

BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
13th December 2023
DECISIONS

Item No:	01	
Application No:	23/02958/VAR	
Site Location:	Waterworks Cottage , Charlcombe Way, Fairfield Park, Bath	
Ward: Lambridge	Parish: N/A	LB Grade: N/A
Application Type:	Application for Variation of Condition	
Proposal:	Variation of conditions 5 (Bicycle Storage (Pre-occupation)), 7 (Implementation of Landscaping Scheme (Bespoke Trigger)) and 15 (Plans List (Compliance)) of application 23/00895/FUL (Erection of two detached dwellings with associated means of access, car parking and associated infrastructure following demolition of existing dwelling and outbuilding (Resubmission)).	
Constraints:	Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Ecological Networks Policy NE5, SSSI - Impact Risk Zones,	
Applicant:	Mr & Mrs J & S Flavell	
Expiry Date:	15th December 2023	
Case Officer:	Samantha Mason	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have 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.

The development shall thereafter be carried out only 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.

3 Parking (Compliance)

The areas allocated for parking and turning on submitted plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

4 Bound/Compacted Vehicle Access (Compliance)

The vehicular access shall be constructed with a bound and compacted surfacing material (not loose stone or gravel).

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

5 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until the secure, covered bicycle storage has been provided in accordance with the details shown on the approved plans. The bicycle storage shall be retained permanently thereafter.

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

6 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

Deliveries (including storage arrangements and timings);

Contractor parking;

Traffic management;

Working hours;

Temporary arrangements for householder refuse and recycling collection during construction.

The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

7 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details, including requirements for ecology and habitat provision. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

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

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

8 Ecological Mitigation and Compensation Scheme, and Biodiversity Net Gain (Compliance condition)

The development hereby approved shall be carried out only fully in accordance with the approved Ecological Mitigation and Enhancement Plan by Quantock Ecology dated Mar 2023; recommendations in Section 4.3 of the Updated Bat Survey dated February 2023 by Quantock

Ecology; ecological measures as shown on the proposed Setting Out Site Plan drawing reference P03; and habitat provision as detailed in the Biodiversity Net Gain file note and calculation dated March 2023 by Quantock Ecology. All measures shall thereafter be adhered to and features retained and maintained in accordance with approved details. Findings of monitoring inspections shall be reported in writing to the Local Planning Authority Ecologist within 1 month of the monitoring event.

Reason: To avoid harm to ecology including a regionally important amphibian population (toads) and protected species (including reptiles badger and nesting birds).

9 Ecology Follow-up Report (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist based on post-construction on-site inspection by the ecologist, confirming and demonstrating, using photographs, adherence to and completion of all recommendations and measures of the approved ecological bat and biodiversity net gain reports and the Ecological Mitigation and

Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the all ecological mitigation and compensation requirements during construction and post-construction phases, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Local Plan.

10 External Lighting (Bespoke Trigger)

The development shall be constructed and all lighting installed and operated, and levels of darkness maintained in accordance with the approved Lighting Strategy drawing ref P19 dated January 2023. No new external or internal lighting shall be installed without full details of proposed

internal and external lighting design (which shall demonstrate compliance with the approved lighting strategy) being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; details of predicted lux levels and light spill; details of lighting controls, and details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees, wildlife habitat, boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

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

11 Green Roof Details (Bespoke Trigger)

Prior to the construction of the roof of the approved development a detailed specification of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Section drawings of the roof;
2. A planting schedule;
3. A timetable for implementation;
4. A maintenance schedule.

The green roof shall be implemented in accordance with the approved details prior to the occupation of the development or in accordance with the approved timetable for implementation.

Reason: To ensure the successful implementation of the green roof in the interests of preserving the character and appearance of the area in accordance with policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

12 Rainwater Harvesting (Pre-occupation)

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

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

13 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.

14 SCR6 Residential Properties (Pre-occupation)

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

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

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)

Major (or larger) Residential Development:

1. Energy Summary Tool 2
2. Table 2.1 or 2.2 (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

15 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.

16 Removal of Permitted Development Rights - Extensions, Outbuildings and Hard Surfaces (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the eastern dwelling as identified on the 'Proposed Setting Out Site Plan' (drawing no. P03 REV B) and referred to as 'Plot 2' on the proposed floor plans (drawing no. P12 REV A), shall not be subject to enlargement or extension; erection of any building or outbuilding within the curtilage incidental to the enjoyment of the dwellinghouse; or development of any hard surfaces incidental to the enjoyment of the dwellinghouse, without the further grant of planning permission for such development.

Reason: Further extension and enlargement of the house hereby approved, as well as reduction in the scale of the landscaped garden area through development of outbuildings or hard surfacing, requires detailed assessment to ensure that overdevelopment of the plot is avoided, the open and green character of the area is preserved, taking account of the position of the site immediately adjacent to the Green Belt and Cotswolds Area of Outstanding Natural Beauty (or Cotswold National Landscape) as required by policies D1, D2, NE2, NE2A, GB1 Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update.

PLANS LIST:

This decision relates to the following plans:

Plans Received 7th March 2023:

07 Mar 2023 P00 Existing - Site Location Plan

Plans received 15th March 2023:

15 Mar 2023 P05 Plot 1 Basement Floor Plan
15 Mar 2023 P06 Plot 1 Proposed Lower Ground Floor Plan
15 Mar 2023 P11 Proposed Plot 1 East Elevation [4]
15 Mar 2023 P19 Proposed Lighting Strategy
15 Mar 2023 P20 Proposed Street Elevation
15 Mar 2023 P21 Proposed Section Cc
15 Mar 2023 S01 Existing- Topographical Site Plan And Se
15 Mar 2023 S02 Existing Elevations
15 Mar 2023 S03 A Demolition Site Plan
15 Mar 2023 S04 Existing - Floor Plans

Plans received 1st May 2023:

01 May 2023 P07 A Plot 1 Proposed Upper Ground Floor Plan

Plans received 11th May 2023:

11 May 2023 P04 A Proposed Site Sections
11 May 2023 P08 A Plot 1 South Facing Elevation (1)
11 May 2023 P09 A Plot 1 West Facing Elevation (2)
11 May 2023 P10 A Plot 1 North Facing Elevation (3)
11 May 2023 P11 A Plot 1 East Facing Elevation (4)
11 May 2023 Sk05 Rev B Swept Path Analysis For Large Car Turning
11 May 2023 Sk12 Swept Path Analysis For Ambulance Turning

Plans received 9th August 2023:

09 Aug 2023 P02b Proposed Site Block Plan Plot 2

09 Aug 2023	P03b Proposed Setting Out Site Plan Plot 1 And 2
09 Aug 2023	P12a Proposed Floors Plan Plot 2
09 Aug 2023	P13b Proposed Elevations Plot 2
09 Aug 2023	P14b Proposed Elevations Plot 2
09 Aug 2023	P15a Proposed Section Plot 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.

Permit/Consent Decision Making Statement

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

Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

Responding to Climate Change (Informative):

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

Item No:	02
Application No:	23/02194/FUL
Site Location:	Agricultural Buildings And Land, Blackrock Lane, Publow, Bristol
Ward: Publow And Whitchurch	Parish: Publow LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 1no. 4 bed dwelling and associated works
Constraints:	Bristol Airport Safeguarding, Norton Malreward Unlicensed Airstrip, Agricultural Land Classification, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy M1 Minerals Safeguarding Area, Policy NE3 SSCI 200m Buffer, NRN Woodland Ancient Existing Policy NE5, NRN Woodland Strategic Networ Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Mr and Mrs J Piper
Expiry Date:	22nd December 2023
Case Officer:	Ed Allsop

DECISION Approve with Officer recommendation. Departure notice until 21st December.

Item No:	03	
Application No:	23/03896/TCA	
Site Location:	Audley House , Park Gardens, Lower Weston, Bath	
Ward: Weston	Parish: N/A	LB Grade: II
Application Type:	Tree Works Notification in Con Area	
Proposal:	T1-Sequoia, section fell	
Constraints:	Conservation Area,	
Applicant:	Hodge	
Expiry Date:	28th November 2023	
Case Officer:	Jane Brewer	

DECISION NO OBJECTION

T1-Sequoia, section fell

The Councils' core policies are to tackle the climate and nature emergencies which includes the need to retain and protect existing trees and woodlands given the contributory roles which trees play in climate change mitigation and ecosystem services. Replacement planting when trees are removed is vitally important, particularly in our urban environments.

A comprehensive list of tree species for green infrastructure is available on line from the Trees and Design Action Group at <https://www.tdag.org.uk/tree-species-selection-for-green-infrastructure.html>

Guidance on tree planting and establishment can be found on the Arboricultural Associations website at <https://www.trees.org.uk/Help-Advice/Guide-to-Young-Tree-Establishment>

The landowner has a duty to plant another tree of an appropriate size and species at the same place as soon as he or she reasonably can if a tree is removed because it is dead or presents an immediate risk of serious harm.