

# Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **8th March 2023**

AGENDA  
ITEM  
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

## **AN OPEN PUBLIC ITEM**

### **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.

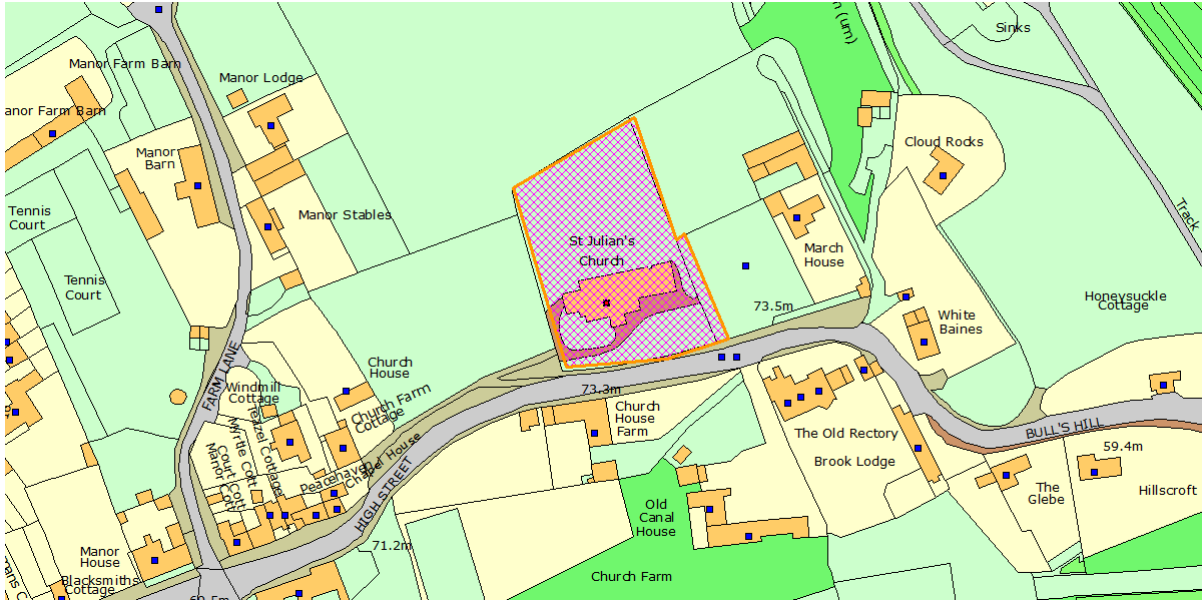
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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	22/03288/FUL 11 October 2022	Parochial Church Council St Julian's Church , High Street, Wellow, Bath, Bath And North East Somerset Erection of single storey extension to church to provide WC and kitchen facilities.	Bathavon South	Caroline Power	REFUSE
02	22/04670/REG03 13 January 2023	Helen Griffiths 22 Temple Street, Keynsham, Bristol, Bath And North East Somerset, BS31 1EH General repairs and replacement windows and downpipes to the first floor street elevation of no.20-30 Temple Street. Refurbishment of shopfronts at no.20 and no.22 Temple Street.	Keynsham North	Elizabeth Ashworth	PERMIT
03	22/02604/FUL 21 October 2022	Mr Steve Horler New Leaf Farm, Mill Lane, Bathampton, Bath, Bath And North East Somerset Change of use of agricultural barn into a single dwelling with associated facilities for the existing holiday lets (Revision of proposal approved on 18/03608/ADCOU).	Bathavon North	Sam Grant	PERMIT

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

**Item No:** 01  
**Application No:** 22/03288/FUL  
**Site Location:** St Julian's Church High Street Wellow Bath Bath And North East Somerset



**Ward:** Bathavon South      **Parish:** Wellow      **LB Grade:** I

**Ward Members:** Councillor Neil Butters      Councillor Matt McCabe

**Application Type:** Full Application

**Proposal:** Erection of single storey extension to church to provide WC and kitchen facilities.

**Constraints:** White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Conservation Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, Policy LCR5 Safeguarded existg sport & R, Policy NE2 AONB, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

**Applicant:** Parochial Church Council

**Expiry Date:** 11th October 2022

**Case Officer:** Caroline Power

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

### **REPORT**

Reason for going to committee:

The application was referred to the Committee by Councillor McCabe who requested that should officers be minded to recommend refusal, the application should be considered by the Planning Committee. The Parish Council also support the application. In accordance with the Council's Scheme of Delegation, the application was referred to the Committee

Chair and Vice Chair who both consider that the proposal would benefit from debate in public.

The application relates to a Grade I listed church located within Wellow Conservation Area, the Cotswolds AONB and the Bristol/Bath Green Belt.

The application seeks planning permission for the installation of a single storey extension on the north west side of the church tower to provide toilet and kitchen facilities. This also entails the formation of a new opening in the tower's north wall.

There is no parallel listed building consent application as this falls outside the jurisdiction of the secular planning system. Instead the alterations associated with this proposal for St Julian's Church will be considered and determined under the churches own Faculty System, due to having ecclesiastical exemption from the listed building process.

#### Planning History;

DC - 11/05238/FUL - PERMIT - 27 March 2012 - Installation of stainless steel roofing material following the removal of lead.

DC - 12/00589/COND - APPRET - - Discharge of condition.... of application 11/05238/FUL (Installation of stainless-steel roofing material following the removal of lead).

DC - 16/03041/LBA - APPRET - - External alterations to reduce height and width of buttress on corner of churchyard wall to improve access to car parking area.

DC - 17/02273/FUL - RF - 12 July 2017 - Installation of 3No. antennas and 2No. dishes to be located behind replacement replica GRP (Glass Reinforced Plastic) louvres, the installation of equipment cabinets to be located internally within the church tower, and ancillary development thereto.

DC - 17/03694/FUL - WD - 13 September 2017 - The installation of 3No. antennas and 2No. dishes to be located behind replacement replica GRP (Glass Reinforced Plastic) louvres, the installation of equipment cabinets to be located internally within the church tower, and ancillary development thereto (Resubmission).

DC - 20/01104/FUL - WD - 6 May 2020 - Erection of single storey extension to church to provide WC and kitchen facilities.

DC - 22/03288/FUL - PCO - - Erection of single storey extension to church to provide WC and kitchen facilities.

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

Landscape; The church is not merely 'in the landscape' it is an integral part of the landscape, and the effect of the proposals on the landscape need to be addressed in a much more robust manner. This is a sensitive designated landscape within the AONB and within the Green Belt. Insufficient information has been provided to make a thorough assessment. Consequently a holding objection is made.

Highways- No Comments.

Ecology;- Objection- Insufficient information to demonstrate compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) in relation to roosting bats.

Drainage and Flooding - No Objections.

South West Heritage Trust (Archaeology)- The submitted Heritage, Design, Access & Planning Statement acknowledges the potential for burials and other archaeological remains to be impacted by this proposal. The HDAPS also indicates that preferably archaeological investigation to understand the significance of any remains should be carried out in advance of determination of the application. The HDAPS argues that due to the economics it is difficult for the parish to fund such pre-determination work without confidence that the application will be granted. Due to the very limited scale of this proposal and its non-profitable nature this logic is accepted.

Based on this information it would be appropriate that a condition should be attached to permission (if granted) that ensures archaeological investigation is carried out to ensure remains are recorded and/or preserved.

Wellow Parish Council; Our parish church is a magnificent Grade I listed building with a rich history. However, the lack of toilet facilities and a kitchen area now has a detrimental impact on the possibility of using the church for e.g. concerts and get-togethers after a church service, particularly funerals. It is a very popular church for weddings within the parish and surrounding areas.

The PCC has spent many hours working on a scheme which will be acceptable in planning and practical terms and most importantly in aesthetic terms. Over the very many years the church has stood alterations have taken place and now this proposal to bring it into the 21st century should be encouraged and supported to ensure its continuation as the most important building in the parish. This modest addition to the building will not impact upon the amenity of any neighbours and will sit well within its setting in the Green Belt.

Historic England; Due to this harm we continue to argue that all reasonable efforts must be made to eliminate or minimise the adverse impacts of siting the proposed facilities in a new extension. (Para. 194, 199 and 200, NPPF).

Holding Objection

Society for the Protection of Ancient Buildings; Summary of response; While we appreciate all the work that has been done so far, we would like more consideration given to Option D or the same option but at the west end of the South Aisle. At present, we do not feel that the necessary 'clear and convincing justification' (NPPF, 2021, paragraph 200) has been provided to show that Option E is the best and only viable solution to meet the parishes needs as it would cause harm to this Grade I listed church which may be avoidable. The justification requires the parish to prove that full and detailed consideration has been given to all alternatives that would be less harmful.

Councillor Matt McCabe; I have been impressed with the care and sensitivity the applicants have gone about assessing the options available to the church. It is vital that churches remain living places at the heart of their communities, and are not turned into museum pieces, or dead buildings, through a misguided need to preserve them exactly as they are. Old churches have been changed over the years, mainly to reflect the spiritual aspirations of wealthy benefactors. Today they need to adapt to the needs of the congregation and to other users, if they are to last hundreds more years as living, community spaces, as well as places of worship.

Many village churches would like to install facilities for users. An aspiration I would support. In this instance, the applicant has thoroughly assessed the various options, and is seeking to pursue the most effective solution to their needs, based upon the precedent set by the creation of the Vestry. In that instance the extension required a new doorway in the Chancel, in this instance it is the Tower; in that instance the extension was hidden from view on the north side, this application does the same.

Given that there is precedent for the new extension in the existing building already, and given the community interest in the outcome, I would like this application considered at Committee if officers are minded to refuse.

14 no letters of Support from members of the public (Following Re-advertisement);

\* This application requiring an opening in the tower wall is I realise contentious, but it would enable people to access toilets including a disabled one and kitchen facilities without going outside. I do not feel that this is going to take anything away from our beautiful church. It will just make it infinitely more user friendly and enable us to make full use of what it has to offer.

\* The Church badly needs what are the most basic hygiene facilities. With one existing portable chemical toilet outside the Church building it is not difficult to see what an off-putting problem this presents for people, especially those with mobility and other health problems, parents needing to change babies nappies, brides in their wedding gowns and others who, in all weathers, have only that single external chemical loo to use.

\* The Church has seen a number of alterations and additions over the centuries. It must surely be possible today to grant permission for accessible toilets with hot water hand washing facilities and a kitchenette inside the Church. These basic hygiene standards are also important with Covid, flu and other viruses ever present.

\* Residents of Wellow wish to see the building preserved and, where possible, more fully utilised. The installation of basic toilet and kitchen facilities will create opportunities for a wider range of events to take place, many of which will generate funds that are urgently needed to maintain the building itself.

\* Churches must move with the times, this is an important community asset which is not being utilised to its full capacity because of lack of utilities

\* Concern about the potential indirect discrimination of those with disabilities, including those unable to make use of the temporary, small, restrictive, cold, unhygienic, stepped toilet facility in the grounds of the church. By not having accessible, warm, appropriate toilet facilities for parishioners wishing to use the church, this could be deemed as indirect discrimination of the local population it is there to serve.

The above provides a summary only. Due to length of comments, it is not possible for all to be detailed within this report. Full comments can be viewed on the public website.

## **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

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

- o Made Neighbourhood Plans

#### CORE STRATEGY:

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

CP6: Environmental Quality

CP8: Green Belt

CP13: Infrastructure provision

RA3: Community Facilities

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

D5: Building design

D6: Amenity

D7: Infill and backland development

GB1: Visual amenities of the Green Belt

HE1: Historic environment

LCR2: New or replacement community facilities

LCR6a: Local green spaces

NE2A: Landscape setting of settlements

#### 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

CP1: Retrofitting Existing Buildings

D8: Lighting

GB2: Development in Green Belt villages

GB3: Extensions and alterations to buildings in the Green Belt

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

SCR7: Sustainable Construction Policy for New Build Non-Residential Buildings

SCR8: Embodied Carbon

#### 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)

Wellow Conservation Area Character Appraisal- 2007

Outside Bodies Guidance;

Historic England -Conservation Principles, Policies and Guidance 2008

National Planning Policy Framework (2021) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

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

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

St Julian's is an exceptional grade I listed church that is also a significant landmark building within Wellow Conservation Area and the wider landscape. The church is believed to have been founded before the 12th century; however, the present church was built circa.1372 by Sir Thomas Hungerford, with recent restoration completed in 1952. The site is within the Green Belt and The Cotswolds Area of Outstanding Natural Beauty.

Externally, the church has a dominant impact on this part of the village with the tower serving as a landmark within the larger landscape of this valley location. It is identified as the most important listed building in the village by the Conservation Area Appraisal.

The church has a remarkably tall, west tower (25m) built in 3 stages, with buttresses around its perimeter, a battlemented parapet with pinnacles; and a square stair turret on its south-east corner, that terminates as an octagon. As stated by Pevsner; St Julian's is "a proud, little altered, stylistically very uniform church, masculine rather than refined". Of the tower he comments; "Externally, the dominant motif is the west tower. It is a strong, robust piece." The church tower also has some interesting gargoyles which considerably enliven this otherwise simply detailed building. Whilst the date of the west tower is much



debated; it is likely that even if built in two phases, it was started in the 15th century and cannot be separated stylistically or in terms of significance from the rest of the church.

The churchyard is also important both in its own right and as the setting to the listed church, especially to the front of the church where many listed monuments survive. The chest tombs represent a good collection of classical and traditional tomb forms and contribute to the setting of the church. Overall, the combination of green elements and memorials dotted in the grass give St Julian's a landscape character that is typical of rural churchyards. Internally, St Julian's Church has a relatively complete and unusually unaltered interior, still housing its Jacobean pews and alter screen with other notable features such as its wall paintings and is renowned for being richly decorated and historically authentic.

Taking all of the above into account St Julian's displays a high level of significance including aspects of archaeological, architectural/artistic value, historic importance and communal interest.

Listed building consent is not required for the proposals as the church falls within the provisions of the Ecclesiastical Exemption Order 2010. Instead, the Church's own regulatory regime applies.

The main issues to consider are:

- \* What options have been considered for accommodating the proposed facilities within the church and what were the pros and cons of each?
- \* What changes will be made to the existing building in order to make the proposal work with the existing building?
- \* Will the new build be linked to the existing building and, if so, how?
- \* Will the building work have an impact on any archaeology (above ground or buried)?
- \* Will the new build have an impact on the setting of the church?
- \* Will the quality of the new work be equal, if not better than, that of the historic building?
- \* Will the public benefit justify the significant impact on and change to the historic building?
- \* As part of the assessment process, other matters such as Green Belt policy, listed building and conservation area impacts, landscape, ecology, amenity and public interest need to be taken into consideration too.

#### PRINCIPLE OF DEVELOPMENT:

The site is not within the Development boundary/built up area of Wellow. As such the principle of development would not normally be acceptable. However, it is only just outside the boundary and is subject to other material planning considerations that discussed below.

In this instance the church is regarded as a community facility. Policy RA3 of the B&NES Placemaking Plan is therefore considered to be relevant in this instance. Proposals for the development of community facilities will be acceptable within and adjoining all villages, provided they are of a scale and character appropriate to the village and meets the needs of the parish and adjoining parishes. As such, Policy RA3 of the PMP is met.

#### HERITAGE ISSUES;

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is also 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.

Listed building impact;

Functionally the proposed extension would provide a new entrance from the interior of the church via the tower, a new kitchen and WC's, including a fully compliant accessible WC and baby changing facilities.

The most successful additions to historic churches are usually those which form an harmonious composition with the rest of the church. The existing vestry extension to St Julian's was designed in this fashion using the established church architectural vocabulary and as a result achieves this. Apart from this small Victorian extension to the north side of the church, St Julian's has a high level of architectural completeness being much unaltered which increases the challenge of trying to add further additions.

Discussion at the pre application stage established that in heritage and landscape terms the north side of the church offered the greatest scope for any further addition, alteration or enlargement. The south elevation, fronting onto the main village street, has a large number of listed tombs and monuments scattered within this part of the churchyard.

Options around this part of the site including separate buildings, extensions linked via the existing north door or utilising the existing vestry were all considered but discounted by the applicants;

Option A: Internal WC and kitchenette in tower flanking west doors: obstruction of west doors unacceptable and alternative of inset to tower south wall.

Option B: Vestry location: converting part or all of the vestry to accommodate toilets and kitchen however a ramp installation would create unacceptable visual intrusion within the Chancel and would create accessibility issues by accessing from the Chancel.

Option C: North field location: It was considered that this would cause visual intrusion against the north aisle externally and using the north door would create issues inside the church.

Option D: West end of north aisle: location would impact detrimentally on the historic interior. Any scheme that would directly alter the highly sensitive interior by removing existing pews would have resulted in an unacceptably high level of harm to the character and significance of the church and were ruled out by all parties.

The concept of a remote extension tethered to the church by a lightweight link was considered; (Option C). This approach is sometimes favoured for churches because it minimises direct alteration in the church building itself. However, at St Julian's the greater impact on the landscape setting to the church and the changes in levels between the interior and ground levels outside make this approach unworkable.

The current scheme promotes a modest design for a single storey extension, located within the junction of the tower with the north aisle of the church. Externally, the extension

would comprise walls constructed of stone, much reused from the demolition works to form the new doorway within the tower, with 3 windows and a rooflight. The ground levels would be lowered around the north side of the tower to allow the new building to be set down below current ground levels, thus bringing the height below the cill level of the north aisle window. For the submission of the application the proposed design has been drawn at 1:100, at which scale finer detail cannot be shown. If permission were to be granted conditions would be used to secure greater detail and refinement of the design.

The church is built from ashlar stone blocks. The application proposes a combination of glazing, ashlar and reuse of rubblestone from the tower under a terne coated steel roof. Overall it is considered that this palette of materials, sensitively handled, should, in all other respects an extension here be considered acceptable. However, any permission would be subject to conditions requiring samples of external materials to be submitted for approval.

In this case, the applicant has proposed a design which could be described as a "deferential contrast to the church, recognisably modern whilst still aiming to be respectful in its historic context. However, the location of the extension, in this junction between the main body of the church and the tower, will conflict with the important relationship between these two elements of the church, impacting harmfully, it is considered, the original composition and appearance.

When viewed from the churchyard, looking towards the church, the extension will appear as an awkward, flat roof, square-shaped element projecting from the base of the church tower. A simple stone parapet will create an upstand on the roof that will effectively interrupt views from the west of the lower portion of the stained-glass window on the north aisle end elevation, despite the actual physical junction to the church being below the windows cill level.

The proposal would create an extension that would conflict with the architectural composition of this part of the building, disrupting the dominant presence of the buttress on the main tower and will detract from the proportional dominance of the tower on the north elevation. It will have a discordant impact on the rhythm of the tower's buttresses and in the visual separation between these two parts of the church, intruding on the historic relationship between each component. It would neither harmonise with nor enhance this part of the church.

As set out above, various options have been explored by the applicants. The internal layout of St Julian's does not lend itself to allowing access to the less significant parts of the church such as the Victorian vestry that is only accessible through the Chancel. The Hungerford Chapel is too important to be altered to allow a passage and door opening through this area into the vestry.

This scheme would entail demolishing an area of historic fabric, specifically part of the north wall of the tower. Historic fabric is generally regarded as critical to the significance of a heritage asset. In this case, the loss of fabric within the tower, that forms an essential part of the narrative of the church, will be irreversible. The masonry here is likely to be some of the earliest in the building, so it is imperative that the harm is avoided altogether or kept to an absolute minimum. Under such circumstances, applicants are normally required to investigate all viable and less harmful alternative options. In this case, whilst

other options have been considered, as set out above, the option of installing an extension but using the existing western or north doors to gain access to it rather than forming a new opening have been discounted by the applicants.

The tower is architecturally important and may contain evidence of an earlier medieval structure within its lower wall levels, as indicated by the transition in the masonry construction. It shows no signs of having an opening in the location proposed for the new door. The formation of a door opening has been assessed by structural engineers and details of the opening's construction have been submitted with the application. This shows that there will be a need to insert of high-level lintel into the body of the tower's masonry to support the opening below. As part of this assessment work, investigation into the tower's masonry has concluded that it appears to be soundly constructed with no voids within the stonework.

Although it is recognised that the applicants have undertaken structural investigations of the church tower, there remains other aspects of the tower that are not fully understood. This includes the tower's age and evolution and whether earlier material from a much earlier church structure may be contained in the base of the tower. Its significance within the context of the church's historic development has not been fully explored. It is considered that this needs to be more thoroughly investigated through more documentary research and by light-touch, on-site archaeological evaluation of the wall's fabric.

Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. This requires the proper assessment and understanding of the significance of a heritage asset, in this case the church tower, and what impact the proposed opening will have on its significance as set out in paragraph 195 of the National Planning Policy Framework (NPPF).

The proposed extension, by virtue of its location and design and the formation of a new opening in the tower wall would cause harm to the significance this exceptional grade I listed heritage asset, in the words of paragraph 202 of the NPPF, this would be 'less than substantial harm'. Consequently, the current proposal is contrary to HE1 of the PMP and paragraph 202 of the NPPF.

Here it is considered that the proposals do not accord with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would cause substantial harm to the listed building, undermining its significance as a designated heritage asset. The proposal is contrary to policy CP6 of the adopted Core Strategy (2014), policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

Impact on the Conservation Area;

There is a dedicated conservation area appraisal for Wellow, published in 2007. It identifies that the oldest phase of the village is around the church and is characterised by large houses in generous plots with a more open character than the rest of the village. The appraisal also acknowledges that there are long views towards the village from the southern side of the valley and along the valley to the east; the church tower being a distinctive landmark in these views.

The church tower is a prominent feature and acts as a major landscape feature. The site is elevated above the High Street which offers dramatic upward views of the church tower. Clearly St Julian's church and churchyard make a very positive contribution to the character and appearance of the conservation area.

The churchyard acts as important green space and landscape feature- especially when viewed from public footpaths to the north of the site. It is publicly accessible with seating arranged in the northern side of the site. As recognised by the conservation area appraisal; "The most notable green spaces are the walled enclosures behind and adjacent to the church. The churchyard itself is also a pleasant space to sit and enjoy views".

Whilst the proposed development will not impact on the church's southern elevation, it will affect the church's northern elevation. It will impact on views from within the churchyard and from immediately outside the walls of the churchyard, on adjacent footpaths, obscuring the lower level of the tower and the end of the north aisle. Due to its awkward location on the tower, the extension will have a negative impact on the character and appearance of the church within the context of the conservation area, thereby resulting in less than substantial harm to this part of the conservation area.

The proposal is therefore contrary to policy CP6 of the adopted Core Strategy (2014), policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

#### DESIGN, CHARACTER AND APPEARANCE:

Policy D1, 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. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

The design character and appearance of the proposal has been considered in some detail in respect of heritage issues above. The proposal by reason of its design, siting, and impact on the host building is unacceptable and will not contribute or respond to the local context and will undermine the character and appearance of the surrounding area. Consequently, the proposal does not accord with policy CP6 of the Core Strategy, policies D1, D2, and D5 of the Placemaking Plan and part 12 of the NPPF.

#### LANDSCAPE:

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in landscape, including conserving the local landscape character and conserving. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape. Proposals with the potential to impact on the landscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

The church is not merely 'in the landscape, it is an integral part of the landscape, and the effect of the proposals on the landscape need to be addressed in a robust manner. This is a sensitive designated landscape within the AONB and within the Green Belt.

In this case, sufficient information has not been submitted with the application to enable the appearance of the proposals to be reliably assessed in the context of the wider landscape. Neither has a robust Landscape and Visual Appraisal, to a proportionate level of detail, been provided to ensure that any decisions taken are informed by a professional evaluation of predicted effects on landscape character and visual amenity.

Whilst the tower is a highly significant landscape feature, the proposed extension will be low set within the crook of the church tower, thereby reducing visual impacts on more distant views outside of the site. More immediate views within the churchyard and into the conservation area have been set out under the conservation section above.

Consequently, at this stage it cannot be confirmed that the proposal complies with policy NE2 of the Local Plan Partial Update, policy NE2A of the Placemaking Plan and part 15 of the NPPF.

#### ARCHAEOLOGY:

The submitted Heritage, Design, Access & Planning Statement (HDAPS) acknowledges the potential for burials and other archaeological remains to be impacted by this proposal. The HDAPS also acknowledges that normally archaeological investigation to understand the significance of any remains should be carried out in advance of determination of the application. However, in this case the applicants argue that due to the economics it is difficult for the parish to fund such pre-determination work without confidence that the application will be granted. Due to the limited scale of this proposal and its non-profitable nature this is accepted by the LPA's archaeological consultants.

Based on this information, it would be appropriate that a pre-commencement condition should be attached, if permission were granted, that ensures archaeological investigation is carried out to ensure remains are recoded and/or preserved.

The development would therefore be subject to further archaeological investigation, detailed through a pre-commencement condition.

#### PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The primary issue to consider in respect of Green Belt is whether the proposal represents inappropriate development in the Green Belt. Additionally, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; one of the essential characteristics of Green Belts are their openness. Impact to openness must also be assessed. Impact to openness is based on a visual and spatial assessment.

The site lies just outside of the Settlement Boundary of Wellow village. Whilst development is not generally considered acceptable outside of a settlement boundary, it should be noted that the church is only just outside of the boundary and although the proposal is to construct an extension which would be visible, its location and size would be allow it to be behind the existing church tower.

The proposed extension would have a floor area of 17 square meters, 2% of the 750 square metre total floor area of the church. This equates to 1.5% of the circa 4,500 cubic metre volume of the church. No other extensions have been added to the church since 1948.

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.

#### 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.

Whilst the church is set within its own churchyard and is relatively isolated from other properties within the village, one property, Church House is a 3-storey residential building is located to the west of St Julian's and is separated from the church by a large field. It has a number of windows that face towards the churches west end and tower.

There is a strong likelihood that the extension will be seen from the house, however, the distance between the two buildings, together with intervening walls and vegetation will prevent direct overlooking or privacy issues. Light spillage from the roof, as set out in the ecology section below, can be limited by the use of blackout blinds. It is also noted that recent planting has been carried out along the boundary wall inside Church Houses land.

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

#### HIGHWAYS SAFETY AND PARKING:

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

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

#### 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.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG).

Any external lighting should be minimised onto habitats for light-sensitive bat species in accordance with ILP 2018 Guidance. Lighting, if required, must only be used where absolutely necessary and be downward-facing, low level and fitted with PIR sensors and a short-duration timer.

In the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites Metric or agreed equivalent.

A rooflight is proposed in the extension. This will result in upward light spill onto the Tower and potentially onto other roofs/elevations of the Church. The issue is how far upwards the lighting from the rooflight will project and whether this would impact on any bats exiting from the louvres higher up on the same face of the Tower. To counter the potential harmful impacts from light spillage, the applicants have proposed an automatically closing blackout blind be installed.

However, simply installing a blackout blind will not be satisfactory going forward, due to future maintenance and management issues that cannot be mitigated against. A resolution to this issue would be either:

1) Confirmation of how far upwards light spill will project from a qualified lighting engineer and the height at which the louvres are located above ground level.

or

2) A bat survey which confirms that there are no exits for light sensitive bat species on this elevation of the Tower."

This information has not been provided.

In addition to this, further avoidance and mitigation measures may be required based on the outcome of the findings, depending on the risk to roosting bats.

Ecological surveys are a material consideration in planning applications and should not be conditioned to meet ODPM Circular 06/2005 (paragraph 99), Natural England standing advice and Case Law. Information will be required before determination to demonstrate compliance with UK law and Local Policy D8.

To provide net gain of biodiversity in accordance with the NPPF (paragraphs 174, 179 and 180) and Local Plan Policies NE3 and D5e, a nest box for birds (such as a house sparrow terrace) could be installed on the new extension. Biodiversity net gain opportunities have not been identified.

Overall, the proposal does not currently comply with policy NE3 of the Placemaking Plan & Policy NE3a of the Local Plan Partial Update with regard to Biodiversity Net Gain.

#### **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;

Here it is considered that this scheme meets the criteria set out above and all due regard to this issue has been considered by officers.

### **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. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made.

### **PLANNING BALANCE:**

In determining this application, the council has two important statutory duties, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

These duties are reflected in paragraph 199 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight must always be given to the asset's conservation. It also states that the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 of the NPPF also states that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification.

In this case, the harm through its impact on the external architectural composition and setting of the church together with loss of significant historic fabric from the tower are of significant concern. These identified impacts will affect key elements of St Julian's special interest such as the harmonious synthesis of its unaltered exterior and the picturesque romantic qualities of the church within the churchyard, together with demolition of significant medieval masonry.

In the context of the heritage as a whole, the level of harm is concluded to sit at the upper end of less than substantial harm. Where the level of harm falls into this category, paragraph 202 of the NPPF is engaged which states that less than substantial harm,

should be weighed against the public benefits of the proposal, including securing a heritage assets optimum viable use.

Public benefits are set out in the architect's submission and a Needs Assessment Statement supplied by the parishioners. The proposal will improve the accessibility of the church, in the provision of accessible toilet & kitchen facilities within the extension.

However given the great weight attached to this asset's intrinsic significance as a grade I listed building and the upper end of less than substantial harm attributed by this proposal, the nature and scale of tangible public benefits that will flow from this scheme are not considered to outweigh the identified levels of harm to St Julian's Church and its setting. For this reason the application is recommended for refusal.

## **CONCLUSION:**

It is therefore considered that the proposal does not comply with planning policies HE1, D1,D2,D5, NE3 and NE3a and as outlined above and the proposal is recommended for refusal.

## **RECOMMENDATION**

**REFUSE**

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

1 The extension and formation of the door opening within the tower, by reason of loss of historic fabric and its siting, design and detailing would cause less than substantial harm to the grade I listed building and its setting and to the character and appearance of this part of the Wellow Conservation Area. No evidence has been provided to adequately demonstrate that the proposal represents the least harmful form of addition for the building. Whilst it is recognised that there is a local need for the facilities, however, the public benefit of providing them would not outweigh the less than substantial harm that would be caused to the heritage asset. The proposal would therefore be contrary to Policies D1, D2, D5 and HE1 of Bath & North East Somersets Placemaking Plan, Policies CP6 of BathNES Core Strategy, paragraph 202 of the National Planning Policy Framework (NPPF).

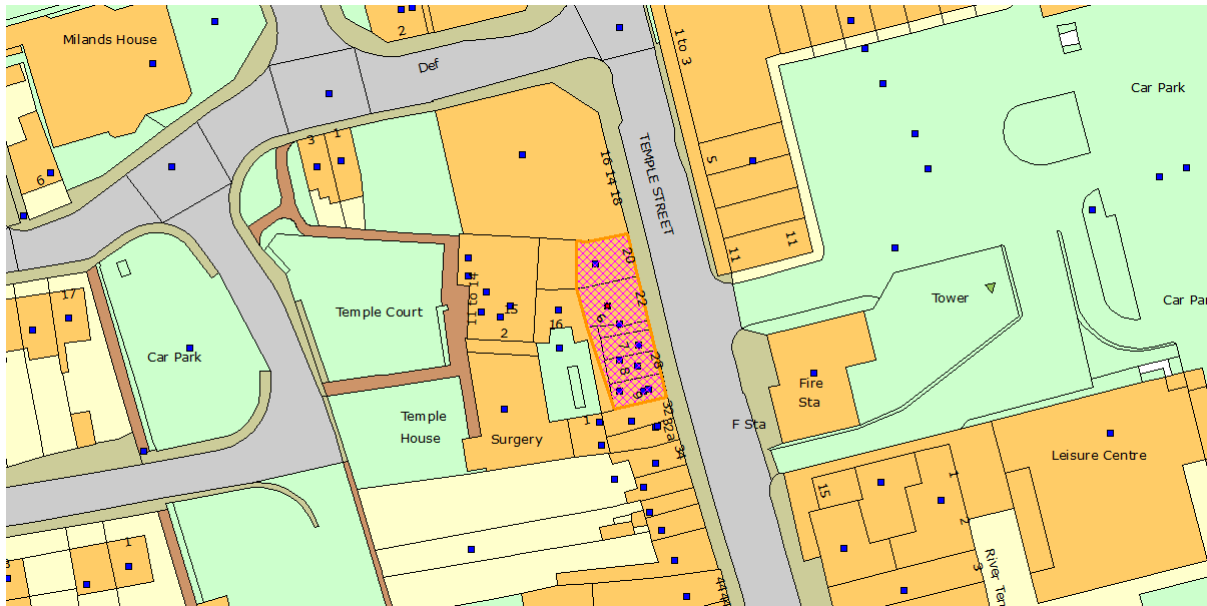
2 There is insufficient information provided to assess the light spill levels that may exceed acceptable thresholds with impacts on the adjacent church tower and any bat habitats associated with it and no biodiversity net gain opportunities have been identified. In this respect the scheme does not comply with policy NE3 of the Placemaking Plan & Policy NE3a of the Local Plan Partial Update with regard to Biodiversity Net Gain

## **PLANS LIST:**

1 Drawing	16 Aug 2022	571-P-01-	PROPOSED LOCATION AND ROOF PLAN
Drawing	16 Aug 2022	571-P-02E-	PROPOSED GROUND FLOOR PLAN
Drawing	16 Aug 2022	571-P-03A-	PROPOSED ELEVATIONS
Drawing	16 Aug 2022	571-P-04	PROPOSED SECTION AA
Drawing	16 Aug 2022	571-P-05-	PROPOSED SECTION BB
Drawing	16 Aug 2022	571-P-06-	PROPOSED SECTIONS
Drawing	16 Aug 2022	571-P-07-	PROPOSED DOORWAY
Drawing	16 Aug 2022	571-P-08-	WEST ELEVATION - EXISTING AND PROPOSED
Drawing	16 Aug 2022	571-P-09-	NORTH ELEVATION - EXISTING AND PROPOSED
Drawing	16 Aug 2022	571-P-10-	PROPOSED BLOCK PLAN
Drawing	16 Aug 2022	571-P-11-	PROPOSED ELEVATIONS
Drawing	16 Aug 2022	571-S-02-	EXISTING GROUND FLOOR PLAN
Drawing	16 Aug 2022	571-S-04-	EXISTING BLOCK PLAN
Drawing	16 Aug 2022	571-S-05-	EXISTING SECTIONS
Drawing	16 Aug 2022	571-S-06-	EXISTING ELEVATIONS

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

**Item No:** 02  
**Application No:** 22/04670/REG03  
**Site Location:** 22 Temple Street Keynsham Bristol Bath And North East Somerset BS31 1EH



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

**Ward Members:** Councillor Brian Simmons Councillor Vic Clarke

**Application Type:** Regulation 3 Application

**Proposal:** General repairs and replacement windows and downpipes to the first floor street elevation of no.20-30 Temple Street. Refurbishment of shopfronts at no.20 and no.22 Temple Street.

**Constraints:** Agric Land Class 3b,4,5, Air Quality Management Area, Conservation Area, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, District Heating Priority Area, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, Placemaking Plan Allocated Sites, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Helen Griffiths

**Expiry Date:** 13th January 2023

**Case Officer:** Elizabeth Ashworth

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

## REPORT

### Reason for going to committee:

The application was referred to the Committee Chair and Vice Chair in accordance with the Council's scheme of delegation. The application has been submitted by the Council's Regeneration Team as part of the Keynsham HAZ project and involves properties Nos. 20-30 Temple Street.

## Site description

This application relates to Nos.20-30 Temple Street, a historic terrace, which form Temple Court. They are within the Keynsham Conservation Area and are part of Keynsham HAZ project.

Planning permission is sought to alter the existing shopfronts of No. 20 and 22. It is also proposed to replace the first floor windows at Nos. 20-30.

As part of the works the elevations will be tidy up by removing redundant fixings, undertaking minor repairs and redecoration. These elements do not require planning permission.

Relevant Planning History:

DC - 98/02905/LBA - PER - 18 November 1998 - Old opening re-opened and rebuilt using 140x100 concrete lintels set on pillars of dense concrete blocks (24-28 Temple Street)

DC - 17/03631/SRCOU - APP - 15 September 2017 - Prior approval request for change of use from shops (class A1) to cafe (class A3),

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Keynsham Town Council: Support

No other comments currently received. Recommendation subject to new comments arising from public consultation ending 02.03.23. Committee will be updated should any arise.

## POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
  - Policy GDS.1 Site allocations and development requirements (policy framework)
  - Policy GDS.1/K2: South West Keynsham (site)
  - Policy GDS.1/NR2: Radstock Railway Land (site)
  - Policy GDS.1/V3: Paulton Printing Factory (site)
  - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

CORE STRATEGY:

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

CP6: Environmental Quality  
CP12: Centres and Retailing  
DW1: District Wide Spatial Strategy  
SD1: Presumption in favour of sustainable development

#### PLACEMAKING PLAN:

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

D1: General urban design principles  
D2: Local character and distinctiveness  
D3: Urban fabric  
D5: Building design  
D6: Amenity  
D9: Advertisement and outdoor street furniture  
HE1: Historic environment

#### LOCAL PLAN PARTIAL UPDATE:

Bath and North East Somerset Council have recently updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU). There are no proposals relevant to this application.

#### NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

#### 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**

The main issues to consider are:

- Design, character, and appearance
- Impact on Conservation Area

### **PRINCIPLE OF DEVELOPMENT:**

The site is within the built up area of Keynsham where the principle of development is acceptable subject to other material planning considerations discussed below.

### **DESIGN, CHARACTER AND APPEARANCE:**

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

Nos 20 and 22 do not have the traditional features of shop frontages with features such as cornice, stall risers etc. and the current arrangements date from the latter part of 20th century. The proposed alterations seek to improve the visual appearance of the existing shopfronts. The replacement timber fascia boards will be positioned lower to align with those on the rest of the terrace. A stallriser feature will be introduced to help distinguish between the shopfronts and rest of building. The existing shop window of No.20 will be replaced with timber sliding window to allow ventilation into café. It has been designed to retain the pattern of the vertical mullions and vertical rhythm across the frontage.

The replacement of the first-floor windows will greatly improve the appearance and sense of cohesion across the terrace. The windows will be timber sashes in a six over six arrangement reflecting historic fenestration pattern.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

### **CONSERVATION AREA:**

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

The proposed works to the shop fronts will improve the appearance of the terrace and will enhance the character and appearance of the conservation area.

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. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

## 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 introduction of slimline double glazing will improve the energy efficiency. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

## CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

## RECOMMENDATION

PERMIT

## CONDITIONS

### 1 Standard Time Limit (Compliance)

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

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

### 2 Plans List (Compliance)

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

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

## PLANS LIST:

1 Block Plan and Existing and Proposed Plan (Drwg No. KEY-20-22TS-100)- received 18th November 2022



Existing and Proposed Elevations (Drwg No. KEY-20-22TS-300)- received 18th November 2022

Proposed Details (Drwg No. KEY-20-22TS-400 20) -received 18th November 2022

Proposed Details (Drwg No. KEY-20-22TS-410 22)- received 18th November 2022

Proposed Street Front Elevations Temple Street (Drwg No. KEYNES.01-DR-2200-3P-0) - received 18th November 2022

Proposed Window Details Temple Street (Drwg No. KEYNES.01-DR-3200-3P-0)- received 18th November 2022

Location Plan (Drwg No. KEYNS02-DR-4000)- received 18th November 2022

## **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 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)

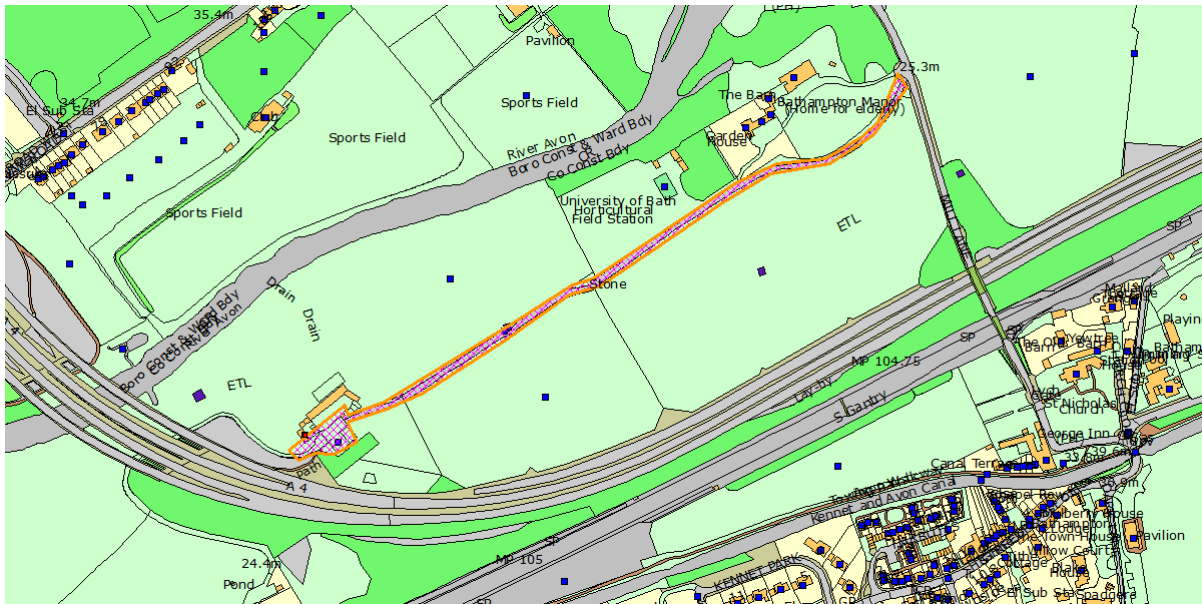
### **4 Permit/Consent Decision Making Statement**

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

### **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:** 22/02604/FUL  
**Site Location:** New Leaf Farm Mill Lane Bathampton Bath Bath And North East Somerset



**Ward:** Bathavon North                      **Parish:** Bathampton                      **LB Grade:** N/A

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

**Application Type:** Full Application

**Proposal:** Change of use of agricultural barn into a single dwelling with associated facilities for the existing holiday lets (Revision of proposal approved on 18/03608/ADCOU).

**Constraints:** Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones,

**Applicant:** Mr Steve Horler

**Expiry Date:** 21st October 2022

**Case Officer:** Sam Grant

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

## REPORT

The application site is a farm situated on the outskirts of the village of Bathampton. The site is located with the Green Belt; the indicative setting of the City of Bath World Heritage Site;

Planning permission is sought for the change of use of an agricultural barn into a single dwelling with associated facilities for the existing holiday lets

Relevant Planning History:

2020:

20/01399/FUL - PERMIT - 2 July 2020 - Erection of agricultural storage building.

2018:

18/03608/ADCOU - APPROVED - 3 October 2018 - Prior approval request for change of use from Agricultural Building to three dwellings (C3) and associated operational development.

2015:

15/01855/ADCOU - Prior approval request for change of use from Agricultural Barns to 3 no. Dwellings (C3) and associated operational development - APPROVE

2014:

14/04947/ADCOU - Prior approval request for change of use from Agricultural Barn to Dwelling (C3) - REFUSED

14/00847/FUL - Erection of a permanent agricultural workers dwelling (Resubmission) - REFUSED - APPEAL DISMISSED

14/00316/FUL - Erection of agricultural building (covered yard) - PERMITTED

2012:

12/05631/FUL - Erection of a permanent agricultural workers dwelling (Resubmission) - REFUSED

12/05349/FUL - Erection of agricultural building (covered yard) - PERMITTED

12/04766/AGRN - Provision of a covered yard - WITHDRAWN

2011:

11/05456/FUL - Erection of a permanent agricultural workers dwelling - REFUSED

2010:

10/02944/AGRN - Erection of an agricultural feed store - APPROVED

2008:

08/04343/FUL - Conversion of former agricultural buildings to holiday accommodation, erection of barn, temporary dwelling and floating pontoon - PERMITTED

2007:

07/03372/FUL - Conversion of former agricultural buildings to holiday accommodation and erection of barn and detached farm cottage - WITHDRAWN

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

Ecology: No Objection - Subject to Conditions

Drainage and Flooding: No Objection

Environment Agency: No Comment

Highways: No Objection - Subject to Conditions

Representations Received :

Bathampton Parish Council - No Objection

Ward Cllr Sarah Warren - "I would suggest that this is a location for development that is highly supportive of sustainable travel, and that development should not be opposed at this location on these grounds."

No 3rd Party Comments Recvied.

## **POLICIES/LEGISLATION**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

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

## **CORE STRATEGY:**

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

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

CP8: Green Belt

SD1: Presumption in favour of sustainable development

DW1: District Wide Spatial Strategy

## **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

D6: Amenity

GB1: Visual amenities of the Green Belt

GB2: Development in Green Belt villages

GB3: Extensions and alterations to buildings in the Green Belt.  
HE1: Historic environment  
NE2A: Landscape setting of settlements  
RE6: Re-use of rural buildings

#### LOCAL PLAN PARTIAL UPDATE:

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

DW1: District Wide Spatial Strategy  
D5: Building design  
D8: Lighting  
GB2: Development in Green Belt villages  
GB3: Extensions and alterations to buildings in the Green Belt  
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  
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 City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

#### NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

#### LOW CARBON AND SUSTAINABLE CREDENTIALS

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

emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

## **OFFICER ASSESSMENT**

Scheme of Delegation:

In accordance with the scheme of delegation, as it is stated on the application form the applicant is related to Cllr Kevin Guy, this application is to be determined by the Planning Committee.

### **PRINCIPLE OF RESIDENTIAL DEVELOPMENT:**

This application proposes the redevelopment of an existing barn located within New Leaf Farm. The site is set within the semi-rural area of Bathampton. The site is also situated within the Green Belt.

The primary consideration is to determine whether the development constitutes inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Certain types of development are not considered to be inappropriate so long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. An exception stated under paragraph 150(d) includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

The existing barn comprises of a metal frame and metal sheet construction with a dual-pitched, gable ended metal sheet roof. The main barn is considered to be of a substantial construction and is to be retained. Whilst the rear lean-to canopy is to be removed and replaced with an extension located on the northern elevation. The existing roof is also proposed to be retained, with parts being made good and skylights installed. The external walls and roof are therefore considered to be of a substantial, permanent construction which do not require major works to be retained. The redevelopment is therefore considered to meet with the exception stated under paragraph 150(d).

The next part to assess is whether the proposed development would preserve the openness of the Green Belt. The footprint and volume of the proposed development is proposed to increase slightly. The lean-to extension to the barn on the southern elevation is to be removed and replaced with an extension and the height of the building is not proposed to change. The building and the proposed extension are not considered to harm the openness of the Green Belt as its bulk/volume of development on the site remain similar and all proposed development is confined within the cluster of buildings and built form at the site. As such openness is considered preserved.

In the case of a building to a new use in the countryside outside the scope of policies RA1, RA2 and GB2 will only be permitted provided:

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

- 2) the building is not of temporary or insubstantial construction and not capable of conversion without substantial or complete reconstruction or requires major extension
- 3) the proposal would enhance visual amenity and not harm ecological function (e.g. bat roost)
- 4) the proposal does not result in the dispersal of activity which prejudices town or village vitality and viability
- 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
- 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
- 8) 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
- 9) 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 above criteria are dealt with in turn as follows:

- 1) Form, bulk and general design

The building has an agricultural appearance with materials that match the surrounding buildings. The external works to convert the building are likely to require minimal intervention and no significant new openings. Criterion 1 of Policy RE6 is therefore complied with.

- 2) Requirement to not be of temporary or insubstantial construction and capable of conversion without substantial/complete reconstruction or major extension.

The barn was subject to two previous prior approval applications under Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015, where it was established the barn is suitable for conversion and is of substantial construction. No changes to the barn have been made since these applications and the case officer is satisfied the building is of substantial construction and the scheme is assessed to comply with Criterion 2 of Policy RE6.

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



The site is visually acceptable at present and is relatively well kept and tidy. The use of the building as a dwelling is unlikely to harm ecological function or enhance the site visually and would likely have the same neutral impact as the existing building.

The proposal is located in a rural landscape connected to its surroundings by hedgerows and a mixture of other habitats of value to wildlife. There is a reasonable likelihood of use of the site, including the building, by wildlife, including protected species such as bats and nesting birds. Bats typically use dark spaces such as roof voids, wall cavities and unseen crevices, for roosting. Their presence at a building is often well concealed.

A number of measures which would provide "biodiversity gain" have been identified and provided and these can be conditioned as part of an approval.

The proposed development complies with the third criterion of Policy RE6.

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

Given that the application would be for a dwelling it is not considered to prejudice the vitality and viability of nearby towns. The additional residential unit located close to the village of Bathampton and the City of Bath, of which the services within the village and town could be supported by the new dwelling. Criterion 4 of Policy RE6 is therefore complied with.

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

It is considered, that given the sites proximity to Bath and Bathampton , the proposed dwelling would not be isolated from public services and community facilities. The site is also considered to be part of the established group of buildings. Criterion 5 of Policy RE6 is therefore complied with.

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;

From the information submitted it does not appear likely the proposal will result in replacement buildings or outside storage of machinery. The building was originally used in connection with a working farm but has latterly been used for storage. Criterion 6 of Policy RE6 is therefore complied with.

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.

As discussed above, the proposal would not cause harm to the Green Belt. The redevelopment would not have a materially greater impact. Criterion 7 of Policy RE6 is therefore complied with.

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 and nearby buildings are not listed and are not considered to require safeguarding. Criterion 8 of Policy RE6 is therefore complied with.

As set out above, the proposal is considered to be compliant with Policy RE6 of the Placemaking Plan 2017.

#### DESIGN, CHARACTER AND APPEARANCE:

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

The proposed design of the conversion and extension retains its agricultural like appearance through the use of appropriate materials such as rubble stone and timber cladding. The rear lean-to currently does not add any architectural or any other benefit to the site, its removal and replacement with the extension from the northern elevation is considered to be an improvement to the appearance of the site. The proposed materials of the barn and the extension complement the existing materials which is welcomed, however limited detail of the proposed has been provided, therefore the full details will be required by condition.

The character and appearance of the conversion is considered to be acceptable. The design compliments the previous agricultural use and also integrates residential elements which are considered to be appropriately designed. As such, the conversion will not cause harm to the character and appearance of the site.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3 and D4 of the Placemaking Plan for Bath and North East Somerset (2017), Policy D5 Local Plan Partial Update 2023 of the and part 12 of the NPPF

#### RESIDENTIAL AMENITY:

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

The proposed conversion is sited within its own plot, set a sufficient distance (13 metres) from the existing holiday lets on site. It is noted that there is a significant amount of glazing on the northeast elevation of the proposed conversion, however, some of the potential impact of overlooking the Holiday Lets is mitigated by the location of the proposed extension. Given this and the distance between the proposed development and the existing buildings on site, it is considered that a sufficient amount of privacy will be afforded to the proposed development and the existing holiday lets on site.

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

#### HIGHWAYS SAFETY AND PARKING:

Policy ST1 of the Local Plan Partial Update concerns promoting sustainable travel and healthy streets. In order to ensure delivery of well-connected places accessible by sustainable means of transport, planning permission will be permitted provided the following principles are addressed, appropriate to the context and type of development and within the requirements of the NPPF.

Criterion 2 of this policy states that development will only be permitted when the design of the development reduces car dependency and actively supports travel by sustainable modes, including providing attractive sustainable travel connections. As part of the assessment of this application, the council's highways team were consulted.

Initially highways responded with an objection to the proposal on the basis the proposed dwelling was in an unsustainable location due to the only access to the building being via a 500 metre long private access track. In response to this, the applicant submitted a Transport and Sustainability Supplementary Document which detailed alternative methods of transport that can be used by future occupiers, other than the private car. Based on this information, Highways were re-consulted and removed their objection to the scheme.

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

The submitted plans do not show any provision of bicycle parking within the site. As such a condition will be attached to this permission requiring bicycle parking to be provided prior to the occupation of the development.

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

## 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.

Although the proposed development is mainly for the conversion of a farm building, there is an element of built form that is within Flood Zone 2, as defined by the Environment Agency (EA). The EA have been consulted on this application and have provided no comment. However, the EA have provided standing advice for the Council with regard to flood risk and this recommends the finished floor levels are not lower than the existing and have a 30% safety factor as well as a further 300mm freeboard. This is further confirmed by the submitted Flood Risk Assessment.

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.

## ECOLOGY:

As part of the assessment of this application, the Councils Ecology team have been consulted.

An Ecological Impact Assessment is submitted (Enzygo 14th Sept 2022) and its findings and recommendations are accepted.

The main concern with this proposal is the extensive glazing and the risk of light spill from the building impacting the light levels onto nearby vegetation, in particular the tree-line to the south and south-west. This vegetation provides habitat connectivity to the River Avon to the north (also a designated Site of Nature Conservation Interest (SNCI)), Bathampton Oxbow nature reserve (a wildlife trust nature reserve, also an SNCI), nearby fields and the wider countryside, and the nearby Bath & Bradford on Avon Bats Special Area of Conservation (SAC), and offers suitable conditions for likely use by bats including light-sensitive bats associated with the SAC as well as other wildlife.

This treeline and other vegetation, and the landscape to the north (between the site and the River Avon) must be protected from the risk of increased light spill levels or reduced habitat suitability as a result of the development. Upward light spill must also be avoided.

A drawing is submitted showing a strategy for sensitive lighting and design features to minimise light spill from the building. This is considered appropriate and the risk of light spill onto adjacent vegetation appears to have been "designed out" sufficiently to protect the adjacent tree line and

landscape to the north. These measures will need to be secured by condition and operational light spill levels will also need to be assessed and verified once the building is occupied. Subject to this being secured by condition, it is considered that the scheme is not capable of a "likely significant effect" on the SAC or SAC bats and supporting habitat, and an Appropriate Assessment will not be required.

The lighting strategy and recommendations of the ecology report must be adhered to and will be secured by condition.

Taking the above into account, it is considered the proposal complies with Policies NE1, NE2, NE5 and D8 of the of the Local Plan Partial Update 2023 and Policies D5e of the Placemaking Plan for Bath and North East Somerset 2017

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.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG).

In the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites Metric or agreed equivalent.

the application was submitted in July 2022 prior to Policy NE3a being adopted in January 2023 and therefore no DEFRA Metric has been submitted as part of this application and therefore does not show compliance with this policy. However, it is considered that there are measurable benefits of this scheme. This includes removal lean-to extension from the south of the barn, resulting in some of the area it occupied returning back to natural habitat. Furthermore, the proposed operational development is on hardstanding where little existing habitat would exist. Taking the above into account, it is considered the development would result in No let less loss to Biodiversity and the application would likely achieve Biodiversity Net Gain as a result the proposed works. In addition, a soft landscaping scheme will be required by condition, which will result in a further measurable net gain as a result of the proposed works.

On balance it is not considered to be proportionate or reasonable to get applicant to submit metric given the above. The development in combination in with the condition would result in a measurable net gain as this is supported by policy NE3a.

## 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.

## 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 grant 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:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

## RECOMMENDATION

PERMIT

## CONDITIONS

### 1 Standard Time Limit (Compliance)

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

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

### 2 Wildlife Protection and Enhancement Scheme (compliance)

The development hereby approved shall be carried out only in accordance with the recommendations as detailed in Sections 4 and 5 including Tables 3 and 4 of the approved Ecological Impact Assessment dated 14th September 2022 by Enzygo and with the approved Block Plan drawing reference 2111-P07 with Lighting Notes added. All such measures shall be adhered to and retained and maintained thereafter for the purpose of wildlife conservation.

Reason: to avoid harm to ecology including protected species and to avoid net loss of biodiversity

### 3 Materials - Submission of Materials Schedule (Bespoke Trigger)

No construction of the external walls and roof 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 policies D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan, policy CP6 of the Bath and North East Somerset Core Strategy and Policy D5 Local Plan Partial Update 2023

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

No new external lighting shall be installed or new changes to internal lighting design be made without full details being first submitted to and approved in writing by the Local Planning Authority; details shall be fully in accordance with the approved plans and reports including Section 4 and Table 3 of the approved Ecological Impact Assessment dated 14th September 2022 by Enzygo and the Block Plan drawing reference 2111-P07 with Lighting Notes added. Submitted details shall include:

- proposed lamp models and manufacturer's specifications,
- proposed lamp positions, numbers and heights with details also to be shown on a plan;
- a plan showing zones which will be maintained as "dark" zones where the effects of light spill will be kept below 0.5 lux on both the vertical and horizontal planes
- details of lighting controls and hours frequency and durations of use as applicable
- details of all other measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife.

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

Reason: To avoid harm to bats and wildlife in accordance with policies NE3 of the Local Plan Partial Update 2023 and D8 of the Bath and North East Somerset Placemaking Plan and to avoid impacts on the Bath & Bradford on Avon Bats Special Area of Conservation (SAC), supporting habitat to the SAC and light-sensitive bats associated with the SAC.

#### **5 Ecological Compliance Statement (Bespoke Trigger)**

Within 6 months of occupation of the development hereby approved a report produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by the ecologist) confirming and demonstrating, using photographs, adherence to and completion of all approved Wildlife Protection and Enhancement measures in accordance with approved details, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 and NE5 of the of the Local Plan Partial Update 2023 and D5e of the Bath and North East Somerset Placemaking Plan 2017.

## **6 Lighting Compliance statement (Bespoke Trigger)**

Within 6 months of occupation of the development hereby approved a lighting compliance report produced by a suitably experienced and qualified professional shall be submitted to and approved in writing by the LPA. The report shall:

- confirm in writing and use photographs to demonstrate all lighting and light spill control measures and features are installed and being operated fully in accordance with approved details;

- provide lux level readings at intervals within the approved dark zone/s and onto all sensitive features and at height intervals, with all lights on, demonstrating operational light spill levels fall within the approved thresholds and that light spill upwards is prevented and that light spill onto

sensitive features and within the dark zone/s fall below 0.5 lux on both the horizontal and vertical planes. Where lighting, lighting control features or light spill levels are not compliant with approved details this should be made clear and remedial measures and further reporting and compliance checks proposed.

Reason: to demonstrate compliance with approved sensitive lighting design and very low light spill levels to prevent harm to ecology including bats and the Bath & Bradford on Avon Bats SAC (andsupporting habitat)

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

No Occupation of the development shall take place until full details of 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. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

Reason: To ensure the provision of amenity and a satisfactory quality of environment afforded by appropriate landscape design, in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan and to ensure Biodiversity Net Gain in accordance with Policy NE3a of the Local Plan Partial Update 2023.

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

No occupation of the development shall commence until bicycle storage for at least 2no. bicycles has been provided in accordance with details which have been submitted to and



approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update

### **9 Plans List (Compliance)**

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

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

### **PLANS LIST:**

1 This decision relates to the following plans:

Drawing	28 Jun 2022	2111_P01	EXISTING SITE PLAN
Drawing	28 Jun 2022	2111_P02	EXISTING PLAN AND ELEVATIONS
Drawing	28 Jun 2022	2111_P03	PROPOSED SITE PLAN
Drawing	28 Jun 2022	2111_P04	PROPOSED GROUND FLOOR PLAN SECTION ELEVATIONS
Drawing	28 Jun 2022	2111_P05	PROPOSED FIRST FLOOR PLAN, SECTION AND ELEVATIONS
Drawing	28 Sep 2022	2111 - P07	PROPOSED BLOCK PLAN WITH LIGHTING NOTES

### **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 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 38 of the National Planning Policy Framework.

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

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

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

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

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

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

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

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