

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **24th September 2025**

AGENDA
ITEM
NUMBER

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

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

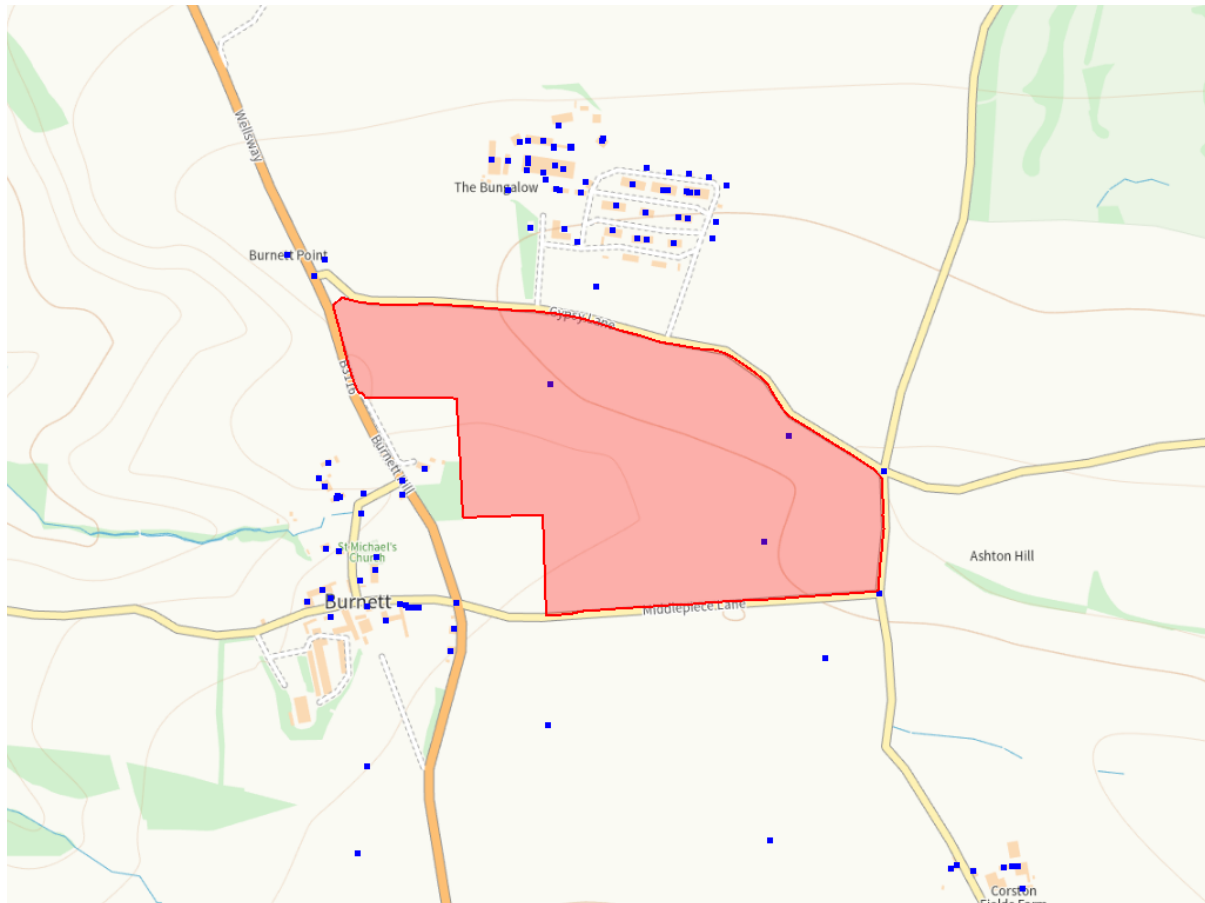
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	24/02489/EFUL 28 February 2025	Conrad Energy (Developments) II Limited Parcel 1643, Middle Piece Lane, Burnett, Keynsham, Bath And North East Somerset Installation, operation and decommissioning of renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.	Saltford	Danielle Milsom	REFUSE
02	23/03586/FUL 26 September 2025	B.A.T.H Scaffolding The Smallholdings, Claude Avenue, Twerton, Bath, Bath And North East Somerset Change of use of land and erection of storage building (Sui Generis use) for Bath Scaffolding Ltd (Retrospective).	Southdown	Christopher Masters	PERMIT
03	25/01744/FUL 14 August 2025	Rivers Birtwell 30 Shaws Way, Twerton, Bath, Bath And North East Somerset, BA2 1QQ Change of use from a 3 bedroom dwellinghouse (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4) and single-storey rear extension and alterations bicycle and bin storage.	Twerton	Christine Moorfield	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 24/02489/EFUL
Site Location: Parcel 1643 Middle Piece Lane Burnett Keynsham Bath And North East Somerset



Ward: Saltford **Parish:** Compton Dando **LB Grade:** N/A
Ward Members: Councillor Duncan Hounsell Councillor Chris Warren
Application Type: Full Application with an EIA attached
Proposal: Installation, operation and decommissioning of renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.
Constraints: Colerne Airfield Buffer, Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Hazards & Pipelines, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE3 SNCI, Other Please specify, SSSI - Impact Risk Zones,
Applicant: Conrad Energy (Developments) II Limited
Expiry Date: 28th February 2025

Case Officer: Danielle Milsom

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

REPORT

Following the call to committee request received by Cllr Duncan Hounsell, the application was referred to the Chair and Vice Chair of the Planning Committee, in line with the Council's Scheme of Delegation. It was decided that the application should be determined by committee. Comments are as follows:

Cllr Tim Ball (Chair):

"After reviewing the matter, I have decided that this case should go to committee. Given that it aligns with the council's energy policies, it will be valuable for the committee to deliberate on the arguments for refusal alongside our energy policies."

Cllr Paul Crossley (Vice-Chair):

"This is a large application and I am sure will gather a lot of public interest. There are many issues to balance out with these type of applications and changes of land use and I feel public debate on the matter is still evolving and that this application would benefit from being a planning Committee decision."

The application site relates to Parcel 1643, an agricultural site located to the east of Burnett, a historic village containing 5 listed buildings. The site bounded to the west by Burnett Hill (B3116), Gypsy Lane to the North and Middlepiece Lane to the south. The site lies within the Green Belt and is located approximately 2.5km to the southwest of the Cotswolds Area of Outstanding Natural Beauty.

Planning permission is sought for the installation, operation and decommissioning of renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.

The application has been submitted with an Environmental Statement and is EIA development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The environmental statement includes the following chapters:

Chapter 1 - Introduction

Chapter 2 - The Site and Its Environs

Chapter 3 - The Proposed Development

Chapter 4 - Climate Change, Energy, Planning Policy and Guidance

Chapter 5 - Assessment Methodology

Chapter 6 - Landscape and Visual Impact

Relevant Planning History:

23/03653/SCREEN - Request for an EIA Screening Opinion in relation to a proposed ground mounted solar array and associated infrastructure.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Public Rights of Way: No objection

Environmental Protection: No objection subject to condition

Drainage and Flooding: No objection

Highways: No objection, subject to condition

Archeaology: No objection

Sustainable Construction: No objection

Avon Fire and Rescue: Require 4 fire hydrants

Arboriculture: No objection

Contaminated land: No objection, subject to condition

Environment Agency: Withdrawal of previous objection, subject to conditions

Conservation: Objection

Less than substantial harm caused to heritage assets within Burnett

Landscape: Objection

Significant harm caused to the landscape setting

Mitigation insufficient to protect landscape

Assessment of alternatives insufficient

Health and Safety Executive: Comment only

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Compton Dando Parish Council: Comment

The Parish Council is mindful of the climate emergency and takes care to consider all applications, including those which could positively contribute to the climate emergency. However, with the increasing number of solar farms/ proposed solar farms within the parish, parishioners and the council believe that this application will further add the cumulative impact of industrialisation impacting on the local, natural beauty and precious green belt. Although the traffic management plan is fairly comprehensive, there remain safety concerns about the large increase in industrial vehicles travelling along the proposed route through the edge of Burnett, where there is already a known and notoriously dangerous black spot.

The proposed solar farm will have an adverse visual impact on the Green Belt in an area of historic and archaeological significance. It is visible from a variety of footpaths within the area and appropriate screening should be considered. Although sensitively considered

and well planned, the planting of hedges and trees is likely to take significantly longer than suggested, possible 10-15 years, in order to shield the solar panels from view. It is the view of some that there may never fully shield the solar panels from view. The solar 'panels should be screened throughout the lifetime of the proposal' and consideration should be given to species and age of planted hedge and other trees. The scale and height of the project will have a negative impact on the views and openness of the area, especially since the panels in the top field could potentially always be visible. The Parish Council ask if the application could be amended to remove the panels in the top field (Site Layout document Area 1) and one nearest the village/B3116/Middlepiece Lane (Site Layout document Area 3). The Areas 2 + 4 at the East end of the scheme already have mature hedges and are without doubt less intrusive and more acceptable.

The Parish Council ask if the following can be taken into consideration during the decision process:

1. Great care should be taken to ensure Heritage Assets are conserved in a manner appropriate to their significance, including the impact of proposals on views and landscape important to their setting. Screening would also affect the historic openness of the landscape.
2. Scheduled ancient monuments, heritage buildings and historic structures act as focal points in the countryside and make a huge contribution to environmental quality. In respect of this, the visual impact on Stantonbury Hill which is the site of a scheduled heritage asset, adjacent to sections of the Wansdyke, with a Risk Register Heritage listing needs to be seriously considered. The site was once an Iron Age fort enclosing some 30 acres of land. The Iron Age defences are visible on the edge of the application site's cultivated area, and there have been significant Bronze Age findings.
3. The village of Burnett consists of only 22 dwellings, many built in the mid-1800s and others before this date. The origin of the name Burnett is most likely derived from the old English word 2 baernet, meaning a place cleared by burning, and the earliest evidence of a settlement was in the period of the Ro-man occupation. Burnett later appeared in the Domesday Book of 1086 with 30 inhabitants. In 1102 the village came under the control of the powerful ecclesiastical body of Tewkesbury Abbey and the Benedictine monks stopped to worship and rest at St Michael's Church in the 13th century, enroute to Glastonbury. This Church is still an important heritage asset for the village of Burnett.
4. The village of Burnett, its setting and the surrounding landscape, warrants protection in respect of impact on the heritage setting and it is essential that significant archaeological investigations are undertaken before BANES even consider whether the application should be permitted.
5. That significant attention has been made in the application to preventing glint and glare to traffic and planes. Residents are witnessing that aircraft approaching Bristol Airport don't always adhere to the flight plans and fly over the village lighting up some of their homes, they are that low. Flying this low they could be affected by glint and glare from the panels.

Should the application go ahead, the Parish Council request the following:

1. The Construction Management Plan is adequate for the build, taking into consideration peak traffic times on the A39.
2. The cladding of the sub-station by Western Power should be in stone rather than brick.
3. Consideration of ways to avoid the panels being visible from the lane through the new entrance between Middlepiece Lane and Gypsy Lane.

4. Restoration of the dry-stone boundary wall on Middlepiece Lane, for both historic and biodiversity benefit.

Representations Received :

Cllr Duncan Hounsell:

I wish this application to be considered and determined by the development management committee whatever the recommendation of the case officer. This is because of the size of the application and the local, regional, and national public interest. The planning committee would wish to consider if this application is policy compliant including compliance with the new updated policies in the Local Plan Partial Update (LPPU). It is important that this is debated in the public domain.

41 objections received. A summary is as follows:

- o Loss of agricultural land needed for food growing
- o Economic benefit not for locals
- o No infrastructure installation to instal cable to connect to the grid
- o Highly visible parcel of land
- o Very sensitive area
- o Contrary to planning policy which stipulates schemes should be sympathetic to landscape and hidden where possible
- o Intrusion into beautiful rural setting
- o Impact on unspoilt village
- o After screening develops the panels will still be visible
- o At least should remove panels from visible slope if approved
- o Having to wait decades for screening is unacceptable
- o Screening should be in place prior to construction
- o Impact on highway safety from construction traffic
- o Ignoring discovery of Roman coffin and other recorded archaeological artefacts in the area
- o Ammonite pavement covers much of the site
- o Risk to aviation from glint and glare recognised but not seen as important
- o Support for panels which are hidden
- o Green belt is appropriate here but will be lost
- o Loss of the land here is avoidable
- o Resource for geological survey is not appropriate
- o Flooding assessment relates to the site itself, little relates to impact from panels and impermeable surfaces
- o Flooding which occurs is due to surface water, not the stream
- o Flooding on roads is a major problem
- o No mitigation for addition of impermeable material
- o Photographs submitted are misleading as they show a panorama view which doesn't show reality
- o Hard to find a less appropriate location
- o Threat to Burnett village
- o Adverse impact on green belt
- o Industrialisation of the historic landscape
- o Dominant in the landscape for residents, local people and passers by
- o Screening and shielding trees would also be harmful

- o Should be measures to repair dry stone wall
- o Lower grade farmland but still grows food
- o Cumulative effect leading to feeling of being surrounded by solar farms
- o Too close to the village
- o Solar panels should be on houses not open fields
- o There won't be enough space for food growing
- o Other local fields could be used without effecting residential properties
- o Claim of BNG provision is misleading
- o Extensive local conservation work which will be impacted through construction
- o Deer fencing known to be destructive to owls
- o Alternatives not properly considered
- o Impact on local house prices
- o Loss of habitat and wildlife
- o Landscape should not be covered by telegraph poles
- o Should consider just having the panels on fields 2 and 4
- o Significant noise disruption from construction and vehicles
- o Many accidents have taken place on main road
- o Attenuation pod in field 3 should be lines to support biodiversity
- o Attenuation pond should be dredged or dug out on 5 year basis
- o Overflow system needed
- o Wildflower meadow should be reinstated
- o Western area does not need screening
- o Do not need bee hives, they are not endangered and will create swarms
- o Ecological management plan for the site is required
- o negative impact on the food security of the UK
- o Contrary to policy CP3
- o Impact on to heritage assets within Burnett

6 letters of support received. A summary is as follows:

- o Ideal site for renewable energy generation especially if it can be dual used for sheep grazing
- o The dual use of the land and biodiversity impact and climate impact are the strongest positive elements
- o It's location will have limited impact on local residents

3 comments. A summary is as follows:

- o Prefer site not to be covered by unsightly panels
- o Prefer that we were not experiencing global warming
- o Consensus that we need to move to net zero
- o Urgent and large scale action needed
- o No way forward other than wind turbines and solar panels
- o Should not object only on grounds that it is close to homes
- o Burnett should insist on strict measures to disguise the site
- o Unlikely for land to be used for sheep grazing
- o Solar developments are an important way to support local communities and landowners

****The above represents a summary of comments received only. Full comments are able to view on the public website. All comments received have been read in full and considered within the assessment of this report.**

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

CP5: Flood Risk Management

CP6: Environmental Quality

CP8: Green Belt

CP13: Infrastructure provision

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

GB1: Visual amenities of the Green Belt

HE1: Historic environment

NE2A: Landscape setting of settlements

NE2B: Extension of residential gardens in the countryside

NE4: Ecosystem services

RE5: Agricultural land

SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy

CP3: Renewable Energy
CP7: Green infrastructure
D5: Building design
D8: Lighting
NE1: Development and green infrastructure
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
NE6: Trees and woodland conservation
PCS5: Contamination
ST1: Promoting Sustainable Travel
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)

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).

LISTED BUILDINGS:

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

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

Introduction

The application site relates to Parcel 1643, an agricultural site located to the east of Burnett, a historic village containing 5 listed buildings. The site bounded to the west by Burnett Hill (B3116), Gypsy Lane to the North and Middlepiece Lane to the south. The site lies within the Green Belt and is located approximately 2.5km to the southwest of the Cotswolds Area of Outstanding Natural Beauty.

The site is formed of 4 fields, identified within this report as fields 1, 2, 3 and 4. Field 1 is the northern most field, then working clockwise around the site. The whole site measures approximately 28.2 hectares in total. The area of the site proposed to be covered by solar panels is approximately 18 hectares.

The application seeks permission for the installation, operation and decommissioning of renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements. The development is expected to generate approximately 22.6GWh per year which is equivalent to supplying 5,763 homes with electricity.

The application has been submitted with an Environmental Statement and is EIA development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The environmental statement includes the following chapters:

Chapter 1 - Introduction

Chapter 2 - The Site and Its Environs

Chapter 3 - The Proposed Development

Chapter 4 - Climate Change, Energy, Planning Policy and Guidance

Chapter 5 - Assessment Methodology

Chapter 6 - Landscape and Visual Impact

The proposal involves various associated structures and engineering operations, such as inverters and transformer containers, internal tracks, deer fencing, and battery storage units. Connections to the grid are to be underground with its point of connection within the site boundary.

The solar panels are expected to have a life span of 40 years, after which the panels would be removed from site with the agricultural use restored.

PRINCIPLE OF DEVELOPMENT:

This proposal seeks the development of a solar farm. In the context of sustainable development, and subject to other relevant material considerations, the renewable energy generation is encouraged given the targets as set out above. The Council has declared a climate emergency and has committed to providing the leadership for the District to be carbon neutral by 2030. This will contribute to the UK's legally binding target of net zero carbon by 2050. A priority for the district is identified as a rapid and large-scale increase in local renewable energy generation.

Policy CP3 states that development should contribute to achieving the following minimum level of Renewable Energy and Heat generation by 2029:

Electricity: 110Mwe (Megawatt Electricity)
Heat: 165MWth (Megawatt Thermal)

"Proposals for all renewable and low carbon energy-generating and distribution networks, will be supported in the context of sustainable development and climate change, where:

a) They balance the wider environmental, social and economic benefits of renewable electricity, heat and/or fuel production and distribution;

b) They will not result in significant adverse impacts on the local environment that cannot be satisfactorily mitigated and they accord with national policy, including:

- o impacts to biodiversity;

- o landscape and visual impacts including cumulative effects;

- o impacts on the special qualities of all nationally important or protected landscapes which must be conserved or enhanced;

- o when considering applications for development within Areas of Outstanding Natural Beauty permission should be refused for major development other than in exceptional circumstances as set out in national policy, and where it can be demonstrated that the development

is in the public interest;

c) They are informed by an assessment of the impact the development might have on the significance of heritage assets and their settings, including the Outstanding Universal Value of Bath World Heritage Site. Any harmful impact on the significance of a designated heritage asset requires a clear and convincing justification, detailing the benefits of the proposal and enabling them to be weighed against any harm that would be caused;

d) They are supportive of land diversification and continued agricultural use;

e) They provide at least 10% biodiversity net gain and multi-functional Green Infrastructure e.g. permissive paths and wildlife corridors; and

f) There are appropriate plans and a mechanism in place for the removal of the technology on cessation of generation, and restoration of the site to its original use or an acceptable alternative use;

Ground Mounted Solar Energy

3) The Council particularly encourages ground mounted solar energy development proposals on land which is not functionally linked to nationally protected sites (SACs;SPAs,SSSIs) in the high, moderate-high, moderate potential areas set out in the Solar Assessment Report and shown on the Policies Map (subject to the other criteria in this policy). Proposals will be acceptable in other areas (of lower potential) provided that applicants clearly demonstrate that adverse impacts on the landscape can be satisfactorily mitigated (as set out in 1b). (See SCR2 for roof mounted solar)

In addition, ground mounted solar energy development proposals will be supported where they:

a) Are not sited on the best and most versatile agricultural land (Grades 1, 2, and 3a) unless significant sustainability benefits are demonstrated to outweigh any loss;

- b) Maintain grazing regimes within SAC bat sustenance zones;
- c) Avoid the loss of hedgerow & woodland connectivity;
- d) Avoid the loss and deterioration of UK priority habitats (as shown on the Policies Map); and
- e) Meet current best practice guidelines and standards on protection and enhancement of biodiversity"

The site is set within the Green Belt, and is located 2.5km from the boundary of the Cotswolds National Landscape. Considerations included within the above policy are assessed through this report and concluded within the planning balance section of this report.

AGRICULTURAL LAND:

Policy RE5 (Agricultural Land) states:

- 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.

As part of the application, an agricultural land assessment has been submitted which has identified the site as a grade 4 (poor quality) and this extends across the whole site. The NPPF recognises Grades 1, 2 and 3a as the best and most versatile agricultural land. Policy RE5 therefore does not protect the loss of grade 4 agricultural land compared to high grades. The need for solar renewable energy has been demonstrated within the above section, identified in policy CP3. In relation to criteria 2, it is considered that the development is steered towards the use of lower quality agricultural land. It is also intended for the site to continue to be used for agricultural purposes such as sheep grazing. Once the infrastructure is removed from the site following decommissioning, it is expected that the land would return back to agricultural use. The development will not result in the loss of the best and most versatile agricultural land and complies with policy RE5.

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition harmful and should not be approved except in very special circumstances (VSCs).

Exceptions to inappropriate development are listed within paragraph 154 of the NPPF. These exceptions do not include the provision of renewable energy. Of consideration is also paragraph 155 of the NPPF, which states;

"The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all 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."

Grey Belt is defined within the NPPF glossary 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."

The areas and/or assets identified within footnote 7 do not provide a strong reason for refusing or restricting development in this instance.

It therefore must be assessed whether the land in question strongly contributes to the following Green Belt 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

In relation to criteria A, the site is located between Saltford, Keynsham, and Bath. The site is not adjoining either of the large built-up areas yet would create a spread of development between Bristol (Keynsham) and Bath. The development of the site would result in a small contribution to the sprawl of development, but it is considered that the site would not result in strong contribution to this criteria. The site is also not adjacent to any towns and therefore would not merge towns together. Whilst Burnett is considered to be a historic village, it is not a town and therefore does not contribute to criteria D. The site is therefore considered not to strongly contribute to the purposes of the Green Belt identified above and can be considered as grey belt.

Paragraph 155a also requires the development to not fundamentally undermine the purposes (taken together) or the remaining Green Belt across the plan area.

Criteria C and E of the Green Belt purposes must also be reviewed, in addition to assessing against the fundamental aims of the Green Belt. Purpose C and E are as follows:

- c) to assist in safeguarding the countryside from encroachment
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In addition, paragraph 142 of the NPPF confirms the overall aim of Green Belt policy:

"142. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

The site occupies a prominent location within the Green Belt which is characterised by its open nature, being within the rural landscape. The topography of the site, especially in relation to fields 1 and 2, elevates this appearance with views towards the site from the south across the landscape. It is considered that the site plays a crucial role in the appearance of the Green Belt. The site is read against the adjacent settlement of Burnett, a small village and forms a vital area of open space between the village and larger settlements, read amongst the wider landscape. When read in connection with the wider area, Burnett appears as a rural, contained village against the backdrop of the wider area of Bristol. Keynsham extends to the south, towards Burnett. There are several open fields which detach Burnett from Keynsham and this distinction and separation is characterised and created through the undeveloped nature of this area of Green Belt.

As stated above, purpose C seeks to assist in safeguarding the countryside from encroachment. The proposed development would create an extensive area of development, which closes the gap between Keynsham and Burnett which would contribute to the dissolving of distinctive open countryside between Keynsham and Burnett. The introduction of man-made materials would create a significant and incongruous difference to the spatially open and green area, lessening the distinctiveness of the constrained small village of Burnett through the erosion of the adjacent fields. The fields, and the distinctive gap between Burnett and Keynsham would be encroached by way of urbanised development.

The site itself is of a scale and visibility which makes a significant contribution to the landscape setting, with its visual open presence. There is also a lack of physical features which would disconnect the neighbouring fields from further expansion given that the site sits amongst open green space and agricultural sites. Development utilising the prominent location is considered to disrupt the character through the significant development of materials uncommon within the countryside. There would as such be a considerable change to the open character of the agricultural field, into an industrial style setting. The development would therefore go against the fundamental aim of keeping land permanently open especially in areas such as the site location which significantly contributes to Green Belt openness. The site would also result in significant encroachment as a result of the spread of development into the open landscape, contrary to purpose C.

In addition, any cumulative impacts arising from the development being granted on the basis of being determined as grey belt land should be considered in the context of whether the remaining Green Belt area is fundamentally undermined. As discussed above, the site makes a significant contribution to the Green Belt and its openness. The loss of this site through development would undermine the functions of the remaining Green Belt area through a precedent being set to suggest that adjoining or similar large scale tracts of land which similarly contribute fundamentally to the overall purposes of the Green Belt could be considered as appropriate development. When considering the purposes of the Green Belt as a whole, and also considering the potential cumulative effects which could arise from allowing the proposed development, the remaining plan area would be fundamentally undermined. Should this site, which is highly visible and plays a crucial role in the Green Belt purposes be considered to be acceptable for development, the remaining green belt area is open to a similar interpretation which would have subsequent knock-on implications for further development. Similar development to that proposed could be accommodated within other similar green sites within the area, so

it wouldn't be limited to site specific. This would undermine the purpose C of the green belt, threatening other similar sites, which would in-turn, be contrary to the aim of keeping the green belt open and free from development. The development of the site would as such fundamentally undermine the rest of the Green Belt plan area in considering its future functions to serve Green Belt purpose C and its overall aim identified within paragraph 143.

Purpose E of the Green Belt seeks to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The site does not relate to derelict or urban land. Therefore the proposal would not conflict with this purpose.

It is considered that the weight given to the conflict with purpose C due to the issues raised above would be significant so as to fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area. As such, criteria 155a is not passed. The development therefore cannot meet the exception set out within paragraph 155 of the NPPF. The development is concluded to comprise of inappropriate development within the Green Belt.

Paragraph 160 of the NPPF states; when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

It is therefore relevant to consider whether very special circumstances exist to outweigh the harm identified resulting from the inappropriate development. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. An assessment of any VSCs is therefore required and these will be assessed within the Planning Balance Section of this report.

ENVIRONMENTAL IMPACT ASSESSMENT:

Following a screening assessment for the proposed development, the Council identified the proposal as EIA development, due to its potential impact upon the Landscape. The area of development is large and the site is considered to be highly visible from the highway, Burnett Village and nearby Public Rights of Way (PROWs). The landscape in this location is also considered to be sensitive. The application has therefore been supported by an Environmental Statement.

The Environmental statement has provided a Landscape Visual Impact Assessment within chapter 6. This is discussed further within the Landscape Section of this report.

As part of the Environmental statement submitted, an assessment of alternative locations was carried out with the aim of identifying the site as most suitable or least harmful for the development proposed. One of the main considerations of this assessment was the ability to connect to the national grid. The development is considered to be less viable, the further from the point of grid connection. This is due to expense of running cables, electrical losses and additional disturbance to the landscape and to locals. The local grid

connection was chosen due to its capacity. The Council's Sustainability officer has not objected to the scheme in this regard.

Alternative sites have been explored further during the application process where analysis was undertaken into all available land within 4km of the connection point of the site. Sites were then chosen based on the scale, discounting sites less than 28ha. Sites within 100 meters of housing were then discounted. Historic or terrain constraints rules out further sites, and a 1km distance from other solar farms also restricted location to limit cumulative impacts. Due to connection and capacity restrictions, 3 sites remained as suitable which included the proposed site, the fields to the east, and field to the south. The proposed sites was identified to require the lesser amount of screening and for minimising harm to heritage assets.

The discounting of various sites is considered to be reasonable. However, the radius of exploration is considered to be limited in its scope as the Council have an identified need district wide. It therefore is considered that alternatives should have been identified across the whole of the district. The site search area is also limited to Green Belt areas and has not sought to search for areas outside of the Green Belt which could result in less harm. An appeal at Land at Barton in Fabis, Nottingham (reference APP/P3040/W/23/3324608) discussed the area of alternative site search being limited to a certain grid connection network, which is similar to the assessment carried out at part of this application. It was concluded that whilst a viable grid connection is a determinative factor in the filtering of feasible sites, and scale of sites does lend to requiring countryside locations, there was not a reason to believe that there were no alternative sites could be located, especially outside of the Green Belt.

In addition, the alternative site assessment has not included a reduction of the scale of the proposed site. Inherent benefits would arise through reduction of the scale of development in regard to its potential impact upon the landscape. The impact upon the landscape is considered further in this report.

The alternative sites assessment is considered to be too limited and does not account of the district wide need for renewable energy, nor does it account for alternative sites outside of the Green Belt which could result in less harm overall.

LANDSCAPE AND VISUAL IMPACT - ENVIRONMENTAL IMPACT ASSESSMENT:

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. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape. Proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

The proposed solar development would be laid out in rows, with solar panels mounted onto galvanized steel or aluminium frames. At their highest point, measured from their relevant ground level, the solar panels would measure 2.6 meters. Fields 1-4 would be

mostly covered by the rows of solar panels which face in a southerly direction. The frame supporting the solar panels are proposed to be pile-driven into the ground, to avoid the need of a concrete base, so that the infrastructure could be easily removed following decommissioning. Additional structures are also proposed for battery storage, inverters/transformers, site substation. Each of the fields would have inverters sited amongst the panels, which measure approximately 2.6 meters in height. Structures appear as green metal containers, similar to a shipping container. No above ground cabling is proposed. Grid connection is within the site, and connected underground.

The remaining areas of site where solar panels are not situated include areas of proposed mitigation planting and BNG provision.

The site is located within the Farmborough Landscape Character Area. The areas consist of rural landscape with an open character, general comprising of rolling areas of agricultural land. The site occupies a prominent location within the Green Belt and the landscape, especially in regards to fields 1 and 2 where the elevation and topography make the fields visible from southerly views towards the site. Whilst the site is located approximately 2.5km from the Cotswolds National Landscape, the development is unlikely to have any material effect on it.

As discussed above, the development is considered as EIA development, due to its impact on the Landscape. A Landscape and Visual Impact Assessment (LVIA) has been provided, chapter 6 of the Environmental Statement (ES).

The LVIA makes reference to relevant local plan policies including NE2, D2, CP3, CP6, CP8, GB1 and also to the 2021 Landscape Sensitivity Assessment for Renewable Energy (LSA) by LUC. The LVIA helpfully acknowledges that effect on the openness of the Green Belt is one of the relevant factors to be considered in assessing the effects on landscape character.

The 2021 LSA provides guidance on the capacity of the landscape to accommodate solar (and wind) energy developments of different scales. The site area of the currently proposed development is given as approximately 28.2 ha which puts it towards the upper end of the Band D size range for solar energy considered in the 2021 LSA guidance. The site lies within Area 5b (Farmborough Plateau and Brook Valleys) as defined in the 2021 LSA, and guidance for this area is that it has only low-moderate potential for large-scale solar energy developments in the size range 15-30 ha (Band D), but that potential for smaller-scale development in the range 10-15 ha (Band C) is moderate, and in the size range of under 10 ha (Bands A and B) the potential is moderate-high.

Policy CP3 supports the development of ground based solar energy at appropriate scales in areas defined as having moderate, moderate-high or high potential in the 2021 LSA. It does not automatically rule out development in areas defined as having less than moderate potential for the scale proposed, such as the current application, where the potential is only low-moderate and where the policy confirms that:

'Key characteristics and qualities of the landscape are vulnerable to change from new solar PV or wind energy developments. There may be some very limited potential to accommodate developments without significantly changing landscape character. Great care would be needed in siting and design'.

In these areas, the policy states that development can only be acceptable subject to clear demonstration by the applicants that adverse impacts on the landscape can be satisfactorily mitigated. Mitigation is discussed further below.

The initial submission presented 10 viewpoints for consideration. A further 4 were then provided. The viewpoints and photomontages have confirmed the visibility of the site.

The LVIA has chosen to treat users of public rights of way as being of only 'high to medium' sensitivity visual receptors and sets out the criteria applied in its Appendix 1. However, GLVIA3, the accepted source of guidance for landscape and visual assessment (which this LVIA states that it follows) states very clearly (para 6.33) that

'The visual receptors most susceptible to change are generally likely to include:

- o Residents at home
- o People, whether residents or visitors, who are engaged in outdoor recreation, including Users of public rights of way, whose attention is likely to be focussed on the landscape and on particular views...'

Users of public rights of way in this instance should be treated as being of 'high' sensitivity rather than 'high to medium'. This influenced the assessment of levels of effect for these receptors and in this case it is considered that the LVIA downplays the impact as a result. Whilst it is accepted that the LVIA treats users of the B3116 as being medium to low sensitivity, it is considered that other users, such as cyclists would have a higher sensitivity.

The LVIA underestimates the sensitivity of some receptors, presents photographs and photomontages in a manner that tend to reduce the apparent magnitude of effect, omits certain viewpoints that would help provide a more complete assessment of effects, and therefore underestimates the overall level of landscape and visual impact.

Proposed landscaping is included within the development consisting of hedgerows, trees, shrub and scrub and grassland. The Environmental statement suggests that by year 15 of the development, the establishment of the landscaping features would reduce harm to the landscape to a moderate to minor level. A Landscape and Ecological Management Plan (LEMP) has been provided. Photomontages include depiction of the site 15 years from completion, however there is concern that these images exaggerate the degree of screening due to species indicated in the submitted LEMP. It is important to note that only shrubs and small tree species are recommended for the central planting belt, likely due to needing to avoid impact onto the solar panels and through creation of shade. However, this would also indicate the screening would also be limited in its potential, especially in areas of land which are higher, such as field 1. At this stage it is considered that mitigatory soft landscaping would be limited in its effect and would not result in a reduction in harm to an extent which would be considered acceptable to conserve the landscape.

Inverters are to be located amongst each of the solar fields, which appear as storage containers. The site plan shows the location of the inverters within field 1 as being central. This would be highly visible within the landscape given the topography of the hillside.

Policy NE2 seeks to conserve and enhance the landscape setting and resists development which would result in adverse impacts to the landscape setting of settlements that cannot be adequately mitigated. Policy CP3 also supports renewable energy where they will not result in significant and adverse impacts on the local environment which cannot be satisfactorily mitigated, in relation to landscape and visual impacts. It is considered that the disruption to the countryside through removal of visible open rural fields which contribute to the natural visual pattern and siting directly adjacent to a settlement to create its distinctiveness would not conserve the landscape setting.

Policy NE2a seeks to conserve and enhance the landscape setting of settlements and their landscape character, views and features. Development that would result in adverse impact to the landscape setting of settlements that cannot be adequately mitigated will not be permitted. The village of Burnett is read within its countryside setting, where open fields surround the small village. The village is subservient to the countryside and its constrained nature plays a key role in the rural character. The development of the large solar farm which is larger than the village itself, would appear incongruously against the village, through the loss of its adjacent country side to the east. The experience of the village is that it is adjacent to open fields with an expansive view. With views towards the site and village from the southern locations, the connection of the rural village and its adjoining open space is also experienced. The remote and tranquil character of the village would subsequently be lost through the industrialisation of incongruous materials within the proposed site.

It is therefore considered that the proposal, due to the siting of the solar panels within elevated areas of land that are shown to be highly visible within the open landscape, would cause harm to the landscape setting. The site has low to moderate potential for solar development of a scale between 15-30ha and seeks to restrict one areas of higher more visible land. The receptor sensitivity is considered to be significant given the visibility and proposed scale. Mitigation with the inclusion of soft landscaping would not be achievable to screen the development to a level which would reduce the landscape impact. It is as such considered that the development is contrary to policy NE2 and NE2a of the Placemaking Plan, and part 15 of the NPPF.

HERITAGE, 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.

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

The proposed development site is located to the east of the historic settlement of Burnett which contains 5no. Grade II listed buildings:

- Medieval Church of St Michael plus 2no. churchyard monuments
- Manor House - early C17
- Burnett House - early C19 farmhouse

There are also the following listed buildings outside of Burnett village, identified in the Design &

Access Statement as lying within 500m of the site:

- Uplands Farmhouse - Grade II
- Corston Field Farmhouse - Grade II

Other heritage assets which could potentially be impacted by the proposal include:

- Part of the linear boundary known as the Wansdyke - Schedule Monument
- Stantonbury camp and adjacent sections of Wansdyke - Schedule Monument
- Newton Park - Grade II* Registered Park and Garden

Whilst Burnett is not designated as a conservation area, nonetheless it is an attractive historic, rural settlement that, in addition to the 5no. listed buildings noted above, contains a number of non-designated heritage assets. Together all heritage assets contribute to Burnett's traditional, historic character and appearance which is worthy of consideration in the light of any development coming forward that could potentially have a detrimental impact. Part of its

character and significance is its rural, agrarian landscape setting that is highly likely to originate at least to the medieval period and unchanged for at least since the Norman or Saxon period, or even prior to this.

Each heritage asset is assessed in turn below.

St Michael's Church

While the significance of the church is primarily predicated on its historic and architectural interest and its immediate setting of the churchyard contributes to this significance, its wider landscape setting is also an important contributor. The church, especially its bellcote, can be glimpsed from the main road, across the open grounds of the Manor House, denoting the presence of a historic settlement. The appearance of a swathe of solar panels immediately opposite the views of the church dilutes the experience of the church within its wider historic agrarian setting. It is therefore considered that the development would result in less than substantial harm to the significance of the setting of the St Michael's Church.

The Ford Family Chest Tomb

The A'court Family Chest Tomb

Whilst there is no line of sight from the chest tombs to the application site, the application site makes a small contribution to their significance as part of the historic agrarian setting of the churchyard which would be harmed by the development. The harm would lie at the lowest end of 'less than substantial'.

Manor House

Views to and from the Manor House will be significantly impacted by the development. Its landscape setting to the east is an important contributor to its significance, placing it in its historic rural context. While there are hedgerows proposed, it is unlikely that they will provide sufficient screening to mitigate the harm, which is considered to be within the mid-level of less than substantial.

Burnett House

While there are no direct views between Burnett House and the application site, the presence of a large-scale solar farm directly opposite the entry to the historic settlement will have some impact on the setting of any of the heritage assets therein. The harm to significance would lie at the lowest level of "less than substantial".

Corston Field Farmhouse & Uplands Farm

There will be no impact on the setting of either of these listed buildings due to their distance from the site and the topography of the intervening land.

Harm would be caused to the significance of a number of designated heritage assets by the impact of this development on their settings.

All the harm found would lie at the wide-ranging "less than substantial" level which is to be expected, rather than "substantial" as this is a high bar reflecting a total loss of significance.

The harm to the significance of Manor House would lie at the mid level of "less than substantial"; that to St Michael's Church at the lower end of "less than substantial"; the harm to the significance of the listed chest tombs and Burnett House lies at the lowest end of the "less than substantial" scale.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

As discussed above, there is a significant identified need in relation to the provision of renewable energy. The development would significantly contribute towards meeting the aspirations of policy CP3, and the aims of the Climate Emergency declaration. Significant weight is therefore afforded to the provision of solar energy proposed through this application. When weighed against the less than substantial harm identified, it is considered that the weight given to the public benefits of renewable energy would be enough to outweigh the harm to heritage assets.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would result in less than substantial harm to

heritage assets, which is outweighed by public benefits. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

ARCHAEOLOGY:

The submitted archaeological evaluation report indicates that although there is some archaeology on the site relating to Iron Age activity. Of the 39 trenches investigated only two contained archaeological features, both ditches. A majority of this site has been shown to have low archaeological potential and so it is advised that no further investigation is required.

The development therefore accords with policy HE1 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.

A glint and glare assessment has been provided as part of the application which assesses various receptors, including residential uses of nearby settlements. The report identified the following:

"Solar reflections are possible at 12 of the 22 residential receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at four receptors, including one residential area, Low at eight receptors and None at the remaining 10 receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts reduce to Low at three receptors and to None at all remaining receptors. Once mitigation measures were considered, glint and glare impacts remain Low at three receptors and None at all remaining receptors"

Following mitigation measures, such as hedgerows, it is expected that there is to only low or no impacts, and therefore there would not be any significant effects arising from the development.

During construction phases, there is likely to be disturbance to neighbouring villages and settlements. A construction management plan has been submitted and this would limit the hours of construction between 8am-6pm weekdays, and 8am-1:30pm Saturdays. The construction period is expected to last 35 weeks. It is considered that the construction management plan would control any disturbance and given that this impact is temporary, any residential amenity impact would not be significant enough to warrant refusal.

Due to the separation between the solar panels and neighbouring properties or uses, there would not be any overshadowing to habitable spaces.

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 highway authority accepts that there is unlikely to be any material impacts on the local highway network through the operational phase of the development. It is noted that the operational phase vehicular access would be taken from the unnamed lane which connects Gypsy Lane and Middlepiece Lane, and there are no significant concerns relating to this approach although the following comments need to be considered.

Given the scale and type of proposal, the scheme does have the potential to have some impact on the highway throughout the construction and decommissioning phases of the development. The submitted Construction Traffic Management Plan (CTMP) reviews how the vehicles associated with these phases would access the site and how these movements would be controlled as part of the development. The CTMP approach is generally acceptable, and there are no significant concerns regarding the routing of construction vehicles, with Burnett Business Park also being served from Gypsy Lane. The CTMP includes swept path analysis that shows that the construction phase access would be taken direct from the southern side of Gypsy Lane, and there is also some indication of this shown on the proposed site plan.

The submission details the proposed access arrangements and proposes that the access would be amended to accommodate manoeuvres by the largest delivery vehicle. The access surface would also be a bound material suitable for the construction vehicle activity. The highway works required to form the access would need to be undertaken with an appropriate highway licence or agreement being completed. A planning condition will be recommended to secure this requirement. It is assumed that the access arrangement would be retained for the life of the development, including the decommissioning phase, and then removed when the land is returned to its existing use.

Concerns have been previously raised regarding the standard of the proposed construction vehicular access, and in particular, the potential visibility constraint from the access to the east.

Site observations confirm that traffic speeds on Gypsy Lane are generally significantly below the speed limit, and this was clearly evident for westbound traffic passing the proposed site access. There is no significant existing road safety history along Gypsy Lane. However, throughout any construction phase, and given the type of vehicles accessing the site, there would be a need to implement temporary traffic management measures to ensure that the potential road safety impacts are effectively mitigated. The submission also confirms that a banksman would be present whenever a heavy vehicle was egressing the site. Potential traffic management measures have been summarised within the submitted documents, and this detail will need to be agreed with the highway

authority before the access is used. It would be appropriate for this to be reviewed and agreed as part of the Section 184 licence process.

The submission includes a proposed construction compound layout, and there are no significant concerns relating to the presented approach and turning / parking areas that are shown. The proposed construction site access from Gypsy Lane would not be used throughout the operational phase of the development, with access taken from the eastern side of the site. Given the low level of maintenance vehicle access, there is no objection to this approach.

The Construction Traffic Management Plan which was submitted as part of the planning application was produced in 2023. Before any works commence on site, it is recommended that this document should be reviewed and updated to reflect any changes on the local highway, and that it includes a summary of the traffic management measures that have been agreed direct with the highway authority, as reviewed above. Details of the proposed construction compound layout should also be included, secured as part of a condition.

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.

DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

The battery energy storage system (BESS) portion of the proposed development will be served by a sealed surface water drainage system and is situated upon Secondary A & Secondary B aquifers, which are designated for the protection of potable water used for human drinking water supplies.

Proposed development will therefore be acceptable if the measures detailed in the below documents submitted with this application are implemented and secured by way of a planning condition on any grant of planning permission.:-

- o Flood Risk Assessment and Drainage Strategy, Middlepiece Lane Solar Farm, Project ref: RMA-C2644 by Aardvark EM Limited, dated 18/09/24, version 7.
- o FRA Addendum Dated 19 June 202 by RMA Environmental

The above documents have overcome concerns raised by the Local Flood Authority, no objection is as such raised.

The Environment Agency have also been consulted as part of this application and have reviewed the Flood Risk Assessments. An objection was withdrawn based on the BESS portion of the proposed development will be served by a sealed surface water drainage

system and is situated upon Secondary A & Secondary B aquifers, which are designated for the protection of potable water used for human drinking water supplies.

Conditions are recommended to ensure compliance with the Flood Risk Assessment, and also to secure an operations and maintenance protocol and plan to set out an approach to managing the battery energy storage compound, in addition to a construction environmental management plan.

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

CONTAMINATED LAND:

Local Plan Partial update policy PCS5 has regard to Contamination.

Taking account of the significant size and scale of the proposed development, conditions are placed on the application to ensure that a preliminary contamination risk assessment is undertaken and further investigation and remedial measures completed, if necessary.

The proposal is considered to comply with policy PCS5 of the Local Plan Partial Update.

TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland conservation. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland and ancient or veteran trees will not be permitted.

The land is largely devoid of trees but opportunities exist to reinforce and enhance the existing tree and hedge network to provide connectivity to green infrastructure through and beyond the site.

The application is supported by an arboricultural impact assessment in respect of existing arboricultural features and demonstrates that the proposal does not have an unacceptable impact.

Precautionary measures are provided where activities could cause accidental damage, e.g. T11 Ash on the eastern boundary by the crossroads.

There is no objection to the proposal subject to tree protection measures which should also protect other retained green infrastructure.

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

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

A Preliminary Ecological Appraisal (Western Ecology, Feb 2023) and Biodiversity Net Gain (BNG) Report (October 2024, Western Ecology) and accompanying BNG Metric (iteration 3, dated 9th October 2024) are submitted.

The key features and habitats of ecological value are:

- o Mixed native species hedgerows - the hedgerows at the site are a priority habitat / habitat of principle importance. Most hedgerows are recorded as species rich, and contain trees.
- o Ditch along the central east-west hedgerow
- o Pond within the site at the north-west boundary
- o Badger setts and activity
- o Use of the site in particular hedgerows and ditch and their connectivity to habitats beyond the site, by a range of other wildlife including bats, birds, reptiles, amphibians and invertebrates
- o Pond within the site
- o Proximity of and connection to habitats beyond the site, including a pond at the western boundary

The submitted preliminary ecological report makes appropriate recommendations for badger, birds, hedgehog, hedgerows and bats. A Great Crested Newt Strategy including RAMS is appended and is supported. The ecological assessment and recommendations are broadly accepted. Additional information has been submitted in response to previous comments comprising an ecology letter (Western Ecology, 12th June 2025); updated Preliminary Ecological Appraisal, & BNG metric and assessment (Western Ecology, May 2025); Badger survey report (Western Ecology Dec 2024); updated Great Crested Newt Survey and eDNA results for GCN (Western Ecology April 2025). It has also been confirmed that hedgerow removal is not required. All other issues including queries regarding water bodies, water courses, Great Crested Newt, and lighting, have also been addressed and are accepted

The additional report submitted is welcome, it includes details of proposed badger mitigation, including measures to protect setts and badgers during works. Poles and tape alone (plus a notice) are not likely to be considered sufficient as a method of establishing an exclusion zone around setts - more substantial fencing would usually be required and may also be required for protection of other features. An ecological clerk of works will also be required for the overall scheme along with regular visits / inspections by a professional ecologist during site preparation and construction phases. Details of these can be provided as part of a Construction Ecological Management Plan (CEMP: Ecology) which will be needed in any case for site-wide ecological protection measures for all wildlife. This can be secured via pre-commencement condition.

The submitted LEMP will need to be fully synchronised with the final BNG proposals which would not be approved under discharge of the standard BNG Condition therefore final details of LEMP should also be secured by condition to allow for any potential changes. Maintained width of hedgerows would also need to be addressed. The final version of the LEMP will need to be secured by condition in any case therefore revisions to the LEMP can be secured by condition.

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

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

The site was re-visited and information has been added to / clarified, and revisions made to the BNG baseline assessment and metric, in response to previous comments and these are now accepted. The development would achieve a 54.33% net gain of habitat, 12.95% of hedgerows and 19.88% of watercourse units.

PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Protected characteristics include disability.

As explained above, the process of the application has had regard to duties within the above act. Public consultation has taken place with several site notices located within accessible areas.

PLANNING BALANCE:

The proposal has been found to conflict with the provisions of the development plan, in particular, policies CP8, GB1, CP3, NE2 and NE2a of the Placemaking Plan, and part 13 of the NPPF.

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 "any other material considerations". Furthermore, 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.

RENEWABLE ENERGY:

Paragraph 161 of the NPPF sets out that the planning system should support the transition to net zero by 2050. It should support renewable and low carbon energy and associated infrastructure.

Paragraph 168 of the NPPF states:

"When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;"

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness.

There is a clear and significant need for renewable energy within the district, which is identified by policy CP3 of the Local Plan Partial Update.

An estimated 47MWe of electricity generation has cumulatively been installed within the district since 2010, although this data was last updated in December 2023. In addition, an approximate 86Mwe is expected to be forthcoming through consented applications. Whilst the cumulative contributions are estimated, it is clear that the cumulative levels of renewable energy generation are still far from reaching these target set out within policy CP3 of 110Mwe.

The proposal would generate approximately 20MW which would significantly contribute to the districts need for renewable energy. This contribution is afforded significant weight. The Council have declared a Climate Emergency, and therefore the contribution of the proposed development is considered to be of high significance. The scheme would therefore also contribute towards energy security via the reliable supply of decentralised energy. Contribution would also be made towards the low carbon economy and socio-economic benefits would also be achieved during the construction and decommissioning phases with the provision of jobs.

LANDSCAPE:

Policy CP3 seeks to adopt a landscape-led approach to the development of wind energy and ground-mounted solar energy and uses the 2021 LUC Landscape Sensitivity Assessment (LSA) as a key means of achieving this.

The policy states that solar energy proposals are encouraged within areas with the best landscape potential (high, moderate-high or moderate potential). The application site is assessed in the 2021 LSA guidance as being of only low-moderate potential to accommodate Band D development

The scale of the proposed development falls within the highest banding in the 2021 LSA guidance (Band D) and indeed is towards the higher end of that band (15-30 ha).

The 2021 LSA guidance shows that Area 5b within which the site lies generally has only 'low-moderate' potential to accommodate solar energy development of Band D scale, which is the second LOWEST potential on the 5-point scale used.

The guidance also makes clear that the sensitivity of the landscape and its ability to accommodate solar energy development varies within the character area, and areas where there are 'more visible slopes' or where there is 'limited woodland cover resulting in a more open character' (both descriptions that fit this site) will have relatively higher sensitivity and lower potential for development, especially for the larger (Band D) developments.

The conclusion in Appendix A of the 2021 LSA guidance for this character area (p68 of the combined document) is that:

'It is unlikely that Band D developments would be able to be incorporated within any part of the landscape without impacting on character, due to field scale and levels of visibility.'

The 2021 LSA guidance indicates that it is unlikely that a ground-mounted solar array of the scale proposed could be accommodated on this site without unacceptable landscape and visual impacts. Policy CP3 allows for the possibility that proposals of this scale can be submitted and would not necessarily be refused, provided that applicants can clearly demonstrate that the adverse impacts on the landscape can be satisfactorily mitigated.

Assessment of the scheme has evidenced that harm would result from the scale of the solar farm, particularly in relation to fields 1 and 2. The application has demonstrated why a development of this scale would have low potential for solar development given that its visibility of the upper fields would be so significant. The existing open character which makes the area distinctive would be lost for the lifetime of the solar farm which could not be effectively mitigated through soft landscaping. The high sensitivity of the site is highlighted through field one and two due to their visible slopes and this is reflected within the LSA guidance.

The distinct character of Burnett village would be eroded through the development of the fields to the east of the village. Its quaint character which is emphasised by being surrounded by open fields would be compromised and overwhelmed by the large site area. The development would expand the extent of development within the countryside which would lessen the villages distinctiveness through its remote placement. The village is visually read separately from larger built up areas such as Saltford and Keynsham, and this adds to its character and unique quality against the larger settlements. Addition of man-made materials within these fields creates a connection between the village and industrial estate to the north, and this therefore would allow the total area to be associated

with the higher levels of development to the north, losing its open and rural quality which defines the historic village.

VERY SPECIAL CIRCUMSTANCES:

As also identified, harm to the Green Belt and its openness has been identified due to the proposal comprising inappropriate development. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The development would therefore diminish the openness of what is currently a significant contributing and visual area of Green Belt land. The development would introduce man-made features into what is currently left naturally open, with presence of typical agricultural and rural operations. The fields create the first area of distinction between the village of Burnett and the open countryside and therefore is development would blend and lessen the difference.

The PPG indicates that when assessing the impact of a development on the openness of the Green Belt, the duration of the development and its remediability, and the degree of activity it would be likely to generate are matters to consider. The development would be in situ for 40 years. Although temporary, this is a significant period of time. A time during which there would be significant harm to the landscape.

Harm to the Green Belt has been identified through the development causing encouragement, contrary to a fundamental aim of the Green Belt. The development is as such identified as inappropriate development and this is by nature harmful and afforded substantial weight. The openness of the area is a key characteristic of this part of the landscape. Therefore, as the NPPF requires, the harm to the Green Belt by way of its inappropriateness, and any other harm, such as to the landscape must also be considered and must be clearly outweighed by other considerations. Policy CP3 of the Placemaking Plan also supports renewable energy developments where there are no significant adverse impacts on the local environment that cannot be satisfactorily mitigated. This includes landscape and visual impacts. Policy CP3 also specifies, that it is encouraged for solar to be located in the high, moderate-high, moderate potential areas set out in the Solar Assessment Report

The landscape harm, resulting from the development being of a scale with low-moderate potential is considered to be harmful as per reasons given in this report. In addition, within the low-moderate areas, development is directed away from hillsides and visible areas, such as fields 1 and 2. As this report has discussed, the mitigation proposed through planting would not lessen the harm given the fields elevational presence in the landscape.

In addition, a review of alternative site assessment has been concluded to not provide a sufficient range of sites to confidently conclude that there are no other suitable areas within the district, and especially outside of the Green Belt.

The significant need for renewable energy is identified throughout this report and this is given significant weight within the planning balance. The development would provide a significant contribution to the districts need for renewable energy and would as such have inherent environmental benefits associated with increased production of energy from

renewable sources, reducing greenhouse gas emissions. This is a consideration afforded significant weight and considered in the context of very special circumstances.

Local and National policy including policy CP3 of the Placemaking Plan, and part 13 of the NPPF, when considering harm to openness, is caveated by the need for suitable locations for solar energy. Here it is considered that there is significant benefits afforded to the demonstration of need, however, the site is considered not to be suitable for the proposed scale of development due to the substantial level of harm arising from inappropriate development in the Green Belt, harm to openness of the Green Belt, harm to the landscape setting, and as such being contrary to policy CP8, CP3, NE2, NE2a and GB1 of the Placemaking Plan.

In this instance, very special circumstances do not clearly outweigh the substantial harm caused to the Green Belt by way of inappropriate development and the significant harm to the landscape that would also be caused. When considering the significant harm to the Green Belt and the Landscape, weighed together this harm out outweigh the benefits arising from renewable energy development.

CONCLUSION:

In summary, the proposed solar farm is considered to result in inappropriate development in the Green Belt. Very special circumstances are not demonstrated to an extent which would outweigh the substantial harm caused. The openness of the landscape, and its relationship to the rural village of Burnett is considered to be significantly compromised by the proposed development where the development would lead to significant encroachment into open and visible areas. The development would as such fundamentally undermine purpose C of the Green Belt and its overall aims. The site is located within an area identified as having moderate to low potential for the scale of solar proposed, and due to the sensitivity of the site as a result of the visibility of the slope, the scale of development results in significant harm to the landscape and its setting. The mitigation proposed would be unsuccessful at limiting harm to an appropriate extent. It is also considered that not all appropriate alternatives have not been considered.

Consequently, the proposal is also considered to be unacceptable in principle, contrary to policy CP3 of the Placemaking Plan, which supports renewable energy where there is no significant harm to the environment through visual amenities of the landscape.

Significant weight is given to the need for renewable energy, locally and nationally and is it recognised that the development would contribute to this need. In this instance, at the site location and the scale of the development, it is considered that the harm to the Green Belt and Landscape, and by way of conflict with local plan policy CP3, the harm is not outweighed by the benefits identified.

The proposal is as such considered to be contrary to policies CP8, CP3, NE2, NE2a and GB1 of the Placemaking Plan, and part 13 of the NPPF and is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 Green Belt

The proposed development represents inappropriate development in the Green Belt. Very special circumstances do not exist to clearly outweigh the harm caused by the inappropriate development, harm to openness and the other harms identified. The development is as such contrary to policy CP8 of the Bath and North East Somerset Core Strategy, GB1 of the Placemaking Plan, and part 13 of the NPPF.

2 Landscape

The proposed development is considered to result in significant harm to the landscape and its setting due to the scale and location of development. It would fail to conserve or enhance local landscape character, landscape features and local distinctiveness. The application is as such contrary to policy NE2 and NE2a of the Bath and North East Somerset Placemaking Plan.

3 Policy CP3

The proposed development will cause significant adverse landscape and visual impacts on the local environment that cannot be satisfactorily mitigated. The proposed development is therefore considered to be contrary to policy CP3 of the Local Plan Partial Update.

PLANS LIST:

1 This decision relates to the following plans:

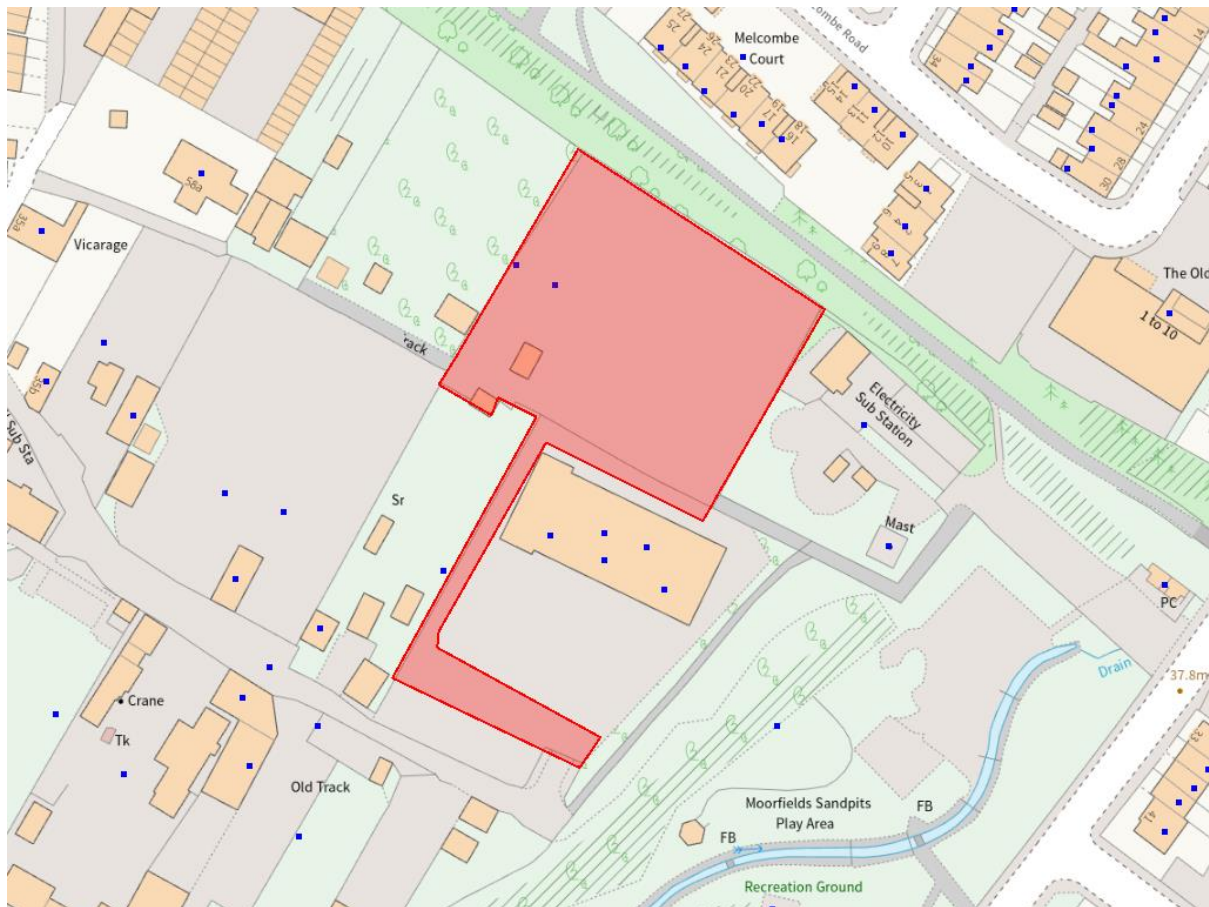
Drawing	01 Nov 2024	1322/09	LANDSCAPE AND ECOLOGICAL ENHANCEMENT PLAN
Drawing	15 Oct 2024	2303-010_SK01-B	PROPOSED SITE ACCESS
Drawing	15 Oct 2024	2303-010_SK03	PROPOSED SITE ACCESS CONSTRUCTION DETAIL
Drawing	15 Oct 2024	2303-010_SK03	GRID CONNECTION PLAN
Drawing	15 Oct 2024	CRE020-CCP-05	CONSTRUCTION COMPOUND PLAN
Drawing	01 Jul 2024	CEL-STD-SUB-WPD-206	SUBSTATION
Drawing	01 Jul 2024	CRE020-PL-01-REV 08	SITE LAYOUT
Drawing	01 Jul 2024	CRE020-SD-01 REV04	MVS3200 SUBSTATION TRANSFORMER
Drawing	01 Jul 2024	CRE020-SD-02 REV 04	CUSTOMER SWITCHGEAR
Drawing	01 Jul 2024	CRE020-SD-03 REV 04	INDICATIVE DEER FENCE
Drawing	01 Jul 2024	CRE020-SD-04 REV 04	PALISADE FENCING
Drawing	01 Jul 2024	CRE020-SD-05 REV 04	ACCESS TRACK CROSS SECTION
Drawing	01 Jul 2024	CRE020-SD-06 REV 05	ENTRANCE GATE PLAN
Drawing	01 Jul 2024	CRE020-SD-07 REV 04	STANDARD DRAWINGS - INDICATIVE CCTV POST
Drawing	01 Jul 2024	CRE020-SD-08 REV 04	PV ARRAY CROSS SECTION
Drawing	01 Jul 2024	CRE020-SD-09 REV 05	20FT BATTERY CONTAINER
Drawing	01 Jul 2024	CRE020-SD-11 REV 02	20FT CONTAINER BATTERY INVERTER
OS Extract	01 Jul 2024	CRE020-SP-01 REV 08	SITE LAYOUT

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.

Item No: 02
Application No: 23/03586/FUL
Site Location: The Smallholdings Claude Avenue Twerton Bath Bath And North East Somerset



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 of land and erection of storage building (Sui Generis use) for Bath Scaffolding Ltd (Retrospective).
Constraints: Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, NRN Wetland Strategic Network Policy NE5, SSSI - Impact Risk Zones,
Applicant: B.A.T.H Scaffolding
Expiry Date: 26th September 2025
Case Officer: Christopher Masters
To view the case click on the link [here](#).

REPORT

The application refers to a site located within an area known as The Smallholdings, which comprises a small collection of industrial and commercial units which have become established on an ad hoc basis. The site itself is located at the north eastern edge of this area, adjacent to Linear Park SNCI and in close proximity to Moorfields Sandpits playpark. The site is within the World Heritage Site.

Planning permission is sought for the change of use of land and erection of storage building (Sui Generis use) for Bath Scaffolding Ltd (part retrospective).

Reasons For Reporting To Committee

The application has been reported to Committee as the application was called in by Cllr. David due to concerns regarding the manner in which vehicular access was being achieved onto the site from the east around Sandpits Play Park. 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:

"I have reviewed the application for 23/03586/FUL at The Smallholdings, Claude Avenue, Twerton, Bath, and I believe this matter should be brought before the committee. Given that this is a retrospective application on land currently designated as allotment land (albeit not used as such for many years), it is important for the committee to determine whether this designation still stands."

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

"I agree with Cllr Ball that this should be referred to committee."

Relevant Planning History:

The plot of land to which this application relates has no recorded planning history. However, the site is associated with neighbouring plots to which the following applications relate:

11/00898/FUL - PERMIT - 25 May 2011 - Erection of an extension to existing storage building to provide new office accommodation and additional storage and erection of a new storage building (Bath Scaffolding).

21/05057/FUL - PERMIT - 28 July 2022 - Change of use from scaffold offices and associated storage (Sui Generis) to gymnasium (Use Class E) for temporary 18 month period.

24/01694/FUL - PERMIT - 7 October 2024 - Continued use of the site for gymnasium use (Use Class E) (Change of use from lawful use of scaffold offices and associated storage (Sui Generis) to gymnasium (Use class E)).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Climate and Environment (Via Greener Places) No Objection.

Ecology - Either confirmation that the proposals do not include any new external lighting and no use of internal lighting outside of daylight hours OR an outline lighting strategy is required.

The other requested details have been satisfactorily addressed - protection measures for habitats and species, update to BNG baseline and offsetting required.

Highways - Previous comments were made by Transport Development Management, most recently 22/05/2024, which provided no objection to the proposal, subject to a number of conditions. In light of the recent applications made within this industrial area, the planning officer has requested an update to the comments previously made by Transport Development Management. Transport Development Management raises no objection subject to conditions.

Environmental Protection - The Noise Impact Assessment concludes that there will be low impact from internal operations within the units and that adverse impacts are not expected at the Noise Sensitive Receptors from the proposed service yard activity and I have included a recommendation to include a condition to ensure this. Furthermore, a condition has been included to account for the chance of an external plant. This assumes that there will be no activity during the night and I have recommended a condition to account for this.

Representations Received :

Eight letters of objection have been received. The comments made can be summarised as follows:

- o Vehicles accessing the site pose a risk to the safety of pedestrians.
- o The proposal is harmful to wildlife and ecology and represents a considerable loss of on site biodiversity.
- o The footpath from Sandpits Play Park has been widened and is being used by vehicles to access the site.
- o The site was formerly allotments.

These concerns are also referred to in correspondence received from Cllr's. Romero and David, the latter of whom has called the application in to Committee.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

B4: The World Heritage Site and its Setting
CP5: Flood Risk Management
CP6: Environmental Quality
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
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D6: Amenity
D10: Public realm
HE1: Historic environment
LCR8: Protecting allotments
PCS1: Pollution and nuisance
PCS2: Noise and vibration

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:

CP7: Green infrastructure
D5: Building design
D8: Lighting
ED2A: Strategic and other primary industrial estates
ED2B: Non-strategic industrial premises
NE1: Development and green infrastructure
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
NE6: Trees and woodland conservation
SCR7: Sustainable Construction Policy for New Build Non-Residential Buildings
ST1: Promoting Sustainable Travel
ST2A: Recreational routes
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

The Transport and Development Supplementary Planning Document (January 2023)

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:

- Principle of use
- Design, character and appearance
- Residential amenity
- Highways safety and parking
- Heritage
- Drainage and flooding
- Ecology
- Sustainable Construction
- Public Sector Equality Duty

PRINCIPLE OF DEVELOPMENT:

The application site is located within an area known as The Smallholdings, which comprises a small collection of industrial and commercial units which have become established on an ad hoc basis. The site itself is located at the north eastern edge of this area, adjacent to Linear Park and in close proximity to Moorfields Sandpits playpark.

The application seeks planning permission for the change of use of land and erection of storage building (Sui Generis use) for Bath Scaffolding Ltd (part retrospective).

It is noted that the site is currently covered by hardstanding and this is understood to be unlawful. Prior to the hardstanding being laid it appears the site was scrubland. Given there is no recorded planning history, aerial imagery and historic mapping records have been reviewed in order to ascertain the existing lawful use of the site. These records indicate that whilst the site appears to have been allotments until the 1970s, in the intervening period the site has been used only for occasional storage and has otherwise been overgrown and vacant.

Policy LCR8 of the Placemaking Plan affords protection to allotments and sets out that development resulting in the loss of land used for allotments (or land evidenced as last used as allotments) will not be permitted, unless the importance of the development outweighs the community value of the site as allotments and suitable, equivalent and accessible alternative provision is made elsewhere within a reasonable catchment area (as defined by the Green Space Strategy) and in line with LCR9 or the site is allocated for another use in the Placemaking Plan and suitable, equivalent and accessible alternative provision is made in line with LCR9.

In this instance the site is privately owned and does not appear to have been used as allotments since the 1970s. The proposed development has negligible value to the community as allotments as it cannot be used by the community given it is privately owned and has not been used as allotments for in excess of 40 years. For these reasons, there is also not considered to be any realistic or reasonable prospect of the land being brought back into use as allotments. Given the situation, it can be held that in this instance an equivalent alternative provision would be for no allotments to be provided. Conversely, the development offers considerable economic benefits in that it shall create jobs and strengthen an existing enclave of industrial uses within Bath which is facing a chronic shortage and loss of such uses.

This identified shortage is acknowledged by the pre-ambles to policy ED2b of the Local Plan Partial Update which has regard to non-strategic industrial premises and states 'Proposals for the uses listed in ED2a will be acceptable in-principle at sites already occupied by smaller clusters and stand-alone industrial premises provided that this would not cause unacceptable environmental, residential amenity or highways problems'.

Given the site reads harmoniously with the wider industrial uses of the surrounding plots, the provision of a scaffold storage yard and building is considered compatible and acceptable in principle on the site. The development accords with Policies LCR8 and ED2b and is acceptable in principle provided it would not cause environmental, residential amenity or highways problems. These matters are further discussed in turn below, along with the other relevant material considerations.

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.

The development would involve the construction of a building with a gross footprint of circa 525m². The building would be constructed using reconstructed Bath stone face blockwork walls with green corrugated sheet metal above. The roofs are to be grey corrugated sheet metal with translucent panels to allow for daylight ingress and segmented metal roller doors.

The site is read in conjunction with the surrounding industrial and commercial uses. The design and scale of the building responds positively to the surrounding context and is considered acceptable.

The area of hardstanding in front of the building would be used for parking and turning purposes with new vegetated buffer zones of varying depth running along the boundaries of the site. This boundary planting would offer habitat for wildlife as well as screening views of the site.

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 (2014), policies D1, D2, D3, D4 of the Placemaking Plan (2017), Policy D5 of the Local Plan Partial Update (2023) 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.

The site is located adjacent to an established industrial area that is located within a residential ward of the district. There are industrial units to the south and west of the site. To the east lies Sandpits Play Park whilst to the north beyond the Linear Park lies the residential development of Melcombe Court.

During the course of the application the proposed building has been reorientated and relocated such that it is now located on the northern part of the site and faces south towards the area of hardstanding and other industrial / commercial uses. The building would be separated from the site boundary by a buffer area of landscape planting.

Given the relationship and degree of separation from the surrounding residential properties as well as the scale of the proposed building itself it is considered that the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, or loss of privacy.

Regard has been given as to the potential for noise and disturbance to be caused given the nature of the proposed use. A Noise Impact Assessment has been submitted and concludes that there will be low impact from internal operations within the units and that adverse impacts are not expected at the Noise Sensitive Receptors from activity within the proposed service yard. The Environmental Protection team has reviewed the submitted information and raises no objection subject to conditions which safeguard noise levels.

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 submitted plan, reference LPC 5626 PR 01 A, together with the BNG report show the access to the site is proposed through the existing site access from the private road of The Old Track. The Highway Authority considers the proposal is unlikely to result in a material increase in traffic using this track compared to existing conditions. Drawing LPC 5626 PR 01 A shows the access and turning area for larger vehicles as being contained within the site, without compromise to the vehicle and bicycle parking facilities. Electric vehicle charging points are also shown on the plan, which falls in accordance with Approved Document S; Infrastructure for the charging of electric vehicles of The Building Regulations 2010. It is noted that concerns have been raised regarding access of vehicles taken from the south of the site, via the Moorfield Sandpits play area. However, this access has not been provided in conjunction with the application and is shown to be stopped up as a result of the proposal.

The comments made by the Highway Authority request a suitably worded condition to ensure that the newly consented building is a replacement of the building previously permitted under 11/00898/FUL. It is noted that the positioning of the proposed access precludes constructing the building permitted under 11/00898/FUL, particularly given the change of use which has occurred under application 24/01694/FUL to the wider site which prevents alternative access being provided. It is therefore not necessary for such a condition to be attached.

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.

DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

The proposed development includes a large area of hardstanding and a building with a footprint of circa 525m². The site is not identified as being at risk of flooding and therefore it is considered that in this instance it is appropriate for a drainage strategy to be secured by condition.

Subject to an acceptable drainage scheme being submitted it is considered the proposed development would comply with policy CP5 of the Core strategy in regard to flooding and drainage matters, as well as part 14 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.

The site abuts the Linear Park Site of Nature Conservation interest (SNCI) and a component of the Bath and Bradford-on Avon Bats Special Area of Conservation (SAC) (Combe Down and Bathampton Down Mines SSSI) is located 1.8km from the site. The SAC is designated for internationally important populations of horseshoe and Bechstein's bats which hibernate in the mines.

The applicants' agent has confirmed that no external lighting is proposed by the application. It is noted that surrounding units contain external lighting and that the site is located within a largely urban context. Given the context and the design of the scheme which includes planting of a vegetated buffer zone around the edge of the site, which will act as a dark zone, it is not considered that the provision of rooflights within the roofslopes of the building would result in a level of lightspill which could reasonably impact bats (including lightsensitive species) who may be using the Linear Park for foraging and commuting purposes. A condition shall be attached requiring details of any future external lighting to be submitted for approval as such lighting could have adverse ecological impacts.

Subject to an acceptable Construction Environmental Management Plan being secured by condition and the development being undertaken in accordance with the Wildlife, Protection and Enhancement scheme, it is considered the development shall avoid adverse impacts to protected species.

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

In the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites Metric or agreed equivalent.

Whilst the scheme was submitted prior to mandatory BNG coming into effect, Policy NE3A which requires no net loss to be demonstrated remains applicable.

The submitted information confirms that whilst areas of BNG planting are proposed, this is insufficient to avoid a net loss of biodiversity on the site. Furthermore, the applicant does not own land that would provide off-site opportunities for BNG. Accordingly, the deficit shall need to be made up through purchase of BNG credits. A condition requiring submission of a Biodiversity Net Gain and Habitat Management Plan shall be attached accordingly.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR7 of the Local Plan Partial Update has regard to Sustainable Construction for major new build non-residential development. In this instance, given the scale of the proposal, the scheme does not comprise major development. Policy SCR7 is therefore not engaged.

PUBLIC SECTOR EQUALITIES DUTY:

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

CONCLUSION:

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 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 Local Plan Biodiversity Gain and Habitat Management Plans (Bespoke Trigger)

Within 6 months of this decision full details of a Biodiversity Gain Plan for on-site and offsite 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 a minimum of 1.3920 habitat 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 and off-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 / arisings 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 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.
12. Details and evidence of registered off-site biodiversity gain units allocated to the development or, if units cannot be obtained, any biodiversity credits purchased for the development.

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.

4 Construction Environmental Management Plan (Bespoke Trigger)

No further development shall take place (including ground works or vegetation clearance) until a detailed construction management plan has been submitted to and approved by the Local Planning Authority. The plan shall:

1. Propose timescales and hours of construction phase including for arrival and departure of vehicles including deliveries noting the sensitive nature of the access to the site past a school.
2. Show exclusion zones and specification for fencing of exclusion zones to protect wildlife and ecology.
3. Specify procedures for maintaining good public relations including complaint management.
4. Propose mitigation methods to protect residents and wildlife from adverse impacts of construction including from noise, dust, vibration and site lighting.

The works shall thereafter be carried out in accordance with the approved plan.

Reason: In order to protect the amenity of local residents and avoid harm to wildlife before and during construction in accordance with policies D6 and NE3 of the Local Plan Partial Update.

5 Drainage Strategy (Bespoke Trigger)

No construction of the external walls of the development shall commence until a scheme for the sustainable disposal of surface water within the site has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall thereafter be implemented in accordance with the approved details prior to the first occupation of the building.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

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

No new external lighting shall be installed without full details of the proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; and details of all measures to limit the use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

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

7 Materials - Submission of Materials Schedule (Bespoke Trigger)

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

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

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

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

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

8 Wildlife Mitigation and Enhancement (Pre-occupation)

No occupation of the development hereby approved shall commence until:

- (a) measures to provide nesting sites/features for birds have been installed on site in line with the recommendations in the submitted and approved ecology technical report (October 2024).
- (b) a brief report produced by a suitably experienced professional ecologist confirming and demonstrating, including using photographs, completion of the measures in part (a) of this condition, has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: to avoid loss of nesting habitat for birds and bats and a net loss to biodiversity, in accordance with Policy NE3 of the Local Plan Partial Update.

9 Parking and Turning Areas (Compliance)

The areas allocated for parking and turning, as indicated on submitted plan(s) reference LPC 5626 PR 01 A, shall be provided prior to first occupation of the building and thereafter kept clear of obstruction and not be used other than for the parking or turning of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety, and to prevent the unconstrained storage within the site area, in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and Policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

10 Noise (Compliance)

No operations or activities audible at the site boundary, including arrival or despatching of deliveries shall occur outside the hours of 7:30 - 18:30. Within these times the rating level of noise emitted from plant, operations or activities at the use hereby approved shall not exceed background sound levels (LA90T) by more than 5dB(A). The rating level shall be determined by measurement or calculation at the boundary of the nearest noise sensitive premises. The background noise level shall be expressed as an LA90 1 hour and the

ambient noise levels shall be expressed as an LAeq 1 hour during the daytime [07:00-23:00].

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

1 This decision relates to the following plans:

Received 2nd September 2025

PR03 REV B NORTH EAST AND SOUTH EAST ELEVATIONS
PR04 REV B NORTH WEST AND SOUTH WEST ELEVATIONS

Received 2nd May 2024

LPC 5626 PR 01 A SITE PLAN PROPOSED

Received 25th September 2023

LPC 5626 EX 02 EXISTING SITE PLAN
LPC 5626 PR 02 PROPOSED PLAN
LOCATION PLAN

2 Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at

www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 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

4 Responding to Climate Change (Informative):

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

5 Biodiversity Net Gain - Exempt/Not required

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

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

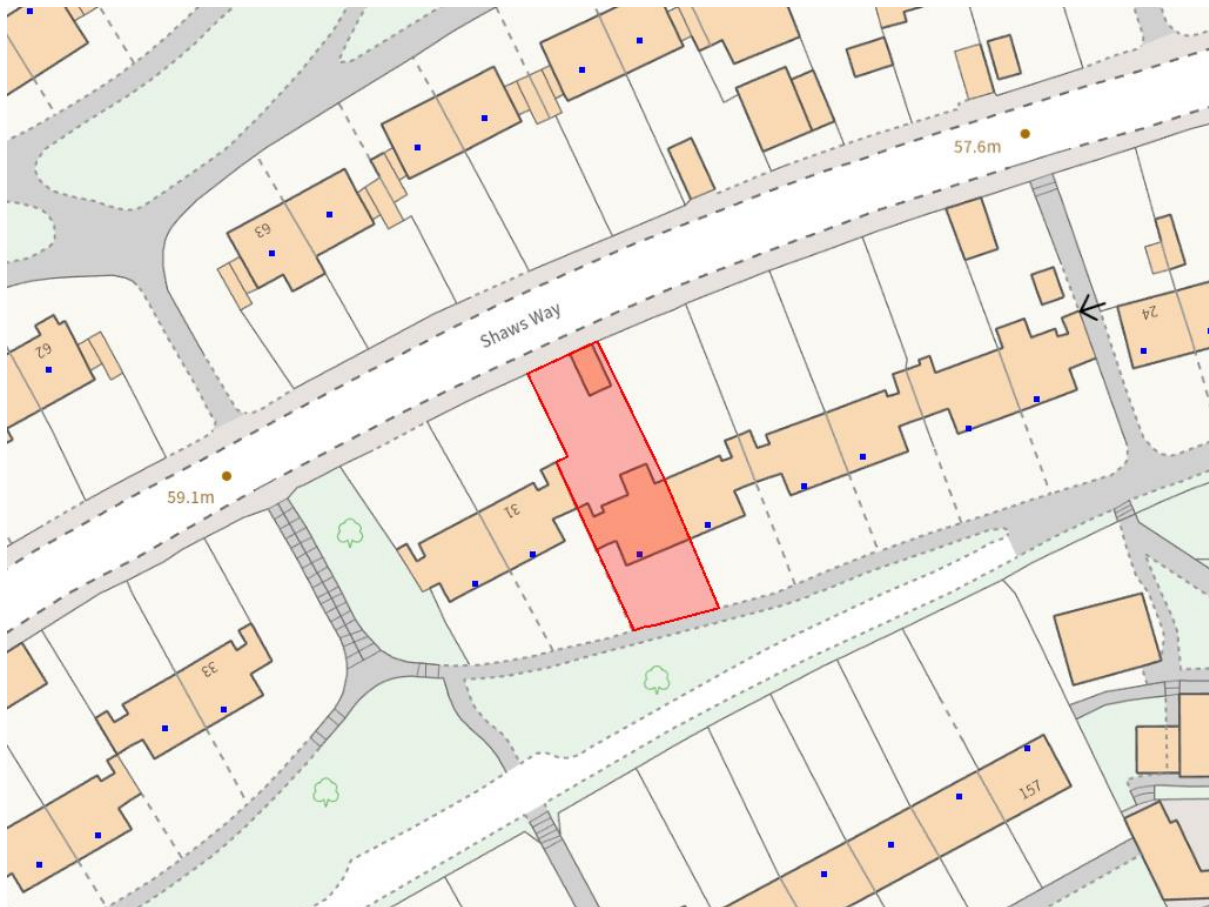
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations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

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

6 Permit/Consent Decision Making Statement

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

Item No: 03
Application No: 25/01744/FUL
Site Location: 30 Shaws Way Twerton Bath Bath And North East Somerset BA2 1QQ



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 a 3 bedroom dwellinghouse (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4) and single-storey rear extension and alterations bicycle and bin storage.
Constraints: Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Coal - Standing Advice Area, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Ecological Networks Policy NE5, SSSI - Impact Risk Zones,
Applicant: Rivers Birtwell
Expiry Date: 14th August 2025
Case Officer: Christine Moorfield
To view the case click on the link [here](#).

REPORT

As submitted the application was for the change of use from a 3 bedroom dwellinghouse (Use Class C3) to a 7 bedroom House in Multiple Occupation (HMO) (Use Class Sui Generis) and single-storey rear extension and bicycle storage.

The proposal also includes alterations to the existing side extension.

Following discussions with the Case Officer the scheme has been amended. The rear extension has been reduced in size and the dwelling is to change use from a 3 bedroom dwellinghouse (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4)

The property is a link semi detached two storey dwelling located within the Bath WHS. The surrounding area is predominantly residential with a school nearby.

Cllr Sarah Moore has called the application to committee for the following reasons:

"I believe the number of HMOs in this area are already close, if not over, the 10%. The extension would cause an adverse impact on the neighbouring properties and with objections now close to 40 I do not believe a 3 bedroom prefab property should be converted to a 7 bed HMO."

In accordance with the scheme of delegation the application has been referred to the chair/vice chair of committee who have made the following comments:

Cllr Ball (Chair) "I believe this is one for the committee. The application has generated a lot of concern within the local community, and there is some dispute over the saturation numbers. Additionally, as it is a steel house, there are potential impacts on the amenities of local residents that need to be carefully considered."

Cllr Crossley (Vice Chair) "I agree with the reasons given by Cllr Ball that this should be debated at committee."

HISTORY

No planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Moore- Call in to committee.

I believe the number of HMOs in this area are already close, if not over, the 10%. The extension would cause an adverse impact on the neighbouring properties and with objections now close to 40 I do not believe a 3 bedroom prefab property should be converted to a 7 bed HMO.

Comments Received

36 letters of objection have been received. A summary of the issues raised is provided below:

Too many student houses In the area, there are HMOs already on the street.
Impact on services and pressure on existing services

Problem with parking in area this will be exacerbated/highway safety
Too many people in a 3 bed house
Loss of a modest family home
Anti social behaviour likely
Over development of the site
The type of house is unsuitable for an extension.
There is a school nearby so road busy
Additional refuse generated
Erosion of community
Loss of amenity for neighbours
No council tax revenue
Cycle parking should be increased
Other HMOs in the area have been refused.

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

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
D5: Building design
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:

H2: Houses in multiple occupation
NE3a: Biodiversity Net Gain
SCR9: Electric Vehicles Charging Infrastructure
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.

OFFICER ASSESSMENT

This application is for a single storey rear extension and internal operations to turn the house into a 6-bed roomed HMO which is a C4 class use. The existing single storey side extension will be updated, and a cycle and bin store are shown to be provided in the rear garden.

The property is located within an area subject to an Article 4 Direction restricting permitted development rights for the conversion of residential properties into HMOs.

Principle of the proposed change of use from a dwelling house to an HMO.

Policy H2 of the Placemaking Plan provides the following criteria to be considered when determining an application for change of use to an HMO.

- i) Where there is high concentration of existing HMO's, further changes of use to HMO use will not be supported as they will be contrary to supporting a balanced community.
- ii) The HMO use is incompatible with the character and amenity of established adjacent uses.
- iii) The HMO use significantly harms the amenity of adjoining residents through a loss of privacy, visual and noise intrusion.
- iv) The HMO use creates a severe transport impact.
- 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.

The SPD includes the following criteria which advises change of use will not be permitted where.

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

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

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.

Looking at Criterion 2, the change of use of the property to an HMO does not represent more than 10% of households. In this instance based on Council data this permission would result in 6 of 87 residential properties within a 100 metre radius of the site being HMOs, equating to 6.9%.

Policy CP10 supports housing mix in line with national policy, where a mix of housing types and households are encouraged in the interest of community cohesion. This is supported by HMO policy H2 and the SPD, which aim to direct new HMO development to areas of lower concentration.

Internal alterations to the building will not require planning permission.

Impact on residential amenity

The submitted scheme indicates bin and bike storage within the site. The property benefits from a garden area and therefore, there is space for the storage of refuse bins and cycle storage within the garden. Concerns have been raised in respect of parking in the area which is addressed in the highways section below.

The property is set up from Shaws Way and these properties are unusual in that their rear gardens face the road; the front of the property faces onto a public footpath (Radburn principle). The proposed rear extension has a footprint of 2.75m x 4.25m this is a reduction from the original extension proposed. The side extension which is to be modified has a footprint of 2.5m x 5m. The rear extension as now proposed does not cover the whole rear elevation of the property. The extension is modest in its mass and bulk and whilst located on the SW side of the adjoining property with its flat roof its impact is considered minimal. The extension will be visible from the public realm as it will be set up from the road but given its scale and the high boundary treatments this impact is considered limited. It is noted that some other properties have limited extensions on this street frontage.

The proposal complies with the Council's SPD criteria in terms of density, floor areas, EPC rating increase. It is recognised that the proposal will result in 6 people being accommodated on the site but given the scale, and siting of the proposed development the change of use would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of privacy, noise, traffic or other disturbance.

The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Character and Appearance

The extensions are shown to be rendered with a flat (dark coloured) roofs. The rear extension projects 2.75m from the rear elevation of the property. The design fenestration and materials reflect those on the main house. The proposed extensions by reason of their design, siting, scale, massing, layout and materials are 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, and D4 of the Placemaking Plan, policy D5 of the Local Plan Partial Update and part 12 of the NPPF.

Highways

The means of access and parking arrangements are as existing. The property benefits from a garage and there is on street parking. The access and parking area are acceptable and maintain highway safety standards. The Highway Engineer has confirmed that there is not usually an increased use of vehicles between a 3-bedroom family dwellinghouse and 6-bedroom HMO. A bin and cycle store are shown to be provided. 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.

World Heritage Site

The proposed development is within two World Heritage Sites; therefore, consideration must be given to the effect the proposal might have on the outstanding universal values of the World Heritage Sites and their setting. In this instance, due to the size, location, and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values or the setting of the World Heritage Sites. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan part 16 of the NPPF.

Low Carbon and Sustainable Credentials and EPC rating

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.

The Council's SPD for HMOs requires single bedrooms to have a minimum Gross Internal Floor Area (GIA) of 6.51 sqm. The submitted floor plan indicates the proposal complies with these standards.

The Council's SPD requires new HMOs to have an EPC band rating of C or above. The following works are proposed and will raise the EPC rating to C

- Loft Insulation 300mm mineral wool.
- New rear extension to meet current building regulations.
- All new double-glazed windows.

- Low energy lighting.
- New low energy boiler - Greenstar 4000 GR4700iW C NG
- Boiler Interlock
- Flue Gas Heat Recovery System
- Time-o-Stat control for the heating.
- A Zypho waste water heat recover system

A condition is necessary to ensure these works are done.

Construction

Concerns have been raised in respect of the possible problems that may occur for neighbouring properties given the construction nature of this property. The applicants have confirmed that following approval, an engineer will be appointed to prepare the structural calculations and take into consideration the existing structure of the host property and the neighbouring properties. The existing openings are kept as existing, so the extension is likely to only have a minimal impact on the existing properties. Building Regulation approval will be required for the construction. Additionally, any Party Wall Act procedures will be followed to ensure that the neighbouring properties have protection against any possible damage.

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.

Conclusion

In conclusion, the proposed change of use to a class C4 is considered acceptable, is in line with the development plan policies and 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 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 Bin and Bicycle Storage (Pre-occupation)

No occupation of the property as an HMO shall commence until the bicycle and bin stores as shown on the approved plans have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The stores shall be retained permanently thereafter.

Reason: To secure adequate off-street provision for bins and bicycles to promote sustainable transport and protect residential amenity in accordance with Policy D6 and ST7 of the Bath and North East Somerset Local Plan and the Local Plan Partial Update.

4 EPC rating C or above (Compliance)

Prior to the commencement of the use of this building as an HMO (Class C4) a certificate indicating that the necessary works have been completed to confirm that the dwelling has an EPC rating of C or above shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the building complies with the Councils adopted SPD requirements for new HMOs to have an EPC band rating of C or above.

PLANS LIST:

1 3093-01 and 02A

2 Biodiversity Net Gain - Exempt/Not required

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

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

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity

Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

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

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

5 Civil or legal consents

This permission does not convey or imply any civil or legal consents required to undertake the works.

6 Responding to Climate Change (Informative):

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

7 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.