

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **30th July 2025**

AGENDA
ITEM
NUMBER

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.

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	25/01695/FUL 4 July 2025	Forest Edge Properties 6 Southdown Avenue, Southdown, Bath, Bath And North East Somerset, BA2 1HY Change of use from 3 bedroom dwelling (Class C3) to 6-Bedroom HMO (C4)	Southdown	Danielle Milsom	PERMIT
02	25/00872/PIP 11 April 2025	Sovereign Financial Advisors Limited Highbanks, The Street, Stowey, Bristol, Bath And North East Somerset Permission in Principle for the erection of 2no dwellings following demolition of existing detached annex.	Chew Valley	Angus Harris	PERMIT
03	25/00041/FUL 7 May 2025	Paws Up! Chew Valley Dog Adventures Parcel 6200, Moorledge Lane, Chew Magna, Bristol, Bath And North East Somerset Change of use from Agricultural Field to Secure Dog Field. Proposed fencing around perimeter of the field. Proposed single storey mobile field shelter. (Retrospective)	Chew Valley	Angus Harris	PERMIT
04	25/01768/FUL 1 August 2025	Mr Tim Brind 41 Bloomfield Rise, Bloomfield, Bath, Bath And North East Somerset, BA2 2BL Installation of side and rear dormers.	Odd Down	Christopher Masters	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 25/01695/FUL
Site Location: 6 Southdown Avenue Southdown Bath Bath And North East Somerset BA2 1HY



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Paul Crossley Councillor Dine Romero
Application Type: Full Application
Proposal: Change of use from 3 bedroom dwelling (Class C3) to 6-Bedroom HMO (C4)
Constraints: Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, 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, Ecological Networks Policy NE5, SSSI - Impact Risk Zones,
Applicant: Forest Edge Properties
Expiry Date: 4th July 2025
Case Officer: Danielle Milsom
To view the case click on the link [here](#).

REPORT

Following a call to committee request by Cllr Dine Romero, the application was referred to the Chair and Vice Chair of the planning committee. It was decided that the application should be decided by planning committee. Their comments are as follows:

Cllr Tim Ball (Chair):

My primary concern is not related to the HMO element but rather the impact on the neighbouring property, particularly the proximity of the garage to number 8. Given these issues, I believe this application warrants further scrutiny.

Therefore, I recommend this matter be referred to the committee for a more in-depth review. Additionally, it would be beneficial for members to conduct a site visit to fully understand the concerns raised

Cllr Paul Crossley (Vice-Chair):

I agree with Cllr Ball on this referral.

The application refers to 6 Southdown Avenue, a residential property located within Southdown, Bath. The site is located within the City of Bath World Heritage Sites.

Planning permission is sought for the change of use from 3 bedroom dwelling (Class C3) to 6-Bedroom HMO (C4)

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

None received

Representations Received :

Cllr Dine Romero:

I am writing to object to allowing the above family house to become a large HMO. Having examined the proposals and having heard from residents I am concerned that there will be an unacceptable

reduction in daylight to no8 as well as the new extension being overbearing for these neighbours.

Alongside this I am concerned that changing the use from family to 7 unrelated people, with the removal of the garage will put 7 more cars onto the road, which is already quite crowded.

There are at least 2 HMOs nearby and I do not believe this proposal will add positively to the mix of housing, especially since it takes a family house away, reducing the numbers of houses affordable to

Bath residents, and pushes more families to live outside Bath.

I hope if you are minded to permit that you will instead allow this application to be determined by the planning committee.

8 objections received. A summary is as follows:

- o Will cause parking issues
- o Additional rubbish and noise
- o Loss of family home
- o Schools are undersubscribed due to less families
- o Extension will cause overlooking
- o Neighbours not notified
- o Students taking up family homes
- o No space for 4 additional occupants
- o The change will cause antisocial behaviour
- o Bath unaffordable, the loss will make it worse
- o Money making exercise
- o Over saturation of HMO's in the area
- o Roads cannot accommodate additional cars
- o Local services are overstretched including doctors
- o Housing is less available driving prices up
- o Extension is not appropriate and too large
- o Extension will block light
- o Plans not accurate as they do not show materials

Transition Bath: comment

The current D rated EPC suggests both cavity wall insulation and additional loft insulation would be required to meet an EPC C rating but there is only a commitment to loft insulation?

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:

D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D6: Amenity
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 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
H2: Houses in multiple occupation
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)

The Houses in Multiple Occupation in Bath Supplementary Planning Document (January 2022)

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.

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:

Policy H2 of the Local Plan Partial Updates concerns 'Houses in Multiple Occupation' (HMOs). It states that proposals for changes of use to HMOS will be refused if:

- i. the site is within an area with a high concentration of existing HMOs (having regard to the Houses in Multiple Occupation Supplementary Planning Document, or successor document) as they will be contrary to supporting a balanced community;

The proposal meets the sandwiching and concentration criteria within the SPD, and would result in less than 10% concentration as allowed by the policy.

- ii. The HMO is incompatible with the character and amenity of established adjacent uses;

The proposed HMO would be a residential use within a residential area and would not be incompatible with the character and amenity of established adjacent uses.

- iii. The HMO significantly harms the amenity of adjoining residents through a loss of privacy, visual and noise intrusion;

There is no evidence that the proposed HMO would result in significant harm to the amenity of adjacent residents.

- iv. The HMO creates a severe transport impact;

There is no evidence that a single HMO would create a severe transport impact.

- v. The HMO does not provide a good standard of accommodation for occupiers;

The proposed HMO meets the standards outlined in the SPD which is expanded on in this report.

- vi. The HMO property does not achieve an Energy Performance Certificate "C" rating (subject to exemptions);

The property currently has an EPC rating of 'D'. It is proposed to add additional roof insulation which is suggested to be able to improve the rating to a 'C' which is policy compliant. A condition is added to require evidence of the new EPC rating following works and prior to occupation.

vii. The HMO use results in the unacceptable loss of accommodation in a locality, in terms of mix, size and type;

The proposal would result in a concentration of 8.1% HMOs in a 100m radius. As such the HMO would not result in an unacceptable loss of accommodation.

viii. The development prejudices the continued commercial use of ground/lower floors.

The proposed HMO use would not impact the ground floor commercial use of the property.

The Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) expands on LPPU Policy H2. This has 2 criteria. If the proposal fails either it is deemed to be contrary to this guidance and by default Policy H2 and will be refused planning permission.

Criterion 1:

This criterion concerns the sandwiching of residential properties between HMOs and aims to prevent the potential for negative impacts upon existing dwellings through this. It also aims to ensure that there is balance at street level. If the proposal would result in the sandwiching of a single dwelling house (C3 use class) between two HMOs it is considered to fail this criterion.

Our records show that no sandwiching would occur as a result of the proposed change of use of the first and second floor.

Criterion 2:

This specifies that proposals will be unacceptable where HMO properties represent 10% or more of households within a 100 metre radius of application property, or the application property tips the concentration to 10% or more.

According to our records, there are 122 residential properties within a 100m radius. 9 of these properties are currently HMOs, resulting in a concentration of 6.7%. The proposed change of use would increase this to 8.1%. The proposal therefore complies with this criterion.

The HMO SPD also provides standards for living accommodation. The proposed HMO meets space standards for single bedrooms and shared facilities and is therefore acceptable in this regard. Space is shown for clothes drying and all habitable rooms have windows.

Given the above, the proposal is considered to be in accordance with Policy H2 and the B&NES HMO SPD.

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.

The application was revised to remove initially proposed extensions. External alterations are now limited to the conversion of the garage into a habitable space with the removal of a garage door and insertion of a window. A window is also proposed to the rear elevation of the converted garage. These alterations are minimal and would not cause harm to the character and appearance of the area.

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.

WORLD HERITAGE SITE:

The proposed development is within the Bath World Heritage Site; 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.

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.

External alterations are minimal and would not result in residential amenity issues with regards to overlooking given that windows are to the ground floor and directed within the site.

With regards to the change of use, it is likely that patterns of use of the property would be materially different to a single family. As occupants would be individuals not living as a household, this may generate additional comings and goings. However, this is unlikely to be significant and would not cause significant disruption to neighbouring dwellings within a residential setting.

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.

Research findings from a 2007 study by the DCLG found that HMOs result in no net increase in parking demand over that of a family home. Research commissioned by BaNES in 2019 supports these findings. It is noted that there are additional bedrooms proposed, so an additional off-street parking space is also proposed, resulting in 2 spaces for the 6 bedrooms. This is compliant with maximum space standards as specified within the transport SPD.

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.

CONCLUSION:

"Section 70(2) of the Town and Country Planning Act (1990) makes clear that a Local Planning Authority must have regard to "the provisions of the development plan, so far as material to the application" and "ant other material considerations". Further, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".

In this case it is considered that the application complies with the relevant planning policies as discussed in the report above is therefore 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 EPC Certificate (Pre occupation)

Prior to first occupation of the House in Multiple Occupation hereby approved, an Energy Performance Certificate showing that the property has an EPC rating of C, B or A shall be submitted to the local planning authority and approved in writing.

Reason: To ensure the property has a EPC Rating of C, B or A in accordance with the Bath and North East Somerset Houses in Multiple Occupation Supplementary Planning Document, and Policies H2 and CP1 of the Local Plan Partial Update.

3 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until secure, covered bicycle storage for at least 4; bicycles has been provided. 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.

PLANS LIST:

1 This decision relates to the following plans:

Revised Drawing	12 Jun 2025	REV C	EXISTING	AND	PROPOSED
ELEVATIONS					
Revised Drawing	12 Jun 2025	REV C	EXISTING	AND	PROPOSED
FLOOR PLANS					
Revised Drawing	12 Jun 2025	REV C	EXISTING AND PROPOSED SITE		
PLAN					

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 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

Item No: 02
Application No: 25/00872/PIP
Site Location: Highbanks The Street Stowey Bristol Bath And North East Somerset



Ward: Chew Valley **Parish:** Stowey Sutton **LB Grade:** N/A

Ward Members: Councillor Anna Box Councillor Dave Harding

Application Type: Permission in Principle

Proposal: Permission in Principle for the erection of 2no dwellings following demolition of existing detached annex.

Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, LLFA - Flood Risk Management, Policy NE3 SNCI 200m Buffer, NRN Woodland Strategic Networ Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Sovereign Financial Advisors Limited

Expiry Date: 11th April 2025

Case Officer: Angus Harris

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

REPORT

The application refers to a parcel of residential land within the garden of the semi-detached property Highbanks. The application site is within the Green Belt.

Permission in Principle is sought for the erection of 2no dwellings following demolition of existing detached annex.

Relevant Planning History:

DC - 07/01805/FUL - WD - 24 July 2007 - Erection of a stable building in existing paddock

DC - 07/02545/FUL - PERMIT - 3 October 2007 - Erection of a stable building in existing paddock (Resubmission)

DC - 17/06072/FUL - PERMIT - 5 February 2018 - Installation of porous-surfaced tennis court.

DC - 19/04398/FUL - PERMIT - 6 December 2019 - Erection of single storey residential annex

DC - 22/04313/COND - DISCHG - 9 December 2022 - Discharge of condition 2 of application 19/04398/FUL (Erection of single storey residential annex).

DC - 23/00293/CLEU - RF - 28 March 2023 - Construction of residential annexe in accordance with planning permission 19/04398/FUL (Certificate of Lawfulness of Existing Use).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Dave Harding:

"Please accept this objection, and call in request should the Officer be minded to permit the application 25/00872/PIP, Highbanks."

The objection comments are summarised into the following topics:

- Unsustainable location and a lack of active travel options,
- The site is not Grey Belt,
- The increase in development will exceed that allowed in an infill development in the Green Belt,

Stowey Sutton Parish Council:

Stowey Sutton Parish Council do not object to application 25/00872/PIP in its present form.

Highways:

"Having reviewed the submission, the highway authority raises an objection to the principle of the development as detailed below."

The objection comments are summarised into the following topics:

- Unsustainable location and lack of local services,
- Lack of alternative modes of transport,

Arboriculture:

A holding Objection is raised due to the lack of tree surveys. It is highlighted that mature trees are on site and Tree Surveys will be required to ensure development can remain compliant with Policy NE6.

1no objection has been received which has been summarised into the following points:

- The settlement has already exceeded target number of new properties, hence development cannot be infill or meeting an unmet housing need,
- Access to the properties would be via a single track access lane which serves 5 properties,
- The single track access cannot support the potential new vehicle movements due to visibility, width and existing usage,
- Bins and recycling will need to be sited where the access track adjoins The Street,
- The properties may be larger than the neighbouring dwellings on either side,

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:

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
D3: Urban fabric
D4: Streets and spaces
D5: Building design
D6: Amenity
D7: Infill and backland development
GB1: Visual amenities of the Green Belt
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 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
GB2: Development in Green Belt villages
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
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 Existing Dwellings in the Green Belt Supplementary Planning Document (October 2008)

Planning Obligations Supplementary Planning Document (January 2023)

NEIGHBOURHOOD PLANS:

The following Neighbourhood Plan is relevant to the determination of this application:
Stowey Sutton

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

ASSESSMENT SCOPE:

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development. It separates the consideration of matters of principle for the proposal from the technical detail of the development. There are therefore two stages to this permission route. The first stage is through obtaining permission in principle, which established whether a site is suitable for the proposed development in principle. The second stage (Technical Details Consent) is when the detailed development proposals are assessed.

The scope of a permission in principle application is limited to location, land use and the amount of development. Other matters should be considered at the Technical Details Consent stage.

This application is the first stage of the process and seeks to establish whether the site is suitable for the erection of 2 New Build Dwellinghouses (Use Class C3) following demolition of the existing outbuilding within the residential garden of Highbanks.

The application is within the Green Belt and it outside of a housing development boundary.

GREEN BELT:

The proposal seeks the development of 2no new dwellings. The site is within the Green Belt and is not within a defined settlement boundary, nor adjacent to one. The development of new buildings is set out as inappropriate development in paragraph 153 of the NPPF.

The application puts forward that the development complies with paragraphs 154g) of the NPPF:

"154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt."

Previously Developed Land is defined as:

"Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed).

Previously developed land excludes: ... land in built-up areas such as residential gardens... The definition does not exclude land residential gardens in rural areas.

The application site is a residential garden within a rural area. The garden has been lawfully developed with outbuildings. As such, the site can be considered to be previously developed land.

The proposed development would need to avoid causing substantial harm to the openness of the Green Belt.

The proposed drawings show 2no dwellings built as semi-detached properties, with floor areas larger than that of the existing dwelling at Highbanks. Given the site of the footprint shown, the buildings may be significantly larger than the outbuilding being demolished. It is likely that this current design will result in substantial harm to the openness of the green belt due to the size increase.

However, where this application is applied for as a Permission in Principle the overall design, height, massing or appearance are not matters that are available for review at this stage. Technical Details application will provide this information for further scrutiny.

It is possible that a scheme for 2no dwellings could come forwards without causing substantial harm in which instance, the development can comply with paragraph 154g) of the NPPF and is not inappropriate development in the Green Belt.

GREY BELT:

Where the application is compliant with paragraph 154g), further assessment of green belt criteria is not necessary. However, it has been specifically queried whether the application is grey belt. In summary, the application is not found to comply with all of the grey belt criteria set out in paragraph 155, specifically subparagraph c) as the application site is found be an unsustainable location.

DISTRICT SPATIAL STRATEGY

Policy DW1 sets out the district wide spatial strategy and there is a focus on new housing being located within Bath, Keynsham and the Somer Valley and in rural areas where development is located within settlements with a good range of local facilities and with good access to public transport.

In this instance the site is situated outside a defined Housing Development Boundary and the Green Belt. Due to its siting, Policies RA1, RA2 and GB2 which support development within settlement boundaries are not relevant to the scheme.

The application site is a residential garden which lies to the side (north east) of the semi-detached property known as Highbanks. The application site fronts the main road The Street, which runs through the centre of this small settlement, with residential dwellings bordering the site on either side of the road. There is some local variation in dwelling size, design and positioning in relation to the road.

POLICY D7: INFILL AND BACKLAND DEVELOPMENT

1. Infill development is defined as the filling of a small gap in an otherwise built-up frontage, usually consisting of frontage plots only. Infill development could be supported where:

- a. Development has regard to the character and quality of the surrounding townscape
- b. New development reflects the form, pattern and grain of this existing development or otherwise enhances the character.
- c. Infill development on corner plots gives careful consideration to both the primary and the return frontage in relation to height scale, massing and design and relates well to the treatment of corner plots within the local context

The street scene does not form a continuous or uniform frontage, but lines of dwellings do follow The Street on the north and south sides of the road. The application site is a small gap within this line of development.

Whilst design is not available for review at this stage, the addition of the 2no semi-detached dwellings is not found to be out of character with this local pattern of development.

HIGHWAYS:

The site is located outside of an adopted Housing Development Boundary, and the location for development needs to be assessed against the test of the Local Plan Partial Update transport policies, and in particular ST1 and ST7.

Objection has been received by a Ward Councillor and the Banes Highways Team on the basis that this site is not in a sustainable location.

Stowey as a settlement is not defined as village within the Banes development plan. No public transport facilities serve the street and there are no local services within Stowey. An unlit footpath serves The Street itself, however this terminates at the north end of the settlement.

It is situated approximately 1km by road to the edge of the nearest settlement Bishop Sutton, and an additional 250m to local services. No footpath connects these, and the roads are narrow country lanes. Whilst a bus stop is sited on the A368 near to the junction for The Street, there is no footpath and the road narrows with tree covered stretch with steep earth banks on each side, making walking along this road dangerous.

The occupants of the new dwellings would be reliant on the use of private cars for their everyday needs. The application site is found to be an unsustainable location.

In addition, neighbouring objection comment has highlighted the unsuitable use of the existing access track due to its width, narrow visibility, lack of turning spaces and its use serving existing properties. No objection was received from the Highways Team on this matter at this stage.

The layout and access of the site are not under scrutiny at this stage of application, which only allows consideration of location, land use and amount of development. The site fronts the main road and it may be possible that alternative access can be provided for the dwellings.

HABITATS DEVELOPMENT:

Permission in principle must not be granted for a development which is a Habitats Development. A Habitats Development is defined as a development which is likely to have a significant effect on a qualifying European Site or an offshore marine site, referred to as a habitats site in the NPPF. For sites which are likely to have a significant effect on a European site without any mitigating measures in place, an appropriate assessment must be undertaken prior to a granting of permission in principle.

Due to the sites' location, the site is not considered to be defined as a "European site", nor is it an offshore marine site. As such, an appropriate assessment is not required in this location and it is not 'habitats development'. The applicant will be required to demonstrate Biodiversity Net Gain at stage 2 as well as providing ecological enhancements.

Comments have been provided by the Banes Arboricultural Team. Whilst the final layout and design are not matters that can be considered at this stage, it is highlighted that there are mature trees on site which are statutorily protected in a development situation.

A Technical Details application will need to be accompanied by a Tree Protection Plan and Arb Method Statement to ensure that the development can remain compliant with Policy NE6 of the LPPU.

Note to the applicant in relation to Ecology and site clearance:

The applicant shall not remove suitable habitat for protected species before a stage 2 application is approved or sufficient ecological surveys have been approved by the Local Planning Authority. If this is undertaken, this would be viewed unfavourably and has potential for a legal breach, the matter would be reported to the police.

The following will be required at the stage 2 application:

- o Preliminary Ecological Appraisal completed before any site clearance (including vegetation clearance, ground investigations or enabling works) by a suitably qualified ecologist to include habitat survey, protected species audit and mitigation and compensation strategy.
- o Any further protected species surveys based on requirements identified in the PEA.

- o Defra Small Sites Metric spreadsheet and condition sheets consistent with the PEA report and site plans showing proposals.

- o Landscaping plan consistent with the Defra metric.

It is expected that all protected and notable species and important habitats (eg native hedgerows) will be identified, retained and protected/mitigated in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992.

An application for Technical Details Consent must be made prior to commencement of development and no later than the expiration of three years from the date on this decision notice, after this period this Planning Permission in Principle shall lapse.

PLANNING BALANCE

Paragraph 11 of the NPPF Sets out that decisions should apply a presumption in favour of sustainable development. Subparagraph d)i) sets out that, where policies which are most important for determining the application are out-of-date, which includes policies involving the provision of housing where an LPA cannot demonstrate a 5-year housing land supply, permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In this instance, the application is found to be appropriate development in the green belt, constituting the partial or complete redevelopment of Previously Developed Land. The development would need to avoid causing substantial harm to the openness of the Green Belt which is a matter to be scrutinised during a Technical Details application.

The application site is found to be unsustainable by location and is found contrary with policies ST1 and ST7 as a result. However, the site sits amongst existing residential housing. It is not isolated from other development and may be found to constitute infill development in accordance with Policy D7.

The harm arising from the sites unsustainable location is not found to significantly and demonstrably outweigh the benefits, and accordingly it is recommended that permission is granted.

SCHEME OF DELEGATION:

As the Officer recommendation is contrary with the objection comments received by a Ward Councillor and the Parish Council, this application has been deferred to the Chair and Vice Chair of the planning committee.

The Vice Chair has determined that this application should come to committee.

The Chair has similarly determined that this application should come to committee, commenting as follows:

"I've given this application considerable thought and concluded that it should be brought to the committee for further deliberation.

In your summing up, the application site is found to be unsustainable by location and is contrary to policies ST1 and ST7. However, considering the site is situated among existing residential housing and not isolated from other development, it may be considered infill development in accordance with Policy D7.

Given these nuances, it would be prudent to seek the committee's advice on the matter."

As such, this application will be determined at the planning committee.

CONCLUSION:

In the balance, the proposal is found to be compliant with local and national planning policies as above and is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

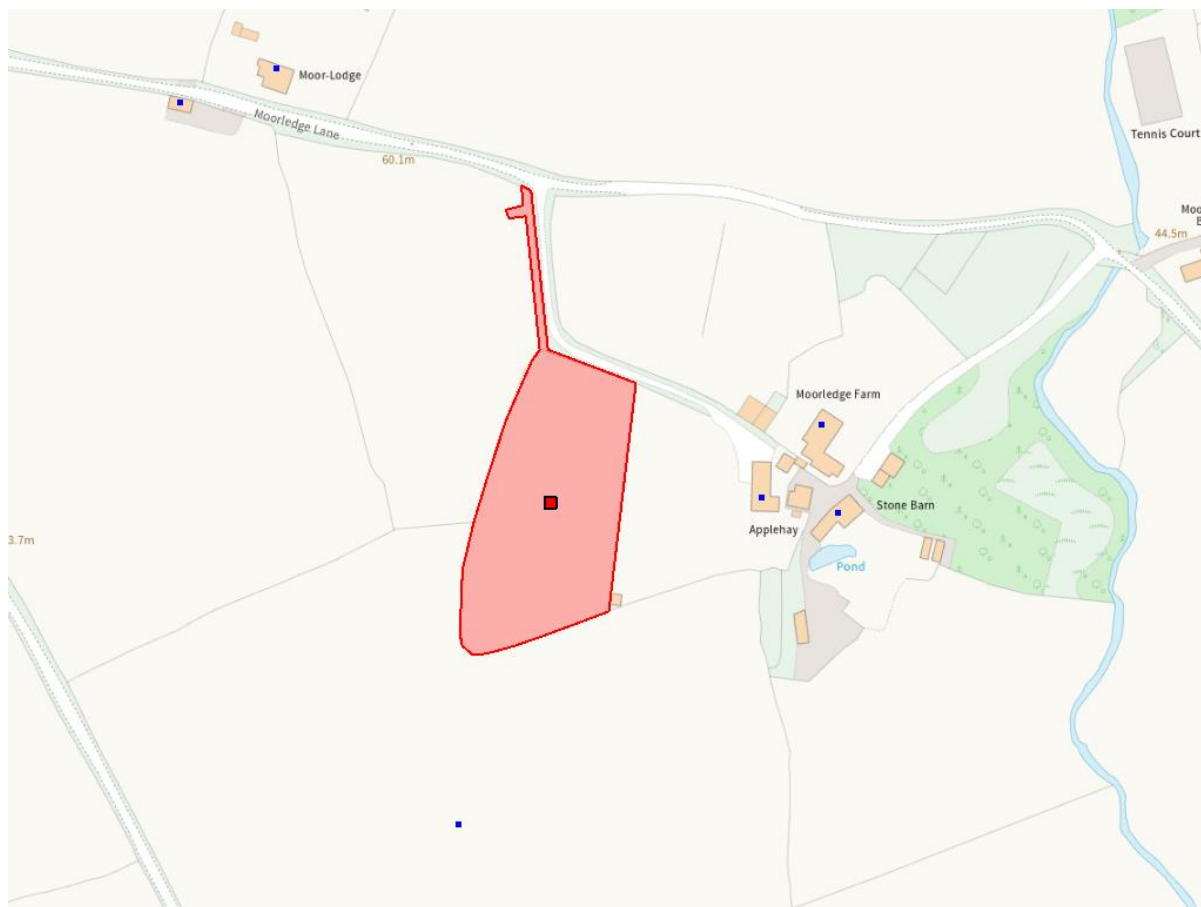
PLANS LIST:

1 This decision relates to the following plans:

Drawing	14 Feb 2025	4355.PL.03	EXISTING SITE PLAN
Drawing	14 Feb 2025	4355.PL.04	PROPOSED SITE PLAN
OS Extract	14 Feb 2025	4355.PL.01	SITE LOCATION PLAN

2 An application for Technical Details Consent must be made prior to commencement of development and no later than the expiration of three years from the date on this decision notice, after this period this Planning Permission in Principle shall lapse.

Item No: 03
Application No: 25/00041/FUL
Site Location: Parcel 6200 Moorledge Lane Chew Magna Bristol Bath And North East Somerset



Ward: Chew Valley **Parish:** Chew Magna **LB Grade:** N/A

Ward Members: Councillor Anna Box Councillor Dave Harding

Application Type: Full Application

Proposal: Change of use from Agricultural Field to Secure Dog Field. Proposed fencing around perimeter of the field. Proposed single storey mobile field shelter. (Retrospective)

Constraints: Bristol Airport Safeguarding, Agricultural Land Classification, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy M1 Minerals Safeguarding Area, Policy NE3 SNCI 200m Buffer, Neighbourhood Plan, Other Please specify, SSSI - Impact Risk Zones,

Applicant: Paws Up! Chew Valley Dog Adventures

Expiry Date: 7th May 2025

Case Officer: Angus Harris

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

REPORT

The application refers to an agricultural field referred to as Parcel 6200, to the south of Moorledge Lane, south of Chew Magna.

Planning permission is sought for the change of use from Agricultural Field to Secure Dog Field. Proposed fencing around perimeter of the field. Proposed single storey mobile field shelter.

Relevant Planning History:

There is no relevant planning history on this site.

Summary of Consultation/Representations:

Consultation Responses :

Councillor David Harding:

I wish to object to the current application.

The application seeks permission for the change of use of the agricultural field to a dog exercise area and creation of a new access, parking area and fencing.

The site would be used as an area for people to visit and exercise their dogs in a secure location. The business would cater for the site to be hired for up to one hour for up to 6 dogs and bookings would be via an online booking system.

The site is located in the Green Belt, on agricultural land in an area used consistently for animal farming and teeming with wildlife.

The site is accessed from an extremely narrow single track lane.

There is little evidence of local demand for this facility.

Strong representation to the Parish Council has been made by numerous local residents. Very few local residents support this application. As a result the Parish Council are opposed to this change of use and development.

It should also be noted that the applicant appears to have already started work on this site, including the construction of tracks suitable for car use, without appropriate permission and sends a clear message regarding their respect for planning regulations and future management of the site.

Policies

The following relevant Policies are not being met.

1. The district's Core Strategy and Placemaking Plan- The Vision for the Rural Areas states that the district's rich and diverse countryside will be maintained.

2. Policies from the Core Strategy:

- A. Policy PCS2- development will only be permitted where it does not have a significant effect on ... quality of life, the natural environment... or general amenity unless this can be minimised or mitigated to an acceptable level.
- B. Policy RE2- non-agricultural development on agricultural land will only be permitted where it does not have an adverse effect on the efficient operation of an agricultural business.
- C. Policy ST1- 1.2 reduce dependency on the car, and 1.6 reduce the adverse impact of all forms of travel on the natural environment.
- D. Policy D6. Must not cause significant harm ... by reason of increased noise.

3. Chew Valley Neighbourhood Plan

- A. Policy HDE1 Rural Landscape Character- to be supported development proposals must demonstrate they conserve and do not harm the characteristic rural features of the area
- B. Policy HDE7 Traffic Impact
- C. A7 - Aspiration for Tranquillity.

None of the above policies are met by the proposed development (see below).

Sustainability, Transport, Access The application's management plan states "that it is assumed that many users will be local and will walk to use the paddock rather than drive". This is fanciful. The site is distant from the main population centres of the Parish. People who own reactive dogs for instance who thus need or prefer to be in a secure field will drive to the site. The vast majority of people who walk their dogs on the footpaths will not need to nor will use the facility.

The applicant has not shown any evidence of there being local demand for this facility. The majority of the supportive statements on the planning portal are unknown to any of the Parish Councillors, or can be shown to be not resident locally by simple internet search eg of social media posts or electoral roll directories. Thus even were these supporters of the development to use the facility they would have to drive.

Furthermore, provision for up to nine car parking spaces is apparently requested: highways state- "3 parking spaces close to the entrance and a further 3 parking spaces shown to the south. Point 7.1 of the DAS states that 3 spaces would be available from the adjoining field to provide further parking." This provision is not compatible with the statement that many users will walk to the facility.

Access to the site is via a very narrow, single track lane (Moorledge Lane) with limited passing places. Moorledge Lane is approximately 400 metres from the nearest feeder road (Moorledge Road) is often very busy and which itself in places is a single carriage width. Once resident said to me "you pray no one is coming the other way every time you go through the lane". This is an inappropriate place for encouraging further car use and I have to question if Transport and Highways ever visited this site prior to completing their response.

In addition, Policy HDE7 of the Chew Valley Neighbourhood Plan says that developers of any nonresidential development, will be required to complete a Traffic Impact Assessment. The applicant has not done so.

Residential Amenity and Noise

The Management Plan states that there is unlikely to be a noise nuisance caused by the limited number of dogs allowed per session, but allows for up to six dogs a session.

Noise from dogs can be very varied depending on the individual dog or dogs, their activity, and handling at the time. It is clear from walking near to kennels that dog barks can be heard from considerable distances and it is unreasonable to assume that nuisance to nearby residents (or wildlife and farm animals) from calling, shouting or whistling would not occur or can be managed by planting hedges or provision of terms and conditions to clients.

Due to the proposed location in open countryside, the noise disturbance could travel some distance and there is no noise assessment with this application. Although I gather that assessing the potential noise from dog barking is not straightforward, as there is no standard way to measure or assess noise from dog barking, and no criteria against which to compare any predicted noise levels.

The closest neighbours are located approximately 50 metres from the site boundary. Dog barking would be clearly audible from neighbouring properties.

Wildlife, Sheep and Cattle

Dogs barking in close proximity to sheep may cause distress to the animals including loss of lambs if pregnant. Such noise can also affect dairy cows and milk yields if grazing on the neighbouring land.

In addition there are badgers, deer, foxes, bats, newts and rare birds including barn owls that visit the area and may be affected by the developed site and barking dogs.

Potential changes to application

If Council permits this development-

1. noise generating canine activities such as agility, exercise training and any other canine sports and general recreation by members of the public should be excluded
2. reduced hours of operation from that originally proposed to 08.00-18.00 Monday to Friday, 09.00-16.00 Saturday and 10-12.00 Sundays and Bank Holidays should also be enforced.
3. the maximum number of dogs using the facility at any one time should also be reduced e.g. to 4.
4. any permission should be temporary, for an initial limit of three years.

Finally should permission be granted it must be done solely on the controlled provision that the land is returned to agricultural purposes after the site ceases to be used for dog walking and for instance will not be considered as "Grey Belt".

Chew Magna Parish Council:

Chew Magna Parish Council wishes to raise strong objection to this proposed change of use of an agricultural field for the following reasons:

1) That of today's date the applicant/owner has commenced works with the installation of a gravel track a building and advertisements for the facility (photographs available if needed)

2) This proposal represents a major change in the natural character of the area and is certain to effect local residences as well as residents with dog noise and intensification of traffic in a single track road (see traffic note under Highways

3) and has been commenced without any local referencing 3 Highways - Moorledge Lane is a single track road ,part of the Avon Cycleway network, and has been the subject of regular concern and complaint to B&NES COUNCIL concerning poor upkeep poor workmanship and used for diversion. The particular entrance to this field is used by many cars reversing back up the hill and is opposite a field regularly used for airport parking - any increase in vehicular use is likely to intensify the potential for accidents. This lane also regularly floods in two areas within 150 m of this concealed entrance which admittedly has been used for agricultural purposes approximately once or twice a month

4) There is already a facility in The Chew Magna Parish on the Winford Road which is well located, underused and in a far less sensitive situation

5) The proposed change of use is located in MOORLEDGE which in itself describes the location with the natural moor within 300 m . Deer, badger, foxes, bats and many birds that visit the Chew Valley lake use the nearby moor .B&NES COUNCIL have been particularly keen to address all aspects of NATURE CONSERVATION on all recent developments along Moorledge Lane and we would expect nothing less on this application

6) There are a number of public footpaths in the immediate vicinity and we are already experiencing problems with poorly managed dogs and dog owners as well as trespass

7) It should be noted that adjacent fields are regularly used for sheep grazing and even dog noise can disrupt these sensitive animals.

a) Barking dogs nearby can cause panic and abortive outcomes for pregnant sheep.

b) Dogs can catch Bovine TB from Badgers

c) The existing facility is a maximum 7 minutes away

d) Looking at the proposed use, vehicle visits, projected in operating hours, are very high

e) Footpaths shown on old plans continued to be used by locals regularly in last 20 years

f) Are there plans for toilets for human owners?

g) What are applicant's intentions for this site

Chew Magna Parish Council also note the objection comments of the adjacent residential property owner. Moorledge Lane is not suitable for, or capable of, accepting additional traffic.

Should the Local Authority be minded to approve (with substantial conditions) it should be made clear that the land is to remain zoned as agricultural, as any other zoning could give rise to a future classification leading to a request for residential development within the Green Belt.

As part of the Neighbourhood plan it was clearly evident from responses that people live in the country due its very attractive landscape which will clearly be affected by this proposal

It would be interesting to find out where the support is coming from as there is limited knowledge of the people submitting the support being residents of the local area.

In summary and for the foregoing reasons Chew Magna Parish Council respectfully suggest that B&NES COUNCIL do not support this change of use of this agricultural field. Should B&NES COUNCIL see fit to support the application then Chew Magna Parish Council would request that a number of long term restrictive measures are put in place to mitigate the very strong concerns being expressed by local residents in this, a very natural countryside area. We would not support the urbanisation of this attractive countryside location. FINALLY we would expect consistency in process especially concerning the NATURAL ENVIRONMENT at MOORLEDGE.

- Updated comments received 5th February 2025 following the Parish meeting:

Further to our previous comments. Chew Magna Parish Council, last night 4 Feb 2025 received a presentation from the architect acting for the applicant.

This presentation raised a number of serious concerns with Councillors and members of the public living in Moorledge and users of this busy lane which is a single track highway:

1) The applicant's agent stated that a maximum of 10 vehicles a day using this facility would be normal. Given that the site would be open most days of the year this could mean between 2 and 3 thousand vehicle visits to this restricted site along a poorly maintained country single track road which floods at both ends regularly, and is subject to almost monthly concerns expressed by Chew Magna Parish Council relating to maintenance, In addition. It is used regularly by BANES as a diversion route and regularly slowed by vehicles backing up and down the lane due to its narrow nature. We as a council would request that the Highways Officer who has no observations /objections revisits the site, and his or her decision. Perhaps the Officer would like to meet residents, especially those living in the lane to hear the many concerns.

2) The applicant's agent stated that there would be parking for one vehicle. How will this be enforced?

3) Given that the track has been installed already along with the shelter shed Councillors asked why in advance of the change of use application had this been done. The architect stated that in his view this is permitted development. Is this the case please?

4) Turning to environmental mitigation - the applicant's agent stated that a hedge sourced from Chew Valley trees would be planted and that this would reduce noise. Councillors questioned the validity of this statement given the width of the proposed hedge. Normally a thick hedge on a raised mound would need to be installed to mitigate such noise intrusion to this very natural environmental setting.

5) Wildflower planting - this is proposed as further mitigation and raised further questions and concerns relating to the type of plants native to the area. The atlas of the British flora and suitable local species should be used, not floral mixes as shown on the pictures presented in the management proposals

Councillors raised a number of other points relating to the following

A Actually, where do the supporters for this application come from? The answer from the applicant's agent clearly indicated that most supporters came from Clutton, Temple Cloud and that area Chew Magna Parish Council does not consider such support to be environmentally justifiable in terms of energy fuel or in any way sensitive to the views of people living in The Moorledge Community And the Parish of Chew Magna.

We suggest that you reference the Local Plan Working groups as to why People value Local Landscapes a point raised by other concerned locals.

B Are you aware that a busy local footpath across an adjoining field passes within 30 or so metres off this proposed facility? Have you considered the implications of other dog walkers on this footpath being disturbed by the informal use of this facility albeit within a fence?

C MITIGATION. Can Banes in such event as approving this application, albeit in the face of SERIOUS public concern, consider the implementation of restrictive use for a trial period along with measures to monitor use and record misuse and nuisance.

D In any normal application BANES would insist on bat and natural environmental assessment. Has this been requested and if not why not please?

In Summary Chew Magna Parish Council are very concerned about the process, the proposals and various points raised by very concerned residents in Moorledge and in our Parish.

Finally, we would appreciate some formal response to our points raised in this communication and other points we have raised.

Highways:

Proposal

The proposal is for the Change of Use of an agricultural field into secure dog field, with fencing and a single storey mobile shelter. The site is proposed to utilise the existing access from Moorledge Lane and contains access from a public footpath.

Trip Generation and Business Operation

The submitted Design and Access Statement (DAS) and the Management Plan provides information regarding the management of the business and access into the site. The business is stated to provide sessions of 50 minutes which are booked in advance through an online booking system for up to 6 visitors. The booking system provides a 10 minute window to manage any cross over of the sessions.

The layout of the site and the parking arrangement is shown on drawing number DR-011, with 3

parking spaces close to the entrance and a further 3 parking spaces shown to the south. Point 7.1 of the DAS states that 3 spaces would be available from the adjoining field to provide further parking (although this does not appear to be shown on the plan provided). Although a number of the spaces are stated to be used by staff, as the site is proposed to

be managed by a booking system with existing pedestrian access providing alternative travel options, the operation of the site would unlikely impact the highway.

Opening Hours

The opening hours for the site are stated within the DAS are:

Winter 8: 00 - 16:00 and within the summer months 7:00 - 20:00, which is stated to utilise the daylight without the need for external lighting.

Cycle Parking

Although no cycle parking facilities have been shown to be provided on the plan, the site contains ample space to incorporate short stay cycle parking, in accordance with the Councils Transport and Development SPD document.

Waste Services

The plan submitted shows suitable waste storage and turning facilities contained within the site,

without compromise to the highway.

Having considered the information provided, the highway authority is content with the parking arrangements to have a limited impact on the highway.

Arboriculture:

The field will be used for dog exercise, it will be fenced internally meaning the hedges and trees will be separate from the dogs (it makes sense for any newly planted hedges to be fenced from the dogs). I don't see a tree risk from the proposal and so have no objection to make

- Updated comments received 8th April 2025

The field will be used for dog exercise, it will be fenced internally meaning the hedges and trees will be separate from the dogs (it makes sense for any newly planted hedges to be fenced from the dogs). I see the access track details/car parking - it appears to be 'no-dig' in the vicinity of tree so no root loss is predicted (good). I see car park area is set away from tree Root Protection Area also (good).

Ecology:

Following my previous comments dated the 5th of February 2025, a Preliminary Ecological Appraisal by Noctua Ecology dated the 11th of March 2025 has been submitted and is welcomed. Habitats A number of species-rich, native hedgerows with trees were identified within the site boundary (Noctua Ecology, 2025). All hedgerows will be retained under the current proposals and measures in Section 6 of the Preliminary Ecological Appraisal are welcomed and supported and can be secured by an appropriately worded condition. Bats A Preliminary Ecological Appraisal has been submitted and is welcomed (Noctua Ecology, 2025). The report confirms that there are no roosting features with the potential for supporting roosting bats onsite. In addition, the report confirms the site provides sub-optimal habitat for commuting and/or foraging bats, however, it confirms that boundary habitat has some potential for supporting commuting and/or foraging bats. No

lighting is proposed, and all boundary habitats will be retained; therefore, further surveys are not considered necessary. Other Notable/Protected Species The Preliminary Ecological Appraisal (Noctua Ecology, 2025) confirms the site has the potential to support amphibians, nesting birds, badgers, hedgehogs, hazel dormouse, reptiles, pole cats, hares and small mammals. Evidence of badgers were noted during the site survey within the boundary hedgerow. The protection measures detailed in Section 6 are welcomed and supported. The recommendations in Section 6 of the Preliminary Ecological Appraisal report are welcomed and supported. The measures can be secured by an appropriately worded condition. My previous comments with regard to Designated Sites, Biodiversity Net Gain, Lighting and Species Enhancements still apply.

Representations Received :

9no objections have been received and 16no supporting comments have been received, with 1 additional comment.

The objections are summarised into the following points:

- Development works have already been undertaken, including alterations to the gate, the laying of a hard surface track and the erection of fencing,
- The development interferes with the countryside, spoiling a natural grass field in the Green Belt
- The development will spoil the tranquil nature of the Moorledge area,
- The road access is a narrow, unclassified single-track lane which no passing places.
- The road is already experiencing too much traffic and additional road users such as cyclists and equestrian riders
- Larger vehicles can only come in one way.
- The site entrance is already regularly used by traffic passing on the road,
- The creation of a giant car park will be unsightly, spoling the views,
- The submitted management plan encourages commercial dog walkers,
- There will be dogs with behavioural problems on site, off lead,
- There will be an increase in other users of the nearby footpaths with dogs off lead,
- The use of the space and barking dogs will negatively impact the nearby neighbours, frighten away local wildlife and destroy the proposed wildflowers,
- The use of the space and barking dogs will negatively impact local farmers who have sheep and cattle grazing in the area,
- Only one or two Management visits per day will not be suitable to police the use of the field,
- For more policies, more facilities will be needed and a more secure building providing toilet and kitchen facilities,
- There are no utility connections and a septic tank would be needed,
- The future expansion of the facilities may involve additional developments,
- The field shelter and the single dog poo bin is inadequate
- The opening hours are too wide, resulting in too much disturbance for local neighbours

- The disturbance on nearby residents would be reduced if this was proposed in the field adjacent to the north,
- The proposed boundary mitigation of Eco-netting is not suitable to screen noise, is less in keeping with the environment, and will not provide the same habitation for wildlife as planting would,
- Alternative facilities are available in Dundry
- Secure fencing and dog proofing should be provided,
- The road floods regularly and the proposal should ensure proper drainage and maintenance,
- Badgers are present in this area which will be impacted by the development,
- No protected species surveys have been undertaken,

The supporting comments are summarised into the following points:

- Eagerness for this facility and to support this local business,
- Its great to have somewhere safe to take family and dogs without worrying,
- It will be good to have an enclosed field to safely exercise nervous or reactive dogs,
- There are no available, similar facilities nearby,
- The management appears suitable, to restrict the number of dogs at one time will keep noise levels down,
- A waiting area near the entrance will avoid congestion.
- The opening hours are great to ensure the field is available during daytime hours,
- There are public footpaths nearby that are regularly used, and providing a proper, enclosed space may reduce disruptions elsewhere,
- This application keeps the land as agricultural with a minor tweak of use,
- This is not an application to build in the green belt,
- With the proposed bat boxes and wildflower planting this will actually be a positive rather than negative development.
- No problems are foreseen with access given that tractors, hedge cutters and 4x4s have been frequently, for many years, using the gateway without issue.
- Similar facilities in other areas are unobtrusive and well run,

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Councillor David Harding:

I wish to object to the current application.

The application seeks permission for the change of use of the agricultural field to a dog exercise area and creation of a new access, parking area and fencing.

The site would be used as an area for people to visit and exercise their dogs in a secure location. The business would cater for the site to be hired for up to one hour for up to 6 dogs and bookings would be via an online booking system.

The site is located in the Green Belt, on agricultural land in an area used consistently for animal farming and teeming with wildlife.

The site is accessed from an extremely narrow single track lane.

There is little evidence of local demand for this facility.

Strong representation to the Parish Council has been made by numerous local residents. Very few local residents support this application. As a result the Parish Council are opposed to this change of use and development.

It should also be noted that the applicant appears to have already started work on this site, including the construction of tracks suitable for car use, without appropriate permission and sends a clear message regarding their respect for planning regulations and future management of the site.

Policies

The following relevant Policies are not being met.

1. The district's Core Strategy and Placemaking Plan- The Vision for the Rural Areas states that the district's rich and diverse countryside will be maintained.

2. Policies from the Core Strategy:

A. Policy PCS2- development will only be permitted where it does not have a significant effect on ... quality of life, the natural environment... or general amenity unless this can be minimised or mitigated to an acceptable level.

B. Policy RE2- non-agricultural development on agricultural land will only be permitted where it does not have an adverse effect on the efficient operation of an agricultural business.

C. Policy ST1- 1.2 reduce dependency on the car, and 1.6 reduce the adverse impact of all forms of travel on the natural environment.

D. Policy D6. Must not cause significant harm ... by reason of increased noise.

3. Chew Valley Neighbourhood Plan

A. Policy HDE1 Rural Landscape Character- to be supported development proposals must demonstrate they conserve and do not harm the characteristic rural features of the area

B. Policy HDE7 Traffic Impact

C. A7 - Aspiration for Tranquillity.

None of the above policies are met by the proposed development (see below).

Sustainability, Transport, Access The application's management plan states "that it is assumed that many users will be local and will walk to use the paddock rather than drive". This is fanciful. The site is distant from the main population centres of the Parish. People who own reactive dogs for instance who thus need or prefer to be in a secure field will drive to the site. The vast majority of people who walk their dogs on the footpaths will not need to nor will use the facility.

The applicant has not shown any evidence of there being local demand for this facility. The majority of the supportive statements on the planning portal are unknown to any of the Parish Councillors, or can be shown to be not resident locally by simple internet search eg of social media posts or electoral roll directories. Thus even were these supporters of the development to use the facility they would have to drive.

Furthermore, provision for up to nine car parking spaces is apparently requested: highways state- "3 parking spaces close to the entrance and a further 3 parking spaces shown to the south. Point 7.1 of the DAS states that 3 spaces would be available from the adjoining field to provide further parking." This provision is not compatible with the statement that many users will walk to the facility.

Access to the site is via a very narrow, single track lane (Moorledge Lane) with limited passing places. Moorledge Lane is approximately 400 metres from the nearest feeder road (Moorledge Road) is often very busy and which itself in places is a single carriage width. Once resident said to me "you pray noone is coming the other way every time you go through the lane". This is an inappropriate place for encouraging further car use and I have to question if Transport and Highways ever visited this site prior to completing their response.

In addition, Policy HDE7 of the Chew Valley Neighbourhood Plan says that developers of any nonresidential development, will be required to complete a Traffic Impact Assessment. The applicant has not done so.

Residential Amenity and Noise

The Management Plan states that there is unlikely to be a noise nuisance caused by the limited number of dogs allowed per session, but allows for up to six dogs a session.

Noise from dogs can be very varied depending on the individual dog or dogs, their activity, and handling at the time. It is clear from walking near to kennels that dog barks can be heard from considerable distances and it is unreasonable to assume that nuisance to nearby residents (or wildlife and farm animals) from calling, shouting or whistling would not occur or can be managed by planting hedges or provision of terms and conditions to clients.

Due to the proposed location in open countryside, the noise disturbance could travel some distance and there is no noise assessment with this application. Although I gather that assessing the potential noise from dog barking is not straightforward, as there is no standard way to measure or assess noise from dog barking, and no criteria against which to compare any predicted noise levels.

The closest neighbours are located approximately 50 metres from the site boundary. Dog barking would be clearly audible from neighbouring properties.

Wildlife, Sheep and Cattle

Dogs barking in close proximity to sheep may cause distress to the animals including loss of lambs if pregnant. Such noise can also affect dairy cows and milk yields if grazing on the neighbouring land.

In addition there are badgers, deer, foxes, bats, newts and rare birds including barn owls that visit the area and may be affected by the developed site and barking dogs.

Potential changes to application

If Council permits this development-

1. noise generating canine activities such as agility, exercise training and any other canine sports and general recreation by members of the public should be excluded
2. reduced hours of operation from that originally proposed to 08.00-18.00 Monday to Friday, 09.00-16.00 Saturday and 10-12.00 Sundays and Bank Holidays should also be enforced.
3. the maximum number of dogs using the facility at any one time should also be reduced e.g. to 4.
4. any permission should be temporary, for an initial limit of three years.

Finally should permission be granted it must be done solely on the controlled provision that the land is returned to agricultural purposes after the site ceases to be used for dog walking and for instance will not be considered as "Grey Belt".

Chew Magna Parish Council:

Chew Magna Parish Council wishes to raise strong objection to this proposed change of use of an agricultural field for the following reasons:

- 1) That of today's date the applicant/owner has commenced works with the installation of a gravel track a building and advertisements for the facility (photographs available if needed)
- 2) This proposal represents a major change in the natural character of the area and is certain to effect local residences as well as residents with dog noise and intensification of traffic in a single track road (see traffic note under Highways
- 3) and has been commenced without any local referencing 3 Highways - Moorledge Lane is a single track road ,part of the Avon Cycleway network, and has been the subject of regular concern and complaint to B&NES COUNCIL concerning poor upkeep poor workmanship and used for diversion. The particular entrance to this field is used by many cars reversing back up the hill and is opposite a field regularly used for airport parking - any increase in vehicular use is likely to intensify the potential for accidents. This lane also regularly floods in two areas within 150 m of this concealed entrance which admittedly has been used for agricultural purposes approximately once or twice a month
- 4) There is already a facility in The Chew Magna Parish on the Winford Road which is well located, underused and in a far less sensitive situation
- 5) The proposed change of use is located in MOORLEDGE which in itself describes the location with the natural moor within 300 m . Deer, badger, foxes, bats and many birds that visit the Chew Valley lake use the nearby moor .B&NES COUNCIL have been particularly keen to address all aspects of NATURE CONSERVATION on all recent developments along Moorledge Lane and we would expect nothing less on this application
- 6) There are a number of public footpaths in the immediate vicinity and we are already experiencing problems with poorly managed dogs and dog owners as well as trespass
- 7) It should be noted that adjacent fields are regularly used for sheep grazing and even dog noise can disrupt these sensitive animals.

- a) Barking dogs nearby can cause panic and abortive outcomes for pregnant sheep.
- b) Dogs can catch Bovine TB from Badgers
- c) The existing facility is a maximum 7 minutes away
- d) Looking at the proposed use, vehicle visits, projected in operating hours, are very high
- e) Footpaths shown on old plans continued to be used by locals regularly in last 20 years
- f) Are there plans for toilets for human owners?
- g) What are applicant's intentions for this site

Chew Magna Parish Council also note the objection comments of the adjacent residential property owner. Moorledge Lane is not suitable for, or capable of, accepting additional traffic.

Should the Local Authority be minded to approve (with substantial conditions) it should be made clear that the land is to remain zoned as agricultural, as any other zoning could give rise to a future classification leading to a request for residential development within the Green Belt.

As part of the Neighbourhood plan it was clearly evident from responses that people live in the country due its very attractive landscape which will clearly be affected by this proposal It would be interesting to find out where the support is coming from as there is limited knowledge of the people submitting the support being residents of the local area.

In summary and for the foregoing reasons Chew Magna Parish Council respectfully suggest that B&NES COUNCIL do not support this change of use of this agricultural field. Should B&NES COUNCIL see fit to support the application then Chew Magna Parish Council would request that a number of long term restrictive measures are put in place to mitigate the very strong concerns being expressed by local residents in this, a very natural countryside area. We would not support the urbanisation of this attractive countryside location. FINALLY we would expect consistency in process especially concerning the NATURAL ENVIRONMENT at MOORLEDGE.

- Updated comments received 5th February 2025 following the Parish meeting:

Further to our previous comments. Chew Magna Parish Council, last night 4 Feb 2025 received a presentation from the architect acting for the applicant.

This presentation raised a number of serious concerns with Councillors and members of the public living in Moorledge and users of this busy lane which is a single track highway:

1) The applicant's agent stated that a maximum of 10 vehicles a day using this facility would be normal. Given that the site would be open most days of the year this could mean between 2 and 3 thousand vehicle visits to this restricted site along a poorly maintained country single track road which floods at both ends regularly, and is subject to almost monthly concerns expressed by Chew Magna Parish Council relating to maintenance, In addition. It is used regularly by BANES as a diversion route and regularly slowed by vehicles backing up and down the lane due to its narrow nature. We as a council would request that the Highways Officer who has no observations /objections revisits the site, and his or her decision. Perhaps the Officer would like to meet residents, especially those living in the lane to hear the many concerns.

2) The applicant's agent stated that there would be parking for one vehicle. How will this be enforced?

3) Given that the track has been installed already along with the shelter shed Councillors asked why in advance of the change of use application had this been done. The architect stated that in his view this is permitted development. Is this the case please?

4) Turning to environmental mitigation - the applicant's agent stated that a hedge sourced from Chew Valley trees would be planted and that this would reduce noise. Councillors questioned the validity of this statement given the width of the proposed hedge. Normally a thick hedge on a raised mound would need to be installed to mitigate such noise intrusion to this very natural environmental setting.

5) Wildflower planting - this is proposed as further mitigation and raised further questions and concerns relating to the type of plants native to the area. The atlas of the British flora and suitable local species should be used, not floral mixes as shown on the pictures presented in the management proposals

Councillors raised a number of other points relating to the following A Actually, where do the supporters for this application come from? The answer from the applicant's agent clearly indicated that most supporters came from Clutton, Temple Cloud and that area Chew Magna Parish Council does not consider such support to be environmentally justifiable in terms of energy fuel or in any way sensitive to the views of people living in The Moorledge Community And the Parish of Chew Magna.

We suggest that you reference the Local Plan Working groups as to why People value Local Landscapes a point raised by other concerned locals.

B Are you aware that a busy local footpath across an adjoining field passes within 30 or so metres off this proposed facility? Have you considered the implications of other dog walkers on this footpath being disturbed by the informal use of this facility albeit within a fence?

C MITIGATION. Can Banes in such event as approving this application, albeit in the face of SERIOUS public concern, consider the implementation of restrictive use for a trial period along with measures to monitor use and record misuse and nuisance.

D In any normal application BANES would insist on bat and natural environmental assessment. Has this been requested and if not why not please?

In Summary Chew Magna Parish Council are very concerned about the process, the proposals and various points raised by very concerned residents in Moorledge and in our Parish.

Finally, we would appreciate some formal response to our points raised in this communication and other points we have raised.

Highways:

Proposal

The proposal is for the Change of Use of an agricultural field into secure dog field, with fencing and a single storey mobile shelter. The site is proposed to utilise the existing access from Moorledge Lane and contains access from a public footpath.

Trip Generation and Business Operation

The submitted Design and Access Statement (DAS) and the Management Plan provides information regarding the management of the business and access into the site. The business is stated to provide sessions of 50 minutes which are booked in advance through an online booking system for up to 6 visitors. The booking system provides a 10 minute window to manage any cross over of the sessions.

The layout of the site and the parking arrangement is shown on drawing number DR-011, with 3

parking spaces close to the entrance and a further 3 parking spaces shown to the south. Point 7.1 of the DAS states that 3 spaces would be available from the adjoining field to provide further parking (although this does not appear to be shown on the plan provided). Although a number of the spaces are stated to be used by staff, as the site is proposed to be managed by a booking system with existing pedestrian access providing alternative travel options, the operation of the site would unlikely impact the highway.

Opening Hours

The opening hours for the site are stated within the DAS are:

Winter 8: 00 - 16:00 and within the summer months 7:00 - 20:00, which is stated to utilise the daylight without the need for external lighting.

Cycle Parking

Although no cycle parking facilities have been shown to be provided on the plan, the site contains ample space to incorporate short stay cycle parking, in accordance with the Councils Transport and Development SPD document.

Waste Services

The plan submitted shows suitable waste storage and turning facilities contained within the site,

without compromise to the highway.

Having considered the information provided, the highway authority is content with the parking arrangements to have a limited impact on the highway.

Arboriculture:

The field will be used for dog exercise, it will be fenced internally meaning the hedges and trees will be separate from the dogs (it makes sense for any newly planted hedges to be fenced from the dogs). I don't see a tree risk from the proposal and so have no objection to make

- Updated comments received 8th April 2025

The field will be used for dog exercise, it will be fenced internally meaning the hedges and trees will be separate from the dogs (it makes sense for any newly planted hedges to be fenced from the dogs). I see the access track details/car parking - it appears to be 'no-dig' in the vicinity of tree so no root loss is predicted (good). I see car park area is set away from tree Root Protection Area also (good).

Ecology:

Following my previous comments dated the 5th of February 2025, a Preliminary Ecological Appraisal by Noctua Ecology dated the 11th of March 2025 has been submitted and is welcomed. Habitats A number of species-rich, native hedgerows with trees were identified within the site boundary (Noctua Ecology, 2025). All hedgerows will be retained under the current proposals and measures in Section 6 of the Preliminary Ecological Appraisal are welcomed and supported and can be secured by an appropriately worded condition. Bats A Preliminary Ecological Appraisal has been submitted and is welcomed (Noctua Ecology, 2025). The report confirms that there are no roosting features with the potential for supporting roosting bats onsite. In addition, the report confirms the site provides sub-optimal habitat for commuting and/or foraging bats, however, it confirms that boundary habitat has some potential for supporting commuting and/or foraging bats. No lighting is proposed, and all boundary habitats will be retained; therefore, further surveys are not considered necessary. Other Notable/Protected Species The Preliminary Ecological Appraisal (Noctua Ecology, 2025) confirms the site has the potential to support amphibians, nesting birds, badgers, hedgehogs, hazel dormouse, reptiles, pole cats, hares and small mammals. Evidence of badgers were noted during the site survey within the boundary hedgerow. The protection measures detailed in Section 6 are welcomed and supported. The recommendations in Section 6 of the Preliminary Ecological Appraisal report are welcomed and supported. The measures can be secured by an appropriately worded condition. My previous comments with regard to Designated Sites, Biodiversity Net Gain, Lighting and Species Enhancements still apply.

Environmental Protection:

I don't think that a noise assessment is proportionate. In any event, there isn't any directly applicable standard that could be used to assess the potential impact. BS4142 which assesses industrial and commercial sound might be used but this is more relevant to plant noise and it would be challenging to make predictions on the noise output of such a small number of dogs.

I've had a look at the management plan and I think the approach of enabling complaints re. noisy users which would then be monitored provides an appropriate safeguard against significant disturbance should it arise.

Representations Received :

9no objections have been received and 16no supporting comments have been received, with 1 additional comment.

The objections are summarised into the following points:

- Development works have already been undertaken, including alterations to the gate, the laying of a hard surface track and the erection of fencing,
- The development interferes with the countryside, spoiling a natural grass field in the Green Belt
- The development will spoil the tranquil nature of the Moorledge area,
- The road access is a narrow, unclassified single-track lane which no passing places.
- The road is already experiencing too much traffic and additional road users such as cyclists and equestrian riders
- Larger vehicles can only come in one way.
- The site entrance is already regularly used by traffic passing on the road,
- The creation of a giant car park will be unsightly, spoiling the views,
- The submitted management plan encourages commercial dog walkers,
- There will be dogs with behavioural problems on site, off lead,
- There will be an increase in other users of the nearby footpaths with dogs off lead,
- The use of the space and barking dogs will negatively impact the nearby neighbours, frighten away local wildlife and destroy the proposed wildflowers,
- The use of the space and barking dogs will negatively impact local farmers who have sheep and cattle grazing in the area,
- Only one or two Management visits per day will not be suitable to police the use of the field,
- For more policies, more facilities will be needed and a more secure building providing toilet and kitchen facilities,
- There are no utility connections and a septic tank would be needed,
- The future expansion of the facilities may involve additional developments,
- The field shelter and the single dog poo bin is inadequate
- The opening hours are too wide, resulting in too much disturbance for local neighbours
- The disturbance on nearby residents would be reduced if this was proposed in the field adjacent to the north,
- The proposed boundary mitigation of Eco-netting is not suitable to screen noise, is less in keeping with the environment, and will not provide the same habitation for wildlife as planting would,
- Alternative facilities are available in Dundry
- Secure fencing and dog proofing should be provided,
- The road floods regularly and the proposal should ensure proper drainage and maintenance,
- Badgers are present in this area which will be impacted by the development,
- No protected species surveys have been undertaken,

The supporting comments are summarised into the following points:

- Eagerness for this facility and to support this local business,
- Its great to have somewhere safe to take family and dogs without worrying,
- It will be good to have an enclosed field to safely exercise nervous or reactive dogs,
- There are no available, similar facilities nearby,

- The management appears suitable, to restrict the number of dogs at one time will keep noise levels down,
- A waiting area near the entrance will avoid congestion.
- The opening hours are great to ensure the field is available during daytime hours,
- There are public footpaths nearby that are regularly used, and providing a proper, enclosed space may reduce disruptions elsewhere,
- This application keeps the land as agricultural with a minor tweak of use,
- This is not an application to build in the green belt,
- With the proposed bat boxes and wildflower planting this will actually be a positive rather than negative development.
- No problems are foreseen with access given that tractors, hedgecutters and 4x4s have been frequently, for many years, using the gateway without issue.
- Similar facilities in other areas are unobtrusive and well run,

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:

CP5: Flood Risk Management

CP6: Environmental Quality

CP8: Green Belt

RA3: Community Facilities

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

D5: Building design

D6: Amenity

GB1: Visual amenities of the Green Belt
NE2A: Landscape setting of settlements
RA3: Community facilities and shops
RE5: Agricultural land

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
LCR6: New and replacement sports and recreational facilities
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:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

Planning Obligations Supplementary Planning Document (January 2023)

NEIGHBOURHOOD PLANS:

The following Neighbourhood Plan is relevant to the determination of this application:

Chew Valley Area

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 planning application seeks the change of use of an agricultural field (Sui Generis) to a secure dog walking field (Sui Generis).

The application site is currently an agricultural field, situated to the south of Moorledge Road, and to the west of a small cluster of dwellings. The field is set away from the road, with a narrow, private access track which is shared by some of the nearby dwellings.

The proposal seeks to change the use of the field and to erect some associated facilities. These include:

- The creation of an access track connecting directly to Moorledge Lane,
- A 1.2m high fence of the same design along the access track,
- A gravel parking area for 3no vehicles at the site entrance,
- A grasscrete surface for the access track,
- 2no metal farm gates at the site entrance,
- A 1.8m high wire fence with timber posts encircling the full field,
- A dog poo bin,
- A timber field shelter,
- 2no bird & bat boxes

It is understood from the application submission and Management Plan that the field will be a commercial enterprise, to be for private hire requiring dog walkers to book and pay for sessions in advance. A successful booking will provide an access code for the entrance gate for a limited time.

The field shelter is shown as a timber structure with an open side. This structure is shown to be on 'skids', implying that the structure will not be fixed to the floor and it will be moveable around the site. In accordance with the case law established by Cardiff Rating Authority and Cardiff Assessment Committee v Guest Keen and Baldwin's Iron and Steel Co. Ltd [1949], where three criteria identified to define a 'building' which includes its size, permanence and physical attachment to the ground.

In this case, the field shelter is shown to be a mobile structure within the field which can be moved as necessary. Due to its lack of physical attachment to the ground, it is not considered a 'building', nor development.

PRINCIPLE OF THE CHANGE OF USE:

Policy LCR6: New and Replacement Sports and Recreational Facilities.

Policy LCR6 provides support for new or replacement sports and recreational facilities. Where they are not within or adjoining a town or settlement, the following criteria apply:

"2) New or replacement sport or recreational facilities elsewhere will only be permitted where:

a) the proposal, either by itself or together with other existing and/or proposed recreational facilities, does not have an unacceptable impact on landscape character or areas of ecological interest; and..."

The proposal involves a change of use, to provide a secure field for dog walkers. The associated development includes new fencing, a new access, limited parking spaces and a field shelter. The field is remaining as an open space and the boundary fencing is remaining low in height, sited adjacent to the existing hedgerow boundaries which are also proposed for intensification through additional planting. The development as a whole remains low lying and unintrusive within this landscape setting. The proposals is not found to have an unacceptable impact on landscape character.

"3) In all cases:

- a) the proposal would not give rise to significant adverse environmental conditions including the impact of air, noise, soil, water quality and light pollution and be detrimental to public safety and the amenities of local residents; and
- b) vehicle access and on-site vehicle parking would be provided to an appropriate standard; and
- c) adequate access to and between the facilities would be provided for people with disabilities."

Objection comments have highlighted the presence of badgers within this area and have set out that the use of this site as a dog walking field will have an adverse impact on local wildlife and neighbours through the increase in noise and animal activity. In addition, the objection comments raise that Moorledge Lane is unsuitable to support additional vehicle movements. These matters will be assessed in greater detail in their individual chapters of RESIDENTIAL AMENITY, HIGHWAYS AND ECOLOGY, later in this report.

In summary, the development is found to be compliant with the requirements of policy LCR3.

Policy RE5: Agricultural Land

"1) Development which would result in the loss of the best and most versatile agricultural land particularly Grade 1 and 2 will not be permitted unless significant sustainability benefits are demonstrated to outweigh any loss.

2) Where it can be demonstrated that there is an overriding need for a proposal which will result in the loss of agricultural land, development should be steered towards the use of lower quality agricultural land in preference to higher quality agricultural land."

The application is within an area that is split between 2 different grades of agricultural land, being Grades 1 and 3. The application submission puts forward that the land only falls under Grade 3, but that the land would be returned to agricultural purposes after the site ceases to be used for dog walking, which may be controlled by condition.

Due to the nature of the development, it is considered that the land can easily be reverted back to agricultural should the proposed use of the site cease. However, for the purposes of this application, the proposal will result in the loss of the land available for agricultural use, with no proposed time limit for the development.

Following discussion through the application process, an agricultural land classification survey has been undertaken to formally grade the land. The survey has concluded that the field falls within Grade 3 and as such, the works comply with Policy RE5 of the LPPU.

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

Paragraph 153 of the National Planning Policy Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 154 of the National Planning Policy Framework set out that development in the Green Belt is inappropriate unless it falls within a series of exemptions. The listed exceptions includes the following:

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

The application proposes a change of use of the agricultural field to create an outdoor, secure dog walking field. In association with the change of use the development will see the erection of boundary fencing and entrance gates, the creation of parking spaces and a dog poo bin.

The change of use is found to be compliant with the exception B) as above, proposing outdoor recreational facilities. The associated fencing will be 1.8m in height, consistent with the height of the existing boundary hedge. The fencing will be a transparent wire fence with timber posts set at intervals. This fencing is found to preserve the openness of the Green Belt. The additional facilities which include the dog poo bin, the metal farm gate and the gravel parking space are similarly found to preserve the openness of the Green Belt and are appropriate in connection with the proposed use of the land.

The development is therefore considered to be compliant with policy CP8 of the Core Strategy, policies GB1 and GB3 of the Local Plan Partial Update and part 13 of the NPPF.

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.

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.

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. Policy HDE1 of the Chew Valley Neighbourhood Plan sets out that proposals must demonstrate they conserve and do not harm the characteristic rural features of the area including the undeveloped landscape setting of settlements; natural field boundaries and traditional stone buildings in farmlands; and woodlands, orchards and other mature trees.

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 undertaken by a qualified practitioner to inform the design and location of any new development.

The LPA has a duty under Section 85 of the Countryside and Rights of Way Act 2000 to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

Objection comments seek to protect the rural character of this field against urbanisation and highlighting concerns that future development may follow.

The proposal seeks the change of use of the field, the erection of wire fencing with timber posts, the creation of a new access track with parking spaces, 2no gates and a dog poo bin. The development retains the open field and proposes additional planting to the boundaries. The development is not found to be urbanisation of this site and it retains the rural landscape character.

Should any future development be sought, new planning permissions would be required which would be assessed in full at the time of application.

The proposal is considered to comply with policy NE2 of the Local Plan Partial Update, policy NE2A of the Placemaking Plan, Policy HDE1 of the Chew Valley Neighbourhood Plan and part 15 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.

Objection has been raised to the increase in noise and the disturbance on the nearest residential properties as a result of the development. It is raised that noise from dogs can be varied depending on individual dogs, their activities and handling, with additional

calling, shouting or whistling. Where the nearest neighbours are located approximately 50m from the site, it has been raised that these occupiers will experience unacceptable noise disturbance and the proposed fencing and hedgerows on the boundaries are insufficient to screen the anticipated noise.

A noise assessment has not been submitted with the application.

The application has been submitted with a management plan which has set out the anticipated opening hours. These are set out as 8am-4pm during the winter months, and 7am-8pm during the summer months. In addition to restricting the operating hours, the booking system is said to be able to restrict the number of users during each session to a maximum of 6.

The management plan sets out that noise nuisance will be unlikely as the booking system will prevent dogs from different parties overlapping during their use of the field. However, it is stated that commercial dog walkers will be permitted to make use of the facilities. Commercial dog walkers routinely walk multiple dogs from various households together, so whilst the booking system will avoid some crossover with different parties overlapping, some bookings will host multiple dogs from different households who may exhibit more unpredictable behaviour in this setting.

The management plan sets out that the booking system will inform the users to avoid making excessive noise, however this is not anticipated to be a reliable method of noise mitigation. The management plan also sets out that a clear complaints procedure will be available, allowing specific users who do generate unacceptable noise to be monitored and addressed.

The potential noise impacts of the development on the residential amenity of nearby occupiers will be limited to certain times of day and will naturally see reduced activity levels during suboptimal weather conditions. The anticipated noises from dogs barking during play, or from the handlers recalling and whistling are noises not dissimilar from typical residential activity of dogs playing in a garden, or barking at passers-by or from users of the public footpaths in this area.

Requiring a noise assessment for this proposal is not considered to be proportionate to the proposal, and the measures set out within the management plan are found to be suitable to safeguard against disturbances. The hours of operation and compliance with the management plan could be conditioned.

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.

The proposal seeks to create a new access track with some parking spaces, to connect with Moorledge Lane. Objection has been raised to the suitability of this road to accommodate additional road traffic due to its existing condition, its narrowness and likeliness to flood during periods of rainfall.

Consultation has been undertaken with the Banes Highways Team who have reviewed the proposal and the accompanying management plan, including the anticipated trip generation and the parking and turning spaces. Their review concluded that the development would be unlikely to impact 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.

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.

Following the undertaking of a protected species survey and new consultation with the Banes Ecology Team, no objection has been raised on this matter, subject to conditions. These conditions seek to limit any future external lighting, to seek compliance with the measures and details set out in the submitted Ecological appraisal, to seek a biodiversity gain, a habitat management plan, a construction environmental management plan and a wildlife mitigation scheme.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG). The submitted details sets out that the development will plant additional hedgerow with trees along the existing boundary lines, with bat and bird boxes at various locations around the north and west boundaries. This will result in a 16.5% increase in habitat units and 44% gain in hedgerow units, complying with the BNG requirements of Policy NE3a.

SCHEME OF DELEGATION:

As the Planning Officer recommendation is contrary with the representations received by the Ward Councillor and Parish Council, this application has been referred to the Chair and Vice Chair of the Planning Committee.

The vice chair has decided that this application is brought to the committee.

The chair has also decided that this application is brought to the committee.

As such, this application is to be brought forwards to the planning committee.

CONCLUSION:

It is therefore considered that the proposal is compliant with the relevant planning policies as outlined above and the proposal 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 Wildlife Mitigation Scheme (compliance condition)

The development hereby approved shall be carried out only in accordance with the proposed ecological measures and recommendations as detailed in Section 7 of the approved report entitled "Preliminary Ecological Appraisal" dated the 11th of March 2025 by Noctua Ecology. All such measures shall be adhered to, retained and maintained thereafter for the purpose of wildlife conservation.

Reason: to avoid harm to ecology, including protected species, and to avoid net loss of biodiversity

4 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 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 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

5 Construction Environmental Management Plan: Ecology (CEMP: Ecology) (Pre-commencement)

No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Ecology) has been submitted to and approved in writing by the local planning authority. The CEMP: Ecology shall be in accordance with recommendations and measures described in Section 6 of the approved report entitled "Preliminary Ecological Appraisal" dated the 11th of March 2025 by Noctua Ecology and shall include, as applicable, a plan showing exclusion zones and specification for fencing of exclusion zones; details and specifications of all necessary measures to avoid or reduce ecological impacts during site clearance and construction; findings of update surveys or precommencement checks of the site; and details of an ecological clerk of works. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: to avoid harm to wildlife before and during construction. 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 Gain and Habitat Management Plans (Pre-commencement)

Unless confirmed as exempt, no development shall commence until full details of a Biodiversity Gain Plan for on-site delivery and monitoring of Biodiversity Net Gain, and a Habitat Management Plan have been submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver 0.4224 habitat units and 0.6981 hedgerow units. The Plans shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation, and with current best practice guidelines and shall include the following:

1. An up-to-date BNG habitat map for on-site proposed habitats;
2. Habitat Management Plan, long-term management and protection measures for all retained and proposed habitats and species, including fencing and boundary details;
3. Long-term aims and objectives for habitats (extents, quality) and species;
4. Detailed management prescriptions and operations for newly created habitats; locations, timing, frequency, durations; methods; specialist expertise (if required), specialist tools/machinery or equipment and personnel as required to meet the stated aims and objectives;
5. A detailed prescription and specification for the management of boundary habitats including hedgerows, woodland and scrub;
6. Details of any management requirements for species-specific habitat enhancements;
7. Annual work schedule for at least a 30-year period;
8. 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; disposing of grass cuttings/arising in "compost" heaps on-site or in hedgerows (or other on-site waste disposal); routinely cutting ivy where there is no specific arboricultural justification; inappropriate maintenance methods; storage of materials; machine or vehicle access);

9. Detailed monitoring strategy for habitats and species, particularly hedgerows with trees habitats, and methods of measuring progress towards and achievement of stated objectives;
10. Details of proposed reporting to the Local Planning Authority and proposed review and remediation mechanism;
11. 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 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.

7 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 Preliminary Ecological Appraisal in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the Preliminary Ecological Appraisal measures, 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.

PLANS LIST:

1 This decision relates to the following plans:

Drawing FIELD	06 Jan 2025	DR001	SITE LOCATION PLAN - SECURE DOG
Drawing FIELD	06 Jan 2025	DR0010	PROPOSED SITE PLAN - SECURE DOG
Drawing	06 Jan 2025	DR0011	PROPOSED SITE PLAN - ACCESS
Drawing SHELTER	06 Jan 2025	DR0012	PROPOSED FENCING AND FIELD
Drawing FIELD	06 Jan 2025	DR002	EXISTING BLOCK PLAN - SECURE DOG
Drawing FIELD	06 Jan 2025	DR003	EXISTING AERIAL VIEW - SECURE DOG
Drawing FIELD	06 Jan 2025	DR004	EXISTING AERIAL VIEW - SECURE DOG

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application

was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Item No: 04
Application No: 25/01768/FUL
Site Location: 41 Bloomfield Rise Bloomfield Bath Bath And North East Somerset
BA2 2BL



Ward: Odd Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Steve Hedges Councillor Joel Hirst
Application Type: Full Application
Proposal: Installation of side and rear dormers.
Constraints: Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE3 SNCI 200m Buffer, SSSI - Impact Risk Zones,
Applicant: Mr Tim Brind
Expiry Date: 1st August 2025
Case Officer: Christopher Masters
To view the case click on the link [here](#).

REPORT

The application refers to a two-storey end of terrace dwelling located within the Bath World Heritage Site.

Planning permission is sought for the erection of side and rear dormers.

Reasons For Reporting To Committee

The application has been reported to Committee as the application was called in by Cllr. Hirst. In line with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee, who confirmed they wished for the application to be determined by the Committee.

The Chair commented as follows:

"This is going to committee as the officer recommendation is refusal but local members feel this needs more scrutiny this is agreed by the Chair."

The Vice Chair concurred with the view of the Chair commenting:

"I also think this one should be considered in public by committee."

Relevant Planning History:

24/01984/FUL - WITHDRAWN - 8 July 2024 - Loft conversion with hip to gable and rear flat roof dormer.

24/03471/FUL - WITHDRAWN - 25 November 2024 - Installation of side and rear dormers.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

No representations have been received at application stage. However, a letter of support has been submitted with the application from Cllr. Hirst which requests the application is called in to Committee if Officers are minded to refuse planning permission. Cllr Hirst states:

"Having reviewed the proposal, as well as the extensive and balanced evidence submitted by the applicant, I believe this application merits careful and objective consideration by the committee, particularly in light of its policy alignment and local context. The applicant has demonstrated a sustained willingness to cooperate with Planning Officers across two previous application stages, both of which were withdrawn in good faith to address specific concerns. The current design is supported by a detailed evidence report that documents precedent for similar developments - both side and rear dormers and hip-to-gable conversions - already approved within the same street and wider locality. Importantly, the proposed scheme is less prominent in visual impact than several existing permissions in more exposed locations, including properties adjacent to public institutions and main roads. The applicant's property sits within a quiet cul-de-sac, and the proposed design is proportionate, coherent with the character of the host dwelling, and consistent with policies CP6, D2, D5, and relevant provisions of the NPPF regarding contextual and high-quality design. Given this background, I respectfully request that the Planning Committee have the opportunity to consider this case directly to ensure a balanced and consistent interpretation of policy and precedent. The applicant believes that this proposal reflects the kind of thoughtful, modest home improvement that Bath and North East Somerset rightly seeks to support - balancing resident needs with planning integrity."

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:

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D6: Amenity

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 within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

D5: Building design

ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

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

NATIONAL POLICY:

The updated 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).

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:

Character and appearance
Residential Amenity

BACKGROUND:

This application follows two previous applications for enlargement of the dwelling's roof through installation of dormers and also in the case of the first application a hip to gable enlargement. In considering both of the previous applications, Officers raised concerns regarding the design and appearance of the enlargements and proactively engaged with the applicant in order to try and secure an appropriate form of development.

Ultimately, it was concluded in respect of 24/01984/FUL that: "...the scale, siting, form and design of the dormer would mean it appears as a dominant addition upon the dwelling's roofslope which would serve to cause unacceptable harm to the character and appearance of the host dwelling and surrounding area. The hip to gable enlargement would also be at odds with the character of the street and would be particularly incongruous given the absence of such development in the immediate vicinity as well as the use of render to the gable end. The additions would be highly visible from the adjacent Cricket Club. The scheme is therefore contrary to Policy CP6 of the adopted Core Strategy (2014), Policy D2 of the Placemaking Plan, Policy D5 of the Local Plan Partial Update and Part 12 of the NPPF and cannot be supported."

Turning to application 24/03471/FUL (which the current submission appears to be an identical resubmission of) Officers concluded the proposal would: "by virtue of its scale and siting... harm the character and appearance of the host dwelling and surrounding area contrary to Policy CP6 of the adopted Core Strategy (2014), Policy D2 of the Placemaking Plan, Policy D5 of the Local Plan Partial Update and Part 12 of the NPPF."

Both applications were subsequently withdrawn by the applicant.

In corresponding with the applicant and commenting on informal alternatives submitted during the applications, Officers previously advised:

"Having measured the roofspace available it is also considered a dormer of such dimensions is unlikely to sit appropriately upon the rooflope given it would exceed the width of the ridge and occupy a considerable portion of the rear roofslope. I shall be willing for a sketch drawing to be provided for informal comment but anticipate an addition of such scale appearing as a dominant form upon the roof of the dwelling. Its unlikely a dormer of such dimensions could be supported in this instance given the form and size of the dwelling's roofspace."

"As discussed, given the constraints of the dwelling, I do not believe that in this instance it is going to be possible for a scheme which obtains the Local Authority's support to be realised. Any scheme would need to be subservient to the roof slopes i.e. being set down from the ridge, up from the eaves and in from the sides of the respective roof slopes and it does not appear that this would be achievable."

"... I do not believe a hip to gable enlargement, or other enlargement of the roof (other than a small addition confined to the existing rear roofslope) could be supported in this location given the particular context of the roof. An application for such works is not encouraged."

In my view, the owner would be best advised to explore the prospect of an extension to the rear or side of the dwelling. They may wish to do this through our pre-application advice service."

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

The site is within the built up area of Bath where the principle of development is acceptable subject to other material planning considerations discussed below.

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.

Bloomfield Rise is a Cul-De-Sac formed of short terraces of varying lengths. The terraces are in part characterised by their uniformity of roof form and materials, being of Bath Stone construction beneath tiled roofs, with those at the end of the terraces being hipped. The consistency in roof form is a positive feature of the streetscene which contributes to the attractive and cohesive character of the area.

No. 41 Bloomfield Rise is one such end of terrace property, being situated at the end of the Cul-De-Sac where it terminates at Hampset Cricket Club. Given the dwelling's positioning adjacent to the Cricket Ground, both its side and rear roofslopes are highly visible and prominent given the openness of the adjacent land upon which the sport facility is located. It is noted that dormer additions which exist in the locality are generally appropriately designed and discretely located such that the general consistency of the terraces' roof forms is maintained when viewed from public vantage points.

The development proposed comprises of side and rear dormers. In this instance, the proposed side dormer would have a gabled design occupying a considerable portion of the side roofslope. It is unclear from the drawings and application form what materials would be used, but it is presumed that it would be formed of hung tiles beneath a tiled roof, which would match the host dwelling. These materials would be acceptable and could be conditioned. The dormer does not sit subserviently upon the roofslope. It is not set down from the ridge or in from the hips and as a result the dormer would read as a dominant addition and the original characteristic hipped roof form of the dwelling would no longer be legible. The provision of a rooflight on the front roofslope of the dormer and the lack of windows in the side elevation would add to its incongruity. The dormer would be highly prominent in views towards the dwelling including from the cricket ground.

It is noted that the side dormer would be adjoined to the rear dormer which is of a flat roof design. The interrelationship and manner in which the two would be conjoined would appear awkward as both project beyond their respective roofslopes and whilst a roof plan has not been submitted this would be particularly evident on such a drawing.

The rear dormer is appropriately set in from the side of the roof which adjoins No.43 Bloomfield Rise. However, as with the side dormer, is not set down from the ridge. Furthermore, it is not set up from the eaves and oversails the line of the hip. The rear dormer would therefore dominate the rear roofslope appearing as a large and bulky addition to the roof of the property when viewed from both the rear and side of the dwelling.

Accordingly, by virtue of their scale, positioning and design the proposed dormers both individually and cumulatively would have an awkward arrangement, dominating and significantly eroding the characterful roof profile of the property. The additions would be highly visible given their prominent location and appear incongruous relating awkwardly to the roof of the host dwelling and each other.

The applicant has submitted an extensive supporting document which comprehensively highlights similar development undertaken in the general area.

The map shown on page 29 of their supporting letter indicates there are three examples where dwellings benefit from side and rear dormers as proposed herein, all of which are on a separate road called Bloomfield Drive where the dwellings are semi-detached. Two others are indicated have hip to gable enlargements with a rear dormers. All other rear dormers are located on mid-terrace properties which benefit from larger roofslopes and where the dormers are more discretely located as they are obscured from views by the adjoining dwellings.

Taking the most pertinent cases into account, the following comments are made as to why the schemes do not justify that currently proposed.

21/05581/FUL 11 Bloomfield Drive: The side and rear dormers are smaller and less prominent in most views due to screening by trees and built form. Whilst the side dormer is not subservient from the ridge or hip, both the side and rear dormers sit independent of each other within their respective roofslopes.

17/02773/FUL 34 Bloomfield Drive: The side and rear dormers are less prominent and smaller. They are subservient from the ridge and hip and independent of each other sitting within their respective roofslopes.

21/04228/FUL 52 Bloomfield Drive: The side and rear dormers are less prominent and smaller. Whilst the side dormer is not subservient from the ridge or hip, both the side and rear dormers sit independent of each other within their respective roofslopes.

70 Bloomfield Rise: Side dormer only. Does not benefit from planning permission.

17/02941/FUL 80 Bloomfield Rise: Hip to gable enlargement which is not currently proposed. Historic erection of a two-storey flat roofed addition led to it being accepted. Serves to illustrate the harm of such development.

16/02770/FUL 67 Bloomfield Drive: Side dormer only. Whilst it is of comparable prominence it is smaller and subservient to the ridge, hip and its roofslope. It is noted that the dormer has not been built in accordance with the approved plans which indicate the dormer should be hung tile and have a half hipped roof.

19/01360/FUL 17 Bloomfield Drive: It appears this dwelling as originally constructed benefitted from a gabled roof form. The rear dormer constructed is smaller, set down from the ridge, in from the sides, up from the eaves and is subservient to its roofslope.

Whilst none of the above schemes are considered to be directly comparable to that currently proposed because of their design and context, even if they were, all applications must be assessed on their own merits. In this instance, for the reasons set out above it is considered the proposed additions would serve to harm the character and appearance of the host dwelling and surrounding area contrary to Policy CP6 of the adopted Core Strategy (2014), Policy 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 the Bath World Heritage Site; 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.

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.

In this instance 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.

Having considered the proposal, it is concluded 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.

OTHER MATTERS:

In their submission the applicant has alluded that the lack of planning permission being granted has compromised their ability to install solar panels despite none of the applications submitted having illustrated or included the provision of solar PV panels. It is unclear how these would be accommodated or if separate approval would be required for their installation. This matter is therefore not relevant to the determination of the 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.

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.

PLANNING BALANCE AND CONCLUSION:

As outlined above, the scheme is contrary to Policy CP6 of the Core Strategy, Policy D2 of the Placemaking Plan, Policy D5 of the Local Plan Partial Update and Part 12 of the NPPF.

There are no considerations that outweigh or overcome the significant harms identified above. The application is recommended for refusal accordingly.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 By virtue of their scale, positioning and design, the proposed side and rear dormers would be highly visible and appear as incongruous and dominant additions to the roof of the dwelling which shall significantly erode the characterful roof profile of the property. Given their scale and design the additions would relate inappropriately to the roof of the host dwelling and each other. Given their prominence, the proposals shall diminish the wider roofscape of this part of Bloomfield Rise, thereby having a detrimental effect upon the character and appearance of the host dwelling, street scene and wider area. The proposed development is therefore contrary to Policy CP6 of the Core Strategy, Policy D2 of the Placemaking Plan, Policy D5 of the Local Plan Partial Update and part 12 of the NPPF.

PLANS LIST:

1 This decision relates to the following plans:

All received 5th May 2025

EXISTING AND PROPOSED PLANS LOCATION PLAN

2 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application

was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.