

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Planning Committee**

**12<sup>th</sup> February 2025**

**UPDATE REPORT AND OBSERVATIONS RECEIVED SINCE THE  
PREPARATION OF THE MAIN AGENDA**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
1 The Square	24/03730/FUL	Berkeley House,  Westmoreland Bath Bath And North East Somerset BA2 3BH

**Condition 3 - Construction Environmental Management Plan**

**Update to refer to correct British Standard as follows:**

“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~~ **BS 5228 “Code of**

**practice for 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.

#### **Condition 4 – Noise Mitigation**

##### **Update to align with British Standard requirements as follows:**

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 35dB LAeq,16hr and 30dB LAeq,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 45dB LAmax.~~

- 1. Maximum internal noise levels of 35dB LAeq,16hr for living rooms and bedrooms during the daytime; and**
- 2. 30dB LAeq,8hr for bedrooms at night time;**

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

#### **Condition 6 – Parking Management Plan**

**Update to remove reference to “supported by a robust evidence base” wording as this is unnecessary and the quality of evidence necessary can be secured without reference in the condition. Reason updated to provide greater clarity why a Parking Management Plan is necessary.**

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 **and securing measures to control use of parking throughout the year to ensure no inappropriate parking occurs, limiting impacts on the highway and the surrounding parking spaces, which are not allocated to the development** in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Local Plan Partial Update.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
2	23/03390/OUT	Treetops Nursing Home St Clement's Road Keynsham Bristol Bath And North East Somerset BS31 1AF

The recommendation is listed as 'Permit', this should in fact be 'Delegate to Permit' to allow for the s106 agreement to be concluded.

On page 60 of the main agenda, within the Relevant Policies section the following duty is listed:

**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.

This duty is also reiterated on page 68 at the second paragraph of the section entitled Conservation Area.

This duty is only relevant to applications within the conservation area. This application site is adjacent to the conservation area and whilst the impact to the setting of the conservation area is materially relevant the duty is not engaged. This reference to the duty is therefore removed.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
3	24/02245/FUL	105 Holcombe Close Bathampton BA2 6UR

Under heading 'report' the paragraph should read :

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

The dimensions in the third paragraph of the Officer assessment

Character and appearance- should read:

The two-storey extension on the NW side of the dwelling has been reduced from that originally proposed and now has a **footprint of 7m x 3.5m at lower ground floor level and a footprint of 5.5m x 3.5m** at first floor level.

The following line is added

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 change of existing front door to a window is seen to be acceptable and not to harm the appearance of the dwelling.**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>4</b>	24/04180/OUT , BA2 3NW ,	St Malo First Avenue Oldfield Park

#### Ecology Consultation and Conditions

A new consultation response has recently been received from the Ecology Team. It raises no objection to the proposal but seeks the addition of 2no conditions as below:

#### **Wildlife Mitigation Scheme (compliance condition)**

The development hereby approved shall be carried out only in accordance with the ecological mitigation measures described in Section 6 of the Ecological Impact Assessment and BNG Assessment (Avon Ecology, 2024). A suitably qualified Ecological Clerk of Works will be appointed to oversee precautionary working methods as required and described within Section 6 of the Ecological Impact Assessment.

Reason: to avoid harm to protected species.

#### **Biodiversity Gain Plan (Pre-commencement)}**

No development shall commence until full details of a Biodiversity Gain Plan for on site and off-site delivery of Biodiversity Net Gain demonstrating the minimum 10% gain has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation (Avon Ecology, 2024), and with current best practice guidelines.

Reason: To protect and enhance ecological interests in accordance with policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE3A and NE5 of the Bath and North East Somerset Local Plan Partial Update and the Environment Act 2021.

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

#### **Wildlife Protection and Enhancement (Pre-occupation):**

No occupation of the development hereby approved shall commence until:

(a) measures to provide bird nesting sites and provision of hedgehog access points have been installed on site.

(b) a brief report confirming and demonstrating, using photographs, completion of the measures in part (a) of this condition, has been submitted to and approved in writing by the Local Planning Authority.

All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat.

Reason: to avoid loss of nesting habitat for birds and to provide biodiversity gains in accordance with NPPF and Policy D5e of the Bath & NE Somerset Local Plan

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
6	24/02494/FUL	Trossachs Lodge Trossachs Drive Bathwick Bath And North East Somerset BA2 6RP

*Conservation area duty*

The following duty is listed in the Policies/Legislation section of the report:

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.

This is reiterated in the 'SETTING OF CONSERVATION AREA' section of the Officer's assessment report.

This duty is only relevant to applications within the conservation area. This application site is adjacent to the conservation area and whilst the impact to the setting of the conservation area is materially relevant the duty is not engaged. This reference to the duty is therefore removed.

*Comments received*

2no. Further objection comments have been received from neighbours, raising further objections regarding the positioning of the garage and use of the turning head for parking and lack of evidence for reconstruction of the first floor of the dwelling.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
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Applicant's copy submission of supporting information document issued directly to members:

Key planning points will be summarised:

Extension is not for an Airbnb or HMO it is an extension to family home.

Applicant's copy submission of supporting information issued to members.

Key planning issues raised will be summarised, as follows:

Extension is not for an Airbnb or HMO it is an extension to family home.

Planning points:

1. Extension does not alter balance between house and rear garden.
2. The extension is not out of keeping with the rest of the terrace.
3. The extension does not set an unwanted precedent.
4. There is no significant impact on the light of neighbours.

B&NES Planning Team supported the pre-application scheme submitted for the proposal.

Schedule of photographs showing and specifying:

All the houses except for 15&16 have two-storey extensions. Many also have roof extensions.

A modern two-storey extension to the rear of 15 Sunnybank was approved in 2017. Aerial photograph showing no. 16's rear wall sited forward of no. 17. As such, any overshadowing is reduced.

Flooding and Drainage Team Comments:

No objection – all drainage works to comply with building regulations approved document part H.

PLANS LIST:

Following additional drawing added:

29 Jan 2025, 853-SK001, ROOFLIGHT SECTION