local Plan partial update (LPPU) would look to address the housing trajectory shortfall by identifying this and other sites for development.
3. The site was in a highly sustainable location which was broadly consistent with the district wide spatial strategy.
4. There was an absence Green Belt protection compared to nearly all other undeveloped land in this locality.
5. There would be a provision of sustainable transport measures which were broadly in line with the Sustainable Transport Strategy for Keynsham and which would create the headroom to avoid a severe impact upon the highway network.
6. There would be a significant package of Section 106 obligations and contributions.

The following public representations were received:

1. Tom Rocke, agent for the applicant spoke in support of the application.

Cllr Andy Wait, in attendance as local ward member, spoke against the application and raised the following points:

1. The current Local Plan stated there should be no more housing in this area until there was an improvement in the transport network.
2. The LPPU which would allow development of this site had not yet been approved and so the committee would be agreeing development on land

which was currently safeguarded.

3. The development would result in additional traffic on the A4.

4. The proposals to improve the cycle network were not adequate.

He urged the committee to reject the application.

In response to members' questions, it was confirmed:

1. The work involved in potentially defending a decision on appeal was not a material consideration, however the benefits offered by the developer in relation to the application and the risk of not securing these benefits if the application was refused by committee was a material consideration.
2. The determination of the planning application and the LPPU examination in public were 2 separate processes and the representations of the developer in relation to the LPPU process was not relevant to consideration of this application.
3. In response to the comments raised about the application being premature in advance of the LPPU process, the planning authority did not have control over the timing of applications being submitted and had a duty to determine planning applications.
4. In terms of the future development of the adjacent site, while a consistent approach was important, each case had to be determined on its merits.
5. In response to concerns about cases where developers had not met obligations, there was a good level of confidence that this scheme would be delivered with all the benefits secured through a legally binding Section 106 Agreement.
6. In terms of the predicted number of children and requirements for school places, a contribution had been agreed with the applicant and would be secured via a Section 106 Agreement. The contribution amount would be linked to a formula in case the housing mix changed as a result of the reserved matters applications.
7. In terms of housing trajectory, the Council was required to have 5 years supply. Even though the Council had over delivered in previous years, there was still a requirement to maintain 5 years supply going forward. The current trajectory took into account other applications that had been approved where there was evidence that schemes would be delivered.
8. In relation to the travel plan, the details were being finalised but it would be a package for Keynsham as a whole to ensure more capacity to allow sites to come forward.

Cllr Hal MacFie opened debate as local ward member. He acknowledged the package of benefits associated with the application and the work of officers to achieve this but was minded to refuse the application on the grounds of the timing as he believed it was premature to determine the application in advance of the LPPU examination in public. He also stated that the transport measures did not address the infrequent bus service to Keynsham town centre.

Cllr Duncan Hounsell concurred with the comments about the timing of the application in advance of the LPPU examination in public. He moved that the application be refused on the grounds that it did not comply with current policy KE3B Placemaking Plan as the majority of the site was currently safeguarded land. This was seconded by Cllr Hal MacFie.

Cllr Paul Crossley spoke in support of the application as planning policy was

evolving and the current application offered a good package of gains for the community. He stressed that the 30% affordable housing should be mandatory and the split of 75% social rent, 25% Intermediate (Shared ownership) should not be negotiable.

On voting for the motion to refuse the application, this was NOT CARRIED (4 in favour and 6 against).

Cllr Paul Crossley proposed a motion that, for the reasons given in the officer report, the decision be delegated to officers to permit the application, subject to the signing of a Section 106 Agreement to secure the obligations and contributions set out in the report with a caveat that the 30% affordable housing was mandatory and within that 75% (social rent)/25% (shared ownership split was not negotiable. This was seconded by Cllr Sally Davis.

On being put to the vote, the motion was CARRIED (6 in favour and 4 against).

**RESOLVED** that officers be delegated to permit the application for the reasons and with the conditions listed in the report, subject to the signing of a Section 106 Agreement to secure the obligations and contributions set out in the report including the mandatory 30% affordable housing (75% (social rent)/25% (shared ownership) split.

## **Item No. 2**

### **Application No. 20/02253/FUL**

**Site Location: Former Radstock County Infant School, Bath Old Road, Radstock**

The Case Officer introduced the report and confirmed the officer's recommendation that the application be approved subject to a Section 106 Agreement to secure highway works, the conditions set out in the original report and the additional condition in the update report relating to the details of the boundary treatment. She confirmed that in relation to the reference in the report to Council Tax, the potential receipt of Council Tax was not a material consideration in relation to planning applications.

The following public representations were received:

1. Peter Crook, local resident, spoke against the application.

Cllr Bruce Shearn, local ward member, had submitted a statement and was unable to attend the meeting. The Democratic Services Officer read the statement on his behalf which raised the following points:

1. He expressed concern that Bath Old Road was already dangerous due to traffic issues of parking and rat running that was putting people's lives at risk.
2. He asked the Committee to refuse the application as any housing on Bath Old Road would exacerbate the traffic problems.

In response to Members questions, it was confirmed:

1. The application site was currently vacant and so wasn't responsible for any of the current traffic issues. The officer's recommendation was that permission should be subject to a Section 106 Agreement to include off site highway

- measures to aid the existing situation.
2. A marked bus stop had not been suggested as part of the contribution as it wasn't deemed a necessary or proportionate intervention.
  3. Highways officers had reviewed the safety record of the road and there had not been a significant number of reported incidents.
  4. In terms of the change in comments from the Town Council, the reason was not known as there had not been a change in the application, but there had been a re-consultation as the original application had been submitted in 2020. In relation to the highways concerns raised by the Town Council, it was the view of officers that these had been addressed within the report.
  5. Officers did not consider the design was dominated by car parking. Some car parking provision was required due to the type of development, but this was at the rear and out of sight from the main road.
  6. The landscaping was considered to be acceptable as there was a wildlife enhancement scheme and a condition to ensure that landscaping was in line with the submitted plans.
  7. The developer would be expected to market the 5 affordable housing units in the usual way to registered providers and evidence of this would be required. The developer had offered a financial contribution which would be used to deliver affordable housing either on or off site and would be secured by a Section 106 Agreement.
  8. It was noted that the covenant on the land to ensure the boundary wall would be maintained to a certain height had not been complied with which was a concern to residents, but this was not a planning issue. However, the update report recommended an additional condition to secure further details of boundary treatments for the approval of the planning authority to address these concerns.

Cllr Eleanor Jackson proposed that a decision on the application be deferred pending a visit to the site to allow members to witness the transport issues and the gradient of the road. This seconded by Cllr Shaun Hughes.

On being put to the vote, the motion was NOT CARRIED (3 in favour, 6 against and 1 abstention).

Cllr Eleanor Jackson then proposed that officers be given delegated authority to permit as recommended in the original and update report, with an additional condition to ensure that no new windows were added on the side elevation of the properties without the prior consent of the planning authority to ensure against overlooking and the strengthening of the boundary condition to ensure a secure and stable boundary delineation to the approval of the planning authority.

This was seconded by Cllr Duncan Hounsell.

Cllr Paul Crossley spoke against the application which he considered to be over development of the site.

On being put to the vote, the motion was CARRIED (9 in favour and 1 against)

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

1. a Section 106 Agreement to secure the obligations and contributions set out in the report.

2. an additional condition to ensure no additional windows will be added to the side facing elevations that face properties either side of the site (1, 8, 9 and 15) without the prior approval of the planning authority.
3. the strengthening of the boundary condition to ensure a clear delineation and a stable and secure boundary.

Items 3 and 4 were considered together.

**Item Nos. 3&4**

**Application Nos. 22/00630/FUL & 22/00631/LBA**

**Site Location: 10 Highbury Place, Walcot, Bath**

The Case Officer introduced the report and confirmed the officer's recommendation that the application be refused due to the reasons set out in the report.

Cllr Tom Davis, in attendance as local ward member, spoke in support of the application and raised the following points:

1. Residents were not being treated consistently as a similar application at the other end of the terrace had been refused for similar reasons, but the decision was overturned at appeal.
2. The report suggested that the Council's declaration of the climate emergency constituted a material difference since the Planning Inspectorate's decision on the similar application, but it could be argued that this added to the application due to the proposed facilities for charging an electric vehicle and the preservation of the cherry and silver birch trees.
3. If the committee had concerns about the proposed buff paving, there could be a condition to ensure a suitable finish to be agreed by the planning authority.
4. There was public benefit in permitting the development in terms of the wider street scheme and context.
5. If members were minded to refuse the application, consideration should be given to visiting the site before making a decision.

In response to Members questions, it was confirmed:

1. Even though the wall had been removed in part, the remaining wall was still a positive aspect of the historical significance of the listed building.
2. A section of the wall had been removed as a result of the appeal decision relating to the property at the other end of the terrace.
3. The exact circumstances of the removal of other parts of the wall were not known, there were no known planning consents so it could have happened prior to planning policy or without permission.
4. The decisions on boundary walls in other areas was not relevant to this application.
5. It was not intended to use the stone from the wall elsewhere on the site.
6. It was not possible to say if the additional off-street parking would prevent other residents parking outside the opposite property.

Cllr Shaun Hughes expressed support for the application for the reasons expressed by the ward member.

**Vote on item No. 3**

**Application No. 22/00630/FUL**

Cllr Paul Crossley stated that the public benefits of the application outweighed any harm caused by the removal of part of the wall and proposed that the application be approved subject to suitable conditions including a condition to ensure that the material used for the parking space would allow water drainage and also be of a suitable finish in keeping with the surrounding area. This was seconded by Councillor Sally Davis.

On being put to the vote, the motion was CARRIED (8 in favour and 2 against)

**RESOLVED** that officers be delegated to permit the application subject to appropriate conditions including a condition to ensure that the details of the material to be used for the parking area be submitted to and approved by the planning authority to ensure the surface allows for water drainage and the finish is in keeping with the surrounding area.

Reason: the public benefits of the application outweigh the harm to the listed building.

**Vote on item No. 4  
Application No. 22/00631/LBA**

On being put to the vote, the motion was CARRIED (8 in favour and 2 against)

**RESOLVED** that officers be delegated to permit the application subject to appropriate conditions including a condition to ensure that the details of the material to be used for the parking area be submitted to and approved by the planning authority to ensure the surface allows for water drainage and the finish is in keeping with the surrounding area.

Reason: the public benefits of the application outweigh the harm to the listed building.

**128 QUARTERLY PERFORMANCE REPORT 1 JAN - 31 MAR 2022**

The Committee considered the Quarterly Performance Report 1.

**RESOLVED** that the report be noted.

**129 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 3.24 pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services



**BATH AND NORTH EAST SOMERSET COUNCIL**

**Planning Committee**

**Date: 4<sup>th</sup> May 2022**

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN  
AGENDA**

**ITEMS FOR PLANNING PERMISSION**

Item no.	Application no.	Site Address
02	20/02253/FUL	Former Radstock County Infant School, Bath Old Road, Radstock, Bath & North East Somerset

There are a number of updates in relation to this application.

1. Additional comments were received from Radstock Town Council on 27<sup>th</sup> April 2022 and these are as follows:

*TOWN COUNCIL RESPONSE: – Support in principal but concern over residential parking. Ask that the planning officer review with the highways officers on how to improve residential parking and the parking constraints in the area.*

This response does not alter the case officer recommendation and it is considered that highways matters have been addressed within the report and by way of recommended planning conditions.

2. Additionally, the final concluding paragraph of the report (titled, “PLANNING BALANCE” should read as follows:

Although there have been revisions which seek to increase the provision of native species within the landscaping scheme, the proposal will result in a net loss of biodiversity. This is contrary to the National Planning Policy Framework and the ecological elements of Policy NE3, which asks that ecological enhancements are made. This is considered to result in minor ecological harm, which would not be in accordance with Policy NE3 of the development plan.

However, the site is allocated for housing within the Placemaking Plan and is therefore considered suitable and sustainable for housing. This should be afforded great weight in the planning balance. Additionally, the proposal will result in 15 dwellings, 5 of which have the potential to be affordable. Failing this, 15 market dwellings will be provided and the Council can secure a financial contribution.

The proposal would result in the creation of construction jobs, CIL receipts and Council Tax payments when occupied. These elements can be afforded limited weight in the planning balance.

When taking the above into account, it is considered that the balance is tilted in favour of development. On balance, therefore the proposal is considered to be acceptable as material benefits outweigh the harms in respect of NE3 and therefore, the proposal is recommended for permission.

3. The Council has a duty to consider equality. Equality was considered as part of the application, however not explicitly stated in the report. The following paragraph should be included in the report and is given here by way of update:

#### Public Sector Equality Duty

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010.

The impact upon neighbouring residents has been fully assessed. Conditions, recommended as part of the permission, are considered to ensure that the impact to the amenity of nearby occupiers is minimised. The Council has complied with its Public Sector Equality Duty during the assessment of this planning application.

4. It is stated in the report that "A total of 30 car parking space including 2 visitor spaces is proposed". This is a typo and should read "A total of 32 car parking space including 2 visitor spaces are proposed".
5. On Page 133, the sentence which begins "Therefore, Argyll" should read "Therefore, Argyll cannot guarantee that all land uses or factors of concern which have been identified by the Report have been designed to assist in making informed decisions during property transactions"
6. Councillor Jackson's reasons for the application going to the committee have not been included in the report and are listed here:
  - public interest in a controversial site
  - the position of the town council, but mainly because of the need for transparency as the viability of the site is a key issue for a site owned by BANES. The land value to the tax payer is clearly affected by a planning consent.
7. Further information has been raised by residents regarding the existing boundary wall. There is concerns that the developer has not considered subsidence of the land, or the state of the existing wall. The officer considers that the wall is shown within the red line boundary and the developer is responsible for ensuring a safe development. Notwithstanding this, the following condition is recommended to ensure that details of the boundary treatments are submitted for approval:

#### {b Boundary Treatment Details (Bespoke Trigger)}

No construction of the external walls of the development shall commence until full details of the site boundary treatments, including those which form the boundary of the development site have been submitted to and approved in writing by the Local Planning Authority. The details shall include elevation and plan drawings showing all boundary treatments proposed and to be retained, as well as details

of the proposed materials to be used. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the residential amenity of existing and future occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT  
THE PLANNING COMMITTEE ON WEDNESDAY 4 MAY 2022**

<b>SITE VISIT LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>NAME</b>	<b>FOR/AGAINST</b>
1	22/00294/FUL Durley Grange, Durley Lane, Keynsham, Bristol	Dr Peter Roberts (applicant)	For
<b>MAIN APPLICATION LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>NAME</b>	<b>FOR/AGAINST</b>
1	20/02673/OUT Land Parcel 0005 Bath Road Keynsham Bath and North East Somerset	Tom Rocke (agent)	For
		Cllr Andy Wait	Ward Councillor
2	20/02253/FUL Former Radstock County Infant School Bath Old Road Radstock Bath and North East Somerset	Peter Crook	Against
		Cllr Bruce Shearn (unable to attend – statement read in absence)	Ward Councillor
3 & 4	22/00630/FUL & 22/00631/LBA 10 Highbury Place Walcot Bath, Bath and North East Somerset BA1 6DU	Cllr Tom Davies	Ward Councillor

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**BATH AND NORTH EAST SOMERSET COUNCIL**  
**PLANNING COMMITTEE**  
**4th May 2022**  
**DECISIONS**

<b>Item No:</b>	001	
<b>Application No:</b>	22/00294/FUL	
<b>Site Location:</b>	Durley Grange, Durley Lane, Keynsham, Bristol	
<b>Ward:</b> Keynsham North	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a new outbuilding to an existing dwelling, incorporating an existing garage with new garden room and garden equipment storage space (Resubmission).	
<b>Constraints:</b>	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy M1 Minerals Safeguarding Area, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome, Tree Preservation Order,	
<b>Applicant:</b>	Dr Peter Roberts	
<b>Expiry Date:</b>	9th May 2022	
<b>Case Officer:</b>	Isabel Daone	

**DECISION PERMIT**

**1 Standard Time Limit (Compliance)**

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

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

**2 Ancillary Use (Compliance)**

The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Durley Grange, Durley Lane, Keynsham, Bristol, Bath And North East Somerset, BS31 2AQ; and shall not be occupied as an independent dwelling unit.

Reason: The creation of an independent planning unit in this location would require further consideration by the Local Planning Authority, in order to protect the residential amenity of the existing and future occupiers in accordance with policy D6, ensure sufficient parking in accordance with policy ST7 and to protect against inappropriate development in the Green Belt in accordance with policy CP8.

### **3 Solar PV Details (Bespoke Trigger)**

Prior to the construction of the roof of the development, full details of the solar PV (including design, energy generation capacity and specification) to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the sustainability credentials of the development and an acceptable visual appearance in accordance with policy SCR1

### **4 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

This decision relates to the following plans:

H6229/001B. Plans and Elevations as EXISTING  
H6229/100H. Plans and Elevations as PROPOSED

Received 21st January 2022

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

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

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

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

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

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

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

development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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

### **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.

### **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.

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**PLANNING COMMITTEE**

**4th May 2022**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	20/02673/OUT	
<b>Site Location:</b>	Land Parcel 0005, Bath Road, Keynsham, Bath And North East Somerset	
<b>Ward:</b> Keynsham East	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Residential and related development comprising approximately 213 dwellings, replacement sports pitch to facilitate expanded primary school, means of access thereto, associated open space, landscaping, access roads, footways/cycleways and infrastructure works.	
<b>Constraints:</b>	Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy KEB3 Safeguarded Land East Keynsh, Policy LCR5 Safeguarded existg sport & R, Policy LR6A Local Green Spaces, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 Local Nature Reserve, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
<b>Applicant:</b>	Mactaggart And Mickel Homes Ltd	
<b>Expiry Date:</b>	6th May 2022	
<b>Case Officer:</b>	Chris Griggs-Trevarthen	

**DECISION** Delegate to permit subject to Section 106 Agreement

<b>Item No:</b>	02
<b>Application No:</b>	20/02253/FUL
<b>Site Location:</b>	Former Radstock County Infant School, Bath Old Road, Radstock, Bath And North East Somerset
<b>Ward:</b>	Radstock
<b>Parish:</b>	Radstock
<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Demolition of existing vacant school buildings and erection of 15 dwellings, access, parking and landscaping.
<b>Constraints:</b>	Coal - Standing Advice Area, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Placemaking Plan Allocated Sites, Tree Preservation Order,
<b>Applicant:</b>	Hawkfield Homes (west) Ltd
<b>Expiry Date:</b>	11th May 2022
<b>Case Officer:</b>	Isabel Daone

**DECISION** Delegate to permit subject to Section 106 Agreement

<b>Item No:</b>	03
<b>Application No:</b>	22/00630/FUL
<b>Site Location:</b>	10 Highbury Place, Walcot, Bath, Bath And North East Somerset
<b>Ward:</b> Walcot	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Creation of new parking bay (Resubmission).
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Joshua Kneen & Jai Turner
<b>Expiry Date:</b>	5th May 2022
<b>Case Officer:</b>	Helen Ellison

## DECISION PERMIT

### 1 Standard Time Limit (Compliance)

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

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

### 2 Hard Surfacing Materials (Bespoke Trigger)

No surfacing of the parking area hereby approved shall commence until details of the proposed hard surfacing materials have been submitted to and approved in writing by the Local Planning Authority. The parking area shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the street and preserving the setting of the Listed Building and the Conservation Area in accordance with policies HE1, D1 and D2 of the Placemaking Plan.

### 3 Electric Vehicle Charging (Compliance)

The electric vehicle charging point (as shown on drawing number PL04 REV D - Proposed Site Plan) shall be installed prior to the parking area being brought into use.

Reason: To ensure the sustainability benefits arising from the proposed electric vehicle charging point are realised and in accordance with policy ST7 of the Placemaking Plan.

### 4 Plans List (Compliance)

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

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

## **PLANS LIST:**

Date: 10.02.2022 Drwg. No. PL01 Drwg. title: Site location plan  
Date: 10.02.2022 Drwg. No. PL02 Drwg. title: Existing site plan  
Date: 10.02.2022 Drwg. No. PL03 Drwg. title: Existing elevations  
Date: 10.02.2022 Drwg. No. PL04 REV D Drwg. title: Proposed site plan  
Date: 10.02.2022 Drwg. No. PL05 REV C Drwg. title: Proposed elevations

Date: 28.03.2022 Drwg. title: Tree Protection Plan - Rev A  
Date: 10.02.2022 Document title: Arboricultural Statement

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

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

### **Condition Categories**

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

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

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

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

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

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

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

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

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain

extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

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

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

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

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

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<b>Item No:</b>	04
<b>Application No:</b>	22/00631/LBA
<b>Site Location:</b>	10 Highbury Place, Walcot, Bath, Bath And North East Somerset
<b>Ward:</b> Walcot	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	External alterations for the creation of new parking bay (Resubmission).
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Joshua Kneen & Jai Turner
<b>Expiry Date:</b>	5th May 2022
<b>Case Officer:</b>	Helen Ellison

## DECISION    CONSENT

### 1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

### 2 Plans List (Compliance)

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

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

## PLANS LIST:

Date: 10.02.2022    Drwg. No. PL01    Drwg. title: Site location plan  
Date: 10.02.2022    Drwg. No. PL02    Drwg. title: Existing site plan  
Date: 10.02.2022    Drwg. No. PL03    Drwg. title: Existing elevations  
Date: 10.02.2022    Drwg. No. PL04 REV D    Drwg. title: Proposed site plan  
Date: 10.02.2022    Drwg. No. PL05 REV C    Drwg. title: Proposed elevations

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