

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **12th February 2025**

AGENDA
ITEM
NUMBER

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

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	24/03730/FUL 13 January 2025	Eagle One Estates Limited Berkeley House , The Square, Westmoreland, Bath, Bath And North East Somerset Conversion and change of use of existing building from Offices (Class E(g)) to Student Accommodation (Sui Generis) including a mix of cluster flats, studio units and communal amenity space.	Oldfield Park	David MacFadyen	Delegate to PERMIT
02	23/03390/OUT 14 February 2025	Treetops Bristol Limited Treetops Nursing Home, St Clement's Road, Keynsham, Bristol, Bath And North East Somerset Outline planning application for demolition of existing care home and erection of 2no. three-storey buildings comprising 36no. self-contained flats (Use Class C3), with matters of Access Layout, Scale, and Appearance to be determined.	Keynsham South	Samantha Mason	PERMIT
03	24/02245/FUL 14 February 2025	Jenny Daly and Neil Smith 105 Holcombe Close, Bathampton, Bath, Bath And North East Somerset, BA2 6UR Erection of single and two storey side extensions, addition of new flat roof dormers to existing property roof and associated external works.	Bathavon North	Christine Moorfield	PERMIT
04	24/04180/OUT 17 January 2025	Liam Bultmann & Nicola Hill On Behalf Of Patricia Tarrant St Malo , First Avenue, Oldfield Park, Bath, Bath And North East Somerset Outline planning permission, with all matters reserved, for the erection of a terrace of four dwellings following demolition of existing dwelling.	Oldfield Park	Angus Harris	PERMIT

05	24/03112/FUL 19 January 2025	Denmead Woodlands , Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset Erection of 3 no. dwellings and associated works.	Publow And Whitchurch	Ed Allsop	PERMIT
06	24/02494/FUL 26 August 2024	Mr & Mrs Scott Trossachs Lodge , Trossachs Drive, Bathwick, Bath, Bath And North East Somerset Remodelling of existing dwelling, demolition of existing garage, erection of new garage and landscaping	Bathavon North	Paige Moseley	PERMIT
07	24/03198/FUL 13 February 2024	Neil & Nikki Short 16 Southville Terrace, Lyncombe, Bath, Bath And North East Somerset, BA2 4LZ Erection of a two-storey rear extension, a single-storey side extension and installation of solar panels to the roof.	Widcombe And Lyncombe	Ben Burke	PERMIT
08	24/04739/TCA 3 February 2025	Cllr Eleanor Jackson 4 Meadow View, Radstock, Bath And North East Somerset, BA3 3QT, Remove 1 leyland cypress nearest applicant's shed, crown lift remaining 4 leyland cypress to 2m, remove buddleia (amended description)	Radstock	Jane Brewer	NO OBJECTION

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 24/03730/FUL
Site Location: Berkeley House The Square Westmoreland Bath Bath And North East Somerset



Ward: Oldfield Park **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Ian Halsall

Application Type: Full Application

Proposal: Conversion and change of use of existing building from Offices (Class E(g)) to Student Accommodation (Sui Generis) including a mix of cluster flats, studio units and communal amenity space.

Constraints: Article 4 Bath Office Conversion, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Contaminated Land, Policy CP9 Affordable Housing, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Eagle One Estates Limited

Expiry Date: 13th January 2025

Case Officer: David MacFadyen

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

REPORT

Reason for Planning Committee Decision:

This application has been referred for decision by the Council's Planning Committee by Oldfield Park Ward Councillor Ian Halsall. Cllr Halsall is the Chair of the Planning Committee and therefore, the referral has been considered by the Vice Chair of the Planning Committee (Cllr Lucy Hodge) in accordance with the Council's Planning Scheme of Delegation. The Vice Chair of the Planning Committee has decided it is appropriate for the Committee to determine this application given the significant number of applications for student accommodation on the Lower Bristol Road in recent years, in a location where there is a deficit of lower cost open market and designated affordable accommodation. The Vice Chair has recommended that this application is debated in public by the Planning Committee to discuss the principle of this development and other policy considerations.

Site Background

The application relates to an office building known as Berkeley House. The site is located to the southern side of Lower Bristol Road and forms part of an office park known as 'The Square'. The office park was developed in the late 1980's / early 1990s. It comprises 4 no. detached office buildings, laid out in a U shape around an internal parking forecourt. This includes a historic converted former railway goods shed, now known as 'Cramer House'.

Berkeley House is a four-storey building with dual pitched gable roof. The walls are constructed with reconstituted stone and blue engineering brick detailing. The windows are dark grey metal with industrial style multi-pane glazing pattern. The main entrance is on the southern side, fronting The Square. There is a secondary lower ground floor pedestrian entrance from Lower Bristol Road at the north west side.

The building comprises approximately 1000m² or 10,600 sq ft of office accommodation. The offices are understood to be currently occupied by a maritime-orientated design house and technical consulting firm. The current tenant has recently moved to occupy offices at No. 1 Bath Quays, a modern Grade A office building adjacent to the north of the site.

The site is located on Lower Bristol Road (A36) and is around 500m south west of Bath city centre. The Great Western mainline railway runs to the south of The Square and Bath Spa Station is approximately 800m east of the site. There are bus stops immediately outside The Square on Lower Bristol Road. Bath Bus and Coach Station is around 600m east.

The site is adjacent to Bath Central Strategic Policy Area and Bath Enterprise Zone. Newark Works adjacent to the northern side of Lower Bristol Road is included on the National Heritage List for England at Grade II level. The site is within the City of Bath World Heritage Site which is also inscribed as The Great Spa Towns of Europe. The Bear Flat and Oldfield Park Character Area of the Bath Conservation Area lies to the south. The

site is within the Bath Air Quality Management Area. The site is within Flood Zones 2 and 3.

Planning History

No history of recent/relevant planning applications.

Development

The application seeks full planning permission for change of use of the building from offices to student accommodation (Sui Generis).

The student accommodation would comprise 6 no. cluster flats (1 no. four bed, 3 no. five bed and 2 no. 6 bed) plus 3 no. studio self-contained bedrooms. The total capacity of the development would be 34 no. residents. The cluster flats would have a shared kitchen, living and dining room.

A shared communal amenity room as well as cycle parking are proposed at lower ground floor level. Cycle parking for 24 bikes is proposed. It is proposed to retain 21 of 22 existing car parking spaces, with 19 available for use by students and 2 spaces for staff.

External changes are limited to replacement of windows which the Applicant has indicated will not materially affect the external appearance of the building and renewable energy technologies (either solar PV or air source heat pumps).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Internal Consultation

Planning Policy, Bath & North East Somerset Council:

Loss of office use

Policy ED1B in the Local Plan Partial Update sets out that the change of use and redevelopment of office space to PBSA residential use will be permitted unless there are strong economic reasons for refusal. The policy then sets out that strong economic reasons will exist if:

a) the site is within the Bath Central Area, the Bath City Riverside Enterprise Zone, Somerdale, or a town centre listed in Policy CP12, or on a site that has been granted permission since 2011; and

b) the loss of the space would be a significant loss to strategically important office accommodation in B&NES and significantly harm the Council's ability to plan positively for economic development.

With regards to clause A, the site is located outside (albeit directly adjacent to the boundary of) the Bath Central Area and the Bath City Riverside Enterprise Zone. It is not located at Somerdale, and it is not located in a town centre listed in policy CP12. The planning history for the site indicates that the site has not been granted permission since 2011.

As such, clause B is not relevant, and from a planning policy perspective, strong economic reasons for refusal do not exist. However, we defer to colleagues in Economic Development to advise as to whether any other material considerations exist in relation to the loss of office floor space in this location.

Provision of Purpose-Built Student Accommodation

Policies B5 and H2A Planning policies B5 and H2A in the Local Plan Partial Update set out the Council's approach to the provision of PBSA in the District.

Policy B5 sets out that proposals for off-campus student accommodation will be refused within the Central Area, the Enterprise Zone and on MoD land where this would adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to delivering housing, and economic development.

The application site is not located in the Central Area, the Enterprise Zone, or on MoD land.

Policy H2A states that purpose-built student accommodation of an appropriate scale and design will be permitted on sites allocated for that purpose, or elsewhere in the district where there is a need for additional student accommodation. In these unallocated locations, proposals must demonstrate need through a formal agreement with an educational provider, or demonstrate that the development meets the needs of second and third year university students.

The site is not allocated for student accommodation, and no formal agreement with an educational establishment has been provided to support the application.

The supporting text to policy H2A explains that in order to meet the needs of second and third year students, PBSA developments must meet the requirements of such students, who generally have a preference to live as a household with friends, at a cost level similar to renting a HMO. Such accommodation will likely comprise cluster flats with shared facilities.

The majority of the proposed development comprises cluster flats with shared facilities (albeit with a number of studio bedspaces spread throughout the development), in line with the requirements of policy H2A. A condition would need to be attached to any planning permission, to ensure that it is provided solely for second and third year students, as set out at paragraph 370j of the supporting text to policy H2A.

In addition to the in-principle issues discussed above, policy H2A sets out various criteria which all proposals for Purpose-Built Student Accommodation are required to demonstrate. We defer to relevant officers to assess the proposals against these criteria.

Economic Development, Bath & North East Somerset Council:

Losses to economy

Using the Employment Density Guide 3rd edition and the figures within the application it can be seen that the lost floorspace represents the loss of 86.1 jobs (11.6 p sqm / 998.7sqm).

GVA per job - 2022 - £103,834 x 86.1 = £8,940,107.4 per year (Productivity Jobs by Local Authority District (constrained to ITL1), 2002 - 2022). Thus there is a significant loss of money into the local economy.

Using the <https://www.gov.uk/calculate-your-business-rates> estimate your business rates tool as of April 2023 the ratable value is £194,000. As this is a conversion to student accommodation then there is a net loss to the council as there is the removal of business rates without the addition of council tax.

Lack of marketing evidence

While we acknowledge that there have been significant changes within the office market due to the ramifications of Covid and the move to remote working this still represents a significant loss of office accommodation both in terms of floorspace and potential FTE.

There has been no evidence submitted of the marketing of the building in its current use and the outcome of this marketing. Thus, there is no evidence that the office wasn't attractive to the market or that there wasn't sufficient demand. If the current occupier had given their notice then there is no reason the building couldn't have been marketed.

There is an abundance of student accommodation within the Bath City area - with a number of large applications within the planning system.

Indeed, there are already a number of existing student accommodation blocks along this road: Twerton Mill, Charlton Court, Waterside Court, The Depot, Aquilla Court. A number of new PBSA developments are also being built on the same road at: Jubilee Centre, Dick Lovett, Frome House.

There has been no evidence provided from the universities that this additional development is needed or required to meet their student numbers.

New Local Plan Policy on PBSA

A number of elements of the PBSA policy within the new Local Plan are relevant to this application. The Council's current policy framework seeks to address student accommodation needs arising from universities' expansion, whilst not prejudicing other economic, environmental and social objectives from being achieved across the district.

A recent increase in the number of off-campus PBSA developments across the city has raised concerns that current policies are not strategically directing such development to suitable locations, leading to a rise in issues, comprising:

- Provision of PBSA on sites that could be used for general housing / employment uses.
- Over-provision of PBSA bed spaces.
- Over-provision of certain types of PBSA (i.e. studios).

- Provision of PBSA in locations where a high percentage of the local population is already made up of students, leading to the exacerbation of issues generally associated with these areas (i.e. noise disturbance).

Policy B5 to make it clearer that the strategy is to direct PBSA to on-campus opportunities and for it to only be allowed on sites elsewhere if a need can be demonstrated.

Targeted Recruitment and Training (TR&T)

Where this application to be successful the applicant would be required to provide the relevant TR&T placements and contributions as per the council's policy.

Transportation and Highways, Bath & North East Somerset Council:

Having reviewed the information including the Planning Statement (PS) and a Transport Statement (TS), the highway authority raises no objection to the planning application, subject to the conditions below.

Access and Car Parking

The site is situated along the highway of Lower Bristol Road onto a large parking area separated into two sections. The highway contains pedestrian footways which links the site to a number of bus stops, and allows access into the main commercial area of Bath, including the train station.

The site is proposed to amend the parking arrangement from 22 spaces to 17 to provide staff parking and 2 accessible bays. The Council's Transport and Development SPD policy, for Purpose Built Student Accommodation (PBSA) does not require car parking to be provided for this land use. However, as this is a conversion of an existing building, which includes a number of car parking spaces which currently serve the site, there does not appear to be a realistic scenario where the spaces could be removed. Given that this is not a new arrangement, the highway authority does not object to the parking levels, although would strongly encourage a reduced use of the spaces over time.

Car Club

It is noted that this type of development would be required to deliver or contribute towards car club spaces and vehicle, and the site is beyond 400m from the nearest Car Club space. At the present time there is no mechanism to pool resources towards the provision of Car Club vehicles, however, it would be appropriate to seek a contribution towards the funding of a Car Club space with the highway (delivered by a Traffic Regulation Order process).

Trips

The TRICS data as provided in the TS shows that the vehicle traffic generated by the site would be minimal, and the development would likely generate significantly less traffic movement than the previous commercial usage of the unit. Paragraph 5.5 states that the development would likely provide a reduction in 100 two-way vehicle trips a day, which would benefit the highway network and the overall central area of Bath.

Although the daily vehicle trips will likely be limited on the highway, at the beginning and end of term times, the site would see an increase in vehicle trips for student pick up and drop up. Point 3.3.3 of the TS states that suitable arrangements will be made for the drop-off and collection of students within the development boundary, however, this information has not been provided. This aspect is stated to be managed by a Student Management Plan, and as the site contains off road parking facilities, this aspect is deemed to be accommodated within the site's boundary. Information of the drop off/pick up points will be required including how this will be managed, to ensure the surrounding businesses and highway is not compromised during the influx of vehicle activities during the end and start of the academic year. Due to the small scale of the development this aspect would be attached as a condition rather than a Section 106 agreement and attached to any approval given.

Cycle Storage

The proposal states to provide 24 cycle parking spaces which is shown on the ground floor in drawing number 01002 Rev P06. This cycle storage is stated within the TS as a two-tier facility, it would be of benefit to the development to provide assisted lifting cycle storage to ensure to allow accessibility needs.

Refuse Storage

The plans do not appear to contain a refuse storage area, however there is space available within the site to incorporate this aspect, separate from the cycle storage area.

Conclusion

The redevelopment of the commercial site to form student accommodation is accepted by Transport Development. To ensure suitable management of the site can be provided, a Student Management Plan with details of a Parking Plan for the site will be required and conditioned with any approval given. It is also recommended that an appropriate contribution towards the provision of a Car Club space is sought.

As the redevelopment is of small scale and the site is close to the centre of Bath with good alternative travel connections, a Travel Plan would not be required (subject to the other planning conditions being secured).

Environmental Protection, Bath & North East Somerset Council:

Noise

The applicant has submitted noise and vibration assessments for the proposed development.

The vibration assessment demonstrates a less than low probability of adverse impact and as such need not be considered further.

The noise assessment demonstrates that the impact of road and rail noise is significant and requires appropriate and detailed mitigation. Mitigation is possible where the relevant

advice within the noise assessment is followed and it should be possible to achieve a good standard of acoustic design.

If the application is recommended for approval, I would recommend the following condition:

On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect future occupants from exposure to environmental noise.

Construction Impact In addition to the above, there is likely to be potential for disruption during the construction phase of the development and I would recommend the following condition to address this:

No development shall take place until a site specific Construction/Demolition Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

Climate Policy, Bath & North East Somerset Council:

No objection is raised to the principle of the development. However, it is unclear which of the three energy options submitted is proposed to be implemented and therefore, a condition to ensure compliance with Policy CP1 is suggested.

All three of the energy scenarios modelled meet the requirements of Policy CP1 however, it is unclear which scenario is being proposed. Option 1 proposes the greatest CO2 reduction, and it is therefore recommended this scenario is taken forward. Whilst Option 1 meets the policy requirement, it would have been encouraging if PV had been proposed for this option to further improve the CO2 reduction. It is encouraged for the installation of PV to be included with Option 1.

Drainage and Flooding, Bath & North East Somerset Council:

The drainage and flooding team have no objections on surface water flooding. All drainage works are to be undertaken as per the Flood Risk Assessment report.

External Consultation

Designing Out Crime Officer, Avon and Somerset Police:

Home Office research states that, "Students are, statistically, one of the most likely groups to fall victim to crime. Students own more expensive consumer goods per head than the

rest of the population. It is no surprise then that 1 in 3 students becomes the victim of a crime each year. Added to that fact, young people (aged 16 to 24 year old) are around three times more likely to be victims of burglary than people in other age groups, which makes students all the more vulnerable."

I appreciate that much of the surrounding area is outside of the red line boundary, never the less this application seeks to house young students and I would ask that a full lighting plan be submitted, to understand how safe routes are achieved though the public realm, particularly the alleyway between Berkeley House and St James House and the main entrance, the external entrance to the cycle store, the external bin store and rear fire exit, and the parking areas including the 9 bays to the west of Hanover House.

I would ask for further detail on how the property will be managed, specifically with regard to how secure mail and parcel delivery will be achieved, to avoid theft and the cluttering of fire routes. Mail and parcel provision should comply with SBD Homes 2024. I would also request a full CCTV plan and CCTV management plan as part of the initial application in order that safety and security may be fully assessed.

Local Consultation

Cllr Ian Halsall, Oldfield Park ward:

"I would like to request that the above planning application for the conversion and change of use of the building from Class E(g) offices to Sui Generis student accommodation be referred to the next available planning committee.

The Lower Bristol Road has seen a proliferation of Purpose-Built Student Accommodation (PBSA) units in recent years with Aquila Court on the former B8 Pickfords site and Banglo House on the former Banglo club/pub in very close proximity. The established Thornbank Gardens is also just south of this site on the other side of the railway.

I have paid particular attention to the comments of the Policy Team who are not raising an objection to the application provided that in accordance with policy H2A that a condition is imposed to restrict the accommodation to second and third year students only.

I do question the effectiveness of such a condition in enforcement terms but fundamentally, do not lament the loss of employment space given the new provision at the Newark Works and Bath Quays South in close proximity, albeit that the Economic Development team at the Council has raised an objection. However, this is a speculative application with no regard paid whatsoever to whether this floorspace could be otherwise utilised under Permitted Development Rights to provide for general and sustainable C3 residential units on a scale that could prove affordable to some, and in parity with the conversion of Marr House which is a former office block to the south west of this site. In order to retain our graduates in this city we need to support the provision of lower cost open market homes and naturally designated affordable housing that albeit an office conversion does not require.

I feel that the Committee needs to discuss the principle of this development which whilst in policy terms may be in compliance, on balance we are seeing a proliferation of for-profit student accommodation in an unsustainable concentration along the Lower Bristol Road.

As Chair of the Committee, I will wish to speak against this proposal and to argue the planning balance of policy versus other material considerations. I shall therefore not chair nor take part in any debate over this application should the Vice Chair agree to refer it to be determined by the Committee following your recommendation."

Public Consultation

The application was advertised with 63 neighbouring addresses directly notified, by site notice erected at the site and a press advert was published in the local newspaper. The application was also listed on the weekly list of planning applications published by the Council and listed on the Planning section of the Council website.

The deadline for public consultation responses was 21st November 2024.

A total of 11 responses were received with all responses objecting to the application.

A summary of grounds of objection is as follows:

- o Student accommodation creates noise pollution at night which will disturb neighbouring occupiers;
- o Development will cause further conflict between businesses and residents in relation to parking at The Square;
- o Use of existing access by proposed use will cause disturbance to neighbouring occupiers on The Square;
- o Building would be better suited for conversion to residential flats that would better meet local housing need and generate Council tax income;
- o The city has a lack of space for small businesses so offices should be retained;
- o Neighbouring office tenant objects to change of use due to increased noise associated with student accommodation;
- o Parking management issues complicated by student use;
- o Proximity to student accommodation will diminish professional image of neighbouring offices and future attractiveness of The Square to other office tenants;
- o Impact the local economy, pushing businesses that would prefer to reside in Bath out to Bristol;
- o Excessive amounts of student accommodation in the city;
- o This office has been in long term use and I see no reason to think an office of this quality would not be let;
- o Site is an ideal accessible location for office use and a good size; and
- o A lack of commitment to improve the energy efficiency of this building and reduce its carbon emissions.

POLICIES/LEGISLATION

National Legislation:

Section 38(6) of the Planning Act 2004 requires:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

In addition, there is a duty placed on the Council under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

National Policy:

National Planning Policy Framework (December 2024) and the National Planning Practice Guidance (March 2014) must be awarded significant weight in decision making.

Local Plan:

The Council's Local Plan can be reviewed in full at the following website:

<https://beta.bathnes.gov.uk/core-strategy-placemaking-plan-and-local-plan-partial-update>

The Local 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

The following policies of the Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update are relevant to the determination of this application:

- DW1 District-wide Spatial Strategy
- SD1 Presumption in favour of Sustainable development
- CP1 Retrofitting Existing Buildings
- CP5 Flood Risk Management
- SU1 Sustainable Drainage
- CP6 Environmental Quality
- D1 General Urban Design Principles
- D2 Local Character & Distinctiveness
- D6 Amenity
- D8 Lighting
- HE1 Historic Environment
- NE3 Sites, Habitats and Species
- PCS1 Pollution and Nuisance
- PCS2 Noise and Vibration
- PCS3 Air Quality
- PCS5 Contamination
- H2a Purpose Built Student Accommodation
- ED1B Change of use & redevelopment of B1a office to residential use
- ST1 Promoting Sustainable Travel
- ST7 Transport Requirements for Managing Development and Parking Standards
- B1 Bath Spatial Strategy

B4 The World Heritage Site and its setting
BD1 Bath Design Policy
B5 Strategic Policy for Universities

Supplementary Planning Documents and relevant planning guidance:

Bath & North East Somerset Transport & Development SPD (2023)
Bath & North East Somerset Sustainable Construction SPD (2023)
Bath & North East Somerset Planning Obligations SPD (2023)
Bath city-wide character appraisal SPD (2005)

Climate and Ecological Emergencies

The Council declared a climate emergency in March 2019 and in July 2020 declared an Ecological Emergency. These matters are material considerations in the determination of this application. The declarations have directly informed the preparation and content of planning policies adopted within the Local Plan Partial Update (2023).

Low Carbon and Sustainability 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

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

Assessment

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise as set out at Section 38(6) of the Planning Act 2004 and para. 2 of the NPPF.

Principle of Change of Use - Loss of Offices

In relation to loss of the existing office use, Policy ED1B provides the framework for which the Council will manage redevelopment of offices to create residential accommodation (including Sui Generis residential uses encompassing student accommodation). The policy states that change of use and redevelopment of office space to Sui Generis (large

HMO and PBSA) residential will be permitted unless there are strong economic reasons for refusal, as set out:

Strong economic reasons will exist if:

- a) the site is within the Bath Central Area, the Bath City Riverside Enterprise Zone, Somerdale, or a town centre listed in Policy CP12, or on a site that has been granted permission since 2011; and
- b) the loss of the space would be a significant loss to strategically important office accommodation in B&NES and significantly harm the Council's ability to plan positively for economic development.

Notably both criteria a) and b) above must apply for 'strong economic reasons' to exist.

In this case, the site is not located within Bath Central Area, the Bath City Riverside Enterprise Zone, Somerdale, or a town centre listed in Policy CP12, or on a site that has been granted permission since 2011.

The site is located just outside Bath Central Area and Enterprise Zone, the boundary of these areas follows the opposite northern side of Lower Bristol Road. Berkeley House was constructed in the late 1980s/early 1990s and therefore has not been granted planning permission since 2011.

As the site does not qualify with criteria a) above, there is no requirement to consider criteria b). This is because both criteria must apply for strong economic reasons to exist. Consequently, the proposed change of use from offices to student accommodation is acceptable in this location given the site is outside the Bath Central Area and Enterprise Zone. The development therefore complies with Policy ED1B and there are no policy grounds to resist loss of offices in this instance.

It is acknowledged that the offices are currently occupied and the current tenant is in the process of moving to occupy offices at No. 1 Bath Quays, a modern Grade A office building adjacent to the north of the site. Whilst the building is large, the offices are unlikely to be considered significant within a district wide strategic context. The change of use would result in loss of the offices and therefore cause a reduction in employment associated with the site, although the proposed use would still generate employment associated with management and cleaning. The proposed use for student accommodation will also likely generate some economic activity associated with introduction of additional residential population using local businesses, noting proximity to the city centre. Whilst these are relevant material considerations, given that the proposal accords with the spatial aspect of Policy ED1B, irrespective of employment levels or economic activity, strong economic reasons for refusal as defined by the policy do not exist.

In accordance with planning law, the application must be decided in accordance with the development plan policy unless material considerations indicate otherwise. Whilst the objection of the Economic Development team to loss of office space is acknowledged, Council policy has been drafted to ensure sufficient offices are preserved in the most strategically important areas of Bath and the wider district. There is no evidence available to suggest that the shortage of office space, local economic conditions or specifics of this

case, currently justify departure from adopted Council policy. Greater weight is attached to deciding the application in accordance with the relevant development plan policy (ED1B) rather than the other material considerations relating to loss of offices and associated impacts.

Principle of Change of Use - Acceptability of Student Accommodation

Policy B5 (Strategic Policy for Universities) of the Local Plan states that proposals for off-campus student accommodation (whether in the form, C2, C4 or sui generis residential units) or teaching space (apart from at specific allocations) will be refused within the Central Area, the Enterprise Zone and on MoD land where this would adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to delivering housing, and economic development (in respect of office, industrial, retail and hotel space).

As established above, Berkeley House is not located within Bath Central Area, the Enterprise Zone and on MoD land. As addressed above, the change of use is also not considered to adversely affect the realisation of the development plan as a whole. Student accommodation at Berkeley House is therefore in accordance with Policy B5.

Policy H2A (Purpose Built Student Accommodation) of the Local Plan states that elsewhere in the District, purpose built student accommodation of an appropriate scale and design will be permitted:

only where there is a need for additional student accommodation, and subject to the provisions of policy B5.

In these locations proposals for Purpose-Built Student Accommodation will be required to demonstrate that:

- i. There is a need for additional student accommodation of the type and in the location proposed, evidenced by a formal agreement between the developer and a relevant education provider located within the District, or
- ii. The proposed development meets the needs of second and third year university students.

The criteria of policy H2a above are notably worded 'or', therefore proposals can either demonstrate need for student accommodation by formal agreement with relevant education provider, or by providing accommodation that meets the needs of second- and third-year university students.

In this case, the scheme is proposed to meet the needs of university students in second, third year, as well as undergraduate courses beyond three years (part time study, integrated masters etc.) and post graduate students also.

This is demonstrated by the layout including provision of cluster flats, comprising series of en-suite bedrooms and communal kitchen living dining room. 3 no. studio rooms are also provided to make efficient layout of the existing building. A further communal amenity

room is also proposed at lower ground level, to provide an additional study or recreational space for use by residents.

The accommodation would therefore meet the needs of students that may otherwise live within house of multiple occupation (HMO) shared housing. This would therefore meet the requirements of the development plan in diverting students away from HMO to purpose built accommodation that meets their needs and fulfils objectives of encouraging return of traditional houses to the open market.

A planning condition shall be applied restricting occupation to university students that are not in first year to ensure the accommodation meets strategic objectives for off campus accommodation to be for those that would otherwise reside in HMO. Subject to this measure, the development will accord with Policies B5 and H2a of the Local Plan. The site represents an acceptable location for student accommodation and the change of use would not prejudice other strategic objectives. The other aspects of Policy H2A relating to accessibility, neighbouring uses, amenity, car parking, waste, adaptability and other policy issues shall be addressed under subsequent subheadings.

Neighbouring Amenity

Para. 135 of the NPPF requires that planning decisions ensure that developments:

"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".

Policy D6 (Amenity) of the Local Plan requires that development must provide for appropriate levels of amenity and must:

- a. Allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light;
- b. Not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance;
- c. Allow for provision of adequate and usable private or communal amenity space and defensible space.;
- d. Include adequate storage and functional arrangements for refuse and recycling; and
- e. Ensure communal refuse and recycling provision is appropriately designed, located and sized.

Policy PCS1 (Pollution and Nuisance) of the Local Plan requires that "development will only be permitted providing there is:

- 1) no unacceptable risk from existing or potential sources of pollution or nuisance on the development, or
- 2) no unacceptable risks of pollution to other existing or proposed land uses arising from the proposal."

Policy PCS2 (Noise and Vibration) of the Local Plan requires that:

- 1) Development will only be permitted where it does not cause unacceptable increases in levels of noise and/or vibration that would have a significant adverse effect on health and quality of life, the natural or built environment or general amenity unless this can be minimised or mitigated to an acceptable level.
- 2) Noise-sensitive development should avoid locations wherever possible where the occupants would be subject to unacceptable levels of noise or vibration from an existing noise source.

Policy H2a (Purpose Built Student Accommodation) of the Local Plan states that all proposals for Purpose-Built Student Accommodation will be required to demonstrate that the use of the site for student accommodation is appropriate in relation to neighbouring uses.

Policy H2a also requires that proposals for Purpose-Built Student Accommodation demonstrate that the development will not have an unacceptable impact on the amenity of surrounding residents. A management plan for the premises will be provided prior to occupation of the development, to ensure adequate management arrangements have been incorporated.

The site is located on Lower Bristol Road (A36) in a mixed commercial and residential inner urban area. The Square is a late 1980s/early 1990s office park development, comprising a series of detached office buildings: St. James House, Berkeley House, Hanover House, Marr House and Cramer House. Marr House was converted from offices to residential (18 no. one and two bedroom flats) following prior approval for change of use in 2016 (16/00935/ODCOU).

There is a large modern student accommodation development situated to the east ('Aquila Court' former Pickfords site) providing 204 bedrooms. This was developed in 2019/2020 and is now university managed postgraduate accommodation for University of Bath. Bath Quays South offices are located to the north. The Great Western Mainline railway runs to the south. Banglo House is located to the west which comprises 16 'micro apartments' (see: 16/02527/FUL).

Concerns have been raised in public consultation that the proposed use will be harmful to the amenity of neighbours through noise and disturbance. This relates to both neighbouring office tenants and adjacent dwellings. Concerns are also raised in relation to harmful impact to professional reputation of adjacent businesses.

The proposals are to convert Berkeley House to create 6 no. cluster flats and 3 no. studio flats, providing a total of 34 no. bedrooms. The building is detached and fronts Lower Bristol Road to the north. Access is from The Square to the south.

The proposed student accommodation use would have residential characteristics. These are typically of a higher intensity taking account number of young independent individuals living in close quarters. Nevertheless, there are already similar uses in the nearby area which aids compatibility.

In terms of proposed scale, the development would not introduce a significant additional population to the area, providing accommodation for 34 residents. This is a smaller-scale development in comparison to the scale of other similar developments in the area and is not considered excessive. In the context of a mixed commercial and residential inner-city area, adjacent to a major road (A36) and mainline railway, this population is not out of keeping adjacent land uses or likely to generate noise that would be incongruous within the urban setting.

Berkeley House is detached and would be subject to replacement windows and mechanical ventilation system as part of the conversion. These factors will help to contain any noise generated within the building. External noise associated with 34 residents will be sporadic, infrequent and short in duration. The nearest residential properties are flats at Marr House, around 40m across The Square. Taking account of the proposed building, population, layout and existing background noise context, it is not judged that the development would be harmful to amenity of neighbours.

As highlighted above, there is an existing development that is x 6 larger located nearby to the east (Aquila Court) that is not understood to have generated reports of noise complaints or anti-social behaviour. The Council's Environmental Protection team have not objected to the development based on noise impact.

A 'Student Management Plan' would be secured by condition in the event of permission being granted as required by Policy H2a. This would secure measures for how the student accommodation will be managed to minimise and mitigate impact to neighbouring residents. Measures would likely include a dedicated management company, on site staff including an accommodation manager, car parking enforcement measures, move in/out protocols, out of hours measures including management contact details, complaints protocol, discipline procedure and security measures including CCTV. These measures would be secured by compliance condition attached to any planning permission. The measures will also contribute to safeguarding amenity of neighbouring residents and adjacent businesses on The Square.

The concerns of existing businesses on The Square regarding introduction of student accommodation to the office park are acknowledged. It is noted that one of the office buildings (Marr House) has already been converted to form residential accommodation. There is also already a major student accommodation development immediately adjacent (Aquila Court). Within this context, it is not judged that the development would introduce conditions at odds with the area or cause detriment to trading conditions or reputations. Student accommodation is commonplace adjacent to offices elsewhere on Lower Bristol Road and the wider city and there is no evidence of conflict between these uses. As such, the use of Berkeley House for student accommodation is found to be appropriate taking account of neighbouring uses.

Overall, officers are satisfied that the development is compatible with adjacent land uses and will safeguard acceptable standards of amenity and conditions for all neighbouring residents and uses. The proposals are found to accord with Policies D6, H2a, PCS1 and PCS2 and are acceptable as a result.

Future Residents Amenity

Para. 135 of the NPPF requires that planning decisions ensure that developments:

"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".

Policy D6 (Amenity) of the Local Plan requires that development must provide for appropriate levels of amenity and must:

- a. Allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light;
- b. Not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance;
- c. Allow for provision of adequate and usable private or communal amenity space and defensible space.;
- d. Include adequate storage and functional arrangements for refuse and recycling; and
- e. Ensure communal refuse and recycling provision is appropriately designed, located and sized.

Policy PCS1 (Pollution and Nuisance) of the Local Plan requires that "development will only be permitted providing there is:

- 1) no unacceptable risk from existing or potential sources of pollution or nuisance on the development, or
- 2) no unacceptable risks of pollution to other existing or proposed land uses arising from the proposal."

Policy H2a (Purpose Built Student Accommodation) of the Local Plan states that all proposals for Purpose-Built Student Accommodation will be required to demonstrate that the use of the site for student accommodation is appropriate in relation to neighbouring uses.

Policy H2a also requires that proposals for Purpose-Built Student Accommodation demonstrate that the internal design, layout and size of accommodation and facilities are of an appropriate standard.

Berkeley House is located on a busy main road (Lower Bristol Road - A36) and nearby the Great Western mainline railway line. These adjacent transport routes generate high levels of background noise within the area. In this context, it has been necessary to undertake a Noise Assessment to ensure that there is no unacceptable risk noise pollution negatively impacting living conditions and amenity of future residents.

The Noise Assessment demonstrates that noise levels are highest on the northern side of the building, associated with traffic on Lower Bristol Road. Noise levels during the day are in the range of 73 - 77 dB in this location, falling to 68 - 72 dB at night. Taking account of

this level of noise, it is stated that acoustic glazing will be necessary to achieve BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings - Code of Practice required levels for rooms on the northern side of the building.

The highest glazing acoustic requirement across the site is for bedrooms on the north elevation, where sound insulation of R_w 45 dB is required. Mechanical ventilation is necessary for rooms facing Lower Bristol Road as well as some form of ventilation sound mitigation on south facing rooms also. The Applicant has confirmed that they intend to install a new glazing system to achieve these requirements. They have provided information that indicates this can be achieved without materially impacting the external appearance of the building. Further detail will be available once subsequent detailed design is completed following a potential planning permission.

The Council's Environmental Protection team have reviewed both a Noise Assessment and a Vibration Assessment submitted. They are satisfied that the Vibration Assessment demonstrates a less than low probability of adverse impact to residential amenity associated with vibration. Consequently, no mitigation for vibration is necessary. The Noise Assessment demonstrates that the impact of road and rail noise is significant and requires appropriate and detailed mitigation. They recognise that this has been specified in the assessment, and conclude that subject to the advice in the Noise Assessment being followed, it will be possible to achieve a good standard of acoustic design and acceptable conditions for habitation by residents.

A planning condition is therefore recommended to ensure that a further assessment is undertaken following implementation of the acoustic design, to ensure this meets standards required by BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings - Code of Practice. This shall ensure that the accommodation will provide appropriate standards of amenity for future residents.

With regards to the design and layout of the proposed accommodation, room sizes are relatively limited. However, there is no adopted space standard for this type of accommodation (*Sui Generis*). Rooms would all include a double bed, desk, wardrobe and en-suite bathroom. There would be access to a communal kitchen living dining area, providing shared cooking, eating and living facilities. A separate shared ground floor living space is also proposed, providing further communal facilities. Whilst not generous, the level of proposed accommodation is comparable to traditional shared HMO style housing. It is judged there is sufficient space to accommodate all facilities necessary for day to day living.

All rooms have windows which are noted to be a good size as they will use existing openings. The development will therefore provide good levels of light and outlook. As addressed above, mechanical ventilation systems will be used likely throughout the building to achieve necessary sound levels. The development is found to achieve appropriate living standards and conditions to provide adequate amenity for future occupiers in accordance with policy requirements.

Air Quality

Policy PCS3 (Air Quality) of the Local Plan states that 1) Development will only be permitted where the proposal:

a) does not give rise to polluting emissions which have an unacceptable adverse impact on air quality, health, the natural (in particular designated wildlife sites) or built environment or local amenity of existing or proposed uses from air polluting activities, or

b) is not located where it would be at unacceptable risk from, or be adversely affected by existing sources of odour, dust and /or other forms of air pollution

2) New development located within an Air Quality Management Area should be consistent with the local air quality action plan.

Where an air quality assessment is necessary to support an application, it should be proportionate to the nature and scale of development proposed and the level of concern about air quality.

The site is located within the Bath Major Roads Air Quality Management Air and Clean Air Zone. The northern elevation of the building fronts Lower Bristol Road (A36) and access to/from the site is via Lower Bristol Road. This is a busy major arterial through in the city.

The application includes an Air Quality Assessment for the site, development and construction process. The Assessment establishes that no exceedances of the annual average air quality standards for NO₂, PM₁₀ or PM_{2.5} emissions have been predicted in the area. Emissions are predicted to fall with time, and therefore in future years are not expected to exceed their respective annual mean standards. Therefore, the development would not introduce sensitive populations into an area of known poor air quality.

Excluding construction, the development will not be associated with generating heavy duty vehicle traffic. There will be some vehicle movements associated with the site but these will generally be private residents and staff, with some low number of light commercial vehicles. Levels are likely to be comparable (if not less than) the established use of the site for offices. Therefore, the development is unlikely to have a significant impact on local air quality and is therefore consistent with the local air quality action plan.

There is a small risk of construction phase traffic and works impacting local air quality as a result of dust nuisance. Therefore, a Construction Environmental Management Plan is recommended to identify steps and procedures that will be implemented to minimise the creation and impact of noise, vibrations, air quality, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site.

The Air Quality Assessment has been reviewed by the Council's Environmental Monitoring team who agree the overall approach to the air quality assessment is acceptable. They have recommended a condition for a Construction Environmental Management Plan. Subject to this measure, they are satisfied that the development will not give rise to polluting emissions which have an unacceptable impact on air quality, health, the natural environment or local amenity, or introduce a vulnerable use in an area with unacceptable air quality. Subject to planning condition securing management plan, the development therefore accords with the objectives of Policy PCS3 of the Local Plan.

Transport & Highways

Para. 114 of the NPPF requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Para. 115 of the NPPF states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Policy ST1 (Promoting Sustainable Travel) of the Local Plan requires that:

"planning permission is permitted for developments which reduce the growth and the overall level of traffic and congestion through reducing private car dependency and giving priority to active and low carbon modes of transport such as walking and cycling."

Policy ST7 (Transport Requirements for Managing Development) of the Local Plan requires that:

"development avoids prejudicing highway safety, provides safe and convenient access, suitable vehicle access, avoids excessive traffic impact and provides adequate mitigation and improvements."

The Council's Transport & Development SPD provides detailed local requirements for transport and highways issues relating to development, including access standards, parking standards and travel plans.

The site is located to the southern side of Lower Bristol Road (A36) around 500m south west of Bath city centre. The site is around 600m west of Bath bus and coach station and 800m west of Bath Spa railway station. There are bus stops immediately outside the site on Lower Bristol Road served by routes to University of Bath (U2) and other local destinations. There is a large supermarket (Sainsburys) within walking distance at Green Park. The site is judged to have excellent accessibility, and residents would not need to rely on cars to reside in this location. Proximity to local services and public transport are likely to discourage private car use.

However, the site has a high level of existing car parking (22 spaces) and it is proposed to retain 21 spaces, with 19 available for residents if desired (2 staff spaces). This is a high parking provision for a residential development in this central location. Yet given that the

spaces are existing, no objection is held to continued use by residents. Securing removal of the existing spaces or an alternative use is considered excessive.

The Highways team have confirmed they are satisfied that outside of drop-off and collection times, daily highways impacts would be below levels associated with the existing office use. Management of move in/move out regime will be submitted as part of a Student Management Plan secured by condition. Impact on the highway network would not pose any flow or safety issues.

A financial contribution (£5114.60) towards a car club bay on the local public highway is sought to provide a car sharing option for residents that do not own cars, in accordance with the Transport & Development SPD.

The development includes a ground floor cycle parking store with capacity for 24 cycles. The level of cycle parking provision exceeds the parking standards (1 space per 2.5 beds) set out in the Transport & Development SPD. Further details will be required in relation to security as requested by the Police and this can be secured by planning condition. Subject to this measure, residents will have access to good quality cycle parking which will enable sustainable and active travel choices.

Waste and recycling storage is proposed within the existing bin storage area located to the west of the building. This is of sufficient scale to accommodate bins associated with the development and will be secured by planning condition.

Highways have recommended conditions securing a Construction Management Plan and Student Management Plan. Subject to these measures, the development will accord with Policy ST7, preserve the safe and free flow of surrounding highway network and encourage travel by sustainable and active means.

Appearance, Character & Heritage

The site is adjacent to Newark Works on the northern side of Lower Bristol Road which is included on the National Heritage List for England at Grade II level. The site is within the City of Bath World Heritage Site which is also inscribed as The Great Spa Towns of Europe. The Bear Flat and Oldfield Park Character Area of the Bath Conservation Area lies to the south. The site is not within the Conservation Area, only adjacent to it. The development will be within the setting of all of the aforementioned nationally designated heritage assets.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Para. 195 of the NPPF states that:

"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and

should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

Para. 200 of the NPPF states that:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."

Para. 201 of the NPPF states that:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Para. 205 of the NPPF states that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Policy HE1 (Historic Environment) of the Local Plan states that:

"Within the scope of Core Strategy Policies B4 and CP6, 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/or setting, and make a positive contribution to its character and appearance".

"Great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals will be weighed against the public benefits of the proposal; whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset."

The impact of the development to local character and relevant heritage assets is limited by the extent of external alterations proposed in this instance. The development primarily involves change of use of the building through internal alterations that would have no material effect on the external appearance of the building.

External changes are limited to replacement of windows which the Applicant has indicated will not materially affect the external appearance of the building. The Applicant has supplied examples of glazing systems that could be used to achieve acoustic insulation necessary for the proposed use, without materially impacting external appearance. This will require on going consideration at detailed design stage. If windows that materially change the external appearance become necessary, variation or further approval may be required. Based on information presently available, replacement glazing shall preserve the character of the building as well as setting and significance of adjacent heritage assets.

Renewable energy technologies (either solar PV or air source heat pumps) are also proposed. These systems have not been shown on plans but are unlikely to have a significant impact on external appearance. Full details shall be sought by planning condition in order to manage visual and amenity impacts.

No extension, enlargement or major changes to the external appearance of the building is proposed. Therefore, the development shall preserve the character of the existing building and surrounding area including setting of adjacent listed buildings and World Heritage Site.

Ecology & Biodiversity

Policy NE3 (Sites, Habitats and Species) of the Local Plan states that: "Development resulting in significant harm to biodiversity will not be permitted. Harm to biodiversity must always first be avoided and minimised. Where avoidance of harm is not possible, mitigation, and as a last resort, compensation must be provided, to at least equivalent ecological value."

The site is located within the Bradford-on Avon Bat SAC Core Roosts buffer for greater horseshoe bats and the Combe Down and Bathampton Down Mines SSSI impact risk zone. The nearest ecological site is the locally designated River Avon Site of Nature Conservation Interest which is 80m north.

The application is accompanied by an Ecological Impact Assessment which includes a site survey relating to protected species. This establishes that the site has very low ecological potential, being a developed office building in an urban area. A survey for bats has been conducted which concludes the building has no evidence of being used by bats and negligible potential to support roosting bats. This survey is accepted and on this basis the change of use will not have adverse effects for protected species.

The assessment makes recommendations relating to lighting during construction and operation. The assessment also includes proposals for wildlife enhancement measures including the proposed installation of 2 no. bat boxes to the south elevation and 2 no. bird boxes on the north elevation. These habitat enhancement measures shall be secured by planning condition.

There is less than 25m² of habitats at the site and therefore the application is exempt from the biodiversity net gain requirements under the de minimis exemption as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Flood Risk & Drainage

Para. 170 of the NPPF states that: "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

Para. 173 of the NPPF states that: "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding, by following the steps set out below."

Para. 174 of the NPPF states that: "Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test."

Para. 175 of the NPPF states that: "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

Para. 176 of the NPPF states that: "Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test set out below, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63."

Policy CP5 (Flood Risk Management) of the Local Plan requires that: "Development in the District will follow a sequential approach to flood risk management, avoiding inappropriate development in areas at risk of flooding and directing development away from areas at highest risk in line with Government policy NPPF).

Policy SU1 (Sustainable Drainage) of the Local Plan requires that: "Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of runoff from both major development (as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015) and for minor development in an area at risk of flooding (from any source up to and including the 1 in 100year+ climate change event)."

"SuDS are to comply with the "Non-statutory technical standards for sustainable drainage systems" published by the Department for Environment, Food and Rural Affairs (DEFRA) and the standards/requirements contained in the West of England Sustainable Drainage Developer Guide (2015), or successor guidance."

The site is located within Flood Zones 2 and 3 where the building levels are equivalent to the level of Lower Bristol Road at the northern side. The proposed use for student accommodation is a 'more vulnerable' use in accordance with the flood risk vulnerability classification at Annex 3 of the NPPF. This is an increase in vulnerability in comparison to the existing use as offices which are 'less vulnerable'.

As the application is for change of use only, the development is not subject to the requirements of the sequential test (para. 176 NPPF). The development is however subject to a flood risk assessment and an assessment has been submitted with the application.

The Flood Risk Assessment confirms that there are no recent historical flood events at the site, although the Lower Bristol Road was subject to surface water flooding during the winter of 2014-15. Only the lower ground floor of the building is at risk of fluvial flooding during the 1 in 100 year (plus 26% climate change) event. The site is at high risk of groundwater flooding from Lower Bristol Road drainage, but these conditions will not be exacerbated by the proposals since they will not result in an increase in impermeable area or roof cover.

The development has been designed to account for flood risk by located less vulnerable non-habitable uses including plant, cycle parking and supplementary communal amenity space at lower ground floor level. The Flood Risk Assessment confirms that the highest flood event would not exceed the lower ground floor storey. Therefore, safe access and egress can be obtained from the building in the event of a flood via the main entrance on the upper ground floor (south on The Square). A Flood Management Plan is also recommended within the assessment to ensure users of the building know what to do before, during and after a flood event. The measures within the Flood Risk Assessment including the Management Plan will be secured by condition if permission is granted.

The Council's Drainage and Flooding team have been consulted on the application and raised no objection subject to implementation in accordance with the Flood Risk Assessment. Subject to these measures, the proposals accord with national and local policy and guidance, and the development would not increase local flood risk or place vulnerable uses at risk of being affected by flooding.

Sustainable Construction

Policy CP1 (Retrofitting Existing Buildings) of the Local Plan states that retrofitting measures to existing buildings to improve their energy efficiency and adaptability to climate change and the appropriate incorporation of micro-renewables will be encouraged.

Masterplanning and 'major development' (as defined in the Town & Country Planning (Development Management Procedure (England) Order 2010) in the District should demonstrate that opportunities for the retention and retrofitting of existing buildings within the site have been included within the scheme. All schemes should consider retrofitting opportunities as part of their design brief and measures to support this will be introduced.

As a 'major' development in accordance with the DMPO (floor space created by the development e.g. change of use, over 1000m²) the application is required to demonstrate that opportunities for the retention and retrofitting of existing buildings within the site have been included within the scheme. This includes incorporation of onsite renewables.

The application has been submitted with a Sustainable Construction Checklist in accordance with the requirements of the Sustainable Construction Checklist Supplementary Planning Document (2023).

The development falls within the 'change of use or extension developments of 5 dwellings or more/500m² of floor space or more' category. It is therefore required to comply with Policy CP1, rather than Policy SCR6 (net zero new homes). The requirement of CP1 is to demonstrate a 10% improvement in regulated CO₂ emissions compared to the BER or DER of a notional baseline building that meets the requirements of Part L1B for residential developments (including student accommodation).

The supplied Sustainable Construction Checklist sets out three separate scenarios for how the development could comply with Policy CP1. These include: air source heat pumps to provide heating and hot water; air source heat pumps for hot water only and 60m² of solar PV; and a waste water heat recovery system and 60m² of solar PV. All of the proposed options would have mechanical ventilation heat recovery systems.

The highest reduction in carbon emissions is option 1 with air source heat pumps to provide both heating and hot water, which achieves a 20% reduction. However, all proposals meet the policy requirement for a minimum 10% carbon emissions reduction.

The sustainable construction checklist has demonstrated compliance with Policy CP1 is attainable and delivery shall be secured by planning condition.

Other Matters

Planning Obligations and Community Infrastructure Levy

The development will also be associated with the following planning obligations which will be secured by s106 agreement with the Council prior to permission being granted:

1. A financial contribution of £5114.60 for a Traffic Regulation Order to create a car club bay on the local public highway; and
2. A financial contribution £990.00 contribution towards Targeted Recruitment and Training in Bath and North East Somerset as well as planning obligation to provide six work placements in construction as part of the development.

Public Sector Equalities Duty

In accordance with the duty required by sections 149-157 of the Equality Act 2010, the Local Planning Authority as public sector organisation is required to have due regard to the need to eliminate inequality against people with different protected characteristics, advance equality of opportunity, and foster good relations in relation to activities such as policy, consultation and public service.

This has been taken into account both in relation to the application and decision making process as well as when assessing the impacts and merits of the development itself.

Measures which the Local Planning Authority takes to advance equality of opportunity in the planning process are set out in the Council's adopted Statement of Community Involvement. This involves measures such as community consultation, advertising applications via a range of different mediums and making application documents available in a variety of print and non-print formats if required. These measures have been implemented in accordance with the Council's adopted Statement of Community Involvement prior to and during processing of this planning application.

In relation to the development itself, it is considered that the development will reduce inequalities, advance equal opportunity and foster good relations with those sharing protected characteristics in a variety of forms. As an example, the development includes a lift providing access to all floors which will be beneficial to potential student residents that have disabilities. Generally level access is not available within traditional student housing such as HMOs. The provision of accessible, modern, good quality accommodation that meets current Building Regulations for students of all ages, genders, races, accessible by those with disabilities, will benefit those with protected characteristics.

Overall, the potential equality impacts have been assessed relating to both the application process and in relation to the development itself. The Local Planning Authority is satisfied that it has taken a range of steps to achieve compliance with the Equalities Act 2010 and therefore discharged its public sector equalities duty.

Planning Balance & Conclusion

The proposed change of use of Berkeley House from offices to become 34 beds of student accommodation is found to accord with the Local Plan as a whole. No conflict with any relevant policy has been identified. Loss of the existing office use accords with ED1B and creation of accommodation meeting the needs of students in second year and beyond in this location, accords with policies B5 and H2a. Whilst material considerations relating to loss of office space, jobs and economic activity have been raised, these do not outweigh compliance with relevant policies. The location is not in the Central Area or Enterprise Zone but has excellent accessibility by public transport and to the city centre. The site is adjacent to a significantly larger student accommodation development which provides evidence that the proposed use can be accommodated in this area without detriment to neighbouring uses, local amenity or environmental quality. It is judged that residual impacts to transport, amenity, ecology, sustainability and flood risk can be managed through planning conditions and obligations. No material considerations have been identified that warrant refusal of the application. The application is therefore recommended to be permitted, with authority delegated to officers for negotiation of s106 agreement to secure planning obligations and to impose necessary conditions.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A) Authorise the Head of Legal and Democratic Services to complete a Legal Agreement to secure:

1. A financial contribution of £5114.60 for a Traffic Regulation Order to provide a car club bay on the local public highway; and
2. A financial contribution £990.00 contribution towards Targeted Recruitment and Training in Bath and North East Somerset as well as planning obligation to provide six work placements in construction as part of the development.

B.) Subject to the prior completion of the above agreement, delegate authority the Head of Planning to PERMIT the application subject to the following conditions (or other such conditions as may be appropriate):

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 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. Site compound arrangements;
7. Measures for the control of dust;

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

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

3 Construction Environmental Management Plan (Pre-commencement)

No development shall take place until a site specific Construction/Demolition Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison
- o Arrangements for liaison with the Council's Environmental Protection Team
- o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
 - o 08 00 Hours and 18 00 Hours on Mondays to Fridays and
 - o 08 00 and 13 00 Hours on Saturdays and;
 - o at no time on Sundays and Bank Holidays.
- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- o Procedures for emergency deviation of the agreed working hours.
- o Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To protect neighbouring residents from potential nuisance associated with construction.

4 Noise Mitigation (Pre-occupation)

Prior to first occupation of the development, an updated Noise Assessment shall be submitted to and approved in writing by the Local Planning Authority. The updated Noise Assessment shall confirm that the following noise levels are achieved in accordance with the mitigation measures specified in the application stage noise assessment (Noise Assessment by Kimber Acoustics Ltd. report reference KA24021-23072024-2 dated 21st August 2024) and BS8233:2014 (Guidance on sound insulation and noise reduction for buildings).

The following levels shall be achieved:

1. Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively;
2. For bedrooms at night individual noise events (measured with F timeweighting) shall not (normally) exceed 45dBLAmax.

The development shall be implemented and retained in accordance with all measures contained within the approved noise assessment.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the details of the noise mitigation features need to be known before development commences to ensure that appropriate noise levels can be achieved and to avoid the need for retrofitting.

5 Sustainable Construction Checklist (Pre-occupation)

Prior to the 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 CP1.

1. Table 4
2. Building Regulations Part L post-completion documents for renewables;
3. Building Regulations Part L post-completion documents for energy efficiency;
4. Microgeneration Certification Scheme (MCS) Certificate/s (if renewables have been used)

Reason: To ensure that the approved development complies with Policy CP1 of the Local Plan Partial Update.

6 Parking Management Plan (Pre-occupation)

Prior to first occupation of the development hereby approved, a Parking Management Plan, supported by a robust evidence base, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be operated in accordance with the approved Parking Management Plan.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Local Plan Partial Update.

7 Cycle Parking (Pre-occupation)

No occupation of the development shall commence until secure and covered bicycle storage for at least 24 bikes has been provided in accordance with details shown on the approved lower ground floor plan (drawing no. 4752 AWW ZZ ZZ DR A 01002 P06 Proposed Lower Ground and Ground Floor Plan by AWW architects, received: 4th October 2024). The cycle parking shall be retained permanently thereafter.

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

8 Implementation of Wildlife Enhancement Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, implementation of the recommendations of the Wildlife Protection and Enhancement Scheme (drawing no. 2465-EcIA-F2, Figure 2 'Enhancements and Mitigation', 2 no. bird boxes, 2 no. bat boxes - Ecological Impact Assessment (Bats and

Birds) by GE Consulting report ref: 2465-EcIA-AG dated: 30 July 2024) has been submitted to and approved in writing by the Local Planning Authority.

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

9 Student Management Plan (Pre-occupation)

Prior to first occupation of the development hereby approved, a Student Management Plan for the premises shall be submitted to and approved in writing by the Local Planning Authority. The Student Management Plan shall contain (but not be limited to) the following:

- o Move in/out procedures;
- o Measures to restrict tenants without onsite parking bringing cars;
- o Role and attendance information for onsite staff;
- o Security measures in response to Secured By Design Homes 2024 criteria including details of a proposed CCTV system;
- o Mail and deliveries management plan;
- o Tenant acceptable behaviour policy;
- o Complaints protocol for reporting issues; and
- o Management contact information;

Use of the site for student accommodation shall thereafter operate in accordance with the approved Student Management Plan.

Reason: In the interest of preserving the amenity of the area including residential amenity of neighbours and appropriate conditions for adjacent existing uses, as well as achieving a safe and secure development which provides a high quality living environment free from fear of crime and disorder as required by Policy H2a of the Bath and North East Somerset Local Plan Partial Update and para. 96 of the NPPF.

10 Renewable Energy Design (Bespoke Trigger)

Prior to installation of renewable energy equipment as set out in the submitted Sustainable Construction Checklist (Sustainable Construction Checklist - Part L Report, Berkeley House, Bath, ref: BR0249-VIDA-XX-XX-RP-S2-0001 by Vida Consultants dated 13th January 2025), a detailed design and specification of proposed equipment (Solar PV panels, inverters, mounting systems or air source heat pumps etc.) shall be submitted to and approved in writing by the Local Planning Authority, unless the proposed equipment would constitute permitted development in accordance with the provisions of Part 14 the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The development shall be implemented in accordance with the approved details.

Reason: To ensure that renewable energy equipment preserves visual and environmental amenity, taking account of neighbouring land uses and position within the setting of listed

buildings and within the World Heritage Site as required by policies D1, D2, D6, HE1 and B4 of the Local Plan.

11 External Lighting (Bespoke Trigger)

No external lighting shall be installed at the site until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights;
2. Additional information that demonstrates a high level of confidence that the proposed lighting will not result in unacceptable light spill levels onto habitats or features of ecological value (this may include details of predicted lux levels and light spill modelling where appropriate); and
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

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

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

12 Student Year Group Restriction (Compliance)

The student accommodation hereby approved shall not be occupied by any students undertaking their first year of an undergraduate tertiary education programme.

Reason: Accommodation for first year students is planned for on-campus and in the interests of meeting the needs of second and third year students as well as other later years students such as post graduates. The accommodation provides communal living facilities replicating HMO facilities which will help to prevent further expansion of the student lettings market in the form of HMOs in accordance with policies B5, H2 and H2a of the Local Plan.

13 Flood Risk Assessment (Compliance)

The development hereby permitted shall be implemented in accordance with all measures and recommendations contained within the submitted Flood Risk Assessment (Flood Risk Assessment, Berkeley House, XXXX-BHE-XX-XX-XX-X-XXXX Rev P02 dated 2 September 2024 by Buro Happold). This shall include only less vulnerable non-habitable uses located on the lower ground floor level of the building, implementation of flood resilience measures and Flood Management Plan including registration with EA flood warning service and distributed to all residents providing flood access and egress information.

Reason: To minimise damage and risk to human health in the event of a flood in accordance with Policy CP5 of the Local Plan and Section 14 of the NPPF.

14 Refuse and Recycling (Compliance)

Refuse and recycling bins associated with the use hereby approved shall be stored in the existing bin store situated to the west side of Berkeley House and shall be collected from The Square. Bins associated with the development shall not be stored outside the boundary of the site or on the public highway at any point.

Reason: In the interest of local visual and environmental amenity as well as preserving the safe and free flow of the highway network in accordance with policies H2a, D1, D2, D6 and ST7 of the Bath and North East Somerset Local Plan Partial Update and the Council's adopted Waste Planning Guidance.

15 Precautionary Working Methods for Bats and Birds (Compliance)

The development must proceed only in accordance with the following measures for the protection of bats and birds:

1. A careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the building and its roof, prior to any works affecting these areas;
2. Active nests shall be protected undisturbed until the young have fledged;
3. Works to the roof and any areas with potential to support concealed spaces or crevices shall be carried out by hand, lifting tiles (not sliding) to remove them, and checking beneath each one.
4. If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.

Reason: To protect nesting birds and bats and prevent ecological harm in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE3 of the Bath and North East Somerset Local Plan Partial Update.

16 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.

17 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 SB9389 - MBS - REV A 2024	Existing Lower Ground Floor Plan	8th	October
SB9389 - MBS - REV A 2024	Existing Ground Floor Plan	8th	October
SB9389 - MBS - REV A	Existing First Floor Plan	8th	October 2024
SB9389 - MBS - REV A 2024	Existing Second Floor Plan	8th	October
4752-AWW-ZZ-ZZ-DR-A-10010 - P02 2024	Site Location Plan	4th	October
4752-AWW-ZZ-ZZ-DR-A-10011 - P02	Site Plan	4th	October 2024
4752-AWW-ZZ-ZZ-DR-A-01002 4th October 2024	Proposed Lower Ground and Ground Floor Plan		
4752-AWW-ZZ-ZZ-DR-A-01003 4th October 2024	Proposed First and Second Floor Plan		
4752-AWW-ZZ-ZZ-DR-A-01004	Typical Section	4th	October 2024
4752-AWW-ZZ-ZZ-DR-A-01005	Elevations	4th	October 2024

2 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.

3 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.

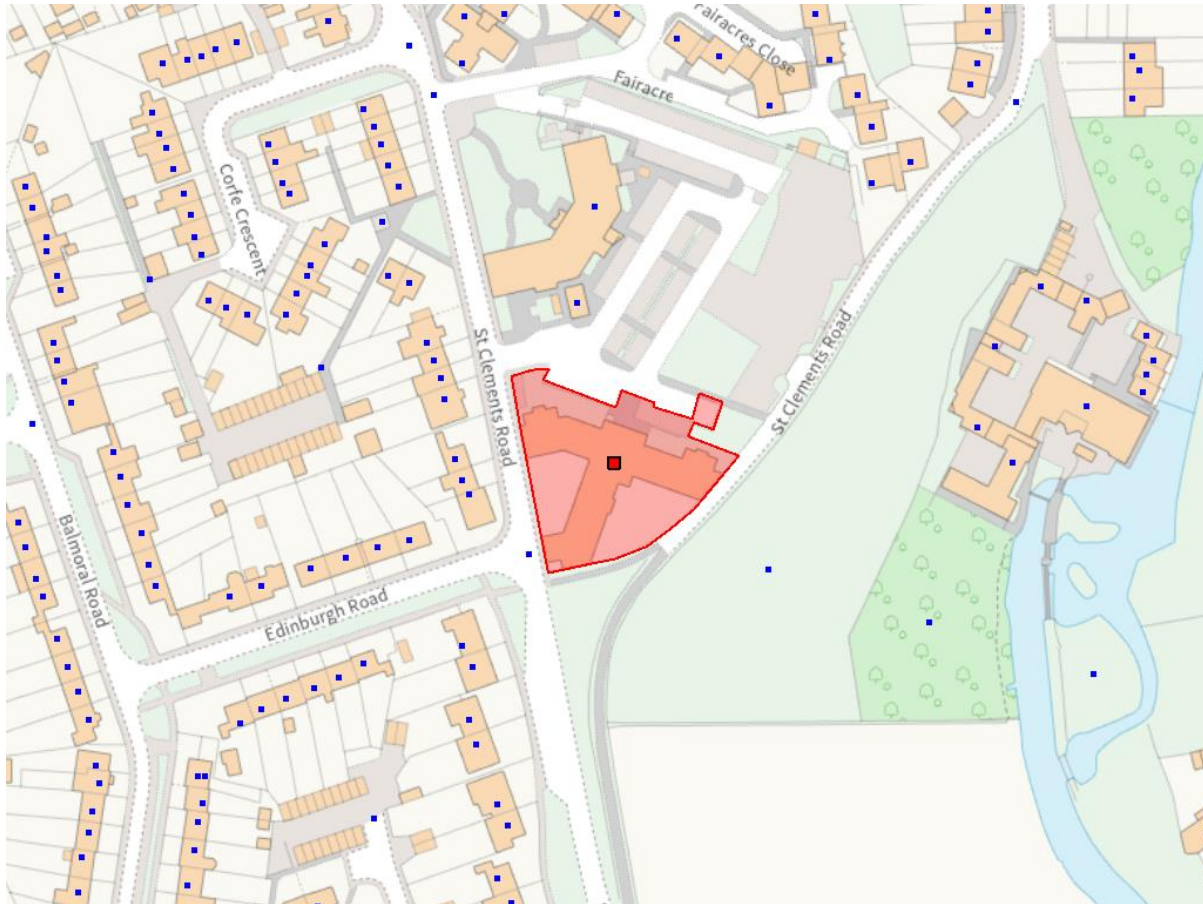
4 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

5 Responding to Climate Change (Informative):

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

Item No: 02
Application No: 23/03390/OUT
Site Location: Treetops Nursing Home St Clement's Road Keynsham Bristol Bath
And North East Somerset



Ward: Keynsham South **Parish:** Keynsham Town Council **LB Grade:** N/A

Ward Members: Councillor Alan Hale Councillor David Biddleston

Application Type: Outline Application

Proposal: Outline planning application for demolition of existing care home and erection of 2no. three-storey buildings comprising 36no. self-contained flats (Use Class C3), with matters of Access Layout, Scale, and Appearance to be determined.

Constraints: Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Contaminated Land, Policy CP9 Affordable Housing, LPPU Site Allocations, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, NRN Wetland Strategic Network Policy NE5, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Treetops Bristol Limited

Expiry Date: 14th February 2025

Case Officer: Samantha Mason

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

REPORT

Reason for Committee:

This application is being reported to committee as the Planning Scheme of Delegation sets out that 'Any planning application which is subject to a viability assessment in respect of affordable housing will be reported to Planning Committee'.

Details of location and proposal:

The application site is allocated for housing development within the Keynsham volume of the Development Plan through Policy KE5. The site currently comprises the existing disused Treetops nursing home to the east of St Clement's Road in Keynsham. The existing building sits within a triangular shaped site bounded to the north by car parking and the Keynsham Health Centre and to the east and west by Saint Clements Road. The site lies at approximately 25m AOD on the east facing valley slope of the River Chew at the centre of the settlement of Keynsham.

The western boundary of the Green Belt, the Keynsham Conservation Area and the Landscape setting of the settlement of Keynsham run along the portion of St Clements Road to the East of the site. There is a public right of way which runs along the southern boundary of the site (BA27/17).

Outline planning permission is sought for the demolition of existing care home (24 bed) and the erection of 2no. three-storey buildings comprising 36no. self-contained flats (Use Class C3), with matters of Access, Appearance, Layout, and Scale to be determined. Landscape is a reserved matter.

Relevant Planning History:

AP - 20/00057/RF - DISMIS - 18 February 2021 - Redevelopment of the existing care home to provide a 57no. bedspace replacement care home, associated parking and hard/soft landscape works

DC - 20/01277/OUT - RF - 21 August 2020 - Redevelopment of the existing care home to provide a 57no. bedspace replacement care home, associated parking and hard/soft landscape works

DC - 21/00701/OUT - NONDET - 9 March 2022 - Outline application (with landscaping reserved) for the erection of a three-storey building comprising of 39no. self-contained flats (use class C3) following demolition of care home.

DC - 21/01181/OUT - WD - 14 December 2021 - Outline planning application (appearance and landscaping reserved) for the redevelopment of the existing care home to provide a 43no. bedspace replacement care home, associated parking and hard/soft landscape works (Resubmission of outline application 20/01277/OUT)

DC - 21/04606/OUT - PERMIT - 13 December 2021 - Outline planning application (appearance and landscaping reserved) for the redevelopment of the existing care home

to provide a 43no. bedspace replacement care home, associated parking and hard/soft landscape works (Resubmission of outline application 21/01181/OUT).

AP - 22/00018/NONDET - DISMIS - 13 May 2022 - Outline application (with landscaping reserved) for the erection of a three-storey building comprising of 39no. self-contained flats (use class C3) following demolition of care home.

DC - 22/01228/OUT - RF - 28 July 2022 - Outline planning application (with landscaping reserved) for demolition of existing care home and erection of a three-storey building comprising 30 no. self-contained flats (use class C3)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

ARBORICULTURE:

2nd Nov 2023: No arboricultural objection subject to compliance with the submitted arboricultural method statement and tree protection plan.

ARCHAEOLOGY:

27th Oct 2023: No objection

CONTAMINATED LAND:

24th Oct 2023: No objection subject to conditions.

DRAINAGE:

25th Jan 2024: Scope for revision.

4th April 2024: No objection.

ECOLOGY:

17th April 2024: Scope for revision. Insufficient information is provided in relation to ecology, the following is required prior to determination:

Confirmation of methodology and survey findings from bat surveys on the building;

Justification for the absence of bat activity surveys;

A lighting plan demonstrating there will be no impact on potentially sensitive bat habitat;

Updated landscape plan and/or BNG metric to account for the size of trees to be planted.

23rd July 2024: Further information required. Further bat survey is required prior to determination, due to the deterioration of the condition of the building and due to likely "moderate" category for roosting potential, requiring at least 2 emergence survey events and using vantage points for all elevations / aspects of the building. Without further survey the submitted survey is not fully in accordance with best practice guidelines and there is a reasonable risk of use of the building by bats which would not be known prior to works, giving rise to a reasonable risk of harm to protected species (bats and their roosts).

Additional light spill modelling is required on the vertical plane onto the more ecologically sensitive south-east boundary vegetation which provides habitat value for bats and other

wildlife, and details of additional measures to reduce light spill levels onto this habitat are required.

Previous comments regarding the BNG calculation and proposed tree planting sizes have not been addressed. The existing habitat is also incorrectly categorised as "vegetated garden" rather than each habitat specified. These issues need to be corrected - they will impact the results of the BNG calculation, which needs to be accurate to provide confidence in the ability of the scheme to deliver a minimum of 10% net gain for biodiversity.

8th Jan 2025: No objection subject to conditions.

EDUCATION:

11th Oct 2023: No objection

HIGHWAYS:

30th Oct 2023: No objection subject to conditions, although further clarity requested on cycle parking and waste management

9th Jan 2024: No objection subject to conditions, although further clarity requested on cycle parking and waste management

2nd July 2024: No objection subject to conditions

23rd Dec 2024: No objection subject to conditions

HOUSING:

18th Oct 2023: Scope for revision. Until the LPA has assessed both the applicants Vacant Building Credit calculations and the applicants Viability Appraisal, the Housing Services position remains that 30% affordable housing contribution is required.

20th May 2024: Further viability review mechanism required to determine the level of the policy CP9 Affordable Housing Contribution.

15th Jan 2024: Dixon Searle viability review shows viability to be a major issue. On this basis yes I would remove my objection.

KEYNSHAM TOWN COUNCIL:

25th Oct 2023: Objection. Keynsham Town Council considers that this application for 36 flats is totally contrary to what is proposed in the Local Plan/Core Strategy & Placemaking Plan Partial Update Adopted in January 2023 (which states approximately 30 dwellings only) for the following reasons:

- a) The proposal is incongruous and an overdevelopment in this location.
- b) The site is on the edge of a Conservation Area and will create a detrimental visual impact in this semi-rural location that can be viewed from the Wellsway.

c) The scale and height of the proposal is unacceptable. The height, massing and prominent position of the proposed development would harm the setting and significance of the Conservation Area and hence the application would be contrary to the B&NES Placemaking Plan Policies HE1 and D2.

d) The application fails to demonstrate adequate accessibility, car and cycle parking and cycle and

vehicular access for the proposed development, therefore it is contrary to B&NES Placemaking Plan Policies ST1, ST3 and ST7.

Additional objections include: -

i) No viability appraisal appears to have been submitted in respect of the developer's calculations

equating to only 7.1 affordable homes, whereas we believe the 30% affordable housing contribution based upon a total of 36 dwellings should equate to 11 affordable dwellings. A number that Keynsham Town Council would expect for a development of this size.

ii) The development proposal within the Keynsham section of the B&NES Adopted Local Plan States 'that a planning proposal should optimise the solar energy potential of development by careful design and orientation' and Keynsham Town Council concurs with the comments of Transition Bath that from the application documentation it is not convincing that the proposal

will meet Policy SCR6 and be compliant, as no solar PV is presented on any of the elevations

plans to meet the requirements and that the developer is likely to need to use the whole roof space, if not more.

iii) There is no mention of EV charging points for each allocated parking space.

iv) An integral part of established national and local planning policies is achieving well designed places that provide essential outdoor amenity, comply with the local sustainable construction policy (this application lacks supporting information) and should meet standards in respect of drainage requirements. Keynsham Town Council expresses concerns that this is not the case with this development proposal.

27th March 2024: To OBJECT - That Keynsham Town Council consider that this application is totally contrary to what is proposed in the Local Plan Partial Review (approximately 15 dwellings only) for the following reasons:

a) The proposal is incongruous and an overdevelopment in this location.

b) The site is on the edge of a Conservation Area and will create a detrimental visual impact in this semi-rural location that can be viewed from the Wellsway. The scale and height of the proposal is unacceptable. The height, massing and prominent position of the proposed development would harm the setting and significance of the setting of the Conservation Area, and hence the application would be contrary to the B&NES Placemaking Plan Policies HE1 and D2.

c) The application fails to demonstrate adequate accessibility, car and cycle parking and cycle and vehicular access for the proposed development. therefore, it is contrary to B&NES Placemaking Plan Policies ST1, ST3 and ST7.

d) The needs for affordable housing in Keynsham should be addressed as part of any granted permission in respect of this development.

17th Dec 2024: To OBJECT - Keynsham Town Council considers that this application for 36 flats is totally contrary to what is proposed in the Local Plan Partial Review i) The proposal is incongruous and an overdevelopment in this location. ii) The site is on the

edge of a Conservation Area and will create a detrimental visual impact in this semi-rural location that can be viewed from the Wellsway. iii) The design, scale and height of the proposal is unacceptable. The height, massing and prominent position of the proposed development would harm the setting and significance of the setting of the Conservation Area and hence the application would be contrary to the B&NES Placemaking Plan Policies D1, D2, D3, D4, D5 and NE1 of the Place making Plan and CP6 of the Core Strategy. iv) The application fails to demonstrate adequate cycle and vehicle parking provision therefore it is contrary to B&NES Placemaking Plan Policies ST1, ST3 and ST7. v) The proposed development should clearly deliver affordable housing which is a priority to meet the needs of the ever-increasing population of Keynsham.

LANDSCAPE:

15th Nov 2023: Objection. The information submitted is insufficient and contradictory. It fails to demonstrate that there would be no adverse effect on visual amenity, local character and local distinctiveness. A Landscape and Visual Impact Assessment (LVIA) should be provided in accordance with the requirements of Policy NE2. If the applicant wishes to rely upon advice provided by the Design West design review panel, the panel's letter needs to be provided in full.

30th April: Scope for revision. The reliance that can be placed upon the conclusions of the LVIA that there would be no significant adverse landscape or visual effects is severely limited by the lack of consistency and absence of certainty in relation to potential tree planting proposals and the lack of clarity as to external facing materials and colour of the proposed buildings.

4th July 2024: Object, scope for revision. The absence of definitive hard and soft landscape proposals, the lack of certainty in relation to tree planting proposals and the lack of clarity in information submitted fail to provide confidence that the requirements of Policies D1, D2 and NE2 would be met in relation to appearance, contextual appropriateness and landscape and visual impact.

10th Jan 2025: Scope for revision. The additional information provided has clarified some of the confusion in the earlier submissions, although there remain some areas where inconsistencies and inaccuracies still need to be addressed, as set out below. The LVIA is now clear that all landscape proposals including the design of the central amenity space are to be treated as indicative only, but this remains unclear in other parts of the submission. Subject to satisfactory resolution of issues in relation to the central amenity space, correction of inaccuracies and provision of necessary clarifications, it is anticipated that the current objection in relation to design (Policies D1 and D2) could be overcome.

PARKS:

8th Nov 2023: No objection subject to conditions. A S106 Green Space Contribution is required to meet the unmet requirement for recreational green space generated from an increased population due to this development. This will go towards the enhancement and maintenance of green space in the vicinity of the development.

SUSTAINABLE CONSTRUCTION:

24th May 2024: Not all of the required information has been submitted. Please can the completed Energy Summary Tool 2 and the full PHPP data be submitted so the data and values can be verified.

18th July 2024: It is suggested that if the application is permitted, a condition is attached to require PHPP modelling, and for this to be submitted alongside a completed Energy Summary Tool 2 using the PHPP data, before any development shall commence.

URBAN DESIGN:

15th Nov 2023: Objection. The information submitted is insufficient and contradictory. It fails to demonstrate that there would be no adverse effect on visual amenity, local character and local distinctiveness. A Landscape and Visual Impact Assessment (LVIA) should be provided in accordance with the requirements of Policy NE2. If the applicant wishes to rely upon advice provided by the Design West design review panel, the panel's letter needs to be provided in full.

30th April: Scope for revision. Proposed external materials for the buildings and boundary treatment need to be confirmed and illustrated accurately and consistently so that reliable judgements can be reached on appearance, contextual appropriateness and landscape and visual impact.

10th Jan 2024: Scope for revision. The additional information provided has clarified some of the confusion in the earlier submissions, although there remain some areas where inconsistencies and inaccuracies still need to be addressed. Subject to satisfactory resolution it is anticipated that the current objection in relation to design (Policies D1 and D2) could be overcome.

Representations Received :

58 objections have been received to the scheme, 3 comments and 1 comment of support.

TRANSITION BATH:

10th Oct 2023: Although we are supportive of this application's proposal to meet policy SCR6 we are not convinced it will be compliant 1. because the solar PV is not presented on any of the elevations, plans and 86 kWp (~260 panels) is likely need to use all the roof space if not more, we would have liked to see this detailed on the plans. We would also like to understand how these panels will be connected to individual flats 2. ASHP and MVHR is proposed but there appears to be no space allocated in the flats for ASHP cylinders despite baths, no space for MVHR and no proposed locations of outdoor ASHP units 3. the D&A statement refers to "Complete Energy Consultancies Energy Report" - we couldn't spot it in the submitted application documents. We are supportive of the secured cycle parking and assume there will be EV charging points for each parking space? A calculation is not provided for embodied carbon under policy SCR7.

7th March 2024: The recently added Design and Access Statement for this planning application continues to make no sense with respect to solar PV. It states: 2.4KW Solar PV on the roof with an estimated total annual generation of 74592 kWh and a total CO2 saving through this technology of 9612kg CO2.

Comments:

2.4 kWp of solar PV would generate about 2,000 kWh of electricity per year, so 30 times less than the yield of 74592 kWh/year stated

The D&A visualisations show 40 panels, which if at a maximum of 400 Wp per panel would provide 16 kWp of solar PV, and a yield of perhaps 13,000 kWh/year

We continue to believe the applicant's statements with respect to solar PV, renewables, compliance with < 40 kWh/m²/year are incorrect, inconsistent, optimistic and potentially fictional and may not be achieved given the roof area.

As per our original comments could the applicant provide some consistent information with respect to solar

PV:

A statement of the number of solar PV panels, individual capacity, and annual yield

A roof visualisations and roof plan to prove they can be fitted on the roofs

A resubmission of all SCR6 paperwork: SCC, Etudes Energy Statement, full SAP results so this

application can be properly assessed

A statement on how the solar PV electricity will be equitably distributed to individual flats

The following is a summary of the objections raised:

Concern over health centre car parking being used by future residents

Inadequate childcare provision locally will be exacerbated

Lack of parking

Lack of visitor parking

Lack of Ev charging

Congestion and traffic

Highways safety concerns

Pedestrian safety concerns, including school children

Visibility concerns

Lack of affordable homes

No improvements to local infrastructure

Not in keeping with surroundings

Impact to conservation area

Concern for bats

Overdevelopment

Overshadowing

Design out of keeping

Impact on character

Incongruous

Scale unacceptable

Height too tall

Three storeys is not in keeping

Should be used as a nursing home

Loss of light

Overlooking and privacy issues

Lack of GP and Dental services

Loss of views

Dominate landscape

Environmental impacts

Theft and safety risks for cyclists

Waste in wrong location

Residential development not needed
Ecological impact

The following is a summary of the comments raised:
Concerns in regard to vehicular access
Road safety and pedestrian safety concerns

The following is a summary of the support comments:
Support

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
CP9: Affordable housing
CP10: Housing mix
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
D10: Public realm
H1: Housing facilities for the elderly, people with other supported housing or care needs
H4: Self Build
HE1: Historic environment
LCR9: Increasing the provision of local food growing
NE2A: Landscape setting of settlements
NE4: Ecosystem services

PCS1: Pollution and nuisance
PCS2: Noise and vibration
PCS3: Air quality
PCS6: Unstable land
SCR2: Roof-mounted/ building integrated scale solar PV
SCR5: Water efficiency
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 several 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
KE1: Keynsham spatial strategy
CP1: Retrofitting existing buildings
CP3: Renewable energy
CP4: District heating
CP7: Green infrastructure
D5: Building design
D8: Lighting
H5: Retention of existing housing stock
H7: Housing accessibility
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
PC55: Contamination
SCR6: Sustainable construction policy for new build residential development
SCR8: Embodied carbon
SCR9: Electric vehicles charging infrastructure
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant in the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023) is also relevant in the determination of this application.

Transport and Development Supplementary Planning Document (January 2023) is also relevant in the determination of this application.

Planning Obligations Supplementary Planning Document (January 2023) is also relevant in the determination of this planning application.

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) 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.

OFFICER ASSESSMENT

The main issues to consider are:

- Background
- Principle of development
- Housing
- Residential amenity
- Design, character and appearance
- Heritage
- Archaeology
- Highways
- Drainage
- Contaminated land
- Landscape
- Trees
- Ecology
- Parks and open space
- Sustainable construction
- Planning obligations
- Planning balance

BACKGROUND:

The application site is an allocated site in the Development Plan, allocated for housing. There is a long planning history on the site with multiple applications for housing and care. This application is a resubmission following the refusal of two previous housing schemes at the site.

A previous scheme for a three-storey building comprising 39no. self-contained flats (21/00701/OUT) was refused and dismissed at appeal.

The appeal was dismissed for the following reasons:

1. Harmful effect on the character and appearance of the area, including the setting of the Conservation Area and the visual amenities of the adjacent Green Belt
2. Insufficient car parking not in accordance with policy ST7
3. Failure to integrate sustainable design and construction contrary to CP2
4. Failure to agree or secure affordable housing contrary to policy CP9

A further scheme was submitted and refused (22/01228/OUT) for a three-storey building comprising 30no. self-contained flats. This was refused on seven grounds including character and appearance, parking, insufficient information, sustainable construction/renewable energy, ecology and affordable housing matters.

A more recent application for 30 units (22/01228/OUT) was also refused but did not go to appeal.

It is also noted that planning permission has previously been granted some time ago for the erection of 43 bed care home (21/04606/OUT). The permission lapsed at the 13 December 2024. That consented scheme was a resubmission of a previously dismissed appeal proposal for a 57-bed care home on this site (ref. 20/02177/OUT) which was refused due to its impacts upon the setting of the Conservation Area, its landscape impacts, its poor design and outdoor spaces, and the lack of information regarding sustainable construction and drainage. The consented scheme overcame the initial reasons for refusal.

This application is seeking outline permission. Matters of Access, Appearance, Layout, and Scale are to be determined. There was some initial confusion as to whether Appearance was a reserved matter due to some commentary in the design and access statement, however the agent has since confirmed appearance is for determination. Therefore Landscape is the only reserved matter. Following the previous flatted housing refusals at the site, the applicant has sought further application advice and has also been through Design Review. The current application has been live for some time and over that period further negotiations have taken place resulting in the updated plans and documents.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

Policy DW1 sets out the spatial strategy for the district it seeks to focus new housing in Bath, Keynsham and the Somer valley. This site is within Keynsham and therefore follows the thrust of the DW1. DW1 seeks the provision of 2,660 new homes in Keynsham to meet the housing supply required for the district, this application will contribute to this figure. In addition, DW1 seeks to prioritise the use of brownfield opportunities for new development in order to limit the need for development on greenfield sites. This site is previously developed as a care home that is no longer in use and is therefore a brownfield site.

The site falls within the housing development boundary of Keynsham where the principle of new residential development is acceptable in accordance with policy KE1 of the Core Strategy.

Additionally, the site is allocated for development within the Keynsham volume of the Development Plan through Policy KE5. Policy KE5 requires that any development proposal on the site will:

1. Deliver residential development of around 30 dwellings (C3 use class).

The proposal is for 36 units which is considered to fall within 'around 30', as such this criterion is met.

In addition, it is noted that that the NPPF sets out the Government's objective of significantly boosting the supply of homes and small and medium sized sites can make an important contribution to meeting the housing requirement of an area. In this case 36 dwellings is not considered to result in overdevelopment and the dwellings will contribute to the local housing supply.

2. Development should respond positively to the character and appearance of the area, including the setting of Keynsham Conservation Area, as well as the visual amenity of the Bristol and Bath Green Belt (GB)

This is discussed further in the Character and Appearance, Heritage, and Landscape sections below.

3. Provide a positive relationship with all publicly accessible routes with a clear distinction between the fronts and backs of properties.

This is discussed in the character and appearance and highways section below.

4. Optimise the solar energy potential of development by careful design and orientation.

Solar panels are proposed to the roofs of each building. It is proposed to provide 2.4 kW Solar PV, per unit for a total of 86.4 kW, on the roof with an estimated total annual generation of 7,4592 kWh and a total CO2 saving through this technology of 9,612 kgCO2.

5. Maximise sustainable transport opportunities for future residents, particularly in terms of capitalising on the active travel potential of its location. This will need to be informed by a detailed route review. Improved crossing points over St Clements Road and Albert Road along desire lines will need to be delivered to achieve this, along with a proportionate contribution to improvements to Keynsham Route 3 in the WoE LCWIP.

The application proposes off-site highway works to improve pedestrian accessibility to the town centre at the following locations:

- i. The junction of St Clements Road and Albert Road where it is proposed to introduce dropped kerbs and tactile paving across Albert Road to create an uncontrolled crossing point; and
- ii. St Clements Road near Edinburgh Road and across Edinburgh Road where it is proposed to introduce dropped kerbs and tactile paving.

This is discussed further in the Highways section below.

6. Deliver biodiversity net gain of at least 10% in accordance with Policy NE3a. This net gain should be delivered on-site as far as possible, with off-site compensation provided only where the 10% cannot be met on-site

As discussed in the ecology section below landscaping is a reserved matters however an illustrative landscape plan and BNG metric has been submitted showing a 222% and 1042% increase in habitat and hedgerow BNG respectively. The metric and landscape plan illustrates that even if there are further amendments to the BNG at reserved matters stage there is the ability to meet a 10% increase on site.

7. Provide a minimum of one nest or roost site per residential unit, in the form of integrated bird and bat boxes within new buildings, and/or as standalone features within the public realm, such as bat walls and swift towers. Additional features such as log piles, insect hotels, bee bricks, hedgehog connectivity measures and green and brown roofs / walls are also required. All new garden boundaries should be permeable for hedgehogs.

Again, as discussed in the ecology section below an enhancement and mitigation plan can be conditioned to include the features listed above.

Overall, the proposal is considered to be compliant with Policy KE5, along with KE1 and DW1, and is therefore acceptable in principle.

AFFORDABLE HOUSING:

Policy CP9 has regard to affordable housing. It states that affordable housing will be required as on-site provision in developments of 10 dwellings or 0.5 hectare and above (the lower threshold applies). A 30% percentage target is required within Keynsham. Residential developments delivering on-site affordable housing should provide a mix of affordable housing units and contribute to the creation of mixed, balanced and inclusive communities.

In line with policy CP9 the 30% affordable housing requirement based upon a total of 36 dwellings equates to 11 affordable dwellings.

The applicant is proposing no affordable units. Policy CP9 goes on to say that 'for both large and small sites the viability of the proposed development should be taken into account'. In this case a Financial Viability Assessment (FVA) has been submitted by the applicant, prepared by JLL (Nov 2023).

The Local Planning Authority have had the findings of the report tested by their own viability assessors, Dixon Searle, with the conclusions set out in the Review of Applicant Submitted Viability Position Report (Jan 2024).

Dixon Searle found that the overall approach taken within the submitted FVA to assessing the viability of the proposed development is considered appropriate in terms of general principles.

It is noted that the position as presented by the applicants indicates that the scheme would make a net loss and is not therefore proceedable by normal measures. Dixon Searle consider some figures have been over estimated and have recalculated taking a

more positive approach. Nevertheless, it has been found that, even based on this more positive scenario regarding build costs and values, the profit indicated by Dixon Searls appraisal reaches only around what is considered to be a minimum level by usual parameters, in this case.

The Dixon Searle appraisal shows that significant improvements would need to be achieved before the scheme would return a suitable level of profit, and (bearing in mind this is still without AH included in the appraisal) further viability improvements still before a contribution to affordable housing could be supported. This is principally due to the sales values in Keynsham being relatively low in relation to the build costs required to achieve those values.

Therefore, the Local Planning Authority are satisfied that the viability appraisal shows that, in this instance, no affordable housing can be provided, in line with the allowances to consider viability in policy CP9.

EDUCATION:

Policy LCR3A has regard to Primary School Capacity. It states that 'residential development will only be acceptable where there is a school within a reasonable distance that has sufficient spare capacity or is able to be expanded to create additional capacity to accommodate the pupil needs arising from the development'.

The NPPF sets out that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement.

The Education Team have been consulted on this application.

This proposed development of 36 no. flats comprising of 1 no. studio flat, 12 no. 1 bed flats, 14

no. 2 bed flats and 9 no. 3 bed flats is calculated to generate the following children and pupils:

Early Years age 0-1 = 0.264

Early Years age 2 = 0.231

Early Years age 3-4 = 0.99

Primary school pupils = 3.26

Secondary school pupils = 0

Sixth form pupils = 0

Young people aged 13 - 19 = 0

There is projected to be sufficient Early Years provision available in the area to accommodate the 1.48 children calculated to be generated.

There is projected to be sufficient primary school capacity available within Keynsham to accommodate the 3.26 primary age pupils calculated to be generated.

The proposal is compliant with policy LCR3A.

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.

Context:

This 0.23 ha triangular shaped site lies within the built-up area of Keynsham. The three storey Keynsham Health Centre, including its car park, is situated to the north. The open countryside is to the south and east, with residential areas to the west. The site includes a one and two storey building that is unoccupied and was previously used as a 30-bedroom nursing home. Overall, this part of Keynsham has a pleasant suburban character.

The Housing Development Boundary follows the south eastern edge of the site, St Clements Road becomes more rural as it travels south and there is a distinguishable feel of suburban to rural character marked by the edge of the site. The fields immediately to the south and east also form the landscape setting of Keynsham and are designated Green Belt signifying the importance of this open area. The River Chew runs along the valley here. This area to the east of the site also forms part of Keynsham Conservation Area, the boundary of which runs up to the south east corner of the site.

Loss of Existing Building:

The site comprises the existing building which appears to have been erected in the 1990's. The existing building is predominantly single storey with a pitched roof of a height where a second storey is present in some parts of the building. The building is currently finished in render of multiple colours, with a concrete tile roof, there is some detailing on the building include timber decoration and stone lintels. There is some gentle landscaping around the site edge. A course stone boundary wall follows the two edges of the site which do not form the road frontage. The wall follows the gables of the building where this meets the site boundary 'shielding' the built form so that it appears relatively hidden in wider views. It is noted that this type of walling is also presently along the St Clements Road boundary of the adjacent Health Care site. The wall has a historic garden wall feel and contributes positively to the pleasant suburban character aforementioned.

Whilst relatively inconspicuous and unoffensive, the building on site now is not of architectural merit to warrant its retention. The loss of the existing building is acceptable. Additionally, the loss has previously been accepted through the previously planning permission for a Care home at the site (21/04606/OUT) and through the site allocation policy KE5.

Layout:

The existing building spans much of the triangular site, forming a T shape of sorts with basic landscaping to the unbuilt sections.

As set out in the background section above, there have been various iterations of schemes on the site, some of which have had problematic layout designs, this has contributed to the evolution of the current design. Advice has been sought from the Design Review Panel also, which has also informed the design.

Block A is of a squarer block form and sited in the north of the site, Block B is a linear building that spans the length of the south eastern boundary of the site and has a double gable form. Block B angles around the edge of the site so as to follow the natural bend of the site boundary demonstrating its layout has been informed by the site. Each block has green circulation space so as to avoid a hard built edge. Private garden space has also been provided to the northeast corner of the plot and in a more central area. It is considered that the layout has resulted in the ability of 36 units to be provided on site without resulting in cramped or contrived development, in accordance with the policy allocation (KE5).

The centre of the site is still dominated by the access road and parking, but it is acknowledged that this does ensure pedestrian links through the site to access the various pedestrian routes and general desire lines. Hard and soft landscape choices will be able to soften the impact of the central road which can be dealt with at reserved matters stage. Overall, the layout is considered acceptable and does not appear as overdevelopment.

Height, Scale and Massing:

The height of the existing building is one and two storey with the two storey elements being housed within the roof space. The roof is pitched with gables and hips. The height of the building at present sits below the two storey dwellings adjacent along St Clements Road. The Health Centre to the north sits at three storeys.

Historically on site there was a Union Workhouse on the wider site, which was a larger scale building, this was later replaced by the hospital building which took cues from the original workhouse. Later still this was demolished and replaced with the existing three storey health centre, and the part of the site forming treetops was sectioned off and redevelopment as the building on site today.

A previous scheme 22/01228/OUT for 30 flats at the site comprising three blocks with pitched roofs was refused. This application was refused on character and appearance, and the officer noted the increase in height and concluded in their report that there was insufficient information.

A further previous scheme for 39 flats (21/00701/OUT) was refused and appealed. The design of this scheme was one large three storey flat roof block which encompassed the majority of the site. This application was refused and dismissed at appeal. The inspector found that the building was monolithic in form and wholly unrelated to the suburban properties along St Clements Road, and also noted that the proposed building would extend the hard urban form of the health centre out towards the rural setting of the valley without the benefit of the mitigating features that soften the health centres impacts. The inspector found the boundary wall and mature trees here to be positive contributions and soft features that were being lost.

It is noted that previously under application 21/04606/OUT (currently extant), permission was granted for what appears to be three blocks of around two storey height with flat roofs (appearance was a reserved matter). Therefore, something of a greater height than the existing single storey building has previously been permitted on site.

It is noted that prior to submission an iteration of the scheme was taken to Design Review Panel (DRP), who considered that three storeys of the right design could be employed at this site.

This proposal is for a two three-storey buildings on site. As noted above the proposal is split into two blocks, the small block A and larger block B. The height of the buildings do not exceed that of the adjacent health centre - the pitched roofs ensure that only the ridgelines of the two blocks are equal to the maximum height of health centre, with the roofs pitching away with lower eaves, appearing to be a scale that is less than the civic building (and it's vast mono-pitched roof form), but still an adjacent development that is not dwarfed in scale. It is considered acceptable that the proposal takes cues from the health centre which is immediately adjacent to the site compared to the dwellings on the opposite side of the road.

As mentioned also the characterful boundary wall is now retained along St Clements Road elevation and the rear of the site as shown on the sections. Various trees are proposed to be planted around the site (although it is noted that landscaping is a reserved matter) and existing trees also sit just boundary the site boundary (it is noted that these are not in control of the applicant). These elements help to soften the perceived height and scale of the development and our considered mitigating features in line with the previous appeal inspectors' comments.

Design Detail:

The design of Block B has been informed by advice from the DRP and in general is considered to be an improvement on previous designs. The double gable to be a better approach to roof form compared to previous flat roofed blocks. Initially the design detail included the use of Bradstone which was not supported, this has now been amended to natural stone, a local stone would be most suitable. A materials schedule along with provision of samples can be conditioned.

The windows now follow a rhythmical pattern, and balconies are shown more clearly on the plans, although it is not clear what materials the balcony will be this can be conditioned. Some windows also include arch brick head detailing which will add visual interest to the building and break up the stonework.

The design of Block A was initially considered problematic as it appeared as 'anywhere' architecture and had failed to take on local design cues using low quality render for the elevation finish. This also meant that block A and B had little relationship in terms of character.

Revised plans were submitted during the course of the application. Whilst the roof designs remain slightly different, both blocks do have pitched gable roofs. Materials now have consistency across both blocks as well, with block A now being finished in natural stone and brick detailing in line with block B. Overall, the design of Block A is now considered

acceptable and will now respond positively to the character and appearance of the area in accordance with the allocation policy KE5.

Conclusion:

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 and policies D1, D2, D3, D4 and D5 of the Placemaking Plan, and those relevant parts of the allocation policy KE5, along with part 12 of the NPPF.

CONSERVATION AREA:

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.

The site is not within, but directly adjacent to the Keynsham 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.

As above, the loss of the existing building is acceptable, it is not considered listable or a non-designated heritage asset. It is considered to have a neutral impact on the setting of the adjacent conservation area.

Previous proposals have been found to result in harm to the setting of the adjacent conservation area. As set out in the Character and Appearance section above, this harm was derived from a number of design issues including the monolithic form, extension of urban form without mitigation to soften this boundary walls and mature trees were found to be important features.

To reiterate the historic context of the site there was a large-scale Union Workhouse building on the wider site, later replaced by a hospital building which took cues from the original workhouse, later demolished and replaced by the current health centre and Treetops care home. The character of the adjacent conservation area is a green valley with less dense development, as the conservation area is left at the boundary with the site the settlement transitions into denser urban town.

Given the historic nature of the site, it is considered that a larger-scale development is acceptable in this location provided the appropriate design and transition is achieved to ensure the setting of the conservation area is maintained.

The boundary wall is now proposed to be retained (albeit lowered in some locations) which is welcomed as this feature is considered to have make a positive contribution to the setting of the Conservation Area and has the potential to be considered a non-designated heritage asset.

Whilst there will be a larger scale building on the site, planting throughout the site will be important in achieving a softened site that respects the green nature of the adjacent

conservation. In particular tree planting is encouraged. It is noted that Landscaping is a reserved matters but that the indicative plans show tree planting. It is advised that at reserved matters stage special attention is paid to landscaping.

Initially the materials proposed were not clear as they were inconsistent between plans. The updated plans now show the materials to be Blue Lias natural stone to the elevations, with red brick details such as in the form of quoins. These are local materials that should embed successfully in the area. In addition, iron grey coloured metal cladding will be used to some of the window projections to break up some of the facades and a grey roof tile will be used. These are now considered acceptable in terms of the adjacent conservation area and in views of the site across the conservation area. In addition, the urban design officer considered the materials acceptable now. Materials will be conditioned.

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 and policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

ARCHAEOLOGY:

South West Heritage Trust have been consulted on the scheme and consider the archaeological potential of the site to be very unlikely. As such they have raised no objection.

The development therefore accords with policy HE1 of the Placemaking Plan and Part 16 of the NPPF in regard to archaeology.

LANDSCAPE:

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in landscape, including conserving the local landscape character and conserving. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape. Proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment (LVIA) undertaken by a qualified practitioner to inform the design and location of any new development.

This 0.23 ha triangular shaped site lies within the southern boundary of Keynsham Housing Development Boundary. The site lies on the eastern edge of a plateau at approximately 25m AOD above the east facing valley slope of the River Chew. To the west, the site is bound by St Clement's Road, in a residential area composed predominantly 2 storey housing laid out in short terraces. This part of Keynsham is suburban in character. To the north and north-east, the site is bound by Keynsham Health Centre, a modern 3 storey building with car parking. To the south of the site is the pastoral landscape of the River Chew Valley that forms a green wedge into the heart of Keynsham, leading to the Keynsham Conservation Area.

Whilst landscaping is a reserved matter, this generally refers to the proposed landscaping within the site and it is still prudent to consider the impact the proposal will have on the wider landscape, in terms of those matters that aren't reserved, such as the appearance of the buildings in this case.

A LVIA has been submitted and over the course of the application has been updated. The level of detail provided in the LVIA is now more appropriate and has been reviewed by the Landscape Officer. The LVIA is now clear that all landscape proposals including the design of the central amenity space are to be treated as indicative only. The submission also includes an indicative soft landscape proposals plan.

A central amenity space is shown on the indicative plans. In addition, the indicative plans illustrate how street trees to St Clements Rd would be planted along with small native trees encompassing the Central Amenity Space. Further tree planting is proposed to the boundary of the informal open space to the east of the site and along the access road. Native hedging is proposed to further define spaces and provide an uplift in biodiversity. Amenity planting is proposed around the southern elevations of Block A and northern elevation of Block B.

The Landscape officer has identified some shortcomings with the LVIA, most of which revolve around some of the CGI's. The CGI's represent illustrative visuals and are not to be relied upon in the same way as the plan drawings which do show the correct information. There are occasions also within the LVIA where the Landscape officer considers that it should be made clearer that the on-site landscaping is illustrative rather than proposed. The Landscape officer would prefer to see this addressed prior to decision.

The LVIA identifies that the long distant views from the wider landscape towards the site are concentrated to the south of the study area, and there are no perceptible long distant views of the proposed development from the Cotswold & Mendip Hills AONBs, the Nature Reserves (NE3) at Manor Road Community Woods, and SSSI site at Stidham Farm.

The LVIA goes on to assess the impacts from various agreed viewpoints and visual receptors.

The LVIA finds that the perceptual and scenic qualities of the distinctive Landscape Character across the district will be conserved as the scale of the proposed development will be assimilated within the urban context of Keynsham. In particular the architectural detail and use of Blue Lias to Block B is key in providing mitigation of the visual effects of the development.

In spite of the shortcomings aforementioned the Landscape Officer has reviewed the LVIA and in respect of impact on landscape character, the conclusion of the LVIA that whilst there would be some adverse character effects these would not be at a level that would cause concern is accepted. In respect of visual impact, although a number of adverse effects have been identified and, in some instances, somewhat underestimated, officers consider that the proposed residential development combined with the indicative landscape proposals and building materials provide an overall scheme which should not detract from the perceptual and scenic qualities of the urban, historical and cultural landscape of Keynsham.

Officers consider that there is satisfactory information to confirm that the scheme would not require further mitigation in terms of landscape impact and that at reserved matters stage a landscape plan (similar to the one submitted or improved) could be found acceptable. As such there is enough information as submitted to conclude the proposal will have an acceptable impact on local landscape character.

Furthermore, the scheme is adjacent to the Green Belt and in this instance, it is considered that the proposed development will not prejudice the visual amenities.

Overall, the proposal is considered to comply with policy NE2 of the Local Plan Partial Update, policy NE2A and GB3 of the Placemaking Plan and part 15 of the NPPF.

HOUSING MIX:

Policy CP10 relates to Housing Mix and requires that new housing development, both market and affordable must provide for a variety of housing types and size to accommodate a range of different households.

As above, the application is for the erection of 2no. Three-storey building comprising 36no.

Self-contained flats (Use Class C3). The mix will comprise of the following mix:

Block A:

- 1 x studio flat
- 4 x one-bed flats
- 5 x two-bed flats
- 2 x three-bed flats

Block B:

- 6 x one-bed flats
- 13 x two-bed flats
- 5 x three-bed flats

The proposal is considered to provide a mix of flat types which will offer opportunities to a range of occupants, the proposal is considered to comply with policy CP10.

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, 2 of the 30 proposed dwellings must meet 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, 13 of the 30 proposed dwellings must meet enhanced accessibility standards.

A Housing Accessibility checklist has been submitted with the application confirming the requirements will be met. The submitted plans now indicate those units that are to the above standards showing that this can be achieved and as such this will be conditioned.

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.

Whilst in a residential the health centre is located to the north of the site and green open space is located to the east and south of the site. There are the existing residential properties of St Clements Road to the West.

Block B is long and narrow with the narrow elevation facing onto St Clements Road and being sited directly opposite the junction onto Edinburgh Road, this block will therefore have limited impact in terms of overshadowing and overlooking.

Block A is located opposite numbers 44, 42 and 38 St Clements Road. Given the height of the proposal there will be some additional overshadowing of the front gardens of these properties in the mornings, however given the east to west sun path the shadow will fall away by noon/ afternoon. Block A's elevation is sited around 16.2 m away from the properties at its closest point (between the north west corner and no. 38) and is set at an angle to the site boundary, as such it is not considered the proposal would create an overbearing impact on neighbours, nor is overlooking considered to be a significant issue to warrant refusal.

The two blocks are situated 16.5m away from each other at their closest point and block A has been sited at an angle so there is no direct overlooking between blocks, some overlooking will exist however low levels are expected in residential areas.

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.

As mentioned above there have been several previous recent applications on the site. Since the previous application, B&NES has adopted its Local Plan Partial Update (LPPU) and B&NES Transport & Developments (T&D) Supplementary Planning Document (SPD) which

seeks different levels of car parking, cycle parking and provision of ULEV charging in comparison with the standards applied to the previous application.

Accessibility / Public Transport / Walking / Cycling:

The applicant has undertaken a simple review of the accessibility of the site and an Accessibility Audit has also been completed which finds an active travel accessibility score of 83% and public transport and additional considerations accessibility score of 40%.

The application proposes off-site highway works to improve pedestrian accessibility to the town centre at the following locations:

- i. The junction of St Clements Road and Albert Road where it is proposed to introduce dropped kerbs and tactile paving across Albert Road to create an uncontrolled crossing point; and
- ii. St Clements Road near Edinburgh Road and across Edinburgh Road where it is proposed to introduce dropped kerbs and tactile paving.

These measures will improve the quality of the local pedestrian routes, particularly in terms of the accessibility of the site for those with a disability.

Trip Impact / Highway and Transport Capacity:

The Transport Statement estimates that proposals are likely to generate 106 vehicle trips, 10 cycle trips, 81 pedestrian trips and 54 public transport/bus trips daily. These will however be spread across the day, and when compared with the previous use, amount to a net increase of around 62 daily vehicular movements, with a net increase of up to 5 additional vehicle movements and 6 pedestrian trips, 2 cyclist and 8 public transport/bus trips during the busiest peak hour period, this is equivalent to one additional vehicle movement every 12 minutes.

The Highways Team have been consulted and accept that this increase in movements can be accommodated within the existing public highway network without significant impacts. The proposed accessibility improvements will encourage walking, cycling and public transport and improve the facilities for additional movements.

Access / Layout / Highway Safety:

Access to the development is proposed via a new access from St Clements Road, approximately 40m to the south of the existing access to the Health Centre car park. The proposed access is provided in submitted drawing HTP/22190/01/B and takes the form of a 6.0m wide dropped kerb vehicle crossover.

The visibility splays at the proposed site access junction are shown on submitted drawing HTP/22190/02/C contained in Appendix 6 of the TS and confirms that a visibility splay of 2.4x25m can be achieved to the north and south, respectively, commensurate to the signed 20mph speed limit on St Clements Road.

In order for a new vehicular access to be created, Highway Development Control (HDC) will require the Applicant to apply for a Section 184 licence under the Highways Act 1980. Please note even if full planning permission is permitted, an approved Section 184 licence is not guaranteed.

Access is also proposed via the existing access serving the Health Centre car park to the north which will not be modified by the application proposals.

The proposed bin store is located close to the junction with St Clements Road. Proposed Site

Plan 010 confirms that the proposed bin store does not impact on the 2.4m x 25m visibility splay required for a 20mph road.

The applicant has demonstrated that the swept path of a fire tender can reach within 45m of accesses to the building without unreasonable reversing (Appendix 7 of the Transport Statement). In addition, swept path analysis has been provided for the proposed car parking to show that a large car can access the spaces without excessive manoeuvring (Transport Statement Appendix 6).

Car Parking / Electric Vehicle Charging:

Car parking standards are now provided in the recently adopted Transport and Developments SPD. The application site falls within Zone B of the parking standards which requires residential development to provide no more than one space per one-bedroom dwelling, 1.25 spaces per two-bedroom dwelling, and 1.5 spaces per three-bedroom dwelling and greater, rounded down to the nearest whole number, which are required to measure a minimum of 2.5m x 5m. This amounts to a maximum requirement of $((11 \times 1) + (18 \times 1.25) + (7 \times 1.5)) = 44$ resident parking spaces.

The results of the Accessibility Audit indicate that a reduction of 30% from this provision is acceptable, equating to a reduction of 13 spaces, reducing the parking standard to 31 resident spaces.

The submitted TS states that a total of 30 allocated car parking spaces will be provided on site, which is 1 space below the prescribed standard and is deemed acceptable given the level of accessibility and the local facilities and amenities in proximity of the site and the level of cycle parking provision proposed.

The Transport Statement also refers to 5 additional visitor car parking spaces shared with the adjacent Health Centre on a first come first served basis. This area is understood to be in separate ownership and outside the red line boundary, therefore limited weight can be given to this being available.

There are no significant concerns relating to the proposed car parking layouts, and a pedestrian connection is available to link the dwellings with the spaces to be provided.

The applicant will be required to provide ULEV charging to achieve Building Regulations approval, and as such, in this instance, the LPA is satisfied that the provision of ULEV charging does not need to be secured by way of a planning condition.

Cycle Parking:

The proposed development requires the provision of secure, covered cycle parking for the following spaces per dwelling in accordance with standards.

- Two spaces per 1 bedroom dwelling
- Two spaces per 2 bedroom dwelling
- Three spaces per 3 bedroom dwelling
- Four spaces per 4 bedroom + dwelling

The application submission confirms that a total of 79 secure covered cycle parking spaces will be provided on site, 74 of which will be provided in the form of two-tier cycle stands and five will be provided in the form of accessible Sheffield stands. This level of parking would fulfil the adopted SPD requirements; following on from the Highways Team comments the location of the cycle parking has now been made clear on the Proposed Site Plan.

Waste and Recycling:

Further details regarding the waste storage and collection arrangements have been provided. It has been confirmed that the onsite arrangements will be privately managed, and that the overall strategy will be consistent with that approved as part of the 22/01228/OUT application permission. A Waste Management Plan (WMP) has now been submitted that confirms that a waste management company will oversee the maintenance and management of waste.

Construction Traffic Management:

A construction traffic management plan will be required to be agreed with the Planning Authority prior to commencement. In addition, a Highway Condition Survey must be submitted and approved prior to commencement to identify any new damage to the existing highway due to the construction.

Travel Plan:

The Transport Statement says that the applicant anticipates a Travel Plan Statement to be secured by planning condition. Paragraphs 4.32 - 4.34 set out the proposed scope of the plan.

Given the full document has not been produced, it would need to be secured by condition or planning obligation at an early stage in the development.

Conclusion:

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, and part 9 of the NPPF.

DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All

development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

Policy SU1 states that for both major development ((as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015)) and for minor development in an area at risk of flooding (from any source up to and including the 1 in 100 year+ climate change event) Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of water runoff.

The Drainage and Flooding team have been consulted on the application. They found the application acceptable in general but requested an updated climate change allowance of 45% in the drainage calculations, an updated model showing the proposed attenuation, evidence that Wessex water agree to the proposed connections. This information has since been provided and no objection has been raised.

As such, the proposed development is considered to comply with policy CP5 of the Core strategy in regard to flooding and drainage matters, as well as part 14 of the NPPF.

CONTAMINATED LAND:

Local Plan Partial update policy PCS5 has regard to Contamination. The Contaminated Land Officer has been consulted on the application.

The Contaminated Land Officer acknowledges that a geotechnical ground investigation has been submitted with the application, however the report does not include a contamination investigation/risk assessment to assess potential risks to human health and the environment. Taking account of the sensitive nature of the development (i.e. residential flats) and the potentially contaminative historical uses in the vicinity of the site, including previous Workhouse and Hospital adjacent to the north, former quarrying to the southeast and former Timber Works/Mill approximately 70m to the east and former gasworks approximately 120m northeast, the Contaminated Land Officer has advised conditions requiring investigation and risk assessment, along with remediation - required prior to commencement - and reporting of any unexpected contamination.

As such the proposal is considered acceptable in terms of policy PCS5 of the Local Plan Partial Update.

TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland consecration. 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 outline application excludes landscaping which will be dealt with separately although indicative landscaping proposals have been provided.

The application is supported by an arboricultural report which includes a tree survey, arboricultural impact assessment and tree protection proposals.

In summary, no trees are to be felled to enable the development and one cherry (identified as 01 in the survey) is to be transplanted.

Simple tree protection measures in the form of fencing are appropriate and proportionate. Conditions will be attached to ensure compliance with the Arboricultural Method Statement and Tree Protection Plan.

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

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 major developments, a BNG of a minimum of 10% must be demonstrated using the latest DEFRA metric (or agreed equivalent), by a suitably qualified and/or experienced ecologist. BNG will be secured in perpetuity (at least 30 years) and a management plan will be required detailing how the post-development biodiversity values of the site will be secured, managed and monitored in perpetuity.

Species and habitats:

The site is within close proximity of the River Chew SNCI, it is likely that impacts on the SNCI during the construction phase can be avoided, however no details of this are provided in the report. However, the Council Ecological Consultants are satisfied that these matters can be addressed within a Ecological Mitigation and Enhancement Scheme which can be secured by condition.

The site itself is generally of low ecological value with no habitats of importance for nature conservation. The building on site was assessed to be of low potential for bats and was subject to a single bat emergence survey in August 2023. It was apparent from the original bat survey report (appendix 1 survey plan) that surveyors would not have been able to observe all aspects of the building (in particular the western elevation) during the emergent survey. As such the ecologist recommended a further survey which has now been undertaken - Bat Emergence Survey Report, IES, Sept 24. The survey finds no new use of the building by bats. The findings and recommendations of the report are accepted.

The development proposals comprise the demolition of a single storey building and replacement with a mix of 1, 2 and 3 storey buildings. The proposals along the eastern boundary of the site comprise a 3-storey building. This boundary is in close proximity to

the River Chew SNCI and to potential bat habitat to the east. These elevations could result in light spill onto potentially sensitive commuting or foraging habitat for bats which could have a negative impact on the favourable conservation status of bats. As such additional light spill modelling was requested and submitted.

Additional light spill modelling on the vertical plane has been provided and some mitigation also incorporated to reduce light spill levels. Proposed mitigation includes 60% transmissivity glazing, and directional recessed light fittings. The required threshold of 0.5 lux is slightly exceeded for one area and while this might be accepted due to the fairly limited area that is affected, it would be preferable to incorporate further mitigation to achieve acceptable light spill containment. In this case it is considered that this could be achieved for example through use of automated black-out blinds. This and measures to further improve light spill containment can be secured and provided by condition, as recommended by the council ecologist.

BNG:

The baseline value of habitats on site is dominated by built infrastructure and vegetated garden and is accepted by the council Ecologists. In terms of the baseline there are 0.17 habitats units and 0.04 hedgerow units.

The council ecologist initially raised concerns over the details of the BNG metric in terms of trees being counted, and in their latest comments raised concerns in regard to the realistic delivery of the illustrated grassland shown. At present Landscape is a reserved matter and therefore what is shown is illustrative. The updated landscape plan and BNG metric show an increase on site to 0.37 habitat units and 0.46 hedgerow units. This equates to a 222% and 1042% increase in BNG respectively. The metric and landscape plan illustrates that even if there are further amendments to the BNG at reserved matters stage there is the ability to meet a 10% increase on site.

Ecology Conclusion:

Overall, the proposal is considered to comply with policy NE3 and NE3a of the Local Plan Partial Update regarding ecology matters.

OPEN SPACE:

The Planning Obligations SPD includes Green Infrastructure, Green Space and Recreational Facilities. The Green Space Strategy (2015) provides the evidence base for the supply of recreational green space in the area of the development related to the existing and projected population. Placemaking Plan Policy LCR6 and LCR9 provide the policy requirement for development to meet the recreational green space demands generated from proposed development.

The Parks & Green Spaces Service have been consulted and assessed green space demand generated from the proposal.

Existing Provision:

The Green Space Strategy (2015) has assessed the existing supply of Amenity Green Space in the Keynsham area to be in deficit of -0.95ha and Parks & Recreation Grounds in deficit of 8.01ha. There is a surplus of accessible Natural Green Space at +258.69ha.

A request for a financial contribution is justified due to the area having an insufficient capacity to accommodate the demands of additional residents without a green space improvement project.

Green Space Demand Assessment:

The submitted proposal is for a development of 36 dwellings. This quantum of development

can be estimated to be occupied by 83 residents. These new residents will generate demand for the following quantities of green space:

Amenity green space = 248.4m²

Parks and recreation grounds = 1076.4m²

Natural green space = 1076.4m²

Total = 2401.2m²

The outline application excludes landscaping which will be dealt with separately although indicative landscape proposals have been provided. These suggest that the onsite green space will be private. It is noted that Policy LCR9 in the Placemaking Plan provides that all residential development will be expected to incorporate opportunities for informal food growing. The private onsite green space could fulfil this policy.

The development proposal does not provide the full range and quantities of public green space to meet the demands generated from new residents and is reliant on existing off-site provision for recreational needs of which there is a deficit in the area.

A contribution is therefore required, calculated in line with the Planning Obligations SPD, of £91,440.18. A legal agreement will be required to secure the contribution.

The CIL Regulations requires that S106 contributions are used for an identified project directly related to the development. The development site is in the vicinity of a green space improvement project that with funding could meet the remaining demands and make the development acceptable in planning terms and compliant with policy LCR6. The project is the Keynsham Park improvement project.

The applicant has agreed to the contribution and as such the proposal is compliant with policy LCR6.

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 onsite renewables and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

The SPD states that PHPP modelling is required for scheme of over 9 dwellings. In this instance SAP modelling has been used. The SAP modelling shows

The proposed space heating demand for all of the flats is between 16.9kWh/m² /year and 25.1kWh/m²/year.

The proposed total energy use for all the flats is between 26.7kWh/m²/year and 31.7kWh/m²/year.

The proposed renewable energy generation for all the flats is between 27.7kWh/m²/year and 33.3kWh/m² /year.

This shows that for each dwelling type a space heating demand of less than 30kWh/m² /annum is achieved, and that a Total energy use less than 40kWh/ m² /annum is achieved as required by policy, although the correct modelling has not been used.

As this is a proposal for major development, the energy modelling needs to be completed using

PHPP as outlined in the Sustainable Construction Checklist SPD. Given the likelihood of compliance and the ability for space heating and energy demand to be reviewed post permission in this instance the proposal is considered acceptable subject to a condition to require PHPP

modelling, and for this to be submitted alongside a completed Energy Summary Tool 2 using

the PHPP data, before any development shall commence.

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.

PLANNING OBLIGATIONS/ COMMUNITY INFRASTRUCTURE LEVY:

As set out above a contribution is required towards public open green space, calculated in line with the Planning Obligations SPD, of £91,440.18. In addition to this there are two other contributions required.

In line with the planning Obligations SPD the Council require developers to agree to contribute towards a Targeted Recruitment and Training (TR&T) target and contribution which will be applied on site during the construction of the specific scheme. In this instance a contribution of £990 is required. The applicants have confirmed agreement to this and this is covered in the draft s106 Heads of terms.

PUBLIC SECTOR EQUALITIES DUTY:

The Public Sector Equalities Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposal does not raise any particular concern in respect of those people with protected characteristics.

CONCLUSION:

Overall, the site is an allocated site for housing development and this proposal seeks to provide 36 new homes on the site. The proposal has been found acceptable in principle in line with Policy KE1 and KE5 of the development plan. A Financial Viability Assessment has been submitted with the application and reviewed by the council's viability assessors Dixon Searle, and it has been demonstrated that no affordable housing can be provided in this instance. The application has been assessed against the other relevant matters, and following a significant period of negotiations between officers and the applicant over the course of this applications (and the previous refusals), has now been found acceptable in terms of design, character, appearance, highways and ecology. Whilst landscaping is a reserved matters the scheme has been revised in terms of the landscape visual impacts and has been found acceptable in terms of its effects on local landscape character with no further mitigation needed.

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

RECOMMENDATION

PERMIT

CONDITIONS

0 Heads of Terms:

A). Authorise the Head of Legal and Democratic Services to complete a Legal Agreement to secure:

1. Parks and Open Space Contribution of £91,440.18

2. Targeted recruitment and training in contribution obligation

a. Apprenticeship starts on site

b. New jobs created on site advertised through the Department of Work & Pensions (DWP) and filled by DWP clients

c. £990 contribution to support the above

3. Monitoring fee

a. £400 per obligation

1 Outline Time Limit (Compliance)

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Reserved Matters Time Limit (Compliance)

Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

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

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

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

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

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

4 Arboricultural Compliance (Bespoke Trigger)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement and Tree Protection Plan (Silverback Arboricultural Consultancy September 2023). The appointed Arboricultural Consultant shall oversee the erection of the tree protection measures and issue a site inspection report to the LPA. A record of site visits completed by the project arboriculturalist are to be forwarded to the Local Planning Authority Tree Officer. A signed compliance statement shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion and prior to the first occupation of the building.

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.

5 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 the Environment Agency's 'Land contamination risk management' (LCRM) 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,

- 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 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.

6 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 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.

7 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 15 of the National Planning Policy Framework.

8 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 15 of the National Planning Policy Framework.

9 Ecological Mitigation and Enhancement Scheme (Pre-commencement)

No development shall take place until full details of an Ecological Mitigation and Enhancement Scheme, produced by a suitably experienced professional ecologist, have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Method statement for pre-construction and construction phases to provide full details of all necessary ecological protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys (and proposed reporting of findings to the LPA prior to commencement of works), precautionary working methods, and additional measures as applicable, for the avoidance of harm to reptiles, nesting birds, hedgehog and other wildlife;
- (ii) Detailed proposals for provision of green infrastructure, habitat value and additional features and measures to benefit wildlife, including wildlife-friendly planting and landscaping details, provision of bat and bird boxes, and provision of features such as log piles, insect hotels, bee bricks. Details shall be shown on a plan and shall include proposed specifications; materials; dimensions; models; design; fixings (as applicable); and proposed numbers, heights and positions/boundaries. Specifications for fencing and boundary treatments shall include wildlife access points at intervals to allow movement of wildlife such as hedgehog.

All details shall be fully incorporated into the scheme and shown to scale on all relevant plans and drawings. All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development, and retained and maintained thereafter for the purposes of wildlife conservation.

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

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

10 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).

NB The above condition is required to be pre-commencement in accordance with statutory guidance.

11 External & Internal Lighting (Bespoke Trigger - requires approval of details prior to installation of new lighting)

No new external or internal lighting shall be installed without full details of proposed sensitive lighting design being first submitted to and approved in writing by the Local Planning Authority. These details shall not exceed and where appropriate shall improve upon the predicted light spill levels as detailed in the approved Lighting Technical Report v3.5 P02 dated 28 August 2024 by DFL and shall include:

1. proposed lamps and lamp models, with manufacturer's specifications; proposed lamp 4 positions; numbers and heights, with details also to be shown on a plan;
2. Light spill modelling, in accordance with the standards and best practice guidelines as described in ILP Guidance Note 08/23 "Bats and artificial lighting in the UK", including details of predicted light spill and lux levels within and beyond site boundaries, onto adjacent land and onto boundary vegetation and all ecological habitats and sensitive features within and adjacent to the site, on both vertical and horizontal planes, with details of predicted light levels to also be shown on a plan, and at heights using sections and drawings;
3. details of lighting controls; proposed hours, frequency and duration of use; and details of all measures and features to contain light spill, and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to limit use of lights when not required; and to avoid harm to bat activity and other wildlife.

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

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

12 Ecological Compliance Statement (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by a suitably experienced professional ecologist) confirming and demonstrating, using photographs, adherence to and completion of the Ecological Mitigation and Enhancement Scheme, BNG provision and sensitive lighting, in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the Ecological Mitigation and Enhancement scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE3A; NE5 and D5e of the Bath and North East Somerset Local Plan.

13 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.

This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

14 Junction Visibility Splay (Pre-occupation)

No occupation of the development shall commence until the visibility splay shown on drawing number 20.050 - 002 has been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure 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.

15 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.

16 Travel Plan (Pre-occupation)

No occupation of the development shall commence until a Travel Plan (Statement) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan (Statement).

Reason: In the interest of enabling a genuine choice in mode of travel, reducing car dependency and encouraging sustainable travel methods in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

17 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 79 bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: In the interest of enabling cycling as genuine choice of travel mode, in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

18 SCR6 Residential Properties (Pre-Commencement)

No development shall commence until PHPP modelling alongside a completed Energy Summary Tool for the development is submitted to and approved in writing by the Local Planning Authority demonstrating compliance with the standards set out in policy SCR6 of the Local Plan Partial Update.

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

19 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 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

20 Housing Accessibility (Compliance)

Two of the dwellings hereby approved shall meet the optional technical standards 4(3)(2b) in the Building Regulations Approved Document M, and 13 of the dwellings hereby approved shall meet optional technical standards 4(2) in the Building Regulations Approved Document M.

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.

21 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.

22 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.

23 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:

11 Sep 2023	20.050-001	EXISTING SITE PLAN
11 Sep 2023	20.050-0021	EXISTING SITE SECTIONS
11 Sep 2023	20.050-1-1	SITE LOCATION PLAN
27 Jan 2025	003D	PROPOSED SITE PLAN
27 Jan 2025	004C	PROPOSED SITE ELEVATIONS
27 Jan 2025	005D	BLOCK A GROUND FLOOR PLAN
27 Jan 2025	006D	BLOCK A FIRST AND SECOND FLOOR PLANS
27 Jan 2025	007D	BLOCK A ELEVATIONS
27 Jan 2025	008C	BLOCK B GROUND FLOOR PLAN
27 Jan 2025	009D	BLOCK B FIRST AND SECOND FLOOR PLANS
27 Jan 2025	010D	BLOCK B NORTH & SOUTH ELEVATIONS
27 Jan 2025	011D	BLOCK B WEST & EAST ELEVATIONS
27 Jan 2025	012A	REFUSE RECYCLING
27 Jan 2025	013D	BLOCK A THIRD FLOOR & ROOF PLANS
27 Jan 2025	014D	BLOCK B THIRD FLOOR & ROOF PLANS

2 INFORMATIVE:

In order for a new vehicular access to be created, Highway Development Control (HDC) will require the Applicant to apply for a Section 184 licence under the Highways Act 1980. The applicant should be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence for the amendment to an existing and/or creation of a new vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification. Please note even if full planning permission is permitted, an approved Section 184 licence is not guaranteed.

3 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.

4 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

5 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

6 Responding to Climate Change (Informative):

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

Item No: 03
Application No: 24/02245/FUL
Site Location: 105 Holcombe Close Bathampton Bath Bath And North East Somerset BA2 6UR



Ward: Bathavon North **Parish:** Bathampton **LB Grade:** N/A

Ward Members: Councillor Kevin Guy Councillor Sarah Warren

Application Type: Full Application

Proposal: Erection of single and two storey side extensions, addition of new flat roof dormers to existing property roof and associated external works.

Constraints: Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing, Housing Development Boundary, MOD Safeguarded Areas, Ecological Networks Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones,

Applicant: Jenny Daly and Neil Smith

Expiry Date: 14th February 2025

Case Officer: Christine Moorfield

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

REPORT

This application is for the erection of single and two storey side extensions, addition of new flat roof dormers to existing property roof and associated external works.

The scheme has been amended since the original submission. The side extension has been reduced in length and the top floor Juliette balcony has been removed.

The application has been brought to committee as Cllr Hedges and Cllr Hirst raised concerns in respect of the proposal and the Chair and Vice Chair of the Planning Committee have commented as follows:

Chair

This is a bold proposal in respect of a modest sized dwelling and would warrant consideration in detail by Committee to discuss its design and amenity implications.

Vice Chair

Noting the concerns raised by the ward councillor and third party representations and the comments from the Parish Council, predominantly in relation to potential impacts on the amenity of neighbours in terms of overlooking, light and privacy, I recommend that this proposal for two extensions is referred to the Planning Committee to fully debate in public any relevant policy areas.

HISTORY

DC - 18/00776/FUL - PERMIT - 21 May 2018 - Insertion of two side gable windows (Retrospective)

The site is located within the Bath World Heritage site setting area and the Bathampton neighbourhood plan area.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Guy-As the ward Councillor for Bathavon North I have taken a detailed look at this application and if approved it would significantly overlook the neighbouring 2 properties and infringe on their privacy.

Accordingly if you are minded to approve the erection of single and two storey side extensions, addition of new flat roof dormers to existing property roof and associated external works. Then I would like this application to be sent to the Planning Committee for consideration

PARISH COUNCIL

We have some concerns about overlooking the neighbouring property but as long as that is not the case, we have 'No Objection' to this application.

Six letters of objection have been received

Main issues raised:

Plans difficult to read

The building of the sun room will block out the light to the house at 103 and seem very

This is a very large extension and over development of the site

Loss of privacy for neighbours
Impact on wildlife
Disruption to residents during construction.
Access for emergency vehicles may be impaired.
Fantastic views of the valley will be lost.
Great loss of privacy, increasing over looking.
Increase in drainage
Not in keeping with the character and appearance of the existing dwelling and area.
Possible increase in street parking in a congested area
Details limited on how much additional off street parking will be created additional parking required.
The gable end window, which received retrospective planning, should remain as a window.
New plans will still result in some overlooking and the extension will still have an overbearing impact.
Removal of boundary vegetation will increase visibility of the built form.
The rear balcony at the upper ground floor look towards neighbours property.
Access is difficult for the manoeuvring of large vehicles including those of the refuse and recycling services.
The plan shows parking for 2 cars in the current front garden but due to the topography of this area and limited space for manoeuvring it seems unlikely that this will be possible.

Concerns have been expressed as a member of the PC is related to the applicant.

DRAINAGE

The Drainage and flooding team require some more information on this proposal.
A drainage strategy is required showing how the surface water is going to be managed onsite and not allowed to discharge on to the public highway.

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:

B4: The World Heritage Site and its Setting

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:

BD1: Bath Design Policy
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D6: Amenity
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 within 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
D5: Building design
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE6: Trees and woodland conservation
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the

policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

Character and Appearance

The proposal is for the erection of single and two storey side extensions, addition of new flat roof dormers to existing property roof and associated external works.

It is noticeable that unusually these property boundaries that are not parallel to the properties they are at an angle. It is also notable that the topography of this area slopes steeply down to the Southeast on the Eastern side of the cul de sac. The topography results in the properties have a small street presence appearing as bungalows but due to the slope of the land are two storeys to the rear.

Through colour render is shown to be used summer room extension SW elevation, the first-floor section NE elevation and the ground floor element of the two-storey extension on the NW elevation. The first-floor element of this two-storey extension will be through colour cement boarding. The roofs will be single ply membrane flat roofs. A condition requiring details of these materials would be necessary should permission be granted.

The two-storey extension on the NW side of the dwelling has been reduced from that originally proposed and now has a footprint of 12m x 3.5m at ground floor level and a footprint of 10.5 m x 3.5m at first floor level. The extension runs parallel with the boundary with the neighbour's property but is at an angle to the main house due to the line of the boundary. There is an infill section which is single storey but due to the topography sits at a higher level above the existing undercroft and will provide a landing area out to a set of steps that lead down to the garden.

The extension of the SW elevation is single storey with a flat roof. The two-storey extension which is covered in cladding also has a flat roof. The use of flat roofs reduces the visible mass and bulk of the extensions. The side extension will be visible from the street, but the use of this cladding results in the extension have a somewhat lightweight appearance and it is legible as a modern addition without visually dominating the host dwelling.

The dormers are seen to site within the roof slope and the sunroom extension cumulatively are not seen to be visually dominant or to detract from the character and appearance of the host dwelling.

The proposals by reason of their design, siting, scale, massing, layout and materials are acceptable and contribute and respond 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, and D4 of the Placemaking Plan, policy D5 of the Local Plan Partial Update and part 12 of the NPPF.

Residential Amenity

Concerns have been raised in relation to the proposals effect on the privacy and amenity of neighbours in terms of loss of light and overbearing impact.

Concerns were raised that the two-storey element would have an overbearing impact on the neighbours outlook from their kitchen in particular. At present there are trees and some vegetation that screen this boundary. The trees are to be removed and given their position and condition within this non conservation area this would not be objected to.

The outlook would be onto the side elevation of the extension which will be clad and rendered. The height of the extension is 6m and due to the boundary line, the extension

will be angled away from the neighbours property to the north. The overbearing impact given the angle and distance is not seen to be significant.

With regard to the impact on the adjoining neighbour the extension is angled in part across the rear of number 105 but is at a distance from the adjoining neighbour. The extension on the rear of the property on the boundary with the adjoining neighbour is modest in scale and given it has a flat roof its impact in terms of lost light is seen to be limited.

The top floor window which was to be converted into a Juliette balcony as originally submitted has been kept as a window, no balcony is proposed.

As the extensions sit at an angle to both the immediate neighbours it was felt that windows across the whole width of the extensions could impact on the privacy of the neighbours. The widths of the windows have been reduced so they are not across the whole rear elevations thereby setting the windows in from the boundaries. The rear walls are angled away from the

neighbours and the windows having been reduced in width are considered to result in limited overlooking of the neighbours' properties. A 1.8m high privacy screen is shown to be provided on the boundary with the adjoining neighbour in order to restrict the possibility of overlooking into their property as a result of the extension and landing at the top of the steps down into the garden. The proposed new side extension will act as a screen to the existing windows in the NE elevation of this property as existing. New windows are proposed in the rear elevations of the two-storey extension but these are at an angle to the neighbour property looking towards the East.

Whilst the neighbour to the north does have a seating area adjacent to their driveway the main view from the proposed extension over the boundary will be of the neighbours drive and garage.

The flat roof areas other than the access to the garden steps must not be used as balconies etc and a condition in this respect is necessary.

Given the design, scale, massing and siting of the proposed development the proposal is not considered to 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 that would warrant refusal of this application. The proposal accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

The loss of a view has been raised but this is not a material consideration in respect of such a proposal.

Highways

The means of access remains unchanged and as such the Highway Engineer does not comment on such proposals. The plans indicate that the existing front garden area will be levelled, this to include the driveway that slopes down to the existing garage. A retaining wall will be constructed at the front of the extension with steps down. The area available for parking will, therefore, be larger than at present.

The means of access is as existing, and the parking arrangements are considered acceptable and to 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.

As this development is within a residential area and is a cul de sac it is considered necessary for any permission granted to be subject to a condition requiring a construction management plan.

World Heritage Site Setting

The proposed development is within the Bath World Heritage Site setting; therefore, consideration must be given to the effect the proposal might have on the outstanding universal value of the World Heritage Site and its setting.

In this instance, due to the size, location, and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal value or the setting of the World Heritage Site. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan, and part 16 of the NPPF.

Trees

As stated, the proposals will require the removal of some of the vegetation on the NW boundary to be removed. The plans indicate new planting, but the space is limited. The site is not within a Conservation Area. The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with policy NE6 of the Local Plan Partial Update and part 15 of the NPPF.

Drainage

This is a residential property attached to the mains. Surface water run off will be required to be contained within the site.

The Drainage and flooding team commented that a drainage strategy is required showing how the surface water is going to be managed onsite and not allowed to discharge on to the public highway. The agent has confirmed that all surface water will be taken to a new private soakaway located within the application site and the parking area will have a permeable surface finish. The agent has agreed to a condition in respect of this matter.

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.

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.

The application is recommended for PERMISSION.

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 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.

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

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, dormer cheeks and the driveway/parking permeable surface area, 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.

4 Drainage (Bespoke Trigger)

No construction of the external walls of the development shall commence until a drainage strategy showing how the surface water is going to be managed onsite and not allowed to

discharge on to the public highway has been submitted to and approved in writing by the Local Planning Authority. No occupation shall commence until the development has been constructed in accordance with the approved strategy.

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.

5 No Terrace/Balcony Use (Compliance)

None of the flat roof areas of the development hereby approved shall be used as a balcony, terrace, roof garden or similar amenity area.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

1 001 and 002.
010C and 011C

2 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.

3 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.

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

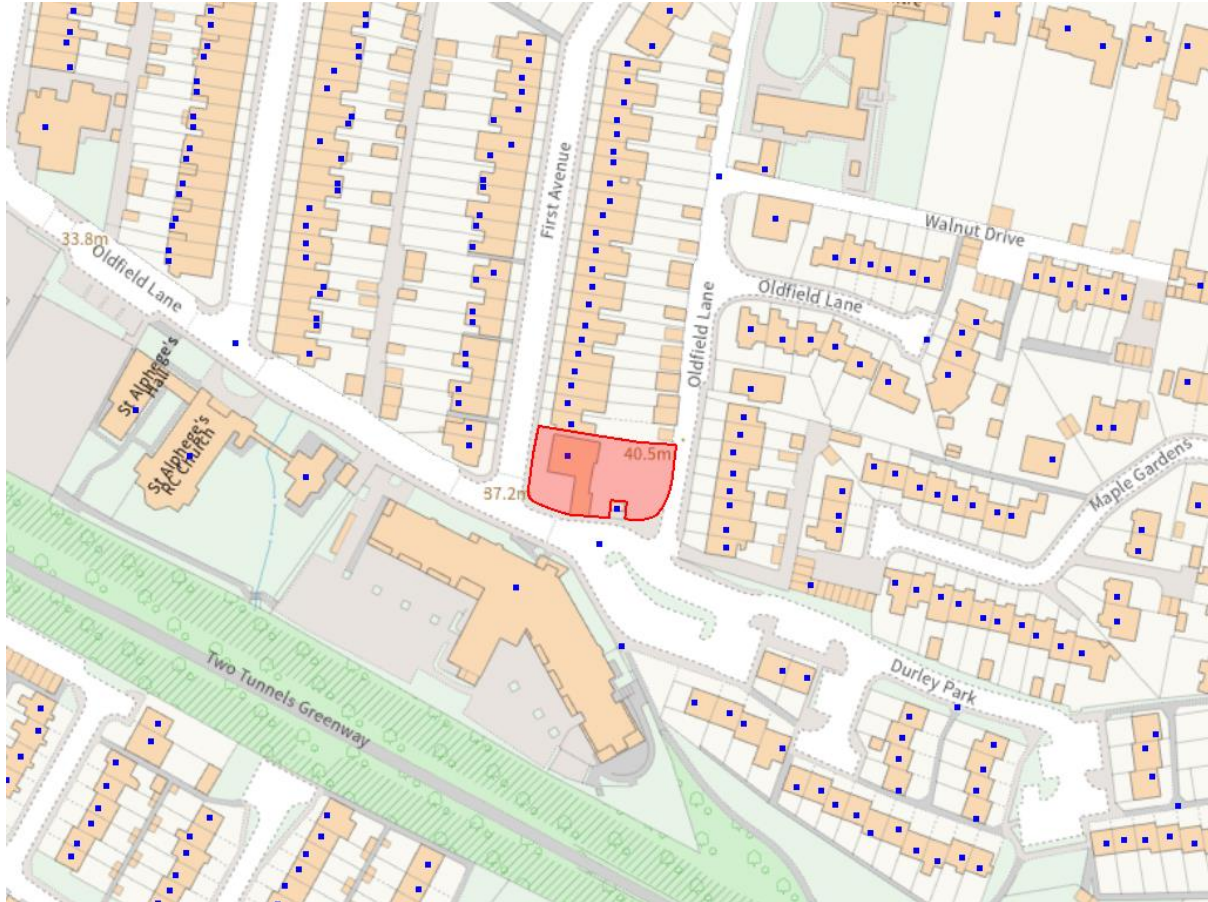
5 Responding to Climate Change (Informative):

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

6 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

Item No: 04
Application No: 24/04180/OUT
Site Location: St Malo First Avenue Oldfield Park Bath Bath And North East Somerset



Ward: Oldfield Park **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Ian Halsall

Application Type: Outline Application

Proposal: Outline planning permission, with all matters reserved, for the erection of a terrace of four dwellings following demolition of existing dwelling.

Constraints: Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, NRN Woodland Strategic Network Policy NE5, SSSI - Impact Risk Zones,

Applicant: Liam Bultmann & Nicola Hill On Behalf Of Patricia Tarrant

Expiry Date: 17th January 2025

Case Officer: Angus Harris

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

REPORT

The application refers to the bungalow St Malo, First Avenue Oldfield Park, Bath, BA2 3NW.

Outline planning permission is sought for the erection of a terrace of four dwellings following demolition of existing dwelling.

Relevant Planning History:

DC - 11/04689/TCA - TCNRQ - 10 November 2011 - Tree Works

DC - 15/05155/TCA - APPRET - - Copper beach - Reduce by 12' crown thin by 10% and remove deadwood.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Councillor Ian Halsall:

When I was notified about this planning application, I was rather alarmed about its likely impacts. This is in respect of the following:

1. The potential density, height, and scale of four large family dwellings and the impact this would have on the character and setting of the surrounding neighbourhood.
2. Overdevelopment from a modest bungalow to four likely four-bedroom dwellings given the ability to make use of roof space.
3. The amenity impact on adjacent dwellings, particularly number 24 First Avenue.
4. The loss of the Copper Beach tree which does appear to have recently been insensitively pruned by not being in a conservation area.
5. The loss of a non-designated heritage asset which is the historic stone wall which defines the edge of this part of Oldfield Lane.
6. Potentially poor-quality design through the creation of a pastiche of the design character of the rest of First Avenue, particularly with fake chimney stacks and disproportionate bay windows.

Whilst the proposal may be providing a policy compliant number of off-street car parking spaces and if approved no resident would not be entitled to apply for a parking permit for any vehicle within RPZ zone 28, the visual impact of this particularly as viewed from the historic Oldfield Lane will be totally unacceptable in aesthetic terms especially following the loss of established boundary vegetation fronting the lane.

St. Malo is now a vacant bungalow and will gradually fall into a state of disrepair, but it is disingenuous to suggest that the original developers of First Avenue in the early part of the 20th Century failed to complete the terrace so therefore somehow this is a material consideration.

The character and appearance of number 24 is clearly an "add on" to the adjacent terrace as demonstrated by its hipped roof lower eaves line and positioning of the entrance. St.

Malo is, at present an attractive bungalow, and sits well into its curtilage and acts as a transition in scale from the more dominant terrace.

The fact this is an entirely outline application demonstrates, and as submitted just before the festive period when the interests of residents are less focused on local issues, that this is a speculative application and the owners are trying their luck. There may be scope for development on this site, but, whilst delivering a quantum of new houses that could contribute towards the Council's five-year housing land supply in what is a highly sustainable location within the city of Bath, this proposal is in my view and those of many of the residents I represent completely unacceptable.

I sympathise with the many concerns that have been raised in respect of this application and have spoken with a number of residents. I am therefore prepared to step down from my role of Chair of the Planning Committee in this instance should you be minded to recommend approval and I ask that the Vice Chair please refers this matter to the Committee to be debated and determined in that event.

Representations Received :

52no objections have been received. These have been summarised into the following points and the full comments can be read on the application file.

- The BNG information has been filled in incorrectly,
-
- Plot 1 is 2-storey in height, plus pitched roof, and extends rearwards beyond the natural property line of the other houses.
- Plot 1 is directly to the south of its adjacent neighbour and removes a huge amount of light from bedroom and outdoor living spaces for this adjacent neighbour.
- The proposed position and size of the front end of plot 1 is further forward towards First Avenue and will therefore throw a shadow over the both the window next to the neighbours main bedroom and front door itself,
- The proposed plans appear cramped, overcrowded and thus incongruous in their appearance which would be harmful to the surrounding area,
- This cramped layout is clear from the Indicative Proposed Site Plan where Plot 4 is the most tightly constrained, that the south western and south eastern corners of the proposed building are 400mm and 600mm respectively from the boundary wall.
- The design detail shown on the Indicative Proposed Front Elevation A would appear contrary to B&NES Policy on high quality design. The stonework looks crude, monolithic with no detail to the mullions, lintels, capitals etc as is typical with the original Edwardian terrace on First Avenue.
- Elevational details of the side (south) elevation are not available.
- The most notable and prominent natural feature is the Copper Beech tree in the south western corner of the plot. Residents of First Avenue and Oldfield Lane were concerned and saddened when the crowning was undertaken. The local residents are still of the opinion of it's high quality and value and it's unfortunate that it can't be seen in full leaf.
- The British Standards document states the following: "5.1.1 The constraints imposed by trees, both above and below ground (see Note to 5.2.1) should inform the site layout design."

- The community within the immediate vicinity would be wronged if the local council did not take a restorative and protective approach to the inherent amenity value onsite.
- The site sits wholly within the Woodland Strategic Network of the NRN. The ecological impact assessment & BNG report, explicitly omits this designation from their Table 1: Zones of Influence for this assessment.
- The on-street parking in the local area is finely balanced and 4 new dwellings with 8 more cars will put more pressure on parking,
- Existing residents have difficulties gaining parking permits,
- Increasing the number of cars on the road will increase traffic dangers to school children,
- Construction traffic will be particularly problematic so close to the school. There have been reports of damage to cars belonging to local residents caused by construction vehicles
- Loss of precious garden habitat,
- The properties could potentially be turned into 4x HMOs which is completely out of character of the street.
- Although only at Outline stage we are concerned that 2 of these properties will not be able to meet the requirements of policy SCR6 because of a lack of south facing roof space for solar PV.
- For the site to be redeveloped as a single dwelling, or even two, would be preferable and more able to make use of things like the PV panels mentioned in Transition Bath's comments.
- Bungalows are in short supply in Bath, and with an increasingly elderly population they are sure to be in demand.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

CP10: Housing Mix

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:

B1: Bath Spatial Strategy
BD1: Bath Design Policy

D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D5: Building design
D6: Amenity
D7: Infill and backland development
HE1: Historic environment

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
D8: Lighting
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)

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

Planning Obligations Supplementary Planning Document (January 2023)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in December 2023 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

This application seeks outline planning permission with all matters reserved, for the erection of 4no terraced dwellings following demolition of the existing bungalow.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

The site is within the Housing Development boundary of Bath, and the residential area of Oldfield Park, where the principle of development is acceptable subject to other material planning considerations discussed below.

DESIGN, CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

First Avenue in Oldfield Park is a linear street which slopes uphill to the north. The street has a longer terrace of residential properties which runs the full length of the street on both sides of the road. The terraced properties are narrow in form, with a dual pitched roof and a 2-storey rear projection each, utilising Ashlar stone. To the front are symmetrical bay windows up to the first floor. Where the terrain slopes, the terraced properties are stepped in height, forming a small gable parapet between the roof slopes.

At the south end of the street is the application site, which is a bungalow erected on the corner plot. The bungalow is an anomaly within this street in terms of its design, width, height and proportionate size within its plot.

The proposal seeks to demolish this bungalow and erect 4no terraced dwellings. The indicative elevations submitted shows that the new dwellings would broadly match the design of the existing terraced properties in this street, aligning with the established principal elevation, forming 2-storey properties with ground and first floor bay windows, gable ends and a mirrored frontage. To the rear would be a 2-storey rear projection for

each property, with the plot subdivided to provide a linear garden for each. The submission quotes the use of Bath stone under a tiled roof.

There are some variations between the indicative design and the existing dwellings which includes the window proportions, a shallow hipped roof over the bay windows and the additional of the decorative chimneys situated in the middle of both terraced 'pair'.

The terrain of the site is flat, in comparison to the sloped street. Where the existing terraced properties are stepped in height at each pair of properties, the 4no proposed terraced dwellings would sit at a uniform height.

To the rear of the site, a single parking space is proposed for each property at the end of the garden. These would gain access from Oldfield Lane. It is noted that almost every property on First Avenue that has a rear garden adjoining Oldfield Lane has a single garage, with a variety of sizes and designs in place. As this application is for outline permission with all matters reserved, the details of the structure for each parking space has not been confirmed at this stage. The proposed site plan annotates that either a pitched roof construction or a car port structure.

The creation of these parking spaces will require the demolition of the wall on the eastern boundary. This wall is constructed with rubble stone, with cock and hen capping. This wall is not characteristic for this area nor consistent in design with the front or side walls present nearby, however its most prominent elevation on the south and south east corner will be retained.

Objection comments have put raised concerns that the proposal represents overdevelopment of the site where the plot cannot accommodate 4no dwelling and will not be consistent with local character. The drawings put forward showing the design and layout of the dwellings are still indicative at this stage and this information will be required and scrutinised at the Reserved Matters stage. Some objections highlight that the dwellings will dwarf and dominate over the smaller terraced dwelling which directly neighbours the new proposal, number 24.

Number 24 has been constructed as an end-of-terrace dwelling with a mono-pitched roof, set at a lower overall height than Number 23. The new dwellings currently show a ridge height slightly higher than the ridge of Number 24 but below that of the main terrace at Number 23.

Plot 4 shows that the southern most wall and corner of the development will be in close proximity with the sites boundary with the public footpath. It is noted that the end-of-terrace dwellings in this area bring the outer walls and corners of the dwellings in very close proximity of the footpath or road boundaries, with notable examples at 33 First Avenue, 24 and 27 Second Avenue.

It is noted that the matters of Appearance are Reserved at this stage so whilst concerns to elements of the design have been raised at this stage based on the illustrative drawings, officers have considered that an acceptable form of development can be found during a Reserved Matters application taking account of what is shown.

Overall, the development is found to be consistent with the established character of this area in accordance with policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

WORLD HERITAGE SITE:

The proposed development is within two World Heritage Sites and therefore consideration must be given to the effect the proposal might have on the settings of these World Heritage Sites.

In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

CONSERVATION AREA:

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.

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.

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 4 terraced dwellings will be 2-storey in height and sited to the south of the adjacent neighbouring dwelling, number 24 First Avenue. Objection has been received to the overshadowing impact caused by the dwellings on the front and rear windows of number 24.

The dwellings will align with the side elevation of this neighbour where there are no side windows, forming a continuation of the terrace. The indicative floor plan shows that the front and rear of Plot 1 will project slightly further than the respective front and rear of Number 24.

As the details are indicative at this stage, and the matters of layout, scale and appearance are Reserved, it would not be reasonable to refuse this outline application on these matters at this stage. It is noted that the raised concerns of overshadowing will be scrutinised and assessed as part of the Reserved Matters application, but officers have considered that an acceptable form of development can be found.

The dwellings will provide new windows at the first floor, facing to the front and rear. It is noted that all dwellings in this street similarly provide front and rear facing windows at an elevated level, providing an element of mutual overlooking in the street and to the linear rear gardens. The proposal is not found to result in an unacceptable loss of privacy.

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.

Objections have been raised to the proposals impact on highways safety, with specific regard to the nearby school. Consultation has been undertaken with the Banes Highways Team and no objection has been raised.

The works will remove the existing driveway which accesses Oldfield Lane on the southern boundary of the site. 4no new parking spaces will be provided on the site's western boundary, at the rear of each new garden. These will be accessed onto a part of Oldfield Lane which has one-way traffic restrictions.

It is noted however that the parking space indicated as 'Parking 04' is situated in close proximity to a junction, where a minimum of 10m space needs to be provided between a dropped kerb and a junction. This may likely result in issues in obtaining a Section 184 license. However as this application is for Outline consent with all matters reserved, it is not considered appropriate to refuse this application on this basis.

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 consecration. 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 application will result in the removal of some existing trees within the site, notably this includes a beech tree situated in the front corner of the site. An Arboricultural Impact Assessment has been submitted with the application and the Banes Arboricultural Team have been consulted, who raise no objection to the works.

Whilst the losses of the trees are regrettable, it is noted that these are outside of the conservation area and have not been found suitable of protection through the TPO process. 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.

An Ecological Impact Assessment has been submitted with the application which has surveyed the site and the existing dwelling which confirms the absence and no evidence of bats.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG).

In the case of minor developments, a BNG of a minimum of 10% must be demonstrated using the latest DEFRA metric (or agreed equivalent), by a suitably qualified and/or experienced ecologist.

BNG survey information has been provided at this outline stage which has found the development to result in a net loss of 1.4 onsite habitat units. The application submission has acknowledged the requirement to provide BNG through an off-site provider through the purchasing of BNG credits.

As the application for Outline consent with all matters reserved, a site and landscaping plan are not secured at this stage. The Reserved Matters application will need to be submitted with a formal landscaping plan and up-to-date BNG metric information, as well as evidence of credits purchased through a registered provider.

A condition is to be included which requires the submission of this information prior to development.

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.

As this application is for Outline consent, with all matters Reserved, a SCC has not been provided at this stage. This will be required for the submission of the Reserved Matters application.

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. Securing these details prior to determination of the Reserved Matters application can negate the need for the submission of details via condition and a pre-occupation condition securing their installation could be used instead.

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

SCHEME OF DELEGATION:

This application has been referred to the chair of the planning committee as objection comments received by the Ward Councillor are contrary to the Officer recommendation. In this instance, the Ward Councillor is the chair of the planning committee, so the referral decision has been made by the Vice Chair, who has commented as follows:

"Noting the concerns raised by the ward councillor and the large number of third party representations, whilst it is appreciated that this is an outline application, a number of policy areas would benefit from further debate including overdevelopment, design, impact on amenity of neighbours, loss of a non-designated heritage asset and loss of a mature copper beech tree, and therefore I recommend that the decision is referred to the Planning Committee."

As such, this application will be presented to the planning committee.

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 Outline Time Limit (Compliance)

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Reserved Matters (Pre-commencement)

Approval of the details of the Layout, Appearance, Scale, Access and Landscaping; of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

3 Reserved Matters Time Limit (Compliance)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

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

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

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

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

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

5 Wildlife Protection and Enhancement Scheme (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, produced by a suitably experienced professional ecologist, have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Method statement for pre-construction and construction phases to provide full details of all necessary ecological protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to bats, reptiles, nesting birds, badger and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;

- (ii) Detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report, including wildlife-friendly planting and landscaping details; provision of bat and bird boxes; provision of features and habitats to benefit wildlife. Details shall include proposed specifications; materials; dimensions; models; design; fixings (as applicable); and proposed numbers, heights and positions. Specifications for fencing and boundary treatments shall include the provision of gaps or wildlife access points at intervals, to allow movement of wildlife.
- (iii) All details shall be fully incorporated into the scheme and accurately shown on all relevant plans and drawings.

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development, and retained and maintained thereafter for the purposes of wildlife conservation.

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

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

6 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).

7 SCR6 Residential Properties (Compliance

Details to be submitted for approval of reserved matter(s) shall include the Council's Sustainable Construction Checklist Supplementary Planning Document). The development shall be carried out in accordance with the approved details.

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

Minor Residential Development:

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

All Residential Development:

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

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

8 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.

9 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.

10 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:

Drawing	07 Nov 2024	270.000.02 A	EXISTING SITE PLAN		
Drawing	07 Nov 2024	270.011 A	INDICATIVE	PROPOSED	FRONT ELEVATION A
Drawing	07 Nov 2024	270.050.02 A	DEMO SITE PLAN		
Drawing	07 Nov 2024	270.100.02 A	INDICATIVE	PROPOSED	SITE PLAN
Drawing	07 Nov 2024	270.100.03	INDICATIVE	PROPOSED	VEHICLE SPLAYS PARKING 01 & 02
Drawing	07 Nov 2024	270.100.04	INDICATIVE	PROPOSED	VEHICLE SPLAYS PARKING 03 & 04
Drawing	07 Nov 2024	270.100.05	INDICATIVE	PROPOSED	VISITOR SPACE - VEHICLE SPLAY
Drawing	15 Nov 2024	241022-SM-TCP-NB	TREE CONSTRAINTS PLAN		
Drawing	15 Nov 2024	270.100 A	INDICATIVE	GENERIC	GF PLAN
Drawing	15 Nov 2024	270.101 A	INDICATIVE	GENERIC	FIRST FLOOR PLAN
Drawing	15 Nov 2024	270.102 A	INDICATIVE	GENERIC	SECOND FLOOR PLAN
Drawing	15 Nov 2024	270.110 B	INDICATIVE	PROPOSED	SECTION A-A
Drawing	19 Nov 2024	270.000 A	EXISTING	GROUND FLOOR	PLAN
Drawing	19 Nov 2024	270.001 A	EXISTING	FRONT WEST -	ELEVATION A
Drawing	19 Nov 2024	270.010 A	EXISTING	SECTION A-A	

2 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

3 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.

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

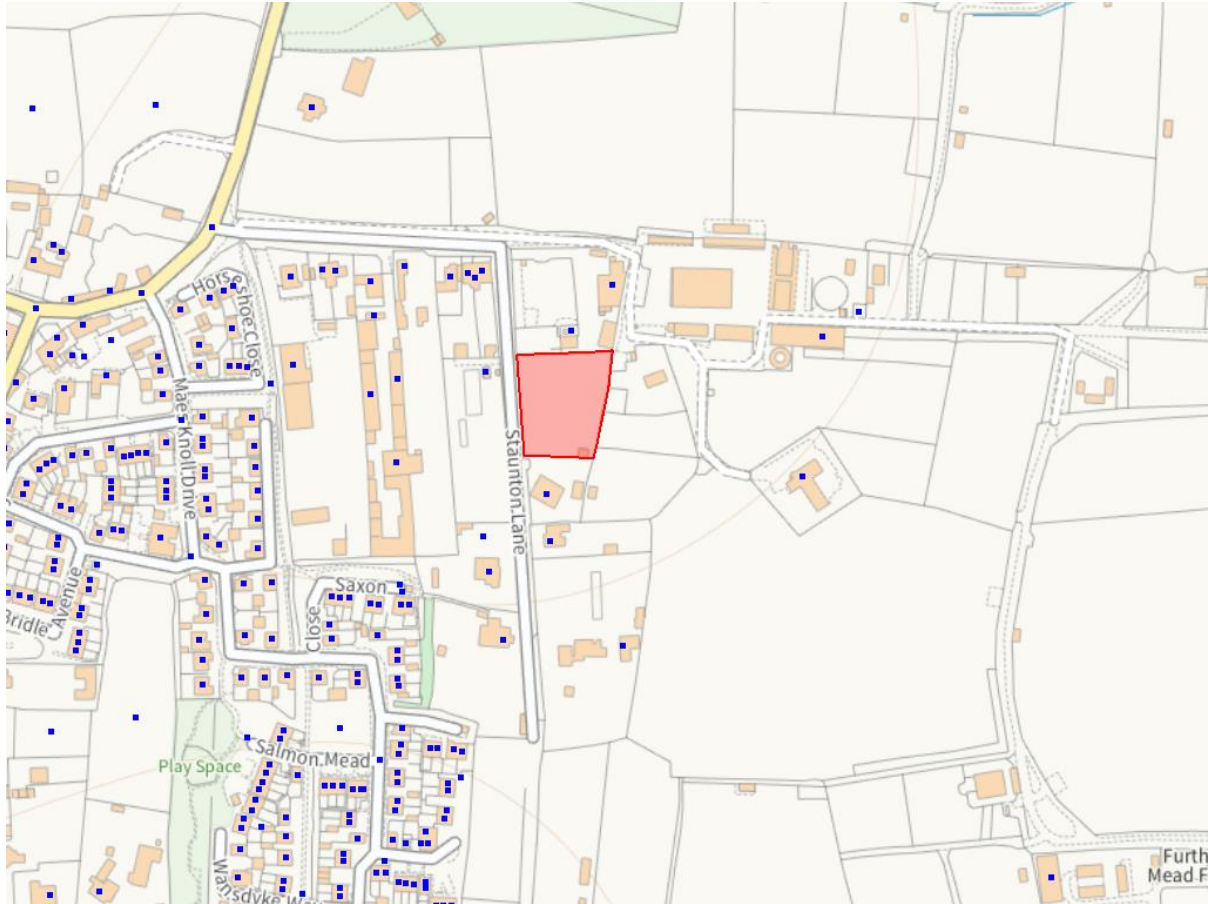
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply 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

5 Responding to Climate Change (Informative):

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

Item No: 05
Application No: 24/03112/FUL
Site Location: Woodlands Staunton Lane Whitchurch Bristol Bath And North East Somerset



Ward: Publow And Whitchurch **Parish:** Whitchurch **LB Grade:** N/A

Ward Members: Councillor Paul May

Application Type: Full Application

Proposal: Erection of 3 no. dwellings and associated works.

Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Contaminated Land, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, LLFA - Flood Risk Management, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Denmead

Expiry Date: 19th January 2025

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 an objection from Whitchurch Village Council.

Cllr Lucy Hodge: 'Noting that Whitchurch Parish Council has maintained an objection to this application, I recommend that it is discussed in public by the Planning Committee to consider the Parish Council's concerns about policy compliance in relation to the design and any impacts on the local character in Staunton Lane. Any potential access problems due to the unadopted status of the road and any safety issues from increased vehicles exiting onto Staunton/Stockwood Lane may also be considered.'

It is accepted that the principle of development within the Green Belt and outside the housing development boundary has already been approved through the 2023 PIP consent.'

Cllr Ian Halsall: 'The principle of development has already been considered and therefore whilst Whitchurch Parish Council maintain their objection to the three dwellings outside the settlement boundary and within the greenbelt along an unadopted road whereby the owners are responsible for drainage, this cannot be taken into consideration.'

However, given the above sensitivity the Planning Committee may wish to considering the technical details of the proposed three dwellings in light of the Parish Council's concerns that that they do not believe them to be in keeping with the character of the area.'

This application relates to an area of vacant land within the property of 'Woodlands'. The site is located just outside of the housing development boundary of Whitchurch, and is within the Green Belt. The site is located on Staunton Lane, a road used to serve a number of residential properties.

Full planning permission is sought for the erection of 3 no. dwellings and associated works.

Relevant Planning History:

23/04121/PIP- Permission in Principle Planning Application for the development of up to 3 dwellings and associated works- APPROVE

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Highways: No objection, subject to condition.

Trees: No objection, subject to condition.

Ecology: No objection, subject to condition.

Whitchurch Parish Council: Objection

- Inappropriate development in the Green Belt with no very special circumstances
- No need for further development

- Development is outside of the housing development boundary
- Poor access via unadopted lane and concerns about safety and visibility
- Development does not respect the local character or positively respond to site characteristics
- Concerns about flooding

Representations:

1no. support comment in relation to the Passivhaus levels of insulation and 1no. objection in relation to siting and drainage.

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
 CP5: Flood Risk Management
 CP6: Environmental Quality
 DW1: District Wide Spatial Strategy
 SD1: Presumption in favour of sustainable development
 CP8: Green Belt
 CP5: Flood Risk Management

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
D.8: Lighting

ST7: Transport requirements for managing development
GB1: Visual amenities of the Green Belt
NE3A: Biodiversity Net Gain
NE1: Development and green infrastructure
NE3: Sites, habitats and species
NE5: Ecological networks and nature recovery
NE6: Trees and woodland conservation
SU1: Sustainable drainage policy

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).

Whitchurch Village Neighbourhood Development Plan:

Policy WV4.3- Traffic and Safety
Policy WV 1.1 - Village Design
Policy WV 2.4-Wildlife Corridors and Ecological Network

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.

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

Background

The applicant benefits from a stage 1 permission in principle application. This has established the principle of 3no. residential dwellings on this site (reference 23/04121/PIP).

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

Usually, the second stage application ('technical detail consent') is submitted which considers the detailed development proposals. However, as there has been a small change to the red line (extended south), it is not possible for this approach to be taken.

Instead, a full application has been submitted. The previous stage 1 PIP approval is however still a material consideration of great weight, in relation to the principle of development, green belt and sustainable location.

Principle of development:

The Council's spatial strategy states that new housing in rural areas should be located at settlements with a good range of local facilities and with good access to public transport. The site is located outside of the Whitchurch Housing Development Boundary.

The site is located approximately 50m from the defined housing development boundary line of Whitchurch. The site is viewed and experienced as part of the village, being visually, physically and functionally part of the village of Whitchurch. Therefore, the site is considered to be located in a sustainable location, with good access to local facilities and public transport. Highways officers have also found no objection in relation to the site's location in sustainability terms (policy ST1)

It is also important to note that the principle of development has been established. The site benefits from stage 1 Permission In Principle consent (reference 23/04121/PIP) for 3no. dwellings, that was granted in January 2024.

Green Belt:

The site is located in the Green Belt. The NPPF states the Local Planning Authority should regard development in the Green Belt as inappropriate, unless it meets one of the noted exemptions. The applicant has brought this development forward under 'limited infilling in villages', which is one of the exemptions listed in paragraph 154 of the NPPF (154 e).

This is echoed more locally in placemaking plan policy GB2: Limited infilling in Green Belt Villages. Policy GB2 states that infilling should 1) be located within the defined infill boundary shown on the policies map and 2) meet the definition of limited infill.

The site is not located within the defined infill boundary shown on the policies map, but it does meet the definition of infill. Therefore, there is partial conflict with policy GB2.

The definition of limited infilling in GB2 is the filling of small gaps in existing development comprising: a) The building of one or two houses on a small vacant plot in an otherwise extensively built-up frontage; and b) The plot is generally surrounded on at least three sides by developed sites or road. An assessment of the site confirms the proposals would meet this definition.

There is no definition of a 'small gap' and an interpretive assessment is required and based on a case by case basis. Similarly, the need for an individual assessment of site context, considering the situation 'on the ground' has been highlighted by the appeal inspector's decision (APP/F0114/W/21/3287000) to allow permission in principle in the same village. This site was also outside of the housing development boundary and infill boundary.

The appeal inspector noted that the reference of 'one or two houses' in policy GB2 is an illustration of what might constitute limited infilling. Officers share this view, that this is not to be taken in its' literal sense and an assessment should be made dependent on the particular merits of the case in hand and the associated site context and surroundings. The proposals are for up to 3 dwellings and site is bordered by development on at least 3 sides and is bordered by a road also. There is also other development fronting the road

along its length. Therefore, it would be considered to meet the definition of limited infilling as defined by the framework and policy GB2.

Green Belt conclusion:

When the proposals are assessed against policy GB2, they comply in part. The appeal decision is a material consideration, the inspector noted that although located outside of the infill boundary, the proposals would not present inappropriate development in the Green Belt as it met the definition of infilling. The proposals meet the definition of infilling and therefore the development complies with the development plan as a whole.

It should be noted that this appeal decision does not allow a 'carte blanche' approach to development outside of the infill boundary, each case will be assessed on its own merits. However, officers consider that there are material similarities between this application and the appeal site. These are summarised below:

- o The proposals meet the definition of limited infilling
- o The site would be located within a built up frontage along the road
- o The gaps are of a comparative size
- o The site does not make a significant contribution towards a sense of separation between existing developments
- o Consideration has also been given to the nature of the site, which hosts an area of hardstanding

It is also important to note two recently approved PIP applications on this road, south west of the application site (22/04414/PIP and 23/01535/PIP). In these cases the appeal decision and relevant caselaw referred to within note that decision makers should, when determining whether or not a site can be considered in a village, have regard to the situation 'on the ground' as well as to any relevant policies. The Inspector highlighted that the Housing Development Boundary is not determinative for the purpose of making this assessment. The application site is similarly functionally and visually associated with the housing development boundary of Whitchurch. It is also important to note the previously approved PIP application on this site for 3no. dwellings which is a material consideration.

Therefore, the proposals partly conflict with policy GB2 as the site is not located in an infill boundary, but the proposals do meet the definition of infilling and therefore comply with the development plan as a whole. Officers therefore consider that the application for up to 3 dwellings on this site would comply with paragraph 154e) of the NPPF and would not present inappropriate development in the green belt.

Character and appearance:

The locality hosts a variety of house type, size, siting, orientation and design. There is no prevalent building design and or character which defines the areas character or appearance. It should be noted that there is also no definitive building line, due to the variety outlined above.

The dwellings on this part of Staunton Lane are detached dwellings, with good garden space and off street parking. The proposed 3no. dwellings on this site respond positively to surrounding features by also being detached dwellings, set back from the road, with

good amenity space. The spacing between each proposed dwelling is also not uncommon, and would not present a density or built form which would disrupt and or harm the areas' character and or appearance.

The proposed design of the dwellings are relatively typical, the slight variations in design between the three houses presents visual interest and helps to blend more appropriate with the variation found within the street, rather than having a more manufactured appearance. The two storey elements of the houses would be in brick, the single storey is render which are found within the area. The boundary treatment remains similar to the existing arrangement, which is comprised of 1.8m high timber fencing and vegetation. The gates for vehicular access to plot C will be timber, the gates to plots B and A will be 'metal framed'. Considering their appropriate height of 1.7m, this is acceptable.

The proposed development is therefore considered to be in keeping with the character and appearance of the area.

Residential amenity:

The size, scale and siting of the 3 dwellings means that there is no harmful level of shadowing or oppressive impacts of built development to nearby occupiers, or between occupiers of the new houses. Similarly, there are also no harmful levels of overlooking.

Flooding:

The site is located in flood zone 1, which is the lowest risk of flooding. Drainage officers also confirm that they are not aware of flooding specifically at this site/location and confirmed that there is no evidence to suggest this development could increase surface water flooding.

A Package treatment plant is proposed for foul sewerage and drainage officers have informed the planning officer that the standard soakaway testing condition can be applied in relation to surface water drainage. This assessment and approach is considered compliant with policies CP5 and SU1 of the Placemaking Plan.

Trees:

The proposed layout would require the removal of the row of Leyland Cypress (G1) and there is no arboricultural objection. Previous hedge pruning has resulted in a moribund section and the remainder are poor quality individuals so combined would offer a BS 5837:2012 quality assessment of C and U. Their removal is therefore considered acceptable in accordance with policy NE6.

The number of car parking spaces provided for the southern plot has been reduced which has increased the separation distance between T2 and the dwelling and assisted in an increase in useable external space. The revised information received has removed the original arboricultural objection.

Highways:

The revised plans, drawing number 06c, illustrate that suitable parking for each dwelling will be provided, in accordance with the Transport and Development SPD.

Suitable vehicle parking and cycle storage space is able to be provided for each dwelling, including sufficient space in order to accommodate suitable Electric Vehicle Charging facilities in accordance with Approved Document S; Infrastructure for the charging of electric vehicles of The Building Regulations 2010.

Highways officers conclude that it is unlikely that the additional dwellings in this area would have a significant highway impact, nor would there be a risk to highways safety. Therefore, officers find no conflict with the traffic policies outlined in the neighbourhood plan (Policy WV4.3- Traffic and Safety) and the LPPU (Policy ST7).

Sustainable Construction:

All the proposed dwellings are compliant with the requirements of policy SCR6:

All predicted space heating demands meet the policy requirement of <30kWh/m² /year at 11kWh/m² /year, 8.8kWh/m² /year and 8.2kWh/m² /year.

All predicted total energy uses meet the policy requirement of <40kWh/m² /year at 14.7kWh/m² /year, 16.1kWh/m² /year and 16.7kWh/m² /year.

The predicted renewable energy generation for each dwelling meet the policy requirement of at least matching the total energy use at 14.8kWh/m² /year, 17.6kWh/m² /year and 17.8kWh/m² /year.

The proposal to install ASHPs for heating and hot water to the dwellings, MVHR systems, PV battery storage and the predicted u-values are all supported.

Policy SCR5 - Water efficiency:

It is proposed to meet the policy requirement of a maximum of 110 litres of water per person per day and to install rainwater harvesting methods for external uses by the residents.

Ecology:

A Preliminary Ecological Assessment report (Greena Ecology, v2 24th July 2024) is submitted and comprises a description of the findings of a walkover survey including inspection of the outbuilding on site for potential use by bats. The findings of the survey are accepted.

The site is not within or immediately adjacent to any designated sites/sites. A habitat plan, a plan showing the boundary of habitat/s considered suitable to support reptiles and therefore to be subject to reptile mitigation measures, details of proposed measures to compensate for habitat loss and vegetation removal and details of proposed new features and habitat creation to provide new and additional benefit for wildlife can be secured via condition.

The noted ecological enhancements include; Bat boxes, Bird boxes, Insect boxes, planting native trees, hedgerow and shrub, Wildlife refugia (for example hedgehog refugia). Two native species hedges will also be created.

Lighting:

The site is located on the edge of a rural wildlife-rich landscape known to be used by bats including light-sensitive bats and other nocturnal wildlife. Policy D8 applies and sensitive lighting design is required for any new external lighting; this should be secured by condition.

Biodiversity Net Gain:

The scheme is exempt from BNG because it is self-build. However, there are ecological enhancements being proposed and secured via condition to comply with policy NE3.

Conclusion:

The principle of development has been approved, the site has been found acceptable for accommodating 3 detached dwellings, within the Green Belt and outside of the housing development boundary.

Officers consider that the size, scale, siting and appearance of the dwelling responds positively to the locality and would not cause harm to the area's character. The application has also been found acceptable by highways, trees, ecology and sustainable construction officers. Therefore, officers are recommending this application for technical details consent for approval, subject to conditions.

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 Parking (Compliance)

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

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

3 Flood Risk and Drainage - Infiltration Testing (Bespoke Trigger)

The development hereby permitted is to manage surface water onsite using soakaways as indicated on the application form and/or approved drawings. Soakaways are to be designed and constructed in accordance with Building Regulations Approved Document Part H section 3, noting the requirement for infiltration testing which should be undertaken at an early stage of the development to confirm viability of infiltration techniques.

If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority.

The soakaways or other approved method of surface water drainage shall be installed prior to the occupation of the development.

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.

4 Ecological Mitigation and Enhancement Scheme (Pre-commencement)

No development shall take place until full details of an Ecological Mitigation and Enhancement Scheme, produced by a suitably experienced professional ecologist, have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all necessary ecological protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys (and proposed reporting of findings to the LPA prior to commencement of works), precautionary working methods, and additional measures as applicable, for the avoidance of harm to reptiles, nesting birds, badger and other wildlife;

(ii) Detailed proposals for provision of green infrastructure, habitat value and additional features and measures to benefit wildlife, including wildlife-friendly planting and landscaping details and provision of bat and bird boxes. Details shall be shown on a plan and shall include proposed specifications; materials; dimensions; models; design; fixings (as applicable); and proposed numbers, heights and positions/boundaries. Specifications for fencing and boundary treatments shall include wildlife access points at intervals to allow movement of wildlife such as hedgehog.

All details shall be fully incorporated into the scheme and shown to scale on all relevant plans and drawings. All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development, and retained and maintained thereafter for the purposes of wildlife conservation.

Reason: To prevent ecological harm and to provide green infrastructure and additional benefit for wildlife in accordance with policies NE1, NE3, NE5 and D5e of the Bath and North East Somerset Local Plan. NB The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

5 Ecological Compliance Statement (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by a suitably experienced professional ecologist) confirming and demonstrating, using photographs, adherence to and completion of the Ecological Mitigation and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the ecological mitigation and enhancement measures, to prevent ecological harm and to provide green infrastructure and additional benefit for wildlife in accordance with NPPF and policies NE1; NE3; NE5 and D5e of the Bath and North East Somerset Local Plan.

6 External Lighting (Bespoke Trigger - requires approval of details prior to installation of new lighting)

No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority. These details shall include: 3 1. proposed lamps and lamp models, with manufacturer's specifications; proposed lamp positions; numbers and heights, with details also to be shown on a plan; 2. details of lighting controls; proposed hours, frequency and duration of use; and details of all measures and features to contain light spill, and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to limit use of lights when not required; and to avoid harm to bat activity and other wildlife. The lighting shall be installed, maintained and operated thereafter only in accordance with the approved details.

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

7 Arboricultural Method Statement with Tree Protection Plan (pre-commencement)

No demolition or development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statements to the local planning authority on completion of the development. Wording for all measures required must state what will happen and use committal language that is enforceable (eg "shall" instead of "should"). The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, removal of existing structures, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

8 Arboricultural Method Statement with Tree Protection Plan (compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement and Tree Protection Plan. 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.

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.

9 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)

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.

10 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.

11 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until secure, covered bicycle storage for at least 12no. bicycles (4 per dwelling) has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with policy ST7 of the Bath and North East

Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

12 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:

Proposed plans and elevations- Plot A- 01 E
Proposed combined elevations- 04 C
Proposed combined elevations- 05 C
Proposed plans and elevations Plot B- 02 D
Proposed plans and elevations Plot C- 03 D
Proposed site plan- 06 C
Site location plan- 00B

2 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.

3 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.

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

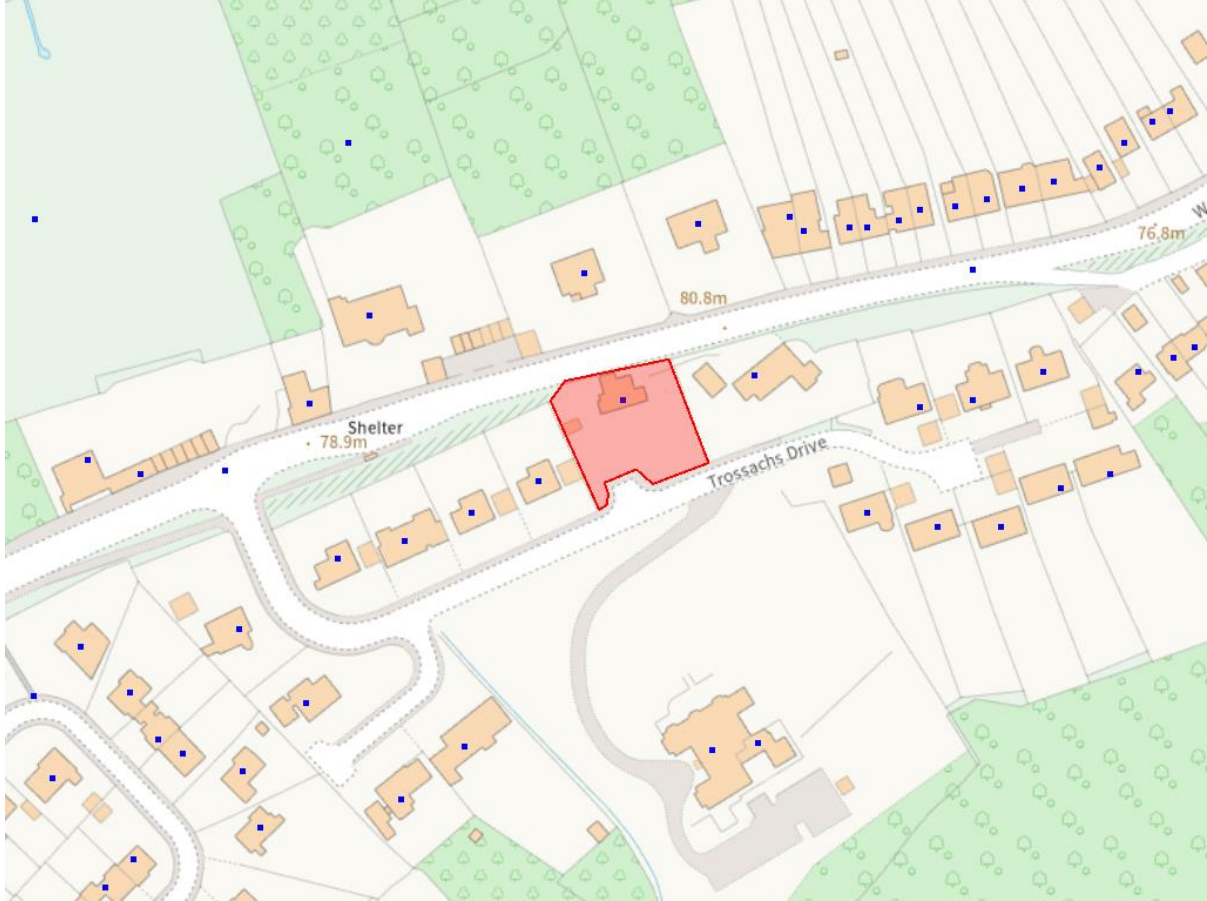
5 Responding to Climate Change (Informative):

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

6 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

Item No: 06
Application No: 24/02494/FUL
Site Location: Trossachs Lodge Trossachs Drive Bathwick Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Bathampton **LB Grade:** N/A

Ward Members: Councillor Kevin Guy Councillor Sarah Warren

Application Type: Full Application

Proposal: Remodelling of existing dwelling, demolition of existing garage, erection of new garage and landscaping

Constraints: Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Housing Development Boundary, MOD Safeguarded Areas, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones,

Applicant: Mr & Mrs Scott

Expiry Date: 26th August 2024

Case Officer: Paige Moseley

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

REPORT

Bathampton Parish Council have objected to the application, contrary to the officer's recommendation to grant planning permission. The application has also been called in to the committee by Cllr Kevin Guy who is the local Ward Councillor. In accordance with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee. It was decided that the application should be debated and decided at the Planning Committee. Their comments are as follows:

Cllr Ian Halsall:

"The concerns of Bathampton Parish Council, a ward member and a number of residents is acknowledged. Whilst the volume of objections alone does not warrant an application to be referred to Committee, it is considered that some of the conservation concerns raised with regard to the proposed alterations to the host dwelling and the positioning and design of the proposed garage does warrant some discussion."

Cllr Lucy Hodge:

Whilst not in the Conservation area, the site has been identified as a non-designated heritage asset. Noting the concerns raised by the Bathampton Parish Council, a ward councillor and third party representations, I recommend that there is an opportunity for the planning committee to debate the relevant policy areas in relation to the house alterations and in particular the design and location of the garage and any impacts on the Highway.

The application refers to Trossachs Lodge, a detached dwelling in Bathampton sited between Warminster Road and Trossachs Drive. It has been identified as a non-designated heritage asset.

Planning permission is sought for the remodelling of the existing dwelling including reconstruction of the first floor, demolition of the existing garage, erection of a new garage and landscaping.

Relevant Planning History:

DC - 19/01594/FUL - PERMIT - 5 June 2019 - Erection of porch to east elevation and single storey extension to north east elevation following replacement of western porch, 2no dormer windows to south roof slope and insertion of new bay window to first floor west elevation.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Bathampton Town Council -

28/07/2024 - "Bathampton Parish Council has no objection to the remodelling of the house, and welcomes the retention of the 'tudor panelling' but does object to the new garage. Although there are two new parking places, we assume (as does the Highway Authority) that the new double garage is not necessarily going to be used for parking, and therefore it is likely that cars would continue to be parked in the 'turning head' as at present (which should remain clear to allow turning); this is especially likely for EV charging. The objection to the garage is therefore

- o it is much further forward than the current street building line
- o its roof is not flat like other nearby garages, and it should be in materials to match the other garages
- o it should be located far enough back to allow parking in front of it, thus allowing pedestrian access along the footpath, and to avoid the trip hazard of EV cables across the walkway.

In addition, we are concerned that the first-floor balcony and walkway might allow unacceptable overlooking into the rear gardens of nos 1-7; if so, the plans should be amended to prevent it."

23/09/2024 - "The change to the garage position, to bring it forward to the back edge of the footpath, is much worse than the original proposal

- o the garage is still too far forward of the street building line
- o any opening of the garage doors will now obstruct the footpath, with resultant safety concerns
- o we cannot accept that the garage in this position will mean that no-one will park in the turning area, in fact it makes it even more likely that the garage owners will park in the turning area
- o We want to encourage use of EV charging by allowing room for this to take place away from the footpath and thus avoiding trip hazards on the footpath, hence requiring the garage to be set back rather than brought forward.

Whilst we have, as previously, no objection to the proposed modifications to the house, and in fact now accept that a pitched roof to the garage to match the house would be acceptable as long as the garage was moved back from the footway, we Object to the re-positioning of the garage and request that it be moved far enough back from the footway to allow parking in front of it, thus allowing pedestrian access along the footpath, and avoiding the trip hazard of EV cables across the walkway."

Councillor Kevin Guy -

13/08/2024: "I am writing this email in my capacity as ward Councillor for Bathavon North and not in my capacity of Leader of the Council. With regards to the planning application 24/02494/FUL Trossachs Lodge, although I have no objections to the main house and therefore the substantive section of this application, I do however have a significant issue with the location, design and access off the public realm of the garage location. I feel this section of the application needs your specific attention and if you are minded to approve the application without moving the location of the Garage, then I would request it should come to the planning committee for consideration."

19/09/2024: "In my capacity as ward Cllr for Bathavon North and not as Leader of the Council I have seen the amended plans for the attached application and would like to echo my previous objections around the location and height of the garage. I have no objections to the applicants modifying and updating their home and those aspects of their application, but the garage location will significantly impact the vital turning point on our highway network. Accordingly I would request this comes to committee if you are minded to approve."

B&NES Conservation:

Trossachs Lodge is a non-designated heritage asset and lies just outside the City of Bath World Heritage Site, within the indicative extent of its setting, and just to the east of the City of Bath Conservation Area. The amended plans show some improvement on the original proposal; however, the balconies to the west and south of the property, along with the long footbridge, would appear incongruous to the Arts & Crafts style of the building due to the glass panels. While no balconies were included as part of the original design, these could be accepted if they were of a traditional design and materials, such as timber throughout.

The rebuilding of the first floor is unfortunate as it would be difficult to replicate the true character of the building in modern construction and new materials. There is a suggestion in the latest documentation that measures could be agreed to ensure that historic details, such as bargeboards, are reused and a full schedule of works could be secured. Even with these measures in place, I would be concerned that the first floor (the floor which is primarily visible) would appear as a new build, so we need to be convinced that the rebuilding is absolutely necessary.

The proposed lantern is now to be in timber and an illustration of the product is provided. This type of product is more suitable for use over an ancillary ground floor space, such as an orangery or a modern kitchen extension rather than at first floor over the centre of the property. It is not unusual for a lantern to exist in this location but it would be more in the form of a raised circular lantern or perhaps a cupola. These options should be explored to assess their appropriateness and impact. The proposed garage has raised quite a degree of concern from neighbours; however, in terms of the heritage impact which I need to consider, while it would be preferred to set the garage further down within the site, I can find no heritage objection to either the previous or the latest proposal. The above three elements of concern would cause some harm to the significance of the Conservation Area, a designated heritage asset, due to the impact on its setting. There would be no discernible impact on the setting of the World Heritage Site. The most concerning impact would be on the non-designated heritage asset itself, where harm would be caused to its significance which must be taken into account in determining the application. "In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." (NPPF Dec 2024.)

Representations Received :

Comments received on initial plans

13no. objections were received from neighbours:

- Electric vehicle charging point is in location that require vehicles to park in the turning bay and will require cable to span public pavement, which will make the pavement less accessible.
- Proposed double garage positioned only 1.8m behind back edge of footway meaning any cars parked immediately in front of the garage would overhang or block the public footway. Garage needs to be set at least 4.8m behind the back edge of the footway. This would also mean applicant would not need to park in the turning head.
- The proposed garage would be set in front of the established building line and would be unduly prominent.

- Size and location would destroy open character currently existing in front of Trossachs Lodge and detract from setting of non-designated heritage asset.
- Pitched roof running parallel to Trossachs Drive would increase prominence - all other garages in this part of Trossachs Lodge have flat roofs. Proposed garage should be amended to have a flat roof to make it in keeping.
- Garage proposed to be clad in timber and have slate tile roof. Neither of these materials occur in this part of Trossachs Drive and their use would increase the harm done to the character and appearance of the area by the position and design of the garage.
- Garage being raised on plinth at the rear due to steeply sloping ground would make it appear as dominant feature when seen from either side.
- The application involves complete rebuilding of Trossachs Lodge from first floor upwards. The property has been noted as a non-designated heritage asset but no proper analysis has been undertaken of the almost total loss of this heritage asset. Surely the almost complete rebuilding of a heritage asset would amount to substantial harm and be given great weight in arguing against allowing this element of the scheme to proceed.
- Alterations to the house would appear as incongruous and out of keeping with the house and surrounding area. The new south elevation elements would appear at odds with the existing simple contribution the existing south elevation of Trossachs Lodge currently makes to the street scene.
- The glazed bridge and glazed lantern would be incongruous. Glazed lantern is of significant height and would appear approximately at eye level when seen from Trossachs Drive.
- Balconies would appear to be supported from the ground and not cantilevered from the building which would add to prominence and incongruity.
- The result of the building alterations would be a mess of different styles and approaches that does significant harm to the character and appearance of the house and surrounding area.
- Proposed balcony on west elevation at first floor level would unacceptably overlook the rear gardens of the houses to the west of Trossachs lodge and result in a loss of privacy.

2no. support comments have been received from neighbours:

- Would not call the property a non-designated heritage asset but it is prominent and unique due to siting so close to Warminster Road
- Rebuilding of first floor retaining mock Tudor appearance is welcomed
- Walkways and balcony with glass balustrades blends in seamlessly with external wooden detailing rendering them almost invisible
- There would be no overlooking No.5 Trossachs Drive from these structures.
- Lantern would make building more interesting
- Addition of the garage is a positive feature by ensuring the turning bay will be used for turning rather than as a car park which will enhance the street scene.
- Building is in need of a revamp
- Entrance porch will enhance appearance of the property and with the front door sited there the building will work much more effectively.
- Bridge is excellent design feature and choice of materials support Tudor appearance
- In response to objections regarding the proposed garage being out of keeping: there is nothing else like the Lodge on Trossachs Drive, all other buildings being mock Georgian, so why should its' garage be. The garage will be in keeping with the Lodge and will act as a link between the older houses of Trossachs and newer buildings on the other side of the Lodge.

Comments received following revised plans:

A joint objection was received from 7 neighbouring households:

- There is no space between the garage and footway. Opening of doors would have to take place over the footway which would turn the footway into the applicant's private space and be hazardous to pedestrians.
- The B&NES Transport and Development SPD states that required level of parking should not rely on the use of garages so as to avoid overspill onto local roads. The revised proposal would rely on the garage for parking which would cause overspill onto local roads, in particular the turning head.
- Transport and Development SPD notes that a driveway must be a minimum of 6 metres when in front of a garage. The revised plans have reduced with to about 0.1 metre which contravenes guidance.
- The revised proposal will make it more likely that applicants will park in the turning head.
- Garage is more likely to be used for storage than parking.
- A Section 184 Licence to drop the kerb would not prevent parking in the turning head. The only way to prevent parking in the turning head is to install double yellow lines.

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:

B4: The World Heritage Site and its Setting

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:

B1: Bath Spatial Strategy

BD1: Bath Design Policy

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric
D6: Amenity
HE1: Historic environment
SCR2: Roof mounted/building integrated scale solar PV

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 within 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
CP1: Retrofitting Existing Buildings
D5: Building design
D8: Lighting
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE6: Trees and woodland conservation

ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)
The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in December 2024 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.

OFFICER ASSESSMENT

The site slopes down steeply between Trossachs Drive and Warminster Road. The house is a detached dwelling at the lower ground level closer to Warminster Road and has a parking area and single garage also at this level, with a driveway running across the site to the access on Trossachs Drive. The building was built in 1906 and has a mock-Tudor architectural style at the first floor level. The site has been identified as a non-designated heritage asset.

DESIGN, CHARACTER AND APPEARANCE

Policies D1, D2, and D3 of the Placemaking Plan and Policy D5 of the Local Plan Partial Update 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.

Main House

The ground floor of the building will be retained as existing. The first floor would be reconstructed in its entirety, but would maintain the 'Tudorbethan' timber detailing. The shape of the building and roof would largely stay the same however there would be some alterations:

- o Extension of depth of a gable on west elevation
- o Inclusion of a glazed roof lantern in roof centre
- o New gable with roof overhang extending from south elevation to provide new entrance feature

There would also be some changes to fenestrations including:

- o New window in north elevation
- o Enlargement of opening in west elevation to make window into door
- o Removal of window in east elevation
- o Addition of 3 windows in south elevation
- o Creation of new main entrance door in south elevation
- o Addition of 3 new conservation rooflights in main roof

The materials of the current window frames in the first floor of the property are uPVC. All windows would be replaced with timber windows and doors. The new windows in the north and south elevations would have a slight dormer projection, and the roofs of these would be topped with lead.

The proposals also include the creation of balconies to the west elevation and south elevation, and a walkway from the new main entrance in the south elevation towards

Trossachs Drive. The balconies and walkway would be constructed from stained oak to match the timberwork on the house, with natural stone saddlestones to the base of supporting posts, and glass panels between the timber balustrades.

An array of solar panels would be sited on the south elevation roof. This will have some visual impact on the traditional style building from Trossachs Drive, however it is acknowledged that this would be the optimum positioning to receive sunlight, and a condition can be included to ensure the PV panels are non-reflective and mono-chrome to reduce visual impact. On balance this is acceptable.

The extended projection of the gable at first floor level to the west elevation would be fairly minimal and it is considered that this would not be a prominent enlargement.

Traditional, natural, high-quality materials are proposed including lime render, reclaimed or existing clay tiles, lead dormer roofs, oak, and natural stone. The proposed new windows would be proportionate and unobtrusive and would utilize more sympathetic materials than the existing windows.

Concerns have been raised by the conservation officer over the proposed glass panels within the balcony and walkway balustrades. The conservation officer raises that the balconies would be acceptable if more traditional, for example timber throughout. It is the opinion of the case officer that the glass, whilst contemporary, is appropriate to a contemporary addition and it would have a lightweight appearance whilst continuing to reveal the detail of the main house, therefore would be acceptable.

The conservation officer has advised that the proposed roof lantern can be acceptable in principle subject to the appropriate form. The details of the lantern can be secured through condition, but it is considered that a roof lantern would be acceptable.

A full schedule of materials and fenestration details can be secured by condition.

It is considered that whilst the first floor would be reconstructed and altered, the proposals would maintain the traditional appearance of the building, with some more contemporary features, and would utilize high quality traditional materials. It is therefore considered that the proposed alterations to the main house would be acceptable in terms of design and appearance.

Garage

Objections received have raised concerns regarding the proposed siting and design of the proposed garage in that it would be prominent on the street scene being sited forward of the building line, and incongruous in its form and materials.

The proposed garage will have a pitched roof with clay tiles to match the existing main house. The walls would be natural timber cladding with a natural stone base. It would be sited just behind the edge of the public footway fronting the site.

There is a strong building line created by 1-7 Trossachs Drive which are a row of identical detached dwellings with their own character. However, this building line ends after no.7 which is adjacent to Trossachs Drive. Trossachs Lodge and neighbouring Redwood

House are more historic buildings and are unique in their positioning, layout and character. Continuing further along the street, is a cul-de-sac of more modern houses, with garages positioned in front of the principal elevations. Although the proposed garage would be positioned forward of Trossachs Lodge, and forward of the building line of 1-7 Trossachs Drive, given the differing character of Trossachs Lodge from these dwellings, and the more informal building line from this point on, it is considered that breaching the building line of 1-7 Trossachs Drive would not cause unacceptable harm to the street scene.

It is acknowledged that comments raise it would be better set further back from the pavement edge, however this would require a larger retaining wall at the base due to the sloped nature of the site which officers consider would not be desirable.

The pitched roof form, although different to other garages along the street which are flat-roofed, would be suitable to the application site and in the context of Trossachs Lodge which also has pitched roofs. 1-7 Trossachs Drive also have pitched roofs on the main houses. The proposed clay tiles for the roof would further tie this into the site, and other roofs within the street.

Driveway and landscaping

The proposal includes removal of the existing tarmac driveway which goes from the south east corner of the site to the north west corner. A new driveway following the same path but culminating to the east of the main house is proposed, to be finished in a permeable resin-bound gravel. The existing garage in the northwest of the site will be removed, and the northwest area would be reinstated with natural landscaping.

Officers consider that the removal of the existing tarmac to be replaced with soft landscaping would be an improvement to the character and appearance of the site and will create a more attractive setting for the building.

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.

Concerns have been raised regarding overlooking and loss of privacy to gardens to the west of the site. A new glazed door with a balcony in place of an existing window is proposed on the west elevation. This balcony faces west and due to the positioning of the house would be in line with the bottom of the rear garden of 7 Trossachs Drive. Trossachs Lodge is set at a lower ground level than 1-7 Trossachs Drive, with the first floor at about the ground level of the gardens. The balcony would be approximately 15 meters away

from the shared boundary with 7 Trossachs Drive and approximately 27 meters from the rear elevation of 7 Trossachs Drive. There is also a fence and vegetation separating the two properties providing additional screening. Given these considerations, it is considered that the proposed balcony would not cause significant amenity impacts to neighbouring dwellings.

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.

SETTING OF WORLD HERITAGE SITE

The proposed development is not within the Bath World Heritage Site however sits approximately 60m outside the boundary and forms part of its setting; therefore, consideration must be given to the effect the proposal might have on the outstanding universal value of the World Heritage Site. In this instance, due to the size, location, and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal value of the World Heritage Site. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan, and part 16 of the NPPF.

IMPACT TO NON-DESIGNATED HERITAGE ASSET

During pre-application discussions, the site was identified by conservation officers as a non-designated heritage asset. Conservation officers have been consulted on the proposals.

A heritage statement has been submitted by the applicant to support the application.

The information provided shows that the construction of the first floor is red brickwork with render and timbers fixed onto the brickwork.

The new first floor will be constructed of an insulated timber frame, with lime-render to the exterior walls and half timbering to match the existing. The ground floor will be retained as it is. Protruding wooden joists under the extended first floor jetty are to be maintained, restored and conserved where possible and any replacements designed to match the existing. Existing stone corbels will be retained. The clay tiles for the roof will be reclaimed where possible or chosen to match the existing.

Reasons put forward by the applicant for the rebuild are: the timberwork details on the exterior of the house have degraded and need replacement throughout; the fabric of the building is uninsulated, damp and has a poor energy performance; the building lacks proper ventilation; many windows have been replaced by uPVC frames; a hidden valley gutter formed between two roof gables is difficult to access and has caused historical leaks causing internal and structural damage. The heritage statement also raises that several of the roof timbers appear to be showing signs of rot due to damp ingress. The

heritage statement concludes that the proposals would not cause harm to the significance of the heritage asset.

The Council's Conservation officer has raised that the application would cause harm to the significance of the non-designated heritage asset. The following concerns were raised.

The proposed balconies would appear incongruous to the Arts and Crafts style of the building due to the proposed glass panels.

The proposed lantern would not be unacceptable in principle however the proposed form is more suited to a ground floor space rather than at first floor over the centre of the property. A lantern of a different form would be more appropriate.

The rebuilding of the first floor would be unfortunate as it would be difficult to replicate the true character of the building in modern construction and new materials. There is concern that even with measures to ensure that historic details such as bargeboards are reused and a full schedule of works secured that the first floor would appear as a new build, so we need to be convinced that the rebuilding is absolutely necessary.

No heritage objection has been raised regarding the proposed garage.

The conclusion of the case officer is that the proposals would result in some harm to the non-designated heritage asset by virtue of losing the original construction and materials in the reconstruction. The significance of the heritage asset mainly results from its distinctive appearance and architectural style and the contribution this makes to the character and appearance of the area. It is accepted that the proposals will not result in a perfect replication of the existing dwelling, however given the mitigations in place, including the use of high quality traditional materials, retaining of original materials and architectural features where possible, and retaining of overall shape and form of the building, it is considered that the details of the proposal are designed sufficiently so as to replicate the existing building to a degree. With these mitigations in place it is considered that the asset's character would not be significantly altered and the contribution of the building to the character and appearance of the surrounding area would be maintained.

The matters of the balconies and lantern have been addressed in the 'Design, character and appearance' section of this report. It is considered that whilst these would be more contemporary additions, their addition would be acceptable and would not have a detrimental impact on the character and appearance of the building, subject to appropriate conditions.

It is therefore considered that the proposals would result in a low level of harm to the non-designated heritage asset.

Paragraph 216 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

A current and predicted Energy Performance Certificate has been submitted to support the proposals. The current Energy Rating is 44E. The predicted Energy Rating is 76C. This would be a significant improvement over the existing energy performance.

There is also evidence submitted that water ingress and damp have caused damage to the building structure.

Weighing these material considerations against the low level of harm identified, and given the mitigations against harm in place, it is considered that the material considerations outweigh the harm to the non-designated heritage asset.

It is therefore considered that the proposal is in accordance with policy HE1 of the Bath and North East Somerset Placemaking Plan and Part 16 of the NPPF.

SETTING OF CONSERVATION AREA

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. 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.

The site is not within the conservation area forms part of its setting. The conservation area boundary is situated approximately 60 metres to the west of the site.

Conservation officer comments raise that the proposals would cause some harm to the significance of the conservation area due to the proposed balconies and lantern, and concerns over the rebuilding of the first floor as explained in the 'Impact to Non-Designated Heritage Asset' section of this report.

No heritage objection has been raised regarding the garage.

The conservation officer's views are understood on this matter, however, it is the opinion of the case officer that the proposals would not cause harm to the wider setting of the conservation area. Although the first floor would be rebuilt, the appearance and form would be largely retained. The concern regarding the rebuild having a more modern appearance is acknowledged, however the proposals would utilize traditional natural materials and the character of the building will largely be retained. Some more contemporary additions will be included in the form of the balconies and the roof lantern, however it is considered overall that the appearance of the dwelling would not significantly differ from the existing or have a detrimental impact to the setting of the 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.

LANDSCAPE

The site is not within the Cotswolds National Landscape (Area of Outstanding Natural Beauty) nor the Green Belt but is near the boundary to both designated areas and forms part of their settings. Policy NE2 of the Local Plan Partial Update sets out that development should conserve or enhance local landscape character, features and distinctiveness, and that great weight will be afforded to conserving and enhancing landscape and scenic beauty of Areas of Outstanding Natural Beauty.

The proposed changes to the main house are not considered to result in significant visual impact, and will utilise high quality natural materials, thereby at least conserving the local landscape character. The proposed garage would be sited at a higher ground level than the main house and closer to the boundary of the designated landscape areas, therefore this addition will be more conspicuous from these areas. However it is considered that the design is in keeping with the site as a whole and the proposed materials will again be traditional and high quality. It is therefore considered that the proposed garage would not have a detrimental impact on local landscape and that the proposals as a whole comply with policy NE2.

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.

The site currently has a steeply sloped tarmac driveway leading down and across the site to a parking area with a single garage.

The proposal includes the creation of a new access off an existing turning head, erection of a double garage with an electric vehicle charging point inside and creation of 2 new parking spaces. The existing garage will be removed and the existing parking area and tarmac drive will also be removed. The new drive and parking area will be finished with permeable resin bound gravel.

The double garage will be at the boundary of the site with Trossachs Drive. Initially the garage was set approximately 1.8m behind the back edge of the adjacent footpath but has been subsequently moved to have a minimal gap between the footpath and garage following discussions with officers to avoid the creation of an area that could be misused as a parking area.

Concerns have been raised by objectors regarding trailing cables across the pavement for electric vehicle charging, vehicles overhanging or blocking the public pavement, the garage doors opening across the public pavements, and use of the turning head for parking.

Highways officers have been consulted on the plans.

Concerns from the public have been raised regarding the Schedule of Conditions set out by the Council which relate to the Section 184 license, which is required to provide a dropped kerb. This document states that 'the parking area must be a minimum of 4.8 m in length from the front of your property to the footway, (6 m in front of a door or garage)'. This relates to an area to the front of a garage to allow the parking of vehicles, and to assist the opening of a garage door. As the position of the garage situated to the back of the footway, there would be no area to park a vehicle on site in this area. Therefore, this need to provide an area of at least 6 m to the front of the garage would not be required. However, due to the position of the garage, the opening of a standard garage door would overhang the pedestrian footway, which fronts the site. Therefore, a condition would be necessary for a roller shutter door to be incorporated to the garage in order to ensure that pedestrian safety can be maintained.

The proposed EV charger has been removed from the application therefore there are no concerns regarding trailing charger cables across the highway.

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.

There are three trees onsite which are protected by a Tree Preservation Order (TPO), as well as other trees which are not statutorily protected but still form a material consideration. All trees onsite are proposed to be retained. A tree survey and tree protection plan has been submitted to support the application and the Council's arboriculture officers have been consulted.

No objections are raised by the arboricultural officers, however a detailed Arboricultural Method Statement would be required to cover construction of the pathway with no-dig methods and secure arboricultural supervision and monitoring. This can be secured by condition.

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 designated sites and other important habitat this means. 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.

A Preliminary Roost and Nest Assessment has been submitted to support the application and the Council's ecology officers have been consulted.

The site is not within or immediately adjacent to any designated sites for their nature conservation interest. The site is located approximately 1 km south of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC). There is mature vegetation on site which provides a functional link to the surrounding habitats and records of horseshoe bats are present in the surrounding area.

The Preliminary Roost & Nest Assessment confirms that the building has negligible potential for supporting roosting bats and no evidence of nesting birds was noted at the time of the survey. No further surveys are considered necessary. The recommendations in Section 5.3 are welcomed.

The Preliminary Roost & Nest Assessment confirms the site contains suitable habitat for supporting commuting/foraging bats. The boundary hedgerows are likely to offer connectivity for bats to the wider landscape and all the hedgerows will be retained. As such, further lighting details will be required and show details of a sensitive lighting scheme. This can be secured by condition.

The Preliminary Roost and Nest Assessment states that the site has the potential to support nesting birds. A condition securing a precautionary approach for nesting birds would be included in any permission.

As this is a householder application, it is not obligated to achieve measurable biodiversity net gain. Under Policy D5e new or extended buildings are expected to incorporate new or improved integrated wildlife features for bats and birds. Bat and bird boxes as recommended in the Preliminary Roost and Nest Assessment are appropriate and proportional and can be secured by condition.

With appropriate conditions in place, the application is considered to comply with policies NE3, NE3a, D8 and D5 of the Bath and North East Somerset Local Plan Partial Update and Part 15 of the NPPF.

CONCLUSION

For the reasons given above, the officer's recommendation is to permit the application.

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 Garage Doors (Compliance)

The garage doors shall be either roller shutter, sliding or inward opening such that they do not protrude over the adopted public highway, and shall be retained and maintained thereafter for the duration of use.

Reason: In the interests of highway safety in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

3 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall take place until an arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation (including demolition, clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery. Wording for all measures required must state what will happen and use committal language that is enforceable (eg "shall" instead of "should").

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

4 External & Internal Lighting (Bespoke Trigger - requires approval of details prior to installation of new lighting)

No new external or internal lighting shall be installed without full details of the proposed lighting design being first submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. proposed lamps and lamp models, with manufacturer's specifications; proposed lamp positions; numbers and heights, with details also to be shown on a plan;
2. additional information that demonstrates a high level of confidence that the proposed lighting will not result in unacceptable light spill levels onto habitats or features of ecological value (this may include details of predicted lux levels and light spill modelling where appropriate);
3. details of all measures and features to contain light spill, to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; to limit the use of lights when not required and to avoid harm to bat activity and other wildlife.

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

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

5 Precautionary Working Methods for the Protection of Wildlife (Compliance)

Works must proceed only in accordance with the following measures for the protection of birds:

- o a careful visual check for signs of active bird nests shall be made of the interior and exterior of the building and its roof, and any crevices and concealed spaces, immediately prior to any works affecting these areas;
- o nests in use or under construction shall be protected undisturbed until the young have fledged;
- o If birds are encountered works shall cease and a suitable buffer installed to avoid disturbance until eggs have hatched and chicks fully fledged.

Reason: to avoid harm to protected species (nesting birds) in accordance with policy NE3 of the Bath and North East Somerset Local Plan Partial Update.

6 Ecological Compliance Statement (Bespoke trigger)

Within 6 months of the commencement of works, a statement produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by a suitably experienced professional ecologist) confirming and demonstrating, using photographs that the installation of all additional features; consideration to enhancement features; all in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the precautionary working methods, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3, NE5 and D5e of the Bath and North East Somerset Local Plan Partial Update.

7 Integrated wildlife features (Bespoke Trigger)

No construction of the external walls of the development shall commence until plans showing integrated bat and bird habitat features have been submitted to and approved in writing by the Local Authority. The features shall then be installed in accordance with the approved plans and retained and maintained thereafter.

Reason: To provide new and enhanced wildlife habitat features in accordance with policies NE3, NE3a and D5 of the Bath and North East Somerset Local Plan Partial Update.

8 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 windows and doors, and roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include 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.

9 Roof Lantern (Bespoke Trigger)

Notwithstanding the submitted plans, no construction of the external walls shall commence until details of the proposed glazed roof lantern have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the character and 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, D3 and He1 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

10 Solar Panels (Compliance)

The solar panels hereby approved shall be monochromatic and non-reflective in appearance.

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, D3 and SCR2 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

11 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:

01 Sep 2024 PL03 REV C PROPOSED SITE PLAN, ROOF PLAN AND FLOORS PLAN
01 Sep 2024 PL04 REV D PROPOSED ELEVATIONS
01 Sep 2024 PL05 REV C PROPOSED GARAGE
01 Jul 2024 SCOTT_3_2024_06_24_ SITE LOCATION PLAN
01 Jul 2024 ARBORICULTURAL SURVEY AND REPORT
01 Jul 2024 FLOOD RISK ASSESSMENT
01 Jul 2024 PRELIMINARY ROOST AND NEST ASSESSMENT
01 Jul 2024 HERITAGE STATEMENT

2 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

3 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.

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 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

6 Biodiversity Net Gain - Exempt/Not required

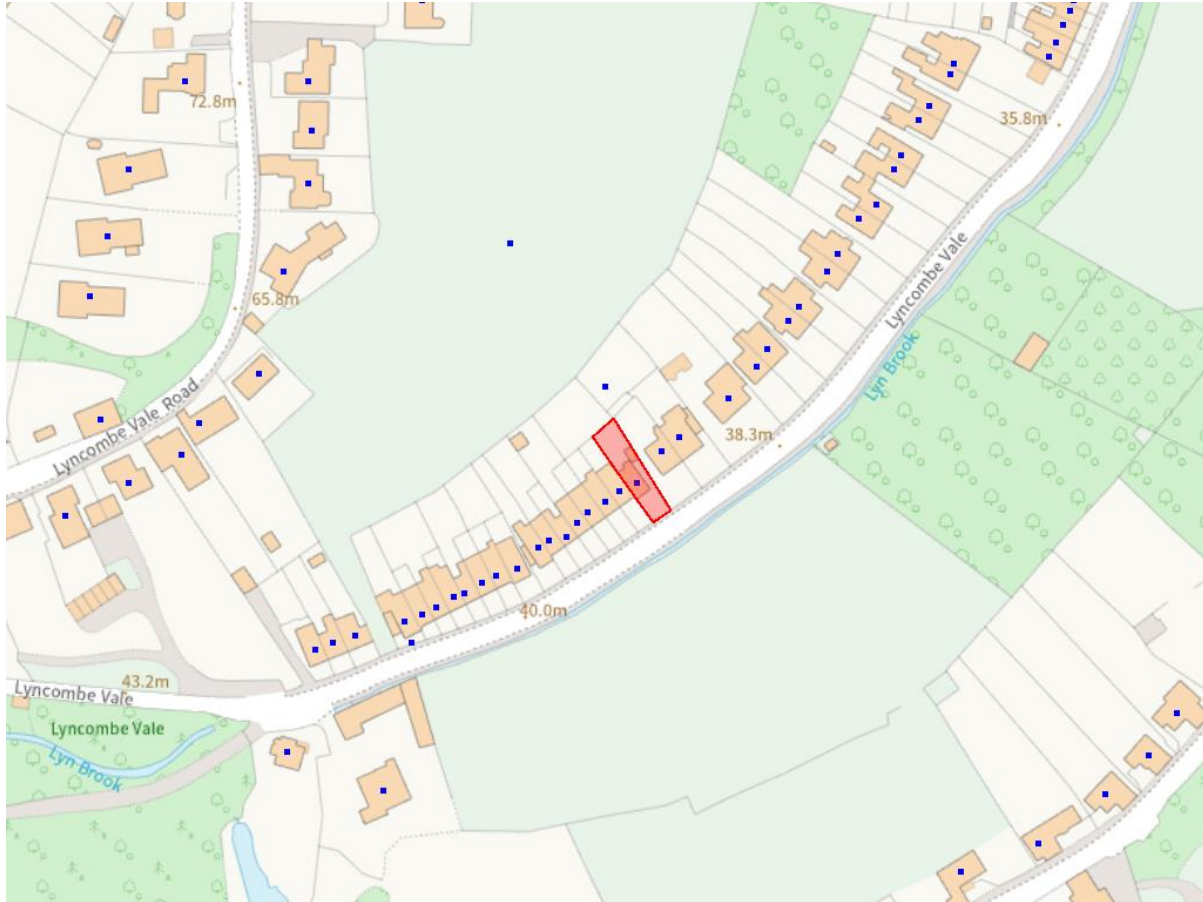
The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (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.

Item No: 07
Application No: 24/03198/FUL
Site Location: 16 Southville Terrace Lyncombe Bath Bath And North East Somerset BA2 4LZ



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

Ward Members: Councillor Alison Born Councillor Deborah Collins

Application Type: Full Application

Proposal: Erection of a two-storey rear extension, a single-storey side extension and installation of solar panels to the roof.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones,

Applicant: Neil & Nikki Short

Expiry Date: 13th February 2024

Case Officer: Ben Burke

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

REPORT

Committee Referral:

Following the call-in made by Councillor Alison Born, the application was referred to the Chair and Vice Chair of the Planning Committee. It was determined that the application be decided at committee for the following reasons:

Ian Halsall - Chair of the Planning Committee

There is a delicate balance to strike between the scale of the development and its potential impact on the amenity of neighbours and acceptability of the design and related impacts. This is in respect of the setting of the World Heritage Site and Conservation Area and whether the increase in volume and density of around 30%, almost at the policy maximum of one third of the existing dwelling will be appropriate in the Green Belt.

Whilst there is a significant number of objections and this is not reason alone to refer an application to committee, the planning issues that have been raised would warrant discussion by members.

Lucy Hodge - Vice Chair of the Planning Committee

Noting the concerns raised by both ward councillors and third party representations, in policy areas including amenity, overdevelopment, and impact on the Conservation area, I recommend that this application is determined by the Planning Committee.

Details of location and proposal and Relevant History:

The proposal is located on Lyncombe Vale which has residential properties on the northern site. It falls within Bath Conservation Area and World Heritage Site, the Bristol-Bath Green Belt and Cotswold National Landscape (formerly known as AONB)

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

Consultation Responses:

Councillors Alison Born:

A number of residents have contacted me to express concern about the proposed extension to 16, Southville Terrace on Lyncombe Vale.

While the property is clearly in need of modernisation, the plans represent a substantial development which will cause significant overshadowing and loss of light to the homes on either side; this is a particular problem on Lyncombe Vale where light is at a premium in the winter months.

The full height extension at the back of the property is significantly different from the other homes in the terrace and impacts materially on the conservation area. The property is on a small plot and the extension significantly alters the balance between the house and its

garden setting, it feels like an over development which could set an unfortunate precedent on Southville Terrace.

In view of the above, I think this application should be subject to democratic scrutiny and determined by the planning committee.

Representations Received: 19 objections, 2 neutral comments and 1 support comment (total 22)

Objections: 19 Objections.

Character:

Harmful to Bath World Heritage Site and Conservation Area.

Out of keeping and harmful to character of Lyncombe Vale and Southville Terrace.

Alteration from hipped roof to gable end out of character with terrace and harm to overall design of terrace.

Mass and bulk of rear extension harmful to Bath conservation area and Green Belt.

Size and roofline height of rear extension out of keeping with character of area.

Extension is disproportionate.

There are no other full-height rear extensions, resulting in it un-balancing the terrace.

Due to design, scale, siting and position proposal will not preserve character and appearance of this part of the Conservation Area and its setting.

Contrary to policy CP6 of the adopted Core Strategy (2014) and specifically policies D1, D2, D3 and HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 and 16 of the NPPF.

Lyncombe Vale's built and natural environment is enshrined in the Council's adopted World Heritage Site Management Plan 2016-2022.

Mixed and Balanced Communities:

Lyncombe Vale has a wide housing mix in terms of types and size. Proposal changes a 2-bed property to a 4-bed property harmful to the mix of housing in the area.

Green Belt:

No volume change calculations have been provided concerning whether extensions are disproportionate. [Volume calculations have now been provided.]

Amenity:

Height, width and depth of extension and large-scale rear windows of first floor and attic would be harmful to amenity of neighbours in terms of an imposing/overbearing impact, overshadowing, loss of sunlight and daylight and overlooking of adjacent properties and their rear gardens. 4 proposed rooflights in east elevation would result in overlooking of no. 15's. As a result, proposal is contrary to policy D6 of the Placemaking Plan.

Insufficient analysis/information concerning daylight / sunlight impact in accordance with current standards, i.e. 'BRE Site layout planning for daylight and sunlight: a guide to good practice' (BR209 2022) incl. 'The British Standard for Daylighting in Buildings' (BS EN 17037). [This technical guide concerns right to light legislation which falls outside planning legislation and is therefore not a material planning consideration]

Given potential loss of light to neighbouring properties a formal daylight and sunlight assessment should be provided.

Day light within Lyncombe Vale is restricted due to being at the bottom of a valley and proposal would worsen this.

Land slopes downward to the east resulting in no.17 being at a lower level. Given this and minimal separation proposal will result in significant loss of light to this property. Proposal results in inadequate outdoor space for dwelling and there would be insufficient day light for new kitchen.

Sustainable Construction:

Energy improvements are an aim without sufficient evidence. [Policy SCR6 concerning sustainable construction and zero operating emissions through onsite renewables does not apply to householder development. Reference to ASHPs and rainwater harvesting has been removed from the description of development as details are under consideration and not included within application.]

Given heat demand of property high heat requirement will result in heat pump with significant noise output and no indication of heat pump location. [ASHP has been omitted from application.]

Ecology:

Slow worms have been observed within garden of no. 16 over 17 years. Being a protected species under the Wildlife and Countryside Act 1981 a Phase 1 Habitat Survey is required to identify the location of the Slow Worms and ensure they are adequately protected during the development process.

Trees:

Large tree on the boundary between no. 16 and 17 would be harmed by construction works particularly of the cellar area and foundations, as well as being overshadowed by extension.

Other:

Proposal set a precedent.

Proposal not in keeping with AONB.

More details of levels showing impact on adjacent properties should be provided.

Separate access for basement annexe suggests intention for Airbnb use with parking implications. [Application is for extension to a single dwelling house (C3 Use Class). Provision of a separate basement unit would require separate planning permission.]

Property is akin to an HMO which are harmful to the community. [Application is for extension to a single dwelling house (C3 Use Class). Changer of use to an HMO would require separate planning permission.]

Basement access would not be suitable for persons with disabilities. [change of basement window to a door could be carried out under permitted development rights and there are no legal or policy requirements for alterations and extensions to dwellings to be for accessible to persons with disabilities.]

Comments: 2 neutral comments

Bath Preservation Trust:

Internally insulating external walls can result in damp issues. Should application be approved an informative referencing Historic England advice concerning internally insulating walls and roofs of historic buildings and ASHPs for such buildings should be attached.

PV for this property will not be harmful to CA or WHS but cumulative effect of panels on other properties within the terrace could be harmful.

Support: 1 support comment

Supportive of this application to move this historic home towards the Passivhaus EnerPHit standard, and the installation of a heat pump and solar PV. [ASHP has been omitted from the scheme].

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:

B4: The World Heritage Site and its Setting

CP5: Flood Risk Management

CP6: Environmental Quality

CP8: Green Belt

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

D5: Building design

D6: Amenity

GB1: Visual amenities of the Green Belt

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

D8: Lighting

GB3: Extensions and alterations to buildings in the Green Belt

NE3: Sites, species, and habitats

NE6: Trees and woodland conservation

ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)

The Existing Dwellings in the Green Belt Supplementary Planning Document (October 2008)

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in December 2024 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.

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The primary issue is whether the proposal represents inappropriate development in the Green Belt. Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, apart from exceptions, which include:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy GB3 concerns extensions and alterations to buildings in the Green Belt. It replicates the NPPF policy stating that 'proposals to extend or alter a building in the Green Belt will only be permitted provided they would not represent a disproportionate addition over and above the size of the original building.' The Existing Dwellings in the Green Belt SPD (2008) provides further clarification in respect of disproportionate. It states that 'in many circumstances a well-designed extension resulting in a volume increase of about a third of the original dwelling would be more likely to be acceptable.' Calculations have been provided showing the extensions constitute a 29.5% increase in volume on the original building. Given this, and that the rear extension is modest in scale, having a depth, width, eaves and gable end pinnacle level of 3m, 5m, 5.9m and 9.1m respectively, the extensions are not considered to be disproportionate. Consequently, the extensions are neither disproportionate nor represent inappropriate development in the Green Belt consistent with policy CP8 of the Core Strategy, policy GB1 of the Placemaking Plan, policy GB3 of the Local Plan Partial Update and part 13 of the NPPF.

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. Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, to enhance or better reveal its significance and setting. In respect of conservation areas, it states that development within conservation areas will only be permitted where it will preserve or enhance those elements which contribute to the special character or appearance of the conservation area.

The property is located on Lyncombe Vale which has housing on its north side consisting primarily of Victorian terraced and semi-detached properties. Application property is at the east end of Southville Terrace. The properties on the street, including Southville Terrace, are Victorian (19th century) in period. Terrace is set back from street frontage behind moderate, landscaped front gardens. At street frontage there is a low ashlar Bath stone wall interspaced by pillars framing gated pedestrian accesses. Terrace is primarily 3-storeys with basement, ground and first floor. End terrace properties (including application property) are half a storey higher having roof space accommodation. Gable ends of the end properties are slightly higher than the terrace's main ridgeline. Terrace comprises eight properties which, excluding the end properties, all have traditional tiled dual-pitched roofs. The terrace is bookended by the two end properties, including the application property (no.16), which project moderately further towards the street and have gable end roofs at the front. This design is replicated in the adjacent terrace (numbers 1-8). Application terrace is faced in ashlar Bath stone with tiled roofs. The dwellings, excluding those on the end, have matching ground floor, projecting bay windows. Style of the end properties differ being wider, moderately longer and having a stylistically different ground floor, projecting bay windows and fenestration above. Majority of the properties, except for the end houses, have original 2 storey, narrow, gable end rear extensions, with ridge lines consistent with the eaves of the terrace. There are several flat roofed, box dormer windows within the terrace's rear roof plane. There is a relatively small, level area at the rear of the terrace beyond which the garden steeply slopes up to fields and woodland beyond. The application property has an original rear porch and a modest, single-storey outbuilding adjacent to the rear of the dwelling and north-east boundary with number 17, which are to be demolished. Number 15, located to the south-west has a single storey lean-to rear extension extending the full width of the property with a depth of about 3.7m.

Upper level of this roof aligns with the underside of the main first floor window above. It also has a substantial rear dormer window. Number 17 located to the north-east is a semi-detached Victorian Villa sited away from the application property's boundary. Its materials are consistent with the terraces, and it has a single storey side and rear extension with a large plate window at the rear. Extension's front, side and rear facing materials consist of Ashlar Bath stone, render and timber cladding respectively.

A single-storey, side extension is proposed to provide a porch/lobby and workshop. It has a front and rear width of 1.5 and 1.8, and a depth and height of 7m and 3.3m. Extension is timber clad with a Zinc flat roof. The proposed two and a half storey rear extension has a depth, width, eaves and gable end pinnacle of 3m, 5m, 5.9m and 9.1m respectively. This extension replicates the gable at the front of the property in overall shape and form. As outlined, policy HE1 states that development within conservation areas will only be permitted where it will preserve or enhance those elements which contribute to the special character or appearance of the conservation area. The character and appearance of this part of Bath Conservation Area is defined by the buildings, as described, which consist of distinctive Victorian terraces and substantial Victorian semi-detached villas. In addition, the surrounding rural landscape which slopes up from the opposite side of the road and the properties rear curtilages (gardens) comprised of fields, stone walls, hedgerows and areas of trees. This rural landscape is glimpsed through the gaps between buildings, from the buildings themselves and when looking beyond the opposite side of the road. In summary, it is the distinctive buildings, and rural landscape character and topography that defines the area's special character and appearance.

The front elevation of Southville terrace is publicly visible and of distinctive design. The rear is neither publicly visible nor significantly visible from local properties, except those within close proximity. As described, the terrace's rear is of typical Victorian design and undistinctive. Although having 2.5 storeys the extension is modest in scale having a depth, width, eaves and gable end pinnacle of 3m, 5m, 5.9m and 9.1m. The extensions increase the volume of the original building by only 29.5%. As such, it is not considered the extension dominates the existing building or terrace. The main extension, although different from the existing rear extensions, is traditional in design and appearance, being consistent with the gable ended front elevation. Furthermore, the use of ashlar bath stone for the elevations and clay roof tiles is also keeping with the terrace's historic character and appearance. Consequently, the extension is not harmful to the character and appearance of the rear elevation, building overall or the terrace. The side extension is set substantially back from the frontage and being timber clad would have a lightweight and subservient appearance constituting an appropriate subtle addition to the property, complementary to the building's appearance. Although there are no two storey rear extensions within the terrace concerned there is a two-storey extension to the rear of 15 Sunnybank (17/02213/FUL), located further to the north-east, which is cuboidal in shape with a flat roof and depth and height of 4m and 5.8m - 1m greater in depth than the proposed rear extension. This was found to preserve the character and appearance of this part of the conservation area and its setting. As such, there is an example of a nearby two storey rear extensions within this part of the conservation area which was deemed policy compliant. With regard to the above, it is considered the extensions will preserve those elements which contribute to the special character or appearance of the conservation area consistent with policy HE1 and Part 16 of the NPPF, as well as preserving the character and appearance of this part of the conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

DESIGN, CHARACTER AND APPEARANCE:

Policies D2 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. Policy D5c concern extensions and states that they must complement and enhance the host building. For the reasons outlined in the Conservation Area key issue above, the extensions will safeguard the character and appearance of the host building and wider area consistent with policy D2 and D5. Furthermore, the extensions, in relating appropriately to the property and terrace's design and utilising appropriate materials and detailing, will complement and enhance the host building.

Representations have been received objecting based on overdevelopment of a small plot. The site does not comprise a small plot as the building is substantially set back from the street and has at least a medium sized rear garden. Also, the plot is larger than many others within the terrace, as being end of terrace, it is semi-detached and separated from the boundary. The plot has a site area of 210sqm and the dwelling, with proposed extensions, results in a density of 47 dwellings per hectare (dph), where 40-50 dph is generally considered low density. Given the topography of the site the level part of the garden adjoining the building's rear façade is relatively narrow, but the extension only occupies part of this area and is of lesser depth than no.15s adjoining single storey rear extension. A relatively substantial rear garden is maintained with the extension, larger than those of many properties within the terrace. Given this, the proposal cannot be considered to be overdevelopment. Therefore, the application is fully compliant with policies D2 of the Placemaking Plan, policy D5 of the Local Plan Partial Update and part 12 of the NPPF.

WORLD HERITAGE SITE:

The proposed development is within Bath World Heritage Site and therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

LANDSCAPE:

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in landscape terms, including conserving or enhancing the local landscape character, landscape features and local distinctiveness. The policy also states that development should seek to avoid or adequately mitigate any adverse impacts on the landscape. Section 85(A1) of the Countryside and Rights of Way Act 2000 requires that: 'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority.....must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.' The name Areas of Outstanding Natural Beauty has been changed to National Landscapes (NL).

The application property is located within Cotswold NL. Scheme consists of extensions to the side and rear of the building that do not increase its height and result in a 29.5% volume increase of the original building. Given the nature and scale of the scheme it will have no material impact on the landscape character, scenic beauty or conservation and enhancement of the natural beauty of the Cotswold NL. As such, the proposal complies with policy NE2 of the Local Plan Partial Update, part 15 of the NPPF and Section 85(A1) of the Countryside and Rights of Way Act 2000.

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.

The proposal increases the buildings size and number of bedspaces from 3 to 4. The property falls within Zone B (Outer Bath) where the parking standard is 1.5 parking spaces per 3-bedroom and greater dwellings. There is currently no off-street parking provision, but the requirement is unchanged by the addition of a bedroom. Furthermore, there is no evidence the proposal will demonstrably increase parking demand beyond the existing situation. Therefore, the proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document, and part 9 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.

Third party objectors have advised that being in a valley the properties of Lyncome Vale have reduced light, particularly during the winter. Number 15, located to the south-west, has a single storey lean-to rear extension extending the full width of the property with a depth of about 3.7m. Its roof aligns with the underside of its main first floor window. Its first-floor rear windows consist of a small window to a non-habitable room closest to the application property and a standard Victorian sash window to a habitable room at the other side of the elevation. It also has a long box dormer window within the rear roof plane. The proposed rear extension, given its shallow depth, will be shorter than no.15's existing rear extension. Given the position of no.15s first floor window (to a habitable room) away from the application property, the rear extension would not have an overbearing impact on or result in a loss of light to no.15. As the rear extension's roof would pitch away from the boundary with no.15, coupled with the significant length and size of no. 15s rear dormer window, this also applies to this window. Number 17, located to the north-east of the site, is a semi-detached Victorian Villa. The rear extension would be located 2.2m from no.17's boundary (at the closest point) and there would be a distance of 5.1m between the proposed rear extension and side elevation of no.17. Although located at a moderately higher level than no. 17, given the separation distance and limited depth of the proposed extension, it would not result in significant harm to the amenity of this property in respect of light, overshadowing or overbearing impacts. An objection has been received that the four rooflights proposed in the north-east elevation of the roof will result in overlooking of no. 17's side extension through intervisibility between

the proposed rooflights and those in the roof of their side extension. The rooflights, are above the attic stair and landings and any line of sight, if possible, will be at a highly oblique angle resulting in no demonstrable overlooking/loss of privacy. The location within a valley with restricted light is noted; however, for the reasons outlined, the extension proposed will not demonstrably exacerbate this situation. Therefore, the proposal will safeguard the amenity of surrounding properties and accord with policy D6 of the Placemaking Plan and part 12 of the NPPF.

DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

A very small part of the front curtilage adjacent to the road falls within an area of critical surface water drainage. However, this is almost entirely confined to the adjacent road and land opposite. As such, the proposed development is not considered to raise surface water drainage issues and considered to comply with policy CP5 of the Core strategy with regard to flooding and drainage matters, as well as part 14 of the NPPF.

TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland consecration. 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.

There is a moderate sized deciduous tree within the curtilage of no. 17 adjacent. It partially overhangs the boundary but is located away from the proposed siting of the rear and side extensions. The part of the application property's rear garden adjacent to the tree is currently hard surfaced and the tree is within close proximity of the adjacent property's (no.17) side and rear extension. In addition, the only extension to the rear basement is at the south-west side of the property, adjoining no.15, away from the tree and outside its canopy. Given this, it is not considered that the proposed extension will detrimentally effect this tree and the application is considered compliant 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. Being a householder application, the proposal is exempt from BNG.

The applicant has submitted a Preliminary Ecological Appraisal which advises the dwelling and outbuilding were surveyed and found to have negligible potential of roosting bats and no further surveys have been recommended. In addition, the permanent habitat loss within this site boundary is considered minimal and of low value habitats, however, to ensure wildlife can continue using the site and possibly enhance habitats it is recommended that biodiversity enhancements are incorporated including addition of two bird nesting boxes

either integrated within the building or in suitable locations within the landownership. This can be secured by condition and will provide adequate ecological enhancement consistent with policy NE3.

RENEWABLE ENERGY:

Policy CP3 entitled 'Renewable Energy' supports the provision of such technology. The proposed provision of solar panels and an air source heat pump (ASHP) is supported under this policy. These technologies are also permitted development on existing dwellings, subject to certain provisions and conditions.

A PV array is proposed on the southwest roof planes. Those on the existing building are permitted development and the panels on the extension will be permitted development once the extension is, subject to consent, substantially complete. The proposed PV array is therefore acceptable and consistent with policy CP3.

OTHER MATTERS:

Mixed and balanced communities:

Third parties have commented that Lyncome Vale has a wide housing mix in terms of types and size and that the proposed expansion to a 4-bed property will be harmful to the mix of housing in the area and cause a harmful loss of smaller properties. The drawings and details show that the proposal changes the property from a three-bed to a four-bed property and increase the volume of the original property by 29.5%, amounting to a modest proportionate extension. Given this, the proposal does not substantially change the size of the property and does not affect the mix of properties within the area.

Use for short-term letting:

It has been advised that the separate basement access proposed results in the proposal being akin to a House in Multiple Occupation and that the basement could be used as a separate unit for short-term letting, such as use for an AirB&B. The application is for extensions to a single dwelling house (C3 Use Class) with no change of use or subdivision being proposed. As any such proposal would require separate planning permission this is not a material planning consideration for this application.

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:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether or not to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal complies with the relevant local plan policies, as outlined above, and therefore complies with the development plan as a whole consistent with the above legislation. As such, it is recommended that conditional permission be granted.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Wildlife Protection and Enhancement (Pre-commencement)

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

1. Provision of two bird nesting boxes either integrated into the building or in suitable locations within the curtilage;
2. a programme of implementation for all measures within the scheme.

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

3 Implementation of Wildlife Scheme (Pre-occupation)

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

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

4 Materials (Compliance)

The extensions, hereby approved, shall adhere to the materials listed on the submitted planning application form.

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 and HE1 of the Bath and North Somerset Local Plan Partial Update.

5 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 approved drawings:

29 Aug 2024	SITE LOCATION PLAN
04 Dec 2024	853-P-0201_REV A NORTH ELEVATION EXISTING AND
PROPOSED	
04 Dec 2024	853-P-0202_REVA SOUTH ELEVATION (EX & PROP)
04 Dec 2024	853-P-03 REV A SITE PLAN PROPOSED
29 Aug 2024	853-P-203 PROPOSED EAST ELEVATION
22 Aug 2024	853-P-101 PROPOSED BASEMENT PLAN

22 Aug 2024	853-P-102	PROPOSED GROUND FLOOR PLAN
22 Aug 2024	853-P-103	PROPOSED FIRST FLOOR PLAN
22 Aug 2024	853-P-104	PROPOSED ATTIC PLAN
22 Aug 2024	853-P-105	PROPOSED ROOF PLAN

2 Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk 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 39 of the National Planning Policy Framework.

4 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.

5 Responding to Climate Change (Informative):

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

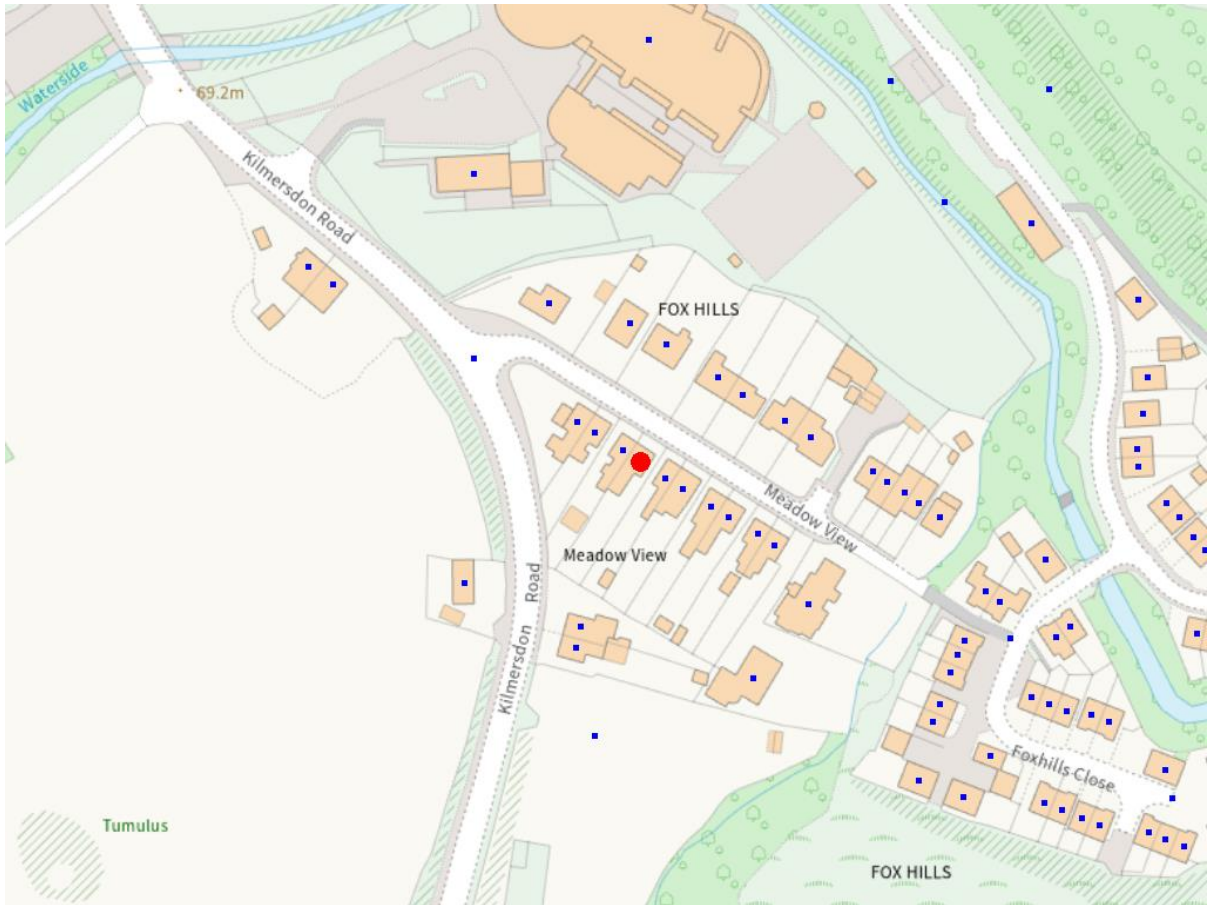
6 Heritage Advice:

Historic England provides the following advice regarding internal insulation and ASHPS in respect of historic buildings:

<https://historicengland.org.uk/advice/technical-advice/retrofit-and-energy-efficiency-in-historic-buildings/upgrading-thermal-elements-installing-insulation/insulating-roofs-in-historic-buildings/> (Insulating Roofs in Historic Buildings (Historic England)).

Historic England have published - Heat Pumps in Historic Buildings - Air Source Heat Pump Case Studies - Small-scale Buildings (2023) (<https://historicengland.org.uk/images-books/publications/air-source-heat-pumps-historic-buildings/>)

Item No: 08
Application No: 24/04739/TCA
Site Location: 4 Meadow View Radstock Bath And North East Somerset BA3 3QT



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

Application Type: Tree Works Notification in Con Area

Proposal: Remove 1 leyland cypress nearest applicant's shed, crown lift remaining 4 leyland cypress to 2m, remove buddleia (amended description)

Constraints: Conservation Area,

Applicant: Cllr Eleanor Jackson

Expiry Date: 3rd February 2025

Case Officer: Jane Brewer

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

REPORT

REASON FOR REPORTING NOTIFICATION TO COMMITTEE:

The notification is associated with an elected member.

DESCRIPTION:

This notification relates to a row of leyland cypress trees located within Radstock Conservation Area.

The proposal is to remove 1 leyland cypress nearest the tree owner's shed and crown lifting the remaining 4 leyland cypress to 2m. The removal of a buddleia has been included in the notice but this is a shrub so does not need a notice for any works.

Six weeks notice must be submitted to the Council for tree works or tree felling within a conservation area if the tree has a trunk diameter of 7.5cm or over (when measured 1.5m above ground level) and where exceptions do not apply.

The proposal has been brought to Committee to ensure that the Planning Scheme of Delegation is complied with and to ensure that full transparency in decision making is demonstrated.

The purpose of a tree notification is to give the Council the opportunity to consider whether a Tree Preservation Order should be made to protect the trees.

The following criteria are used to assess whether trees are worthy of a Tree Preservation Order:

1. visibility to the general public
2. overall health, vigour and appearance
3. suitability of their location and anticipated future management
4. special factors such as contribution to the character of a conservation area, World Heritage Site setting or overall green infrastructure; their rarity; their ecological contribution and whether they have historical significance such as in the case of veteran trees.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

No public representations have been received.

Radstock Town Council responded and resolved to support the proposal based on the amended description of works.

POLICIES/LEGISLATION

Town and Country Planning Act 1990 (in particular, sections 197-214 as amended)
Town and Country Planning (Tree Preservation)(England) Regulations 2012.

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

The trees are readily visible from Kilmersdon Road and form a closely planted row growing beside the southern boundary wall next to 1 Kilmersdon Road.

The trees represent screen or hedge planting and are unremarkable so are not considered to be suitable candidates for a Tree Preservation Order (TPO)

The works are considered to represent the normal management of trees within a domestic garden setting and a TPO would not be a proportionate response to the tree notice.

Recommendation:
No objection

Advisory Notes recommended for inclusion:

While this letter refers to planning controls, your attention is drawn to the Wildlife and Countryside Act 1981 as amended and the Countryside and Rights of Way Act 2000. Under these Acts all species of wild birds, their eggs, nests and chicks, are legally protected until the young have fledged. Tree work is best carried out outside the bird nesting season, which typically extends from March until September, although it may begin earlier than this. If work must be carried out within the bird nesting season, a qualified ecological consultant should carry out a detailed inspection to ensure that birds are not nesting in the trees that you are proposing to work on. If nesting birds are present the work must not proceed.

RECOMMENDATION
NO OBJECTION