

**BATH AND NORTH EAST SOMERSET COUNCIL**

**PLANNING COMMITTEE**

**28th August 2024**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	23/02012/FUL	
<b>Site Location:</b>	Unit 1-4, Wells Road, Lyncombe, Bath	
<b>Ward:</b> Widcombe And Lyncombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Demolition of existing commercial industrial building and development of a new 4-storey mixed-use building, comprising 2 no. commercial units (hybrid use class E and B8 uses) and residential co-living use (sui generis) including 77 no. studios with ancillary co-working areas, communal residential accommodation of kitchens, living rooms, gym, rooftop outdoor amenity area, plant, laundry, bin storage and cycle parking as well as car parking, landscaping and associated development (Resubmission).	
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Air Quality Management Area, 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, Flood Zone 2, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Ecological Networks Policy NE5, NRN Woodland Strategic Network Policy NE5, NRN Wetland Strategic Network Policy NE5, Railway, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Kosy Co Living Bath Limited	
<b>Expiry Date:</b>	30th August 2024	
<b>Case Officer:</b>	David MacFadyen	

**DECISION** Delegate to PERMIT pending S106

<b>Item No:</b>	02
<b>Application No:</b>	23/04136/RES
<b>Site Location:</b>	37 Coombend, Radstock, Bath And North East Somerset, BA3 3AN
<b>Ward:</b> Radstock	<b>Parish:</b> Radstock <b>LB Grade:</b> N/A
<b>Application Type:</b>	PI Permission (Approval Reserved Matters)
<b>Proposal:</b>	Approval of reserved matters with regard to outline application 20/03800/OUT (Proposed demolition of existing buildings, change of use of land to residential and erection of 5no. dwellings (1no. 3 to 4 bedroom detached and 4no. 3 bedroom terraced) at Coomb End Garage, Coomb End, Radstock, BA3 3AN (Outline Application to determine access with all other matters reserved)).
<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Policy CP9 Affordable Housing, Housing Development Boundary, LLFA - Flood Risk Management, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones,
<b>Applicant:</b>	SR Catchers Ltd
<b>Expiry Date:</b>	30th August 2024
<b>Case Officer:</b>	Danielle Milsom

**DECISION**    Defer for site visit - to allow Members to understand the context of the site

<b>Item No:</b>	03
<b>Application No:</b>	23/03465/FUL
<b>Site Location:</b>	Nuholme , Wick Lane, Stanton Wick, Bristol
<b>Ward:</b> Chew Valley	<b>Parish:</b> Stanton Drew <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Change of use and extension of an existing workshop and land to form a dwelling.
<b>Constraints:</b>	Bristol Airport Safeguarding, Clutton Airfield, 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 SNCI 200m Buffer, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
<b>Applicant:</b>	Mr Ryan and Bradley Saunders
<b>Expiry Date:</b>	29th August 2024
<b>Case Officer:</b>	Christine Moorfield

## **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 Wildlife Protection and Enhancement (Pre-commencement)**

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Details of the replacement native hedgerow and any additional landscape planting;
2. Details of any external lighting including specification, location and light spill levels;
3. Details of the location and specification of integrated features for wildlife such as bird and bat boxes;
4. A programme of implementation for all measures within the scheme.

All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development or in accordance with the approved programme of implementation.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update. The above condition is required

to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

### **3 Contaminated Land Desk Study and Site Walkover (Pre-commencement)**

Prior to the commencement of development, a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey for contaminated land at the development site shall be prepared, submitted to and approved in writing by the Local Planning Authority. This is required to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by gathering and interpreting readily available environmental, geological, hydrological and historical data regarding a site and considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties.

Should the Desk Study identify the potential presence of contamination and potential pollutant linkages, then full characterisation (site investigation) shall be undertaken in accordance with a methodology which shall previously have been agreed in writing by the Local Planning Authority.

Where remediation is necessary, it shall be undertaken in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority and a remediation validation report submitted for the approval of the Local Planning Authority.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework.

### **4 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 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 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.

### **5 Reporting of Unexpected Contamination (Bespoke Trigger)**

In the event that unexpected contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by unusual colour, odour, texture or containing unexpected foreign material.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework.

## **6 Implementation of Wildlife Scheme (Pre-occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, implementation of the recommendations of the Wildlife Protection and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE5 and NE3a of the Bath and North East Somerset Local Plan Partial Update.

## **7 Removal of Permitted Development Rights - No outbuildings (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3, D4 and D6 of the Bath and North East Somerset Placemaking Plan.

## **8 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:**

Site Location Plan	Unnumbered	18th September 2023
Existing & Proposed Floor Plan	2307 / 02	18th September 2023
Proposed Floor Plan	2307 / 03	18th September 2023
Existing & Proposed Elevations	2307 / 04	18th September 2023
Existing & Proposed Elevations	2307 / 05	18th September 2023
Proposed Site Plan	2307 / 06	18th September 2023

### **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.

### **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 have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

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

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

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

### **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.

### **Submission of Samples**

Any samples required by condition should not be delivered to the Council's offices. Please can you ensure that samples are instead available for inspection on site - as soon as the discharge of condition application has been submitted. If you wish to make alternative arrangements please contact the case officer direct and also please make this clear in your discharge of condition application.

### **Wessex Water**

The Applicant should contact Wessex Water regarding new supply and connections to their network:

<https://developerservices.wessexwater.co.uk/your-project/developing-a-new-site>

<b>Item No:</b>	04
<b>Application No:</b>	24/02125/VAR
<b>Site Location:</b>	Parcel 2727, Kingshill Lane, Chew Stoke, Bristol
<b>Ward:</b> Chew Valley	<b>Parish:</b> Chew Stoke <b>LB Grade:</b> N/A
<b>Application Type:</b>	Application for Variation of Condition
<b>Proposal:</b>	Variation of condition 16 (Plans List (Compliance) 22/04892/FUL (Erection of a rural workers dwelling in association with the equestrian business on site following the removal of a temporary mobile home).
Condition Number(s): 16	
Conditions(s) Removal:	
Please refer to the submitted Covering Letter for more information.	
Variation to the approved Plans List	
<b>Constraints:</b>	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, Neighbourhood Plan, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
<b>Applicant:</b>	Mr Nick Wilson
<b>Expiry Date:</b>	30th August 2024
<b>Case Officer:</b>	Danielle Milsom

## DECISION PERMIT

### 1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before 14/06/2026.

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 Construction Environmental Management Plan: Biodiversity (compliance)

Development shall only take place in accordance with the approved Construction Environmental Management Plan under reference 23/04533/COND.

Reason: to avoid harm to the SPA/SSSI/SNCI and wildlife before and during construction in accordance with the Wildlife and Countryside Act 1981 (as amended) and policy NE3 of the Bath and North East Somerset Local Plan.

### 3 Biodiversity Gain and Habitat Management Plans (Compliance)

The development shall take place in compliance with the approved BNG and Habitat Management Plan (Fenswood Ecology, Nov 2023) under reference 23/04533/COND.



Reason: To protect and enhance ecological interests in accordance with policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update.

#### **4 Ecological and Biodiversity Net Gain Compliance Report (Pre-Occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist based on post-construction site visit and inspection, and confirming and demonstrating, using photographs, completion and implementation of ecological measures as detailed in the approved ecology report and Biodiversity Net Gain Plan has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented;
2. Confirmation of compliance with the method statements referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
3. Confirmation that proposed measures to enhance the value of the site for target species and habitats including provision of three bird boxes, two bat boxes and a single bat brick have been implemented.

All measures within the scheme shall be retained, adhered to, monitored and maintained thereafter in accordance with the approved details.

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

#### **5 Automated Blinds (pre-occupation)**

No occupation of the development shall commence until full details of the proposed use of the 'Velux Active' automated blind, timed to close at sunset on all Velux windows have been submitted to and approved by the Local Planning Authority. These details shall include:

1. Full specification of product
2. Details and times of closure of the blinds, to be accompanied with statement confirming controls cannot be overridden.

The automated blinds shall be retained permanently there after and in accordance with the approved details.

Reason: To avoid harm to bats and wildlife, and AONB in accordance with Policies NE3 and D8 of the Bath and North East Somerset Local Plan and policy HDE15 of the Chew Valley Neighbourhood Plan.

#### **6 Ultra-Low Emission Vehicle (ULEV) Parking (Pre-Occupation)**

No residential scheme 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 Local Plan Partial Update.

### **7 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.

### **8 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

### **9 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.

## **10 External and Internal Lighting (Bespoke trigger)**

No new external lighting or internal lighting in south or east facing rooms 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, with details also to be shown on a plan.
2. Predicted lux levels and light spill.
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land, 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 Partial Update.

## **11 Compliance with Arboricultural Method Statement (bespoke trigger)**

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement under reference 23/04533/COND. A signed compliance statement shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion and prior to the first occupation of the dwelling.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan.

## **12 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.

### **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 Agricultural Occupancy (Compliance)**

The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, forestry, or an equestrian business operating on this site, or a widow or widower of such a person, and to any resident dependants.

Reason: To ensure the dwelling is only occupied by rural workers, include those taking majority control of a farm business, who have an essential need to live permanently at or near their place of work in accordance with policy RE4 of the Bath and North East Somerset Placemaking Plan and paragraph 80 of the National Planning Policy Framework.

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of protecting the openness of the Green Belt and to preserve the Area of Outstanding Natural Beauty from enlargements of the agricultural workers dwelling that may cause harm, in respect of policy CP8 and NE2 of the Placemaking Plan and parts 13 and 15 of the NPPF.

### **16 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

This decision relates to the following plans:

Drawing	04 Jun 2024	H6677 100D	FLOORS PLAN, BLOCK PLAN AS
PROPOSED AND SITE LOCATION PLAN			
Drawing	04 Jun 2024	H6677 101E	ELEVATIONS AS PROPOSED

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

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to

have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

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

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

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

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

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

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

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

### **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.

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

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

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

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

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

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

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

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available

here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto:cil@BATHNES.GOV.UK)

<b>Item No:</b>	05
<b>Application No:</b>	24/01160/FUL
<b>Site Location:</b>	11 Richmond Road, Beacon Hill, Bath, Bath And North East Somerset
<b>Ward:</b> Lansdown	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of 1no 3 bed dwelling on land to the rear of 11 Richmond Road.
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, 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, Policy NE3 SSCI 200m Buffer, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr & Mrs Melbourne
<b>Expiry Date:</b>	29th August 2024
<b>Case Officer:</b>	Ed Allsop

**DECISION**    Defer for site visit - to allow Members to understand the context of the site



<b>Item No:</b>	06	
<b>Application No:</b>	24/01819/VAR	
<b>Site Location:</b>	6 Squire Lane, Ubley, Bristol, Bath And North East Somerset	
<b>Ward:</b> Chew Valley	<b>Parish:</b> Ubley	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Application for Variation of Condition	
<b>Proposal:</b>	Variation of condition 2 (Plans List) of application 23/01552/FUL (Erection of two storey rear and side extension).	
<b>Constraints:</b>	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Housing Development Boundary, Policy NE2 AONB, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
<b>Applicant:</b>	Mr Walters & Miss Thorneywork	
<b>Expiry Date:</b>	9th July 2024	
<b>Case Officer:</b>	Angus Harris	

**DECISION** Delegate to PERMIT

<b>Item No:</b>	07	
<b>Application No:</b>	24/02110/FUL	
<b>Site Location:</b>	10 Berkeley Place, Walcot, Bath, Bath And North East Somerset	
<b>Ward:</b> Walcot	<b>Parish:</b> N/A	<b>LB Grade:</b> II
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Installation of nine solar pv panels on garden studio roof and the erection of a timber pergola in garden.	
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Steve George	
<b>Expiry Date:</b>	31st July 2024	
<b>Case Officer:</b>	Angus Harris	

**DECISION** Delegate to PERMIT

<b>Item No:</b>	08	
<b>Application No:</b>	24/02257/FUL	
<b>Site Location:</b>	23 Ringswell Gardens, Lambridge, Bath, Bath And North East Somerset	
<b>Ward:</b> Walcot	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Installation of 1 no. air source heat pump to the side elevation.	
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, NRN Wetland Strategic Network Policy NE5, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Saskia Heijltjes	
<b>Expiry Date:</b>	7th August 2024	
<b>Case Officer:</b>	Angus Harris	

**DECISION** Delegate to PERMIT

<b>Item No:</b>	09	
<b>Application No:</b>	24/02742/TCA	
<b>Site Location:</b>	Orchard Rise , Sham Castle Lane, Bathwick, Bath	
<b>Ward:</b> Bathwick	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Tree Works Notification in Con Area	
<b>Proposal:</b>	T1 - T4 - Ash - Dismantle to a height of one metre.	
<b>Constraints:</b>	Conservation Area,	
<b>Applicant:</b>	Mr Paul Crossley	
<b>Expiry Date:</b>	2nd September 2024	
<b>Case Officer:</b>	Jane Brewer	

## **DECISION NO OBJECTION**

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>

T1 - T4 - Ash - Dismantle to a height of one metre.