

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **25th September 2024**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Louise Morris - Head of Planning & Building Control

TITLE: **SITE VISIT AGENDA**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

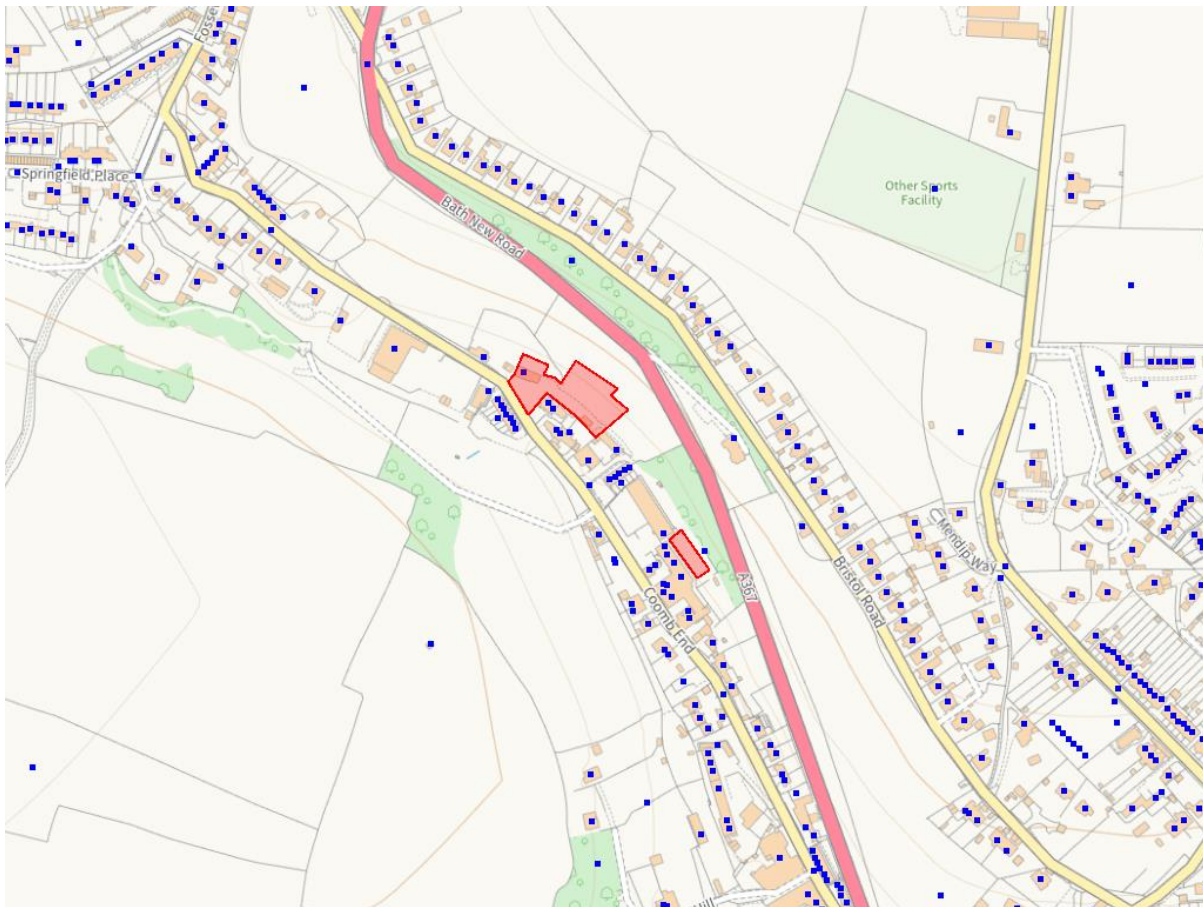
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	23/04136/RES 30 August 2024	SR Catchers Ltd 37 Coombend, Radstock, Bath And North East Somerset, BA3 3AN, 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)).	Radstock	Danielle Milsom	PERMIT
002	24/01160/FUL 29 August 2024	Mr & Mrs Melbourne 11 Richmond Road, Beacon Hill, Bath, Bath And North East Somerset, BA1 5TU Erection of 1no 3 bed dwelling on land to the rear of 11 Richmond Road.	Lansdown	Ed Allsop	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 23/04136/RES
Site Location: 37 Coombend Radstock Bath And North East Somerset BA3 3AN



Ward: Radstock **Parish:** Radstock **LB Grade:** N/A
Ward Members: Councillor Chris Dando Councillor Lesley Mansell

Application Type: PI Permission (Approval Reserved Matters)

Proposal: 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)).

Constraints: 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,

Applicant: SR Catchers Ltd
Expiry Date: 30th August 2024
Case Officer: Danielle Milsom

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

REPORT

Following an objection received from Radstock Town Council, which is contrary to officer recommendation, the application was referred to the Chair and Vice-Chair of the Planning Committee in line with the Council's Scheme of Delegation. Their comments are as follows:

Cllr Ian Halsall:

"The principle of development has been established so issues relating to the acceptability of development cannot be considered. This application raises some interesting design issues particularly in relation to the significantly larger scale standalone dwelling that would be built into the hillside which would be of value to the Committee to discuss and to also consider the suitability of the shared surface access."

Cllr Lucy Hodge:

"I note the concerns raised by Radstock Parish Council and feel that there would be value in the Planning Committee having an opportunity to debate the design and scale of the proposed standalone 5th dwelling, particularly in relation to its siting within the Conservation Area."

The application site is located in Coombend, Radstock and forms part of the Somer Valley. Coombend runs parallel to the Bath New Road and sits between Radstock and Clandown. The site is set within the Conservation Area but outside of any defined Housing Development Boundary.

This application seeks 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)).

Relevant Planning History:

11/04249/FUL - permit - Erection of 7no. two bed dwellings with parking, altered site access, landscaping and ancillary works and allotments following demolition of garage workshop (Resubmission)

11/04250/CA - consent - Demolition of garage workshop.

20/03800/OUT - permit - 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).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Radstock Town Council: Object

Radstock Town Council feel the site is suitable to convert to residential but would like further considerations to be made on the design.

Consider smaller units to include a better mix of residential size for all. Plot 5 is a larger unit and the material considerations is not in keeping with the conservation area or other buildings on the development (render).

Ask that contribution is made to improving infrastructure and physical footpath (replacing the virtual path) on Coombend to support safer pedestrian routes.

Planted Trees should be native.

Flood risk concern of area not fully tested and concern of impact on surrounding areas.

Highways: No objection

Ecology: No objection

Drainage: No objection

Arboriculture: No objection

Contaminated Land: No objection subject to conditions

Representations Received :

Two objections received. A summary is as follows:

- o Support request for proper footpaths for pedestrians
- o Site is on a dangerous bend where cars do not have sight of pedestrians, made worse by additional parked cars
- o Double yellows should be added to the bend
- o Cannot understand logic of reducing parking spaces
- o Anyone coming to the property during construction and afterwards would be tempted to part in front of Bentley Terrace
- o Not enough parking on site and road is too congested

One support comment received. A summary is as follows:

- o Makes sure enough parking and easy access to spaces. Road through Coombend needs to be kept clear from on street parking. Facade Hoists factory, JVA coach company and garages need access day and night through to Radstock.

One comment received. A summary is as follows:

- o May bring 1-4 cars per property, excluding visitors, where will they be parked as there is limited space
- o Bad enough with cars parked alongside Bentley Terrace with the blind spot

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

CP5: Flood Risk Management

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

D6: Amenity

D7: Infill and backland development

HE1: Historic environment

SU1: Sustainable drainage policy

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

NE1: Development and green infrastructure

NE2: Conserving and enhancing the landscape and landscape character

NE3: Sites, species, and habitats

NE3a: Biodiversity Net Gain

NE5: Ecological networks

NE6: Trees and woodland conservation

SCR6: Sustainable Construction Policy for New Build Residential Development

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).

CONSERVATION AREAS:

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

LOW CARBON AND SUSTAINABLE CREDENTIALS:

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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OFFICER ASSESSMENT

This application seeks the approval of reserved matters of granted outline consent, 20/03800/OUT, for the proposed demolition of existing buildings, change of use of land to residential and erection of 5no. dwellings. Access was approved at outline stage with all other matters reserved.

The site is located within Radstock, to the south of the Bath New Road. The site falls within the Conservation Area.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

The principle of development for the erection of 5 dwellings was approved at outline stage. The dwellings remain in the form of 2 pairs of semi-detached dwellings to the west of the site, and a detached dwelling set into the landscape to the east of the site.

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.

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

Coombend has a varied pattern of development. Residential properties vary in height but many are two storey or single storey, all set at different levels following the ground level changes. Architecturally, the properties hold little merit. Newer properties consented within the last few years generally follow a typical style of terracing.

The site as existing is considered to not contribute positively to the Conservation Area. There are several opportunities along Coombend for development to enhance the setting of the Conservation Area, with this proposed site being included. The site currently comprises of some single storey flat roof garages which are in a poor state. The rear of the site is quite overgrown.

The proposal comprises of two parts. Closer to the road access lies two pairs of semi-detached dwellings, joined by a recessed first floor connection. To the south of the site, on the other side of the road, lies a recent development of terraced dwellings, the scale of which is comparable with the proposed semi-detached properties. The dwellings are sited back from the road, with parking and turning space located to the front. To the rear, the landscape slopes steeply up to the Bath New Road. The proposed rear gardens are therefore formed as courtyards with various levels following the slope. The form of the dwellings are considered to be of a scale appropriate for the size of the plot, and of a design which is similar to the development opposite. The site would be improved through its development and this proposal presents an opportunity to do so, through effective design which compliments its setting. The 4 dwellings are therefore considered to be acceptable.

The second part of the proposal is to the east of the site, behind the neighbouring dwelling. The proposal involves a detached, two storey property which would mainly be built into the hillside. The proposal takes an alternative and contemporary approach through the use of varying materials and built form. The dwelling would have a flat roof, with its front elevation having a projecting middle section with other elements of the front being sectioned through material use. The dwelling has been revised during the course of the application and had reduced in scale and its front elevation amended. Note that the dwelling as now proposed is not that shown in the submitted 3D illustrations.

The majority of the living accommodation would be at the first floor due to the sloping ground up to Bath New Road. The ground floor involves parking spaces and an undercroft and a porch like area to give access to the first floor.

The floor plan of the first floor is large and involves a central courtyard area with accommodation circling around. This floor is mainly built into the ground, and a green roof is proposed. When viewing from the Bath New Road, down towards the site, it is expected that minimal built form would be visible due to the green roof where development is able to blend into the green. The front elevation would be the most significant view due to its height and scale, which also sits at an elevated level from the road. This elevation is broken up though, through the different projecting elements, use of under crofts and materials. The breaks up the massing so the property doesn't have an overly dominant effect. Planting and a section of green walling is also proposed to soften its appearance.

Whilst large, it is considered that the dwelling has been designed effectively to sit within the hill. The plans have been revised during the application to reduce the overall height of the property which has had a positive effect. The levels have been indicated on the plans and this would be secured to ensure the levels siting into the landscape remain as presented.

Overall it is considered that the proposal presents an alternative design approach to the neighbouring sites, but is effective in its use of the hillside. The loose architectural rhythm and pattern of development and the site requiring attention does present an opportunity for contemporary design. The proposed dwelling, with the revisions made to reduce its scale and to add further articulation to the front elevation are considered to be acceptable within the context. The dwelling would not significantly harm the character and appearance of the area and the overall site development would enhance the Conservation Area.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

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.

The proposed semi-detached dwellings are not likely to cause any significant residential amenity impact to neighbouring occupiers or future occupiers. The siting of the dwellings, set back from the road, and the angle of their siting limits direct views towards neighbouring properties. The closest neighbour would be the two-storey property to the south-east. Front elevation windows would not direct to the neighbouring windows so

privacy would be maintained. The siting of the dwellings to the north of neighbours would also limit potential for any overshadowing.

The proposed access road would wrap around to the west of the neighbouring property which is similar to the existing ground level. The use of the access is unlikely to be significantly increased to a level which would cause disturbance in a residential setting.

The proposed detached dwelling is sited to the rear of the existing frontage dwellings, and sits at a higher ground level. The closest point of the proposed dwelling to the neighbour would be the projecting front middle section of the proposed dwelling. The middle projection is wider at the first floor level creating an overhang and undercroft at the ground floor. The projection at the ground and first floor has been split through various recessed areas, including the overhang at the ground floor, a small external porch area at the first floor for the front door, and a smaller flat roof section set over the western half of the garage. Visually this breaks up built form to limit potential for an overbearing impact. There are no windows on this elevation which would cause overlooking towards the property.

The neighbour is also set at a lower ground level which is reflected by the submitted elevation plans. This also shows the distance from the neighbour and the front projection of the new dwelling. This relationship is close, however, due to the set down position of the neighbour, their rear out look is already limited and set into the hillside. Any impact arising from this close relationship is therefore considered to be minimised through design of the proposed dwelling, and existing layout and design of the neighbour.

The overall relationship with the whole development and its neighbouring properties is considered to be acceptable, with no significant impact.

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 consultation with highways, the plans have been revised and amended. Access was approved at outline stage. The principle of the development at this location, the site access arrangements, and the impact of the scheme on the wider transport network, are not matters that can now be reconsidered.

Having reviewed the submitted site layout, there are limited changes as compared with the illustrative layout that was presented at the outline planning application stage. The site access arrangements are consistent with the earlier permission. It appears unlikely that

any works within the existing highway would be needed to facilitate the proposed alterations to the site access. The necessary visibility splays at the access were previously secured by condition, as attached to the outline planning permission.

Given the scale of the development and the number of dwellings, it is assumed that the access driveway would remain private. The arrangements as currently shown would not meet the requirements for an adoptable highway standard, and this space would need to be privately managed.

Following revisions, the proposed level of parking is compliant with maximum standards as set out within the Transport SPD.

Each of the proposed dwellings would be provided with electric vehicle charging, and the specification of this would be secured by Building Regulation requirements.

Cycle parking would be provided in the secure storage unit shown on the submitted drawing, and there is no significant concern with this general arrangement. Proposals for waste management are also accepted.

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.

TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland conservation. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland and ancient or veteran trees will not be permitted.

The arboricultural report indicates that a group of mixed tree species would require removal to accommodate the excavations into the hillside and development.

There is no objection to the removals and note that mitigation planting is illustrated on site which can be secured by condition.

Conditions attached to the outline consent would still be relevant and require discharging as at this stage the arboricultural information is insufficient. This is not however a reason for refusal as these matters can be resolved through the subsequent discharge of condition application.

Overall, the proposal is considered to comply with policy NE6 of the Local Plan Partial Update.

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).

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

Additional information has been submitted regarding proposed reptile translocation; this is considered appropriate to the nature & scale of the development and reptile habitat areas that will be affected and is accepted. It must be adhered to.

A revised BNG small sites metric has been submitted, with areas corrected. Whilst there are no plans showing digitised boundaries of existing and proposed habitats, the proposals for mixed native tree and shrub planting as shown on the plans are however welcome and would be likely to enable the scheme to avoid a net loss and deliver a net gain for biodiversity; there is sufficient land within the blue line boundary for additional habitat enhancement and creation if required so officers are confident that the scheme is capable of meeting BNG requirements. BNG requirements (and any corrections / additional details necessary to the assessment and metric) could be secured by condition.

HOUSING ACCESSIBILITY:

Local Plan Partial Update policy H7 requires 5.6% of dwellings to be built to Building Regulation M4(3)(2a) standard (wheelchair adaptable housing). Therefore, none of the 5 proposed dwellings are required to meet these enhanced accessibility standards.

The policy also states that 48% of the remainder of housing, after the M4(3)(2a) figure has been accounted for, must meet the M4(2) accessible and adaptable dwellings standard. Therefore, 2 of the 5 proposed dwellings must meet enhanced accessibility standards.

This can be secured by Condition. The scheme is considered to comply with policy H7 of the Local Plan Partial Update.

DRAINAGE:

Connectivity to the culverted watercourse has been proven and it is noted that the connect and off-site drainage is within land owned by the applicant.

Revised drainage design includes two flow control and attenuation tanks with a liner drain across the driveway.

The submitted drainage strategy satisfies the requirements of Condition 4 of the outline consent.

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 (SCC) is submitted with an application, evidencing that the prescribed standards have been met.

The application is supported by the necessary information to show compliance of the 5 dwellings in accordance with policy SCR6. All dwellings achieve the required targets with regards to space heating demand and total energy use. Renewable energy also exceeds total energy demand on all accounts. This is therefore compliant with policy SCR6. A condition would be attached to secure compliance post construction.

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.

OTHER MATTERS:

The application as submitted included the proposal for the use of a separated site to the south-east, within the applicant's ownership, to be used for disposal of the excavated earth. This was to be used to create allotments. However, no details were provided in respect of this and the description of development also did not include this proposal. Subsequently the additional proposal has been removed from the application. The applicant has arrangements for the excavated earth to be disposed of off-site. The removal of the proposals indicated at outline application stage on this separate land parcel from the application does not impact the assessment made above.

PUBLIC SECTOR EQUALITY DUTY:

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

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
Protected characteristics include disability.

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

Section 149 provides that the Council must have due regard to the need to—

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

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Biodiversity Net Gain Plan (Pre-commencement)

No development shall commence until full details of a Biodiversity Gain Plan achieving a minimum of 10% measurable biodiversity net gain, and a Habitat Management Plan for any on-site habitats and biodiversity measures, have been submitted to and approved in writing by the Local Planning Authority. The Plans shall be in accordance with current best practice guidelines and standards and shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation and shall include the following:

In all cases:

1. Pre and post development biodiversity values including a completed metric calculation tool using the DEFRA Biodiversity Metric or any successor, and accompanying evidence for baseline condition assessments;
2. A BNG habitat map for on-site proposed habitats
3. Information about the steps taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat and, in the case of any irreplaceable habitat, information on arrangements for compensation for any impact of the development has on the biodiversity of the irreplaceable habitat (which does not include the use of biodiversity credits).

4. Details and evidence of any registered off-site biodiversity gain units allocated to the development and any biodiversity credits purchased for the development;

Where on-site habitat is proposed/retained:

5. Long term aims and objectives and targets for habitats; proposed management prescriptions and operations; timing, frequency, durations and methods of operations; specialist expertise, specialist tools/machinery or equipment and personnel where required to meet the stated aims and objectives;

6. Annual work schedule for at least a 30 year period

7. A list of activities and operations that shall not take place and shall not be permitted within the Habitat Management Plan (HMP) area (for example use of herbicides; on-site disposal of grass cuttings or other vegetation waste; routine cutting of ivy where there is no specific arboricultural justification; inappropriate maintenance methods, storage of materials; inappropriate machine or vehicle access).

8. Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives.

9. Details of proposed reporting to the Local Planning Authority, and proposed review and remediation mechanism.

10. Proposed costs and resourcing, and legal responsibilities.

The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To protect and enhance ecological interests and to ensure delivery of Biodiversity Net Gain in accordance with Bath and North East Somerset Local Plan Partial Update policies NE3, NE3a NE5 and D5e and paragraph 13 of Schedule 7A to the Town and Country Planning 1990 Act (Biodiversity Gain Condition).

2 Investigation and Risk Assessment (pre-commencement)

No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- o adjoining land, 2
- o groundwaters and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

3 Remediation Scheme (pre-commencement)

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

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 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

4 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:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;

6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust;
9. 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.

5 Dwelling Access (Pre-occupation)

Each dwelling shall not be occupied until it is served by a properly bound and compacted footway and carriageway to at least base course level between the dwelling and the existing adopted highway.

Reason: To ensure that the development is served by a safe and suitable access in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

6 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.

7 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.

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. 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)
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 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 Drainage Strategy (compliance)

The development shall be carried out in accordance with the approved drainage strategy report (WCI consulting engineers Oct 2023).

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.

11 Verification Report (pre-occupation)

No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

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 11 and 15 of the National Planning Policy Framework.

12 Unexpected Contamination (bespoke trigger)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

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 11 and 15 of the National Planning Policy Framework.

13 Housing Accessibility (Compliance)

The following dwellings hereby approved shall meet optional technical standards 4(2) in the Building Regulations Approved Document M: 2

Reason: To ensure that the optional technical standards for accessibility for market housing in accordance with policy H7 of the Bath and North East Somerset Council Local Plan Partial Update.

14 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	07 Mar 2024	F1566_152E	PROPOSED SITE PLAN
Revised Drawing	16 Jan 2024	F1566_150D	PROPOSED FLOOR PLANS AND ELEVATIONS
Revised Drawing	16 Jan 2024	F1566_151D	PROPOSED FLOOR PLANS AND ELEVATIONS (1 -4)
Revised Drawing	16 Jan 2024	F1566_153	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 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 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.

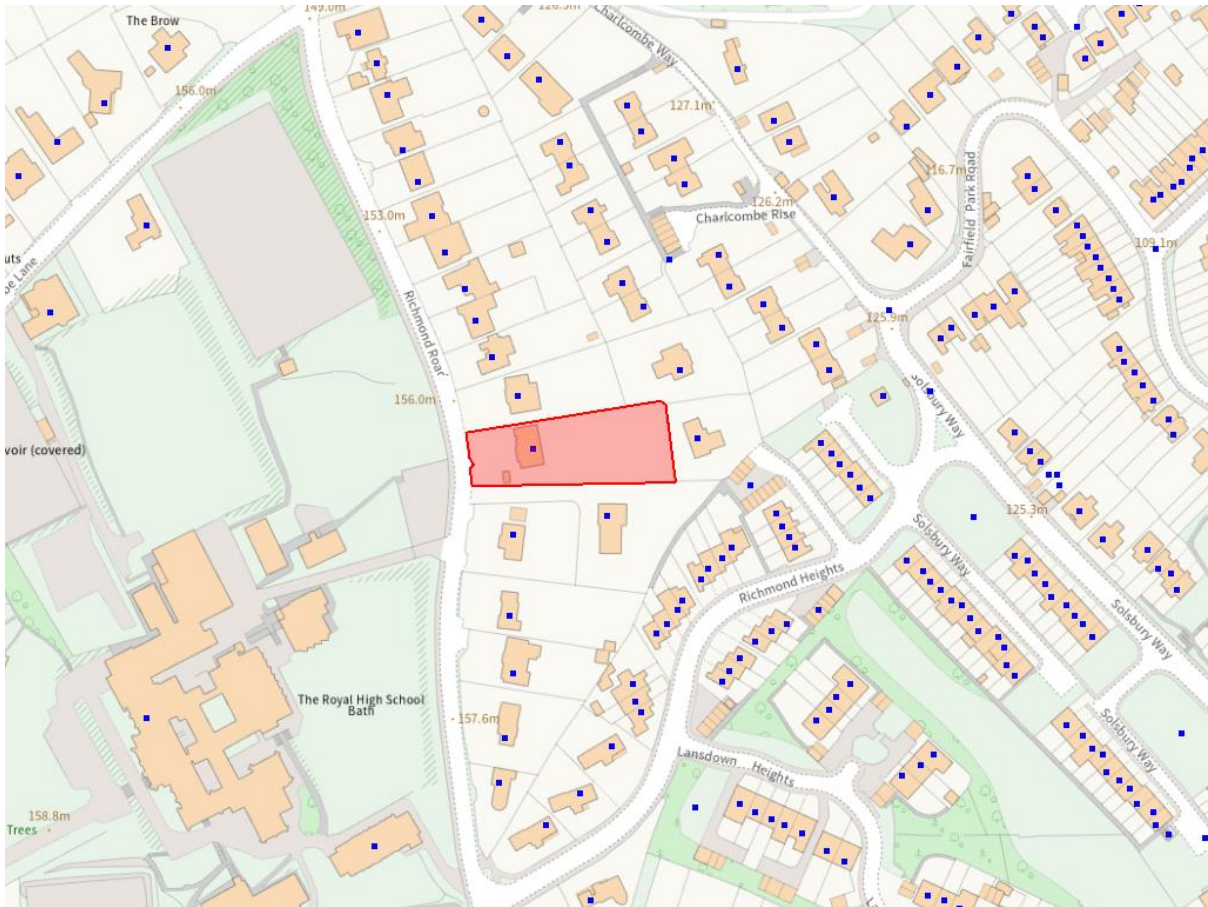
Community Infrastructure Levy - Exemptions and Reliefs Claims

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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

Item No: 002
Application No: 24/01160/FUL
Site Location: 11 Richmond Road Beacon Hill Bath Bath And North East Somerset
BA1 5TU



Ward: Lansdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Mark Elliott Councillor Lucy Hodge
Application Type: Full Application
Proposal: Erection of 1no 3 bed dwelling on land to the rear of 11 Richmond Road.
Constraints: 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 SNCI 200m Buffer, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs Melbourne
Expiry Date: 29th August 2024
Case Officer: Ed Allsop
To view the case click on the link [here](#).

REPORT

This application was referred to the Chair and Vice Chair following the request for the application to be determined by committee from Councillor Lucy Hodge.

Cllr Lucy Hodge:

'I recommend that this application for a backland development is referred to the Planning Committee to consider the relevant planning policy including any impact on the character of the area, residential amenity of neighbours and loss of green infrastructure.'

Cllr Ian Halsall:

'This is a contemporary development in a backland setting necessitating the subdivision of a suburban garden and warrants review by the Committee.'

Therefore, the application will be determined by the planning committee.

This application relates to an the rear garden of 11 Richmond Road, a detached house within a large plot within the Bath urban area. Planning permission is sought for erection of 1no 3 bed dwelling on land to the rear of 11 Richmond Road.

Relevant Planning History:

None.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Arboriculture: No objection, subject to condition.

Landscape: No objection, subject to condition.

Highways: No objection, subject to condition.

Representations Received:

1no. neighbour objection in relation to overbearing impact and overlooking and 1no. general representation from Transition Bath in relation to potential inconsistencies with the sustainable construction information.

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 West of England Joint Waste Core Strategy (2011)

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

Core Strategy:

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

- B1: Bath Spatial Strategy
- B4: Bath World Heritage Site and its Setting
- CP5: Flood Risk Management
- CP6: Environmental Quality
- DW1: District Wide Spatial Strategy
- SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

- D1: General urban design principles
- D2: Local character and distinctiveness
- D.3: Urban fabric
- D.4: Streets and spaces
- D.5: Building design
- D.6: Amenity
- D7: Infill and backland development
- HE1: Historic Environment
- SCR6: Sustainable construction policy for new build residential development
- NE3A: Biodiversity Net Gain
- NE6: Trees and woodland conservation
- ST7: Transport requirements for managing development

Local Plan Partial Update (LPPU):

On the 19th January 2023, Bath and North East Somerset Council updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU).

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 Planning Practice Guidance (PPG).

Public Sector Equality Duty:

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

(a) eliminate discrimination, harassment, victimisation

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. 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;

Due to the nature of the proposals, the development would not have any negative effects upon those with protected characteristics.

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 development:

The new house would be located within the urban area of Bath. The Council's housing strategy seeks to locate new housing in such areas, as they are considered sustainable. Therefore, the principle of a new house on this site responds positively to the Council's housing strategy and accords with policy B1.

Character and appearance:

The development would subdivide an existing plot. This would however result in a plot size which is comparable to those adjacent as can be determined by a review of the submitted site plans. The resultant size of the plot would therefore respond positively to the pattern and grain of development in the area, and therefore preserve the character of the area in this regard.

The design of the new house will introduce a modern style, with the majority of the houses in proximity being more traditional. However, it has been noted that variety does exist, and not all houses in proximity contribute to defining a strong sense of character to the extent which would mean a more modern design would disrupt or harm the area's character and appearance. The modern design is further acceptable due to its size, scale, height and external materials (Bath stone coloured brick, timber cladding). The dwelling would be built into the slope of the site, with a flat roof (green roof) which reduces the visual impacts significantly. A site visit has also confirmed that the new house would not be widely open to view.

The proposals comply with the Council's backland development policy also. This is because the development can be categorised as the filling of a small gap, in an otherwise built-up frontage. As noted above, the development has regard to the character of the surrounding character and reflects the form, pattern and grain of existing development, including size, scale and height. It will also be demonstrated in the residential amenity section how the proposals have no adverse impact on the amenity of adjacent occupiers.

Therefore, the proposed works by reason of their design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4, D5 and D7 of the Placemaking Plan and LPPU for Bath and North East Somerset (2017) and part 12 of the NPPF.

Officers would seek sample of materials via condition.

Residential amenity:

The new dwelling would be sited within the urban area, amongst other residential dwellings. The new dwelling would be sited a sufficient distance from all boundaries so that its presence would not be an adverse one. The dwelling is sited 4m from the north, 22m from the east and 10m from the south. The design of the building, with its overall low scale and height further reduces impacts and the site's boundary treatment and landscaping further limits impacts again.

In terms of the potential for overlooking, the dwelling to the east 'Maple House' is the main consideration for officers. It is the occupier of Maple House who has raised concern of overlooking which will be covered below and overbearing impact (already detailed above).

The windows on the eastern elevation of the proposed dwelling do not result in adverse overlooking to the occupiers of Maple House. This is due to the low height of the dwelling, its sufficient distance from Maple House (approx. 22m) and the boundary treatments. This was reviewed and confirmed on a site visit.

Policy D.6 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. 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 for Bath and North East Somerset (2017) and part 12 of the NPPF.

Landscape:

The proposed low-profile form of development, with a two-storey dwelling cut into the slope has clearly been designed to minimise visual impact on the surrounding area.

Whilst the proposed flat roof is not characteristic of the area, it does significantly reduce visual impact. Part of the roof is proposed to be a green roof (sedum). The proposed development would be visible from across the valley on some of the land in the Charlcombe Lane area within the Cotswolds National Landscape and Green Belt, as shown on p12 of the Design and Access Statement (DAS), but the colours of proposed materials are sympathetic to the area and the flat roof would not be perceived as being incongruous.

The new building would be partially screened in winter (as illustrated in the DAS) but more fully screened in summer by existing trees, and the proposed additional planting would further integrate the building into the landscape. No significant adverse landscape or visual effects on the National Landscape are anticipated.

Details of the proposed new tree planting may satisfactorily be secured via Condition.

Trees:

The tree officer raises no objection to the proposals. There is only 1no. tree being removed and this tree has ash die back. It should also be noted that the landscaping plan shows 8 new trees being planted.

Highways:

A new access will be created via a new driveway to the side of 11 Richmond Road, the highway authority has no concerns over the proposed access.

The initial plans didn't show the height of the fence and wall by the access, highways officers requested revised plans to demonstrate that these were no more than 900mm to allow for visibility. These plans were subsequently received. The proposed driveway surface material states that it will be a permeable surface, the attached conditions would ensure that the materials used are appropriate.

The proposal would include sufficient space for waste and recycling, plus it is noted that secure bicycle storage is also accommodated within the site layout.

The parking provision accords with the Transport and Development SPD.

Sustainability:

Policy SCR6 requires new build residential development to have a space heating demand less than 30kWh/m²/annum; a total energy use less than 40kWh/m²/annum; and on site renewable energy generation to match the total energy use, with a preference for roof mounted solar PV.

Officers can confirm that the proposed dwelling achieves all of the above. This has been shown through the submitted sustainable construction checklist. Transition Bath have raised concerns about potential conflicts within the documentation, however the applicant will need to demonstrate compliance through condition in any event and so these points are not determinative.

Biodiversity Net Gain:

The application was submitted before 2nd April 2024, it is also a Self-Build development. Therefore, it is not subject to the mandatory 10% gain. However, the applicant has demonstrated that some net gain will be provided, this is a 59% gain in hedgerow units and a 0.01% habitat units.

Therefore, the development is policy compliant with NE3A of the Plan.

Conclusion:

The proposal provides for the erection of a single dwelling on a suitable backland site in a sustainable location and will make a modest, but welcome contribution towards meeting the housing target for Bath. The proposal is considered comply with all relevant planning policies and is therefore 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 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 brick and timber cladding, 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.

3 Landscape Design Proposals (Bespoke Trigger)

No development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
8. Retained historic landscape features and proposals for restoration, where relevant

Soft landscape details shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

Reason: To ensure the provision of amenity and a satisfactory quality of environment afforded by appropriate landscape design, in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

4 Junction Visibility Splay (Pre-occupation)

No occupation of the development shall commence until the visibility splay shown on drawing number 172 3004 P1 has been provided. There shall be no on-site obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

5 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development or use hereby permitted shall commence until an absolute minimum of the first 6 metres of the vehicular access beyond the back edge of the adopted public highway has been 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 highway safety in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

6 Arboricultural Method Statement (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement (Acer Tree Surgeons as amended 13th June 2024). A signed compliance statement shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion of all associated works 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 NE6 of the Bath and North East Somerset Local Plan Partial Update.

7 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 for approval to 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.

8 Biodiversity Gain (Compliance)

The development shall deliver a minimum of 59% gain in hedgerow units and a 0.01% habitat units, in compliance with the submitted BNG plan.

Reason: To protect and enhance ecological interests and to ensure delivery of Biodiversity Net Gain in accordance with Bath and North East Somerset Local Plan Partial Update policies NE3, NE3a NE5 and D5e and paragraph 13 of Schedule 7A to the Town and Country Planning 1990 Act (Biodiversity Gain Condition).

9 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Tree protection plan- 13th June 2024
Foul drainage route T4- P2
Proposed site plan- P3
Section T4- 3021 P1
Site section B highways plan- 3016 P2
Existing BNG habitat plan
Proposed BNG habitat plan
Location plan as existing
Block plan as existing
Site plan as existing
Site section A as existing
Site section B as existing
Location plan as proposed
Block plan as proposed
Site plan as pro- driveway layout
Ground floor plan as proposed
Lower ground floor plan as proposed
North and south elevations as proposed
East and west elevations as proposed
West and south elevations (lower level) as proposed
Site section A as proposed
Site section B as proposed

2 Condition Categories

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

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

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

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

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

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

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

3 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

4 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.

5 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (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 not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

6 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.