

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **27th August 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	25/01634/PIP 16 July 2025	Chapel Hill Homes Ltd Land Adjacent To Greystones, Ashgrove, Peasedown St John, Bath, Bath And North East Somerset Permission in Principle infill residential development of a minimum of three and a maximum of five dwellings.	Peasedown	Angus Harris	PERMIT
02	25/02460/FUL 18 August 2025	St Michaels Surgery (NHS) St Michael's Doctors Surgery , Walwyn Close, Twerton, Bath, Bath And North East Somerset Change of use from Class E(e) Doctor's Surgery into Class C4 HMO	Twerton	Paige Moseley	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 25/01634/PIP
Site Location: Land Adjacent To Greystones Ashgrove Peasedown St John Bath
Bath And North East Somerset



Ward: Peasedown **Parish:** Peasedown St John **LB Grade:** N/A
Ward Members: Councillor Karen Walker Councillor Gavin Heathcote
Application Type: Permission in Principle
Proposal: Permission in Principle infill residential development of a minimum of three and a maximum of five dwellings.
Constraints: White Ox Mead Air Strip 3km buffer, 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, Policy NE2A Landscapes and the green set, Ecological Networks Policy NE5, SSSI - Impact Risk Zones,
Applicant: Chapel Hill Homes Ltd
Expiry Date: 16th July 2025
Case Officer: Angus Harris
To view the case click on the link [here](#).

REPORT

The application refers to a plot of land to the north of the detached dwelling Greystones, Peasedown St John, BA2 8EG. The site is outside of the village's housing development boundary and within the green belt.

Planning permission is sought for the erection of a minimum of three and a maximum of five dwellings.

Relevant Planning History:

DC - 23/01116/PIP - RF - 28 April 2023 - Permission in Principle for an infill residential development of 2 no. dwellings.

AP - 23/00043/RF - DISMIS - 13 March 2024 - Permission in Principle for an infill residential development of 2 no. dwellings.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Peasedown St John Parish Council:

It was resolved to object to the application for permission in principle for an infill residential development of 2no dwellings due to the development being within green belt and an extension of the village street scene.

Representations Received :

6no objections have been received, summarised as follows:

- The development is outside of the housing development boundary and in open countryside, contrary with Policy DW1 and does not meet the criteria for policies RE1 or RE4 for rural development,
- The development would significantly alter this part of the village,
- The works would diminish the natural character of the area,
- Introducing 5 new dwellings in this field would create a cluster that is out of keeping with local pattern of development which is established as low density, ribbon development,
- Allowing development here could bring forward similar applications on nearby land,
- Approving development outside the housing development boundary contradicts the plan led approach defined in para 155a) of the NPPF.
- There is no evidence of local unmet need in this location, nor is there evidence that the proposal represents a response to housing need across the district,
- The cumulative effect would be a steady loss of open countryside around the settlement,
-
- The previous appeal found the site to serve an important role within the green belt,
- The green belt boundaries are unaltered and the site remains designated and protected.
- The reference of 'grey belt' has no formal planning status,
- The recent appeal finds that the site contributes to the green belt purposes a), b) and d) of

- The development results in the loss of existing natural features that contribute to the local environment and wildlife,
- The development would reduce the overall ecological value and biodiversity of the site,
- 5 new dwellings will bring more traffic onto an already busy road adjacent to the bus stop,
- Its unlikely that an access will be able to achieve the necessary 160m visibility splays in each direction for the 50mph road,
- The new access will connect with the busy 50mph road resulting in highways danger,

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

NE2A: Landscape setting of settlements

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

D8: Lighting

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)

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 a minimum of three and a maximum of five dwellings.

It is noted that a Permission in Principle application for 2 no dwellings was refused in April 2023, reference 23/01116/PIP. It was determined that the development would represent inappropriate development in the Green Belt, and inappropriate development outside of a housing development boundary.

A subsequent appeal was submitted and dismissed. To summarise some key points from the Inspectors findings:

- The application site was not deemed to be infill development due to the size of the gap between the properties on either side, the positioning of Greyfields, the context of the existing built form within and outside of the village.
- The appeal site represents a definitive visual break marking the point where the character of Ashgrove changes from village to open countryside
- The development would result in the sprawl of the built-up area of the village and would encroach into the countryside,
- The development would result in the erosion of the openness of the green belt,
- The development would have good accessibility to local facilities within the village, including Bath Road local centre and the primary, and that higher order services beyond the village would be accessible by means other than the private car, offering a genuine sustainable choice of transport modes. The settlement would be accessible via pedestrian methods via the footpath and bus stops which provide regular bus services into Bath, Wells, Bristol and Paulton,
- There would be some social and environmental benefits associated with the provision of 2 new dwellings in a sustainable location

OFFICER ASSESSMENT:

National Planning Policy Guidance (NPPG) sets out what can be considered when assessing a permission in principle application. At the first stage of the process, local authorities should only consider the location of development, land use and the amount of development.

The primary issue to therefore consider is the whether the proposed location is suitable for residential development for, in this case, between 3 and 5 dwellings. All other matters such as site layout, design and appearance, residential amenity, highway safety/access/parking, ecology etc. should be considered at the Technical Details Consent stage.

The site is located outside of the defined housing development boundary of Peasedown St John, and within the Green Belt.

HOUSING DEVELOPMENT BOUNDARY:

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 adjacent to, but outside of the defined Housing Development Boundary of Peasedown St John and is located within the Green Belt. As such, Policies RA1, RA2 and GB2 which support development within settlement boundaries are not relevant to the scheme.

As set out in great detail within the recent appeal on this site, the application site is deemed to be within the countryside, having a greater affinity with the surrounding countryside than the built-up form of the village. In addition, the site would not constitute limited infilling.

Given the site is located outside of a defined Housing Development Boundary and within the countryside, the development is found to be contrary with Policy DW1 of the Local Plan Partial Update.

Policy RE4 further reinforces the spatial strategy and sets out that new dwellings will not be allowed outside a Housing Development Boundary unless they serve an essential need for rural workers. The proposal is not for agricultural worker dwellings and is therefore contrary to policy RE4 of the Placemaking Plan.

Whilst the proposal conflicts with policies DW1 and RE4 of the Development Plan, it is not considered that the dwelling would be isolated given the proximity to other neighbouring dwellings. As such, the requirements of Paragraph 84 of the NPPF are not engaged.

GREEN BELT

A primary issue to consider is whether the proposal represents inappropriate development in the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by

keeping land permanently open; one of the essential characteristics of Green Belts are their openness. Impact on openness must also be assessed. Impact on openness is based on a visual and spatial assessment.

Objections have been received to the developments harm to the Green Belt and the green belt purposes. The objection comments also refute the applicants references to 'grey belt' classification.

Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and paragraph 153 sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances.

Paragraph 155 has recently been updated which sets out that the development of homes may be found appropriate development in the Green Belt where all of the following apply:

"a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
b. There is a demonstrable unmet need for the type of development proposed;
c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below."

These criteria will be assessed in turn.

"a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;"

Grey Belt land is defined within the NPPF as the following:

"Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development."

Paragraphs 143, a), b) and d) are as follows:

"Green Belt serves five purposes:

a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;

...

d) to preserve the setting and special character of historic towns; and..."

The application site is an open field within the countryside on the west side of the road. The parcel of land is situated to the north of the dwelling Greystones and to the south of another field associated with the dwelling Eastfield. Adjacent to the west is a larger agricultural field.

Detailed consideration was given to the developments impact on the green belt purposes during the recent appeal. It is noted that the recent appeal was for 2 dwelling and this new application is now to 3-5 dwellings, increasing the quantum of development. It was considered that the development would result in the sprawl of the built-up area of the village and would encroach into the countryside.

The applicant has set out that the NPPG has states 'villages' should not be considered large built-up areas. The national planning practice guidance has been updated in February 2025, a year after the appeal decision was issued, to provide additional guidance on grey belt considerations. In NPPG paragraph 005 (Reference ID: 64-005-20250225), for Purpose A) it is set out that 'Villages should not be considered large built-up areas'. This is consistent with purposes B) and D) which exclude villages from consideration.

The settlement of Peasedown St John is classified as a village. Whilst is it a larger village, it is not considered to be a 'large built-up area' for the specific review of purpose A).

The NPPG paragraph also sets out some guidance to define the strength of contributions. Strong contribution may occur where a site is adjacent to a large built-up area, and is development, may result in an incongruous pattern of development.

The application site sits to the north of the village with a square parcel on the west side of the road. It sits adjacent to the residential dwellings to the south, of Greystones and numbers 78 and 79 Ashgrove. On the east side of the road, residential development has extended onto the north side of Eckweek Lane, a previously agricultural parcel of land.

Whilst the application site has been found to have a greater affinity with the surrounding countryside than the built-up form of the village, development in this parcel may remain consistent with the local pattern of development and is not automatically discounted as being an incongruous addition to the settlement.

As such, the proposal is not contrary with purpose A), nor to provide a strong contribution to this purpose.

Given the distance between Peasedown and the nearest settlement to the north Dunkerton, and the villages classification as a 'village' and not a town, the development is not contrary with purpose b).

The application site is not within a conservation area, nor nearby to any Listed Buildings. Peasedown is classified as a 'village' and not a town, so the development is not contrary with purpose d).

b. There is a demonstrable unmet need for the type of development proposed (56);

Footnote 56 sets out the following:

"56 Which, in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing

requirement over the previous three years; and in the case of traveller sites means the lack of a five year supply of deliverable traveller sites assessed in line with Planning Policy for Traveller sites."

B&NES currently do not have a 5-year housing land supply, so paragraph 155b) is satisfied.

"c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework(57); and"

The application site is on the northern edge of the village, adjacent to the main road running through the centre of the settlement. The village has a high street with shops, hairdressers, hot food takeaways, post office, as well as churches, a primary school, nurseries, play parks, dentist and a doctors surgery.

It is noted that several of these services are located within the centre and towards the south of the village with could be approximately 1km from the application site. Whilst some of these are further than anticipated walking distances, including the primary school, the bus links through the village are frequent and well placed to reach these local services. Formal footpaths are also available with street lighting.

A bus stop serviced by routes 171, 172, 173, 174 and 522 is located on the public highways directly adjacent to this site. These routes provide busses every 15-20 minutes on the route between Peasedown and Bath, Radstock and Midsomer Norton, and even to Bristol.

The recent appeal found that the future occupants would have good accessibility to local facilities in the village, that a genuine sustainable choice of transport modes is available and that the settlement is accessible via pedestrian methods.

As such, the application site is found to be a sustainable location.

d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below,"

The application is not for major development so the test for the Golden Rules do not apply.

Grey Belt Conclusion

The application site is not found to strongly contribute to the green belt purposes (a), (b), or (d) as above, and can be considered to be grey belt land, satisfying paragraph 155a). The LPA do not currently have a 5-year housing land supply, and the application site is found to be a sustainable location.

As such, the proposal can be considered appropriate development in the Green Belt, compliant with paragraph 155 of the NPPF.

HIGHWAYS:

The site is located outside of the 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.

The site located adjacent to the main road which runs through the centre of the village. A footpath, albeit narrow at this point, extends to the north following the main road, providing pedestrian access to, and past, the application site. Street lighting is also present along this street.

Concerns have been raised the highways safety where the new dwellings would require access onto this part of the road, adding new vehicles onto the road network, and from providing a new access point nearby to the bus stop. In this location the road has changed to a 50mph zone from the 20mph zone of the village. The road is straight, with a slightly curve, but clear visibility is provided in each direction.

This permission in principle has not yet established an access point, but an existing access connects with the road in the southern corner of the site. Residential driveways serving the dwellings Greystones and Eastfield on either side of the site also connect directly with the main road. It is considered likely that a safe access with suitable visibility could be provided, which are matters that will need to be scrutinised further during a Technical Details application.

With regards to quantum of development Highway Officers consider the development unlikely to have any noticeable impact on the local transport network and do not expect the development to generate a significantly higher level of vehicle movements in this area.

It is considered that the development could accord with policies ST1 and ST7 of the Local Plan Partial Update and part 9 of the NPPF.

ECOLOGY:

The application site is not considered to be a Habitats Development and an Appropriate Assessment is not required. This is consistent with the previous Permission in Principle at this site. It is also accepted that at Technical Details Consent stage, Ecological matters would need to be assessed. It is not considered that any ecological impacts could be mitigated at the Technical Details stage, and as such, there are no ecological objections to the proposal.

OTHER MATTERS:

The comments made by contributors have addressed additional concerns to the impact on the character of the village in this area and local pattern of development. At this permission in principle stage, a design of the layout of the site, or the dwellings themselves, is not available to scrutinise. It is noted that there is a range of dwelling designs, densities and plot layouts in this area so it is likely that a proposal can maintain local character.

The objection comments also highlight that the development will result in the loss of ecological value and the loss of existing nature features. It is acknowledged that the erection of 3-5 dwellings on this site will result in the loss of the existing vegetation. The works will need to achieve a net gain in biodiversity of 10%, in accordance with Policy NE3a, which is a matter to be scrutinised during a technical details application.

TILTED BALANCE:

Paragraph 11. of the NPPF sets out that plans and decision 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.

The proposal will provide some benefits through the provision of additional housing in a sustainable location where the LPA can only demonstrate 2.5 years of housing land supply, as well as some modest economic benefits during the construction phase.

The application is found to conflict with Policies DW1 and RE4 of the Local Plan, but the adverse impacts are not found to significantly and demonstrably outweigh the benefits of the proposal and in accordance with paragraph 11(d) of the NPPF planning permission should be granted.

SCHEME OF DELEGATION:

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

The Vice Chair has decided that this would be suitable for committee, commenting as follows:

"I consider this would be a good application for the Committee to consider mainly because it is outside the defined housing boundary and there are differing views on the benefits and dis benefits that the development would have on the community."

The Chair has decided that this application should remain delegated, commenting as follows:

"After reviewing the details, I am happy to delegate the Greystones referral to the officers. The reason for this decision is that the adverse impacts of the development's location are not found to significantly and demonstrably outweigh the benefits of the proposal."

As such, this application will remain Delegated.

CONCLUSION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether or not to grant planning permission must be made in accordance with

the development plan unless material considerations indicate otherwise. This application is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

PLANS LIST:

1 This decision relates to the following plans:

OS Extract 24 Apr 2025

SITE LOCATION PLAN

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

5 Responding to Climate Change (Informative):

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

Item No: 02
Application No: 25/02460/FUL
Site Location: St Michael's Doctors Surgery Walwyn Close Twerton Bath Bath And North East Somerset



Ward: Twerton **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Tim Ball Councillor Sarah Moore
Application Type: Full Application
Proposal: Change of use from Class E(e) Doctor's Surgery into Class C4 HMO
Constraints: Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, Canal and Rivers Trust Major, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, SSSI - Impact Risk Zones,
Applicant: St Michaels Surgery (NHS)
Expiry Date: 18th August 2025
Case Officer: Paige Moseley
To view the case click on the link [here](#).

REPORT

The application has also been called in to the committee by Cllr Sarah Moore who is the local Ward Councillor. In accordance with the Council's Scheme of Delegation, the

application was referred to the Chair and Vice Chair of the Planning Committee. It was decided that the application should be debated by the committee. The comments received are as follows:

Cllr Tim Ball:

I have studied the Chair referral report for application 25/02460/FUL at St Michael's Doctors Surgery in detail. Given that this application has been refused twice previously and remains a controversial issue within the local area, I believe it would be most appropriate for the committee to consider it. A site visit would also be needed before committee.

Cllr Paul Crossley:

I agree with Cllr Ball that this should be considered by committee.

The application refers to the southern wing of St Michael's Doctor's surgery. The building is two-storey and was previously in use as a dentist facility.

Planning permission is sought for a change of use from a Use Class E(e) Doctor's Surgery into Use Class C4 HMO.

Relevant Planning History

DC - 24/00064/FUL - RF - 7 March 2024 - Change of use of the southern wing from Class E(e) Doctor's Surgery into 4 bedroom House in Multiple Occupation (HMO) (Use Class C4).

DC - 24/03706/FUL - RF - 28 November 2024 - Change of use of the southern wing from Class E(e) Doctor's Surgery into 4 bedroom House in Multiple Occupation (HMO) (Use Class C4) (Resubmission).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Councillor Sarah Moore:

I would like to strongly object to the above mentioned revised HMO application. Their plans have not significantly changed since the previous application, other than removal of the rooflight and rearranging the layout of the bedrooms on the upper floor, it also appears to be adding a window the type of which has not been identified.

The unobscured windows will directly overlook and open out into the car park of the doctor's surgery therefore providing no privacy for the occupants or visitors to the doctor's surgery. The obscured windows provide no outlook for the occupants in those rooms at all.

I would also like to object on the following policy grounds:

a. I believe this application contravenes Placemaking Plan Policy H2 Criteria iii The HMO use significantly harms the amenity of adjoining residents through a loss of privacy, visual and noise intrusion; The side of this building directly overlooks the neighbouring garden with no fencing buffer and windows that open will impact on the neighbour's privacy and increase of noise.

v The HMO use results in the unacceptable loss of accommodation in a locality, in terms of mix, size and type; vi The development prejudices the continued commercial use of ground/ lower floors. This is a change of use from a Doctor's surgery to a residential property, at a time of limited access to a doctor or NHS facilities, this property was previously used as a Dentist, access to which is also severely limited and this change would remove the opportunity of either of these facilities within a high residential area.

b. It also contravenes Policy D6 criteria a Allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light ; b Not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance; Obscured windows will provide no outlook for the tenants of the HMO and the tilt windows will provide no privacy for the neighbouring, directly adjoining garden.

c Allow for provision of adequate and usable private or communal amenity space and defensible space. There is no outside space for the occupants to use and the entrance is directly onto a narrow pavement adjoining the neighbouring property.

If you are minded to approve this application, I would request it is referred to committee and a site visit is arranged so they can see the proximity and intrusion on the neighbouring property.

Representations Received :

7no. objection comments have been received from local residents raising the following concerns:

- No outdoor space
- No fire escape except a small front path
- There is drainage/sewerage problem that keeps blocking and increased toilets and showers and appliances installed will make it worse.
- Rubbish and recycling
- Takeaway and parcel deliveries
- Groups congregating outside nearby homes
- Parking availability
- Access to neighbour's land to carry out alterations to building
- Windows will overlook neighbours
- The building forms the boundary with the neighbouring dwelling therefore amenity will be impacted
- Replacing the kitchen window with a fixed window will make the area damp with no ventilation.
- Downstairs bedroom will look out to wall or fence which will not provide enough outlook.
- Proposed loft insulation and solar panels mentioned in design and access statement but not shown on plans
- Access to the property is inadequate
- The other doctors cannot accommodate the doctor's closing and would increase waiting times for doctors/appointments which would be detrimental to the local area.
- Antisocial behaviour associated with HMOs
- Impact of HMO on community cohesion.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

B1: Bath Spatial Strategy

BD1: Bath Design Policy

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D6: Amenity

HE1: Historic environment

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:

CP1: Retrofitting Existing Buildings

D5: Building design

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) 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 proposal is for the change of use of a Doctor's surgery (Use Class E) to a House-in-Multiple Occupation (HMO) (Use Class C4). The proposal involves the change of use of the southern wing of the surgery which was previously in use as a dentist. Two previous applications for the change of use to an HMO have been refused. The most recent was refused as it was considered that the proposals would result in inadequate living conditions as one of the proposed bedrooms had no outlook due to having only obscurely glazed windows in the side elevation. The plans submitted for this application include layout changes and new windows to address this issue.

PRINCIPLE OF CHANGE OF USE

Loss of former dentist facility

The proposals would result in the change of use from a former dentists, to an HMO. Dentist provision is considered a community facility under policy LCR1 of the Placemaking Plan.

The policy states that the loss of land and/or building(s) valued as a community facility will only be permitted provided:

1) there is adequate existing local provision of facilities of equivalent community value; or

- 2) alternative facilities of equivalent local community value will be provided in the locality; or
- 3) the proposed loss is an integral part of changes by a public service provider which will improve the overall quality or accessibility of public services in the locality.

It was established in the previous applications that the wing of the building subject to the proposed change of use has not been in use as a dentists for some time and that the rooms have been stripped of equipment and furniture. The applicants also confirmed that this particular service was relocated to Rush Hill. There is also another dentists facility next to the site. Therefore, the loss of this space would be considered overall acceptable in this instance.

Change of use to HMO

Policy H2 concerns Houses in Multiple Occupation (HMOs), the policy states that these applications 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 site passes this criterion because the HMO density would be 5.2%

ii) The HMO use is incompatible with the character and amenity of established adjacent uses.

The proposed HMO would not be incompatible with the surrounding residential uses and the continued use of the other wings of the property as a doctor's surgery. It is considered that the proposal complies with this criterion.

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

The proposal is considered to comply with this criterion and is detailed further in the Residential Amenity section of this report.

iv) The HMO use creates a severe transport impact.

It is considered that the proposal would not cause severe transport impact and this is detailed further in the Highways Safety and Parking section of this report.

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

It is considered that the proposal would comply with this criterion and this is detailed further in the Accommodation Standards and Residential Amenity section of this report.

vi) vi. The HMO property does not achieve an Energy Performance Certificate "C" rating unless it meets exemptions set out in the SPD;

The property currently has a 'D' rating and works are proposed to improve the rating which can be secured by condition. It is therefore considered that the proposal complies with this criterion.

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

The site is not located within an area of high HMO density, therefore it passes this criterion.

viii) The development prejudices the continued commercial use of ground/lower floors. The development would not result in the loss of a continued commercial use at ground floor level. The site is also not located in an area identified as being important to retain commercial uses.

The BaNES HMO Supplementary Planning Document expands on this and sets out that proposals will not be permitted where:

Criterion 1: It would result in any residential property (C3 use) being 'sandwiched' between two HMOs; or

Criterion 2: HMO properties represent more than 10% of households within a 100-metre radius of the application property.

Criterion 1: Sandwiching

Following a GIS search, the conversion of this property into an HMO would not result in 'sandwiching' between other HMO certified properties and therefore complies with Criterion 1.

Criterion 2:

From records held by the council, 77 properties within a 100m radius are residential and there are 3 existing HMOs. The proposed change of use would put this use to 4 HMOs resulting in a concentration of 5.2%. The proposal therefore accords with this criterion.

Given that the proposal meets the two criteria, it is considered that the HMO would not be contrary to supporting a balanced community nor would it result in the unacceptable loss of accommodation. Overall it is considered that the proposal accords with policy H2 of the Local Plan Partial Update.

ACCOMMODATION STANDARDS AND 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.

Policy H2 and the HMO SPD also require a good standard of accommodation for occupiers.

The proposed room sizes meet or exceed the space requirements set out in the SPD. The proposed energy efficiency improvements to bring the property up to an EPC 'C' rating appear to be achievable and can be secured by a planning condition requiring an updated EPC to be submitted prior to occupation of the HMO. The floor plans show adequate space for drying clothes.

All habitable rooms would be served by a clear glazed and opening window. Objections have been raised that the downstairs bedroom would look out onto a wall and would not provide a good enough accommodation standard. The boundary wall stands

approximately 1m away from the window therefore the outlook from this window would be more constrained than for the upstairs bedrooms, however the window would be wide and there would be some outlook to the private outdoor space, and given the height of the wall and orientation of the window it is considered that the room would receive adequate light. The communal space also exceeds requirements so it is considered overall amenity levels would be acceptable for the occupant of this bedroom.

Objections have raised concerns about the kitchen window being fixed causing damp and lack of ventilation. The kitchen is proposed to be open plan with the living and dining area, and there would be an opening casement window serving the room. There are also options for internal ventilation and extraction which could be utilized. The arrangements are therefore considered to be acceptable.

Objections have been raised that there is not an outdoor amenity space. There is no requirement to provide outdoor amenity space and the internal communal amenity space exceeds requirements. The site is also close to accessible natural green space. The arrangements are therefore considered to be acceptable.

The southern elevation of the building forms the boundary with the neighbouring property 14 Walwyn Close, running along the side of the garden. Objections have been raised due to concerns about the amenity impacts on the occupants of no.14. There are a number of windows within the south elevation which have raised particular concern as they face the garden and side elevation of no.14. The only windows within this elevation which serve habitable rooms (kitchen and upstairs bedroom) would be fixed closed and obscurely glazed. An upstairs bathroom window and two downstairs hallway windows would be obscurely glazed and have a tilt opening which would restrict their outlook. Due to these spaces not being habitable rooms, used transiently only, and having a restricted opening type, it is considered that there would not be significant impacts to amenity by way of overlooking, loss of privacy and noise. The window types would be secured by a condition.

Objections have raised that the windows would look onto the car park for the doctor's surgery car park which would reduce privacy for patients and customers. The car park is already overlooked by other properties and it is not considered that this would be reason to refuse the application.

Objections have raised concerns about the property receiving deliveries at all times of day. It is noted that this could be true of a C3 residential property as well and it is not considered that this would cause significant amenity impact.

The proposal is therefore considered to be in accordance with policy H2 of the Local Plan Partial Update and D6 of the Placemaking Plan.

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.

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.

External alterations including window and door alterations and the removal of an existing bay window are proposed. It is considered that the proposal would respect the existing character of the building and the context of the character and appearance of the wider 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.

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 includes secure and covered bicycle storage for 4 bicycles which is in accordance with the requirements of the Transport and Development SPD. These can be secured by a planning condition.

Provision is made onsite for bin and recycling storage. It is assumed that bins and recycling will be collected from the kerbside alongside other local residents and officer see no issue with this arrangement.

Objections have been raised regarding lack of parking. The Transport and Development SPD sets out maximum standards for parking and C4 HMOs are to be treated the same as C3 dwellinghouses. Under the maximum standards, there is no requirement to provide parking spaces for the proposed use. Research commissioned by B&NES Council to support the SPD found that HMOs result in no net increase in parking demand over that of a family home. The site is close to public rights of way and local bus services. Therefore it is considered that the proposal would not result in significant additional parking demand or compromise highways safety.

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

Concerns have been raised regarding needing access to neighbouring land to facilitate physical alterations and additions. This would be a civil matter rather than a planning matter and can therefore not be taken into account in this decision.

Objections have raised that solar panels are proposed to improve the EPC but are not shown on the plans. It is likely that the installation of solar panels to the property would be possible under permitted development rights. If they were to be installed in a way that planning permission would be required, a further application would be needed. As the building is currently only 1 point away from an EPC C rating, it is likely that the rating could be achieved without the solar panels, therefore it is considered necessary to secure them through the plans.

Objections have been raised regarding pressure on sewerage systems and an existing sewage problem. Maintenance of the sewerage system would be the responsibility of owners or the water company and this would not be a planning matter.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 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 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage has been provided in accordance with the details which have first been approved by the Local Planning Authority. The storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles to promote sustainable transport use in accordance with Policy ST7 of the Bath and North East Somerset Local Plan.

3 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.

4 Removal of Permitted Development Rights - No Windows (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the south elevation at any time unless a further planning permission has been granted.

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

5 Windows (Pre-occupation)

No occupation of the House in Multiple Occupation hereby approved shall take place until details of the proposed tilt windows and obscure glazing on the south elevation have been submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in accordance with the approved details and shall be permanently retained as such.

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

6 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

23 Jun 2025 (3)001 SITE LOCATION AND BLOCK PLANS
23 Jun 2025 (3)004D PROPOSED FLOOR PLANS
23 Jun 2025 (3)005D PROPOSED ELEVATIONS

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

4 Responding to Climate Change (Informative):

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

5 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are

familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

6 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.