

# Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **7th June 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.

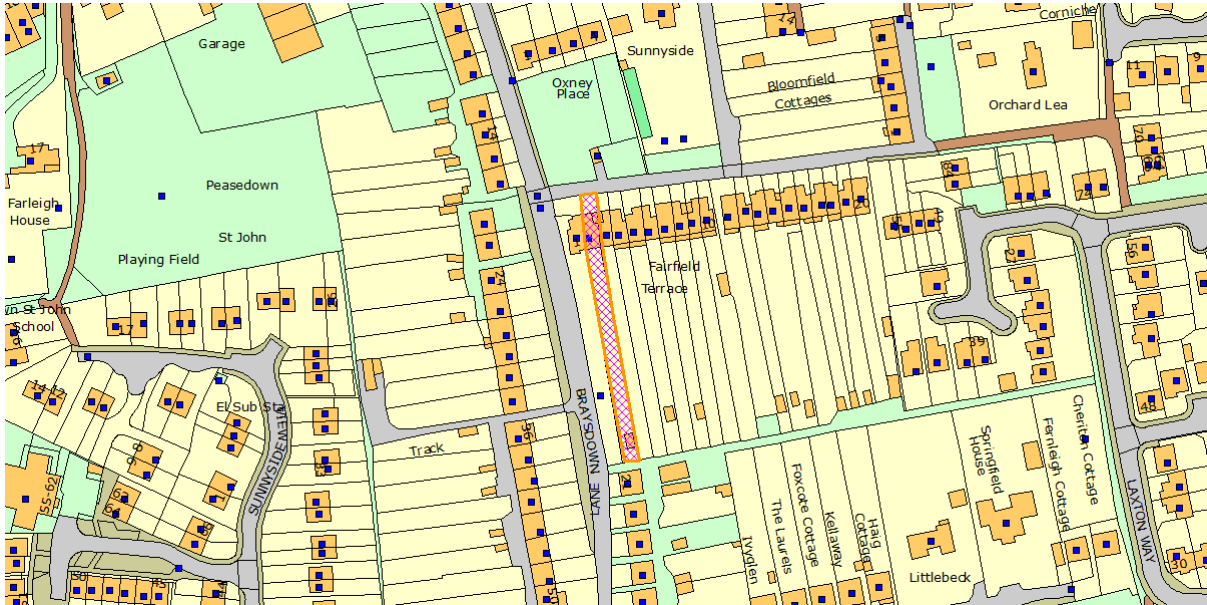
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	22/02622/FUL 14 April 2023	Mr & Mrs Mark & Sarah Jones 2 Fairfield Terrace, Peasedown St John, Bath, Bath And North East Somerset, BA2 8HL Erection of new separate two storey dwelling including formation of new vehicular access and double car parking area for existing house, new pedestrian access for new dwelling, both off Braysdown Lane following removal of existing garage and outbuilding within part of garden.	Peasedown	Danielle Milsom	PERMIT
02	23/00419/LBA 13 April 2023	Mr Chris Born 1 Cambridge Place, Widcombe Hill, Widcombe, Bath, Bath And North East Somerset External alterations to include Installation of 6 photovoltaic solar panels on roof	Widcombe And Lyncombe	Danielle Milsom	REFUSE

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

**Item No:** 01  
**Application No:** 22/02622/FUL  
**Site Location:** 2 Fairfield Terrace Peasedown St John Bath Bath And North East Somerset BA2 8HL



**Ward:** Peasedown      **Parish:** Peasedown St John      **LB Grade:** N/A

**Ward Members:** Councillor Karen Walker    Councillor Gavin Heathcote

**Application Type:** Full Application

**Proposal:** Erection of new separate two storey dwelling including formation of new vehicular access and double car parking area for existing house, new pedestrian access for new dwelling, both off Braysdown Lane following removal of existing garage and outbuilding within part of garden.

**Constraints:** White Ox Mead Air Strip 3km buffer, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP9 Affordable Housing, SSSI - Impact Risk Zones,

**Applicant:** Mr & Mrs Mark & Sarah Jones

**Expiry Date:** 14th April 2023

**Case Officer:** Danielle Milsom

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. Peasedown St John Parish Council have submitted a letter of objection which is contrary to the officer recommendation to permit. Planning

policy reasons were provided by the parish council, raising concerns regarding impact of character and appearance highway safety and parking and loss of the hedgerow.

The Chair has considered the application and decided that the application will be determined by the Planning Committee, commenting as follows:

I have reviewed this application and note the comments from all parties. Despite the applicant and officer having worked together to overcome some issues raised, controversy remains about the impact on the street scene and character of the local area. I therefore refer this decision for debate at the planning committee.

The Vice Chair commented as follows:

I have looked carefully at this application noting comments from both third party & statutory consultees including PSJ PC reasons for objecting & Ward Cllr concerns. The application has been assessed against relevant planning policies & there have been modifications to address highways concerns however the adverse impact on the character of the area remains controversial & would benefit from debate in the public area therefore I recommend the application be determined by the planning committee

### **Site Description**

The application refers to the rear of 2 Fairfield Terrace. The site is situated within a primarily residential area comprising of a variety of dwellings, including detached dwellings to the south and terraced to the north and west.

Planning permission is sought for the erection of a new separate two storey dwelling including formation of new vehicular access and double car parking area for existing house, new pedestrian access for new dwelling, both off Braysdown Lane following removal of existing garage and outbuilding within part of garden.

Relevant Planning History:

There is no relevant planning history on this site.

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

Consultation Responses :

Highways: No objection subject to conditions

Ecology: No objection subject to condition

Drainage and Flooding: No objection

Representations Received :

Cllr Sarah Bevan:

o I object to this application on the grounds that the development would be out of keeping with visual amenity surrounding the site, and from the highways perspective

would constitute a risk for traffic and pedestrians travelling alongside it via the two proposed access points.

Cllr Karen Walker:

- o Fairfield Terrace was predominately built for Miners providing them with large gardens so miners and their families were substantial with food, not to build on.
- o I wish to raise my concerns on 1: the new proposed pedestrian access 2: the new vehicular access. Both accesses will take away vital parking D4.(a)New development must respect and contribute towards a CLEAR hierarchy of streets and spaces. The transport user hierarchy should be applied within all aspects of street design, considering the needs of pedestrians first, then cyclists than the public transport use and finally vehicles. Shared surfaces must be legible and safe for all users.
- o By implementing two new access points to a new development will cause concern to safety. 3: To build a stand alone property in the location would not comply with policy D2 local character and distinctiveness (e) The development contributes towards the local social context in a positive way, providing safe, functional and attractive streets and spaces, this proposed development would be out of character, plus it would change the street scene, which is not inline with other buildings.

4 Objections and 2 comments received. A summary is as follows:

- o Error on the plans regarding parking, existing property has three existing spaces, not two. Replacing the existing with two spaces would result in the loss of one space
- o Already limited parking on Braysdown Lane
- o The access has limited visibility
- o Proposal would result in the loss of our parking, garage, shed and access to the rear of the property, doubt it would be address quickly
- o Increase shade resulting from the proposed dwelling into neighbouring gardens
- o Impact on the privacy of the nearest properties
- o Braysdown Lane has been resurfaced, this would be disrupted for the new access
- o Traffic disruption and noise and dust pollution from construction work
- o Detrimental to street scene, impact on character of older buildings
- o Located too far from adjacent properties
- o Removal of hedgerow will have negative impact
- o Overdevelopment of the site, too large and too close to the western and eastern boundaries
- o Fails to consider access for larger vehicles
- o The village does not have a new housing allocation in the districts Core Strategy
- o The lane provides valuable parking which would be lots

## **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:

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

## PLACEMAKING PLAN:

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

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D5: Building design

D6: Amenity

## 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

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:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

## 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

### PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

The site is situated within a Housing Development Boundary (HDB). Policy SV1 states that housing development will be acceptable in principle within the HDB. The principle of the proposed dwelling is therefore acceptable and is subject to other material 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.

The proposed dwelling is sited to the south of 2 Fairfield Terrace, to the bottom of the garden. The dwelling comprises a two-storey construction and would be similar to the style of dwellings to the south. Garden space is proposed to the north and south of the dwelling with parking for the proposed and existing dwelling is situated to the south with a new access off of Braysdown Lane. The dwelling would have a slightly elevation position from the ground level of Braysdown Lane and the northern and western boundary would be lined with existing and proposed hedges.

From the west the dwelling would appear to have a dual pitched roof with chimney stack to the southern gable. Windows and doors are proposed to be surrounded by stone quoins. Walls are to be faced with Bath stone (revised elevation drawing to be submitted 13th March). The dwelling would therefore have a similar appearance to the detached dwellings to the south which is considered acceptable and appropriate for the area.

Due to the length of the gardens of Fairfield Terrace, it is considered that there is sufficient room to accommodate a dwelling. The siting of this dwelling will also be able to achieve a sufficient amount of garden space whilst also creating a street facing front elevation. The dwelling is also of a similar scale to those to the north. The siting of the dwelling is

therefore considered to be acceptable and would not cause significant harm to the character and appearance of the area and would not result in overdevelopment.

The area proposed for parking would also not have a significant impact upon the character and appearance of the site due to the existing area being used for parking. The proposed parking area would largely be obscured by existing and proposed hedge rows which would also minimise any potential impact.

Concern has been raised with regards to the removal of some of the hedge to allow for access. The removal of the hedge is minimal. The proposal also incorporates additional hedge planting which is welcomed. The existing hedge is also considered to not significantly add to the character and appearance of the area. A removal of a small part would as such not cause harm to the character and appearance of site. The proposed hedge trimming would also likely improve the appearance of the hedge along the street.

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 Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan 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.

Due to the siting of the dwelling to the bottom of the long gardens of Fairfield Terrace, the proposed dwelling would not cause any additional overshadowing to habitable rooms of neighbouring properties. The area of garden directly to the east of the proposed dwelling may experience some overshadowing, however this would only be experienced in small area of the garden and only during late evenings. This is therefore not significant to warrant a refusal.

The proposed windows have been located sensitively to avoid overlooking to neighbouring properties. To the west, front elevation, windows are proposed to the ground and first floor. The distance between this elevation to the opposite properties to the west is sufficient to limit direct overlooking. This distance between front elevations of dwelling is not uncommon within this area. There would therefore not be harm to privacy of neighbouring occupiers.

Two of the windows to the north elevation are obscurely glazed and the other window serves the landing to the stairs which is not a habitable space. This therefore limits any potential overlooking. No windows are proposed at the first floor of the east elevation. The only ground floor window is obscurely glazed. Proposed windows to the south would face the parking area and would not directly face onto neighbouring property windows.

It is therefore considered that the proposed dwelling would not result in harm to the amenities of neighbouring occupiers and is therefore considered acceptable.



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.

Through the process of this application, the site layout has been amended following initial officer concerns.

The revised proposed consolidates the car parking for the new and existing dwelling into a single parking area, and that this would be served by a single vehicular access direct from Braysdown Lane. Whilst the existing property would be separated from the parking area by the new house and garden area, a segregated pedestrian route is shown on the submitted plan. An area of bound surface material at the access junction with the highway is indicated on the plans and this would avoid any loose material being drawn onto the carriageway.

Drainage is also shown, the detail and implementation of any works within the highway would have to be secured through an appropriate, separate highway agreement/licence process.

The visibility at the proposed access junction is shown within the revised submission and this would be provided in accordance with the requirements presented in the Manual for Streets guidance documents. Alterations to the existing hedge row would be required to facilitate the visibility splays that are shown within the submitted drawing. There is no objection to the proposed, the visibility splays and junction form would be secured through a condition.

The proposal presents a suitable area for secure bicycle storage and an area for refuse/waste storage is shown within the site.

The level of car parking presented within the scheme accords with the latest policy requirements and is considered to be appropriate for a three-bedroom dwelling. The site layout shows that electric vehicles charging will be provided for the proposed dwelling, a condition would be secured to ensure its installation.

Given the changes to the application scheme, the highway authority does not raise an objection.

Concern has been raised with regards to disturbance caused through the construction process. It is noted that construction may cause some disruption, however due to the

scale of development this would have a limited and temporary impact and therefore cannot form a reason for refusal.

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).

The Ecology report rev.2 specifies the length of hedgerow that will be lost to development. The scheme will result in the loss of 3 meters of hedgerow for the vehicles access and 1 meter break for pedestrian access of the western boundary of the site. In addition, 16.5m of hedgerow will be thinned to create the required visibility splays. To mitigate for the hedgerow loss and thinning, 28m of new hedgerow around the boundary will be planted, as demonstrated by the revised Site Location Plan. The new hedgerow planting will ensure there is no "net loss" of biodiversity.

Section 6.4 of the revised Ecology report now includes suitable mitigation to ensure reptiles are not harmed during vegetation clearance.

The internal lighting strategy information note includes suitable measurements to reduce light spill from internal sources. This includes the use of downlighters in rooms facing the western elevation which is considered acceptable.

Local Plan Partial Update policy NE3a requires minor development to demonstrate appropriate biodiversity net gain. As discussed above, the current proposals demonstrate no 'net loss' of biodiversity. Whilst this does not meet the requirement to achieve net gain on site, it is considered that through enhancement, an appropriate level of net gain can be achieved. An enhancement scheme is therefore secured by condition. It is therefore considered that the scheme complies with LPPU policy NE3a.

#### SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

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

A sustainable construction checklist has been submitted within this application. Measures for CO2 reduction such as passive design and the installation of an air source heat pump would result in a reduction of 49.91%.

Local Plan Partial Update policy SCR6 requires new residential development to achieve zero operational emissions. This is accompanied by an update SPD. The new SPD checklist has not been submitted with this application as it was not required at the time of validation. Therefore, the requirements of SCR6 have not been fully met. However, it is noted that the reduction in CO2 of 49% is considerable. A condition is also recommended to secure details and installation of solar panels. This is achievable on the proposed dwelling and would bring the reduction in CO2 closer to the new policy requirements of achieving net zero. Therefore, in this instance, it is considered that for the reasons stated above, and on balance with the other policy compliant elements of the scheme, there is reason to depart from this policy. The application has therefore been advertised as a departure.

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

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g., water butts). These matters can be secured by a relevant planning condition

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

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g., water butts). These matters can be secured by a relevant planning condition.

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

#### **PUBLIC SECTOR DUTY:**

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

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

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

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

Protected characteristics include disability.

The proposed development would not preclude any protected from access and the process of assessing this application has taken the above fully into consideration.

## 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 (Pre-Commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme in accordance with (but not limited to) the Ecology Report Rev.2 produced by Pure Ecology dated 1st February 2023 has been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all

necessary protection and mitigation measures, including, where applicable, protection measures for retained sections of hedgerow and methods for the avoidance of harm to badger, hedgehog, nesting birds, reptiles, and other wildlife.

(ii) A detailed specification and location plan for provision of two garden trees, night-scented plants, one bat box and two swift boxes.

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Local Plan.

### 3 Implementation of Wildlife Scheme (Bespoke Trigger)

Within 6 months of completion of the development a brief statement confirming and demonstrating,

using photographs, completion and implementation of the Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and Policies NE3 and D5e of the Bath and North East Somerset Local Plan

#### **4 External and Internal Lighting (Bespoke Trigger)**

Any new internal lighting shall comply with the approved Internal Lighting Strategy produced by Dolman dated 6th February 2023. No internal lighting in west-facing rooms or new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights; and
2. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

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

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

#### **5 Highway Works (Pre-occupation)**

No occupation of the development shall commence until the highway works shown on drawing number 3917-01 Rev C has been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

#### **6 Drainage (Pre-commencement)**

Prior to the commencement of any works on site, details of the provision for the sustainable disposal of surface water within the site, so as to prevent its discharge onto the public highway, shall be submitted to the Local Planning Authority, and fully implemented to the satisfaction of the Local Planning Authority.

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

Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

### **7 Electric Vehicle Charging Points (Pre-occupation)**

No building or use hereby permitted shall be occupied or use commenced until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

### **8 Solar Panels (pre-occupation)**

No occupation of the dwelling hereby approval shall commence until details of solar panels have been submitted to and approved in writing by the Local Planning Authority. The solar panels approved shall be implemented prior to the occupation of the dwelling.

Reason: In the interests of sustainable construction in accordance with policy SCR6.

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

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

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

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

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

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

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

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

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

Minor Residential Development:

1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)

All Residential Development:

3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update

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

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

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

## **12 Water Efficiency (Compliance)**

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

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

## **13 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:

Revised Drawing - 6 Feb 2023 - 3917-01D - Site location/site layout and block plan  
Revised drawing - 3 Mar 2023 - 3917-01A - Floor Plans and Elevations

## 2 Condition Categories

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

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

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

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

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

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

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

## 3 Permit/Consent Decision Making Statement

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

**Item No:** 02  
**Application No:** 23/00419/LBA  
**Site Location:** 1 Cambridge Place Widcombe Hill Widcombe Bath Bath And North East Somerset



**Ward:** Widcombe And Lyncombe      **Parish:** N/A      **LB Grade:** II

**Ward Members:** Councillor Alison Born      Councillor Deborah Collins

**Application Type:** Listed Building Consent (Alts/exts)

**Proposal:** External alterations to include Installation of 6 photovoltaic solar panels on roof

**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

**Applicant:** Mr Chris Born

**Expiry Date:** 13th April 2023

**Case Officer:** Danielle Milsom

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

## REPORT

### Reason for going to committee

The application has been taken to committee as the applicant is a direct relation of a local ward Councillor. In line with the scheme of delegation, the application must be heard at planning committee.

## Site description

This application relates to 1 Cambridge Place which is sited within Widcombe, Bath. The property is a Grade II listed semi-detached villa dating from the early 19th century. It is within the Widcombe and the Kennet & Avon Canal character area of the Bath Conservation Area and World Heritage Site in Bath.

This application seeks listed building consent for external alterations to include installation of 6 photovoltaic solar panels on roof

20/03714/LBA - consent - External alterations to install secondary glazing to existing windows, 2no. on front elevation, 2no. to side elevation, and 2no. to rear elevation.

12/00969/LBA - appeal allowed - Internal and external alterations for the installation of solar panels and roof access hatches on numbers 1 and 2 Cambridge Place.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Conservation: objection

Representations Received :

Bath Preservation Trust: Comment

- o Supportive of inprinciple retrofit works to impove energy efficiency where it does not result in adverse impact to the special interest of a listed building or Conservation Area
- o Concern regarding visibility of panels on the south-facing roof slope
- o Recommend further design details of the proposed panles to insure non-intrusive appearance and finish

## POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and

Conservation Areas) Act 1990 in 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.

With respect to any buildings or other land in a conservation area the Council has a statutory

requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act

1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The Revised National Planning Policy Framework (NPPF) 2021 is national policy in the conservation and enhancement of the historic environment which must be considered by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- 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  
CP2 Sustainable Construction

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:

HE1 Historic Environment

Guidance:

Historic England Advice Note 2 'Making Changes to Heritage Assets' (2016)

Historic England 'Conserving Georgian and Victorian terraced housing - A Guide to managing

Change' (2021)

BaNES Draft City Centre Character Appraisal Bath (2015)

BaNES Draft Bathwick Character Appraisal Bath Conservation Area (2018)

## 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**

### **LISTED BUILDING ASSESSMENT**

There is a duty under Section 16 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.

Nos 1 and 2 form a semi-detached villa built c.1820 and attributed to John Pinch. They are the

first of a series of five similar, but varied villas set back from the road and ascending up Widcombe Hill. It is a compact villa with double plan arrangement and later rear wing additions.

There is a substantial parapet to the front elevation with a double ridged, hipped roofs behind.

The installation of two solar panels in the inner roof slope is supported as the principle has been accepted with the existing solar thermal panel.

There are concerns with the proposed four solar panels to the front roof slope. While the principal roof slope is not visible in immediate views of the building due to the parapet, it is visible in views west down Widcombe Hill. The four solar panels would cover a large extent of

the roofslope and would be in a prominent addition in views of the listed building and surrounding listed building including St Matthews Church. In line with our SPD Energy Efficiency, Retrofitting and Sustainable Construction, solar panels should avoid prominent and

highly visible roof slopes of primary elevations. It should be explored located the solar panels

in less prominent location such as on the inner roofslope of the rear wing addition.

It is not clear from the information submitted whether a Structural Engineer has assessed the

roof structure and the potential impact of additional loading from the solar panels.

Due to the visibility of the solar panels on a prominent roof slope which makes a positive contribution to the character of the listed building and setting of the Conservation Area, it is considered that the proposal would lead to less than substantial harm to both heritage assets.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss of less than substantial harm to its significance. Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use.

The provision of solar panels is regarded as providing a public benefit. Whilst most of this benefit would be felt privately, to the owners of 1 Cambridge Place, it must be noted that energy efficiency measures do contribute to City's increase in use of renewable in response to the climate emergency. The provision of the solar panels are therefore afforded moderate weight.

1 Cambridge Place already benefits from existing solar panels and these would be replaced as part of the scheme. The replacements are considered acceptable. The proposed solar panels to the front, southern roof slope however cause concern. Whilst these solar panels alone would improve energy efficiency, it is considered that this benefit would not outweigh the harm caused to the character of the listed building or Conservation Area. The proposals have not been supported by detailed drawings which would reduce these concerns and no justification has been provided to demonstrate that solar panels on this roof slope would be the only option to improve energy efficiency. In addition, no information has been provided to demonstrate that the roof structure could support the weight of the additional solar panels. For these reasons, it is considered that the proposed solar panels to the southern front roof slope lacks justification to outweigh the harm to the heritage assets and insufficient information has been provided to prove that the roof structure would not be compromised by its installation. The public benefits arising from the installation of the solar panels would not therefore outweigh the less than substantial harm.

The Council has a statutory requirement under Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in 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. Taking account of the above and in this instance the proposed works would not preserve the special interest of the listed building and as such this proposal would not meet this requirement.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Taking account of the above and in this instance the proposed works would not preserve this part of the Bath Conservation Area and as such this proposal would not meet this requirement.

It is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals constitute acceptable alterations to the listed building that would preserve its significance as a designated heritage asset. The proposal fails to accord with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

## CONCLUSION:

It is therefore considered that the proposal would result in harm to the listed building and Conservation Area, contrary to part 16 of the NPPF and policy HE1 of the Placemaking Plan. Whilst it is noted that the public benefit resulting from the solar panels is considered as moderate, for the reasons stated within the report, this benefit would not outweigh the less than substantial harm caused.

## RECOMMENDATION

REFUSE

## REASON(S) FOR REFUSAL

1 The proposed solar panels to the southern, front roof slope would result in less than substantial harm to the Grade II listed building and character of the Conservation Area. The public benefit arising from the solar panels would not be enough to outweigh this harm. The proposal is contrary to part 16 of the NPPF and policy HE1 of the Placemaking Plan (2017).

## PLANS LIST:

1 This decision relates to the following plans:

Drawing - 16 Feb 2023 - Elevations - front - south facing

Drawing - 16 Feb 2023 - elevations - rear - north facing

Drawing - 16 Feb 2023 - elevations - side - west facing

Drawing - 13 Mar 2023 - Roof Plan

Drawing - 27 Mar 2023 - Site elevation

OS Extract - 31 Jan 2023 - Site Location Plan

## 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 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.

#### **4 Community Infrastructure Levy**

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