

# Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **23rd October 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.

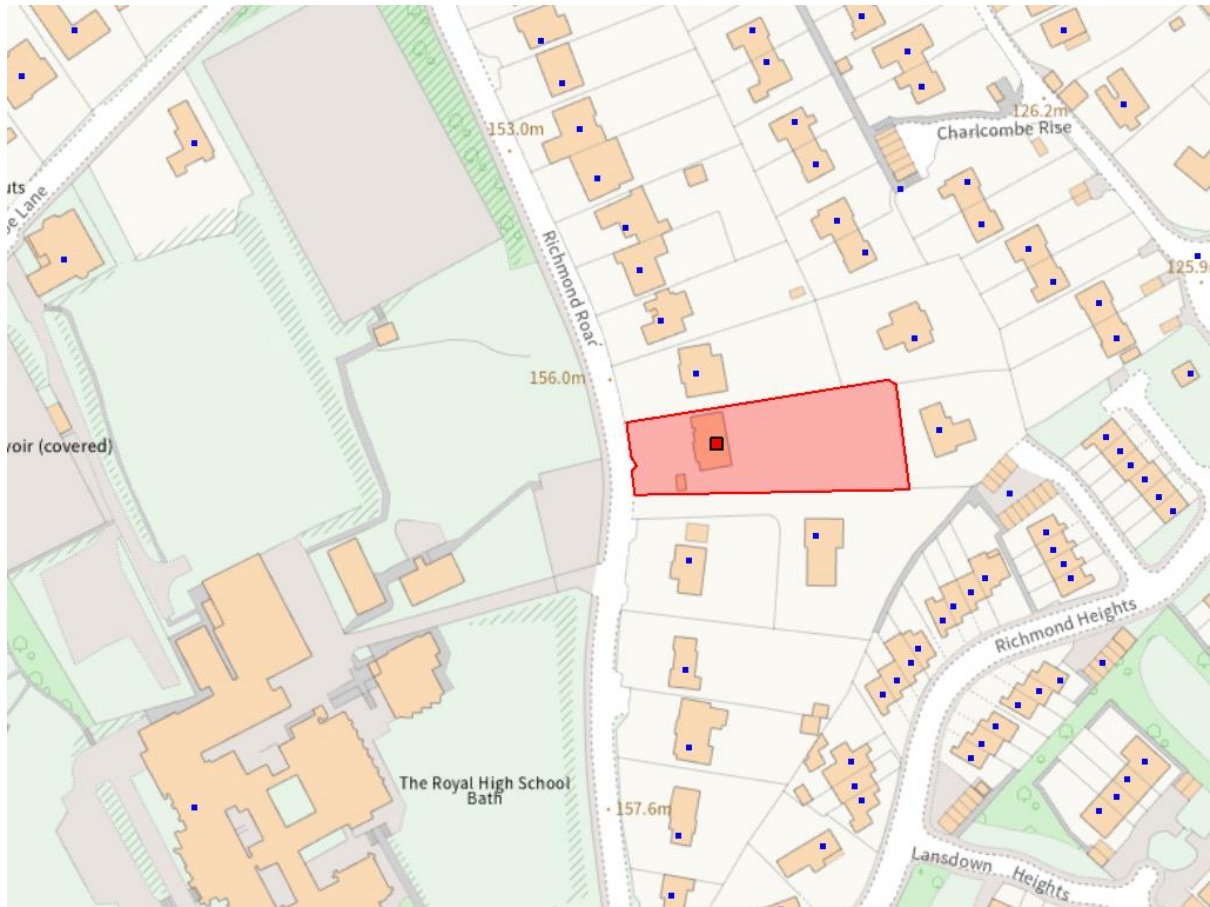
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	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:** 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/m<sup>2</sup>/annum; a total energy use less than 40kWh/m<sup>2</sup>/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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

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

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

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

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

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

### **4 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.