

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **18th March 2026**

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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02	25/04417/FUL 19 January 2026	Dr Alyson Warhurst Rainbow Wood House, Widcombe Hill, Widcombe, Bath, Bath And North East Somerset Installation of ground mounted solar array and ground source heat pump closed loop underground borehole array, with landscaping	Widcombe And Lyncombe	Angus Harris	PERMIT
03	25/03507/FUL 20 March 2026	ORM Developments Limited 15 - 17 Trim Street, City Centre, Bath, Bath And North East Somerset, BA1 1HA Construction of fifteen new market housing apartments within existing building envelope. Change of use from Office (Class E) to Dwellings (Class C3)	Kingsmead	Isabel Daone	Delegate to PERMIT
04	25/03508/LBA 20 March 2026	ORM Developments Limited 15 - 17 Trim Street, City Centre, Bath, Bath And North East Somerset, BA1 1HA Internal and external alterations for construction of fifteen new market housing apartments within existing building envelope. Change of use from Office (Class E) to Dwellings (Class C3)	Kingsmead	Isabel Daone	CONSENT
05	25/04688/FUL 20 March 2026	Continental Trade (Bath) Ltd 54 Stonehouse Lane, Combe Down, Bath, Bath And North East Somerset, BA2 5DW Demolition of existing house and the erection of two new 2 storey dwellings and associated access, drainage and hard/soft landscape works.	Combe Down	Christopher Masters	PERMIT

06	25/04673/FUL 19 March 2026	Mr Andrew Girdher Lansdown Close , College Road, Lansdown, Bath, Bath And North East Somerset Erection of a new detached dwelling within the curtilage of an existing dwelling.	Lansdown	Ed Allsop	PERMIT
07	25/02450/FUL 31 October 2025	Katrina Glassick 1 Audley Close, Lower Weston, Bath, Bath And North East Somerset, BA1 2XW Demolition of existing single storey side extension and erection of two storey side extension and single storey rear extension. Internal amendments and retrofit to existing property.	Weston	Kate Sullivan	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 25/04124/FUL
Site Location: 26 Wedgwood Road Whiteway Bath Bath And North East Somerset
BA2 1NX



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 single dwelling (C3) to 7 bedroom hmo.
Constraints: Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, SSSI - Impact Risk Zones,
Applicant: Kbr Developments Ltd
Expiry Date: 18th December 2025
Case Officer: Angus Harris
To view the case click on the link [here](#).

REPORT

The application refers to the residential property 26 Wedgwood Road, Whiteway, BA2 1NX.

Planning permission is sought for the Change of use from single dwelling (C3) to 7 bedroom hmo.

Relevant Planning History:

There is no relevant planning history on this site.

This report has been updated following the deferral of the 2026 February Committee. The HMO Density test has been undertaken again and the report has been updated with the new results. For clarity, the original report found a density of 9.9% and this recalculation has found a density of 9.2%.

This update has not altered the Officer recommendation.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Councillor Sarah Moore:

I would like to object to this application for an HMO. I believe this does not pass the concentration test as we already have HMOs at numbers 3, 18, 20, 28, 32, 33, 34, 35 and 36 Wedgwood, which I believe would all fall within the 100 m radius. If the planning officer is minded to approve this application, I would request it is referred to the planning committee.

Representations Received :

7no objections have been received, summarised into the following:

- There is a large number of HMOs in this local area,
- This results in the loss of a family home, whilst Councils and Government are saying there are already not enough,
- Turing this into a 7-bedroom HMO is a massive overdevelopment of the site,
- The communal area is tiny for 7 adults to live there,
- The existing parking situation is appalling and the proposal will add further to this problem,
- People parking directly on corners making it dangerous.
- Putting restrictions on HMO car usage does not work,
- We haven't got the infrastructure to support more and the school is in danger of closing as the family's are being pushed out,

1no support has been received:

I live next to this property and received this planning application. It's been empty for some time now. Outside is overgrown so I am glad it's coming back into use. The house next door is also students and I've never had a problem with them so not entirely sure what the issue is. Always say hello. Polite and chatty. Never an issue I'm just glad the home is going back into use.

POLICIES/LEGISLATION

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

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

CORE STRATEGY:

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

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

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

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:

DW1: District Wide Spatial Strategy
H2: Houses in multiple occupation
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

Transport and Development Supplementary Planning Document (January 2023)

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

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

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in July 2021 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

PRINCIPLE OF DEVELOPMENT:

The application is seeking to convert a residential dwelling to a 7-bedroom HMO (Sui Generis). The property is located within an area subject to an Article 4 Direction restricting the conversion of residential properties into HMOs. The main planning considerations in respect of an application of this nature are as follows:

- the principle of the proposed change of use from a dwelling house to an HMO.
- the impact on the character and appearance of the Bath world heritage site,
- impact to residential amenity
- internal standards
- impact on parking and highways

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. Several comments have been received which highlight the number of existing HMOs within this street. The density calculation is taken within a 100m radius and is not an exclusive calculation of the street.

In this instance based on Council data at the time of this application, the conversion of this property would result in 12 of 130 residential properties within a 100 metre radius of the site being HMOs, equating to 9.2%.

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 however all HMOs need to be licensed.

Policy H2 of the Local Plan Partial Update also outlines the following criteria, where a new HMO is required to achieve an Energy Performance Certificate (EPC) of rating 'C'. The applicant has submitted the EPC for the property, demonstrating compliance with this criteria.

DESIGN, CHARACTER AND APPEARANCE:

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

The conversion of the property involved some limited alterations to the exterior of the dwelling, which includes the replacement of doors and windows at the ground and first floor levels.

As such, the proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

Policy H2 requires that HMOs provide a good standard of accommodation for occupiers. The HMO Supplementary Planning Document (SPD) details the minimum space standards required for bedrooms and shared facilities. The proposed use of the property as a HMO would involve the use of 5 bedrooms, all of which (shown on the proposed floor plans) would meet the minimum space standards required for a C4 HMO.

The objection comments raise that the dwelling is not suitable to support 7 bedrooms, providing insufficient communal and amenity spaces for the future occupiers. The B&NES HMO SPD sets out minimum requirements for bedrooms sizes and internal communal spaces based on bedrooms numbers.

A 7-bed property must provide a minimum of 22 sqm of total communal living spaces, of which 9.5sqm is kitchen space. Single bedrooms must have a minimum Gross Internal Floor Area (GIA) of 6.51 sqm, and double bedrooms or twin bedrooms must have a minimum GIA of at least 10.22 sqm.

The proposed plans show 26 sqm of communal space provided which appears capable of providing the required kitchen space within. The drawings do not distinguish between single and double bedrooms, but all bedrooms measure larger than the 6.51sqm minimum.

As such, the proposal is found to be compliant with the HMO SPD and Policy H2 of the Local Plan in this regard.

It is appreciated that C3 dwellinghouses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and patterns of movement. Conversely,

HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements.

The comings and goings of the occupiers of an HMO are likely to be less regimented and may occur at earlier and later times in the day than a C3 family home. Such a change of use can therefore result in increased comings and goings, noise and other disturbance compared to a C3 use. Notwithstanding this, individually HMOs are not generally considered to result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect. As set out above, such a concentration is not found to exist in this location.

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 objection comments highlight that the local area already experiences difficulties with parking and some instances of cars parking dangerously. The application site does not benefit from off-street parking so there is no option for providing new driveway or garage parking.

The B&NES Transport and Development Supplementary Planning Document (SPD) sets out the minimum and maximum standards for vehicle and bicycle parking. For vehicles, there is no minimum requirement so the applications lack of new off-street parking is not contrary with Policy ST7 of the Local Plan or the SPD.

The application is within Zone B (Outer Bath) and for a 4-bed dwelling or larger, a minimum of 4no bicycle parking spaces are required.

Updated plans showing the bicycle and refuse storage have been provided. The rear garden currently has no side or rear access and can only be access through the dwelling. To utilise the bicycle storage, it is acknowledged that these will need to be brought through the dwelling. Whilst this would be less favourable than an accessible bicycle storage at the front of the property, the front gardens are open communal spaces so this would not be an option.

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.

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.

It is not considered that the proposal would prejudice individuals with protected characteristics.

SCHEME OF DELEGATION:

Following receipt of an objection and call -in request by the local ward Councillor which is contrary with the Officer recommendation, this application has been referred to the Chair of the Planning Committee, who has commented as follows:

Thank you for your report on the HMO application for 26 Wedgwood Road. Given the substantial size of the property and its close proximity to the 10% threshold for HMOs permitted under current policy, I believe it is crucial for this application to be considered by the committee. Councillor Moore has expressed concerns that this threshold may have already been exceeded, and it is essential that we investigate this matter thoroughly at the committee level.

I appreciate your attention to this and look forward to addressing it further.

As such, this application will be brought forward to the Planning Committee.

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 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.

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

3 Bicycle Storage (Pre-occupation)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Drawing	23 Oct 2025		BLOCK PLAN
Drawing	23 Oct 2025		BLOCK PLAN PROPOSED
Drawing	29 Oct 2025	A-01	EXISTING GROUND FLOOR PLAN
Drawing	29 Oct 2025	A-02	EXISTING FIRST FLOOR PLAN
Drawing	29 Oct 2025	A-03	PROPOSED GROUND FLOOR
Drawing	29 Oct 2025	A-04	PROPOSED 1ST FLOOR PLAN
Revised Drawing	29 Jan 2026		BIN AND BICYCLE STORAGE
Revised Drawing	29 Jan 2026		ELEVATIONS AS EXISTING AND PROPOSED
OS Extract	23 Oct 2025		SITE LOCATION PLAN

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development.

The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

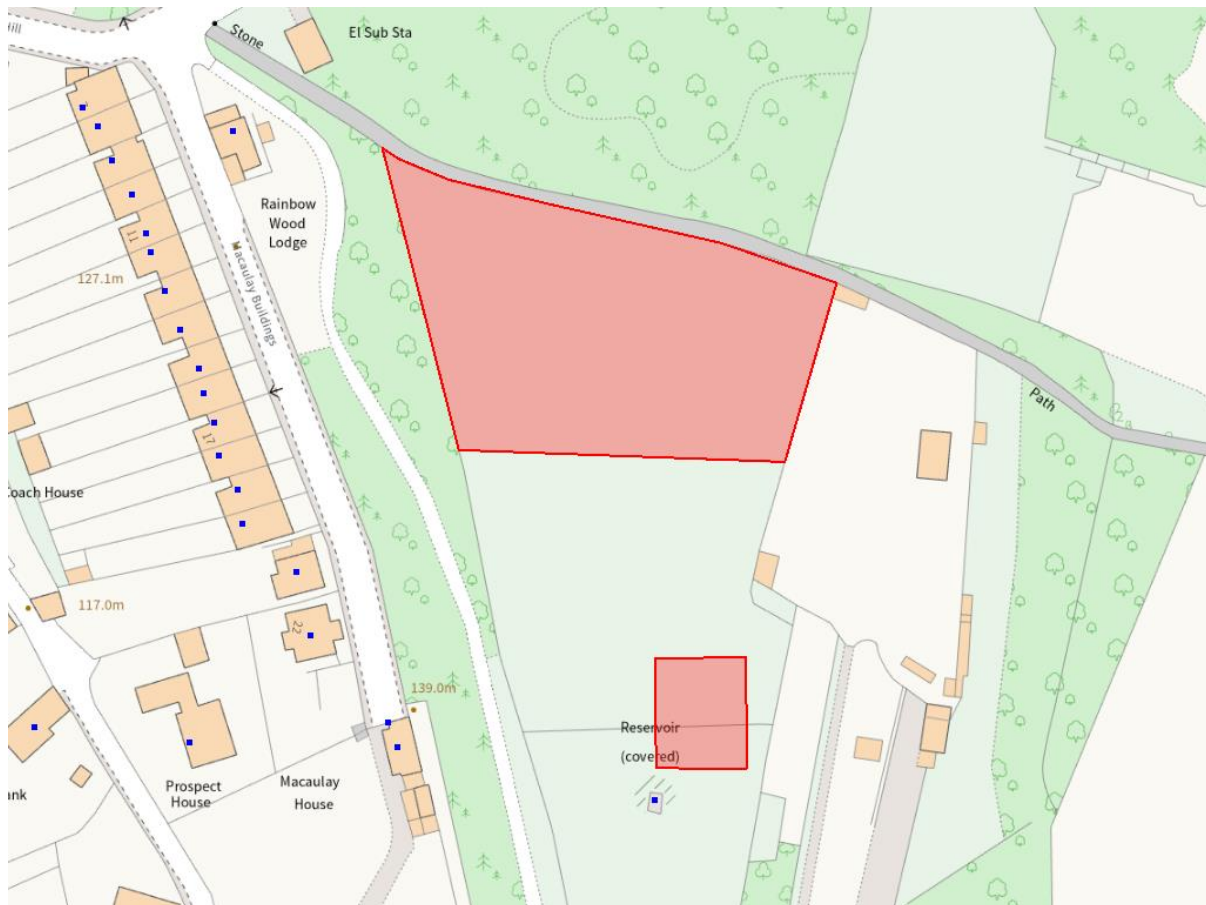
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply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

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

5 Responding to Climate Change (Informative):

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

Item No: 02
Application No: 25/04417/FUL
Site Location: Rainbow Wood House Widcombe Hill Widcombe Bath Bath And North East Somerset



Ward: Widcombe And Lyncombe **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Alison Born Councillor Deborah Collins

Application Type: Full Application

Proposal: Installation of ground mounted solar array and ground source heat pump closed loop underground borehole array, with landscaping

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Policy NE3 SNCI, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, NRN Woodland Core Existing Policy NE5, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones,

Applicant: Dr Alyson Warhurst

Expiry Date: 19th January 2026

Case Officer: Angus Harris

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

REPORT

The application refers to the Grade II Listed dwelling Rainbow Wood House, Widcombe Hill, Widcombe, BA2 6AX.

Planning permission is sought for the installation of ground mounted solar array and ground source heat pump closed loop underground borehole array, with landscaping

Relevant Planning History:

DC - 14/00899/TCA - NOOBJ - 31 March 2014 - Ash - fell; Poplar - fell

DC - 15/00487/TC5 - NOOBJ - 11 February 2015 - 1x Silver Birch - remove. 1x Mixed Species - remove. 1x Mixed Species (mainly Holly) - reduce to 1.5 m height

DC - 15/03155/TCA - NOOBJ - 5 August 2015 - Prune 14 individually identified trees as detailed.

Fell 4 individually identified trees: G1 - fell all within 5m of house, G2 - selectively remove saplings, G3 - fell 16 trees, Orchard - horticultural pruning, G4 - fell 4 cherries, birch, oak and ash

DC - 15/03259/TP5 - EXEMPT - 5 August 2015 - Prunus cerasifera - remove. Oak - end weight reduction of 4- 6m and reshape. 2 x dead Cherries - remove. Beech - remove. Ash - remove

DC - 15/04488/FUL - PERMIT - 18 January 2016 - External alterations, including insertion of new balustrade, windows, roof light and fire ladder. Demolition of existing outbuildings and landscaping works.

DC - 15/04489/LBA - CON - 18 January 2016 - Internal and external alterations, demolition of existing outbuildings, removal of internal partitions to enlarge kitchen and landscaping works.

DC - 16/00672/TCA - NOOBJ - 22 March 2016 - 1x Beech - remove

DC - 16/03038/COND - DISCHG - 3 August 2016 - Discharge of conditions 2 and 4 of application

15/04489/LBA (Internal and external alterations, demolition of existing outbuildings, removal of internal partitions to enlarge kitchen and landscaping works.)

DC - 16/03862/TCA - NOOBJ - 12 September 2016 - 1x Sycamore (T1) - remove

DC - 17/05843/TCA - NOOBJ - 4 January 2018 - T1 & T2. Yew - Fell.

DC - 19/05117/TCA - NOOBJ - 30 December 2019 - T1 Ash - remove.

DC - 21/01048/TCA - NOOBJ - 13 April 2021 - Robinia T1 - remove

DC - 21/02799/TCA - NOOBJ - 26 July 2021 - 4 no. Ash (G1, G2, T5 and T6) - advanced Ash Dieback - remove. Beech (T3) - reduce limb growing towards cables by 4m (north side of canopy). Lime (T4) - prune back laterals on north side of canopy by 2-3m and clear cables by 2m.

DC - 22/04014/TCA - NOOBJ - 9 November 2022 - 1- Poplar tree - Snapped at the base. Dismantle. Also remove two saplings nearby.

2 - Silver birch - Dead/Remove; Plum - dead/ Remove; Lime - prune back off the BT cables on Macaulay Buildings; Oak - prune back off the BT cables on Macaulay Buildings, clearing back by 1-2m; Lime - crown lift to 5m; Cherry - prune back by 1-2m, 3 - Ash- infected. Dismantle and remove, 4- Ash- infected. Dismantle and remove, 5 - Yew - crown raise to 2m and prune all round by 1-2m, 6 - 3 x Ash trees - infected. Dismantle and remove, 7 - Cedar of Lebanon - thin 20% of the secondary branches

DC - 24/01795/TCA - NOOBJ - 17 June 2024 - T1-Cedar of Lebanon, prune all over by 2-3m and thin out congested areas to reduce end weight on branches and reduce future failures.

DC - 24/04676/TC5 - EXEMPT - 19 December 2024 - Lime tree - reduce damaged leader, remove twisted limb, tidy secondary damage to lower branches and prune back to nearest appropriate point

DC - 25/03131/TC5 - EXEMPT - 7 August 2025 - Oak Tree - Remove high canopy and leave the trunk as a habitat monolith

DC - 25/04635/TC5 - EXEMPT - 4 December 2025 - Leaning Poplar - fell.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Arboriculture:

The property is within Bath Conservation Area which offers protection for trees on and adjacent to the site.

The arboricultural report (Assured Trees February 2025) submitted in support of the application is comprehensive but dated prior to positive amendments to the scheme such as the solar array being moved further from the row of Beech beside the public right of way.

The covering letter for the application addresses previous arboricultural comments.

I have noted the modified root protection areas (RPA) within the arboricultural report and reasons provided and agree that the modifications are reasonable.

The positioning of the infrastructure avoids tree loss whilst also avoiding the need for complicated tree protection measures during construction activities. The exception is that additional precautionary measures are provided where the underground service excavations clip the root protection areas for T27 (Cedar) and T28 (Oak).

Ground source heat pumps are known to potentially cause ongoing soil temperature reductions, particularly with over extraction during cold weather. This can affect tree root growth and nutrient uptake, however, I do not anticipate an issue with the current proposed location.

Pre-commencement conditions to secure the submission of a detailed arboricultural method statement and tree protection and compliance with those documents will be necessary

Revised comments received 31.12.25:

"I have noted the revised location and positioning of the borehole array and have no arboricultural concerns subject to the inclusion of conditions to secure the submission of and compliance with a detailed arboricultural method statement and revised tree protection plan."

Contaminated Land & Hot Springs: - Comment

Thank you for your consultation regarding the application for the installation of ground mounted solar array and ground source heat pump with landscaping.

The site lies in Zone C of the County of Avon Act. The County of Avon Act gives Bath and North East Somerset Council (B&NES) powers to protect the natural thermal springs that arise under artesian pressure in the centre of Bath, from damage that could result from excavations, piling operations or boreholes in the Bath area. As the application is for the drilling of boreholes in excess of 100m within Zone C of the Act, the applicant is required to gain Avon Act consent for the works.

I can confirm that the applicant has applied for and been granted Avon Act Consent with conditions for the works.

The historical maps of the site area indicate a reservoir in the vicinity of the site. Has the Consultant undertaken a desk study to review any site surface or underground historical features that may impact the proposals? Taking account of the development and the proposed end use, I recommend that the following condition and advisory note are applied to any permission if granted. I also recommend that the Environment Agency are consulted with respect to the ground source heat pump proposals in relation to any risks to Controlled Waters or permitting that may be required by the Environment Agency.

Drainage and Flooding: - No Objection:

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

Environment Agency:

"This application does not fall within the criteria set out in our External Consultation Checklist which defines the planning applications we should be consulted on. We

therefore consider we should not be consulted, and we will not be providing any comments on this proposal."

Revised comments received 15/01/26:

"We have no objection to this application subject to the inclusion of the following conditions being included in any grant of planning permission."

Highways: - No objection

The proposed is for the installation of a ground mounted solar array and ground source heat pump infrastructure (below ground). The site is located to the southeast of Bath City Centre, within land of the property known as Rainbow Wood House in Widcombe. The output is stated to supply 100% of the household's electric and heating needs, with some surplus generation fed back into the grid. It is noted that the development has been subject to Pre-Application advice from TDM under reference 25/00924/PA02, which found that the principle of the development was accepted, however further information regarding car parking and a Construction Management Plan was needed if the applicant was to enter a full application. Details for the Construction phase of the development have been provided within the documents above. The property is within a monitored security cordon, with locked gates access through a security code. All contractors and visitors to site will be signed in/out by the site manager. Access into the site is provided through the existing access from the highway. The scheme includes parking on site which can accommodate up to 20 parking spaces within a hard standing area adjacent to the main dwelling. However, to ensure the parking is managed on site, there will be a maximum of 10 vehicles on site which ensures suitable turning facilities can be maintained on site. The information contained within the Construction Site Traffic contains suitable information to comply with the requirements of a Construction Management Plan as requested at Pre-Application stage. This includes taking the nearby residential area into account during the construction phase of the development. In conclusion, the information provided is suitable and would unlikely have a negative impact on the highway or surrounding residential area

Cotswolds Conservation Board:

The above application which is located within the Cotswolds National Landscape¹ has been brought to the attention of the Cotswolds National Landscape Board² ('the Board').

In reaching its planning decision, the local planning authority (LPA) has a duty to seek to further the statutory purpose of conserving and enhancing the natural beauty of the National Landscape.³ This duty should be explicitly addressed within the decision including an explanation of how the LPA considers the duty has been discharged. Further information on this new duty is provided in Appendix 1 below and the Board recommends that, in fulfilling this 'duty to seek to further the purpose', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications:

- o Cotswolds National Landscape (CNL) Management Plan 2025-2030 (link);
- o Cotswolds AONB Landscape Character Assessment (link) particularly, in this instance, with regards to Landscape Character Type (LCT) 9 High Wold Dip Slope where the site is located;

- o Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 9 ([link](#)) including Section 9.4; Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- o Cotswolds National Landscape Climate Change Strategy ([link](#));
- o Cotswolds Nature Recovery Plan ([link](#));
- o Cotswolds National Landscape Board Position Statements ([link](#)) particularly, in this instance, with regards to the Renewable Energy Position Statement ([link](#)), Tranquillity Position Statement ([link](#)) and Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2](#), [link 3](#))

Due to current development management consultation workload, the Board will not be providing a more comprehensive response on this occasion. This does not imply support for, or objection to, the proposed development.

Avon Gardens Trust: - Comment

We refer to the above application site which is within the Bath Conservation Area, the World Heritage Site, the Green Belt and the Cotswolds National Landscape.

The proposed solar array would also be located close to a Grade II* Gothic Temple, within the garden of Rainbow Wood House. The Heritage Statement does not appear to make any assessment to the impact of the setting of the Gothic Temple resulting from the proposed development, although we note that the Landscape and Visual Impact Assessment states that there would be no intervisibility between the proposed development and the Gothic Temple, due to 'localised level changes and intervening garden structures (terrace wall and walled garden)' (section 9.2).

As there is no access to the application site, we have been unable to make an assessment of the potential impact to the setting of the Gothic Temple. Historic England need to be consulted on the potential impact to the setting of a Grade II* listed structure, but as far as we can tell, no such consultation has been carried out to date.

National Trust: - Neutral

The National Trust is a conservation charity that looks after nature, beauty and history for the nation - for everyone, for ever.

The Trust owns and manages various parcels of land in the Bath Skyline area, which provide greenspace for the benefit of people and wildlife, and form part of the double-inscribed World Heritage Site (WHS), the Bath-wide Conservation Area, and Cotswold National Landscape. The Bath Skyline path is a popular circular route with views over the city. The path runs past the application site and is not in National Trust ownership for this stretch; however, the Trust owns the woodland to the north of the path, and other parcels of land nearby.

Renewable energy benefits:

The National Trust is supportive of renewable energy as a matter of principle, and we believe appropriate development can play an important role. The generation of renewable energy facilitated by the proposed development is clearly an important material

consideration and will play a role in tackling climate change. As a council, we note that B&NES has declared a climate emergency. We are also aware that the current proposals have been the subject of pre-application engagement with B&NES prior to formal submission.

Assessment of impact:

The Trust also has a role in standing up for the special places in our care - and we have an interest in the use and enjoyment of the Skyline path. This is a highly designated locality, given the above-mentioned designations, as well as being in the Green Belt, and part of a wildlife site (Widcombe Hill SNCI). We would therefore ask B&NES to carefully consider the acceptability of the proposals in landscape, heritage, and ecological terms. In particular, we would like to make a 2 number of comments about the proposed ground-mounted solar panels.

The proposed development:

We understand that the proposed solar installation would appear similar to that indicated in Figure 8 of the applicant's Planning & Design and Access Statement - although we note from the Addendum that the permeable surface material composition is still to be decided. We also note that either a 5% or 10% slope is indicated where the panels would go. It is important that B&NES is clear what development is being proposed and the extent of any earthworks. We would instinctively favour less substantive changes in this location.

Landscape and visual amenities:

We would ask that B&NES ensures that it fully appraises the implications of the proposals in terms of landscape and visual amenities, including inward views. From the Skyline path adjacent, the LVIA has one viewpoint (VP9), although we are aware that since the LVIA was prepared, a closeboarded wooden fence has been erected along part of the boundary between the path and the application site, which blocks this view. (Whether this fence needed planning permission is a matter for the Council to consider - it may depend on whether this location is deemed to be within or surrounding the curtilage of a listed building).

Having recently walked the Skyline path, we note there are one or two (small) gaps in the wooden fence where it is possible to see the application site. Further down, there are also one or two gaps in the vegetation where it is possible to see into the site. However, these are very much glimpsed views in winter, and we do not consider they would compromise the enjoyment of the path. We also note there is landscape mitigation, including mixed native shrub planting along the northern boundary to reinforce this edge. We would ask B&NES to ensure that such mitigation is sufficiently robust, appropriate, and secured in perpetuity.

In terms of other views, we understand that there is a small patch of sloping grass/pasture in the applicant's ownership that is visible from the Skyline path as it traverses Smallcombe Fields. We do not consider there would be any significant visibility or implication for users of the path in this location, due to the tree screening. Any removal of mature trees at the edge of the applicant's land could change this, but as they are in the Conservation Area, tree works consent would be needed (and presumably likely to be turned down).

In terms of longer distance views, there is a view from Alexandra Park that is featured in the City of Bath World Heritage Site Setting SPD (page 21, lower image). This photo was taken in the summertime, and potentially there would be less screening in winter. However, the distance involved means that again, we would not anticipate any significant impact.

Lastly, in respect of the special qualities of the Cotswold National Landscape, the National Landscape team may be best placed to comment.

Heritage:

We don't intend to comment in detail on heritage matters, although clearly B&NES will need to assess the implications of the proposed development on the Outstanding Universal Value of the double-inscribed World Heritage Site, on the character and appearance of the Bath-wide Conservation Area, and on the setting and significance of nearby listed buildings. Any heritage harm that is identified will need to be weighed against the public benefits of the proposed development (renewable energy) as part of the overall planning balance.

Other matters:

The implications for nature and biodiversity need to be carefully assessed, especially given the SNCI status of the land. On one hand, the proposal would involve loss of habitat in the SNCI due to proposed earthworks and gravel-type surfacing, but on the other, there would be wider grassland enhancement, and a significant biodiversity net gain is indicated. The Council should assess compliance with Local Plan policy NE3. Lastly, in the Green Belt, Very Special Circumstances will need to be demonstrated as per Green Belt policy.

Conclusion:

In conclusion, we are not supporting or objecting to the application. However, the Trust supports renewable energy in-principle, and we have raised a number of matters which may merit careful consideration before a decision is reached.

Ecology: - no objection

A Preliminary Ecological Appraisal by Johns Associates dated the 29 th of August 2025, a Biodiversity Net Gain Report by Johns Associates dated the 29 th of August 2025, associated metric and a BNG Planting, Maintenance and Monitoring Schedule by CWS and Neil Ross dated the 2nd of November have been submitted and are welcomed.

Designated Sites

The site is located within the Widcombe Hill Site of Nature Conservation Interest (SNCI), designated for the unimproved calcareous grassland, semi-natural broadleaved woodland and scrub habitats that it supports. The proposed development would not result in the loss of calcareous grassland, semi-natural grassland or semi-natural broadleaved woodland as detailed in the Biodiversity Net Gain (BNG) Report by Johns Associates, dated the 29th of August 2025. The associated BNG metric, dated the 9th of January 2025 and the Preliminary Ecological Appraisal by Johns Associates, dated the 29 th of August 2025 confirms that 0.14 hectares of modified grassland in poor condition would be lost. The report and metric confirm that 0.211 hectares of existing modified grassland will be

enhanced, with a proposed habitat of other neutral grassland, which is welcomed. This would be an improvement to the existing habitats on the site and is welcomed.

The site also lies 1.1 km north west of the nearest component of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC). The SAC is designated for internationally important populations of horseshoe and Bechstein's bats, which hibernate in the mines. There is no lighting proposed, and therefore, there will be no likely significant effect on the SAC.

Habitats

Two areas of modified grassland will be impacted by the proposals. The area to the north of the site will be permanently lost, and the area to the south will be temporarily lost and reinstated within two years. The use of mainly native planting in the hedges and woodland edges scrub is supported. In addition, the recommended meadow planting, management and maintenance is welcomed and supported (CWS and Neil Ross, 2025). The introduction of two formal ponds and one natural pond is welcomed, and the inclusion of a traditional orchard and woodland management is supported. These measures can be secured by an appropriately worded condition.

Bats

The Preliminary Ecological Appraisal (Johns Associates, 2025) confirms that the site is likely to be used by foraging and commuting bats; however, no lighting is proposed as part of the development and no buildings were present within the survey area. Therefore, further surveys are not considered necessary.

Additional lighting is not proposed; therefore, boundary vegetation will remain unlit. If proposals change and lighting is required, a sensitive lighting strategy will be required.

Other Notable/Protected Species

The modified grassland has limited potential for supporting other notable/protected species, and the boundary habitat will be retained, protected and remain unlit. No further surveys are considered necessary.

Lighting

No external lighting is proposed. External lighting must only be used where absolutely necessary and must be downward-facing, low level and fitted with PIR sensors and short duration times (< 2 minutes) in accordance with ILP 2023 Guidance.

Species Enhancements

All schemes should achieve measurable biodiversity net gain to meet the NPPF (paragraphs 174, 179, and 180), Bath and North East Somerset Core Strategy and Placemaking Plan policies (for example, Policies D5e and NE3) and government policy. This is also supported by the appeal decision APP/F0114/W/19/3243930 for application 19/01596/FUL and the Ecological Emergency declaration by Bath and North East Somerset Council. The scheme will need to demonstrate that the net gain of biodiversity is feasible. The enhancements included in the Preliminary Ecological Appraisal (Johns Associates, 2025) are welcomed and supported. These include grassland enhancements, enhancement of the treeline along the northern boundary through planting of native species and the provision of refugia/hibernacula to increase habitat for invertebrates. Relevant policies: NE1, NE3, D5e and D8.

Archaeology: - No objection

Thank you for consulting us on this application.

Due to the limited scale of this development, it is very unlikely that it will impact on significant archaeological remains and so we have no objections to the proposal.

Conservation: - no objection subject to condition,

It is proposed to install 320 ground mounted solar pvs and a closed loop heat pump in the former meadows/ paddocks to the north of the Rainbow Wood House.

From a heritage perspective, once installed there will be no visual impact from the ground source heat pump as the equipment will be concealed underground. Following on from comments raised in the pre-application, further analysis has been undertaken regarding the reservoir indicated on historic map layers. It is thought to be associated with previous land management prior to the development of Rainbow Wood House. It is thought to have been replaced with a 20th century chamber and infilled.

There has been discussion at pre-application regarding the proposals including locations of the solar array. The proposed location is furthest from the house and situated in the paddock next to the Walled Garden. On the way to the Walled Garden, there is Temple Walk, a gravel pathway, and Gothic Temple, a Grade II* garden pavilion. It was by Richard Jones and dates from 1745. The Gothic Temple was part of Ralph Allen's highly important landscape scheme at Prior Park before it was removed and rebuilt in its present location.

Due to the size and scale of the proposed solar array, there will a small degree of harm to the setting of the listed buildings and conservation area from the installation of a large solar array. The visual impact will be mitigated to a certain extent through the proposed design and installation of the solar panels. They will have a shallow profile being angled at 10° or 5° and will be sunken into the ground by 250mm. The panels will be monochromatic and a Glint & Glare assessment has concluded that the proposal is unlikely to result in significant glint or glare effects. There are mature trees and vegetation to the north and east of the development site. Looking from longer vantage points from the solar array will be well screened.

Rainbow Wood House sits some distance from the proposed location of the solar pvs. Compared to the other landscape features, the paddock does not make a strong contribution to the setting of the listed house beyond reflecting the verdant hillside. While there may be glimpses of the solar panels in views along the driveway, the emphasis is on the destination rather than surroundings. In terms of the other listed structure, Gothic Temple is considered a good, early example of a gothick garden building. Its significance stems from its fine architectural detailing and providence rather its current location and setting. There is a clear delineation between the character and appearance of the Temple Walk, the Walled Garden to the paddocks. The Gothic Temple is orientated looking out towards the west and will not directly overlook the proposed site for the solar panels. Due to its architectural typology and sense of enclosure, the experience of the Walled Garden is from within, and is not predicated from what is outside.

In accordance with Paragraph 212 of the NPPF (2024), when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In this case it is concluded that there is a very small degree of harm cause to the setting of the listed building and conservation through the scale of the solar array in what had been an open paddock. In the context of the significance of the asset as a whole and in the language of the NPPF, less than substantial and is at the very lower end. In such circumstances there is a need to consider paragraph 215 which requires that any harm be weighed against the public benefits of the proposal. Consideration of the final planning balance is for the case officer. However, from a listed building perspective, it is considered that there is potential for the planning balance to tip in favour of granting permission due to renewable energy generation.

None of the proposed infrastructure will be attached to Walled Garden. The tank and pump will be located in the integral garage, where there are existing services. As there are no historic features within the space and existing service runs will be re-used, it is not considered that the works will affect the special interest and require listed building consent.

Historic England: - no comment

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Bath World Heritage Officer: - objection

The proposals are for the installation of a ground source heat pump closed loop underground borehole array, and a ground mounted solar array comprising 320 panels, with associated excavation and earthworks. The ground source heat pump and borehole are not, based on being located below ground and the land being restored to its former appearance, regarded as problematic in heritage terms. I note that the Council's archaeological consultants have not objected and advised it is unlikely that any potential below ground archaeology will not be

affected.

Therefore, the focus of this response is the impact of the proposed solar array on the World

Heritage Site (WHS) and its Outstanding Universal value (OUV). However, for context, it is worth noting the very high sensitivity of this location in both heritage and landscape terms, and

the designations include: the City of Bath and Great Spa Towns of Europe WHS, the Bath Conservation Area, Cotswolds National Landscape, Bristol and Bath Green Belt, a Grade II

house and Grade II* garden temple and ha-ha set within historic designed landscaped gardens, and is within a Site of Nature Conservation Interest. The listing description describes

the house as '...a good and individual example of a late Victorian small country house' and the

gardens as '...a well-realised example of a late-C19 country estate commanding extensive views over the City of Bath.'

It is also worth noting that the site is adjacent to the Bath Skyline path that provides the primary

and important access to the green setting and therapeutic spa landscape of the WHS, a landscape that has been, and continues to be, sensitively and carefully managed and enhanced by the National Trust and through the work of the Bathscape Partnership for the benefit of natural and built heritage and the community.

The submitted Heritage Statement and Impact Assessment attempts to assess the impact on

all of the heritage assets. I note that it references the City of Bath (1987) inscription and its six

Attributes that convey OUV, however reference to the Great Spa (2021) Towns of Europe inscription only refers five of its seven Attributes that convey OUV. I also note that no real or

meaningful attempt is made to assess the impact of the proposed development on OUV, and

there does not appear to be any reference to the fact that the site of the solar array is adjacent

to the Bath Skyline. Despite this lack of crucial analysis, it concludes that, 'there is no heritage

impact identified due to the installation of the solar array. It also concludes that, 'In conjunction

with the mature trees and vegetation to the north and east, this will affectively screen the installation from the public realm and the listed houses on Macauley Buildings.' Given that the

proposed site for the solar array can readily be seen from the Bath Skyline public footpath, despite recent attempts to obscure it with unauthorised timber fencing, this conclusion is not

regarded accurate and has not been reached based on a robust assessment. Regarding the

recently erected timber fencing, this is clearly within the curtilage of the listed building and therefore will require planning permission as a means of enclosure within it. However, an

application made to the Local Planning Authority to regularise this development would very

likely be resisted as being a discordant and alien feature within this context and therefore inappropriate. Images prior to the timber fence being erected provide attractive views into the

site and beyond, an essential and characteristic experience of using the bath Skyline path, with

the surviving historic iron estate fencing positively contributing to the rural character and experience of it. Likewise, this is also applicable to the proposed tree/vegetation screening within the site, this would also curtail important views from the Bath Skyline path, and therefore

this cannot be regarded as an acceptable strategy to mitigate and justify the proposed solar

array.

Turning to the submitted Landscape Visual Impact Assessment, this correctly assesses the

site as of 'high value' and highly sensitive, and therefore highly sensitive to change.

However,

it assesses that mid to long range views of the site, and therefore the proposed solar array, will

be limited. This assessment is partly based on the screening by trees and general vegetation,

although this should not be entirely relied upon given the potentially ephemeral nature of trees

and vegetation that are subject and vulnerable to the vagaries of extreme weather events, disease, natural life span of trees, and varied and changing land ownership. Furthermore, the

LVIA also acknowledges that views into the site will be made more available in the winter months where screening becomes significantly reduced. However, despite any potential limitations of wider views, in order to assist in achieving this the proposals include what appears to be significant excavation and reprofiling of the land in attempt to mitigate the landscape visual impact. This is regarded as an unacceptable intervention and will cause harm

not only to landscape character and form, but also to heritage assets, including the historic parkland landscape itself, and also to the green setting and therapeutic spa landscape of the

WHS. In addition to this, as above, the Bath Skyline path affords clear close-range views of the

site and therefore the proposed solar array, notwithstanding the recently erected unauthorised

timber fence. Therefore, the conclusion of the LVIA that the potential harm caused by the proposed solar array will be limited and acceptable is refuted.

It is notable that neither the Heritage Statement and Impact Assessment or the LVIA undertake

a detailed analysis of the impact on the WHS and its Attributes of OUV. Despite this, it is clear

that there will be an impact on the following Attributes that convey OUV of both WHS inscriptions:

- o The green setting of the city in a hollow in the hills (City of Bath 1987)

o The therapeutic spa landscape (Great Spa Towns of Europe 2021)
UNESCO World Heritage Sites are the highest heritage designation that can be achieved and they are of global importance and there is a requirement to safeguard, protect and preserve their OUV as set out in the World Heritage Convention (1972), the accompanying Operational Guidelines (2025), and reiterated throughout the current WHS Management Plan: Combined City of Bath and Great Spa Towns of Europe World Heritage Site Management Plan (2024-2030). Likewise, the NPPF (Dec 2024) reiterates this, and the current NPPF consultation draft (Dec 2025) seeks to further expand on the requirement to safeguard OUV and to avoid harm, including cumulative harm. It states that:

HE8: World Heritage Sites

1. To secure the long-term future of World Heritage Sites and support the preservation and enhancement of their significance and Outstanding Universal Value, development proposals that affect a World Heritage Site should:
 - a. Be designed in a way which pays particular regard to the significance and attributes of the Outstanding Universal Value of the World Heritage Site (including any contribution made by its setting and any buffer zone);
 - b. Take into consideration any relevant implications of the World Heritage Site management plan; and
 - c. Be supported by an assessment of the impact, including any potential cumulative impact, on the significance and Outstanding Universal Value of the World Heritage Site. This should include appropriate information such as visual impact assessments and natural environment, archaeological or historical data.

The risk of cumulative harm is an aspect of development within WHS that has been given increasing prominence by UNESCO in recent years, and this is pertinent to the proposed development. In the event that the LPA grants approval of the proposed development, this would set a precedent and severely impact on its ability to resist future similar development within the green setting of the WHS that, cumulatively, could cause substantial harm to OUV.

Another aspect of the proposed development that requires consideration is the commercial scale of the solar array, numbering 320 panels. This is a substantial number that would usually be associated with an industrial plant or building. The indication is that a house of this size with high domestic energy usage would typically require anything between 10 and 20 panels to meet its energy needs, with some limited additional panels to produce some surplus powers that could be fed back into the National Grid, notionally double, totalling up approximately 40

panels. Clearly, this number is considerably less than the 320 and therefore the conclusion is that the proposals are too ambitious for both the energy needs of the house and for what the exceptionally sensitive context can accommodate. Whilst it is acknowledged that, to some degree, the large scale of the solar array is justified to provide energy for the ground source heat pump, nonetheless the same conclusion is pertinent.

Also pertinent to the assessment and determination of this application and the development proposals is recent planning application: Construction of agricultural barn and the installation of a stand-alone solar array system to service the Midford Castle Estate (ref: 21/01555/FUL). Both the site, and the proposals have direct parallels with those under consideration of this planning application. This application was refused by the LPA and later dismissed at appeal by the Planning Inspectorate. The assessment and determination of the current application should be consistent with recent planning decisions by the LPA for directly and clearly comparable development proposals. This is especially critical in the case where the Planning Inspectorate has supported and upheld the decision of the LPA.

Lastly, it is acknowledged that the historic environment should play its part in supporting renewable energy where it can be accommodated without detriment or harm. This should be especially the case within a World Heritage Site that is of global significance. As above, the proposals are clearly too ambitious for both the domestic context and the high sensitivity of the site. However, notwithstanding this there is the potential of some support for a more proportionate, modest, significantly scaled back scheme that meets the domestic requirements for energy use of the house whilst responding more successfully to the highly sensitive context of the site both in heritage and landscape terms.

To conclude, in light of the above the planning application should be refused on the basis that it will cause less than substantial harm, with the potential of cumulative harm, to the OUV of the WHS.

Widcombe Association: - Support

This response to the application for Rainbow Wood House is submitted by the Widcombe Association, the residents' association for Widcombe and Lyncombe. The applicant seeks

consent to instal the infrastructure to make Rainbow Wood House net zero in terms of energy use for heating and lighting.

The context to the application is first of all the Global Climate Crisis. There is an acknowledged need to reduce emissions from fossil fuels, and the application is a response to this objective. However, the site lies within a highly protected area. The designations include the Bath and Bristol Green Belt, the Bath World Heritage Site, the Cotswold Natural Landscape, and the Bath Conservation Area. In this context we have considered if, in the light of the very high levels of protection, the nature of the proposal merits consideration as a "very special circumstance". We have considered the degree of harm that the proposal might bring to the area in this context.

The Widcombe Association has carefully examined the application, and we were represented at the site meeting on 12th December 2025 which was also attended by the two Widcombe Councillors, the case planning officer, local residents and the applicant's consultants. We have made subsequent visits to areas adjacent to the site in order to assess as well as we can, the impacts of the proposals on adjacent premises and on the wider landscape.

The two key components of the proposal are the pipes for the ground source heat pump, and the solar array to generate electricity for both the operation of the heat pump and for domestic consumption. It is clear to us that the applicant has taken great care to minimise impacts of these two components of the scheme. The proposed location of the pipes for the ground source heat pump has been moved in response to local residents' concerns about the drainage in the field above their houses. The heat pump pipes will be inserted vertically and the pipes and mechanics linking them to the heat pump will be buried. There will be no impact visually other than access manhole covers at ground level.

The principal issue of concern is the visual impact of the solar array. The solar array will be on the ground. The individual panels will be domestic in scale and sit at an angle, each panel being just in excess of 300mm high from the ground. We have considered the potential visual impact from three perspectives, close to the site in the vicinity of Macaulay Buildings, from the public footpath on the western boundary of the site, and in longer views, specifically from the south west. We are aware that local residents and others remain concerned by the potential intrusiveness of the solar array. The array will be in the field at the northern end of the property, opposite and above the access roads to Rainbow Wood House and Macaulay Buildings. There is a substantial belt of mature trees between Macaulay Buildings and the position of the propose solar array. Even in the winter months the site is well screened by the trees. The proposal includes the construction of a soil bank in front of the array to further screen views from Macaulay Buildings. Our conclusion is that the solar array will not be overly visible or intrusive in close views from the nearby dwellings or from the Macaulay Buildings' access road.

Many of the objections to the solar array concern its impact on the Bath Skyline walk which passes the site on its western boundary. The land form will largely conceal any view of the solar array from the public footpath. Currently, below the walled garden a wooden fence has been erected which blocks views into the field, and behind it there is a sparse hedge that currently provides some additional but limited screening. We understand that the wooden fence is temporary until the hedge has been strengthened with additional planting. The planting and maintenance of this hedge should be the subject of a condition

attached to any planning consent. However we conclude that there is likely to be little or any impact from the solar array on views from the public footpath.

Concerns have also been expressed about the impact of the solar array on longer views into the site particularly from the south-west. We have access to two photographs, one which shows a view of the site from a property in Greenway Lane, and one that we have taken from Lyncombe Hill Fields. In both photographs the walled garden is visible, as are the fields in the central section of the site. However, on both photographs, the position proposed for the solar array is hidden by trees. Both photographs are taken in winter when there are no leaves on the trees. The protection of views will be even greater in the Spring, Summer and Autumn months. We conclude that there will be no detriment to the Bath landscape affecting long distance views into and across the site.

It is our view that the proposed infrastructure has been carefully planned to minimise impact on adjacent properties and on the wider landscape of Bath, and we believe that there will be little or no harm to the quality of the Green Belt, the Bath Conservation Area, the Cotswold Natural Landscape or the World Heritage Site from this scheme. In response to the global climate crisis, the purpose of the proposed development is to help meet national objectives to reach net zero in terms of harmful emissions from fossil fuels. There is an urgent need for action to be taken, locally, nationally and globally, to address the impacts from climate change. This project is also consistent with the long term aims of the Widcombe Association through its associated sub-group, Go-Green Widcombe, to promote sustainability including the retrofitting of domestic premises with renewable energy systems. We view this application as being an exemplar for the provision of green energy, and as such it justifies being regarded as a "very special circumstance". The Widcombe Association therefore supports the application.

Councillor Alison Borne:

B&NES council declared a climate emergency in 2019 and subsequent analysis has shown that about 40% of local carbon emissions come from residential housing. Therefore, as councillors for Widcombe and Lyncombe ward, we are very supportive of the principle of decarbonising our housing stock and welcome the ambition of this project.

However, we also note the sensitivity of the Rainbow Wood House site and the need for the benefits of the proposed solar array and ground source heat pump to be considered within the context of potential harm to the landscape and impact on springs and drainage. We note that the applicant has amended the proposals following discussion with local residents but some remain strongly opposed.

The consultation has attracted a significant number of responses, many of which are cut and pasted from a prepared script but many are not. Some are very supportive, some raise legitimate questions, others are opposed, citing a variety of reasons.

Given the level of public interest and the need for transparency in the decision making process, we believe that this application should be determined by the planning committee.

Councillor Toby Simmons:

I see there have been a lot of objections to this application. While not taking a view on the merits I think it should be considered by the Committee.

Representations Received :

246 comments have been received during the public consultation period. 186 of which are objections, 5 comments and 55 support.

The objections are summarised as follows:

- o Harm to the Green belt with a failure to demonstrate Very Special Circumstances,
- o The benefits of the scheme are generic and not site specific,
- o The proposal could set a harmful precedent, encouraging incremental erosion of protected land along the skyline,
- o Current vegetation screening should not be relied upon for the future

- o Harm to the Bath Skyline and panoramic views from the Bath Skyline Trail which is an important public and tourist asset in the World Heritage City
- o Loss of openness and visual intrusion into a highly sensitive landscape forming part of the World Heritage Site setting, the Green Belt, the Cotswolds National Landscape (AONB) and the Widcombe Conservation Area
- o Introduction of industrial scale infrastructure, a solar farm rather than a domestic installation
- o The development will industrialise a rural landscape, scarring the skyline and will permanently damage the visual character of the area

- o Significant impact on the Bath Skyline Trail as a public right of way, which is highlighted to be of historical and cultural importance, dating back to Saxon times,
- o Reduced enjoyment of the area, and impacting the openness and tranquillity of the site,
- o Loss of long established views across Lyncombe Vale
- o Concerns for the erected timber fence adjacent to the skyline walk boundary which seeks to hide the array from the path, harming public amenity,
- o Reduced daylight and visibility as a result of the fence, increasing public risk on a steep and uneven part of the footpath
- o Loss of grassland habitat within land designated as a Site of Nature Conservation Interest (SNCI)
- o The SNCI has deliberately degraded to rely upon improvements to justify the development,
- o Harm to wildlife habitats, ecological corridors, insects, birds and grazing species

- o Objection to the scale and proportionality of the proposal which consists of approximately 320 panels covering over 1,000 sqm
- o The annual generation figures far exceed typical domestic demand indicating that the proposal is not genuinely domestic, being far larger than necessary for purely domestic purposes,

- o Harm to the setting of multiple listed buildings which includes the application site, a Grade II Listed property, the Grade II Listed terrace of Macauley Buildings, and a Grade II* Listed Outbuilding within the site,
- o The development would not "preserve or enhance" the Conservation Area and the wider historic landscape context of Bath would be eroded,
- o Alternative and potentially less harmful locations have not been properly explored,
- o Alternative sites suggested include the dwellings roof, within the walled garden or the tennis courts to the side of the house,
- o It is not necessary for carbon neutrality to be achieved within the site and alternative sites could achieve the same reductions without this level of harm,
- o The site is located on a steep hillside with a known history of natural springs, underground reservoirs and complex groundwater movement.
- o The area has historic sub artesian water, springs and wells, including infrastructure that historically connected with the reservoir within the application site,
- o The proposed boreholes would drill to a depth of 110-120m and insufficient information has been provided to demonstrate that these works will avoid altering underground water pathways or interfering with the existing hydrogeology,
- o The submitted hydrogeological risk assessments focus on Bath Hot Springs, but do not adequately assess risks to neighbouring residential properties downhill.
- o Neighbouring properties rely on historical drainage systems, leaving them vulnerable to groundwater changes,
- o Borehole drilling may encounter artesian or sub artesian water
- o Any redirection of groundwater could lead to flooding of downhill properties, increased damp and water ingress and long term structural harm to historic buildings
- o A high level of surface water runoff is experienced both by neighbouring properties and the public highway,
- o The underlying geology is described as clay rich and prone to water retention, increasing sensitivity to disturbance and changes in moisture content.
- o There have been historic land slippage on this hillside, raising concern that the borehole drilling and ground disturbance could destabilise slopes
- o The site contains a historic reservoir which has not been shown accurately on the plans,
- o The claims that the reservoir has been filled in have not been independently verified,
- o Concerns relating to surface water run off from the solar array field, as a result of the reduced infiltration due to gravel, membrane and panel coverage and the altered drainage patterns on this steep slope,
- o Climate change will increase intensity of rainfall, amplifying risks of surface flooding and overloading historical drainage systems,
- o Concern that drainage advice is being provided by consultants appointed by the applicant, not independent assessors,
- o The full hydrogeological risks must be assessed before permission is granted, included independent geological and drainage surveys,
- o Planning permission should not be granted where consequences are uncertain but potentially severe.

- o Procedural concern that the application has been submitted as a householder application due to the presence of commercial uses on the estate which includes holiday lets accommodation and a recording studio,
- o The householder application misrepresents the nature of the site and attempts to circumvent standards applicable to commercial development,
- o A similar proposal at Midford Castle near Bath was refused by the LPA and dismissed on appeal only few years ago (see ref. 21/01555/FUL) despite Inspector recognising that the energy generated would be used to help power the castle and adjacent holiday lets

Of the 5 comments received, 2 of which raised objections and have been logged within the summarised objection comments above, and 1 of which is a support which has been similarly logged with the Supports.

Comments:

- o The site is part of the Bath World Heritage Site and we ask for evidence that the proposal would not result in harm to landscape character of the WHS setting.
- o The site is also within a National Landscape and Conservation Area but it is not clear from the D&A or LVIA that Alexandra Park and Lyncombe Hill Fields have been considered as receptors.
- o Any impact that is noticeable, but not prominent, would still be a concern,
- o Reliance on vegetation for screening presupposes that the vegetation will persist and be maintained for the life of the scheme,
- o The fence erected is detrimental to the enjoyment of the Skyline Walk, however it is noted that this may be temporary, which needs to be clarified,

Support Comments

- o The application seems fully consistent with the objectives of the elected Labour government, and also the elected Liberal Democrats of BANES.
- o This is not a solar farm.
- o It is a carefully designed, residential-scale renewable energy scheme.
- o The panels are residential in nature.
- o The panels are not reflective.
- o The array would not be visible from key public viewpoints, including the skyline itself.
- o The site is discreet.
- o The site is not visible from public highways, public rights of way, or recognised viewpoints.
- o The field-site is entirely invisible from the driveway approach to the house in either direction.
- o The solar array will not be visible from my property.
- o No trees will be removed.
- o The proposal delivering a substantial biodiversity net gain.
- o Independent ecological studies conclude that impacts are negligible or beneficial.
- o BANES has declared a Climate Emergency.
- o This is exactly the type of sensitive, small-scale intervention national and local policy seeks to encourage.

- o The proposal represents an appropriate, visionary and compliant renewable energy development.
- o It will save more than 30 tonnes of CO2 annually.
- o The environmental benefits clearly outweigh any limited impact.
- o The proposal appears well considered, environmentally responsible, and aligned with BANES's climate and ecological objectives.
- o The Landscape and Visual Impact Assessment confirm the site is effectively invisible from public vantage points.
- o The claims about visual harm, loss of trees, and ecological damage are directly contradicted by the LVIA.
- o The proposal would enable a substantial listed residential property to transition away from oil-based energy.
- o Projects like this should be supported rather than opposed.

Additional videos have been submitted showing surface water runoff on the street, and ground water flowing beneath neighbours basements which have been reviewed by Officers, but are unable to be uploaded to the public website.

Additional comments have been received following the close of the consultation period. All representations received have been read and given consideration as part of the decision making process and are available on the Council's website.

POLICIES/LEGISLATION

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

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

CORE STRATEGY:

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

B4: The World Heritage Site and its Setting

CP5: Flood Risk Management

CP6: Environmental Quality

CP8: Green Belt

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

B1: Bath Spatial Strategy
BD1: Bath Design Policy
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D5: Building design
D6: Amenity
GB1: Visual amenities of the Green Belt
HE1: Historic environment
NE2A: Landscape setting of settlements
PCS8: Bath hot springs

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
D8: Lighting
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE6: Trees and woodland conservation
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

The Existing Dwellings in the Green Belt Supplementary Planning Document (October 2008)

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

Planning Obligations Supplementary Planning Document (January 2023)

NATIONAL POLICY:

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

CONSERVATION AREAS:

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

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

The application is seeking the installation of a ground mounted solar array and a ground source heat pump closed loop underground borehole array, with associated landscaping.

The site is located in the Green Belt and the curtilage of a Grade II Listed building, near to Grade II Listed terrace of Macaulay Buildings and a Grade II* Listed building situated within the site.

It is also within the Cotswold National Landscape, the wider Bath World Heritage Site, conservation area and an SNCI. It lies adjacent to a public footpath associated with the Bath Skyline walk.

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt. Paragraph 154 of the NPPF sets out that development in the Green Belt is inappropriate, and paragraph 153 sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 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."

The development consists of 2no main elements, the solar array and the ground source heat pump array. The ground source heat pump array will be primarily subterranean in nature and is not found to constitute inappropriate development.

The solar array seeks to install 320 ground mounted solar panels on the northern parcel of the site. The panels are to be low lying, mounted to a metal frame on the ground and rising to a height of 342mm.

The panels siting has been chosen through the pre-application process, to be the northern most parcel of this site. The terrain slopes steeply downhill to the west, towards the nearest neighbours of Macaulay Buildings, and towards the wider City of Bath.

Whilst steep, the slope itself undulates. The panels are to be sited centrally within the field parcel where the slope is at its most shallow. In addition, ground works will dig into the slope to provide a 5-degree slope for the panels to sit. On the western edge of the array, the dug terrain will be re-used to create a bund, providing additional screening in this direction.

The panels are low lying and their siting has been chosen to minimise their visibility and overall impact on the openness of the Green Belt. Whilst visually there will be limited views, spatially the panels will occupy a ground area of approximately 1,054 m² which includes the associated gravel surface.

The solar panels are found to be inappropriate development and consideration will be given to whether Very Special Circumstances exist.

Very Special Circumstances

The 320 panels are anticipated to generate a total of 156,000 kWh of electricity per annum.

The energy generated is expected to meet both the electrical needs of the main dwelling, which has been reported to be 63,000 kWh per annum, and the anticipated consumption of the ground source heat pump array, 65,000 kWh. This electricity demand (128,000 kWh) will be met, with 20% overprovision.

It is set out that the 20% overprovision takes account of varying productivity of the panels during inclement weather and seasonal variation, and to provide some contingency should the demands of the house increase in the future.

A 20% overprovision is considered to be reasonable and proportionate for a domestic solar array. It is accepted that seasonal variations and weather patterns will influence the

electricity generated and that power will still need to be bought from the grid during periods of low generation, and fed into the grid during periods of high generation. This is typical for residential renewable energy generation.

The dwelling is a large, Grade II Listed property with highly inefficient heat retention. The dwellings existing power demands are significant and the project seeks to meeting 120% of the dwellings heat and electricity needs. It is put forward that the development will save >30 tonnes of CO2 per year.

The panels are low lying and there will be very limited views of these from outside of the site. The panels have been chosen to be low lying with associated landscaping to further reduce their visual impact.

Very Special Circumstances have been found to outweigh the harm to the Green Belt.

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

DESIGN, CHARACTER AND APPEARANCE:

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

As outlined, the solar array will be situated in the northern parcel within the curtilage of this site. To the north and west are the sites boundaries with Macaulay Buildings and the Skyline walk, with numerous mature trees lining both boundaries.

To the east of the solar array is the walled, formal garden.

The panels will be arranged within a rectangular pattern with a footprint of approximately 1,054 square meters. This includes the gravel base on which they will be sat. Due to the low lying and screened nature of the panels, there will be very limited visual impact and the development is not found to harm local character. The proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

HERITAGE:

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

It is set out that UNESCO World Heritage Sites are the highest heritage designation that can be achieved and they are of global importance and there is a requirement to safeguard, protect and preserve their OUV as set out in the World Heritage Convention (1972), the accompanying Operational Guidelines (2025), and reiterated throughout the current WHS Management Plan: Combined City of Bath and Great Spa Towns of Europe World Heritage Site Management Plan (2024- 2030)

The following WHS inscriptions have been specifically highlighted to be impacted by the proposal:

- o The green setting of the city in a hollow in the hills (City of Bath 1987)
- o The therapeutic spa landscape (Great Spa Towns of Europe 2021)

These attributes are expressed through the relationship between the city and its surrounding landscape where the green setting can be experienced as partially undeveloped backdrop to the city, whereby the landscape itself contributes to the historical setting.

The UNESCO and ICOMOS 'Guidance and Toolkit for Impact Assessments in a World Heritage Context' document sets out that positives and negatives of a scheme should not be balanced against each other and potential benefits are not used to justify negative impacts.

'The evaluation should result in a clear conclusion about whether the likely impacts of a proposed action on OUV overall are acceptable or not. If the proposed action would have negative impacts on OUV, the report should give one of three conclusions:

- o The negative impact would be negligible and raises no concerns
- o The negative impact would be significant, but with avoidance and mitigation measures it could be eliminated or minimised to an acceptable level
- o The negative impact would be significant and could not be avoided or mitigated, so the proposed action should not proceed.

The proposed solar array introduces development onto a hillslope which forms part of this green setting. The solar panel array appears as a proportionately large development of an industrial character, and the associated landscaping seeks to undertake earthworks to cut into the slope to lower the overall ground level of this equipment.

The development would alter this part of the undeveloped curtilage of Rainbow Wood House, eroding the perception of a predominantly green and natural setting.

Officers however find a lesser degree harm to the overall contribution of the landscape in this area on the wider landscape of the WHS, part in accordance with the vegetated screening from long views to, and across, the city, part due to the geographical screening from short range views from the public domain and part due to the design and layout of the panels, choosing a low lying, shallow angle, further reducing their visual prominence.

In this instance, the wider negative impacts on the OUVs are found to be mitigated and minimised to an acceptable level.

In addition, the application is situated within the Conservation Area (Entry Hill, Perry Mead & Prior Park character areas), the curtilage of a Grade II Listed Building, near to neighbouring Grade II Listed Buildings on Macaulay Buildings. Also within the grounds of Rainbow Wood House is the Grade II* Listed gothic temple.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. The Council has a statutory requirement under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for any works 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.

The solar array will be located within the northern most parcel. The location of the panels are sited furthest from the main dwelling, but nearer to the neighbouring Listed Buildings of Macaulay Buildings. They will sit adjacent to the Walled Garden, on a lowered ground downhill from its western wall. Between the Walled Garden and the main dwelling is a Grade II* Gothic Temple / garden pavilion.

The panels will occupy a ground area of approximately 1,054 m² which includes the associated gravel surface. It is acknowledged that the panels will have a low profile with ground works to further reduce their visual impact as far as practicable. The submitted information concludes that there will no significant glint and glare impacts, and the site itself is well screened by the sloped terrain itself and with mature boundary vegetation which are protected by the Conservation Area designation.

Limited views are available of the siting of the solar array from outside of the site which include snapshot views from the Skyline walk footpath and private upstairs windows of the nearest neighbours of Macaulay Buildings.

No direct views are awarded between the Grade II* Listed building and the solar array. In addition, due to the architectural typology and sense of enclosure of the Walled Garden, its experience is from within, and is not predicated from what is outside.

Consideration has been given to the land parcels contribution to the settings of the listed buildings and wider conservation area. The paddock sits to the east of the long driveway for Rainbow Wood House which connects at the junction of Widcombe Hill and Macaulay Buildings, winding towards the main house adjacent to the western boundary through the trees. Glimpsed views of the land parcel can be gained from this route. From this standpoint, the emphasis is on the main dwelling as the destination rather than the surrounding views. The site is not found to make a strong contribution to the setting of the listed house beyond reflecting the verdant hillside.

The land parcel is also bordered by a public footpath which forms part of the Skyline Walk. This part of the footpath traverses through a wooded section, giving an enclosed feel to the space. The outer boundary wall of the Walled Garden increases this sense of enclosure for a limited period which then becomes a cast iron fence. Glimpsed views from the footpath can be gained into the site between the vegetation, giving users short views of the sites edge and beyond this, the tree canopies of the site's other boundaries.

The site is found to contribute to this part of the Skyline Walk, which is a transient space, experienced whilst travelling through rather than enjoyed in situ. However, due to the existing screening and geography in addition to the height of the panels and associated landscaping works setting the panels lower into the slope, there will be very limited views of the development experienced from the footpath.

It is concluded that there is a very small degree of harm caused to the setting of the listed buildings and Conservation Area through the siting and scale of the solar array and Less than Substantial Harm to the Outstanding Universal Values of the World Heritage Site

The proposal is found contrary with Policies CP6 and HE1 of the Local Plan and Part 16 of the NPPF.

The Timber Fence

A timber fence has been erected adjacent to part of the northern boundary with the Skyline Walk. The fence has been erected inside the existing cast iron fencing, obscuring some views into the site from the north-east stretch of this shared boundary.

The fence does not benefit from planning consent, nor permitted development rights given their siting within the curtilage of the Grade II Listed Building. It is understood that an Enforcement Complaint has been raised about this element.

Following discussion with the applicant, the fence is omitted, and is not being sought retrospective permission as part of this application, and will be submitted and considered as a separate application.

LANDSCAPE:

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

The site falls within the Cotswolds National Landscape. The local planning authority (LPA) has a duty under Section 85 of the Countryside and Rights of Way Act 2000 to seek to further the statutory purpose of conserving and enhancing the natural beauty of the National Landscape.

The Cotswolds National Landscape Board Position Statement provides specific guidance on renewable energy, adopted June 2023. Where the solar array is sited within the

northern field which measures less than 0.5ha in size, the development is categorised as 'micro-scale'. Consideration should be given to sensitively located and sited schemes, especially where other matters relate to the listed buildings, conservation areas and other heritage assets.

Paragraph 3.4.3.7 sets out that Small-scale freestanding solar arrays that are well screened in enclosed gardens or closely linked to existing buildings with no or minimal visual impact may be acceptable.

Paragraph 3.4.3.8 sets out that In principle, the Board would be supportive of small-scale solar energy schemes (i.e., 0.5ha or less), provided that relevant considerations have been adequately addressed.

As discussed within this report, the application sits adjacent to a public footpath associated with the Bath Skyline Walk. Glimpsed views of the nearest edge of the site can be gained from some select viewpoints along this footpath during the winter months whilst this application is being assessed. It is noted that during the remainder of the year, these views will be lessened.

Due to the level of existing screening in conjunction with the proposed planting and the landscaping works to set the solar array lower into the ground, the development is not considered likely to negatively impact the enjoyment of the footpath.

The application sit has been identified to fall within the defined Cotswold Character Area LCT - 9, the High Wold Dip-Slope and a Landscape and Visual Impact Assessment has been undertaken, finding the site as a whole to be of High Value, but of Low Sensitivity where the site has potential to accommodate the nature of the proposed development without undue consequences.

The site as a whole is a triangular parcel of land located on the south and west facing slope of Widcombe Hill. Open fields are clearly visible from the city to the west of the site and Macaulay Buildings stand proud on these slopes.

From select viewpoints around the city, the application site as a whole may be identified from long distances as a narrow break in the dense trees, however views of the sites ground level are extremely limited, even during winter months.

Nearer to the site, views from the highway of Widcome Hill are not awarded into the site. From the highway of Macaulay Buildings, only glimpsed views again may be gained through the existing vegetation, and then only to the western part of field where the terrain is at its steepest. For this reason, the earth bund proposed will follow the western edge of the solar array, screening all public view from this direction.

As such, the development is found to conserve the landscape character in this location, complying with policy NE2 of the Local Plan Partial Update, policy NE2A of the Placemaking Plan and part 15 of the NPPF.

ARCHAEOLOGY AND HOT SPRINGS:

The application includes the drilling and installation of 12no ground source heat pumps. These will be drilled to a depth not exceeding 110 below ground level, and a diameter of 350mm. Due to the potential for such drilling to impact on local archaeology and geology, consent has already been sought under Section 33 of the County of Avon Act 1982 which requires subterranean development of this nature to be applied for directly with the B&NES Contaminated Land Teams who undertake consultation with the Environment Agency and a third party consultant geologist.

In this instance, the Section 33 application was granted 12th November 2025 and following revision of the siting of the ground source heat pumps, new consent was sought and granted on 30th January 2026.

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.

The panels are situated on the northern most field, the nearest neighbours to which is Rainbow Wood Lodge and some of the residential buildings of Macaulay Buildings. The panels are low to the ground and will face south, A glint and glare assessment has been undertaken.

The panels are proposing to use an anti-reflective coating and will be situated on a ground level higher than the roofs of the nearest neighbouring properties. Given the panels siting and orientation, the existing screening, the panels are not found to result in an unacceptable impact on the neighbours amenity by way of glare, even during winter months.

The inverter and battery equipment is proposed to be located within the garage attached to the north east side of the main dwelling Rainbow Wood House, contained within the building and a considerable distance from the nearest neighbouring properties. This equipment is not found likely to result in unacceptable impact on the neighbours amenity by way of noise.

It is likely that there will be some noise and activity during the construction phases of development. These are temporary impacts. A Construction and Traffic Management Plan has been submitted which sets out standard hour works of 8:00am to 5:30pm Monday-Friday, with extended hours between 7:30am and 6:00pm for exceptional circumstances with advance notification provided to neighbours beforehand.

Compliance with this Construction and Traffic Management Plan will be conditioned.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The site has an existing access and long driveway connecting with the junction of Widcombe Hill and Macaulay Buildings. The driveway winds through the tree lined entrance and parallel with Macaulay Buildings, bringing vehicles to a gavel parking and turning space at the front of the property. Some less formal tracks cross through the site, primarily used by off-road service vehicles for the groundskeepers. At the entrance, a tall gate is present with remote access and locking facilities, allowing closer management of vehicle movements.

A construction traffic management plan has been submitted detailing that construction traffic will be limited to a maximum of 10 vehicles on-site, with coordinated deliveries to avoid peak traffic hours. A small storage area will be situated within the site. The plan also details the location of the wheel washing facilities for vehicles exiting the site.

Additionally, it is understood that vehicle movements entering and exiting the site appear greater than is typical for a residential property. The dwelling is a larger property with some on-site household staff, and the access is shared with the properties of Fairstowe Bungalow and Rainbow Wood Lodge.

The existing access, parking and turning spaces are found to be suitable to accommodate the additional construction vehicles, subject to a condition ensuring compliance with the construction traffic management plan.

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.

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

The application site is located on steep terrain of Widcombe Hill. Downhill to the west of the site are the dwellings on Macaulay Buildings. During periods of rainfall, surface water runs from the site onto the highway of both Macaulay Buildings and Widcombe Hill.

Below ground, the application site has historically had a covered Georgian reservoir. It is suspected that the reservoir still feeds underground water systems however upon observation during a site meeting, the manhole cover was lifted and beneath was observed to be a concrete chamber of approximately 1-2m in depth and width, with some damaged pipework feeding a low volume of water in and out. Contention still surrounds the rest of the reservoir and the function it still provides for groundwater, and this relationship with the underground water observed and recorded within and below the basements of Macaulay Buildings.

Whilst initially the proposal sought to install the ground source heat pump array on the site of this former reservoir, the application has been revised to relocate the ground source heat pumps to the south adjacent field, nearer to the main dwelling and away from mapped location of the reservoir. This relocation moves the GSHP array from some neighbouring properties, but nearer to others.

The application has submitted the following surveys with respect to these matters:

- o Avon Act consent (14th Nov)
 - o COSHH Risk Assessment (14th Nov)
 - o Risk Assessment & Method Statement (14th Nov) - specific for encountering artesian water
 - o Risk Assessment & Method Statement (14th Nov) - specific for rotary drilling equipment
 - o Risk Assessment & Method Statement (14th Nov) - specific for installing the GSHP loops
 - o Technical Summary GSHP Long (14th Nov)
 - o Technical Summary GSHP Short (14th Nov)
 - o Thermogeological Assessment & Design Risk Assessment (14th Nov)
-
- o 33_Avon Act Application Consent (1st December)
 - o Avon Act Application Form (11th Feb) - revised GSHP locations
 - o Section 33 Consent (11th Feb) - revised GSHP locations
-
- o Method Statement: Protection of Bath Hot Springs During Borehole Drilling Operations (11th Feb)
 - o BRITISH GEOLOGICAL SURVEY, BOREHOLE RECORD (13th Feb)

The surveys have been desk-based assessments, utilising former geological maps and records. The geological strata currently recorded are as follows:

- o Fuller's Earth Formation - Mudstones and limestones (46-50 m); weathered upper zone; moderate casing needed.
- o Inferior Oolite Group - Fossiliferous limestones (8-12 m); firm ground; low collapse risk.

- o Bridport Sand Formation - Fine sands and siltstones (50-55 m); risk of running sands.
- o Charmouth Mudstone - Grey mudstones (65-69 m); low permeability; protective barrier above Bath springs, although fracturing/faulting could be present
- o Penarth Group - Mudstones and limestones (4-5 m); variable lithology.
- o Mercia Mudstone Group - Red marls and sandstones (36-39 m); cohesive, low permeability.
- o Carboniferous Limestone Subgroup - Fossiliferous limestones (100-200 m); karst features possible.

These are broadly consistent with the submitted borehole record which lists the following:

- o Inferior Oolite - 40ft depth
- o Midford Sand - 100 ft depth
- o Lias Blue Clay - 34 ft depth

The method statement sets out that each borehole will be drilled to a depth of 110m, with a diameter of influence on the surrounding ground of 350mm. During the drilling process, the boreholes are backfilled and sealed with a low-permeability grout leaving no new void spaces.

Outside of the planning process, there are multiple other bodies of legislation that this nature of work is required to adhere.

As disused, a new Section 33 consent has been applied for and granted with respect of the Bath Hot Springs based on the original and revised GSHP locations, a process which includes direct consultation with the Environment Agency and a consultant geologist.

The Avon Consent includes some safeguards and conditions that the Avon Act Engineer is to be informed immediately, and appropriate measures taken to prevent the issue of water should particular issues occur, including if artesian or sub-artesian water is encountered or if geological faults are found.

In some cases, these works can require a further permit to be sought by the Environment Agency but in this instance the works are understood to be exempt of this requirement where the system is a close-loop system.

In addition, all works are to be undertaken in accordance with Building Regulations, specifically approved document part H which relates to Drainage and Waste Disposal.

The associated landscaping for the solar array will see the ground level of the slope dug downwards to provide a 5-degree slope. The ground level here will be layered with a semi-permeable membrane and gravel, on which the pv panel frames will be sat. Given the use of gravel and a semi-permeable membrane, the solar array is not considered likely to result in additional surface water run-off for this part of the site.

Sufficient information and risk assessments have been provided about the currently known geology and the drilling methodology for the purpose of the planning application. Sufficient safeguards exist to respond to unexpected findings and issues. 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.

TREES:

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

Mature trees surround the site which fall within the Conservation Area and the related tree protection. A comprehensive arboricultural report has been submitted noting the root protection areas and justifying the siting of the solar equipment and the buried service route which seeks to avoid these areas.

Of particular note are trees T27 and T28 which sit closest to the dwelling and most likely to be affected by underground excavation works for the infrastructure connecting to the dwelling.

Subject to the condition that a detailed Arboricultural Method Statement and Tree Protection plan is submitted, and that works are undertaken in accordance with such details, 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.

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

The application site is within the Widcombe Hill SNCI which is designated for unimproved calcareous grassland, semi-natural broadleaved woodland and the supported scrub habitats. A preliminary Ecological Appraisal has been submitted as well as a BNG report and a BNG planting schedule. It is acknowledged that the development will result in the loss of an area of modified grassland within the SNCI designation, and a temporary loss of additional grassland.

However, the development is not found to result in the loss of the designated calcareous grassland but instead will result in the loss of 0.14 hectares of poor condition modified grassland. The BNG Planting, Maintenance and Monitoring Schedule sets out the

extensive planting and enhancements proposed which contribute towards the 76.5% increase in habitat units. The native planting in the hedgerows and woodland edges is welcomed, as is the meadow planting and management.

The submitted Preliminary Ecological Appraisal find that the site is unlikely to be used by bats, either foraging or commuting. Regardless, no lighting is proposed.

Subject to conditions restricting new external lighting and to ensure the works are undertaken in compliance with the submitted ecological information, the development is found compliant with policies NE3 and NE3a of the Local Plan.

The introduction of two formal ponds and one natural pond is welcomed, and the inclusion of a traditional orchard and woodland management is supported.

RENEWABLE ENERGY:

Policy CP3:

Proposals for All Standalone Renewable Energy Types

1) 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;

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;

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;

As discussed, the application seeks the installation of a solar array and a ground source heat pump array to supply 100% of the dwellings heat and electricity needs, with 20% overprovision. Consideration is given to the matters above, the environmental benefits, impacts on biodiversity, landscape & visual impact, the National Landscape and heritage matters in the individual sections of this report.

CONCLUSION:

The application has been found to represent inappropriate development in the Green Belt, however Very Special Circumstances have been found to exist.

Limited harm to the settings of the listed buildings has been identified, as well as Less than Substantial Harm to the Outstanding Universal Values of the WHS.

Paragraph 215 of the NPPF sets out the following:

"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."

The proposal will result in a significant carbon reduction of 30 tonnes per year during a time in which the LPA has declared a climate emergency. The siting of the panels have been chosen carefully to minimise as far as practicable their visual impact of the development on the National Landscape and surrounding heritage assets. The solar array is development of a temporary nature and may be removed once their function ceases.

In this instance, the wider public benefits of the renewable energy generation and reduction in carbon emissions are found to outweigh the identified harms.

USE CLASS OF THE SITE AND PROCEDURAL MATTERS:

The application has been submitted as a Householder Application. Rainbow Wood House is a single detached dwelling. Whilst substantially larger than a typical dwelling in this area, it is nonetheless a residential property. It is understood that a recording studio is present within dwelling, used by the applicants family at a professional level.

From the information provided, the recording studio is understood to occupy a single room of the dwelling. There are no street signage nor staff related to the recording studio. It is understood that, on occasion, an individual will visit the site with the express purpose of using the studio. Given the scale of this use, the studio is currently considered to be incidental and proportionate to the main residential use of the property.

An enforcement case has been logged against the property and the reported recording studio use. The enforcement case will investigate accordingly and subsequently take any actions deemed necessary.

This application has not applied for a change of use, nor is applying for the recording studio use, so this application is not assessing the acceptability of this matter, but is instead determining whether the proposed renewable energy equipment is suitable to be assessed under a householder application. The primary use of the premises is found to be residential.

2no Airbnbs are also present within the wider site, Rainbow Wood Lodge which is the dwelling sat directly adjacent to the sites access, and Airstowe Bungalow which sits to the west of the driveway, south of the Macaulay Buildings.

These properties sit outside of the red line boundary of the application site. The application site is the established curtilage for the residential property.

This matter of the Airbnbs have similarly been raised as an enforcement case which will be investigated accordingly with any subsequent, actions deemed necessary.

The supporting information sets out that the Fairstowe Bungalow and Rainbow Wood Lodge have separate utility supplies and are not proposed to be linked with the proposed system.

The submitted information sets out that the development will meet 100% of the dwellings electrical and heating needs, with 20% overprovision of electricity. This overprovision is proportionately reasonable to respond to weather and seasonal variations and account for some degradation during the equipment's lifespan.

It is put forward the large number of panels is necessary to meet this provision due to the shallow angle the panels will sit. The panels will experience a reduced efficiency due to their shallow positioning, which is a trade-off chosen to minimise their visual impact. The alternative approach would be for an increased panel angle and height, but a fewer number.

In conclusion, the site is a residential dwelling, and the energy generation is proportionate in scale to the needs of the house. This application will continue to be considered as a householder application.

Regardless, should the proposal have come forward as a 'full application', the same material considerations will be assessed, the same consultees would have been consulted, the public consultation would have been conducted in the same way, and the decision would be the same.

OTHER MATTERS:

Alternative Siting:

The pre-application process undertook an enquiry directly with the B&NES Conservation Team at an early stage to investigate the most suitable siting within the curtilage to site the proposed solar array. 2no main options were investigated which include the current proposed site, but also a parcel to the east of the main dwelling which contains a tennis court. In summary, the current site was determined to be the preferred location.

Alternative suggestions have been raised which includes the walled garden, or that the project is removed entirely from this site and located elsewhere. These alternative suggestions have not been put forward for determination.

LISTED BUILDING CONSENT:

Advice by the Conservation Officer has determined that Listed Building consent is not required based on the information submitted.

This consideration however does not grant listed building consent for any associated works, and does not rule out that LBC may be required should there be any impact on the fabric of the Listed Building.

MIDFORD CASTLE:

Similarities have been drawn between the current proposal and a case in 2021 at Midford Castle, 21/01555/FUL which was refused at appeal. Each application is assessed on its own merits and whilst some similarities have been highlighted, there are key differences between the proposals.

Key differences:

- The panels proposed at Midford Castle were slightly taller, with a height of 450mm
- The panels would be sat on a prominent hillslope with no existing screening from the front,
- Proposed screening would take time to establish,
- Within the AONB, the site is located on the side of a broad valley, within which there are both attractive and wide-ranging views,
- The development would have a perceptible physical and visual presence that would be at odds with the openness of its landscape setting
- Midford Castle is Grade I Listed,
- The decision and appeal gave consideration to a proposed barn and solar array together, grouping the cumulative impact of both elements when considering harms,

The balance of harm is not consistent with the application currently being considered and applications are considered on their own merits.

PRECEDENT:

It is raised that the proposal could set a precedent to allow for more development of this nature. Each application is considered on its own merits based on a consideration on individual merits and site-specific characteristics. It would not be reasonable to refuse this application on the basis of precedent.

CHAIR REFERRAL:

The application has been called-in for consideration by the Planning Committee by Ward Councillors. As such, the application and Officer recommendation has been forwarded to the Chair and Vice Chair of the Planning Committee.

The Vice Chair has decided that the application should be considered by the Planning Committee, commenting as follows:

"Thankyou for this long and detailed report. I note that the Cotswold NL has submitted a comment but neither endorsed or objected to the application.

I think this should be determined at committee and I will be able to vote on the matter at committee

Please note on the report that I am on the exec of the Cotswold NL but will be voting as the CNL has only made a comment on the application."

The Chair has also decided that the application should be considered by the Planning Committee, commenting as follows:

"What a long report very detailed and interesting.

I feel on reflection that this report should go to committee for determination there are very controversial issues in the report that would benefit from scrutiny at the development control committee.

I therefore agree that this matter is brought before members at the next Development control committee."

As such, this application will be brought forwards to the Planning committee.

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Plans List (Compliance)

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

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

3 Groundwater Protection and Drilling Method Statement (Pre-commencement)

The installation of the ground source heat boreholes using penetrative method hereby permitted by the Local Planning Authority may not commence until such time as a scheme has been submitted to, and approved in writing by, the LPA. The scheme shall be based on the information submitted as part of the planning application and, where necessary, supported by:

- o A conceptual site model.
- o A Hydrogeological Risk Assessment.
- o Specification of the type, number and depth of proposed ground source heat boreholes and the design of the heating and cooling system.
- o A comprehensive drilling methodology to include,
 - o Drilling method
 - o Details of any flushing compounds to be used.
 - o Recording of softer strata, well fractured zones, and voids during drilling.
 - o Monitoring of ground water strikes and rest water levels in each borehole.
 - o Monitoring of the volume of grout used in each borehole and regular monitoring of the grout level as it is introduced to each borehole to identify any significant losses to the aquifer.
- o A contingency action plan including the list of potential mitigation measures that will be implemented should,
 - o unexpected changes in groundwater quality be noted as a result of the drilling and installation of the ground source heat boreholes.
 - o the grout monitoring of any borehole indicate a significant loss to the surrounding aquifer.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements contained in the scheme, or any details as may subsequently be agreed, in writing, by the LPA.

Reasons: To ensure that the proposed closed loop ground source heat borehole array does not harm groundwater resources in line with paragraph 187 of the NPPF and Position Statements N6, N7, N9, N11, R1, R2, R3, R4, R5 and R6 of The Environment Agency's approach to groundwater protection.

4 Reporting of Unexpected Contamination (Bespoke Trigger)

In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework.

5 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statements to the local planning authority on completion of the development. Wording for all measures

required must state what will happen and use committal language that is enforceable (eg "shall" instead of "should"). The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

6 Arboricultural Compliance Statement (Bespoke Trigger)

No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement and Tree Protection Plan. A signed compliance statement shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion of all associated works.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update

7 Removal of Solar Panels (Compliance)

The solar panels hereby approved shall be removed within 6 months of them ceasing to be used for energy generation.

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 and policies HE1, NE2A, D1, D2, D3 and D4 of the Bath and North East Somerset Placemaking Plan.

8 Construction Management Plan (Compliance)

The construction of the development shall be undertaken in accordance with the approved construction management plan.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update.

PLANS LIST:

1 This decision relates to the following plans:

Drawing	14 Nov 2025	GARAGE PLAN PLANT LAYOUT
Drawing	14 Nov 2025	SOLAR ARRAY TECHNICAL_DRAWINGS AND IMAGES
Drawing	14 Nov 2025	TREE CONSTRAINTS AND TREE PROTECTION PLAN

Drawing 24 Nov 2025 PROPOSED ELEVATION AND PLAN - SOLAR
GROUND MOUNT - MODULE HEIGHT

Revised Drawing	19 Dec 2025		BOREHOLE ARRAY
Revised Drawing	19 Dec 2025		SITE LOCATION PLAN
Revised Drawing	19 Dec 2025	07	SITE CONCEPT PLAN
Revised Drawing	19 Dec 2025	J01424-002 B	SITE CONTEXT PLAN
Revised Drawing	22 Dec 2025	07B	SOLAR ARRAY, SITE PLAN WITH SECTIONS

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

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

there are requirements to assume liability and notify the Council **before any development commences**.

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

5 Responding to Climate Change (Informative):

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

Item No: 03
Application No: 25/03507/FUL
Site Location: 15 - 17 Trim Street City Centre Bath Bath And North East Somerset
 BA1 1HA



Ward: Kingsmead **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Paul Roper Councillor George Tomlin
Application Type: Full Application
Proposal: Construction of fifteen new market housing apartments within existing building envelope. Change of use from Office (Class E) to Dwellings (Class C3)
Constraints: Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B2 Bath Central Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre, Policy CP9 Affordable Housing, Policy HE1 Scheduled Ancient Monuments, Listed Building, MOD Safeguarded Areas, Scheduled Ancient Monuments, SSSI - Impact Risk Zones,
Applicant: ORM Developments Limited
Expiry Date: 20th March 2026
Case Officer: Isabel Daone
 To view the case click on the link [here](#).

REPORT

The application site relates to 15-17 Trim Street, also known as Chartist House, which is a Grade II Listed Building located within the centre of Bath. The site is currently in Class E use as offices and has undergone extensive remodelling which is reflected within the planning history set out below. The site is within the Bath Conservation Area and World Heritage Site.

Planning permission is sought for the change of use from office to residential (C3) use, so as to facilitate the creation of 15 apartments. A listed building consent application has also been submitted for the works (planning reference: 25/03508/LBA).

Reason for Committee

The application is accompanied by a Financial Viability Assessment and in accordance with the Council's Planning Scheme of Delegation must be debated and decided by the Planning Committee.

Relevant Planning History:

04/00872/FUL

PERMIT - 22 June 2004

Erection of 4 additional air conditioning units to rear ground floor roof

04/01016/FUL

REFUSED - 27 May 2004

Provision of disabled access ramp to front.

04/01025/LBA

CONSENT - 26 May 2004

Interior alterations, additional air conditioning and external stone washing

04/01125/LBA

REFUSED - 18 May 2004

Provision of disabled access ramp to front

09/02212/FUL

PERMIT - 29 September 2009

Installation of air conditioning unit to second floor with external condenser adjacent to existing air conditioning in rear lightwell (Retrospective)

09/02213/LBA

CONSENT - 6 April 2010

Installation of air conditioning unit to second floor with external condenser adjacent to existing air conditioning in rear lightwell and redecorating entrance doors. (Regularisation)

19/02671/LBA

CONSENT - 13 August 2019

External alterations for the installation of a disability lift for office access

25/03508/LBA

PENDING CONSIDERATION

Internal and external alterations for construction of fifteen new market housing apartments within existing building envelope. Change of use from Office (Class E) to Dwellings (Class C3)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

CONSERVATION: No objection, subject to conditions

ECONOMIC DEVELOPMENT: Object due to the loss of office space and employment provision.

EDUCATION: No objection, subject to contribution to SEND provision being secured.

ENVIRONMENTAL PROTECTION: Following re-consultation (19/11/2025), no objection subject to conditions

DRAINAGE AND FLOODING: No objection.

HIGHWAYS: No objection subject to conditions.

HOUSING: Scope for revision; 40% affordable housing required, submitted viability assessment should be assessed.

HISTORIC ENGLAND: No comment to make.

ROYAL UNITED HOSPITALS FOUNDATION TRUST: Section 106 contribution requested.

Representations Received :

BATH PRESERVATION TRUST:

Comment summary:

From a desk-based assessment, it appears that the proposed scheme will not detract from the significance of the listed building or any designated heritage assets. Heritage benefits and therefore public benefits would be provided by the occupation of the building and the proposed repair work.

The lack of affordable housing is unfortunate given the evident housing needs of the city and in terms of policy CP9, the Local Planning Authority should examine the FVA thoroughly, in order to aid a proper consideration of this element of the scheme.

One objection comment has been received and is summarised as follows:

- Lack of commercial development on the ground floor is disappointing
- Risk of disputes with adjoining businesses

- No affordable housing contrary to policy
- Mixed use should be explored

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

CP9: Affordable Housing

CP10: Housing Mix

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

B1: Bath Spatial Strategy

BD1: Bath Design Policy

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D6: Amenity

HE1: Historic environment

LCR9: Increasing the provision of local food growing

PCS1: Pollution and nuisance

PCS2: Noise and vibration

SCR5: Water efficiency

SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

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

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

DW1: District Wide Spatial Strategy
CP1: Retrofitting Existing Buildings
CP7: Green infrastructure
D5: Building design
D8: Lighting
ED1b: Change of use and redevelopment of B1(a) Office to residential use
H3: Residential development in existing buildings
H7: Housing accessibility
NE1: Development and green infrastructure
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
NE6: Trees and woodland conservation
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)

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

Planning Obligations Supplementary Planning Document (January 2023)

NATIONAL POLICY:

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

CONSERVATION AREAS:

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character and appearance of the surrounding Conservation Area.

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.

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OFFICER ASSESSMENT

The main issues to consider are:

1. Principle of development
2. Affordable housing
3. Housing mix
4. Housing accessibility
5. Design, character and appearance
6. Heritage
7. Residential amenity
8. Highway safety and parking
9. Education
10. Sustainable construction
11. Public health infrastructure
12. Public Sector Equality Duty
13. Planning balance

1. PRINCIPLE OF DEVELOPMENT:

Loss of office use

Policy ED1B clarifies that the conversion of office spaces to residential use (C3) normally falls under permitted development. However, this provision does not apply to sites which are within the World Heritage Site. Planning permission is therefore required for this change of use.

The policy goes on to set out that the change of use from office to residential will be permitted unless there are strong economic reasons for refusal. Strong economic reasons will exist if:

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

The application site is located within the Bath Central Area, and it is therefore necessary to determine whether the loss of the space would be a significant loss to strategically important office accommodation in B&NES. The Council's Economic Development Team have objected to the proposals give the loss of office space and the incremental loss which has occurred over the plan period. Policy ED1B sets out a number of criteria against which proposals will be assessed to determine whether strong economic reasons for refusal exist.

The first is the quality of the office space to be lost, compared to alternative, availability premises in the locality. The existing office space is spread over five floors, each with an open floor plate. The quality of the office accommodation is reasonably good, however is clearly of a lesser quality than modern, purpose built office accommodation in the locality such as Bath Quays South which offers Grade A officer space to let. There is clearly a need to try and retain office space within Bath so as to the achieve the strategic Core Strategy Targets as set out in policy B1. Notwithstanding, policy ED1B does allow for an examination of market signals and forecasts, and the submission does provide details of the marketing of the office space. The previous tenants gave notice that they would vacate the building in June 2024 and marketing information from Carter Jonas has been provided. The viability information also contains details of other available sites in the area. It is detailed that the property attracted no interest from office tenants during the marketing process, which was largely because of the surplus of office availability in Bath of a higher grade (such as Bath Quays South) and the lack of parking on site. A search of rental websites shows a number of other smaller office buildings available for let in the locality.

As such, despite the objection from the Council's Economic Development Team, planning officers do not consider that strong economic reasons exist (as defined by adopted policy) which would justify the refusal of this application in principle.

Principle of sub-division

Policy H3 sets out that the sub-division of existing buildings will be permitted, unless:

- i. The residential use creates a severe transport impact, (in a way that the existing use would not);
- ii. The development prejudices the continued commercial use of ground/lower floors.
- iii. It would lead to a form of sub-division that would harm the significance of a listed building.

The proposal would not conflict with the criteria set out in policy H3 and the principle of subdivision is acceptable.

Principle of residential use

The principle of residential development in this sustainable, city centre location is supported by the Council's strategic policies (DW1 and B1). For the purposes of housing, these policies are considered out of date as the Council cannot currently demonstrate a 5-year housing land supply. As such, in accordance with paragraph 11(d) of the NPPF, the presumption in favour of sustainable development applies and this will be assessed within the Planning Balance section of this report.

Principle of development conclusion

For the reasons set out above, the application is considered to be acceptable in principle, subject to the material considerations discussed within this report.

2. AFFORDABLE HOUSING:

Policy CP9 has regard to affordable housing. It states that affordable housing will be required as on-site provision in developments of 10 dwellings or 0.5 hectare and above (the lower threshold applies).

The application site is located within "Prime Bath" and therefore attracts an affordable housing target of 40%. On this site, therefore, 6 of the 15 dwellings are required to be affordable in accordance with policy CP9.

The policy sets out that for both large and small sites, the viability of the proposed development should be taken into account. The applicant has submitted a Financial Viability Assessment (FVA) (JLL, September 2025) and this has been assessed by Dixon Searle Partnership (DSP), an independent viability assessor.

The Planning Practice Guidance (PPG) on Viability sets out the main principles for carrying out a viability assessment. It states at paragraph 10:

"Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return...Any viability assessment should follow the government's recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data available for future assessment as well as provide more accountability regarding how viability informs decision making...In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission".

The submitted appraisal presents two scenarios - one with 100% market housing being delivered and one where a policy compliant level of affordable housing is provided (40%).

The submitted appraisal based on 100% market housing indicates a residual land value of £1,352,043. This is then compared to the assumed Benchmark Land Value of £2,050,000, resulting in an overall deficit of -£697,957. When this deficit is deducted from the assumed profit of 20.0% GDV (£1,191,000) the 'actual profit' indicated by the appraisal is £493,043 which equates to 8.3% of GDV. With a policy compliance scheme, a residual value of £860,201 and therefore a deficit of £1, 189, 799 is indicated. Once deducted from the assumed (target) profit of £811,191 indicates a net loss of £378,608.

DSP have assessed the FVA and have a difference of opinion on two key matters. The level of developer profit is excessive at 20% and they have therefore based their appraisal on a profit level of 17.5%. Additionally, the Benchmark Land Value of the site is considered to be significant overestimated at £2, 050, 000 and therefore, they have researched other land values in the locality and tested a more reasonable figure of £1.325 million. Adopting this position, DSP conclude that, although the viability position is more positive than the submitted FVA sets out, the scheme is still not viable to support a policy compliant level of affordable housing. However, their appraisal does indicate that when allowing for a reasonable profit level the 100% market housing scheme will deliver a surplus of £152, 860 and therefore recommend that the Council seeks such a payment in lieu of affordable housing.

There was some reluctance from the applicant to provide such a payment, and they submitted a further FVA note which was assessed by DSP. The position of the Council did not change and following negotiation, the applicant has agreed to the commuted sum of £152, 860 in lieu of affordable housing.

Given the viability position, and the agreement to the payment in lieu of affordable housing the scheme is considered to be compliant with policy CP9.

3. HOUSING MIX:

Policy CP10 sets out that the mix of housing should contribute to providing choice in tenure and housing type, having regard to the existing mix of dwellings in the locality and the character and accessibility of the location. The development is for 1no. 3-bedroom duplex apartment, 5no. 2-bedroom apartments and 9no. 1-bedroom apartments. It is considered that this represents a mixture of housing types in accordance with policy CP10.

4. HOUSING ACCESSIBILITY:

The policy also states that 48% of the of housing, a must meet the M4(2) accessible and adaptable dwellings standard. Therefore, 8 of the 15 proposed dwellings must meet enhanced accessibility standards.

The policy does state that in exceptional circumstances, factors such as vulnerability to flooding, site topography and where the provision of a lift to dwelling entrances may not be achievable, may determine a reduced requirement in terms of Building Regulations standards. The application site is a listed building, and this constrains what can be achieved in terms of the stairwell locations and lift shafts and thus, none of the proposed dwellings meet accessible standards. Additionally, the existing stair lift to the building is proposed to be removed and replaced with stairs and railings, rendering the building

inaccessible to wheelchair users. Given that none of the dwellings are wheelchair accessible, this is not considered unacceptable and officers are content that exceptional circumstances would apply in accordance with the policy.

5. DESIGN, CHARACTER AND APPEARANCE:

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

External design changes to the building are limited and can be summarised as:

- New exterior double access doors to be fitted to the bin/cycle store at lower ground floor level;
- Existing stair lift unit at ground floor to be removed, posts and rails to be removed and all finishes made good;
- Repainting and making good of all metalwork and railings on Trim Street;
- New aluminium glazed screen and doors opening into "winter gardens" at ground floor level; and
- Sash window repairs and repainting.

The proposed external works are considered to be acceptable and the proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

6. HERITAGE:

The application site is within the doubly inscribed UNESCO World Heritage Site and the City of Bath Conservation Area. The City of Bath World Heritage Site was inscribed in 1987, and The Great Spa Towns of Europe was inscribed onto the UNESCO World Heritage list in 2021: the inscription is a transnational serial nomination involving 11 spa towns from 7 countries. All of the towns developed around natural mineral water springs. The building is also Grade II listed.

Consideration must be given to the effect the proposal might have on the attributes of the Outstanding Universal Value of the World Heritage Site and its setting. There are duties placed on the Council under; Section 66 (1) 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; and, Section 72 (1) of the same Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

The setting of a heritage asset (as set out in the NPPF Annex 2: Glossary) is 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.' PPG advises that 'when assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.'

Policy HE1 of the Placemaking Plan, alongside Policy CP6 of the Core Strategy, seeks to safeguard the district's heritage assets. Development should preserve or enhance those elements which contribute to the special character and appearance of the Conservation Area. Any harm must be justified and weighed against the public benefits of the proposal; great weight must be given to the preservation of the heritage asset in question. As stated above, Policy BD1 requires proposals to explain how proposals maintain the significance, integrity and authenticity of the World Heritage Site and preserve or enhance the character or appearance of the conservation area.

World Heritage Site

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

Conservation Area

In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

Listed Building

The building has been extensively altered with the entire interior lost to refurbishment in the 1980s. Originally built as a terraced of residential units, the key significance of the building relates to the façade of the building. Notwithstanding this, whilst the roof form is unusual, the general form of development remains positive and contributes to the townscape of the wider character area.

Given the extensive internal changes which have taken place, there is no objection to the proposed internal works, and it is not considered that these will have any impact upon the significance of the building.

As previously set out, some external changes to the building are proposed. Changes to the lightwell include resurfacing. Details of the finishes are unknown at this stage, but it is considered that a planning condition can be used to secure these to ensure that the materials are appropriate in this sensitive location.

There are no heritage concerns with regard to creating the bin storage access doors; however, joinery details of the doors are requested as they will need to be sensitively detailed and in painted in an appropriate colour. The details as submitted are insufficient. Again, this can be secured by way of planning condition.

No extraction is shown on the front elevation of the building which is supported. No extraction is shown on the plans, and it is advised that going forward, this should be directed toward the rear. A condition ensuring that details are provided to the Council and approved in writing prior to installation is recommended.

In order to improve thermal efficiency, secondary glazing is proposed across the building. This approach is supported. A condition to secure joinery details is recommended.

The proposed glazed roofs of the winter gardens are large when shown on the proposed cross section; however, given the extensive changes to the courtyard area, it is not considered that this or the insertion of the new door and stair access to the flat roof would cause harm to the significance of the heritage asset. Joinery details of the new door and details of the finish of the steps will be required and can be secured by condition.

The recommended conditions will be attached to the Listed Building Consent application only so as to avoid unnecessary duplication.

Overall, the proposals are not considered to impact upon the significance of the listed building and as such, the proposals comply with policy HE1.

7. 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.

Future occupiers

The proposed internal arrangement provides an acceptable level of amenity to future occupiers. Each habitable room has access to natural light and windows/external doors for ventilation.

Concern has been raised with regard to the conflict with local businesses which may create noise for future occupiers. The site is located in a city centre location where a degree of noise and disturbance is to be expected for residents. The proposed secondary glazing will reduce internal noise levels to an acceptable level, and this can be secured by way of planning condition.

Existing occupiers

There are a number of residential properties within the locality of the development. However, the proposals are not considered to result in harm to the residential amenity of nearby occupiers.

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.

8. 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 (SPD) expands upon policy ST7 and includes the parking standards for development.

The Transport and Development SPD set out maximum parking standards for the district. The application site is located within Bath City Centre (Zone A). This zone requires a maximum of 0.5 vehicle parking spaces to be provided. The SPD clarifies that this figure should be rounded down to the nearest whole space and therefore, a maximum of 7no. car parking spaces would be required in this location. No car parking is to be provided. However, the site is in a highly sustainable location and is a short 11 minute walk from Bath Spa Railway Station and an 8 minute walk from the Bus Central Bus Station. There are a number of shops and other facilities within walking distance. There is therefore no objection to the lack of parking provision in this sustainable location.

The SPD sets out that the developer must provide each unit with a car club membership prior to occupation for the nearest car club space and this can be secured by way of planning condition.

Cycle parking provision are expressed as minimum standards. The development generates a requirement for 31 cycle parking spaces. Cycle parking is proposed within the lower ground floor of the development for 16no. cycles, which represents a shortfall of 15no. spaces. Given the fact that the development is making use of a brownfield site, in a highly sustainable location where walking and the use public transport will have significant uptake, officers do not object to the under provision of cycle parking, however, do accept this represents some conflict with policy ST7. This will be discussed further in the planning balance section of this report.

Waste storage and collection

The bin storage does not appear to be of a sufficient size so as to confirm with B&NES Waste and Recycling Guide. Given the constrained nature of the site and its listed status, officers accept that there may be challenge in providing bin storage to standard. The Waste Planning Guidance sets out that "where external standard space is constrained within the heritage centre, developers are encouraged to plan for suitable indoor storage of waste and recycling. Residents are provided with 70L reusable bag for their refuse and either a green sack or box for recycling. Developers should also plan for food waste caddy space as this will be a requirement from Autumn 2025.". As such, it is considered that bin storage can likely be accommodated internally given the site constraints.

9. EDUCATION:

This proposed development of 9 no. 1 bed flats, 5 no. 2 bed flats and 1 no. 3 bed flat is calculated to generate the following children and pupils.

Early Years children age 0-1 = 0.187

Early Years children age 2 = 0.117

Early Years children age 3-4 = 0.296

Primary age pupils = 0.5

Secondary age pupils = 0

Sixth Form pupils = 0

Special Education Needs and Disabilities (SEND) pupils = 0.0158

Early Years and Primary

There is projected to be sufficient existing Early Years and Primary School capacity available locally to accommodate the pupils generated by this proposal.

SEND

Bath and North East Somerset has a shortfall of SEND provision, therefore it will not be possible to accommodate the 0.0158 pupils calculated to be generated in existing provision and additional capacity will need to be created. A developer contribution will be needed to expand or enhance an existing Special School in B&NES or an existing local Resource Base or to provide a new Resource Base or SEND Unit in a school or schools that serve the area of the development.

The cost per place multiplier to provide an extension to an existing facility is £1,530.73.

The developer has agreed to this financial contribution.

10. SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

The proposed development triggers the requirement for the submission of a Sustainable Construction Checklist in accordance with the Sustainable Construction SPD, as the development is considered to be "medium development". Policy CP1 is applicable and seeks a 10% improvement in regulated CO2 emissions compared to the Building Emission Rate of a notional baseline building that meets the requirements of Part L1B for residential developments.

The submitted checklist demonstrates that a 60% reduction can be achieved, and this is accepted. This can be secured by way of condition.

Policy SCR5 of the Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g., water butts)

where technically feasible. Given the site constraints and the fact that the building is listed, water butts have not been secured.

11. PUBLIC HEALTH INFRASTRUCTURE

The Royal United Hospital Trust ("RUH") have requested a contribution of £26, 417.00 towards providing additional services to meet patient demand from this development. This is on the basis of a funding gap for one year after each resident moves into the site and that they would be unable to secure additional funding during that period until a new contract can be renegotiated taking into account the local population.

The Planning Officer has considered whether such a contribution would meet the Regulation 122 CIL Tests. These tests set out that a planning obligation may only constitute a reason for granting permission for the development if the development is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

The funding gap arising out of contractual arrangements between NHS England, the Integrated Care Board and the RUH over which the developer has no influence. There is no reason that the approach to additional financing could not be negotiated by the RUH once it is known that additional residential development will come forward.

Secondly, there have two relatively recent High Court rulings on the issue of securing secondary healthcare contributions as part of s106 agreements (The University Hospitals of Leicester NHS Trust, R (On the Application Of) v Harborough District Council [2023] EWHC 263 (Admin) ("the Leicester NHS Trust") and Worcestershire Acute Hospitals NHS Trust, R (On the Application Of) v Malvern Hills District Council & Ors [2023] EWHC 1995 (Admin) ("the Worcestershire NHS Trust").) Both cases have raised questions about whether this is a suitable approach that would comply with the CIL regulation 122 tests.

The RUH have highlighted the system of governance that dictates how NHS funding is allocated, and it is noted that the above court cases do not completely rule out the ability of a Local Planning Authority to require such contributions. Their letter states that "the commissioning does not take into consideration the local housing need, housing projections or existing planning permissions. The Trust cannot change or influence this fact in the same way that the Local Authority cannot influence the funding mechanism received from the Government".

In terms of what the contribution would be spent on the information from the RUH refer to the costs of services, such as, A&E attendance, non-elective surgery and referrals. It is not wholly clear whether these matters are directly related to the development and whether they constitute infrastructure which is necessary for the development to be acceptable. There is no explicit requirement within the development plan or the Planning Obligations SPD for contributions towards secondary healthcare. Policy CP13 also relates to the provision of infrastructure rather than as a means to support the general service costs of the NHS.

As a matter of planning judgement, it is considered that the proposed contribution for the RUH towards secondary healthcare does not meet the CIL regulation 122 tests and should not be requested as an obligation.

12. 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. It is acknowledged that the change of use will mean that the ground floor of the building is no longer accessible and none of the residential units will be wheelchair accessible. As set out in the report, officers believe that there are exceptional circumstances (the listed status of the building) which would render this fact policy compliant. The operation of Policy H7 elsewhere, including new build residential schemes, means that there is good stock of accessible new homes. Therefore, the impacts upon those with protected characteristics is negligible. It is 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.

13. PLANNING BALANCE AND CONCLUSION:

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

As set out in the 'Principle of development' section of this report, the Council cannot currently demonstrate a 5-year housing land supply and therefore paragraph 11(d) ("the presumption in favour of sustainable development") applies. This sets out that:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance (7) provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having

particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Footnote 7 of the NPPF clarifies that assets of particular importance include designated heritage assets. It is therefore first necessary to conclude whether the application of policies that protect such an asset would provide a strong reason for refusal the development proposed. The report above confirms that no heritage harm would occur as a result of the development and therefore, there would not be a strong reason for refusal in regard to 11(d)(i).

In respect of 11(d)(ii), officers have identified a minor conflict with policy ST7 in that a non-compliant level of secure, covered cycle parking has been provided. Nevertheless, the development is in a highly sustainable location and makes use of a brownfield site which is supported and encouraged by the overarching aims of the NPPF and development plan. Officers are therefore satisfied that, despite this minor conflict, the development complies with the development plan as a whole and does not represent a departure from it. Thus, there are no adverse impacts of granting the application that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The development is therefore recommended for permission, subject to a S106 agreement and conditions.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A.) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to cover the following:

1. A financial contribution of £152, 860 in lieu of affordable housing provision
2. A financial contribution of £1,530.73 towards Special Educational Needs and Disabilities provision

B.) Subject to the prior completion of the above agreement, authorise the Head of Planning to PERMIT subject to Conditions (or such conditions as may be appropriate):

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Construction Management Plan (Pre-commencement)

No development shall commence (except enabling works) until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);

2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
7. Site compound arrangements;
8. Measures for the control of dust;

The Plan must demonstrate the adoption and use of best practicable means to reduce the effects of noise, vibration, dust and site lighting.

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

3 Car Club Memberships (Pre-occupation)

Prior to first residential occupation of the development hereby approved, details of a minimum 24 month full membership to the service of the provider of the nearest car club bay to the site, shall be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include:

- i) Details of the car club provider and service to be offered;
- ii) Details for residents of how to accept and complete their car club membership; and,
- iii) Confirmation that the developer will fund the membership in full for a period 24 months.

The approved car club membership scheme shall be provided to the first occupiers of each of the 15no. dwellings hereby approved upon first residential occupation.

Reason: To ensure the development provides genuine alternatives to private car usage, providing choice for residents as to how they travel and complies with the parking standards as required by Policy ST7 of the Bath & North East Somerset Local Plan and Transport and Development SPD.

4 Waste Storage (Pre-occupation)

Prior to the first occupation of the development hereby approved, details of suitable waste storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The waste storage shall be retained permanently thereafter.

Reason: To ensure safe and suitable provisions can be made in accordance with the Council's Waste and Recycling Planning Guidance.

5 CP1 Major or Medium Works to an Existing Building (Pre-occupation)

Prior to the occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted for

approval to the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of CP1.

1. Table 4
2. Building Regulations Part L post-completion documents for renewables;
3. Building Regulations Part L post-completion documents for energy efficiency;

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

6 Noise Levels (Compliance/Bespoke Trigger)

The development hereby approved shall achieve the following noise levels: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax. In the event that these noise levels cannot be achieved, details of the noise levels achieved shall be submitted to and approved in writing by the Local Planning Authority, accompanied by a justification setting out why the stated noise levels cannot be achieved and any mitigation which could be provided (taking into account the Listed Building status of the building).

Reason: To ensure a good standard of residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

7 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

8 Plans List (Compliance)

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

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

PLANS LIST:

1 Plans List:

05 Sep 2025 AL(0)04 PROPOSED FLOOR PLANS
05 Sep 2025 AL(0)05 PROPOSED ELEVATIONS AND SECTION
05 Sep 2025 AL(0)06 DRAINAGE PLAN
05 Sep 2025 AL(0)01 SITE LOCATION PLAN

2 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have

been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

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

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

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

3 Permit/Consent Decision Making Statement

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

4 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.

5 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

6 Responding to Climate Change (Informative):

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

7 This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

8 Residents' Parking Permits

The applicant shall note that future residents will not be entitled to residents' parking permits in accordance with Single Executive Member Decision E2911, dated 14th November 2016. This is due to the number of existing permits exceeding the supply of parking spaces within the Controlled Parking Zone. This, however, is considered to be at the developer's risk given the sustainable location of this development proposal.

Item No: 04
Application No: 25/03508/LBA
Site Location: 15 - 17 Trim Street City Centre Bath Bath And North East Somerset
 BA1 1HA



Ward: Kingsmead **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Paul Roper Councillor George Tomlin
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal and external alterations for construction of fifteen new market housing apartments within existing building envelope. Change of use from Office (Class E) to Dwellings (Class C3)
Constraints: Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B2 Bath Central Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre, Policy CP9 Affordable Housing, Policy HE1 Scheduled Ancient Monuments, Listed Building, MOD Safeguarded Areas, Scheduled Ancient Monuments, SSSI - Impact Risk Zones,
Applicant: ORM Developments Limited
Expiry Date: 20th March 2026
Case Officer: Isabel Daone
 To view the case click on the link [here](#).

REPORT

The application site relates to 15-17 Trim Street, also known as Chartist House, which is a Grade II Listed Building located within the centre of Bath. The site is currently in Class E use as offices and has undergone extensive remodelling which is reflected within the planning history set out below. The site is within the Bath Conservation Area and World Heritage Site.

Planning permission is sought for the change of use from office to residential (C3) use, so as to facilitate the creation of 15 apartments. A full planning application has also been submitted for the works (planning reference: 25/03507/FUL).

Reason for Committee:

The application is accompanied by a Financial Viability Assessment and in accordance with the Council's Planning Scheme of Delegation must be debated and decided by the Planning Committee.

Relevant Planning History:

04/00872/FUL

PERMIT - 22 June 2004

Erection of 4 additional air conditioning units to rear ground floor roof

04/01016/FUL

REFUSED - 27 May 2004

Provision of disabled access ramp to front.

04/01025/LBA

CONSENT - 26 May 2004

Interior alterations, additional air conditioning and external stone washing

04/01125/LBA

REFUSED - 18 May 2004

Provision of disabled access ramp to front

09/02212/FUL

PERMIT - 29 September 2009

Installation of air conditioning unit to second floor with external condenser adjacent to existing air conditioning in rear lightwell (Retrospective)

09/02213/LBA

CONSENT - 6 April 2010

Installation of air conditioning unit to second floor with external condenser adjacent to existing air conditioning in rear lightwell and redecorating entrance doors. (Regularisation)

19/02671/LBA

CONSENT - 13 August 2019

External alterations for the installation of a disability lift for office access

25/03507/FUL

PENDING CONSIDERTAION

Internal and external alterations for construction of fifteen new market housing apartments within existing building envelope. Change of use from Office (Class E) to Dwellings (Class C3)

Site Description:

The application site relates to 15-17 Trim Street, also known as Chartist House, which is a Grade II Listed Building located within the centre of Bath. The site is currently in Class E use as offices and has undergone extensive remodelling which is reflected within the planning history set out below. The site is within the Bath Conservation Area and World Heritage Site.

Planning permission is sought for the change of use from office to residential (C3) use, so as to facilitate the creation of 15 apartments. A full planning application has also been submitted for the works (planning reference: 25/03507/FUL).

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PENDING CONSIDERATION

Internal and external alterations for construction of fifteen new market housing apartments within existing building envelope. Change of use from Office (Class E) to Dwellings (Class C3)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSERVATION OFFICER: No objection subject to conditions.

HISTORIC ENGLAND: No comment to make.

Representations Received :

BATH PRESERVATION TRUST:

Comment summary:

From a desk-based assessment, it appears that the proposed scheme will not detract from the significance of the listed building or any designated heritage assets. Heritage benefits and therefore public benefits would be provided by the occupation of the building and the proposed repair work.

The lack of affordable housing is unfortunate given the evident housing needs of the city and in terms of policy CP9, the Local Planning Authority should examine the FVA thoroughly, in order to aid a proper consideration of this element of the scheme.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

B1: Bath Spatial Strategy
BD1: Bath Design Policy
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
HE1: Historic environment

LOCAL PLAN PARTIAL UPDATE:

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

DW1: District Wide Spatial Strategy
CP1: Retrofitting Existing Buildings
D5: Building design

SUPPLEMENTARY PLANNING DOCUMENTS:

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

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

NATIONAL POLICY:

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

LISTED BUILDINGS:

There is a duty placed on the Council under Section 16 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.'

CONSERVATION AREAS:

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character and appearance of the surrounding Conservation Area.

LOW CARBON AND SUSTAINABLE CREDENTIALS:

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

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

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, 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.

The building has been extensively altered with the entire interior lost to refurbishment in the 1980s. Originally built as a terraced of residential units, the key significance of the building relates to the façade of the building. Notwithstanding this, whilst the roof form is unusual, the general form of development remains positive and contributes to the townscape of the wider character area.

Given the extensive internal changes which have taken place, there is no objection to the proposed internal works, and it is not considered that these will have any impact upon the significance of the building.

As previously set out, some external changes to the building are proposed. Changes to the lightwell include resurfacing. Details of the finishes are unknown at this stage, but it is considered that a planning condition can be used to secure these to ensure that the materials are appropriate in this sensitive location.

There are no heritage concerns with regard to creating the bin storage access doors; however, joinery details of the doors are requested as they will need to be sensitively detailed and in painted in an appropriate colour. The details as submitted are insufficient. Again, this can be secured by way of planning condition.

No extraction is shown on the front elevation of the building which is supported. No extraction is shown on the plans, and it is advised that going forward, this should be directed toward the rear. A condition ensuring that details are provided to the Council and approved in writing prior to installation is recommended.

In order to improve thermal efficiency, secondary glazing is proposed across the building. This approach is supported. A condition to secure joinery details is recommended.

The proposed glazed roofs of the winter gardens are large when shown on the proposed cross section; however, given the extensive changes to the courtyard area, it is not considered that this or the insertion of the new door and stair access to the flat roof would cause harm to the significance of the heritage asset. Joinery details of the new door and details of the finish of the steps will be required and can be secured by condition.

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 be an acceptable alteration to the listed building that preserves its significance as a designated heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

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. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made.

CONCLUSION:

Officers recommend that Listed Building Consent is given for the development, subject to conditions.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Secondary Glazing Details (Bespoke Trigger)

Prior to the installation of any secondary glazing, full joinery details of the secondary glazing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

3 Paving Sample (Bespoke Trigger)

Prior to any re-surfacing of the lightwell, full details of the hard landscaping, including a sample of paving and proposed laid pattern shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

4 Service Details (Bespoke Trigger)

Prior to the insertion of any new openings in the rear of the building, full details of any flues, vents and extraction servicing the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

5 Joinery Details (Bespoke Trigger)

Notwithstanding the approved drawings, no installation of the bin store doors or new access door on the rear elevation shall commence until full details comprising of 1:10 scale elevation and section, including paint finish have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

6 Staircase Details (Bespoke Trigger)

Notwithstanding the approved drawings, no installation of the staircase access at the rear of the building shall commence until full details comprising of 1:10 scale elevation and section including paint finish have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

7 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

05 Sep 2025 AL(0)04 PROPOSED FLOOR PLANS
05 Sep 2025 AL(0)05 PROPOSED ELEVATIONS AND SECTION
05 Sep 2025 AL(0)06 DRAINAGE PLAN
05 Sep 2025 AL(0)01 SITE LOCATION PLAN

2 Biodiversity Net Gain - Exempt/Not required

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

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

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

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

3 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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4 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.

5 Responding to Climate Change (Informative):

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

6 REASONS FOR GRANTING LISTED BUILDING CONSENT:

The decision to grant consent subject to conditions has been made in accordance with S. 16 of the Planning (Listed Buildings and Conservation Areas) Act 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. Furthermore, the decision has had regard to the requirement under S. 72 of the Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. The decision has taken into account the policies contained within Planning Policy Statement 5, Planning for the Historic Environment, and in light of views of third parties. The Council considers that the proposals because of their location, design, detailing and use of materials, will preserve the building, and its features of special architectural or historic interest, and will preserve or enhance the character and appearance of the Conservation Area and World Heritage Site.

Item No: 05
Application No: 25/04688/FUL
Site Location: 54 Stonehouse Lane Combe Down Bath Bath And North East Somerset BA2 5DW



Ward: Combe Down

Parish: N/A

LB Grade: N/A

Ward Members: Councillor Bharat Pankhania Councillor Onkar Saini

Application Type: Full Application

Proposal: Demolition of existing house and the erection of two new 2 storey dwellings and associated access, drainage and hard/soft landscape works.

Constraints: Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Contaminated Land, Policy CP9 Affordable Housing, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, SSSI - Impact Risk Zones,

Applicant: Continental Trade (Bath) Ltd

Expiry Date: 20th March 2026

Case Officer: Christopher Masters

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

REPORT

The application refers to a plot of land forming the curtilage of two dwellings which are located within the Bath World Heritage Site.

Planning permission is sought for the demolition of existing house and the erection of two new 2 storey dwellings and associated access, drainage and hard/soft landscape works.

Reasons for Reporting to Committee

The application has been reported to Committee as the application was called in by Cllr. Saini. 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 looked at this application and thank you for very detailed report that took quite some considerable time to read.

I have noted the previous applications on the site have either been refused or withdrawn without consideration by committee.

I have therefore concluded but this application would benefit from further scrutiny at the development control committee, where all the options can be scrutinised in depth."

In addition, the Vice Chair commented:

"Taking note of the history on this site, I agree with Cllr Ball that this should be heard in public and determined by the committee."

Relevant Planning History:

25/01499/FUL - REFUSED - 21 November 2025 - Erection of 6 no. 2-3 storey dwellings and associated access, drainage and hard/soft landscape works following demolition of 2 no existing houses

(Appeal) 17/00045/RF - DISMISSED - 10 November 2017 - Erection of single storey dwelling

(Appeal) 17/00056/RF - DISMISSED - 10 November 2017 - Construction of subterranean dwelling with above ground garden room, entrance hall, garage and associated works.

17/00152/FUL - REFUSED - 10 March 2017 - Construction of subterranean dwelling with above ground garden room, entrance hall, garage and associated works.

16/03702/FUL - REFUSED - 27 September 2016 - Erection of single storey dwelling

10/04900/FUL - PERMIT - 28 March 2011 - Erection of 1 new detached dwelling (Resubmission)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Contaminated Land - Based on the information submitted at this stage, the age of the reports and the revised development scheme, The Contaminated Land Team recommend that conditions are applied to the application to ensure that appropriate up to date investigation, risk assessment and a remedial strategy and verification measures are completed as part of the development.

Drainage and Flooding - No objection - all drainage works to comply with building regulations approved document part H, along with the FRA.

Ecology - The bat loft and all other ecological mitigation measures must be incorporated into the scheme and shown to scale on all relevant plans and drawings, prior to any consent. Subject to this and the conditions requested there is no ecological objection to the proposal.

Highways - Having reviewed the submission and the Transport Statement (TS, Transport Development Management (TDM) raises no objection to the planning application.

Representations Received :

Five letters of support and 14 letters of objection have been received. The comments made can be summarised as follows:

Support:

- o The proposal would see the replacement of an inefficient and dated dwelling with two well-designed, modern and energy efficient family homes.
- o Combe Down and the wider district have a lack of housing suitable for families.
- o The development compliments the street's existing mix of dwelling types.
- o The dwellings would not harm the character of the street. They respond to the layout and pattern of development.
- o The proposal would not unnacceptably harm the amenity of nearby residents.
- o The site has good transport links and is sustainably located.
- o Brownfield development such as this is in line with the Governments target of creating 1.5M homes this parliament.

Objection:

- o The scale, height and massing of the dwellings is out of keeping with the established character.
- o The site would appear cramped given the narrow gap between dwellings.
- o On street parking makes accessing and egress from the dwellings difficult and unsafe particularly given the width and alignment of the road.
- o The proposal will result in on street parking.

- o The existing bungalow comprises accessible accommodation suitable for older people.
- o The development is closer to the southern boundary than stated in the design and access statement.
- o The proposal constitutes overdevelopment.
- o The development will have an overbearing impact on neighbouring properties.
- o The site is formed of made up ground. There is no evidence of a site survey and boreholes dug were not on the land associated with no. 54.
- o Provision of hard surfacing raises concerns regarding water run-off and soakaway arrangements.
- o Concerns about noise, dust, and disruption during prolonged construction phases.
- o Timber framed construction is a fire risk.
- o The proposal will harm the openness and character of the street scene.
- o The proposal will block natural light for adjoining residents.
- o The arrangement of windows in the side elevation of plot 2 will diminish privacy and cause overlooking.
- o Overlooking will occur from scaffolding and the partially built dwelling during construction.
- o The application contains inaccuracies and misrepresentations.
- o There is a record of applications being refused for inappropriate development on this site.
- o The planning officer is the same as the previous application which was overturned by committee. The application should be determined by a different unbiased officer or by committee.
- o The proposal results in the loss of a mature Magnolia tree.
- o The application is identical to 25/01499/FUL which was refused. The grounds for refusal are not overcome.
- o The proposal is harmful to ecology including bats.
- o Refurbishment of the existing bungalow would be more sustainable.
- o The area does not need family homes. Houses on Mulberry Park remain unsold.
- o The density of the proposed development is much greater than its surroundings.
- o The houses may become HMOs.
- o The proposal will result in increased activity and noise.
- o The amenity space of the dwellings is disproportionately small.
- o Smaller single storey homes are needed for first time buyers and an ageing population.

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
CP10: Housing Mix
SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

B1: Bath Spatial Strategy
BD1: Bath Design Policy
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D6: Amenity
D7: Infill and backland development
D10: Public realm
HE1: Historic environment
LCR9: Increasing the provision of local food growing
SCR2: Roof-mounted/ building integrated scale solar PV
SCR5: Water efficiency
SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

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

D5: Building design
H7: Housing accessibility
NE1: Development and green infrastructure
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
NE6: Trees and woodland conservation
PCS5: Contamination
SCR6: Sustainable Construction Policy for New Build Residential Development

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)

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

Planning Obligations 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).

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 Development
Design, Character and Appearance
Residential Amenity
Highways safety and Parking
Drainage and Flooding
Contaminated Land
Trees
Ecology
Sustainable Construction and Renewable Energy

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

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

DESIGN, CHARACTER AND APPEARANCE:

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

The site occupies a suburban location within Combe Down, outside of the Bath Conservation Area. Stonehouse Lane is characterised by one and two storey dwellings of varying form, scale and appearance. There is a general consistency in building materials with most being constructed of Bath stone or reconstituted stone.

Policy D7 of the Placemaking Plan sets out that infill development can be supported where the development has regard to the character and quality of the surrounding townscape and reflects the form, pattern and grain of this existing development or otherwise enhances the character.

In this instance, the proposed development comprises a pair of infill dwellings which address Stonehouse Lane. Demolition of the existing bungalow, known as 54 Stonehouse Lane would be required to enable the development.

Although the existing dwelling does not diminish the character of the area, it is devoid of any architectural or historic merit which would warrant its retention.

The two detached dwellings proposed would be two-stories in height with part hipped part gabled roofs. They are of a similar height to the adjoining property No 53a following the same eaves line. The houses are of a predominantly traditional form with the two-story elements being formed of rubble Bath stone elevations beneath a pitched tiled roof. The units include appropriate contemporary detailing, most notably the rear single storey rear projections which utilise timber cladding. The units respect the building line of Stonehouse Lane and are set in from the site boundaries. By virtue of their massing, height, form and materials the proposed dwellings are considered to be of an appropriate scale and design for their respective plots.

It is noted that particular concerns have been raised regarding the potential for the development to appear cramped, diminish the openness of the street and constitute overdevelopment of the plot.

The dwellings occupy approximately 35% of their respective plot size and are of a comparable density in terms of dwellings per hectare to the surroundings.

The dwellings are well spaced with 2m between the proposed dwellings, 2.6m between Plot 2 and 54a and 5.2m between Plot 1 and 53a. They are no taller than the surroundings and the hipped roofs of the proposed dwellings further contribute to reducing the perceived massing of the development and maintaining the openness of the streetscene.

It is not considered that the development appears cramped, diminishes the openness of the street or constitutes overdevelopment of the plot.

The development responds positively to the character and quality of the surrounding townscape by reflecting the form, pattern and grain of surrounding development and shall constitute a positive addition to the street scene.

Overall, 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 and D7 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 double-inscribed World Heritage Site that consists of the City of Bath and the Great Spa Towns of Europe UNESCO inscriptions. Therefore, consideration must be given to the impact that the proposals might have on their Outstanding Universal Value and associated attributes. In this instance, due to the size, location, and appearance of the proposed development it is considered that it will not result in harm to the Outstanding Universal Value of either World Heritage Site inscription. 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.

Third parties have raised concerns regarding the potential impact of the development on residential amenity, particularly in respect of light, privacy, and overbearing impact.

The development is located north of 54a Stonehouse Lane and south of 53a Stonehouse Lane. The southern elevation of 53a Stonehouse Lane contains no windows. The northern elevation of 54a contains two ground floor windows the outlook from which is currently towards the 1.9m high boundary treatment and gabled side elevation of 54 Stonehouse Lane approximately 2.6m away.

The degree of separation is maintained by the proposed development. The boundary fence would increase in height by 10cm.

Evidence within the submitted Light and Proximity Report definitively illustrates the siting of the dwellings to the north of 54a will not impact on the levels of natural light received by 54a.

The residential amenity of 53 Stonehouse Lane shall be maintained given the degree of separation, positioning and relationship between plot 1 and 53 Stonehouse Lane.

The proposed dwellings would be positioned such that they broadly align with the front building line of the existing dwellings. At the rear, the proposed dwellings extend 1.8m beyond the rear elevation of 54a. The proposed dwellings are set in from the side boundaries of their respective plots by approximately 1.0m.

Whilst there would be an increase in the height of the walling fronting the north elevation of 54a Stonehouse Lane, given the existing context and outlook from the ground floor windows in the north elevation of that dwelling already face a gable wall 2.6m away, construction of the two dwellings would not have a materially greater impact on 54a in terms of being overbearing or restricting outlook.

The 45 degree test illustrates the depth and height of the development relative to the rear elevation of 54a is acceptable and does not appear overbearing or result in a loss of light.

Both plots contain first floor windows in their north and south elevations which serve circulation spaces as well as bathrooms / en-suites. These are shown on the submitted plans as being obscurely glazed. This preserves the privacy of future occupiers and adjoining residents and shall be secured by condition. Windows at ground floor level will not result in overlooking due to the presence of a 2 metre high boundary fence.

Given the site layout, the internal arrangements of the proposed dwellings as well as the positioning of their windows and separation distances which would exist between adjoining dwellings, it is considered each of the proposed dwellings and those adjacent would benefit from acceptable levels of natural light internally and within their external amenity areas.

Noise

The site occupies a suburban location adjacent to a sports ground. Given the quantum and residential character of the development proposed it is not considered that the development once occupied would cause any material increase in noise or disturbance.

It is noted that a number of comments have been received raising concerns about the potential for noise, dust, and disruption to occur during the construction phase.

Construction works are inevitably disruptive to some extent. Such impacts are temporary and an inherent part of development. Given the nature and scale of development it is considered such impacts can be appropriately managed in this instance by securing compliance with a construction management plan. This would include details regarding Deliveries (including storage arrangements and timings) Contractor parking, Traffic management, Working hours, Site opening times, Wheel wash facilities, Site compound arrangements, Measures for the control of dust and Temporary arrangements for householder refuse and recycling collection during construction.

A condition shall also be attached to ensure the proposed ASHP do not generate unacceptable levels of noise.

Artificial Light

It is noted the adjoining sports field benefits from floodlighting and that the proposed dwellings would contain windows which face the sports field. It was concluded under application 21/05200/FUL that the floodlighting would not unacceptably impact surrounding residential occupiers. Given the positioning and relationship of the proposed dwellings relative to the floodlighting is comparable to other surrounding properties (including the existing bungalow) it is not deemed that the floodlighting shall unacceptably impact the levels of residential amenity of future occupiers.

Space standards

In this instance the proposal is for two, four-bedroom homes.

Both dwellings would exceed the minimum space standards and offer generous amounts of internal and external space. All habitable rooms are well served by natural light.

Overall, 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.

HOUSING MIX:

Policy CP10 sets out that new housing development must provide for a variety of housing types and size to accommodate a range of different households.

In this instance the proposal is for two, four-bedroom homes. Given the scale of the proposal, location of the development, and the surrounding context it is considered that the proposal contributes to providing a variety of housing types in the locality. A considerable supply of bungalows would remain in the vicinity and therefore this proposal would not materially diminish the housing mix of the locality.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The proposal is seeking permission to replace the existing dwelling on site with 2 new properties,
together with their own parking facilities.

The redevelopment of the site replaces the existing dwelling of number 54 Stonehouse Lane with 2 dwellings, each with separate access points and off-road parking facilities.

The existing dropped kerb which serves the current dwelling is proposed to be altered in order to facilitate separate parking facilities for the dwellings. No objection has been raised by Highway Officers regarding the arrangement proposed. In order to amend and create new vehicular access points for the properties, the applicant will also need to apply for a Section 184 licence under the Highways Act 1980.

Highway officers confirm that both dwellings would benefit from suitable parking arrangements and space to incorporate cycle parking in accordance with the Council's Transport and Development Supplementary Planning Document.

It is noted that the development would require to incorporate Electric Vehicle Charging facilities in accordance with Approved Document S; Infrastructure for the charging of electric vehicles of The Building Regulations 2010; should planning permission be granted.

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.

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

Surface water must be managed to prevent water from flowing onto the public highway and adjacent land.

A flood risk assessment has been submitted and reviewed by the Council's Drainage and Flooding Team who advise the scheme is acceptable in terms of flood risk. A condition shall be attached to ensure drainage works comply with the submitted flood risk assessment. Any development would also need to accord with building regulations approved document part H.

The proposed development complies with policy CP5 of the Core strategy in regard to flooding and drainage matters, as well as part 14 of the NPPF.

CONTAMINATED LAND:

Local Plan Partial update policy PCS5 has regard to Contamination.

The application has included the following reports:

- o Remediation Strategy Report for Proposed Works at Stonehouse Lane, Coombe Down, Bath. GeoTesting Ltd. Report No. 2011/78. JULY 2011.
- o Report on Ground Investigation and Contamination Testing at 54, Stonehouse Lane, Coombe Down, Bath, Somerset. Geotesting Ltd. Report No. 2011/68. 18 June 2011.

The reports submitted are almost 15 years old and were commissioned in relation to a different scheme.

The Council's Contaminated Land Officer has advised that an updated land quality risk assessment relevant to the proposed development scheme should be secured. The land quality assessment report update should include review of any relevant investigation reports and site investigation data that the client has reliance on and include recommendations for further investigation and risk assessment where appropriate and include the submission of a remedial strategy for the site.

It is noted that the site investigation report submitted, comprised limited soil sampling and analysis (with some of the investigation and analysis for a neighbouring plot) and included only 1 No. soil sample taken for soil quality chemical analysis from the site location from a depth of 0.5m. The report mentions ground gas but did not include any gas monitoring results or provide a ground gas risk assessment. Following submission of a revised risk assessment, a remedial strategy which includes specification of any required gas protection measures to include consideration of ground gases, radon and hydrocarbons/VOC's shall be required. Specification and details of proposed capping layer to any soft landscaping/garden area to be in accordance with typical guidance and best practice and specification of water supply pipework to be appropriately protective.

Based on the information submitted at this stage, the age of the reports and the revised development scheme, the Council's Contaminated Land Officer recommends that conditions are applied to ensure that appropriate up to date investigation, risk assessment and a remedial strategy and verification measures are completed as part of the development.

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.

A magnolia classified within the Submitted Arboricultural Report as being of B2 quality is currently growing to the front of 54 Stonehouse Lane, the retention of which has been achieved through amending the layout of the proposed development. As such no tree losses shall occur as a result of the development. The tree shall be protected through the construction phase in accordance with a tree protection plan which shall be secured by condition.

The scheme therefore appropriately retains all trees of value and complies 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.

Ecology comments were provided for a previous scheme that included the site that is subject to the current proposal and for which previous ecology advice remains applicable (Planning Ref 25/01499/FUL. An ecological report specific to the current scheme is submitted "Ecological Appraisal and Biodiversity Net Gain Assessment" v1.3 dated 5th December 2025 by Noctua Ecology.

The existing house supports a bat roost, assessed as a day roost for low numbers of brown longeared bat. The bat report provides details of proposed ecological and bat mitigation which include provision of a replacement bat roost roof void - the provision is as for the previous scheme and is accepted. The scheme will require a European Protected Species (EPS) Licence and the LPA must be confident, prior to issuing any consent, that the "three tests" of the Habitats Regulations will be met and an EPS Licence would be obtained.

ie (i) that the conservation status of the affected species will not be harmed; (ii) that there are no ecologically preferable alternative solutions; and (iii) that there are "imperative reasons of over-riding public interest" ("IROPI").

Test 1 - The action authorised will not be detrimental to the maintenance of the population of the species.

The proposed bat mitigation and compensation scheme includes provision of a replacement bat roost in the form of a dedicated roost loft space, which is welcome and supported, as well as other measures including integrated bat roost features. Sensitive lighting design is recommended for the scheme and is considered to be deliverable for small scale development of this nature comprising housing (designed with moderate glazing) within an urban location - details can therefore be secured by condition. The proposed mitigation scheme is suitable for the affected species and this would appear likely to remain the case if a higher conservation status of roost was thought to be present than that assessed (eg use by higher numbers, or more frequent use). In consideration to

the first of the above tests of the Habitats Regulations, it is considered that provided the proposed mitigation scheme as described in the ecological report, and the recommended sensitive lighting design are secured by condition and carefully adhered to, the conservation status of the affected species will not be harmed and this test would be met.

Test 2 - There is no satisfactory alternative.

At this time there is a considerable shortfall against the number of dwellings which are required within the district. It is acknowledged that schemes of this scale can be built out quickly and that it is important that development makes an efficient use of land. Given its siting, in this instance it is necessary for the existing dwelling to be demolished in order to accommodate provision of two of the proposed dwellings. Given the above it is considered delivering a scheme with a reduced number of dwellings from that proposed would not be satisfactory. Accordingly, there is no satisfactory alternative other than what is put forward as the alternative scheme would result in a scheme which makes a positive contribution to addressing the shortfall in housing within the district.

Test 3 - Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment?

The public benefits should be commensurate with the level of impact. The proposal results in a densification of the site and an uplift of an additional dwelling. Furthermore, the proposed works shall provide jobs in the construction phase, albeit only for a short period of time. The test can be said to be passed.

Consideration to the Habitats Regulations - screening stage "test of likely significant effect" on the Bath & Bradford on Avon Bats SAC

The proposed development site lies not far from a component site of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) which is approximately 270m to the south-east, beyond Firs Field open space (which is also a designated Site of Nature Conservation Interest). The SAC within this area of Bath includes below-ground features used by SAC bats (tunnels and bat mitigation within thecombe down stone mines) - these areas do not fall within the designated SAC boundary and are also near to the site but the site lies beyond the boundary of these below-ground features. The site will therefore not directly impact the SAC or roost features of the SAC, but potential for impacts on SAC bats arising from changes to vegetation and levels of darkness at the site are a consideration.

SAC bats are known to be active within the area and will pass through urban environments on their way to foraging grounds, and would be expected typically to utilise the most suitable habitats available within the urban landscape of darker and more well-vegetated areas, with green linear features such as hedgerows and tree lines.

The proposed scheme comprises housing and in this respect is not dissimilar to the surrounding environment. Existing vegetation does not provide habitat conditions that are highly suited to SAC bats, but it should be assumed that SAC bats may pass through or

near to the site and neighbouring land, as part of their navigation through the landscape within this area.

The proposed housing will not result in an overall permanent removal or reduction of habitat connectivity. The dwellings are modestly glazed with larger extents of glazing mostly confined to the ground floor and beneath and extended canopy / roofed area, which will assist with light spill containment. Given the scale of development, site size and nature of development, it is considered that the scheme is capable of sensitive lighting design and light spill containment; this combined with the absence of high habitat suitability at the site for SAC bats it is considered the scheme is not capable of a "likely significant effect" - this risk can be ruled out and a full Appropriate Assessment is not required. Conditions should be used in any case to secure sensitive lighting design and high standards of light-spill containment for internal and external lighting, and to secure a landscape scheme that will provide habitat value.

Section 7.3.16 of the report proposes provision for swift, which is welcome. The report recommends: "To provide an enhancement for birds, two integrated swift nest boxes will be installed. One bird box will be installed on each of the new dwellings on plot 1 and plot 2 on the northern and western elevations (Figure 5, Appendix E). The bird boxes will be installed as high as possible with a clear flight path to the entrance".

Comments from the public have raised concerns regarding positioning and grouping of swift boxes. Swift boxes should be positioned to avoid over-heating (greatest risk being on the southern elevation); northern and eastern elevations are usually recommended. Figure 5 of the Ecological Report shows proposed positions of bat and bird features, and the bat loft. The submitted elevations have been updated to include the positions of the proposed bird and bat boxes as well as bat access tiles.

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.

The submitted BNG assessment, baseline habitat plan and metric are accepted. Purchase of off-site units will be necessary to enable delivery of the required 10% net gain. Final details can be secured via the standard BNG condition.

HOUSING ACCESSIBILITY:

Local Plan Partial Update policy H7 requires 5.6% of dwellings to be built to Building Regulation M4(3)(2a) standard (wheelchair adaptable housing). The policy also states that 48% of the remainder of housing, after the M4(3)(2a) figure has been accounted for, must meet the M4(2) accessible and adaptable dwellings standard.

In this case there is no requirement for any of the dwellings to meet the M4(3)(2) standards. It has been confirmed that both of the proposed dwellings shall meet the M4(2) standard. The proposals comply with policy H7 of the Local Plan Partial Update.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR6 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Residential Development. The policy requires new residential development to achieve zero operational emissions by reducing heat and power demand, then supplying all energy demand through on-site renewables. A sustainable construction checklist (SCC) is submitted with the application, evidencing that the prescribed standards can be met.

In this case the submitted SCC shows that an air source heat pumps and solar panels are to be utilised within this development to achieve policy requirements of SCR6. Space heating demand is required by policy SCR6 to be less than 30kWh/m²/annum, the proposal shows a figure of 25.5kWh/m² /annum for Plot 1 and 26.1kWh/m² /annum for Plot 2. Total energy use is shown as 23.7kWh/m² /annum for Plot 1, and 23.9kWh/m² /annum for Plot 2 which is beneath the policy requirement. The total energy use is required to be matched by on-site renewable energy. This is shown to be the case with all dwellings generating greater energy from on-site renewables than their respective total energy use. The provided energy summary tool therefore shows compliance with policy SCR6. Therefore, the proposed development is compliant with Local Plan Partial Update policy SCR6.

Policy SCR8 of the Local Plan Partial Update relates only to large scale new-build development (a minimum of 50 dwellings or a minimum of 5000m² of commercial floor space). Such developments are required to submit an Embodied Carbon Assessment, having regard to the SCC SPD, which demonstrates a score of less than 900kgCO₂e/m² can be achieved within the development for the substructure, superstructure and finished. As this development is not of such a scale an embodied carbon assessment is not required.

The embodied carbon of the existing building is nonetheless a material consideration. In this case the development proposes the demolition of one dwelling in order to facilitate the creation of two dwellings. This uplift in quantum could not be achieved if the existing dwelling was to remain in situ. It is considered the benefits of creating an additional dwelling (which along with the other proposed dwelling would be constructed to high levels of energy efficiency) outweighs the environmental impacts of the demolition.

Policy SCR5 of the Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g., water butts). It is noted that these are shown on the relevant plans and shall be secured by condition.

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

In this instance the proposed dwellings contain external amenity space which could be utilised for local food growing if desired by the occupants.

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.

OTHER MATTERS:

Numerous other matters have been raised, the most pertinent of which are the potential for the new dwellings to be used as HMOs, accuracy of the submitted information, planning history of the site and construction of the proposed dwellings.

The site falls within the Article 4 Direction area which requires planning permission to be sought for changes from a C3 dwelling to a HMO. Any such application would need to be assessed on its merits if that came forward in the future. It is not a relevant consideration at this time.

Officers have been fully able to assess the application based on the documents provided. All plans offer sufficient clarity and have been drawn to an identified scale which allows any part of the drawing to be accurately measured. Attention has been drawn to the fact that some documents are of considerable age, many were drafted for a different proposal and that there are discrepancies between the written information provided and the submitted plans. It can be confirmed that where any such discrepancy occurs, the information shown on the plans as listed in the plans list for the decision takes precedence and this is what has been considered by officers as being proposed.

It is noted that previous applications for development of the site have been withdrawn or refused. This case has been assessed on its own merits against current planning policy and in the context of the Council's current housing land supply position. Given the previous decisions were made in a different policy context (or are in the process of being appealed) these are not considered to set a precedence

Third party comments have raised concern that the building would be timber framed which they perceive to be a fire risk. The construction of the building is a matter which is considered at Building Control stage. Any development would have to adhere with the Building Regulations which amongst other things includes ensuring buildings meet fire safety standards.

Concern has been raised by third parties that the planning officer is the same as the previous application which was overturned by committee. This is in line with standard Council procedure and is not a relevant planning consideration or material to the merits of the application.

CONCLUSION:

Section 70(2) of the Town and Country Planning Act (1990) makes clear that a Local Planning Authority must have regard to "the provisions of the development plan, so far as material to the application" and "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".

In this instance the proposal is found to be compliant with the relevant planning policies as outlined above. As such, whilst the tilted balance as set out by Paragraph 11.d is engaged, it is not necessary for a balancing exercise to be undertaken. If it were, it is considered that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. The benefits include the creation of an additional dwelling in a highly sustainable location. This benefit attracts significant weight in light of the council's current lack of a five-year Housing land supply. The economic benefits arising from the creation of jobs during the construction phase of the development is also a benefit which attracts weight in favour of the proposal. The development is therefore 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.

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

3 Biodiversity Net Gain Plan (Pre-commencement)

No development shall commence until full details of a Biodiversity Gain Plan achieving a minimum of 10% measurable biodiversity net gain, and a Habitat Management Plan for any on-site habitats and biodiversity measures, have been submitted to and approved in writing by the Local Planning Authority. The Plans shall be in accordance with current best

practice guidelines and standards and shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation and shall include the following:

In all cases:

1. Pre and post development biodiversity values including a completed metric calculation tool using the DEFRA Biodiversity Metric or any successor, and accompanying evidence for baseline condition assessments;
2. A BNG habitat map for on-site proposed habitats
3. Information about the steps taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat and, in the case of any irreplaceable habitat, information on arrangements for compensation for any impact of the development has on the biodiversity of the irreplaceable habitat (which does not include the use of biodiversity credits).
4. Details and evidence of any registered off-site biodiversity gain units allocated to the development and any biodiversity credits purchased for the development;

Where on-site habitat is proposed/retained:

5. Long term aims and objectives and targets for habitats; proposed management prescriptions and operations; timing, frequency, durations and methods of operations; specialist expertise, specialist tools/machinery or equipment and personnel where required to meet the stated aims and objectives;
6. Annual work schedule for at least a 30 year period
7. A list of activities and operations that shall not take place and shall not be permitted within the Habitat Management Plan (HMP) area (for example use of herbicides; on-site disposal of grass cuttings or other vegetation waste; routine cutting of ivy where there is no specific arboricultural justification; inappropriate maintenance methods, storage of materials; inappropriate machine or vehicle access).
8. Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives.
9. Details of proposed reporting to the Local Planning Authority, and proposed review and remediation mechanism.
10. Proposed costs and resourcing, and legal responsibilities.

The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To protect and enhance ecological interests and to ensure delivery of Biodiversity Net Gain in accordance with Bath and North East Somerset Local Plan Partial Update

policies NE3, NE3a NE5 and D5e and paragraph 13 of Schedule 7A to the Town and Country Planning 1990 Act (Biodiversity Gain Condition).

4 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust;
9. Temporary arrangements for householder refuse and recycling collection during construction.

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

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

5 Tree Protection Plan (Pre-commencement)

No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The plan shall:

1. Include tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations;
2. Include details of the design of any tree protection fencing proposed;
3. Take into account the position of the site office/welfare facilities, the location of service runs and the control of potentially harmful operations such as the storage, handling, mixing or burning of materials on the site and the movement of people and machinery throughout the site;
4. Be shown on a scaled drawing.

The protective measures as stated in the approved annotated tree protection plan shall be fully implemented prior to the commencement of development and retained for the duration of the construction. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place with photographic evidence.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policies CP7 and NE6 of the Bath and North East Somerset Local Plan Partial Update. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

6 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)

No development shall commence, except for ground investigations and demolition, required to undertake such investigations, until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

7 Contaminated Land - Remediation Scheme (Pre-commencement)

No development shall commence, except for ground investigations and demolition required to undertake such investigations, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,

(iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

8 Materials - Submission of Materials Schedule (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including 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.

9 Contaminated Land - Verification Report (Pre-occupation)

No occupation shall commence until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath

and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework.

10 SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the dwellings hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

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

Minor Residential Development:

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

All Residential Development:

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

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

11 Bicycle Storage (Pre-occupation)

Each dwelling shall not be occupied until secure, covered bicycle storage for at least 4 bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

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

12 Flood Risk Assessment (Compliance)

The proposed development shall be constructed in accordance with the submitted Flood Risk Assessment received 9th January 2026.

Reason: 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.

13 Air Source Heat Pumps (Compliance)

The proposed air source heat pumps shall comply with the MCS Planning Standards or equivalent standards.

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

14 Water Efficiency - Rainwater Harvesting (Compliance)

No occupation of the approved dwellings shall commence until the scheme for rainwater harvesting shown on drawing 1620-01 REV C LANDSCAPE STRATEGY has been implemented in accordance with the submitted details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

15 Wildlife Mitigation Scheme (Compliance)

Prior to commencement of works (including site preparation, vegetation removal or demolition works) a suitably experienced professional ecologist (licenced bat worker) shall be appointed as Ecological Clerk of Works. The appointed ecologist shall undertake all necessary pre-works checks and update surveys; provide on-site ecological supervision as required in accordance with the approved ecological mitigation and method statements; provide tool-box talks and ongoing guidance and instruction regarding ecological requirements to the applicant and construction team. The development hereby approved shall thereafter be carried out only in accordance with (but not limited to) the wildlife protection, and ecological and bat mitigation compensation and enhancement measures, as detailed within Section 7 of the approved Ecological Appraisal and Biodiversity Net Gain Assessment v1.3 by Noctua Ecology dated 5th December 2025. All such measures shall be adhered to retained and maintained thereafter for the purpose of wildlife conservation.

Reason: To avoid harm to ecology including protected species and to avoid net loss of biodiversity in accordance with policies NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

16 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

17 Housing Accessibility (Compliance)

At least one of the dwellings hereby approved shall be constructed to meet optional technical standards 4(2) in the Building Regulations Approved Document M.

Reason: To ensure that the optional technical standards for accessibility for market housing in accordance with policy H7 of the Bath and North East Somerset Council Local Plan Partial Update.

18 Obscure Glazing and Non-opening Window(s) (Compliance)

All windows shown on the approved plans as being obscured glass shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more

than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

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

19 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.

20 Contaminated Land - Unexpected Contamination (Bespoke Trigger - requires approval of details only if unexpected contamination is found)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

PLANS LIST:

1 This decision relates to the following plans:

Received 27th February 2026

484.P.012 P3 PLOTS 1 AND 2 ROOF PLAN

Received 24th February 2026

1620-01 REV C LANDSCAPE STRATEGY
484.P.011 P4 PLOTS 1 AND 2 BLOCK PLAN

484.P.110 P4 PLOTS 1 AND 2 GROUND FLOOR PLAN

Received 20th February 2026

484.P.111 P4 PLOTS 1 AND 2 FIRST FLOOR PLAN

484.P.121 P5 PLOT 1 SECTIONS PROPOSED

484.P.131 P5 PLOT 1 ELEVATIONS SW AND SE PROPOSED

484.P.132 P5 PLOT 1 ELEVATIONS NW AND NE PROPOSED

484.P.231 P5 PLOT 2 ELEVATIONS SW AND SE PROPOSED

484.P.232 P5 PLOT 2 ELEVATIONS NW AND NE PROPOSED

Received 13th January 2026

484.P.221 P4 PLOT 2 SECTIONS PROPOSED

484.P.033 P4 PROPOSED SITE ELEVATIONS STREET VIEW

Received 5th December 2025

LOCATION PLAN

484.P.001 P2 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 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 - Standard Informative

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the 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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. A detailed version of the biodiversity gain condition can be found in the list of conditions attached to this permission.

The effect of section 73D of the Town and Country Planning Act 1990:-

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

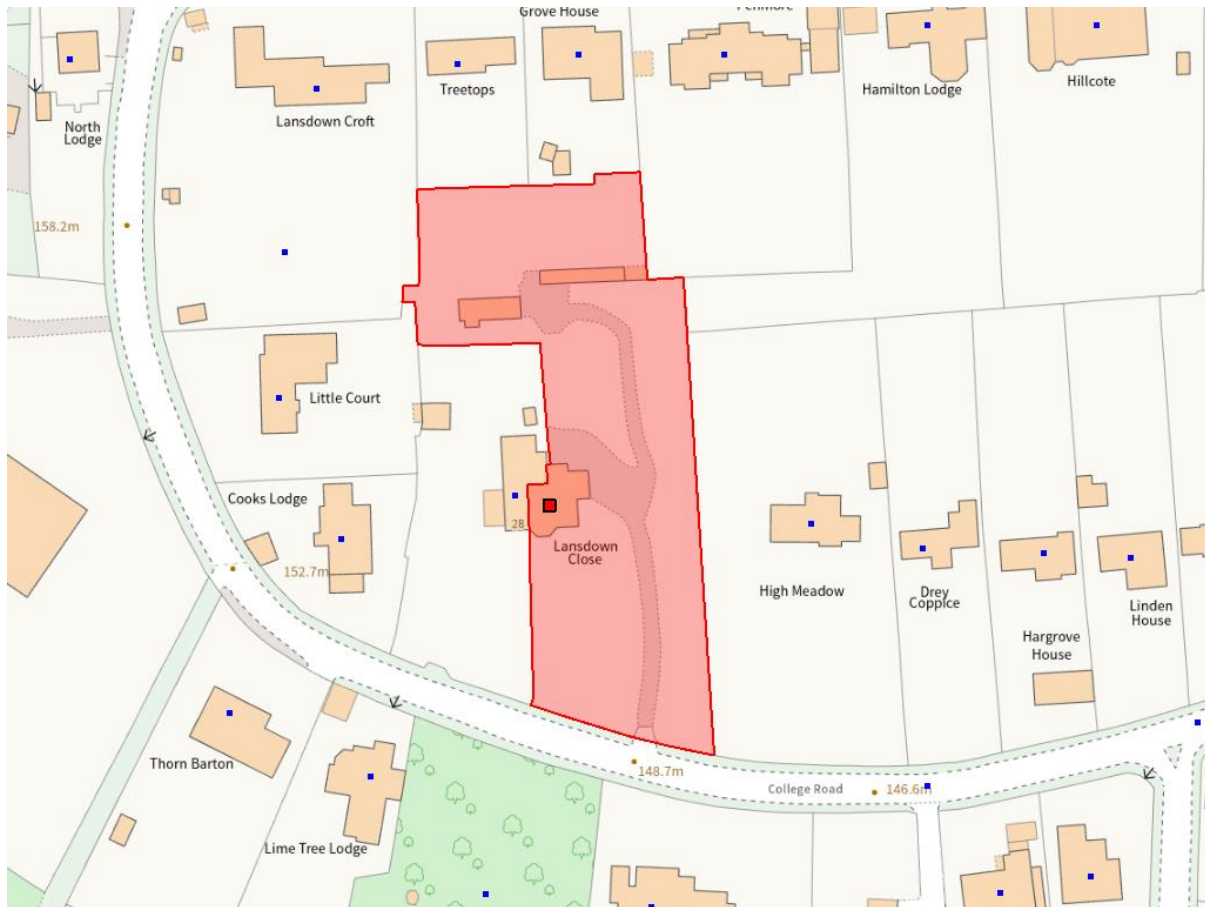
6 Highways Access Advice Note

The applicant should be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

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.

Item No: 06
Application No: 25/04673/FUL
Site Location: Lansdown Close College Road Lansdown Bath Bath And North East Somerset



Ward: Lansdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Mark Elliott Councillor Lucy Hodge
Application Type: Full Application
Proposal: Erection of a new detached dwelling within the curtilage of an existing dwelling.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Woodland Strategic Network Policy NE5, SSSI - Impact Risk Zones,
Applicant: Mr Andrew Girdher
Expiry Date: 19th March 2026
Case Officer: Ed Allsop
To view the case click on the link [here](#).

REPORT

This application was referred to the Chair and Vice Chair following a request for a referral by Councillors Mark Elliot and Lucy Hodge.

Cllr Mark Elliot- If you are minded to approve the above mentioned application then I would like to request it is heard by the Planning Committee. Primarily I would like the committee to consider the affect on the amenity of neighbours in terms of privacy and overlooking. I would also like them to consider whether this is overdevelopment of the site, as the proposed build does not seem to be subservient to the existing Victorian property.

Cllr Lucy Hodge- I would be grateful to refer this backland development proposal to be heard in public by the Planning Committee, should you be minded to approve the application, for the following planning reasons:

1. Overdevelopment of the site in terms of height, scale, mass and form in relation to the frontage building, Lansdown Close (contrary to policy D7b). The scale of the proposed two storey house is not subservient to the frontage building.
2. The proposal does not preserve or enhance the special character of the Conservation area generally in terms of the layout and integrity (contrary to policies HE1, and BD1) and does not contribute positively to the local character and distinctiveness, in terms of plot patterns and scale (contrary to policy D2 and D7a). This area of Lansdown is characterised by individual houses in mature verdant plots with some ancillary buildings. I'm not aware of another development of a house of this scale in a backland location on College or Hamilton road.
3. The proposal would have an adverse impact on the character and appearance of the frontage development, Lansdown Close (contrary to policy D7c). Lansdown Close, an 1850s Victorian villa, although subdivided retains many original external features and contributes to the character of the area. The scale and proximity of the proposed contemporary house in this backland location risks appearing incongruous.
4. Loss of green infrastructure including potential loss of trees in the Conservation Area.
5. Detrimental effect on the amenity of neighbours in terms of privacy and overlooking or interlooking due to the extent of windows on the east and north elevations of this two storey proposal. (contrary to policy D6 and D7d).

Planning permission is sought for the erection of a new detached dwelling within the curtilage of an existing dwelling (Lansdown Close). Lansdown Close is considered a non-designated heritage asset.

Relevant Planning History:

None.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Historic Environment: No objection, subject to conditions.

Trees: No objection, subject to conditions.

Ecology: No objection, subject to conditions.

Highways: No objection, subject to conditions.

Representations:

21no. support comments and 13no. objections have been received.

The support comments can be summarised as support of the design, its size and scale, impact on character and appearance of the area, impacts on amenity being acceptable and the provision of new housing in a housing shortage.

The objections can be summarised as matters relating to: Overdevelopment, character, design, size and scale, amenity and harm to the conservation area.

POLICIES/LEGISLATION

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

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

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

B1: Bath Spatial Strategy

B4: Bath World Heritage Site and its Setting

CP5: Flood Risk Management

CP6: Environmental Quality

DW1: District Wide Spatial Strategy

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
- D.3: Urban fabric
- D.4: Streets and spaces
- D.5: Building design
- D.6: Amenity
- D7: Infill and backland development
- D.8: Lighting
- HE1: Historic Environment
- ST7: Transport requirements for managing development
- NE2A: Landscape setting of settlements
- NE1: Development and green infrastructure
- NE3: Sites, habitats and species
- NE3A: Biodiversity Net Gain
- NE5: Ecological networks and nature recovery
- NE6: Trees and woodland conservation
- SCR5: Water efficiency
- SCR6: Sustainable construction policy for new build residential development

Local Plan Partial Update (LPPU):

On the 19th January 2023, Bath and North East Somerset Council updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU).

National Policy:

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

Conservation Areas:

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

Public Sector Equality Duty:

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

(a) eliminate discrimination, harassment, victimisation

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Low carbon and sustainable credentials:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

Principle of development:

The site is located within the urban area of Bath, in a highly sustainable location. This responds positively to the Council's overarching housing strategy, to promote sustainable development. Therefore, the principle of a new dwelling on this site complies with policies DW1 and B1 of the Plan. Policy D7 also supports the principle of backland development where :

a. It is not contrary to the character of the area

b. It is well related and not inappropriate in height, scale, mass and form to the frontage buildings

c. There is no adverse impact to the character and appearance, safety or amenity of the frontage development

d. It is not harmful to residential amenity as outlined in Policy D.6.

These matters are considered further below.

Character, appearance, impact on Conservation Area:

Whilst other properties on College or Hamilton Road don't have backland dwellings, this does not mean that the introduction of 1no. dwelling at the site would cause harm to the character and appearance of the area. It should also be noted that risk of precedent is given limited weight, and that the application site differs to those in proximity in any case, through its plot size (length) and lack of trees to the rear, both are factors which could preclude such development on other plots on the road.

The siting of the new dwelling is considered to reflect the pattern and grain of existing development generally, this can be determined through a review of the site location plan/site plan. A recently approved infill dwelling application can be seen to the west of the proposed site. Officers are also aware that there are two buildings located in this part of the site already. A review of the site plan also demonstrates that the site has not been overdeveloped. This is because it will host a new home, generous garden amenity space, appropriately designed parking and bin storage facilities. All of these factors combined indicate that the site has not been overdeveloped. There is also no objection to the removal of the existing annexe, the conservation officer has concluded that it makes a neutral contribution and its demolition would not affect the overall significance of the conservation area or the non-designated heritage asset.

The proposed dwelling is of a modern design, but conservation officers have confirmed that this is acceptable provided the context of this part of the conservation area, which hosts other contemporary dwellings in proximity. Conditions have been attached to secure appropriate materials, officers would advise that the colour of the proposed zinc roofing material should match the colour of slate, or be slate toned, this would respond positively to the roofs of Hadspen villa and the adjacent retained 19th century outbuilding within its grounds. The proposals will use coursed rubblestone for external facades reflects the prevalent use of Bath stone as a building material in this area and enables the new house to bare some relation to Lansdown Close

The traditional roof forms of this part of the conservation area are gabled or hipped; however, the chosen roof design is acceptable in this context given the variety of the roof types within the surrounding context and the proposed mono-pitched roofs would sit well within the topography.

The new house is will be cut into the sloping site, with a single storey element to the rear, increasing to two storey at the front. These design choices enable the new dwelling sit more appropriately into the site and reduce its size and scale, visually and spatially. The new dwelling would be viewed briefly when passing by the site entrance on College Road, but it is set approximately 90m away from the road where again, its impact on the character of the area is reduced. It is also set back approximately 40m from Lansdown Close. Considering all of these elements cumulatively, the height, scale and mass of the proposed would not be inappropriate when compared to the frontage building (Lansdown Close).

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. The proposed works by reason of their design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and preserves the character and appearance of the surrounding area and this part of the conservation area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4, D5, D7 and HE1 of the Placemaking Plan and LPPU for Bath and North East Somerset (2017) and part 12 and 16 the NPPF.

A low level of harm has been identified to the non-designated heritage asset (Lansdown Close) due to the changes to its setting caused by the reduction of the large historic plot and loss of green open space. A balanced judgement has been set out under the planning balance section of this report.

Residential amenity:

As highlighted at pre-application stage, the property most likely affected will be Grove House, sited north of the new dwelling. The impacts are considered acceptable due to the portion of the dwelling sited closest to the shared boundary being single storey. The proposed is also set lower down than Grove House, this can be determined through a review of the section plans. Therefore, its built form, size and siting is not considered to be overbearing. Officers accept that it will be visible and experienced, especially compared to the existing scenario (a garden) but this does not mean that these impacts are adverse in respect of amenity through overbearing impacts.

The proposed dwelling will have windows facing directly towards Grove House, however these are mostly located at ground floor level. This is not considered to result in adverse level of overlooking or loss of privacy for the same reasons outlined above (difference in land level, cut in to the slope design). In addition, there is a boundary treatment (existing hedge) which will provide a level of screening, however this has not been heavily relied upon. Officers have also concluded that 4no. of the 6no. windows on this ground floor elevation are quite small and serve a boot room, shower room, a store and laundry room. The size of the windows and the types of rooms have been taken into account when assessing the impacts on the neighbour.

At first floor level there will be 3no. windows facing Grove House, 1no. of which is obscure glazed. The remaining 2no. windows are not considered to result in adverse overlooking or loss of privacy by reason of the dwelling being sited below Grove House, the windows being small and the parapet wall design obscuring views.

The roof will host a number of solar panels, some of these are located on the pitch facing Grove House. Officers would advise that the amount of solar pv cannot be argued to be out of the ordinary or unreasonable in an urban residential setting. However, a condition has been attached to ensure an appropriate solar panel was implemented. For example, there are products which have anti-reflective coating which reduces glare which are less disruptive than common reflective surfaces like windows or glass.

For these reasons, officers consider the works to comply with policy D6 of the Placemaking Plan in terms of overlooking, overbearing impacts and glare.

Policy D.6 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. 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 for Bath and North East Somerset (2017) and part 12 of the NPPF.

Trees:

Trial pits have been dug in the location of the drive with tree roots not being found to be present. This appears to demonstrate that the excavation required to dig a new driveway from the property down to the road is not going to be harmful to trees. Therefore, there is no arboricultural objection to the proposals, subject to compliance with the Arb Method Statement which includes the monitoring of construction works. 2no. trees are being removed, one of these trees is category 'U'. There are however 7no. new trees proposed. This approach is consistent with, and the works comply with policy NE6 of the Plan.

Highways/access:

Access:

Vehicular and pedestrian access to the proposed dwelling will be via the existing entrance from College Road. In addition, a new entrance will be created at the south-west corner of the site to serve Lansdown Close. A plan has been submitted showing the proposed new access with an appropriate visibility splay. The Highway Authority has no concerns regarding the proposed access arrangements.

Parking:

The proposals will provide 2no. parking spaces, this slightly exceeds the parking standards (1.5), however, given the size of the driveway, it would be difficult to restrict parking levels. The highway authority is satisfied with this approach.

Cycle and Waste Storage:

The proposed plan also identifies a covered area for four bicycles and an area for a waste storage collection point outside.

Therefore, the proposals comply with policies ST1, ST7 and the Transport and development SPD.

Ecology:

Preliminary ecological assessment:

The preliminary report describes the habitats at the site which are typical of mature well maintained residential gardens in the area and of this nature and size, and recommends

further bat and bird survey of the buildings proposed for removal. Recommendations are also included for additional features to benefit wildlife, and habitat provision within the site and landscaping scheme.

The conclusions and recommendations of the preliminary report are accepted and supported; comments regarding Biodiversity Net Gain are provided separately below.

Biodiversity Net Gain (BNG):

A biodiversity net gain small sites metric and baseline and proposed habitat plans have been submitted.

- The proposed habitats are supported however they will need to be entered into the metric as vegetated garden. The proposed purchase of off-site units to offset any unit deficit and deliver 10% net gain for biodiversity, is appropriate. Details of proposed habitats, BNG metric calculation, and BNG off-site unit purchase for delivery of 10% net gain for biodiversity, must be secured by condition.

- The habitat boundaries shown on the submitted baseline plan are accepted; it would be advisable for the applicant's ecologist to double check whether the correct habitat categories have been entered into the metric. Should any revisions be necessary it is anticipated these would be minor and will not materially affect the ecology advice for this scheme.

A condition has been attached to secure the appropriate BNG off site units in any case.

Bat and Bird survey and assessment:

The survey comprised building inspection and bat emergence surveys of the outbuildings, in accordance with the best practice guidelines. The report concludes bat roosts and nesting birds are currently not present in the buildings. Low-level bat activity was observed in the area including some foraging activity by common pipistrelle and serotine bats, and was not un-typical of the bat activity that would be expected across a well-vegetated residential area of this nature. Horseshoe bats are also known to be active in and pass through the area; a single pass by each of lesser horseshoe and greater horseshoe bats were recorded to the north of the site with the passes assessed to be commuting horseshoe bats.

Lighting and potential for light spill, and Consideration to the Habitats Regulations - Habitats Regulations Assessment "Test of Likely Significant Effect":

The scheme involves construction of a new residential dwelling. The site is already in residential use but the proposal will introduce changes to the nature of this area of the site. There will be changes to existing vegetation, and to lighting and human activity which have potential for ecological impacts including potential impacts of lighting on bats.

Horseshoe bats associated with the local Bath & Bradford on Avon Bats Special Area of Conservation (SAC) are known to be active in the area and were recorded passing through or near to the site (assessed as passing along the northern boundary). Consideration is therefore necessary as to whether the scheme may give rise to impacts

(directly, or indirectly) on the Bath & Bradford on Avon Bats SAC, or on SAC bat activity or supporting habitat to the SAC. A Habitats Regulations Assessment "screening assessment" or "Test of Likely Significant Effect" is the appropriate first step.

1. Usage of the site by SAC bats: The area within which the proposed development site is located is known to be used by light-sensitive horseshoe bats associated with the SAC. Bats are known to pass through the area and this should be assumed to include the site that is subject to the current proposal. The area offers suitable conditions for light sensitive SAC bats navigating across the city to access foraging habitat in landscapes further afield, due the well-vegetated character of residential gardens, habitat connectivity and relative darkness, by comparison to more urban well-lit areas that are less vegetated, and more fragmented with lower habitat connectivity. This is supported by the passes recorded during the bat surveys of the building. Taking a precautionary approach, it should be assumed that SAC bats pass through the area (including the site) due to the suitability of conditions and as evidenced by records and the bat survey.

2. Potential impacts of the proposed development on habitat value and suitable conditions for SAC bats:

a. Changes to vegetation: The existing site comprises well-maintained garden with some habitat value for bats and other wildlife. The proposed building will require some loss of area of vegetated ground, but will not change the overall character of vegetation or remove key features such as mature trees and boundary vegetation, which will remain in situ. Proposals also include landscaping which has been designed to provide habitat value.

b. Potential for harm from lighting: Light spill from external lighting and from within residential dwellings has potential for ecological impacts and impacts on bat activity.

i. A "Lighting Statement" (February 2026) has been submitted. It provides details of design features and proposed additional measures for light spill containment and to avoid excessive light spill.

ii. External lighting:

1. No new external lighting is proposed, which is welcome.

2. The proposal confirms that existing security lighting will be removed. This lighting is described in the ecological report; when the lights are on the surrounding outdoor areas are brightly lit with light spill impacting adjacent vegetation and exceeding thresholds for avoiding ecological impacts. The proposed removal of these lights will provide an added benefit for wildlife and is supported.

iii. light spill from internal lighting:

1. Southern Elevation: The building design incorporates some areas of more extensive glazing, in particular on the southern elevation. Some more extensively glazed areas face inwards towards a terrace and another building, and will be screened. Areas of full-length glazing on the ground and first floors overlooking the access drive and garden to the south are separated from the road and southern boundary by approximately 90m. The existing

house lies in the area between, with existing trees and a proposed new hedgerow. It is considered that the potential impacts of light spill from the proposed new dwelling onto the southern end of the site and habitat value offering suitable conditions for use by light-sensitive SAC bats, will not be capable of exceeding ecologically acceptable thresholds sufficiently at that distance to cause harm to the treed area alongside the road, or to substantially remove habitat availability in the area, or cause a "barrier" effect.

2. Northern Elevation: The northern elevation has a moderate level of glazing. While this will be capable of some light spill, the glazing on this aspect is at ground level to the adjacent northern boundary and hedgerow and does not include "full height" or extensive glazed areas. Given the building design and proportion of glazed area, on balance it is not considered that light spill levels and at heights from this elevation can result in a "barrier effect" or remove access for bats along the northern boundary or to surrounding suitable habitat.

3. Eastern and Western elevations: glazing on these elevations is likewise relatively moderate; on the western elevation there is also a separation distance from the western boundary such that the risk of light spill levels sufficiently to harm the use of the area by light-sensitive bats is not considered credible.

4. Design features and measures as detailed in the lighting statement offer additional comfort that light spill containment of a high standard can be achieved, full details of which can be secured by condition.

c. HRA Screening "Test of Likely Significant Effect" conclusion: The scheme will not result in the loss of suitable flight route or foraging habitat such that SAC bats activity in or movement across this area of Bath will be prevented or harmed, and is not considered in this case to be capable of giving rise to a "likely significant effect" on the Bath & Bradford on Avon Bats SAC (or on SAC bat activity or supporting habitat); and any credible risk of this can be ruled out. Full Habitats Regulations Assessment is therefore not required.

In conclusion, there is no ecological objection to the proposal, subject to the attached conditions. Therefore, the application complies with policies NE1, NE3, NE3A, NE5, D5e and D8 of the Plan.

Landscape:

The site is located within policy NE2A designation, any development should seek 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.

Considering the location of the site, within the urban area of Bath, the infill nature and siting amongst other dwellings, the new dwelling is not considered to have an adverse impact on the landscape setting of the wider area and no mitigation is required. Therefore, the proposals comply with policy NE2A of the Placemaking Plan and LPPU for Bath and North East Somerset (2017).

Sustainable construction:

It is proposed to meet the requirements of policy SCR6:

- o The predicted space heating demand of 27.8kWh/m² /year meets the policy requirement of <30kWh/m²/year.
- o The predicted total energy use of 16.7kWh/m²/year meets the policy requirement of <40kWh/m²/year.
- o The predicted on site renewable energy generation of 17.37kWh/m²/year meets the policy requirement of at least matching the total energy use,

The proposal to provide heating and hot water via an ASHP and to install a MVHR unit is supported. Therefore, the build will comply with the sustainability requirements of policy SCR6.

Planning balance:

The proposed would cause a low level of harm to the significance of Lansdown Close, a non-designated heritage asset, due to the changes to its setting caused by the reduction of the large historic plot and loss of green open space.

Paragraph 216 of the NPPF states "In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

In this instance, the low level of harm to the significance of the non-designated heritage asset is outweighed by the benefits of providing 1 no. dwelling in a highly sustainable area, whilst the Council is unable to provide a 5 year housing land supply (2.5 years supply). Although modest, the contribution of only 1 house should not be considered insignificant, especially when the housing land supply is so low.

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:

For the above reasons, officers consider the development to comply with the relevant placemaking plan policies D1, D2, D5, D6, D7, HE1, NE1, NE3, NE3A, NE5, NE6, ST7, SCR5, SCR6 and D8.

The proposals would provide 1no. new house in a sustainable urban area, without harm caused to the character of this part of the Conservation Area. Although a backland dwelling will be noticeable and have some effect on surrounding occupiers, these are not significant impacts and are overall considered to be acceptable.

For these reasons, officers recommend 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 Materials- stone (bespoke trigger)

No development of the external rubble stone elevations commence until details of a suitable Bath Limestone rubble, including quarry source, has been submitted to and approved by the LPA. The development shall thereafter be carried out in accordance with those details.

Reason: In the interests of the character and appearance of the area, this part of the conservation area, and the non-designated heritage asset, in compliance with policy D1 and HE1 of the Plan.

3 Materials- zinc roofing (bespoke trigger)

No construction of the roof of the development shall commence until a schedule and samples of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, this part of the conservation area, and the non-designated heritage asset, in compliance with policy D1 and HE1 of the Plan.

4 Solar Panels (bespoke trigger)

Further details of the proposed solar panels shall be submitted to and approved by the LPA, before they are implemented into the scheme. This shall include details of the type, make, anti-reflective coatings and appropriate glare assessment.

Reason: In the interests of reducing any adverse glare from the solar panels in compliance with policy D6 of the Plan.

5 Wildlife Protection and Enhancement Scheme (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, produced by a suitably experienced professional ecologist, have been submitted to and approved in writing by the local planning authority. These details shall be in accordance with (but not limited to) the recommendations of the approved Bat and Bird Survey and Assessment report dated 7th Oct 2025 by Alder Ecology and shall include:

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

(ii) Detailed proposals for provision of green infrastructure, habitat value and additional features and measures to benefit wildlife, including wildlife-friendly planting and landscaping details and provision of bat and bird boxes. Details shall be shown on a plan and shall include proposed specifications; materials; dimensions; models; design; fixings (as applicable); and proposed numbers, heights and positions/boundaries. Specifications for fencing and boundary treatments shall include wildlife access points at intervals to allow movement of wildlife such as hedgehog.

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Local Plan. NB The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

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

No new external or internal lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning

Authority. These details shall be in accordance with the approved Lighting Statement dated February 2026 by 2A1M Studio Ltd and include:

1. proposed lamps and lamp models, with manufacturer's specifications; proposed lamp positions; numbers and heights, with details also to be shown on a plan;
2. Additional information that demonstrates a high level of confidence that the proposed lighting will not result in unacceptable light spill levels onto habitats or features of ecological value (this may include details of predicted lux levels and light spill modelling where appropriate);
3. details of lighting controls; proposed hours, frequency and duration of use; and details of all measures and features to contain light spill, and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to limit use of lights when not required; and to avoid harm to bat activity and other wildlife. The lighting shall be installed, maintained and operated thereafter only in accordance with the approved details.

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

7 Biodiversity Net Gain Plan (Pre-commencement)

Unless confirmed as exempt, no development shall commence until full details of a Biodiversity Gain Plan achieving a minimum of 10% measurable biodiversity net gain, and a Habitat Management Plan for any on-site habitats and biodiversity measures, have been submitted to and approved in writing by the Local Planning Authority. The Plans shall be in accordance with current best practice guidelines and standards and shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation and shall include the following:

In all cases:

1. Pre and post development biodiversity values including a completed metric calculation tool using the DEFRA Biodiversity Metric or any successor, and accompanying evidence for baseline condition assessments;
2. A BNG habitat map for on-site proposed habitats
3. Information about the steps taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat and, in the case of any irreplaceable habitat, information on arrangements for compensation for any impact of the development has on the biodiversity of the irreplaceable habitat (which does not include the use of biodiversity credits).
4. Details and evidence of any registered off-site biodiversity gain units allocated to the development and any biodiversity credits purchased for the development; Where on-site habitat is proposed/retained:

5. Long term aims and objectives and targets for habitats; proposed management prescriptions and operations; timing, frequency, durations and methods of operations; specialist expertise, specialist tools/machinery or equipment and personnel where required to meet the stated aims and objectives;
6. Annual work schedule for at least a 30 year period
7. A list of activities and operations that shall not take place and shall not be permitted within the Habitat Management Plan (HMP) area (for example use of herbicides; on-site disposal of grass cuttings or other vegetation waste; routine cutting of ivy where there is no specific arboricultural justification; inappropriate maintenance methods, storage of materials; inappropriate machine or vehicle access).
8. Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives.
9. Details of proposed reporting to the Local Planning Authority, and proposed review and remediation mechanism.
10. Proposed costs and resourcing, and legal responsibilities. The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To protect and enhance ecological interests and to ensure delivery of Biodiversity Net Gain in accordance with Bath and North East Somerset Local Plan Partial Update policies NE3, NE3a NE5 and D5e and paragraph 13 of Schedule 7A to the Town and Country Planning 1990 Act (Biodiversity Gain Condition).

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

8 Ecological Compliance Statement (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist (based on post-construction repeat site visit and on-site inspection by the ecologist) confirming and demonstrating, using photographs, adherence to and completion of the Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority. The report shall include reporting of any non-compliance or requirements for remediation, along with proposed remedial action or additional measures where applicable, which shall thereafter be implemented.

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

9 Arboricultural Method Statement (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement (Hillside Trees, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement. Rev B Lansdown Close, College Road, Bath, BA1 5RR, December 2025). A signed compliance statement shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion of all associated works and prior to the first occupation of the dwelling.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update.

10 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

11 SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted for approval to the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

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

Minor Residential Development:

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

Major (or larger) Residential Development:

1. Energy Summary Tool 2
2. Table 2.1 or 2.2 (if proposal has more than one dwelling type)

All Residential Development:

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

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

12 Landscape Design Proposals (Bespoke Trigger)

No development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
8. Retained historic landscape features and proposals for restoration, where relevant

Soft landscape details shall be consistent with the Biodiversity Net Gain Assessment/ Biodiversity Gain Plan/ Ecological Report/ Bat Mitigation and shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

13 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

14 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Habitat plan as proposed- 166 P 012 P1
Proposed ground floor plan- 166 P 100 P2
Proposed north and east elevations- 301 P3
New entrance as proposed 166 c 002 p1
Site plan as proposed- 166 P 010 P1
Landscape plan as proposed- 166 P 011 P1
First floor plan as proposed- 166 P 101 P1
Roof plan as proposed- 166 P 102 P1
Sections 200
Sections 201
Sections 202
Long sections 203
Elevations 301

Site plan as existing 166 S 010 P1
Sections as existing- 166 A 200 P1
Sections as existing- 166 S 201 P1
Location plan as existing- 166 S 001 P1

2 Biodiversity Net Gain - Standard Informative

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the 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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. A detailed version of the biodiversity gain condition can be found in the list of conditions attached to this permission.

The effect of section 73D of the Town and Country Planning Act 1990:-

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

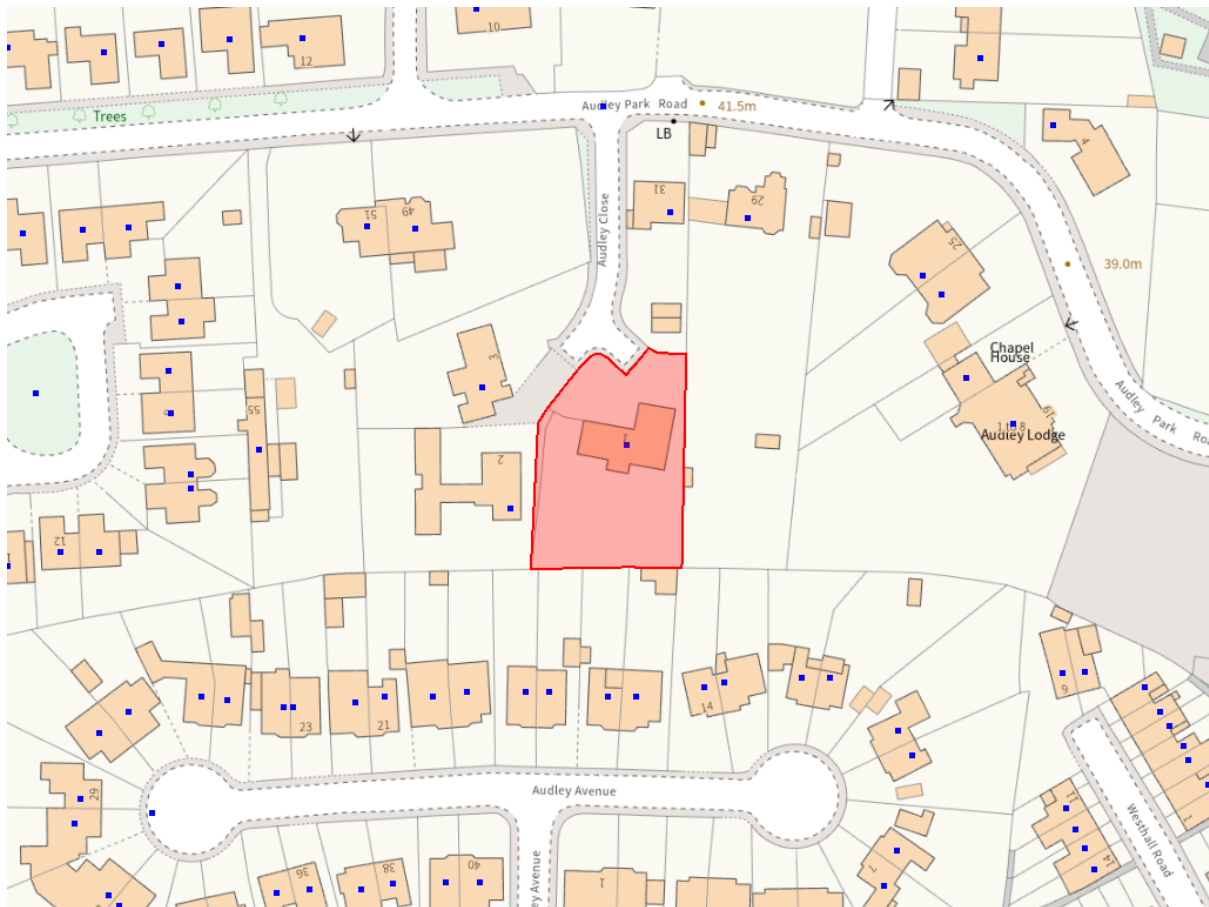
5 Responding to Climate Change (Informative):

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

6 Permit/Consent Decision Making Statement

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

Item No: 07
Application No: 25/02450/FUL
Site Location: 1 Audley Close Lower Weston Bath Bath And North East Somerset BA1 2XW



Ward: Weston **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Ruth Malloy Councillor Malcolm Treby

Application Type: Full Application

Proposal: Demolition of existing single storey side extension and erection of two storey side extension and single storey rear extension. Internal amendments and retrofit to existing property.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

Applicant: Katrina Glassick
Expiry Date: 31st October 2025
Case Officer: Kate Sullivan

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

REPORT

The application has been called in to the committee by Cllr Ruth Malloy who is the local Ward Councillor. In accordance with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee. It was decided that the application should be debated by the committee. Their comments are as follows:

Cllr Tim Ball:

Concerns due to the possible overdevelopment of the site and the possible effects to the immediate neighbours it will be worthwhile for the committee to have an oversight on this matter to consider in more detail implications that have been raised by the ward councillors.

Cllr Paul Crossley:

In my view there are a number of issues surrounding this application which would benefit from a debate in public on the proposal. I am therefore of the view that this should be considered by committee.

The application refers to a 1 Audley Close, Weston, a detached mid-century dwelling located within a designated Conservation Area and the Bath World Heritage Site. The dwelling is part of a group of 3 similar dwellings within the cul-de-sac.

Planning permission is sought for the removal of an existing single storey, flat roof, side extension which was constructed in the 1990s and replacing it with a two-storey side extension under a mono-pitch roof and a single storey rear extension. The fenestration will be replaced with aluminium double-glazed units and composite timber cladding will replace the tile cladding on the first floor. A number of insulation upgrades will be undertaken to improve the performance of the building along with the installation of renewable energy sources.

Relevant Planning History:

DC - 14/00682/TCA - NOOBJ - 18 March 2014 - Cotoneaster - crown lift to 4 m, prune back by up to 6 feet the side of the canopy overhanging the boundary wall

DC - 24/01433/TCA - NOOBJ - 5 June 2024 - 1. A group of bay, pittosporum, cotoneaster, 2. Acacia, 3. Spruce, 4. yellow cypress, 5. Spruce, 6. Rose covered ash and 7. Holly and small shrubs - fell.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Cllr Ruth Malloy: Request that the application be dealt with by Development Management Committee.

Overdevelopment and loss of amenity

The proposed extension if built would be an overdevelopment of the site. The side extension, as shown, is very close to the garden wall with 29 Audley Park Road and the two-storey design means it would be overbearing, due to the proximity of the boundary. Therefore the amenity of the immediate neighbours, in particular those living at 29 and 31 Audley Park Road, would be impacted.

Inappropriate development in the Bath Conservation Area

The house itself is modern, but sitting within the Bath Conservation Area, the new extension(s) should be appropriate to the existing street scene. However, the scale and the design illustrated in the plans show this not to be the case; furthermore, the proposed building materials (timber cladding and zinc roofing) are not suitable for this neighbourhood.

Negative ecological impact

There doesn't appear to have been any survey of bats in the surrounding area, nor an assessment of how the proposed extensions would impact the local wildlife in terms of light spill and loss of landscape.

Insufficient parking

The Design and Access Statement suggests there will be sufficient parking spaces in front of the house. However, since Audley Close is a cul-de-sac, there is limited on-street parking because of the required turning space, so any additional vehicles would have to be parked in neighbouring streets.

Cllr. Malcolm Treby: 3/11/2025

Request that the application be considered by the Planning Committee for the following reasons:

- The volume of objections from local residents
- The size and scale of the development which takes this beyond the size of the family homes which Bath needs.

Cllr. Lucy Hodge: objection 30/10/2025

Object on the following reasons:

- Overdevelopment of the property in terms of scale, mass, height
- The design is out of keeping with the neighbouring properties in the close.
- The proposal will result in a negative impact on character and distinctiveness of the area
- The site is located within the Conservation Area and will not enhance the conservation area
- Choice of materials are not in keeping and are not clearly specified e.g. the aluminium windows and rainwater goods colour is not specified.
- Light spill from the glazed area will have a negative impact on foraging bats due to increase light spill - request an external lighting condition.
- There is also potential for further development to provide a replacement garage space - could permitted development rights be removed if the proposal is permitted.

30/10/2025

- The amendments in the revisions will have little impact on the scale and massing of the proposal and so previous planning reasons for objections still apply.

Representations Received :

20 letters of objection have been received, both for the initial submission and the revised proposal. 1 numbers of letter of comment have been received and 1 letter of support has been submitted.

The letters of objection have raised the following concerns which have been summarised by the case officer below. Full details of the objections can be found on the Council website.

Overdevelopment

- o Significant overdevelopment of the site
- o Double in size the proposed alterations and would dominate the plot
- o The additional snug and sitting room with ensuite could be used as an independent living unit
- o The scale, height and immediate proximity of the development on a shared boundary introduces an imposing presence that feels at odds with the open character of the area and within a space that until now, has felt held by nature. The defining character of the area is the way homes are spaciouly situated with generous gardens and open outlooks. This openness is not just about physical space; it creates a feeling of privacy, of light and quiet respect between neighbours.

Design

- o Change the character of Audley Close and the conservation area and world heritage sites
- o Scale and height is out of character and should be restricted to current height.
- o Construction of two storey extension will result in a larger property on the plot that will have a negative impact on the open and airy aspects of the Close.
- o The D&A statement references houses that do not reflect the characteristics of the neighbourhood
- o Glass in south facing atrium is bonkers
- o Stark design is not sympathetic
- o Change in floor plans does not convey a family home
- o Construction materials lack architectural merit and are out of keeping with the location, they reflect a commercial style cladding - reflects an office or commercial property
- o Audley Close comprises of three dwellings designed as a cohesive unit, these introduce a more aggressive form
- o Will be a dominant and imposing presence especially in the winter months
- o Application references mid-twentieth century influences, the commercial style cladding does not reflect this.
- o No colours specified of the rainwater goods or fenestration
- o The link/ central atrium remain living space in order to keep the development to single storey and reduce the impact.
- o It is stated that the development will be largely unseen (although visible from the public road) this is not an acceptable reason for something that is clearly aesthetically displeasing and distinctly unattractive spoiling the area.
- o Where services are positioned on the external façade should be assessed

Heritage

- o Visual impact of major two storey extension on the surrounding neighbourhood
- o Heritage impact should not be limited to 1880s map, all heritage impacts should be assessed
- o Detracts rather than conserves the conservation area
- o Risks blocking the light and spoiling views from the Victorian Villas, many converted to flats, located along Audley Park Road.
- o Will impact the general character of the area
- o A designated conservation area is not meant to halt development but to ensure that any construction or alterations are compatible with the existing character of the area. Houses in this neighbourhood, although different eras are harmonious in proportion, building materials and colour and give the area a noticeable cohesion. This application would be an unwelcome precedent.
- o Character assessment of Weston Park, Sion Hill and Upper Lansdown is not reflected in the proposal

Neighbouring amenity

- o Blight the view from other properties
- o Loss of privacy - windows facing North towards neighbours
- o First floor situated closer to boundary than current first floor, includes two new windows which will look directly into garden and patio. If permitted would like to have the two windows obscure glazed to help mitigate the reduction in privacy.
- o No consideration of the impact on the neighbours
- o Open spaces are necessary for our welfare
- o Impact of development to the east there is mention of minimising the impact on 31 Audley Park Close, this is actually to the north. No assessment of the impact on overlooking of 29 Audley Park Road lying to the east made

Impact on wildlife

- o Adversely affect wildlife, especially bats
- o Additional windows in the upper floors will impact the garden which is inhabited by bats and owls, additional lighting would be detrimental.
- o A tall structure will impact bat flight paths

Trees

- o Recently a number of trees have been felled, which results in the lights in the upper floors being visible at night.
- o Recent applications have removed trees from this site, not clear whether the mature trees could be impacted, trees are characteristic of this area.
- o There is a tree in the neighbouring property capable of falling on the development which is incorrectly stated on the application form

Parking and highway safety

- o Lack of parking will create difficulties for the residents in the close
- o Disruption from building work
- o Removal of the garage has not been addressed
- o A CEMP is required as there is not enough space for contractors vehicles, skips, deliveries etc.
- o Potential for another garage to be built which would lead to more loss of green infrastructure
- o Access road is narrow and is on a steep hill 1/50ft, it adjoins Audley Park Road at 90 degrees. There is limited space to turn in the cul de sac and is a single lane access. Construction traffic and a larger home will result in more traffic, the widening and easing of

the slope is not impossible but expensive. Flood water in high rain and blocked drains in autumn will aggravate the condition.

Procedure

- o Letter notifying us of the proposed development was dated 24 June, but was not received until 16th July (or 14th July) - inconsistencies with dates on the website and the letter that stated from the date of this letter are not correct.

Other

- o Objection regarding the environmental impact of the proposals, the application mentions renewable energy measures but this new construction is at odds with the council's environmental aims and policies.
- o It is a money making exercise
- o Future use will be as an air b&b or student let
- o Drawings suggest the party fence between 29 Audley Park Road and 1 Audley Close belong to the latter, this is incorrect, it is a shared structure and the boundary line should reflect this.
- o CIL forms are incorrect, closer to a 125 m2 increase, not 100 as stated.
- o Unclear if the proposal is for total demolition which will impact CIL calculations
- o The plans do not have dimensions

The letter of support stated: I support this application. Whilst the historic centre of Bath is a paradigm for pattern book housing, some of the mid twentieth century developments on the fringes were less successful, including the clusters of development off Audley Park Road. By retaining some of the area's better aspects such as the space and landscape around the buildings, and making thoughtful and considered incremental improvements to them, as this application largely seeks to do is encouraging, and avoids the creation of an architectural zoo, with different specimens on each plot (an unfortunate step towards which was taken with an amateurish neo classical pastiche at the end of Badminton Gardens, thankfully largely hidden from public view). Two points I would ask the case officer to take into consideration are that attention is paid to the visual impact of external services such as gas supply, rainwater and foul drainage, to avoid what happened on the corner of Audley Park Road and Park Lane, where the Agent's good intentions were compromised by intrusive building services liberally fixed to the façade. My other point is to request that in the event that permission is granted, a pre commencement condition be attached requiring a construction management plan to be submitted and approved, (and subsequently enforced), in order to mitigate inconvenience to residents in the surrounding area.

The letter of comment stated: Audley Close is a narrow cul-de-sac with limited parking and access required to the driveways of four neighbouring buildings along with access for services such as waste collection. When considering the application, due consideration should be given to ensuring that plans are in place to ensure that access is not restricted during the construction period.

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

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

B1: Bath Spatial Strategy

BD1: Bath Design Policy

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D6: Amenity

HE1: Historic environment

LOCAL PLAN PARTIAL UPDATE:

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

DW1: District Wide Spatial Strategy

D5: Building design

D8: Lighting

NE3a: Biodiversity Net Gain

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)

NEIGHBOURHOOD PLANS:

There was no neighbourhood plan for this location.

NATIONAL POLICY:

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

CONSERVATION AREAS:

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character and appearance of the surrounding Conservation Area.

LOW CARBON AND SUSTAINABLE CREDENTIALS:

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

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 application seeks the following:

- A first floor to be constructed above the existing single storey side and front extension
- A link section, joining the existing dwelling with the proposed first floor side extension.
- Single storey rear extension
- Air source heat pumps and solar panels
- Change in cladding materials from tiles to composite timber effect cladding
- Replacement windows to be aluminium colour to be confirmed.

The revised plans have amended a number of elements of the design and revise the wall material to be reconstituted bath stone.

Fenestration within the east elevation have been amended to remove windows from the side elevation with the remaining windows to be obscure glazed at first floor.

Details of air source heat pump included

The main issues to consider are:

- Principle of residential development
- Design, character and appearance
- Impact on the World Heritage Site
- Impact on the Conservation Area
- Impact on neighbouring amenity
- Impact on parking and highways
- Ecology

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

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

DESIGN, CHARACTER AND APPEARANCE:

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

The design of the proposed two-storey side extension reflects the roof pitch and style of the existing building on the site. The existing garage will be built above, increasing the height at the boundary with Whitegates, Number 29 Audley Road of 5.2 metres to the eaves and rising to a ridge height of 7.2 metres. This roof at the apex would sit below the existing roof height of the original dwelling.

The west elevation would present a tall wall which will be articulated with a tall window to the front, which serves bedroom 2. Below this the existing garage would be reduced in size to a single garage with an up and over door. A new flat roofed porch will provide access.

To the rear a flat roofed, single storey extension will be constructed to provide a lounge space.

An array of solar panels will be placed on original dwelling on the west elevation roof slope.

A small flat roofed link will join the first floor of the proposed extension with the existing dwelling; the flat roof porch will mimic this link at ground floor level.

The upper floors of the development will be clad in vertical composite, timber effect cladding and large picture windows will be inserted into aluminium frames.

The property already has a large flat roofed garage and living space extension to the side and front of the dwelling which was constructed in the 1990s. This extends forward of the property and follows along the boundary with number 29 Audley Park Road, which has an unusually long and wide rear garden. The existing structure is a substantial extension; however, the application site is located within a large plot which can accommodate the proposed extension.

This proposal seeks to construct a first floor above this extension to provide additional accommodation for the property. This does significantly increase the mass of the property. The design of the extension has taken the roof form and design of the existing dwelling, which is a bold mid-twentieth century property which was constructed in what was the rear garden of the villas at the top of the hill. The group of three dwellings reflect the architecture of the time they were constructed. This proposal therefore takes this existing design and replicates the design for the upper floor extension. The roof slopes away from the boundary of the neighbouring property and the overall ridge height sits below the height of the existing ridge, allowing the extension to remain subservient to the main dwelling. There is a link section which allows the connection between the existing dwelling and the proposed first floor extension that reduces the bulk of the proposal, providing a gap in the development. Whilst it is acknowledged that the proposal is not to everyone's taste, it is a well-designed addition responding to the existing built form.

In many cases extending out to the front of the dwelling would not be acceptable. This small development, of three mid-century dwellings, does not have a defined building line and allows the existing footprint to be utilised at first floor without causing harm to a defined, regular street scene.

The property is located at the bottom of a steeply sloping road which is used to access the three dwellings which make up Audley Close. From the top of the street, on Audley Park Road, the road sits between a Victorian era dwelling and a mid-century property. The proposed extension would be visible when viewed from the top of the road, and from the rear elevations of the dwellings which flank the site. These will partially obscure the views across Bath but the proposed height of the ridge, which is lower than the existing ridge will still maintain the hills in the distance which surround the city.

The materials have been partially revised since the initial submission. The buff-coloured bricks originally proposed have been replaced with bath stone blocks to match those of the existing dwelling. The timber effect composite boards will be laid vertically and will offer a more contemporary finish to the property, the timber effect, will help the upper floors recess into the landscape. A condition to agree the finish colour will be included. The updating of materials will allow for the upgrading of thermal performance of the dwelling.

The flat roofed link section will be constructed in the same material as the flat roofed extension which has responded to concerns raised about light spill from the roof into the immediate area. It is noted that the proposed development has large windows, which is characteristic of this style of dwelling. The use of aluminium fenestration would be

supported; a condition can be included to control of the colour of the fenestration and the rainwater goods.

Whilst the proposed extension is a departure from the style of many of the surrounding properties, it responds to the existing architecture of the site.

The rear flat-roofed extension would be a suitable addition to the existing building; it would sit comfortably within 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, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

WORLD HERITAGE SITE:

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

WORLD HERITAGE SITE SETTING:

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

CONSERVATION AREA:

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

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

The application site is located within Area 2, Weston Park, Sion Hill and Upper Lansdown of the Bath city-wide Character appraisal area which is characterised by the majority of the buildings in the this area are set in spacious gardens and range from 19th century villas (some converted into flats; an early 19th century four storey terrace; understated single storey late 20th century houses and mid-century two storey houses. The prominent

building material is of natural bath stone ashlar with natural slate or clay tile roofs. The post war 20th century terraced housing to the west and north of the area is built of reconstituted bath stone with concrete tile roofs. It notes that the 20th century two-storey detached and semi-detached houses in the area are of low density with only occasional views to the hillsides and valleys outside the area. There are a large number of mature trees in the garden that contribute to the character of the area.

The application site is of sufficient size that it could accommodate the first floor extension whilst still retaining the low density of development. It is noted that permission has previously been granted for the removal of a number of trees on the site, this application, which seeks a first floor to be erected above the existing ground floor extension and a single storey extension is not proposing the removal of any further trees.

The main building material has been amended reconstituted stone blocks and the existing tiles would be replaced with a composite wood style cladding, which are not materials that out of keeping given the context of the mid to late 20th century developments.

The construction of a first floor would increase the height of the side extension; however this reflects the design of the original dwelling and would be viewed against the backdrop of development, the application site sitting at a lower elevation than the villas which occupy a principal location above.

The wider conservation area is characterised by large villas in generous plots with road of mid-century suburban dwellings that are mostly semi-detached. Audley Close is quite unique in accommodating 3 detached mid-century designed dwellings which do not reflect the more standardised design of the nearby roads.

By building above the existing structure the mature vegetation and trees are not compromised and the unusually large - for a property constructed in the late 1960s, early 1970s will retain the sense of space around the property which is characteristic of this part of the conservation area.

The flat roofed single storey rear extension would be an acceptable extension to the dwelling.

In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

The proposal would primarily impact the garden of 29 Audley Park Road. Concern was raised with the Agent at the time of the site visit that the windows within this first floor side elevation would overlook the rear garden of this adjoining neighbour. This property has a

very long rear garden (approximately 70 metres), so the proposed first floor would result in an unreasonable impact on the amenity space of the neighbouring property. The windows along the first floor have been removed from the bedrooms, with obscure glazed windows to serve to en-suite and the dressing room retained, in order to prevent unreasonable overlooking of the adjoining garden.

The windows within the rear elevation of the dwelling, at first floor, would look towards the boundary with Audley Avenue, specifically numbers 15, 16 and 17. The host property, number 1 Audley Close, is set at a slightly different angle to these properties to the rear. A minimum distance of approximately 20 metres would be retained between these windows and the boundary and closer to 40 metres to the rear wall of these dwellings. This would be an acceptable distance between dwellings. It is noted that the proposed site is located in a built-up area of the city of Bath where some intervisibility between dwellings is expected.

The additional height of the side extension would result in the eaves sitting at approximately 5.3 metres (approximately 2.3 metres above the existing flat roof of the garage, with the mono-pitch roof sloping away from the boundary. This would have some impact on the neighbouring property, although the extension would be viewed against the backdrop of the existing dwelling and maintains a distance of between 1.8 metres at the front angling to 3.9 metres to the rear from the boundary. The boundary is marked by an approximately 1.7-metre-high stone wall which would be retained. The context of the site, which sits alongside the previously noted long rear garden of the adjoining property also helps to mitigate the impact of the proposed development.

The Property is located on land significantly lower than Audley Park Road and is accessed via a steep road, Audley Close. The first storey extension would change the outlook for some of the properties which are elevated above the three dwellings in the close, the loss in outlook should not be a reason to refuse a planning application. It is further noted that the views of the hills beyond the development would still be visible.

This application seeks permission to extend an existing dwelling. Should a change of use to a HMO be proposed, the relevant planning permission would be required, due to the site being located within an Article 4 designation. The use of an Air B&B is not regulated and therefore under the current legislation wouldn't be controlled. There is no indication that this is the intention of the owners and a potential future use could not form a reason for refusal.

The floor plan as updated, has an accessible bedroom located to the front at ground floor with an ensuite. Whilst this could be converted at a future date into a separate unit of accommodation, this is not what is shown currently on the plans. The main entrance to the dwelling is shared and the kitchen is located within main dwelling. A condition can be placed on any permission to ensure that the extension should be ancillary to the main dwelling and not to be let or sold separately in order to protect the neighbouring amenity from an intensification of use. To future proof a dwelling by providing ground floor accommodation would not be unreasonable.

There is no right to a view in planning, and therefore the objections based on the proposal "blighting the view" could not form a reason for refusal. There is sufficient space between

the properties in this location, increased by the change in elevation from Audley Park Road to the properties in the Close, that there will still be retained a sense of open space in the immediate area.

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 revised proposal seeks to reduce the garage to a single space. The remaining space would remain as the current arrangement on the site. The B&NES adopted SPD on Highways and transport does not count garages towards parking spaces for the property, so the reduction in size in the revised plan would not be resisted. Furthermore, the requirement for secure bike storage for 4 bikes per four-bed or greater dwellings, and therefore this could be accommodated within this retained space.

The property is located within the area identified as Zone B, being Outer Bath, Keynsham and Saltford; this zone seeks 1.5 vehicle spaces to be provided per three-bedroom dwelling and greater. The property therefore can accommodate this requirement.

As a householder extension it would not be considered proportionate to have a construction management plan for this scale of development. It is acknowledged that any construction would result in an increase in vehicle movements to and from the site in connection with the delivery of materials and construction vehicles which is often disruptive to the immediate neighbourhood, however this is a temporary situation and will need to be managed by the contractor on site.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

ECOLOGY:

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

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

This application is for a householder development and BNG is not required by policy BNG.

In order to protect the immediate area an condition would be included that any external lighting would need to be agreed in writing prior to being installed on the site.

OTHER MATTERS

Procedure

It is noted that there were issues with the display of the site notice which was initially not displayed. Once this came to light, the notice was re-issued and displayed on site with amended dates for comment.

The Councils Uniform system shows that the relevant neighbours were contacted by letter. Once the letters are generated a third-party mailing company is used. It is unclear why there was a delay in receiving the notification. As the dates were extended due to the lack of a site notice, sufficient time was given for comments to be received.

Following the amended plans, which were submitted after a lengthy delay due to other commitments by the applicant and agent, a further site notice was displayed and new letters mailed, to ensure that everyone had the opportunity to comment on the application.

It is also noted that the application was advertised in the newspaper as the application site is located within a conservation area.

Plans

A comment has been received raising issues that the plans do not have dimensions. The submitted plans are clearly marked with the scale and contain a scale bar to allow for the dimensions to be accessed.

There is a question as to the redline placed around the boundary of the site which shows the stone wall which forms the boundary between the host property and number 29 Audley Park Road as being included in the application. A redline can be placed on any land as long as the appropriate notice has been served on any landowner. In this instance the application form confirms that the land is in the ownership of the applicant. The neighbour has contested this and states that it is in shared ownership. Ownership is not a planning matter, and the stone wall is located away from the proposed development, so in this instance, the location of the redline would not prejudice the application proposal.

CIL

Concern has been raised that the incorrect CIL information has been submitted. This information will be reviewed, if permission is granted, by the CIL Officer who will issue the certificate/invoice to the applicant. Any discrepancies would be addressed at this time.

Objections have been received that suggest that this application is purely a money-making proposal. There is no evidence that this is the case, however, in any case, the motivation for this proposal would not be a planning matter.

The Environmental credentials of the proposal have been questioned. The offset of the renewable energy measures of the installation of solar panels and the air source heat pump along with the increased insulation and performance of the building from new windows etc. is not outweighing the environmental damage from such a large extension. The refurbishment of the existing building will enhance the overall performance of the building and the added renewable measures are supported.

PUBLIC SECTOR EQUALITY DUTY:

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

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

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Protected characteristics include disability.

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

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

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

CONCLUSION:

"Section 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". Further, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the

determination shall be made in accordance with the plan unless material consideration indicates otherwise".

In this case it is considered that the application complies with the relevant planning policies as discussed in the report above is therefore recommended for permission.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Materials - Submission of Schedule of materials (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes of the materials to be used in the construction of the external surfaces in respect to the cladding, rainwater goods and aluminium windows have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

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

3 Obscure Glazing and Non-opening Window(s) (Compliance)

The window to be retained in the east elevation shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

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

4 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site compound arrangements;
6. Temporary arrangements for householder refuse and recycling collection during construction.

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

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

5 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Drawing number 158.S.301 Revision P1 East and west elevations as existing received 23 June 2025

Drawing number 158.S.101 Revision P1 First floor plan as existing received 23 June 2025

Drawing number 158.S.100 Revision P1 Ground floor plan as existing received 23 June 2025

Drawing number 158.S.300 Revision P1 North and south elevations as existing received 23 June 2025

Drawing number 158.S.102 Revision P1 Roof plan as existing received 23 June 2025

Drawing number 158.S.010 Revision P1 Site plan as existing received 23 June 2025

Drawing number 158.P.001 Revision P1 Location plan as proposed received 3 October 2025

Drawing number 158.P.010 Revision P3 Site plan as proposed received 3 October 2025

Drawing number 158.P.100 Revision P2 Ground floor plan as proposed received 3 October 2025

Drawing number 158.P.101 Revision P2 First floor plan as proposed received 3 October 2025

Drawing number 158.P.104 Revision P3 Roof plan as proposed received 3 October 2025

Drawing number 158.P.200 Revision P2 Sections as proposed received 3 October 2025

Drawing number 158.201 Revision P3 Sections as proposed received 3 October 2025

Drawing number 158.P.202 Revision P2 Sections as proposed received 3 October 2025

Drawing number 158.P.300 Revision P2 North and south elevations received 3 October 2025

Drawing number 158.P.301 Revision P3 Elevations west and east as proposed received 3 October 2025
Site location plan received 23 June 2025

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

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

Do not commence development until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges,

interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

5 Responding to Climate Change (Informative):

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

6 Biodiversity Net Gain - Exempt/Not required

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

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

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

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