Bath & North East Somerset Council

MEETING:	**Planning Committee**	AGENDA ITEM NUMBER
MEETING DATE:	**15th April 2026**	
RESPONSIBLE OFFICER:	Louise Morris - Head of Planning & Building Control	
TITLE:	**APPLICATIONS FOR PLANNING PERMISSION**	
WARDS:	ALL	
BACKGROUND PAPERS:		

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

[1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.

[2] Department work sheets relating to each application/proposal as above.

[3] Responses on the application/proposals as above and any subsequent relevant correspondence from:

(i) Sections and officers of the Council, including:

Building Control
Environmental Services
Transport Development
Planning Policy, Environment and Projects, Urban Design (Sustainability)

(ii) The Environment Agency
(iii) Wessex Water
(iv) Bristol Water
(v) Health and Safety Executive
(vi) British Gas
(vii) Historic Buildings and Monuments Commission for England (English Heritage)
(viii) The Garden History Society
(ix) Royal Fine Arts Commission
(x) Department of Environment, Food and Rural Affairs
(xi) Nature Conservancy Council
(xii) Natural England
(xiii) National and local amenity societies
(xiv) Other interested organisations
(xv) Neighbours, residents and other interested persons
(xvi) Any other document or correspondence specifically identified with an application/proposal

[4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

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

[2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.

[3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.

[4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	25/03757/EFUL 17 April 2026	The University Of Bath Eastern Sports Field, Sports Training Village, University Of Bath Campus, Claverton Down, Bath Full planning application for the delivery of student accommodation with associated vehicular, pedestrian and cycle access, internal highways, car parking (including reconfiguration of an existing parking area), cycle parking, green and blue infrastructure (including drainage features and soft landscape planting), hard landscaping, boundary treatment, new and replacement external lighting, ancillary infrastructure (including storage, substations, pumping stations, photovoltaic panels, and internal and external plant), ground remodelling, and two padel courts	Bathwick	Isabel Daone	Delegate to PERMIT
02	23/00429/FUL 29 March 2023	Dormie Holdings Ltd Charmydown Barn, Charmydown Lane, Swainswick, Bath, Bath And North East Somerset Internal and external alterations and extension to existing barn in connection with conversion to a residential dwellinghouse (use class C3). To also include reprofiling of east field, hard and soft landscaping, installation of drainage and effluent pipes, and creation of pond with decks	Bathavon North	David MacFadyen	PERMIT

03	23/00430/LBA 29 March 2023	Dormie Holdings Ltd Charmydown Barn, Charmydown Lane, Swainswick, Bath, Bath And North East Somerset Internal and external alterations and extension to existing barn in connection with conversion to a residential dwellinghouse (use class C3). To also include reprofiling of east field, hard and soft landscaping, installation of drainage and effluent pipes, and creation of pond with decks	Bathavon North	David MacFadyen	CONSENT
04	25/04283/FUL 27 February 2026	Rivers Birtwell 12 Cameley Green, Twerton, Bath, Bath And North East Somerset, BA2 1SA Change of use of a 3 bedroom dwellinghouse (Use Class C3) to a 7 bedroom House in Multiple Occupation (HMO) (Sui Generis) with single storey rear extension, associated external and internal alterations, bin store and bike store.	Twerton	Ben Burke	PERMIT
05	25/04761/FUL 9 February 2026	Mrs Anna Brown 17 Foxcombe Road, Newbridge, Bath, Bath And North East Somerset, BA1 3ED Change of use from two flats to a single dwelling (C3) to revert to original use.	Newbridge	Paige Moseley	REFUSE
06	25/02196/OUT 24 December 2025	Muller Property Group Parcel 5378, Hallatrow Road, Paulton, Bristol, Bath And North East Somerset Outline permission for the erection of a care home (Use Class C2), access, car parking, servicing and other associated works, with consideration of layout, scale, and access.	Paulton	Danielle Milsom	Delegate to PERMIT
07	25/03500/FUL 31 October 2025	Mr Ben Kimber 15 Milsom Street, City Centre, Bath, Bath And North East Somerset, BA1 1DE Repairs to roof and installation of PV panels and AOV rooflights	Kingsmead	Laura Batham	PERMIT
08	25/03501/LBA 31 October 2025	Mr Ben Kimber 15 Milsom Street, City Centre, Bath, Bath And North East Somerset, BA1 1DE External works for repairs to roof and installation of PV panels and AOV rooflights	Kingsmead	Laura Batham	CONSENT
09	25/02727/VAR 18 September 2025	Aequus Developments Ltd 17 - 18 Milsom Street, City Centre, Bath, Bath And North East Somerset, BA1 1DB Variation of condition 4 (Plans List (Compliance)) of application 23/03107/FUL (Conversion of the upper floors to 4no. residential units.)	Kingsmead	Laura Batham	PERMIT

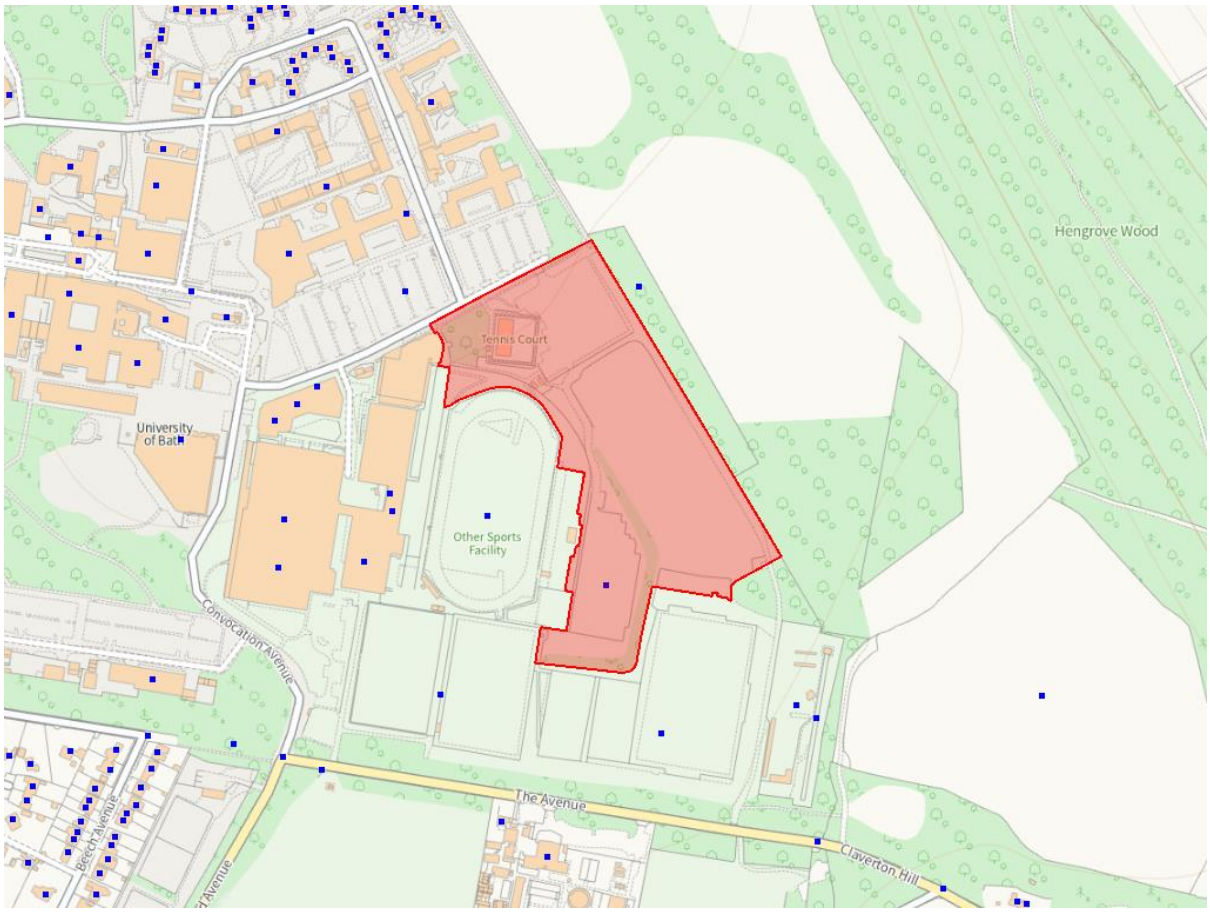
10	25/02725/VAR 18 September 2025	Aequus Developments Ltd 17 - 18 Milsom Street, City Centre, Bath, Bath And North East Somerset, BA1 1DB Variation of conditions 2 (Shop front adaptation (Bespoke Trigger)) 3 (Replacement internal doors (Bespoke Trigger)) 4 (Fireplaces (Bespoke Trigger)) 5 (New Window Details (Bespoke Trigger)) 6 (Insulation (Bespoke Trigger)) 7 (Secondary Glazing Details (Bespoke Trigger)) 8 (Service Details (Bespoke Trigger)) and 9 (Plans List (Compliance)) of application 23/03108/LBA (Internal alterations to convert the upper floors into 4no. residential units.)	Kingsmead	Laura Batham	CONSENT
11	26/00993/TPO 8 May 2026	Bath And North East Somerset Council Holy Trinity Church , Church Street, Paulton, Bristol, Bath And North East Somerset Copper Beech, ID number 171585-Fell, tree is diseased	Paulton	Jane Brewer	CONSENT
12	26/00605/TCA 30 March 2026	Ms Colette Hoepli Flat 2, Meriden, Weston Road, Lower Weston, Bath Acer palmatum T1 - crown reduce by 1-1.5m.	Weston	Jane Brewer	NO OBJECTION

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01

Application No: 25/03757/EFUL

Site Location: Eastern Sports Field Sports Training Village University Of Bath Campus Claverton Down Bath



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Manda Rigby Councillor Toby Simon

Application Type: Full Application with an EIA attached

Proposal: Full planning application for the delivery of student accommodation with associated vehicular, pedestrian and cycle access, internal highways, car parking (including reconfiguration of an existing parking area), cycle parking, green and blue infrastructure (including drainage features and soft landscape planting), hard landscaping, boundary treatment, new and replacement external lighting, ancillary infrastructure (including storage, substations, pumping stations, photovoltaic panels, and internal and external plant), ground remodelling, and two padel courts

Constraints: Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Policy LCR5 Safeguarded existg sport & R, LLFA

	- Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, NRN Woodland Strategic Networ Policy NE5, Other Please specify, Placemaking Plan Allocated Sites, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant:	The University Of Bath
Expiry Date:	17th April 2026
Case Officer:	Isabel Daone
To view the case click on the link here.	

REPORT
Reason for Committee

In accordance with the Council's Planning Scheme of Delegation, the application has been referred to the Chair and Vice Chair of the Planning Committee. The Chair has set out that he considers that the application should be debated and decided by the Planning Committee with the following comment:

"This application has wide public interest and therefore it should be scrutinised at committee."

Site context and proposal

The application site currently comprises two existing grass sports pitches, a disused tennis court which is currently occupied by a marquee for Modern Pentathlon, two car parking areas and landscaped areas. It measures approximately 4.47 hectares and is located in the eastern part of the campus. The University is subject to site allocation SB19 within the development plan.

To the north of the site is existing student car parking and beyond that student accommodation (including The Quads, Woodland Court, Solsbury Court and Marlborough Court) and educational buildings. The site is bordered to the east by a Public Bridleway (BC74/1), as well as woodland. Beyond the woodland belt is Bushey Norwood which is owned by the National Trust and accessible to the public. The southern boundary of the site is adjacent to the new artificial sports pitch and Multi-Use Games Area (MUGA) which was approved under application 22/04720/FUL and completed recently. Finally, the East building sits to the west of the site which accommodates educational facilities, as well as the athletics track and the rest of the Sports Training Village.

The site is not within the Green Belt, the boundary of which encompasses the woodland belt and Bushey Norwood to the east of the Bridleway. It is, however, within the World Heritage Site and Cotswold National Landscape which includes the site, as well as the Sports Training Village and Athletics Track to the west.

Planning permission is sought for the erection of purpose built student accommodation (PBSA) which will provide 926 bed spaces. Associated development such as

vehicle/pedestrian access, green infrastructure, landscaping, lighting, solar photovoltaics, and padel tennis courts are also proposed as part of the application.

Revised submission

Revised plans and information were submitted to the Council in early February. The Covering Letter (Define., 2nd February 2026) sets out the amendments to the proposals which will be explored in more detail within this report. One of the key amendments was to the height and massing of Block 1 which has reduced the proposed number of bedspaces from 962 to 926.

Environmental Impact Assessment

The application has been submitted with an Environmental Statement and subsequently an Environmental Statement Addendum to address the revised submission as set out above. The proposals are EIA development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The originally submitted Environmental Statement (ES) and ES Addendum include the following chapters:

1. Introduction
2. Site Description and Development Context
3. Method Statement
4. Development Proposals
5. Statement of Key Environmental Issues
6. Lighting
7. Ecology
8. Landscape and Visual
9. Summary and Conclusions

A number of appendices are also included within both documents.

Relevant planning history

The University of Bath Claverton Campus has an extensive planning history, which can be viewed in full on the Council's planning website. The applications which relate specifically to the address point "Eastern Sports Field" and those related to the scheme are listed below for reference:

16/00185/FUL
PERMIT - 24 March 2016
Erection of temporary carpark for 2 years in existing sports field with surfacing, associated boundary fencing and lighting.

17/01818/VAR
PERMIT - 9 June 2017
Removal of condition 1 of application 16/00185/FUL granted on 24/03/2016

18/00531/NMA

APP - 21 February 2018
Non-Material Amendment to application 17/01818/VAR (Removal of condition 1 of application 16/00185/FUL granted on 24/03/2016)

18/01279/AR
CON - 26 June 2018
Display of 5no non-illuminated signs for sporting facilities at the University of Bath.

22/04720/FUL
PERMIT - 19 January 2024
Construction of a floodlit, recyclable all-weather turf pitch and Multi-Use Games Area (MUGA), and additional lighting to the existing training strip.

24/02367/FUL
PERMIT - 7 August 2024
Erection of a temporary marquee to house an obstacle course

24/03728/NMA
APP - 7 October 2024
Non-Material Amendment to Application No. 22/04720/FUL (Construction of a floodlit, recyclable all-weather turf pitch and Multi-Use Games Area (MUGA), and additional lighting to the existing training strip)

24/03882/CLPU
LAWFUL - 31 October 2024
Installation of a 2m high twinbar fence to secure the site and allow for efficient site management (Certificate of Lawfulness for a Proposed Development)

26/00940/FUL
PENDING CONSIDERATION
Delivery of an electricity connection to the existing electricity network.

26/00939/FUL
PENDING CONSIDERATION
Delivery of a water connection to the existing campus water network.

26/00941/FUL
PENDING CONSIDERATION
Proposed infrastructure engineering works for the delivery of power, data and foul connections to the existing networks.

26/01060/FUL
PENDING CONSIDERATION
Erection of a temporary marquee to house an obstacle course

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Consultation Responses :

ACTIVE TRAVEL ENGLAND:

30th October 2025 - ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

2nd March 2026 - Deferral; ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

ARBORICULTURE:

3rd November 2025 - No objection subject to conditions

26th February 2026 - No objection subject to conditions

ARCHAEOLOGY:

12th November 2026 - No objection subject to conditions

AVON AND SOMERSET POLICE (DESIGNING OUT CRIME):

4th November 2025 - Objection

AVON FIRE AND RESCUE:

11th November 2025 - No objection, subject to hydrant contribution

20th March 2026 - No objection, subject to hydrant delivery

CONSERVATION:

21st November 2025 - Scope for revision

18th February 2026 - Scope for revision

CONTAMINATED LAND:

30th October 2025 - No objection subject to conditions

COTSWOLD CONSERVATION BOARD:

21st November 2025 - Objection

18th March 2026 - Maintain its holding objection

COUNCILLOR TOBY SIMON:

"This is such a major development, not least because of its significant implications for the city as a whole in terms of student numbers, that it should be discussed by the committee"

DRAINAGE AND FLOODING:

27th October 2025 - No objection subject to conditions

ECOLOGY:

10th December 2025 - Further information required/scope for revision

27th March 2026 - No objection, subject to conditions and agreement of Habitat Regulations Assessment by Natural England.

ENVIRONMENT AGENCY:

20th October 2025 - No comment, subject to condition requiring water efficiency.

9th February 2026 - No further comment to make

ENVIRONMENTAL PROTECTION:

24th October 2025 - No comment, subject to conditions

6th February 2026 - No further comment

ENVIRONMENTAL MONITORING:

6th November 2025 - No objection, subject to conditions

GREENER PLACES:

13th November 2025 - Scope for revision

2nd March 2026 - Scope for revision

HIGHWAYS:

21st November 2025 - Additional/revised information required

12th February 2026 - No objection subject to conditions/obligations

HISTORIC ENGLAND:

4th December 2025 - No comment to make

12th February 2026 - No comment to make

LANDSCAPE AND URBAN DESIGN:

19th November 2026 - Object/Scope for revision

26th February 2026 - Scope for revision

11th March 2026 - No objection subject to conditions

NATIONAL TRUST:

13th October 2025 - Objection

10th March 2026 - Whilst we acknowledge the change to block 1, the majority our concerns in our letter of objection dated 13th October 2025 - including in relation to policy compliance, landscape and visual impacts and ecological impacts - remain.

NATURAL ENGLAND:

16th December 2025 - Further information required

31st March 2026 - No objection, subject to condition

NHS INTEGRATED CARE BOARD:

20th January 2026 - No objection, subject to contribution

31st March 2026 - No objection, subject to contribution

PUBLIC RIGHTS OF WAY:

30th October 2025 - Not acceptable in it's current form

9th February 2026 - Not acceptable in it's current form

ROYAL UNITED HOSPITALS FOUNDATION TRUST:

18th November 2025 - Contribution requested

SPORT ENGLAND:

12th November 2025 - Objection

6th February 2026 - Objection

SUSTAINABLE CONSTRUCTION:

19th November 2025 - Scope for revision

27th March 2026 - No objection subject to conditions

WASTE SERVICES:

28th October 2025 - No objection

Representations Received :

28 individual/ third-parties have objected to the proposals (some with multiple comments submitted), 5 are in support and 4 provided general comments. A summary is presented below:

Councillor Alison Born:

Developments at the University of Bath have a significant impact on traffic in Widcombe where I am a ward councillor. It is essential that any further developments at the university campus are accompanied by significant measures to reduce the volume and impact of university related traffic and to promote sustainable travel options. A substantial reduction in the number of car parking spaces at the university is needed to incentivise these changes. I am pleased to note that Cllr Simon has called this application in as it will have significant impacts and should be subject to democratic scrutiny.

Bath Preservation Trust:

In principle BPT support the provision of on-campus student accommodation, particularly to help relieve pressure on the high demand for housing within the city and we recognise the evident public benefits that the University brings to the city and wider district.

We consider that the scheme is likely to present less than substantial harm to a number of designated heritage assets, that unfortunately some material to inform a good understanding of the scheme is lacking and that a robust understanding of any impact on the Cotswolds National Landscape is vital.

Given the designations applicable to the site, the impact of lighting provision needs to be comprehensively understood and we believe that connectivity with the green space to the east of the boundary site could be improved.

Third Party Objections:

- Highway safety
- Parking concerns
- Non-speed compliant roads
- Questionable requirement for further accomodation
- Landscape and visual impacts
- Exceptional circumstances in the National Landscape do not exist
- Non-compliance with four-storey height cap
- Non-compliance with policy NE2
- Non-compliance with policy SB19
- Insufficient landscape buffer proposed
- Impact the Skyline walk
- Harm to green space and open space provision
- Ecological and lighting impacts
- Increased light pollution
- East Car Park Lighting potentially unlawful
- Impacts on wildlife
- Conflicts with the PROW
- Less than substantial harm to heritage assets
- Loss of sporting facilities

- Increase in student numbers
- Insufficient bus infrastructure to accommodate demand
- Strain on healthcare infrastructure
- Pressure on Bath's housing stock beyond first year
- Impact to the Green Belt
- Expansion and overdevelopment of the university
- Buildings are too large
- Intrusive development
- Noise and disturbance to residents
- Noise and disturbance to Cats & Dogs Home and grazing livestock
- EIA assessment is inadequate and fails to assess noise
- Unsustainable university growth
- Should make use of brownfield sites
- Lack of car parking and expensive bus passes will make it difficult for students to get to site
- Previous decisions in relation to 3G pitches were made unlawfully
- Number of bed spaces in excess of the policy and should be examined through the Local Plan process
- Previous archaeological conditions have not been implemented or monitored by the Council

Third Party Support:

- High density and makes efficient use of land
- Mews house concept is exciting
- Good resources like communal hub is good for students
- Use of brick supported
- Coherent development for the university
- Helps to further the University's reputation as a safe, interesting and attractive place to study
- New accomodation is needed to take pressure off housing stock in Bath
- Accomodation at the campus is sensible
- important for the city to continue its support of the University of Bath and Bath Spa, both how which bring significant financial and social benefit to the local community
- Benefit of solar PV

Third Party Comments:

- Generally in favour of the development
- One shortcoming is the lack of cycling infrastructure and should be provided
- Sensible to have more accomodation onsite, but object to additional car parking

POLICIES/LEGISLATION
The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

B4: The World Heritage Site and its Setting
CP5: Flood Risk Management
CP6: Environmental Quality
SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

B1: Bath Spatial Strategy
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D6: Amenity
D10: Public realm
GB1: Visual amenities of the Green Belt
HE1: Historic environment
LCR5: Safeguarding existing sport and recreational facilities
LCR6a: Local green spaces
LCR9: Increasing the provision of local food growing
NE2A: Landscape setting of settlements
PCS1: Pollution and nuisance
PCS2: Noise and vibration
PCS3: Air quality
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 with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

SB19: University of Bath Claverton Campus Allocation Policy
DW1: District Wide Spatial Strategy
CP7: Green infrastructure
D5: Building design
D8: Lighting

H2A: (Purpose Built Student Accommodation)
LCR6: New and replacement sports and recreational facilities
NE1: Development and green infrastructure
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
NE6: Trees and woodland conservation
PCS5: Contamination
SCR6: Sustainable Construction Policy for New Build Residential Development
SCR7: Sustainable Construction Policy for New Build Non-Residential Buildings
SCR8: Embodied Carbon
ST1: Promoting Sustainable Travel
ST2A: Recreational routes
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

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).

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

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20. Fire hydrants
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22. Other matters
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24. Public sector equality duty
25. Planning balance and conclusion

1. PROCEDURAL MATTERS

Environmental Statement

Given the likely significant effects on the environment of the proposed development an Environmental Statement ("ES") and ES Addendum (following the submission of revised plans) accompany the application. The ES and Addendum set out the findings of the assessment of environmental effects in respect of Lighting, Ecology, and Landscape and Visual Impacts, and measures to mitigate those impacts where appropriate.

The EIA Regulations state that the Council cannot grant planning permission in respect of an EIA application unless it has first taken the environmental information into consideration and must state in its decision that it has done so. The environmental information means the ES and its Addendum, any further or other information received, any representations made by any consultation bodies and any representations made by any other person about the environmental effects of the proposed development. In this case, further information has been submitted and the application re-advertised in

accordance with the 2017 EIA Regulations. The National Planning Casework Unit has also been duly notified.

The assessment of environmental effects and proposed mitigation form an integral part of the consideration of the proposed development set out in this report. To avoid repetition the findings of the ES are reported below as part of the assessment of the planning issues, together with responses to consultations and other representations received.

Secretary of State

Where a Local Planning Authority is minded to grant planning permission for an application, despite receiving an objection from Sport England, then the requirements of the Government's Circular 02/2009 apply. This Circular instructs Local Planning Authorities to notify the Secretary of State for Communities and Local Government of an application if the land is owned by a Local Authority or used by an educational establishment (currently or within the five years prior to receiving the application), and where Sport England has objected due to a current or resulting deficiency of playing field land in the area or because the replacement to be provided is inadequate. The requirement is set out in The Town and Country Planning (Consultation) (England) Direction 2009 and DCLG letter to Chief Planning Officers dated 10th March 2011. Where deemed appropriate Sport England will seek comments from the relevant National Governing Bodies of Sport to help inform its assessment of an application.

In this case, Sport England have not removed their objection to the scheme. Should the development receive a recommendation/decision to grant through either delegated powers or by Planning Committee, the application will need to be referred to the Secretary of State (The Planning Casework Unit). A decision will then be made as to whether the application should be called in for a Public Inquiry.

2. PRINCIPLE OF DEVELOPMENT

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise; this is reiterated in the NPPF. The development plan for Bath and North East Somerset comprises the Core Strategy (adopted July 2014), the Placemaking Plan (adopted July 2017), the West of England Joint Waste Core Strategy (adopted 2011), and the Local Plan Partial Update (adopted on the 19th of January 2023). Bath and North East Somerset Council is in the process of drafting a new Local Plan, which is currently at Regulation 18 Stage. Whilst the new Local Plan is a material planning consideration, it carries limited weight given its early stage in the process.

Policy B1 sets out the Spatial Strategy for Bath. It seeks to enable the provision of additional on-campus student bed spaces at the University of Bath, thereby facilitating growth in the overall number of students whilst avoiding growth of the student lettings market.

Claverton Campus is an allocated site under Local Plan Partial Update policy SB19. This allocation sets out the Development Framework Plan for the campus and includes Diagram 28 which illustrates the different areas of proposed and existing development

within the campus. The Development Framework Plan is broadly aligned with the University's current Masterplan, which formed part of the evidence base for the Local Plan Partial Update. The current Masterplan, therefore, should be given weight as a material consideration in any planning decision relating to the Claverton Campus. However, it is not part of the adopted Development Plan and therefore, the starting point of any planning assessment is the adopted policy SB19 and the Development Framework Plan (including Diagram 28).

The primary aim of policy SB19 is to ensure that development on the campus is optimised, and it acknowledges the constraints within which the University must operate and grow sustainably. The Masterplan itself provides a useful tool in demonstrating how the Campus can be optimised for this growth and the Development Framework Plan is largely based upon this document. The policy does not dictate the order against which development should come forward at the University site, nor does it require that development comes forward simultaneously. This gives the University some flexibility with regard to the delivery timings of the Masterplan and Development Framework Plan.

Specific to the current proposals are parts 3 and 8 of policy SB19 which relate to "Area 2" and "Sports Facilities" specifically. Part 3 purports to "Area 2" which is the area proposed to be for new student accommodation, to be built on the existing Eastern Playing Fields. It sets out that the rationalisation of the sports pitches and car parking on Campus will allow the surface parking and grass pitches in the Eastern Playing Fields to be replaced with student accommodation, for around 870 students, though this is not a cap. It goes on to set out specific design parameters for the accommodation. Policy H2a of the Local Plan Partial Update relates specifically to Purpose Built Student Accommodation and makes clear that such development of an appropriate scale and design will be permitted on allocated sites where student accommodation is specifically identified within the Development Principles (subject to other material planning considerations).

The proposed student accommodation blocks are largely contained within "Area 2" as shown within the Development Framework Plan and Diagram 28. Block 8 sits wholly outside of Area 2. Having compared the site plan against Diagram 28, it is considered that Block 1 sits partially within Area 2, with the five-storey element being outside of this area. The five-storey element is in a part of the site shaded green representing "sporting facilities". However, this shading is not precise in terms of giving "hard" boundaries for development typologies on the campus. Policy SB19 does not preclude development coming forward on other parts of the campus which are not specifically set out within the Development Framework Plan. Part 1 supports the redevelopment of existing areas of University campus for university related uses in principle, subject to other material considerations. The proposed accommodation and infrastructure would constitute university related uses. In that respect, there is no in principle objection to the siting of student accommodation outside of Area 2.

Green Belt

Third-parties have stated that this development represent inappropriate development within the Green Belt. The University site has been removed from the Green Belt, and this is not a relevant consideration with regard to the principle of the scheme.

Loss of car parking

The proposals will result in the loss of car parking. This includes the overflow East Extension Car Park in Area 2. SB19 is clear in setting out that within Area 2, the rationalisation of car parking and the sports pitches will allow for the student accommodation blocks within this area. The policy presents that a multi-storey car park can be constructed within Area 3 in the Framework Plan. This has not yet been constructed and at this stage, there is no certainty that such a development will come forward. However, as previously set out, the policy does not prescribe the order within which development at the University site must come forward. The policy clearly envisages the loss of this area of car parking during the plan period and as such, the principle is accepted. The highway implications of this are discussed later within this report.

The East Overflow Car Park is also proposed to be lost. This is outside of Area 2 and not specifically mentioned within the policy as being part of the car parking to be redeveloped. However, as above, the redevelopment of existing areas of the campus for university related uses are acceptable in principle. Again, the highway implications of this loss will be discussed later within this report.

The loss of car parking is therefore acceptable in principle.

Loss of sporting facilities

Block 1 is proposed to be built on the site of the existing clay Tennis Courts. These are underused and in a state of disrepair. Temporary planning permission was granted under application reference 24/02367/FUL for the temporary use of the site to house an obstacle course for a period of 24 months; this expires in August 2026. A further planning application (26/01060/FUL) has recently been submitted for the obstacle course elsewhere within the Sports Training Village. The Tennis Courts are no longer required by the university.

Policy LCR5 safeguards against the loss of existing sport and recreational facilities. Development involving the loss of land and buildings of value for sports and recreation as shown on the Policies Map will only be permitted provided it can be demonstrated that:

1) There is a surplus of similar facilities in the area and that the loss would not adversely affect the existing and potential recreational needs of the local population, making allowance for the likely demand generated by allocations in this area; or
2) the proposed development only affects land which is incapable of being used for sport and recreation; or
3) suitable replacement facilities of at least equivalent quality, quantity and community value are provided in locations accessible by sustainable transport modes; or
4) the proposed development is for an indoor or outdoor sports facility with at least equal benefit to the development of sport and community access to sport to outweigh the loss of the existing or former recreational use, and
5) in the case of open space, it is not critical component of eco/green infrastructure network, and any redevelopment improves habitat connectivity.

Part 8 of policy SB19 sets out that the "clay pitches will, however, need to be relocated to the car park area to the east of the running track in order to facilitate the student

residences development". New clay pitches do not form part of the proposed development.

The submitted Planning Statement sets out that the courts "have only ever been used by performance level athletes on rare occasions, when other courts were not available, and are no longer in use. The courts have never been available for use by the general student body or the public and given the availability of high-quality courts to the west of Norwood Avenue, there is no need or demand to replace them within The Site." It is considered that there is a surplus of tennis courts in the area and the loss would not adversely affect the existing and potential recreational needs of the population in accordance with (1) above. Notwithstanding, the additional student population is likely to generate demand for additional sport and recreation facilities. The proposals therefore provide two padel tennis courts as a replacement for the lost tennis courts within the scheme. These are located within the Student Training Village rather than the car park areas as set out in Part 8 of policy SB19. Policy SB19 makes clear that "in all circumstances, development should optimise the efficient use of developable land within the campus to maximise its floorspace within the constraints that are present, and whilst achieving good design.". The siting of the padel tennis courts is considered a sensible choice that sits more cohesively with the overall development patten of the campus. Part (4) of LCR5 which states that the loss of sports facilities will be acceptable if suitable replacement facilities of at least equivalent quality can be provided is also considered to be met.

As such, the loss of the tennis courts is acceptable in principle.

The proposals will also result in the loss of the existing grass pitches. Sport England have maintained their objection to the loss of the playing pitches, which is consistent with their position taken during the Local Plan Partial Update examination hearings and for planning application 22/04720/FUL which was for the loss of grass playing pitches and the creation of an artificial pitch and Multi-Use Games Area (MUGA).

The loss of the natural pitches to facilitate the provision of the PBSA in Area 2 was debated and discussed at length during the hearings for the Local Plan Partial Update adoption in the context of NPPF paragraph 104(b) (paragraph 99b at the time that the policy was drafted):

"Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or"

Part 8 of policy SB19 sets out that "the loss of playing fields resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location consistent with national policy (NPPF para 99b - now 104b). The provision of a 3G pitch would meet that requirement by significantly increasing the capacity of quality of the pitch provision across the campus…".

An artificial pitch and MUGA was permitted in a location consistent with the Development Framework Plan Diagram 28 in 2024 following a resolution to grant permission by the Planning Committee and subsequent referral to the Secretary of State (application

reference 22/04720/FUL). Sport England objected to the proposals on the basis that they did not consider that the proposed pitches would be of equivalent or better provision in terms of quantity of quality. The officer's Committee report for that application is relevant to the current assessment, and an extract has been included below:

"Paragraph 99b of the NPPF seeks that the "loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location". Sport England conclude that the proposal would fail to be equivalent or better in terms of quantity. They state that there is a significant reduction in the number of playing pitches from four to one within the masterplan. At peak time, they note, only one single game could be help under this proposal when currently four can be held simultaneously. Sport England do acknowledge that artificial grass pitches or multi-use game areas (MUGAs) may be able to sustain more intensive use than natural grass pitches. However, they note that they will not be preferred in relation to Exception 5 of Sport England's Playing Field Policy as they may be unsuitable to accommodate some grass pitch sports or the standards of play or grades required for some competitions. Sport England therefore are concerned over the proposed siting of the scheme and object to the proposal given the significant impact on peak time availability of playing pitches. Additionally, Sport England raise that existing grass football pitches are protected by the B&NES Playing Pitch Strategy.

This matter was discussed at length during the Local Plan Partial Update hearings with the Planning Inspector and Sport England's concerns were heard at the time. In his "Main Modifications" letter, the Inspector concluded the following:

"It is proposed that the Policy is amended so that the provision for replacement sports facilities would be undertaken consistent with paragraph 99 of the NPPF, and the requirements for recyclable artificial pitches amended to take account of the feasibility of the requirement. Concern has been expressed at the Main Modification (MM) stage that the replacement of several grass pitches with one artificial pitch would not be consistent with national policy as set out in the NPPF, in that existing provision would not be replaced by equivalent or better provision in terms of quantity or quality. However, I am satisfied that the replacement pitch in principle should provide better provision in terms of quantity and quality, given that the existing pitches are unlit and have poor drainage, which limits their usage significantly. I therefore consider that the policy as amended is consistent with national policy and is sound. The consistency of a planning application with the policy and NPPF would be assessed in detail at the development management stage…".

The submitted Planning Statement sets out that the existing pitches are currently used for hockey and other sports but are not suitable for high impact sports such as rugby. They also do not currently conform to the standards set by the Football Association. The poor drainage of the soils in this location means that the pitches are poorly drained and are therefore often unusable during the winter months. The pitches are also unlit which limits the hours of use. The Planning Statement goes on to detail that there is a significant unmet demand of 112.75 hours per week from the five sports clubs using the grass pitches and 44 hours per week from the hockey club. This unmet need also limits the amount of commercial and community bookings which can be accommodated.

The proposed pitch will replace a full size pitch which is used for competitive matches; mainly American Football. A junior sized pitch will also be replaced with this facility.

Looking ahead, when the PBSA comes forward under this allocation, two further grass pitches will be lost for this development. Although the allocation accounts for this, at this time, this development is not before the Council and looking at the application on its own merits, the proposed artificial pitch will be replacing one full size and one junior sized pitch. The Planning Statement, however, accounts for the loss of the two pitches to the PBSA. The proposed artificial pitch would be available for 87 hours per week and would be used by five student clubs (football, rugby, ultimate frisbee, lacrosse and American Football). Existing bookings for these clubs would be transferred from the existing artificial pitches in the Sports Training Village and this would increase the availability for other sports such as hockey within these two pitches. The development anticipated in the masterplan as a whole would result in the loss of 4no. grass pitches, although only 2 pitches are proposed to be lost through this current application. These pitches have a weekly capacity of 20-24 hours per week. The proposal would provide 4 times this amount. The proposal also includes a MUGA which will provide two netball courts and one basketball court."

It is clear that the artificial pitch and MUGA approved as part of application 22/04720/FUL is an adequate replacement for the sports pitches which will be lost as part of the current application for purpose built student accommodation. The adopted policy, which has been through rigorous examination, accepts the loss of the grass pitches and their replacement with an artificial pitch and this scheme conforms to these adopted principles. The objection from Sports England is acknowledged, but the assessment above for the artificial pitch application remains relevant here and the loss is accepted in principle, given the replacement which has been approved. The artificial pitch has been constructed and has been operational since Summer 2025.

Principle of development conclusion

Overall, the principle of the proposed development is considered to be acceptable.

3. FIVE-YEAR HOUSING LAND SUPPLY

The NPPF sets out at paragraph 11 that all plans and decision should apply a presumption in favour of sustainable development. For decision taking this means:

"c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important in determining the application are out-of-date (8), granting permission unless:

i) The application of policies in this Framework that protect areas or assets of particular importance 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 (8) of the NPPF clarifies that this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

In December 2024, the Government published the revised National Planning Policy Framework (NPPF). The published changes aim to tackle the country's acute housing crisis and stimulate economic growth. In order to determine housing need for each Local Authority, the standard method set out in the Planning Practice Guidance (PPG) is applied. This was updated as part of the changes and, as a result, the amount of housing that Bath and North East Somerset (B&NES) are required to plan for through the Local Plan has significant increased by an uplift of 105%. The NPPF and PPG requires that Local Authorities must be able to demonstrate a 5 year housing land supply. The result of the published changes is that B&NES can no longer demonstrate a 5 year housing land supply and currently has a housing land supply of 2.5 years.

PBSA can be counted toward the Council's housing supply. It is not counted as a C3 use as it is a type of specialised housing and therefore it is counted at a ratio of 2.4 student bedspaces to 1 dwelling. The proposals are for 926 student beds, and this would equate to 386 dwellings (rounded up to the nearest whole number).

This is important as this development would engage paragraph 11 of the NPPF and the scheme must be considered within the context of paragraph 11(d)(ii). This is further explored within the planning balance section of this report, but it is highlighted here that members must account for this in their decision making.

4. DESIGN, CHARACTER AND APPEARANCE

Policy SB19 sets out the specific development framework for Area 2, as well as a number of development principles which apply to the University Campus as a whole. The purpose of the framework and University Masterplan is to optimise the campus so as to allow floorspace to be maximised within the constraints that are present.

The submission is accompanied by a Design and Access Statement and Design and Access Statement Addendum which explains the evolution of the design proposals and how they have been informed by pre-application discussion with the Local Planning Authority and engagement with Design West Design Review Panel. Revised plans have been submitted, alongside a suite of background documents, following amendments to the scheme which primarily relate to a reduction in the height of Block 1 following comments raised by officers, consultees and third-parties.

Policy CP6 is the Core Strategy's overarching policy dealing with environmental quality; this seeks to secure, amongst other things, high quality inclusive design. Policies D1-D5 set out the Council's detailed urban design policies; these policies collectively seek to secure high-quality design which is appropriate to its context. In particular, Policy D2 supports development which contributes positively to and does not harm local character and distinctiveness.

Policy BD1 (the Bath Design Policy) is clear that submissions must explain how the Bath design values have informed the proposed design approach including its aesthetics,

building form, use, materials and detailing. It must also be explained how the height and scale of the proposal has respected, responded and positively contributed to the character of Bath, including Bath's heritage, it's values and views. In addition, Policy BD1 requires proposals to explain how proposals maintain the significance, integrity and authenticity of the World Heritage Site as well as preserve or enhance the character or appearance of the conservation area.

Site Layout

Policy SB19 sets out the layout parameters for Area 2 as follows:

"The buildings will be set back by a minimum of 25m from the campus boundary and positioned perpendicular to the eastern campus boundary…"

The general configuration for layout follows the principle set out above. Block 2-7 are located perpendicular to the boundary and are set back from it by 25m. Blocks 1 and 8 are set further within the site with a more irregular configuration than Blocks 2-7. Whilst Block 8 sits outside of Area 2, its siting is considered to complement the pattern and grain of development. The padel tennis courts are sited to the east of Blocks 2-7, adjacent to the existing Sports Training Village which is considered appropriate. The layout proposed optimises the space available in this part of the campus, as required by policy SB19, whilst maintaining green corridors and infrastructure throughout.

There is no design objection to the layout proposed, which responds well to the existing campus infrastructure and constraints within this part of the site.

Scale, height and massing

The allocation policy is clear that in Area 2, buildings heights should be limited to four storeys and around 13m (plus rooftop plant). This is to reduce the impact upon views from Bushey Norwood to the east of the site.

Blocks 2-7:

Blocks 2 - 7 are all a maximum of four storeys in height, with some elements of Blocks 4-7 being three storeys in height. The overall height varies across different blocks. Blocks 2-3 are generally approximately 14m in height excluding plant, with the central area the block rising to around 15.8m. The roof plan shows that this central area will contain plant, stairs and a lift pop-up and thus, would be excluded from the "around 13m" parameter set by the policy. The policy allocation is not specific in its wording and offers flexibility through its language and the use of the term "around" in the context of the 13m figure. Given this flexibility, officers are satisfied that the heights of Blocks 2-3 are in line with the policy wording. Blocks 4-7 follow a different design but has similar height parameters. The main part of the blocks is approximately 14m, with a small protrusion on the west elevation rising to approximately 15.6m, which contains the roof above the access stairs. These blocks also include a lowering of the height at the western end to approximately 11m. Again, officers are satisfied that overall, the heights of these blocks can be considered "around 13m" as required by the policy. From a design perspective, the overall heights of these blocks are acceptable. The landscape implications are discussed within the landscape section of this report.

In terms of massing, Blocks 2 and 3 follow the same simple, cuboidal form. There is little by way of physical articulation of the facades, but the use of cladding, brickwork and blind windows to the eastern gable help to break up the overall massing. There are a number of student accommodation blocks located to the north of the site, beyond the East Car Park, including Woodland Court, Marlborough Court and Solsbury Court. These accommodation blocks share similarities with the proposals by way of their overall cuboidal approach to the massing.

Blocks 4-7 follow a different design which is centred around the concept of "townhouses" The massing is similar to Blocks 2 and 3 in terms of the overall height and form, but features more variation with single storey elements to either end, and the "stepping down" of the western end.

Whilst the form and massing of the buildings is relatively simplistic and uniform, given the function of the buildings and their arrangement within the overall layout, this is considered an appropriate approach.

The scale, height and massing of Blocks 2-7 are therefore acceptable from a design perspective and comply with the principles set out within policy SB19.

Block 1:

Block 1 is located in the northwestern corner of the site and is partially within Area 2. The western extent of the building (five-storey element) is considered to sit just outside of Area 2. As originally submitted, the block was proposed to be wholly five-storeys and have a height of approximately 17-18m excluding plant. Whilst policy SB19 is clear in its requirements to limit the number of storeys and overall building heights within Area 2, given that Block 1 is located further west within the campus site (around 64m from the eastern boundary) officers have accepted that, in principle, a greater number of storeys and overall height could be achieved here without increasing the visual impact of views from the east. However, the submitted photomontages indicated that the building would be prominently visible from Bushey Norwood which was being exacerbated by the increase in height. This landscape impact is assessed further within the landscape section of this report.

Consequently, the building has been reduced in height so that the eastern elements are four-storey and the western part of the building is retained as five-storey. The five-storey element is located some 90-95m from the eastern boundary of the campus, outside of Area 2 and is not subject to the four-storey limit. This reduction in height results in a lesser visual intrusion in views from the east, again to be explored later. From a purely design perspective, it reduces the overall bulk and massing of the building alongside the height. The height of the four-storey element is approximately 14-15m and the five-storey element approximately 18m (all excluding the rooftop plant). The campus itself has several larger scale buildings such as the School of Management Building located to the west of the site beyond the Sports Training Village. Buildings of a greater scale and massing are therefore not an alien feature within the campus. The arrangement of the building around a central open courtyard also assists in reducing the overall visual massing.

Officers are satisfied that the increase in height of the building in part is an acceptable approach from a design perspective and results in a building which would not be of an incongruent scale in this location. Its distance from the sensitive eastern campus boundary will help to mitigate impacts to the views from the east, which are assessed in full in the landscape section of this report.

Block 8:

Block 8 is wholly outside of Area 2 and therefore not subject to the policy limitations in height and storey numbers. Similarly to Block 1, it is made up of four-storey and five-storey elements, with the five-storey element sited to the southern and western parts of the block, so as to increase the distance from the eastern campus boundary to a distance of around 150m. Physical articulation of the façades is limited, but as with Blocks 2-7, brick detailing and cladding creates design interest and breaks up the overall massing of the building. The maximum of five-storeys is not considered to be excessive in this location and its siting on the western side of the block creates that transition from four-storeys to five-storeys which is echoed by Block 1 as one moves west into the campus.

The scale, height and massing of Block 8 is considered to be acceptable in design terms. Landscape impacts are assessed below.

Architectural approach

The previous section has touched upon the overall design approach, and the Design and Access Statement and its Addendum explain how the architecture for the scheme has developed.

The development has three aspirational character areas which have their own identity but with a shared architectural language to ensure consistency across the development. Character Area 1 includes Blocks 1 and 8 and essentially frames the overall development. Character Area 2 includes Blocks 2 to 7, and Character Area 3 is the "connecting spine" which runs through the landscaped area in the middle of the site.

Character Area 1 takes many of its architectural cues from the modernist/brutalist legacy on the campus. The primary façades on Block 1 feature darker grey brick, which is interrupted by window openings that feature lighter metal cladding. This approach is echoed on Block 8, but with some differentiation to the four-storey element which features a lighter brick.

The use of lighter brick on the four-storey element of Block 8 helps to bridge the transition across the central landscaped spine of the development into Character Area 2, which have a different morphology inspired by the City of Bath's outskirts and suburban townhouse typology. Named "The Mews" within the Design and Access Statement, the architectural language in this part of the development takes inspiration from the Georgian Townhouses within the city without attempting to appear "pastiche". The use of paler brick in this location, as well as the uniform fenestration arrangement and pre-cast concrete window detailing are reflective of the inspiration. Whilst clearly a "modern taken" with Georgian influence, officers consider that the overall architectural detailing is successful in this location. The use of a darker brick to highlight one "townhouse" in the row provides additional design interest. Clearly the shade and tone of brickwork is going to be critical to

the overall success of achieving the design aspirations and a condition securing a schedule and samples is recommended.

The previous section discussed that the overall form and massing of the buildings was relatively simplistic and that there was little articulation physically within the façades. However, the use of materials and architectural detailing is considered to provide this articulation and give the buildings their distinct character.

Beyond materiality, the roofscape forms an important element of the architectural approach. Concern was initially raised by the Council's Urban Design Officer that the roof infrastructure appears excessively bulky and visually intrusive, adding height to the buildings. This is a view echoed in the comments of the Cotswold Conservation Board. Some minor changes have been made as part of the resubmission and these have reduced the visual impact slightly, but there is still bulk and visual intrusion. It is accepted that from ground level views the rooftop plant will be less obvious. The necessity for the rooftop plant comes from the sustainability requirements for the building and there is a balance to be struck in this regard. The applicant has made amendments to the proposals in response to officer concern, albeit to a small extent. This and the fact that the plant is required for a building of this scale, officers are prepared to accept the design of the roofs and plant.

Padel Tennis Courts

The padel tennis courts each have an approximate width of 10.5m and length of 20.5m. They will feature mesh panels to the walls beyond the glass court rebound panels. A canopy is proposed to the roof with an overall height of 7.2m. The courts are adjacent to the Sports Training Village, and the overall appearance is typical of this part of the campus. A condition securing details of the canopy cover can be secured by condition.

Design conclusions

The scheme before Committee is the product of extensive pre-application discussions, engagement with Design West and public consultation. Revisions have been made to the design in response to concerns raised and this is welcomed. The overall design approach is considered to be appropriate for its setting within the campus boundary, whilst responding to the constraints presented in this location; particularly in respect of the eastern boundary. The layout also works hard to optimise development whilst respecting the context. The architectural approach is supported by a well-considered narrative, and the result will be a high quality scheme and place. Whilst there is some minor conflict with the allocation policy in respect of the overall height of Block 1, when considered holistically with other matters such as the distance from the boundary and design approach officers do not have an objection. This will weigh into the overall planning balance. Overall, the design of the scheme is supported.

5. LANDSCAPE

This section of the report assesses the impact to landscape and the wider landscape character. Internal landscaping design is discussed within the "parks and recreation" section of this report.

Impact to landscape and landscape character

A number of third parties, including the Cotswolds National Landscape Conservation Board (herein known as the "Cotswold Conservation Board") and the National Trust, have objected to the proposal with regards to the adverse impact that it will have on the landscape, with specific reference to the Cotswold National Landscape.

The application site is wholly within the Cotswold National Landscape (CNL) which encompasses the Sports Training Village, playing pitches, new artificial pitch and MUGA and other ancillary buildings and infrastructure on this eastern part of the campus. As a result, the site itself displays very few of the qualities typical of the CNL. The pre-amble to policy SB19, at paragraph 232, sets out that in the Inspector's report examining the B&NES Local Plan (2007) they observed that "none of the areas exhibit the classic qualities of the AONB, although the playing pitches, St John's Field and Lime Kiln Field make a greater contribution to the AONB since they have a more apparent undeveloped nature and greater affinity with the open plateau sub type of the AONB".

The assessment of landscape and visual impact is set out within Chapter 8 of the ES and Addendum. The Landscape Visual Impact Assessment (LVIA) methodology (Appendix 8.1), including the selection of receptors and viewpoints has been agreed with the Local Planning Authority and is supported. The full detailed landscape assessments are provided within Appendix 8.8 of the ES and there is an additional separate Appendix (8.10) that specifically addresses harm to the CNL. The threshold for significance in EIA terms has been generally taken to be "major-moderate" or above, but the LVIA acknowledges that effects at lower levels than this may still be material considerations for planning purposes, and it should be noted that for the ES as a whole, effects at the moderate level or above are considered significant. A number of adverse landscape and visual effects are at the moderate level or above are identified in the LVIA.

Photomontages were initially provided (Appendix 8.9) to provide impressions of how the proposed development would appear in views. Concern was raised by officers that the originally submitted montages were not representative of the scheme as the colour of the buildings was shown as grey. The external materials, as previously set out, range from darker grey brick to lighter cream/buff multi-tonal brick. Even allowing for the expected variation in colour rendition across different software and different methods of viewing, and rendering of light and shadow, it was difficult to reconcile the grey shown in the photomontages with the light cream multi-tone description and artist's impressions shown in the Design and Access Statement. As part of the pack of revised information, new photomontages were provided which account for the brick variation across the scheme and provide a more realistic impression what the development would look like in situ. Proposed views have also now been provided for the development at Year 1 and at Year 15 to give a better understanding of how the proposed planting will screen the development. In terms of views and adverse landscape impacts, those of most importance are the views form Bushey Norwood and the CNL to the east of the site and it is these which are likely to be impacted most by the proposals.

It has already been established that whilst development within Area 2 is required by policy SB19 to be up to four-storeys in height, the principle of five-storey development further within the site could be accepted, subject to the impacts upon views and the landscape.

The primary concerns of the Cotswold Conservation Board and National Trust relate to Blocks 1 and 8 and in their initial comments the Cotswold Conservation Board stated that "five-storey height for Block 1 as currently proposed would cause visual intrusion beyond the eastern boundary and should be reduced to four-storeys…". The originally submitted photomontages showed Block 1 to be five-storeys and demonstrated that it would be prominently visible in local views from Bushey Norwood and that the overall height exacerbates this issue. The degree of visual intrusion over the eastern boundary was not considered to be justified.

Accordingly, the scheme was revised so that Block 1 is now proposed to partially be four-storeys, with a step up to five-storeys to the western side of the building. Both the National Trust and Cotswold Conservation Board have acknowledged this change but sustain that the majority of their objections have not been overcome. Officers welcome the amendments to the scheme. The LVIA has been updated following the amendments and is presented in the ES Addendum. It confirms that the amendments to the proposals, including the brick articulation to the gable ends, material palette refinement and brick colour detailing, will reduce the magnitude of effects from Bushey Norwood and this is particularly noticeable from Viewpoint 6. Notwithstanding, the overall significance of the impacts in EIA terms has not reduced, given the sensitivity of those receptors. Therefore, whilst the degree of visual intrusion of the development has been reduced following these changes, there will still be adverse impacts upon views from the east and the CNL.

There is an inevitability in terms of visual intrusion and impact to the CNL by way of the development and this would be true even if the development was wholly four-storeys. The site is, as existing, an open playing field which clearly has less visual impact than built form in this location. It is important to remember that the principle of development here, to a substantial extent, is accepted by the allocation policy.

General Development Principle (d) of policy SB19 sets out that:

"In all circumstances where development would be visible to views from within the Cotswolds AONB (at Bushey Norwood, Bathampton Down, and Claverton Down, or from within the Limpley Stoke Valley at places such as Warleigh and Conkwell), it should respond to this context and its visual impact must be *moderated* with a suitable design response including suitable (immediate and longer term) mitigation measures, including any opportunities to enhance the AONB. Impacts on the AONB will need to be evidenced in an LVIA, the scope of which should be set out in consultation with the LPA, Natural England and the Cotswold Conservation Board."

Policy NE2 states that:

"Development should seek to avoid or adequately mitigate any adverse impact on landscape."

A key matter to consider when assessing whether the development has moderated the visual impact is any mitigation measures. As part of policy SB19, a minimum set back of the buildings from the eastern boundary of 25m is required. A minimum width of woodland buffer of 10m is also required by the policy. In their initial comments, the Council's Landscape Officer concluded that with the originally proposed heights the set back and

buffer needed to be increased in width so as to reduce the adverse landscape and visual effects.

This has been considered by the applicant team and officers. There is clearly a balance to be struck between maximising opportunities for development in this part of the campus, which remains one of the last opportunities to provide significant levels of student accommodation on the campus itself, and ensuring that landscape/visual impacts have been moderated. Block 1 has now been reduced in height, and this has reduced the overall massing and bulk of this building. Increasing the buffer and set back would allow additional opportunity for planting that could create further screening along the eastern boundary. However, a minor set back and increase in the buffer is unlikely to significantly reduce the adverse landscape/visual effects experienced from the eastern vantage points.

The policy of a 10m buffer is being met across the scheme, with the exception of the car parking area to the northern part of the site. This is, however, largely an existing arrangement and the landscape/visual effects of the car parking are not considered to be adverse, and this is accepted. The blocks are set back by 25m as per the policy requirements. This compliance, coupled with the decrease in heights and design amendments to the scheme to reduce the visual impacts of the gable end are considered to represent a moderation of the visual impacts of the development and the Council's Landscape Officer has no objection to the proposals subject to a number of conditions following the revisions to the scheme and clarification around the maintenance strip width.

After careful consideration of the scheme as a whole and the amendments put forward, officers are satisfied that the proposals have moderated the impacts so far as possible without compromising the deliverability and overall aspirations of the scheme, and the proposals do comply with policies SB19 and NE2 in this regard. Notwithstanding, harm to the CNL has been identified and this will need to weighed into the overall planning balance.

National Landscape and the "Exceptional Circumstances" tests

The proposal acknowledges that there will be adverse effects upon the National Landscape. Since the adoption of policy SB19 through the Local Plan Partial Update, Areas of Outstanding Natural Beauty (AONBs) are now known as National Landscapes. Any references in quotations from the policy to AONBs should be used interchangeably with the term National Landscape; they refer to the same matter.

Paragraph 190 of the NPPF states that "planning permission should be refused for major development in Areas of Outstanding Natural Beauty other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. It also sets out three criteria that should be considered for this assessment as follows:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The pre-amble to policy SB19 sets out that in 2007, during the examinations for the preceding Local Plan (Local Plan 2007), the Green Belt was retracted from parts of the University Campus so as to exclude the sports facilities, pitches to the north of The Avenue and tennis courts to the west of Norwood Avenue. The examining Inspector also found exceptional circumstances for allowing University related development within the National Landscape in these locations. However, he advised that despite the in-principle backing, a design response would be required that provided a sensitive edge to the campus. This is a highly relevant consideration, but it remains important to consider whether the test for exceptional circumstances is met for the current application.

The Cotswold Conservation Board consider that the first two tests of the NPPF have been satisfied but disagree that the third test has been met. Officers have considered the tests below.

Criterion (a) - the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy

Paragraphs 229b and c of the Bath Composite Plan (part of the pre-amble to policy SB19) makes clear that the "contributions the University of Bath makes socially and economically is strategically significant to the District and policy direction is to help secure the future of the institution and manage its growth in associated student accommodation in a way not detrimental to the normal private housing stock and existing communities. As set out in the 'Strategic Issues' (para 22), there is not enough land in the city to meet its assessed needs as identified by various evidence, therefore the Council has had to prioritise land uses to meet its general housing numbers and employment floorspace. Policy B1 facilitates provision of additional student accommodation and academic spaces on campus and Policy B5 does not allow student accommodation where this would adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to delivering housing, and economic development (in respect of office, industrial, retail and hotel space).

Therefore, understanding the development capacity on the main Claverton Campus and maximising the potentials [sic] responding to the environmental context of the whole campus is essential. Following the adoption of the Placemaking Plan in 2017, the University has revised its Masterplan in consultation with the Council, and it forms important evidence base for the revised policy for the Claverton Campus."

The submitted Planning Statement at Sections 4 and 6 clearly express the role the University plays in delivering higher education and clarifies the Government's priorities for higher education growth and reform. It is recognised at Government level the role that higher education institutions have in contributing to society, the economy, industry and innovation as well as the civic role they have in their communities. The delivery of the University's Masterplan, which aligns with policy SB19, is critical in ensuring the longevity of the campus and its continued contribution to higher education. Part of this is the delivery of student accommodation on campus so that its future needs and requirements can be met.

Further to this, the Council cannot currently demonstrate a five-year housing land supply. This is relevant to an assessment of need given the acute need for housing both within the district and nationally. Whilst the proposals are not for C3 housing, they are for a specialised housing type and would substantially contribute to the districts housing supply in this respect.

There would clearly be impacts should the application be approved or refused. Approval of the development would result in a substantial contribution to the district's economy, by way of likely increased employment at the university site given the increase in student numbers the proposal would result in. Additionally, those living on site would contribute to the local economy. As set out above and within the Planning Statement, the University is a key driver of economic growth within the district and aligning development with its needs and for growth would have significant benefits. Should the application be refused, the growth of the University could be hindered, and any further student intake may need to be accommodated within the city, having a knock on impact for housing supply and the economy. This is something which has already occurred to some degree and the University cannot currently accommodate all first year students on campus.

Given these factors, it is clear that criterion (a) for exceptional circumstances would be met.

Criterion (b) - the cost of, and scope for, developing outside the designated area or meeting the need for it in some other way

The University Campus itself is not wholly within the National Landscape. However, development opportunities within the campus are limited, given its extent and the existing pattern of development. The Masterplan and Development Framework Plan (SB19) have set out a comprehensive manner in which the site should be developed, so as to maximise the opportunity for growth within the existing site parameters and constraints. It is clear that this amount of purpose built student accommodation, could not be provided elsewhere on campus.

During the 2007 Local Plan examination, the Inspector concluded "it seems to me that the mainly campus nature of Bath University is one of its defining characteristics and is perceived as one of its major strengths. In my view the University is right to seek to reinforce rather than reduce this character. Consolidating further growth at the campus also brings benefits in terms of underpinning a high and sustainable level of bus service to the campus and giving some relief to the competitive pressures otherwise exerted by students in the less expensive residential areas of the city."

The Local Plan Partial Update recognised, through an update to policy SB19, that the level of student accommodation required to facilitate the continued growth of the University in line with national priorities, could not be accommodated within the city without utilising land within the National Landscape. It did not identify any other sites for the delivery of off-site PBSA and given the pressure on brownfield sites, and indeed greenfield sites, to deliver conflicting priorities in terms of housing and employment space, the need for student accommodation to be delivered on-campus is clear.

The Local Plan Partial Update has clearly established that there is no scope for meeting the need for this development in an area outside of the designated without undermining the spatial strategy for meeting the other needs of the district and compromising the delivery of C3 housing, employment and other requirements.

As such, criterion (b) is considered to be met.

Criterion (c) - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

The drafting of criterion (c) does not require there to be no detrimental effect on the environment or landscape but is implicit that effects should be moderated. The comments of the Cotswold Conservation Board have been reviewed and are acknowledged. It is clear that an element of planning judgement is required in order to determine whether criterion (c) has been met. Many of these matters have been discussed previously in this section of the report.

The current ES and LVIA documentation conclude that there would be moderate adverse impacts related to the overall development. The ES finds that there will be significant impacts in EIA terms upon two receptors which include a combined group of character areas of the National Landscape and the on-site Landscape Resource during construction, though this will reduce upon completion and after a 15 year period to levels which are not considered to be significant. Much of this impact stems from the development of this part of the campus for this purpose and there is an inevitability to there being an adverse impact to an area of the campus which is currently open and green, and which is proposed to house a large number of student accommodation bedspaces. The Cotswold Conservation Board have raised that they consider that the application "underestimates the adverse impacts of the proposal". Officers do not agree with this, and the Council's Landscape Officer has acknowledged the prominence of the development and its visibility within views, particularly from the east.

Non-significant EIA impacts do not necessarily result in non-landscape impacts, and indeed the Local Planning Authority has acknowledged above that adverse effects which will exist following development.

As discussed in the sections above, several aspects of the application help to moderate the impacts of the development. This includes the site layout, particularly in respect of the orientation of Blocks 2-7 perpendicular to the eastern site boundary and the siting of the five-storey elements outside of Area 2 and a significant distance from the boundary of the campus. The storey heights of Block 1 have been reduced in part which has further moderated the impacts of the development. Whilst it could be argued that a four-storey building height across the entirety of the building would moderate the development further, given the siting, and the fact that this building is prominent in only a selection of viewpoints, it is not considered that this would likely significantly reduce the adverse impacts of the scheme. It could be argued, for example, that a two-storey development in this location would represent moderation to the impacts, but that would not be practical, nor deliver on the requirements of the University; the need for which has clearly been demonstrated. This is, of course, an exaggerated example, but serves to demonstrate that moderation is a matter for the decision maker and in this case, officers are satisfied that

the reduction in height in conjunction with the proposed landscape, design amendments to the gable end, layout and materiality all contribute successfully to moderating the impacts to the scheme whilst delivering on its requirements.

Adverse landscape impacts of the scheme are, by virtue of the development itself, unavoidable in the views of officers, but it has been satisfactorily demonstrated that they have been moderated so far as possible through the design of the scheme and mitigation proposed.

Recreational opportunities are also cited in criterion (c). The delivery of the artificial pitch to the south provides a sufficient replacement to offset the loss of the existing grass pitches to allow for this development. The provision of padel tennis courts is considered a betterment in facilities over and above the existing disused clay tennis courts. The development retains the bridleway to the east and the landscaping within the site provides a number of opportunities for recreation.

Third-parties have cited concerns with regard to the impact upon the Bath Skyline walk, which takes in some of the University site and adjacent Bushey Norwood land. Clearly, the development will result in some visual impacts along this walk, though for a relatively short stretch. The development will not hinder the ability to undertake the walk thus moderating impacts. As above, it is considered that the visual impacts have been satisfactorily moderated.

Other potential environmental impacts include lighting, heritage impacts and sustainability. These matters are discussed in detail further within this report, but in summary such impacts are considered to have been addressed and would not result in criterion (c) not being met.

The above matters, when considered against the tests set out in paragraph 190 of the NPPF represent exceptional circumstances which justify the allocation and the proposed development which is demonstrably in the public interest (see planning balance section of this report).

Nevertheless, as previously set out, the adverse impacts of the development proposals upon the National Landscape are material considerations and, in accordance with the NPPF, great weight should be given to this matter in the planning balance.

Section 245 Levelling Up and Regeneration Act 2023

Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or a National Landscape in England, to seek to further the statutory purposes of the area.

This amended the previous duty under s85 of the Countryside and Rights of Way Act 2000 and strengthens the duty on public authorities when carrying out functions in relation to National Landscapes (and other protected landscapes) to 'seek to further' the statutory purposes. The duty is applicable to the current application.

The duties are pro-active, and not merely an afterthought: the Council must "seek to further" the stated purposes in the exercise of their functions. This must be in relation to the specific statutory purposes of the designation rather than general regard to the benefit of protecting such landscapes.

To be clear, however, this does not mean that the duty precludes decisions that result in adverse impacts to a National Landscape, but what is required is positive evidence that the Council has sought to further the purpose by taking all reasonable steps to further the purpose.

The statutory purpose of the National Landscape designation is to conserve and enhance the natural beauty of the area.

It is considered that in negotiating, assessing, and determining this application the Council have sought to further the purposes of the CNL. Many aspects of the proposed development including the site layout, the building height, landscape buffers, sensitive lighting and the choice of building materials have been designed to minimise the impacts of the development. Whilst these matters have been sought to help further the purposes of the National Landscape, it is plain from the assessments above that the development proposals will still have a net negative impact upon the statutory purposes of the CNL.

The above duties do not require, as a matter of law, refusal of planning permission for any proposals that would have a net negative impact upon the National Landscape. It is necessary to consider whether there are any reasonable alternative approaches which could be adopted. One obvious alternative which would not result in a net negative impact upon the National Landscape would be for the Local Planning Authority to refuse to grant planning permission. This is not considered a reasonable approach given the allocation of the site for the development.

A potential alternative would be a further reduction in the height of the buildings, but as previously discussed, those within Area 2 broadly align with the Development Framework Plan and any further reduction of the five-storey element of Block 1 would not eliminate the harms identified to the CNL. The reduction as presented demonstrates that the Council has sought to further the purpose of the National Landscape and there is no other obvious alternative approach that would better further the statutory purposes of the National Landscape.

Landscaping conclusions

It is concluded that the scheme has mitigated the landscape impacts of the proposals so far as possible and demonstrates compliance with policies NE2 and SB19. Notwithstanding, adverse landscape and visual impacts have been identified in relation to Cotswold National Landscape, and these will be weighed into the overall planning balance.

6. DESIGNING OUT CRIME:

The NPPF and Planning Practice Guidance seek to reinforce the need for and importance of safe and secure external environment. Home Office research sets out that "Students

are, statistically, one of the most likely groups to fall victim to crime. Students own more expensive consumer goods per head than the rest of the population. It is no surprise then that 1 in 3 students becomes the victim of a crime each year. Added to that fact, young people (aged 16 to 24 year old) are around three times more likely to be victims of burglary than people in other age groups, which makes students all the more vulnerable."

The Avon and Somerset Police Designing Out Crime Officer reviewed the originally submitted scheme and responded setting out that it was not acceptable in its current form in respect of safety and security. The majority of the concern related to lighting and whilst the requirement for ecologically sensitive lighting was acknowledged and understood, sufficient illumination needed to be provided for the students in this part of the campus. Further, an external lighting plan, management plan and CCTV plan had not been submitted. Other concerns related to mail and parcel management and the siting of the bin/cycle stores from a surveillance perspective.

The applicant has submitted additional/revised information to address these matters, including a letter dated 2nd February specifically relating to this matter. The Designing Out Crime Officer was reconsulted but has not provided a response to the consultation.

The general approach to security adopted by the university is noted and the level of crime experienced on the Campus is low when compared to other parts of the city. The security monitoring of the development will integrate into the wider security strategy associated with the Campus as a whole, which is subject to 24/7 active monitoring, including security patrols. Students on campus can also contact the security team via an app should they require quick assistance.

In respect of lighting, the ecology section of this report highlights the need for sensitive lighting, and it is one of the more problematic tensions of a scheme in this location. Ensuring that the scheme provides ecologically acceptable levels of lighting due to the use of the site and nearby habitat by bats and that it also delivers a safe, well-lit development for the end user has been an issue that the Local Planning Authority and applicant have been challenged with since the initial design stages of the proposals. The orientation and layout of the buildings go a long way in achieving the ecologically required lux levels, but a sensitive lighting strategy is also required. The submitted Lighting Plan and Strategy employs modern, directional lighting techniques and warm white lighting, with a range of lighting sources, to enable greater control of light. Focus has been given to access and egress points to ensure that in the case of emergencies, these would be sufficient lit. The plans collectively demonstrate that an appropriate level of lighting will be achieved in external areas.

A CCTV plan has also been developed and provided as part of the Lighting Plan which is supported and can be secured by way of planning condition. The applicant has also confirmed that mail and parcel pick-up is managed centrally on campus, to reduce theft.

In respect of cycle storage, the applicant has confirmed that the "cycle storage blocks have been located such that they are in excess of 10m from the proposed accommodation blocks to reduce potential fire risks, but that they are nonetheless centrally located to the blocks that they serve." The stores will be on routes which are lit and have CCTV.

It is considered that following the clarifications as set out in the letter dated 2nd February 2026, the submitted Lighting and CCTV plans and revised information, that the development is capable of being safe by design and the comments of the Designing Out Crime Officer have been addressed.

7. HERITAGE ASSETS

The application is accompanied by a Heritage Statement which contains a Heritage Impact Assessment (HIA) and this identifies the built heritage assets with the potential to be affected by the proposal, including an analysis of views in Section 7. This has been updated by an Addendum following the submission of revised plans. Historic England have been consulted on the proposals and have set out that they do not wish to provide formal comment on the application.

Designated heritage assets identified as having potential impacts upon their significance are identified as follows:

- The doubly inscribed UNESCO World Heritage Site
- Claverton Conservation Area (setting)
- Grade II Listed Registered Park and Garden of Claverton Manor (setting)

The site contains potential archaeological remains of the possible undated bank or Roman Road and Two Mile Horse Race Course, which are relevant to the built heritage assessment due to the contribution to the OUV of the Bath World Heritage Site.

Other heritage assets are assessed as not being affected by the proposed development and this includes the Bath Conservation Area which is located to the west of the campus and Grade I Listed Claverton Manor. Given the degree of separation and relationship between the site and these assets, this conclusion is accepted.

Consideration must therefore 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. For the avoidance of doubt, the site is not within the Conservation Area and therefore, the duty with regard to Conservation Area does not apply.

The setting of a heritage asset (as set out in the NPPF Annexe 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.

Core Strategy Policy B4 deals with the World Heritage Site and its setting. It is clear that there is a strong presumption against development that result in harm to the Outstanding Universal Values (OUVs) of the WHS. It states that where a development proposal has a demonstrable public benefit that benefit must be weighed against the level of harm [in the decision-making process].

World Heritage Site

The World Heritage Site (WHS), doubly inscribed, is a designated heritage asset of the highest significant. The NPPF sets out at paragraph 212 that 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. The more important the asset, the greater that weight should be.

The City of Bath and Great Spa Towns of Europe World Heritage Site Management Plan (2024-2030) sets out the attributes of the Outstanding Universal Value (OUV) of the World Heritage Site. The HIA sets out the attributes relevant to the proposal and discusses their relevance; this is summarised below.

The City of Bath:

- Attribute 1; Roman Archaeology

There is a possibility that Roman archaeological remains exist beneath the site which could demonstrate the wider context of the Roman city. Any such remains however are likely to have been truncated or entirely removed by previous construction activities, so the potential for the site to convey this attribute is likely to be very limited.

- Attribute 3 and 6; Georgian Town Planning/Architecture

The former presence of the racecourse has potential to convey this attribute in terms of outdoor social interaction and leisure activity. Evidence for this is similarly likely to have been lost or badly truncated.

- Attribute 5; the green setting of the city, including 'green undeveloped hillsides within and surrounding the city

The green pitches retain a sense of the green setting and a buffer between existing University buildings and Bushey Norwood.

The Great Spa Towns of Europe:

- Attribute 4; Therapeutic Spa Landscape)

The site mildly relates to this attribute defined by the 'green environment of parks, gardens, pleasure grounds…rides and woodland walks', despite having already been considerably modified as part of the campus.

The submitted HIA evaluates the potential impacts upon the World Heritage Site attributes of OUV using Tool 3 of the UNESCO toolkit. The assessment finds minor negative impacts upon the City of Bath WHS attributes 1 and 5, and minor approaching moderate negative impacts upon the Great Spa Towns of Europe WHS attribute 4, particularly due to the potential perception of development from recreational paths and woodland walks on the Bath Skyline.

The identified negative impact upon the aforementioned attributes is primarily due to the increased urbanisation of the suite as perceived from the surrounding green setting. Whilst the reduction in the height of Block 1 and design amendments to the gable ends has alleviated this impact slightly, it is not eliminated. It is concluded that the level of harm to the World Heritage Site would be less than substantial and whilst there is no formal scale to less than substantial harm, the harm is considered to be at the lower end.

Paragraph 215 sets out that "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". This heritage balance is undertaken toward the end of this section of the report.

Claverton Conservation Area

The site is not within the Conservation Area, which is located less than 90 metres south-east of the site. As a result of the proposed development, there will be an increase sense of urbanisation from within the wedge of open land which is located in the western most part of the Conservation Area and from within its setting. The larger part of the Conservation Area, which contains a number of listed buildings, will not be impacted due to the siting and degree of separation from the proposal. The HIA concludes that there will be an adverse impact upon the significance of the Conservation Area as a whole and again officers conclude that this would cause less than substantial harm to the significance of the Conservation Area.

The Grade II Registered Park and Garden (RPG) of Claverton Manor

The RPG comprises gardens and pleasure grounds dating to 1820-30, incorporating the remains of terraced gardens dating to c.1580 associated with the former manor house. Again, there will be an increased sense of urbanisation experienced from within the setting of the western edge of the RPG which is characterised by the treed parkland of Bushey Norwood. The HIA assess this impact as slight/moderate adverse. Officers consider that the proposals would cause less than substantial harm to the significant of this asset.

Heritage balance

Whilst amendments to the scheme have been made which reduce the height of Block 1 and provide blind windows to the eastern gables of Blocks 2-7 which go some way in

addressing the activation of this elevation, the harm to the heritage assets above has not been eradicated.

As set out, the proposed development will result in less than substantial harm to the World Heritage Site, setting of Claverton Conservation Area and the setting of the Grade II RPG.

Paragraph 213 of the NPPF (as echoed by the council's planning policies) states that, "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification". It is considered that there is clear justification for the harm in this instance. The site and its surroundings for part of an allocation within the adopted development plan for a substantial quantum of development. It is clear that this quantum of development could not feasibly be accommodated with low rise buildings and the siting of development in this location and therefore, the urbanisation of this part of the campus is an inevitable consequence of development. The applicant has worked hard to reduce this impact through the submission of a revised scheme. The Conservation Officer has raised that further consideration could be given to the activation of the eastern gables of Blocks 2-7 so as to soften the visual impact of these buildings but given lighting constraints which are explored in the ecology section of this report, the case officer is satisfied that the scheme's design has addressed this matter so far as practicable.

Paragraph 215, as set out above, is therefore engaged and the less than substantial harm must be weighed against the public benefits of the proposal, giving great weight to the asset's conservation.

There are a number of benefits which can be attributed to the proposals. The recent changes to the NPPF (December 2024) have resulted in B&NES, along with other authorities countrywide, need to accommodate a significantly increased number of houses across the next plan period than previously expected. The development will provide a relatively substantial contribution toward housing supply through the delivery of purpose built student accommodation. This social and economic benefit must be given significant weight in the heritage balance.

The University has a significant role economically within the district. The Planning Statement sets out across pages 15-19) that the university generated approximately £510 million of GVA and sustained 7,100 jobs throughout the academic year of 2023/2024. It ranks as the seventh-largest employer across sectors of the B&NES economy. It is also recognised internationally for its leading research, and its graduates add a significant amount of money into the UK economy. Socially, the university has a wide range of students from other backgrounds and works hard to address social exclusion and providing opportunities for all, tackling economic and social inequality. The proposals will allow the university to grow in line with its masterplan and long-term strategy. The delivery of additional PBSA on the campus will also allow greater opportunity for first year students currently residing in the city to be housed on campus for their first year.

The proposals will also contribute to employment in the district through the construction process and this is also given moderate weight.

The public benefits identified above are, therefore, considered to outweigh the less than substantial harm identified to the heritage assets.

To conclude, the scheme is considered to comply with national and local heritage policy and will achieve acceptable heritage outcomes.

8. ARCHAEOLOGY

As previously set out the Heritage Statement concludes that based on existing sources, there is the potential for Roman activity on the site including a potential Roman road. There is likely to have been truncation of any archaeology meaning that any remains are likely to be of low significance. The Council's Archaeologist has advised that conditions should be attached to any permission granted to ensure that archaeological investigations are carried out in line with the requirements of the NPPF and policy HE1.

It has been raised by a third-party that the archaeological conditions attached to 22/04720/FUL (artificial pitch and MUGA planning application) have not been complied with. The case officer can confirm that the archaeological conditions attached to this permission have been "discharged" on the advice of Council's Archaeological officer who raised no objection. The third-party raises that a live enforcement case is ongoing on this matter (24/00166/NONCOM). The case officer confirms that this enforcement case has been closed. There is no reason to refuse the application on archaeology grounds.

Subject to such conditions, the development can be considered to accord with policy HE1 and Part 16 of the NPPF in respect of archaeology.

9. 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.

Some third-party comments have raised concerns with regard to the impacts to existing residents, summarised as follows:

- Noise nuisance from padel tennis courts
- Increase in activity from student numbers (traffic and pedestrian movements)
- Light pollution

These matters have been considered and assessed by officers, alongside the potential impacts to existing residential amenity more generally.

Padel tennis courts

Concern has been raised with regard to noise and disturbance from the padel tennis courts. The Lawn and Tennis Association have guidance relating to padel tennis. This is not planning policy, but does provide useful information about padel, the style of gameplay and the courts themselves. The guidance states that "careful consideration of the location of proposed padel courts should be given in relation to the impact of noise and light upon adjacent residential properties. If a residential property is within 30m of the padel court

then it is likely that sound attenuation mitigation will be required, as well as noise and light surveys being required as part of the planning application."

With regard to existing residents, the padel tennis courts are located well within the campus boundary, adjacent to the Sports Training Village which houses a number of sporting activities. The proposed courts are to be located around 300m from the nearest existing C3 dwellinghouse, located to the south of the Campus. There is intervening infrastructure between the courts and this receptor; namely Block 8 and the existing MUGA and artificial pitch. There is therefore no realistic prospect of the padel tennis courts causing significant levels of noise and disturbance to these residents.

The padel tennis courts are located closer to the proposed student accommodation blocks; around 25m to Blocks 3 and 4. The siting of the courts must be reviewed in the context of the campus and the development proposed. Student accommodation operates in a different way to C3 residential dwellings. Groups of cluster flats and communal facilities means that there is a much higher level of noise and disturbance for student occupants than if the blocks were C3 apartments. Additionally, the sports training village and associated pitches will create a level of noise and disturbance from matches and activities taking place. A degree of noise and disturbance is to be expected for future students given their location on campus. The padel tennis courts are not considered likely to cause significant levels of noise and disturbance given the context and are accepted in this location. A planning condition can secure the hours of use of the courts so that they are not used during antisocial hours and it would be reasonable for these to be broadly similar to lighting restrictions placed on the nearby pitches and MUGA.

Increase in student activity

The proposals will inevitably introduce new students to campus and will increase the number of students living on the site by around a third. Third-parties have highlighted that this will result in additional comings and goings which will, in turn, cause noise and disturbance for nearby residents. The development itself is car free; the students residing here will not be able to park vehicles on site and there are restrictions in surrounding streets to prevent student parking. The submitted Transport Statement presents that car generation will be low as a result of the scheme; this is further discussed in the highway section of the report. It is therefore difficult to argue that the scheme would result in additional traffic movements beyond the existing which would result in significant levels of noise and disturbance for residents. There are likely to be increased pedestrian/active travel movements to and from the site as students go to and from the city centre and surrounding areas. However, movements to and from the campus already exist to some degree and whilst there will be transient movements through the streets surrounding the university, it is not considered that this would generate noise and disturbance beyond what could be expected for properties which are in close proximity to a university campus.

Lighting

Lighting matters are fully explored in the Ecology section of this report. In respect of residential amenity, the scheme is proposing a level of lighting which can be expected in any high density residential scheme. Internal lighting will be associated with the bedspaces themselves, and some lower level external lighting is also proposed. The level of lighting is limited in this location by ecological constraints. Flood lighting exists in the

vicinity of the site for the sporting facilities. It is not anticipated that the additional lighting would cause significant harm to the residential amenity for existing or future occupiers.

Future student occupation

The residential amenity of the future student population is also an important consideration. The bedspaces are largely grouped in cluster flats of 4-12 students. Each student would have access to their bedspace, a shared kitchen/diner and lounge. The bedspaces are a mixture of en-suites and those with shared bathroom facilities. Block 1 features a number of more "communal" facilities like games rooms, study areas and wellbeing spaces. This provides a "central hub" for the development. The proposed accommodation is fairly typical of good quality PBSA and officers are satisfied that future students would enjoy a good level of amenity in accommodation which is of a high standard.

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.

10. HIGHWAYS SAFETY AND PARKING

The application submission is accompanied by a Transport Statement (TS) and a number of subsequent Highway Technical Notes. These have been reviewed alongside the application with input from the Council's Principal Highways Engineer (Development Management) and Active Travel England. The proposals have been assessed against the transport policy requirements of the Local Plan Partial Update; policies SB19, ST1 and ST7 are of particular relevance to the application. In addition, the Transport and Development Supplementary Planning Document (SPD) provides adopted guidance relating to walking and cycling, parking standards, Ultralow Emission Vehicles and Travel Plans.

The highway authority requires that any future transport evidence submission should use the "Decide and Provide" approach to assessment. This aligns with the LPPU policy requirements and seeks to ensure that there are a good range of travel opportunities and a genuine alternative to private car usage. A comprehensive review of the travel demand generated by active travel and public transport use is a fundamental element of the assessment process. This is emphasised by the requirements of Policy ST7, which explains the approach to managing the transport needs relating to new development.

Recently published guidance from the Department of Transport Active Travel England agency also provides direction in how active travel requirements for new developments should be considered, and the guidance presented within following document is now relevant to the assessment of the current proposal.

It is agreed that the main transport issues relating to the site can be summarised as follows:

- The implementation of an effective site wide Travel Plan which will support the proposed reduction in campus car parking;
- To ensure that appropriate pedestrian and cycle facilities are provided both within the site, and also connecting the campus to the other parts of Bath;
- The scheme must demonstrate how the proposed student numbers will travel, and how car use will be avoided and reduced over time;
- The construction strategy for the development should be considered, and appropriate mitigation measures identified where appropriate.

Travel Plan

The existing University of Bath Travel Plan has not been comprehensively updated since 2016 and the current application proposes an updated document which is included as a draft within Appendix TS-8 of the submitted TS.

As presented within Table 1, there has been no noticeable shift in the number of people driving to the Claverton campus. This is likely to be associated with the car parking levels at the site, and the use of these spaces would be maximised on a typical day. The popularity of public transport has remained stable throughout the surveys, and there has been no significant shift in the number of people travelling by active modes. It is clear that to reduce car use and to promote the use of more sustainable modes, there is a need for a significant change in the approach to delivering a campus Travel Plan.

Figure 2 from the Travel Plan helpfully identifies travel trends by different groups accessing the campus site. It demonstrates that professional staff are the group that relies on private car journeys, and this reflects the car parking strategy which is currently adopted at the campus. The baseline survey results, as presented within Table 1 of the Travel Plan, demonstrate that there has been little change in promoting an increased use of active travel modes or public transport over the previous few years. The proposed Travel Plan has a primary target to reduce two-way car trips by 16% by 2030, and this target would be set for the life of the Travel Plan. There would be a range of sub targets including an increase mode share for active travel to 15% (from a baseline of 10%). It is assumed that the Travel Plan would commence as soon as any application is approved, and there is a likelihood that any Plan would need to be extended beyond 2030 to cover the full implementation of the proposed scheme. The justification for the primary target is briefly reviewed within the Plan, and it seems that the primary reason for the 16% reduction in car trips is the need to align with the reduction in car parking within the site. Given the implementation of the full project is likely to extend past 2030, further work may need to be undertaken to review how longer-term targets could be developed and achieved with further mitigation implemented (other than a response to the reduction in car parking levels).

The proposed Travel Plan includes measures to improve active travel use for trips to the campus site. However, any increase in cycle use is likely to be largely dependent on the delivery of improved routes to the campus site, which is reviewed in the "Pedestrian and Cycle Access" section below.

It is evident that the Travel Plan remains under development and an implementable version of the document will not be available for review as part of the decision making process. This is accepted and the applicant is advised that the comments above must be

reviewed as part of the drafting phase. Notwithstanding, it is clear that the construction phase would have a direct impact upon the car parking stock across the campus site and so there will be a need to ensure that a version of the Travel Plan was active and agreed before the construction phase interacted with the start of a University Term. The recommended wording of the Travel Plan condition reflects this.

The Travel Plan would need to fulfil the requirements of the adopted Transport and Development SPD, and this includes the securing of an appropriate bond. As explained within the SPD, the bond could then be used by the Council should the Travel Plan fail to achieve the prescribed targets over the lifetime of the document. The bond figure is calculated depending on the land use, however there is no factor for student accommodation contained within the SPD.

The SPD sets out that the bond figure for a domestic C3 dwellinghouse is £775, though clearly one bedspace does not function in the same way that a C3 dwellinghouse would and to use a direct multiplication of this figure by the number of bedspaces would be unreasonable. The Council therefore used the specialised housing ratio that is set out in the standard method when counting PBSA. The ratio is 2.4 student beds equating to 1 C3 dwelling. 926 student beds equate to 386 (rounded) C3 units. A Travel Plan Bond of £299, 020.83 was originally recommended by officers.

The applicant accepts the principle of providing a Travel Plan Bond but has raised concerns about the originally proposed amount and has put forward an alternative calculation, supported by justification. They have assessed the likely trip generation from the student residences, concluding that it would be approximately one-seventh of the movements generated by a typical C3 residential scheme. This assessment is not disputed, particularly as the proposed development is to be car-free. Furthermore, while the existing Travel Plan requires updating as previously outlined, the fact that parking usage (in absolute terms) has not notably increased, despite a growth in student and staff numbers, does indicate an element of success. On the basis of the applicant's formula, the Travel Plan Bond would be calculated as (926 x £775) / 7 = £102,521.

The applicant recognises that the calculation of the bond is, in this case, not prescribed within policy and guidance and has therefore stated that they would be agreeable to a bond figure of £150,000. Whilst this is just over half of the bond figure originally proposed by the Council, the imprecise nature of calculating a figure for this development type is recognised and the justification put forward by the university is relevant to this specific case. If the development was for off-campus accommodation, the considerations would be different. It is also relevant that the university is continuing to deliver an established Travel Plan and given their status as a Public Institution and as a Strategic Partner to the Council, the risks associated with calling in the bond are greatly reduced. As such, the Local Planning Authority accept the £150,000 figure for the Travel Plan bond.

Pedestrian and cycle access

The internal pedestrian and cycle access requirements are reviewed in Section 6 of the submitted TS document. The scheme includes a new pedestrian route being delivered through the Eastern Car Park, and this would be important to help connect the residential areas of the campus site. The routes have been reviewed against the Active Travel checklist, and this is included as Appendix TS-07. There is a crucial pedestrian link to the

west of the application site that would need to be upgraded to ensure that suitable pedestrian access to the rest of the campus site was achieved. The submitted plans state that appropriate lighting would be included and this would need to be suitable to ensure that all students were safe using this space at all times of day. The route would also be used to access the Padel courts, and it is expected that these would be used throughout the evening period.

Section 4.2.10 onwards within the submitted TS reviews the opportunities to provide improvements within the local area, and to the city centre, which would support increased active travel and provide safer routes for travel to and from the University campus site. There are a range of proposals which have been previously considered, and these are also highlighted in the Active Travel England consultation response to the planning application. Given the need to provide realistic travel opportunities for an additional 926 students at the campus, and also the need to increase active travel modes for a growing number of staff and other students, the improvement to local routes must be a fundamental part of any planning approval for a development of this scale.

The adopted Active Travel Masterplan and the emerging Bath Movement Strategy promote improved active travel connections on each of the routes between the campus and the city centre. Furthermore, there are proposals to enhance the connections through to Combe Down and there would be a link to the Scholar's Way scheme which is currently being implemented. The potential requirements relating to each of the campus connections are reviewed below.

Bathwick Hill / Oakey / North Road / Copseland:
The submitted TS reviews the potential crossing improvements that could be provided at these junctions, and Appendix TS-04 references scheme drawings that were previously consulted upon. Improvements at these junctions are now proposed, similar to those identified within the planning submission, as part of the Scholars Way active travel scheme, and these are due to be delivered in the summer of 2026.

Copseland / Quarry Farm and Widcombe Hill:
This route is identified within the Active Travel Masterplan and the emerging Bath Movement Strategy, and this could also provide a connection across to Combe Down (which would be an important link for students and staff travelling to that area of Bath). The route has been identified within the eastern section of the Scholar's Way active travel scheme, and improvements along the length of this corridor are expected to be delivered in early 2026.

The Avenue / Bridleway BC74/1:
Active Travel England have commented on the potential need to upgrade this route as an active travel connection to the proposed development. However, given the existing nature and purpose of the route it is questioned whether this would be suitable to promote as an alternative route for students, and there is likely to be some wider benefit in retaining the existing recreational character of The Avenue and bridleway. The Local Highway Authority therefore consider that routes within the campus site should be promoted as the primary connections.

It is considered that the active travel opportunities outlined above are either not relevant to the current proposals or are already funded and there is no requirement for them to be

contributed to via this scheme. There are, however, opportunities which the Local Planning Authority consider must be secured via this proposal, given the increase in the number of students at the campus which will result from the scheme and to ensure the success of the Travel Plan.

The Council has previously developed an Active Travel scheme design for the link between Norwood Avenue and The Avenue. The completion of this link has the potential to significantly benefit the students that would be located on the eastern side of the campus. Works required include the dropping of a kerb to enable cycle access, the provision of lighting and relocation of bollards. The university has agreed to deliver this improvement (or similar) prior to the occupation of the scheme, and this will be secured via S106 agreement.

Routes to city centre via Bathwick Hill / North Road:
The application requires that there is a shift from private car use and that the travel needs for a significant increase in the number of students being accommodated within the campus can be safely managed. Given this, there is a fundamental need to ensure that an active travel route between the campus and the city centre can be delivered, and this should accord with the requirements of the Active Travel Masterplan and the adopted Bath Movement Strategy. Historically, efforts have been made to consider how a route could be delivered and whilst there was not definitive conclusion, it is clear that there is now a need to ensure a route can be implemented. This is supported by Active Travel England. Given that the Council would need to deliver the route itself, the Highway Authority recommend that a financial contribution is made toward delivery. There is acceptance in principle of this from the applicant.

Given that there is not a currently costed scheme for an active travel route from the campus to the city centre, there is a degree of uncertainty with regard to cost and what the route would look like. The applicant's Transport Consultant has provided their own cost estimate of the scheme within "Technical Note 2" (February 2026) at £150,000 excluding VAT. The figure is based upon presented methodology and a potential scheme for delivery. However, the scheme presented falls significantly short of the Council's expectations and the figure has not been accepted by officers.

A review of the campus to Bath city centre options has been reviewed with Active Travel team colleagues, and this has included consideration of how earlier opportunities were reviewed and also a comparison has been made against other similar schemes which are currently being implemented throughout Bath. The Scholars Way Scheme extends from the University of Bath to Odd Down (5.2km) and includes crossing / junction improvements, hard surfacing of a public byway and a short section of cycle segregation and a section of shared footway. That scheme is forecast to cost approximately £6.1 million, which equates to £1.2m per km. Given that the potential level of segregation on the proposed route between the city centre and campus is likely to be low, it is considered that the cost comparison with the Scholars' Way scheme is appropriate, with an estimated cost of £3.4 million for the route. This scheme cost is significantly different to that presented by the applicant team. However, the scheme estimate is based on similar works that are currently being delivered, and the required active travel scheme would be similar.

It is recognised that there is some uncertainty in the way the figure above has been calculated and it is an estimate of what may be required. There will be a degree of

difference between the potential routes and the Scholar's Way scheme and thus, some flexibility in the figure and the contribution the university make to the route is entirely reasonable. Any obligation requested must meet the CIL Regulation 122 tests as follows:

(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.

Such an obligation clearly meets tests (a) and (b) as set out above. Critically, any contribution requested must be fairly and reasonably related in scale and kind to the development. It is not considered proportionate to require this development to contribute to the entirety of the active travel scheme. The proposed scheme will increase the number of first-year students being housed on the campus by around one-third. In order to mitigate the impacts of these students arising from the development, it is considered that a proportionate contribution would be around one-third of the cost of the active travel route. Using the Council's calculations, this would be around £1.13 million.

The applicant has challenged the Council's calculations highlighting differences between the Scholars Way Scheme and the potential routes to the centre from the campus. They provide an estimate of around £2.06 million for the cost of the route and offered a contribution of £687,000. Whilst this figure represents a significant increase above the original offer of £150,000 it clearly falls short of the Council's estimate.

As highlighted, there is a degree of uncertainty with regards the total amount required for the route and clearly, funding from other streams will be required to deliver an active travel route. This route is highlighted in the movement strategy as a priority to the Council. Following further discussion and negotiation and taking account of the uncertainties with regard to cost estimates, the university have offered a contribution of £850,000. The Council has accepted this contribution with the caveat that it is spent as the Council see fit to enable the deliver of the route. This may include optioneering and design costs. This contribution is considered to be fairly and reasonably related in scale and kind to the development and represents a substantial amount of money which can be used toward the deliver of an active travel route.

Public transport

The campus site is served by a range of existing public transport connections. The local services and bus stops are summarised within the submitted TS, and these would provide students and visitors with a high standard of public transport access to the proposed site. The additional students accommodated within the campus has the potential to reduce the peak demands that currently occur, however, as student number grow these benefits are likely to be short term only. The submitted TS and Travel Plan consider measures that could help to flatten peak demands, and these measures would need to be secured within any Travel Plan.

In September 2025, the bus services and routes that connect the campus site to the rest of Bath, and also Bath Spa University, were comprehensively reviewed. Clearly the success of the amended services will need to be reviewed and evaluated throughout the

current academic year, and it is uncertain whether further changes may be necessary. The proposal makes no firm commitment towards the improvement of the public transport network, and there would be a reliance on the existing infrastructure and services.

Whilst the provision of the additional accommodation may potentially reduce the number of trips made by first year students, who would have had to travel from other parts of Bath, the proposal does facilitate the predicted growth in student numbers overall. There is also a reduction in the number of campus car parking spaces as a direct consequence of the scheme. Given this, there would be a gradual increase in the number of students and staff that would need to use public transport to travel to and from the site, and there must be a mechanism in place to ensure that the required services can be reviewed in conjunction with the operators and be supported if necessary. Due to the need to manage the campus parking stock, the proposed Travel Plan identifies the need to investigate further changes to bus routes in order to provide an alternative for those students and staff that may have previously driven.

Further information has been provided which demonstrates how the University has recently worked with the relevant bus operator, and routes have been amended through this current academic year. It is likely that changes will continue to be made in response to student and staff demand, and this can be monitored as part of the Travel Plan approach. Subject to the Travel Plan being fully secured, it is considered that the public transport requirements for the site can be managed through that process.

Site vehicular access and traffic impact

Other than within any construction phase, the vehicular access to the site would rely upon existing routes that are routed through the campus. Subject to the implementation of an effective Travel Plan, as reviewed above, as a result of the scheme there is unlikely to be any material impact on the wider highway network. The reduction in the campus car parking should help to reduce the number of traffic movements to and from the site, and this is a core part of the proposed Travel Plan targets and monitoring.

The submitted TS includes a proposed Student Move-In/Move-Out Strategy, and there are no concerns relating to the presented approach. The potential site servicing and construction arrangements are reviewed in the sections below.

Parking arrangement

The proposal includes a comprehensive cycle parking strategy, including provision for residents and visitors to the site. A total of 388 cycle spaces are proposed, with the spaces provided in dedicated cycle stores. As stated within the TS, this level of parking fully accords with the standards presented within the Transport and Development SPD, and the proposed locations of the cycle store areas are considered to be appropriate. The additional 28 short-stay cycle parking spaces within the development are welcome.

The residential scheme would be supported by a total of 16 car parking spaces, and all of these would be assigned for use by the 16 accessible accommodation units. There is no objection to this approach, and no other student would be expected to park a vehicle within the campus site.

The proposed scheme would include a total of 97 car parking spaces, which would be retained as part of the East Extension Car Park. Section 6.6 of the TS reviews the impact of the proposed scheme on the availability of campus car parking, with a total of 327 parking spaces being removed. This would result in 1944 spaces being available across the campus. As reviewed above, the successful implementation of the Travel Plan measures would be critical to ensure that the parking levels were sufficient to accommodate the expected daily demand.

The submitted TS considers existing parking trends in some detail and also identifies how the eastern car parks are typically used on a daily basis. The information demonstrates that on several weekdays the car parks are approaching or reaching effective capacity within the middle part of the day. To accommodate the proposed reduction in car parking, the associated demand for parking needs to be reduced by approximately 10%. It is noted in the Travel Plan section above that the University is seeking a 16% reduction in car trips travelling to the campus site. There are a number of measures that the University is currently implementing, and a reduction in the number of Pay & Display spaces and an increase in parking charges is likely to have some impact in the number of people travelling to the campus by car. However, this and the growth in overall student numbers will ensure that improved active travel and public transport use will become a critical part of the transport strategy for the site, and this would have to be secured and delivered as part of an effective Travel Plan.

The submission proposes that various parking management measures are implemented, and these would need to be agreed and instigated by the University management. Whilst the Council may have some interest in the nature of the measures being implemented, the most important step would be to agree a process to monitor how the spaces are used across the campus, and to ensure that parking was enforced appropriately and that overspill parking did not occur within inappropriate areas.

Site servicing

The submitted TS provides a comprehensive overview of how servicing within the site would be undertaken. It is noted that the entire site will remain private, and the service areas will be maintained by the University. Appropriate swept path analysis has been provided, and there are no significant issues relating to the proposed site servicing approach.

The Council's Waste team has provided a response and has not raised significant concern.

Construction management

Section 11 of the submitted TS considers the requirements of a Construction Management Plan. Throughout any potential construction phase of the development, the scheme and the delivery of any highway works would have the potential to disrupt the local transport network. If permission were to be granted the highway authority recommends a planning condition is attached to ensure that a Construction Management Plan is agreed before any works commence on site. The need for delivery vehicles to avoid certain peak periods is particularly important given the nature of the site and the surrounding area.

Other highways matters

Third-parties have raised that the road speeds around the university are more than limits allow. It is not considered that the proposed development would exacerbate this issue.

Highways conclusion

The scheme has been comprehensively and rigorously assessed with input from Highways teams across the Council. It is noted that Active Travel England are still unable to support the scheme. However, officers are satisfied that the measures and contributions proposed would mitigate the impacts of the scheme and have no objection, subject to conditions and a S106 to secure the agreed obligations. The development complies with the relevant highway policies within the development plan.

11. 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 within Flood Zone 1 (i.e., an area at the lowest risk of flooding). The area is not at risk of surface water flooding. A Flood Risk Assessment (Mann Williams, July 2025) has been submitted with the application.

An outline drainage strategy has also been submitted which is based on sustainable drainage principles has been submitted. It is proposed that surface water arising from the development will be managed onsite by infiltration into the ground using a mixture of swales basins and traditional soakaways. The systems are to be designed to accommodate the critical 1:100+45% climate change event with no flooding and are to be managed for the lifetime of the development by the university's appointed management company. This is acceptable.

Prior to commencement a detailed drainage design based on the Flood Risk Assessment must be submitted for approval. This should include onsite infiltration testing at the location and depth of the proposed infiltration systems, to BRE Digest 365 Standard, plans and detailed drawings, and calculations proving the performance of the system up to the critical 1:100+45% climate change event. This can be secured by way of a pre-commencement condition.

The Environment Agency have been consulted and have raised no objection to the proposals.

As such, subject to the above condition, 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.

12. CONTAMINATED LAND

Local Plan Partial update policy PCS5 has regard to Contamination.

The application is accompanied by a Geoenvironmental Desk Study (Geotechnical Engineering Ltd, April 2025). The report recommends that an intrusive investigation be undertaken to confirm the ground conditions, allow for the collection and chemical testing of soil and groundwater samples and install monitoring wells to assess the ground gas regime.

As such, a number of pre-commencement conditions are recommended which secure investigation, remediation as required and a verification report (pre-occupation). A condition requiring works to cease and further investigation to be carried out prior to further works should unexpected contamination be found is also recommended.

Subject to these conditions, the proposal is considered to comply with policy PCS5 of the Local Plan Partial Update.

13. PARKS AND RECREATION

The Planning Obligations SPD (2026 Interim Update) includes green infrastructure, greenspace and recreational facilities. The Green Space Strategy (2015) provides the evidence base for the supply of recreational greenspace in the area of the development related to the existing and projected population. Local Plan Partial Update (LPPU) Policy LCR6 (New and Replacement Sports and Recreational Facilities) and Placemaking Plan Policy LCR9 (Increasing the Provision of Local Food Growing) provide the policy requirement for development to meet the recreational greenspace demands generated from proposed development.

Policy CP7 (Green Infrastructure) in the LPPU provides that existing and new green infrastructure must be planned, delivered, and managed as a key delivery mechanism for nature recovery and an integral part of creating healthy and sustainable communities.

Open Space Demand Assessment

The development generates the following demand for open space:

Allotments - 2778m2
Amenity Green Space - 2778m2
Parks and Recreation Grounds - 12, 038m2
Natural Green Space - 12, 038m2

Total: 26, 632m2.

On-site public open space

Following original comments from the Greener Places team, additional information has been provided. This presents the quantum of open space within the proposed development as 0.61 hectares of amenity green space and 1.46 hectares of open space.

Concern has been raised by the Greener Places team that a number of the spaces included in this figure are small spaces that have little recreational value and should not be counted toward open space provision. The Landscape General Arrangement Plan shows that much of the natural green space proposed comprises scrub planting, species rich grassland, and wildflower meadow which has great ecological benefit but limits the recreational function. It is also suggested that these spaces will be private and not open for public use. The University has provided a rebuttal to the comments, in a letter dated 9th March 2026 which has been considered.

The way the scheme will operate is considered to be a material consideration when reviewing the public open space requirement and provision. The accommodation blocks will clearly operate in a way that is different to a traditional C3 residential development. The existing campus is publicly accessible and none of the areas of green space proposed will be gated. In this respect no access will be restricted, and officers do not consider that it can be convincingly argued that the spaces provided will be "private". The spaces are designed as public spaces for the nearby students to utilise.

The open spaces provided are smaller than the Council would generally accept on a residential scheme. Again, the operation and function of the development is relevant to the assessment. The spaces in between the blocks are of sufficient size to allow for students to socialise and recreate. There would be ample opportunity for moderately sized gatherings and there is opportunity for local food growing.

A key consideration is also the fact that the proposed development is entirely on campus. The campus as a whole has a number of recreational spaces, including parkland. These would be available for use by the students at the site.

It is considered that, notwithstanding the submitted landscape arrangements, there could be opportunity to provide additional seating and perhaps amend some of the proposed planting areas so that they could be better used as recreation spaces and this could be secured by condition. The university has also agreed to enhance the existing Community Garden/Orchard as part of the scheme, and this can be secured via a S106 agreement. This is lieu of allotment provision which is unlikely to be successful on the campus. This approach is agreed with the Greener Places team.

Accordingly, it is considered that the proposals deliver sufficient open space for the new student population, taking into account the typology of the development and the location on campus.

14. PUBLIC RIGHTS OF WAY

A bridleway runs along the eastern boundary of the site (BC74/1). The Public Rights of Way (PROW) Team have raised concern with regard to the proposed woodland buffer planting in respect of the height of the planting when mature, the proximity of the mature planting to the bridleway when mature and the species chosen. The types and positions of planting have the potential to cause the following issues on the bridleway:

- Damage to the surface of the bridleway caused by roots;
- Overhanging branches above the bridleway;
- Leaf litter and fallen fruit on the bridleway (some species may be harmful to horse); and
- Future liability and maintenance - the landowner is responsible for ensuring that the bridleway is not obstructed.

The creation of the woodland buffer will mean that the bridleway is enclosed for a considerable length on both sides, and the concerns of the PROW team are understood. Nevertheless, the woodland buffer is a policy requirement and essential for helping to mitigate the landscape and ecological impacts of the scheme. The principle of a buffer in this location is enshrined within the allocation policy. The Council's Arboricultural Officer has helpfully pointed out that swales are proposed alongside the western edge of the bridleway which will act as a physical separation between the woodland planting and the PROW. Further details with regard to the management of the woodland buffer, including in respect of the bridleway can be captured within a Landscape Ecological Management Plan (LEMP) to be secured by way of planning condition.

As such, officers do not consider that a refusal reason in respect of the bridleway would be justified.

15. TREES

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

The application is supported by an Arboricultural Report which is welcomed. The Council's Arboricultural Officer raised queries in respect of the positioning of underground services and the number of trees to be removed. A response was provided by the applicant's Arboricultural Consultant that clarified underground services would be subject to separate planning applications and updated method statements and tree protection plans would be provided in respect of this. These applications have been submitted, and this is accepted.

With regard to tree losses, the position is clarified as follows:

"Although it was originally intended to remove Sycamore 3214 to allow safe pedestrian access onto the site. As stated in section 3.4 of the provided AMS "Realignment of this path, together with a no-dig construction method, will allow the tree to be retained and will be confirmed once full construction details and methods are confirmed". The main contractor is yet to be appointed but this will be confirmed once the appointment is made and the Final Construction Management Plan is formulated. Groups 1-5 are high-density groups which have lacked maintenance. Many of the trees are tall and drawn with high narrow crowns and lacking any graduated woodland edge. As indicated in section 3.3 of the Method Statement "thinning of groups, coppicing and removal of edge trees and new underplanting to improve structure, diversify age class, species mix and habitat value is already proposed as part of the University's approved Landscape and Ecological Master Plan". Removing tall and etiolated edge species and eventual thinning of the remaining groups will improve the composition and quality of the trees, providing a more sustainable population for future generations."

The Council's Arboricultural Officer has accepted this justification and clarification.

There is also some concern from the officer with regard to the 10m wide buffer proposed and that the width represents a constraint on what could reasonably be planted in this location. There is a concern that tree competition and insufficient depth may lead to natural losses and thinning overtime. The views of the officer are noted, and the policy compliance of the 10m buffer has been explored within the landscape section of this report and will not be repeated here. It is considered that with a robust landscape management plan, which will be secured by way of planning condition, and the necessity for biodiversity net gain to be managed for a period of 30 years that the 10m buffer is sufficient. Indeed, it is enshrined within policy and whilst a larger buffer would be more preferable from a purely arboricultural perspective, there would be other implications to increasing this width.

Therefore, subject to conditions, the case officer is satisfied that the proposals comply with policies SB19 and NE6 in this regard.

16. ECOLOGY

The proposal is situated on the eastern edge of the campus, within an area of notable ecological sensitivity. Immediately adjacent to the east lie habitats of significant conservation value, including the Bathampton Down Complex which is a designated Site of Nature Conservation Interest (SNCI) that extends around the site to the east and south, at approximate distances of 250 metres and 150 metres respectively. The locality is known to be used by light-sensitive bats, which are linked to the nearby Bath & Bradford on Avon Special Area of Conservation (SAC); the closest component of the SAC is located approximately 550 metres to the north. These bats use the surrounding suitable habitats for foraging and navigating the landscape and have been recorded traversing the eastern boundary's vegetation and tree lines.

Ecological and biodiversity net gain assessment have been undertaken and are submitted as part of the application. Lighting impact assessments and a shadow Habitats Regulations Assessment are also provided.

Ecological and Biodiversity Net Gain (BNG) assessments

The submitted ecological and Biodiversity Net Gain (BNG) surveys, together with the baseline habitat plans, have been reviewed and are deemed acceptable. Furthermore, the proposed BNG habitats are supported, reflecting a considered approach to enhancing the site's ecological value and securing long-term biodiversity benefits. A substantial BNG will be delivered as part of the scheme.

It is essential to ensure that landscape and visual screening measures do not undermine the habitat value or disrupt the functionality of the eastern boundary as a vital flight corridor for SAC bats and other wildlife. The habitats along this boundary must continue to provide optimal conditions for ongoing use by bats. Ideally, linear connective features such as mixed native hedgerows, treelines, and woodland edges, combined with ample flight space, maintained darkness, and invertebrate-rich grassland or equivalent habitats, should be promoted. These objectives are addressed through the inclusion of hedgerows, bioswale, and mixed scrub habitats, as depicted in the proposed habitat plans for the eastern and south-eastern zones of the development. Planting should incorporate appropriate native species at suitable densities to foster structural diversity and encourage a rich variety of ground flora, fauna, and invertebrates.

Appropriate recommendations are made within the reports for ecological and protected species mitigation and enhancement.

A "framework" ecological Construction Environment Management Plan (CEMP) (Ethos) and Habitat Management and Maintenance Plan (HMMP) (Ethos) are provided. These documents provide the framework on which the final plans will be based; the CEMP will cover ecological measures required during site preparation and construction phases, and the HMMP will provide details of long term habitat and landscape management operations; ecological enhancements; and monitoring and reporting (including for lighting). The approach and submitted "framework" headings and objectives are supported and full details and implementation can be secured by condition.

Lighting

Parts 6 and 7 of the submitted ES and ES Addendum deal with lighting and ecology respectively, alongside their associated appendices. Updated lighting related documents are contained within these appendices such as the Lighting Strategy (6.1), Obtrusive Light Calculations (6.4), Lighting Plan (6.6) and Technical Note (6.7). These have been updated/provided in response to comments raised by both Natural England and the Council's Ecologist.

The ecological sensitivities of the site in relation to lighting are recognised within the allocation policy. The orientation of the buildings in Area 2, alongside the 25m set back and woodland buffer are specifically set out in SB19 with the purpose of limiting the impacts upon sensitive habitat to the east. The applicant has worked hard to design a sensitive lighting strategy which addresses this significant site constraint but that also delivers the required level of lighting to ensure that the development meets the safety needs of its occupiers.

In response to comments raised, the lighting strategy has been amended to remove proposed uplighting of trees as required by officers. The lighting strategy has been refined further following the design amendments to Block 1.

Whilst the amendments have addressed some of the concern raised, the Council's Ecologist advises that there are two remaining matters which require further assessment as follows:

1. The lighting reports continue to refer to lux level thresholds of 0.5 lux rather than the requested lux level threshold of 0.4 lux on the vertical plane; and
2. There is a slight exceedance of the 0.4 lux level threshold on the vertical plan and 0.2 lux on the horizontal plane onto the tree line in the south-east corner of the car park.

The lighting report makes a case for continuing to use a lux level threshold of 0.5 lux on the vertical plane. This and the reasonings are not accepted. Therefore, a threshold of 0.4 lux on the vertical plane remains the level being used in the consideration of the ecological acceptability of the scheme by the Local Planning Authority, and of the purposes of the Habitat Regulations Assessment. The Shadow Habitats Regulations Assessment has, for the avoidance of doubt, correctly referenced these figures.

The revised lighting reports demonstrate that these thresholds are met for the eastern boundary, with the exception of the south-eastern corner of the car park where the 0.4 lux level threshold on the vertical plane and 0.2 lux on the horizontal plane onto the tree line are slightly exceeded. This is attributed to the lamp in this corner and affects approximately 25m of this edge within which there are some areas of light spill above the 0.4 lux threshold, with a maximum of 0.46 lux predicted on the vertical plane.

The Council's Ecologist has discussed this matter with the applicant's Lighting Engineer. It has been advised that any changes or repositioning/removal of the lamp in this corner would compromise the CCTV and necessary standards for safety and security (refer to the designing out crime section of this report). Mitigation is, in any case, proposed with details summarised in Table 3 of Section 4.5 of the External Lighting Strategy (revision P02, 23rd January 2026, DFL). Measures of relevance are:

- The colour temperature for car park lamps is proposed _$52700K, but with a very low "ultra-warm" level of 1750K for lamps that are in proximity to ecologically sensitive locations, achieving an "amber" colour temperature. This is a feature specifically designed for the purpose of reducing ecological impacts. It proposed use for the scheme is supported. Whilst it does not reduce lux levels, it will contribute to a mitigating effect and reduce harmful impacts on ecology and bat activity including light-sensitive bats associated with the SAC.

- A centrally controlled dimming regime. Details can be secured by condition.

- A short stretch of fencing could be installed as additional mitigation measures

Given the measures above, combined with the relatively limited area affected and a low lux level exceedance, it is considered that this would not give rise to significant harm or impacts to bat SAC bat activity or movement. Any displacement effect on bats, if it occurs, would be minimal in that a barrier or a need for bats to travel any significant additional

distance would not be created; the habitats immediately adjacent will remain unaffected and suitable.

The Local Planning Authority has undertaken a Habitats Regulations Assessment and concludes that:

"Following an Appropriate Assessment in accordance with the Regulations, the competent Authority has ascertained that the project would not have an adverse effect on the Bath and
Bradford on Avon Bats SAC either alone or in combination with other plans or projects."

Natural England have been consulted and have confirmed as follows that "your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given."

Lawfulness of existing site lighting

Comments have been received with regard to the existing lighting on parts of the campus around the site including the floodlighting for the 3G pitch, MUGA and the East Car Park. This matter has been reviewed by the case officer and the Planning Enforcement Team, and it has been concluded that the lighting is lawful.

Ecology and lighting conclusion

The application has been rigorously assessed by the Local Planning Authority and Natural England with regard to lighting. It is considered that an appropriate balance has been achieved in respect of limiting the impacts of the scheme on wildlife, with specific reference to bats, and ensuring the safety of the end users of the scheme. The HRA has been concluded favourably. Subject to a number of recommended ecological conditions forming part of any permission granted, there is no ecological objection, and the proposals comply with policies NE3, NE3a, D8 and SB19 in this regard.

17. ACCESSIBILITY

The Council's housing accessibility standards are set out within policy H7. Clearly the typology of student accommodation does not lend itself to meeting building regulations accessibility standards in the same way that C3 dwellings would. Nonetheless, there is an expectation that accessibility will be designed into the scheme.

10 accessible bedspaces are proposed across the scheme. Although on face value this is low figure, the university have set out that this is based upon the data from the existing student population. The Council do not have data to challenge this, and there are no specific policy requirements for student accommodation in policy. As such, this is accepted.

18. PUBLIC HEALTH INFRASTURCTURE

Both the NHS Royal United Hospitals Bath Foundation Trust and NHS Bath and North East Somerset, Swindon and Wiltshire Integrated Care Board have provided comments on the scheme.

Primary Healthcare

The NHS B&NES, Swindon and Wiltshire Integrated Care Board ("ICB") have identified that the University Medical Centre which is located on the University Campus is most likely to be impacted by the proposed development given its proximity and predominant patterns of patient access in the area. Along with this practice, the Putney Practice and the Putney Practice Bathampton make up the Unity Medical Group Primary Care Network.

They have indicated that these existing surgeries in the local area are struggling to meet demand and have insufficient premise space to accommodate additional staff and patients. They have highlighted concern that the increase in patient demand that would arise from the development will put pressure on staff and waiting times as well as the resilience to the primary care workforce. If unmitigated, the development would be unsustainable in this regard.

Following the submission of revised plans, the ICB has calculated two financial contribution figures for the scheme. One is for the extension and/or refurbishment of the existing medical centre (£426, 411) and the other is for a new build facility (£552, 425). Given the existing Campus constraints which have been highlighted, it is considered that a new build facility will be challenging to deliver and there are uncertainties around the ability to spend such a contribution. Therefore, it is considered appropriate that the lesser figure is sought, as the refurbishment of the existing medical facility is likely to be more achievable at the site and would still mitigate the impacts of the development.

Policy CP13 states that new development must be supported by the timely delivery of the required infrastructure to provide balanced and more self-contained communities. This also states that Council's will work in partnership with relevant agencies and providers to ensure that social infrastructure is retained and improved for communities. Contributions towards Primary Health Care are referenced in the Planning Obligations SPD and the ICB make a clear case for the need for contribution towards improved/expanded facilities at local GP surgeries to avoid negative impacts upon this vital social infrastructure arising from this development.

The development is therefore considered to be directly related to the development, necessary to make it acceptable and fairly related in scale and kind to the development and meets the CIL regulation 122 tests. The applicant has agreed to this request, and it will be secured as part of the S106 agreement.

Secondary Healthcare

The Royal United Hospital Trust ("RUH") have requested a contribution of £300, 782 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.

19. 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.

The policy sets out that the space heating demand must be less than 30kWh/m2/annum and the total energy use less than 40kWh/m2/annum.

Space heating demand

The predicated space heating demands for all the proposed blocks meets the policy requirement of less than 30kWh/m2/annum with values ranging from 8-15 kWh/m2/annum. This is significantly under the policy limit which is supported. This element of policy SCR6 is complied with.

Total energy use

None of the predicted total energy uses for the blocks meets the policy requirement of less than 40kWh/m2/annum, with values ranging from 41.2 - 60.2kWh/m2/annum.

Paragraph 4.10 of the Sustainable Construction SPD states the following:

"All dwellings within the development must meet the energy use, space heating and on-site renewable energy generation requirements individually (i.e. targets cannot be averaged out across the whole development). Non-compliance of individual dwellings will only be considered in exceptional circumstances. In these circumstances, a valid justification must be provided setting out the constraints and mitigating factors in Table 11. Only in exceptional circumstances, where it is clear that all on-site opportunities have been maximised, will non-compliance and/or offsetting (for major development only) be considered."

Table 11 of the Sustainable Construction SPD details that if non-compliance is proposed on the grounds of viability or technical feasibility, a viability assessment or technical rationale is likely to be required. The case officer and Climate Policy Officer recognise that the energy requirements of the buildings are different to typical residential dwellings, and the energy use standards present more of a challenge for this typology. The Sustainable Construction Checklist sets out the measures that will be provided as part of the scheme. This includes heat recovery systems (including cooling), LED lighting, motion detectors, mechanical ventilation, high levels of air tightness, and insulation. The buildings themselves have been designed so as to seek Passivhaus accreditation for their typology. It is considered that the buildings are being constructed to a very high specification with regard to sustainability and it would be difficult for the University to improve greatly on these standards without significantly compromising the viability of the scheme. The deviation from compliance with the energy use standards is therefore accepted.

The Sustainable Construction SPD sets out at page 3 that in the case of major developments where the use of onsite renewables to match total energy consumption is demonstrated to not be technically feasible (for example with apartments or economically viable, renewable energy generation should be maximised and the residual on site renewable energy must be offset by a financial contribution paid into the Council's Carbon Offset fund.

The development is a relatively high density development which generally features cluster apartments of student accommodation. It is considered that in this regard, renewable energy generation to match the energy consumption is not technically feasible within the available onsite space particularly when considering other requirements such as on-site amenity/open space, landscaping and tree planting. Consideration must therefore be given as to whether onsite renewable energy generation has been maximised. All roofs feature solar photovoltaics, though the extent is limited to some degree by the necessity for rooftop plant. It is not considered that the scheme could accommodate further methods or amounts of energy generation. As such, opportunities have been maximised in line with policy. A contribution to the Council's Carbon Offsetting fund is therefore required.

The contribution, using the residual carbon, has been calculated by the University agreed with the Council at £223,792 following the revisions to the scheme. It is noted that the way that off-set contributions are calculated has been updated in the Planning Obligations SPD (2026 Interim Update) but given that the application was submitted prior to this, the superseded calculation methodology is appropriate.

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.

The proposed embodied carbon emissions of 607kgCO2e/m2/year for modules A1-A5 meets the policy requirement of less than 900kgCO2e/m2 for the substructure, superstructure and finishes. Therefore, the proposal is considered compliant with Policy SCR8.

20. FIRE HYDRANTS

The Planning Obligations Supplementary Planning Document (Interim Update, 2026) sets out that building regulations require a major new development to be built within 100m of a fire hydrant. In circumstances where fire hydrants are not within 100m of a development a new fire hydrant will be required.

Avon Fire and Rescue have been consulted on the application. Their original consultation response set out that 4no. hydrants would be required for this development and a contribution of £1500 per hydrant would be required. The applicant has clarified that they are proposing to deliver fire hydrants as part of the scheme, which would be on a private water main. Avon Fire and Rescue have clarified that if this is the case, a contribution is not required, and officers are satisfied that the delivery of hydrants prior to any occupation of the scheme can be secured by way of planning condition.

21. TARGETED TRAINING AND RECRUITMENT

The application meets the threshold for a contribution toward Targeted Training and Recruitment.

The TR&T outcomes and contribution are calculated using estimated costs of development with an aim of providing opportunities for at least 5% of the construction work force being a New Entrant Trainee (NET). These are adaptable to the scale, duration and nature of the development and are proportionate to the impact of the development. The developer will also be expected provide a Targeted Training and Recruitment Method Statement and join the Management Board.

The developer has agreed to pay a financial contribution of £26, 345 and this can be secured via S106 agreement.

22. OTHER MATTERS

It has been raised by a third-party that the development has the potential to result in harm to animal welfare, specifically with regard to noise and disturbance to the animals housed within the Cats and Dogs home and livestock grazing on the land to the east within Bushey Norwood. For the reasons set out in the residential amenity section of this report, the development is not considered likely to result in significant levels of noise and disturbance. There is no specific policy with regard to animal welfare within the development plan and this would fall within the remit of the Environmental Protection team who have raised no objection to the scheme.

The EIA is stated to be inadequate by a third-party as it fails to consider noise impacts of the development. The EIA Screening Opinion undertaking by the Council (reference 25/01283/SCREEN) concluded that there would be noise impacts arising from the development during the construction and operational phases. However, in EIA terms these impacts were not considered to be significant and the decision concluded that "A construction management plan can manage noise and vibration during construction. Given the nature of the development, the operational phase is not likely to generate significant levels of noise that could not be mitigated. As such, a significant effect is not likely." The exclusion of noise from the EIA is considered appropriate; not every planning material consideration is an EIA matter. Noise impacts have been assessed as part of the planning process and the assessment is set out in the residential amenity section of this report.

A number of third parties have cited concerns in respect of the potential impacts of the students resulting from the development on the city and housing in their second and third years. General development principle (j) of policy SB19 dictates that proposals for further first year student accommodation should set out how the University expects the consequent follow-on accommodation needs will be met and how this is compatible with the overall sustainable development of the city. Paragraphs 5.3.65 - 5.3.72 of the Planning Statement set out the University's case in respect of this. The University's analysis highlights that the intake eligible for accommodation in 2024/2025 was 5,728 students. By 2028/2029 this is expected to increase to 6, 149 and then further to 6, 534 students by 2033/2034. This report has already set out the Government expect University's to grow and to maintain the "status quo" is not sustainable.

The University currently own 20 accommodation units which provide 3, 681 bedspaces and leased units provide a further 1, 639 bedspaces and a short-term nomination agreement provide a further 444 bedspaces; totally 5,764. One of the nomination

agreements and lease agreements is due to end, removing a number of bedspaces from the supply and decreasing the total to 5, 233 in the period to 2033/2034. The result is a shortfall of 1, 301 bedspaces relative to projected student intake over this period. The provision of 926 bedspaces will clearly go a significant distance in addressing the projected student housing need.

It has been confirmed that there around 1000 first-year undergraduate students currently residing within the city due to existing shortfalls in bedspaces. Whilst the accommodation will not directly provide bedspaces for second and third year students, it will enable a greater proportion of first year students to be housed on campus, thus removing them from the city. This has the indirect effect of allowing existing accommodation to be utilised more readily by second and third year students, likely reducing the pressure on HMOs overall. Indeed, the Local Plan Partial Update Topic Paper for Student Accommodation advises that 640 bedspaces are assumed to be equivalent to 160 HMOs.

There will likely be some increase in pressure on the city's housing stock as a result of the development, as the proposals will to some extent help to facilitate the projected growth of the university. Nonetheless, the University could reasonably grow on this trajectory without this accommodation in planning terms; there is nothing to restrict this growth. If that was the case, and the accommodation not delivered, those students would all need to be housed within the city. The overall aim of SB19 and SB19(j) is to ensure the sustainably growth of the university and to mitigate the impacts of that growth sufficiently. Clearly the delivery of the accommodation on the campus aligns with this aim, and the overall spatial strategy as set out in B1. As such, officers are satisfied that the proposals will manage second and third year students by way of providing additional bedspaces that will allow for some re-adjusting in terms of existing housing provision.

23. PLANNING OBLIGATIONS:

The planning obligations which are required to make the development acceptable have been discussed within the report above, but for absolute clarity, are listed in summary below.

1. Delivery of an enhanced Active Travel Link between Norwood Avenue and The Avenue
2. A financial contribution of £850, 000 towards an Active Travel link between the campus and city centre
3. A refundable Travel Plan bond of £150,000
4. A contribution of £426, 411 towards primary healthcare
5. A contribution of £223, 792 towards the Council's Carbon Offset fund
6. A contribution of £26, 345 towards Targeted Training and Recruitment
7. An enhancement to the Community Garden/Orchard

24. 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.

25. PLANNING BALANCE:

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".*

When considering whether development proposals accord with the development plan it is necessary to make this judgement with regard to the development plan as a whole. The application site forms part of the wider University of Bath at Claverton Campus which is allocated for University related development pursuant to policy SB19 of the Council's adopted development plan. The scheme before Committee is the culmination of an iterative process with the Local Planning Authority and the scheme has evolved significantly since inception. It will provide a substantial contribution to the delivery of on-campus student accommodation and given the current layout of the campus and its associated constraints, the site currently presents the only opportunity to deliver a scheme of this scale with the campus. The delivery of such a scheme is critical to the overall University objectives and the spatial strategy for Bath.

A minor conflict with policy SB19 has been identified with respect of the overall height of Block 1, which is considered to exceed the "around 13m high plus rooftop plant" parameter set out in the Development Framework Plan. However, this is considered justified with regard to design and landscape given the distance of this block from the eastern boundary and the reduction in height of part of this building. There is substantial compliance with the rest of the allocation policy and other relevant policies.

It is therefore considered that the development proposals accord with the development plan as a whole and, in accordance with the S38(6) duty, should be approved unless material considerations indicate otherwise.

As well as compliance with the development plan, the proposals have a number of benefits which are material considerations and form part of the overall planning balance and assessment.

The proposals will make a significant contribution to Council's housing supply and delivery position through providing 926 student bedspaces, equating to 386 (rounded up)

equivalent C3 dwellinghouses with respect to the housing count using the standard methodology. Given the Council's lack of a five-year housing land supply, this is a substantial benefit of the scheme and should be attributed significant weight in any planning balance.

There are direct and indirect economic benefits arising from the proposal. A direct benefit is the jobs that will be created during the construction phase that includes benefits to local suppliers and contractors. Whilst these benefits will be temporary, given the scale of the development they should be attributed moderate weight in the planning balance. Further the proposals will also result in employment during operation through building management by the university. As has previously been set out, the university is a significant economic driver in the district, and the proposals will help to facilitate the sustainable growth of the higher education institution. This will boost the local economy through student spending within the city and wider district. The university is a significant employer within the district, and its growth will likely lead to a increase in the numbers of people it employs. In addition, the development will increase the number of graduates following completion of their university education who will go on to contribute to the economy both locally and nationally. The importance of the University within the district should not be underestimated and it is clear that its sustainable growth should be supported and facilitated where possible. Whilst it has been highlighted that the university could reasonably grow without this accommodation, on-campus growth is considered to be sustainable and will limit impacts to the city in terms of housing pressure. Economic benefits should therefore, overall, be given significant weight.

A substantial increase in biodiversity net gain has been achieved across the development, comprising 59.98% habitat units and 1669.66% hedgerow units which is notably above the 10% mandatory requirement of 10%.

The proposals will also secure a large contribution (£850,000) towards the delivery of an active travel route from the Campus to the city centre. This contribution can be spent towards optioneering, design and delivery and will facilitate the creation of a required link between the two locations. This will not only help to mitigate the potential impacts of the scheme but will provide a sustainable Active Travel link for future generations of students and users of the university. The delivery of the Norwood Avenue Active Travel link is also a benefit that should weigh moderately into the balance.

Finally, the contributions to primary healthcare in the locality and Targeted Training and Recruitment are also benefits.

Conversely there are harms and material considerations arising from the proposed development that weigh against it within the overall balance.

Less than substantial harm has been identified to a number of heritage assets, which includes the City of Bath World Heritage Site, Great Spa Towns of Europe World Heritage Site, the setting of the Claverton Conservation Area and the setting of Claverton Manor Registered Park and Garden. This consideration is afforded great weight in the overall balance in accordance with the NPPF. Adverse visual effects from a variety of viewpoints have also been identified, particularly in respect of Bushey Norwood and the bridleway to the east of the site. Adverse impacts to the special qualities of the Cotswold National Landscape in this location are also given great weight in the planning balance in

accordance with the NPPF. Whilst this harm is considered to have been moderated and Exceptional Circumstances exist for the development in accordance with paragraph 190, this must still be weighed into the overall balance as a harm of the proposals.

The revisions to the proposals in respect of design amendments and decreasing the height/massing of Block 1, alongside the sensitive lighting strategy, landscaping scheme and layout are considered to contribute to the appropriate minimisation of the scheme's impacts whilst still enabling the delivery of the allocation.

Whilst acknowledging the statutory duties and planning policy requirements that necessitate assigning considerable or great weight to these matters within the planning balance, it is concluded that, whether assessed individually or collectively, they do not constitute material considerations sufficient to override the compliance of the proposals with the development plan as a whole.

As set out in the report above, paragraph 11 of the NPPF applies, as the presumption in favour of sustainable development is engaged. 11(c) and (d) are as follows:

Plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

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 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

In the event that Committee Members disagree with the officer assessment of compliance with the development plan as a whole, paragraph 11(d) (above) would be engaged.

Whilst harm has been identified to the National Landscape (which is an asset of particular importance as referenced in 11(d)(i)) has been identified, this is not considered to provide a strong reason for refusing the development proposed. It is officers' advice that the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits of permitting the proposals.

As such, officers recommend the application for permission, subject to the conditions set out below (or such conditions as may be appropriate) and the securing of the necessary obligations within the Heads of Terms by way of a legal agreement.

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. Delivery of an enhanced Active Travel Link between Norwood Avenue and The Avenue
2. A financial contribution of £850, 000 towards an Active Travel link between the campus and city centre
3. A refundable Travel Plan bond of £150,000
4. A contribution of £426, 411 towards primary healthcare
5. A contribution of £223, 792 towards the Council's Carbon Offset fund
6. A contribution of £26, 345 towards Targeted Training and Recruitment
7. An enhancement to the Community Garden/Orchard

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 **Biodiversity 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, including 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 Statutory 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).

3 **Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**
No development shall commence within the Root Protection Area of any existing trees, aside from initial site preparation (comprising erection of site perimeter hoarding, tree protection fencing, welfare cabins and compound, and 'setting out' of buildings and key features of the development) 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. The arboricultural method statement shall include details of the following:

1. A programme of works to include details of supervision and monitoring by an Arboricultural Consultant and the provision of site visit records and certificates of completion to the local planning authority;
2. Measures to control potentially harmful operations such as site preparation (including demolition, clearance, earthworks and level changes), the storage, handling, mixing or

burning of materials on the site and the movement of people and machinery throughout the site;
3. The location of any site office, temporary services and welfare facilities;
4. The location of any service runs or soakaway locations;
5. A scaled Tree Protection Plan showing the location of all retained trees and tree protection measures.

No development or other operations shall thereafter take place except in accordance with the approved details, unless alternative details are submitted to and approved in writing by the Local Planning Authority. unless otherwise agreed in writing by the Council's Tree Officer.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals 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.

4 **Archaeology - Controlled Excavation (Pre-commencement)**
No development shall commence except from initial site preparation (comprising erection of site perimeter hoarding, tree protection fencing, welfare cabins and compound, and 'setting out' of buildings and key features of the development), archaeological investigation work and demolition required to undertake such work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The programme of archaeological work should provide a controlled excavation of all significant deposits and features which are to be disturbed by the proposed development and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major archaeological interest, and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a pre-commencement condition because archaeological remains and features may be damaged by the initial development works.

5 **Detailed Drainage Design (Pre-commencement)**
No development shall commence, except ground investigations and remediation and initial site preparation (comprising erection of site perimeter hoarding, tree protection fencing, welfare cabins and compound, and 'setting out' of buildings and key features of the development), until a detailed drainage strategy based on the approved Flood Risk Assessment (Mann Williams, July 2025) and outline drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy must demonstrate that the surface water will be managed within the site using sustainable drainage principles. The design must include the following:

1. Detailed plans, structure details and calculations demonstrating the performance of the systems at the critical 1:1, 1:30, and 1:00+ climate change events;
2. Details as to how the proposed drainage system will be maintained to perform to the design standard for life, for the lifetime of the development.

The drainage system will be installed, operated and maintained in accordance with the approved details.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan. This condition is required to be pre-commencement because the drainage strategy is installed in the early stages of construction.

6 **Contaminated Land - Investigation and Risk Assessment (Pre-commencement)**
No development shall commence, except for ground investigations and demolition, required to undertake such investigations, and initial site preparation (comprising erection of site perimeter hoarding, tree protection fencing, welfare cabins and compound, and 'setting out' of buildings and key features of the development), 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, and initial site preparation (comprising erection of site perimeter hoarding, tree protection fencing, welfare cabins and compound, and 'setting out' of buildings and key features of the development), 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, and/or initial site preparation (comprising erection of site perimeter hoarding, tree protection fencing, welfare cabins and compound, and 'setting out' of buildings and key features of the development), 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 **Ecological Construction Environmental Management Plan (Pre-commencement)**
No development shall commence (including ground works or vegetation clearance) until an Ecological Construction Environmental Management Plan (CEMP: Ecology) produced by a suitably experienced professional ecologist has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Ecology shall utilise the approved "Construction Environmental Management Plan Framework" by Ethos, and shall include, as applicable:

1. Mitigation method statement/s for protection of bats, nesting birds, reptiles, amphibians, badger, hedgehog and other wildlife (as applicable);
2. Pre-commencement checks and update surveys; precautionary working methods; details of an ecological clerk of works or ecological supervision;
3. A plan showing exclusion zones and specification for fencing of exclusion zones; and

4. A method statement/s for other specialist measures where appropriate (such as eradication of invasive non-native species).

The approved CEMP: Ecology shall be adhered to and implemented throughout the site preparation and construction phases strictly in accordance with the approved details.

Reason: To avoid harm to wildlife before and during construction in accordance with policies NE3 and NE5 of the Bath and North East Somerset Local Plan Partial Update.

9 **Construction Environmental Management Plan (Environmental Protection) (Pre-commencement)**
No development shall commence, aside from initial site preparation (comprising erection of site perimeter hoarding, tree protection fencing, welfare cabins and compound, and 'setting out' of buildings and key features of the development), until a Construction Environmental Management Plan (Environmental Protection) has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Procedures for maintaining good public relations including complain management, public consultation, and liaison;
2. Arrangements for liaison with the Council's Environmental Protection Team;
3. Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites to be used to minimise noise disturbance from construction works;
4. Procedures for emergency deviation of the agreed working hours
5. Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants;
6. Measures for controlling the use of site lighting whether required for safe working or for security purposes; and
7. Proposed working hours and site opening times.

Reason: To protection residential receptors (including existing students) from construction impacts in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

10 **Construction Management Plan (Pre-commencement)**
No development shall commence, aside from initial site preparation (comprising erection of site perimeter hoarding, tree protection fencing, welfare cabins and compound, and 'setting out' of buildings and key features of the development), 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.

11 **Travel Plan (Bespoke Trigger)**
A Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, either:

(i) prior to the commencement of development, where development commences during the University term time, or
(ii) where development is to commence during the University holiday period (i.e. outside of term time), by the first day of the following semester.

The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan to the satisfaction of Local Planning Authority.

Reason: In the interest of enabling a genuine choice in mode of travel, reducing car dependency and encouraging sustainable travel methods in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

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 (e.g., outdoor furniture, , refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (e.g., drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)

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 and to ensure appropriate biodiversity net gain 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 **Materials - Submission of Materials Schedule Accommodation Blocks (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 of the Student Accommodation Blocks 1-8, 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.

14 **Materials - Submission of Materials Schedule Padel Tennis (Bespoke Trigger)**
No construction of the external walls of the padel tennis courts shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces (including roof canopy) 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, 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.

15 **Sample Panel - Walling (Bespoke Trigger)**
No construction of the external walls of the development shall commence until a sample panel of all external walling materials of the Student Accommodation Blocks 1-8 to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken 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.

16 **External & Internal Lighting (Bespoke Trigger)**
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 adhere to and remain within the standards, predicted light spill levels and ecological mitigation as detailed in the approved report entitled "External Lighting Strategy" Revision P02 dated 23 Jan 2026 by DFL [ES Appendix 6.1, as updated in the 3rd February 2026 re-submission], Lighting Layout plan ref 3589-DFL-ELG-XX-DR-EO-13002 Rev P01 dated Jan 2026 by DFL [ES Appendix 6.6, as updated in the 3rd February 2026 re-submission], and all accompanying light spill calculations, and the requirements of the approved Habitats Regulations Assessment, and shall include:

1. Proposed lamps and lamp models, with manufacturer's specifications; proposed lamp positions; numbers and heights, with details also to be shown on a plan;
2. Light spill modelling, in accordance with the standards and best practice guidelines as described in ILP Guidance Note 08/23 "Bats and artificial lighting in the UK", including details of predicted light spill and lux levels within and beyond site boundaries, onto adjacent land and onto boundary vegetation and all ecological habitats and sensitive features within and adjacent to the site, on both vertical and horizontal planes, with details of predicted light levels to also be shown on a plan, and at heights using sections and drawings;
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; and
4. Details of a proposed long term scheme of compliance checks and monitoring of operational light spill levels, proposals for identifying, reporting on and remediating any issues or noncompliance, and proposed reporting to the LPA; details must be produced by a suitably experienced professional and must include details of methodology, required standards and professional competencies, and proposed timescales and frequency/

The lighting shall be installed, maintained and operated and the compliance checks and monitoring scheme implemented 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 Partial Update.

17 **Padel Tennis Court Operation (Bespoke Trigger)**
Within 3 months of the first occupation of the Student Accommodation Blocks hereby approved, the approved padel tennis courts shall be fully operational and available for use by students and members of the public (via a booking system).

Reason: To ensure satisfactory replacement sports facilities in accordance with policy LCR5 of the Bath and North East Somerset Placemaking Plan.

18 **Landscape and Ecological Management Plan (Pre-occupation)**
No occupation of the development hereby approved shall take place until full details of a Landscape and Ecological Management Plan (LEMP) have been submitted to and approved in writing by the local planning authority. These details shall utilise the approved "Landscape and Ecology Management Plan & Habitat Management and Monitoring Plan (BNG) Framework" by Ethos, shall be fully in accordance with (but not limited to) approved ecological requirements and biodiversity gain documents, and shall include (as applicable, but not be limited to):

1. A list of long-term wildlife conservation and landscape design aims and objectives, which, where applicable, shall be specific to named habitats, species and ecological issues of importance. They shall include (but not be limited to): delivery and long term maintenance of landscaping and habitats to achieve Biodiversity Net Gain in accordance with the approved Biodiversity Net Gain Briefing Note;
2. Creation of habitats to a specified condition and / or that achieve specified levels of structural, botanical, and/or invertebrate diversity; provision of habitats suitable for specified species (for example linnet and other bird species); habitats with suitable conditions, connectivity and quality for use by bats as part of connected flight routes;
3. Proposed management prescriptions and operations; locations, timing, frequency, durations; methods; equipment and personnel as required to meet the stated aims and objectives;
4. A plan showing the boundary or boundaries of land to which the LEMP applies. This area should including planting adjacent to the bridleway. All details, locations, boundaries of habitats and management areas shall also be shown on a plan;
5. A list of activities and operations that shall not take place and shall not be permitted within the LEMP Plan area (for example use of herbicides; waste disposal and disposal of arisings; inappropriate maintenance methods; storage of materials; machine or vehicle access)
6. Proposed habitats shall correspond to and meet the minimum standards set out in the approved Ecological Mitigation, Compensation and Enhancement Plan
7. Proposed monitoring and reporting scheme, to include a 5 year rolling programme for ongoing review and future remediation strategies
8. Proposed resourcing; funding sources and legal responsibility.

All required measures shall be incorporated into and compatible with the wider scheme and shown to scale on all relevant plans and drawings including landscape design and planting plans. All works within the scheme shall be carried out and the land managed and maintained and utilised thereafter, in accordance with the approved details and timings.

Reason: To ensure the long term maintenance and management of landscape and ecological features in the interests of providing net gain of biodiversity and mitigating the

landscape impacts of the development in accordance with policies NE2, NE2A and NE3 of the Bath and North East Somerset Local Plan Partial Update.

19 **Student Management (Pre-occupation)**
Prior to the opening of the development for occupation, a Student Management Plan setting out the agreed arrangements for managing student drop off/collection procedures and location, at the start/end of semester/academic year shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Student Management Plan.

Reason: In the interests of highway safety, in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

20 **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.

21 **CCTV Installation (Pre-occupation)**
No occupation of the development shall commence until CCTV cameras have been installed in the positions shown on plan reference 3589-DFL-ELG-XX-DR-EO-1300 (P01), or in alternative locations shown on a plan that has first been submitted to and agreed in writing by the Local Planning Authority. The CCTV system shall be fully operational prior to the first occupation of the site and be retained and maintained permanently thereafter.

Reason: To ensure that the development is safe for future occupants.

22 **Archaeology - Post Excavation and Publication (Pre-occupation)**
No occupation of the development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan.

23 **Fire Hydrants (Pre-occupation)**
No occupation of the development shall commence until 4no. fire hydrants have been installed in the locations set out on plan reference 1586-STL-XX-XX-D-L-09180-S4_P20

and are connected to the University's private mains and are operational. The hydrants shall be retained and maintained permanently thereafter.

Reason: To ensure that sufficient fire safety measures are in place during the operational phase of the development.

24 **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 to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must demonstrate that the proposals meet the standards set out in the approved "Sustainable Construction Checklist P02" as a minimum.

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.

1. Energy Summary Tool 2
2. Table 2.1 or 2.2 (if proposal has more than one dwelling type)
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

25 **SCR8 Embodied Carbon (Pre-occupation)**
Prior to the occupation of the development by individual residents, 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 SCR8.

Post-Completion Stage (using as-built values)
1. Table 6
2. Table 7
3. Site energy (including fuel) use record
4. Contractor confirmation of as-built material quantities and specifications
5. Record of material delivery including distance travelled and transportation mode
6. Waste transportation record including waste quantity, distance travelled and transportation mode
7. List of product-specific EPDs for the installed products and materials

Reason: To ensure that the approved development complies with Policy SCR8 of the Bath and North East Somerset Local Plan Partial Update Local Plan Partial Update

26 **Contaminated Land - Unexpected Contamination (Compliance)**
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.

27 **Arboriculture - Compliance with Arb Method Statement (Compliance)**
No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement and Tree Protection Plan, or an alternative that has been submitted to and approved in writing by the Local Planning Authority. 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.

28 **Plant Noise (Compliance)**
The cumulative plant noise emissions associated with the development shall comply with plant noise emission limits detailed in Table 1 of Document Ref: 1586-ARP-XX-ZZ-PD-X-00002.

Reason: In the interests of residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

29 **Padel Tennis Courts Hours of Use (Compliance)**
The padel tennis courts hereby permitted shall only be used between the hours of 08:00 and 22:00 hours Monday to Saturday (inclusive) and 09:00 and 21:00 on Sundays and Bank Holidays.

Reason: In the interests of residential amenity in accordance with policy D6 of the Bath and North East Somerset Local Plan Partial Update.

30 **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.

31 **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:

This decision relates to the following plans:

1586-STL-ZZ-ZZ-DR-A-00000-S4_P58 Site Location Plan
1586-STL-ZZ-ZZ-DR-A-00001-S4_P58 Existing Site Plan
1586-STL-XX-ZZZZ-DR-A-00002-S4_P58 Proposed Site Plan
1586-STL-XX-ZZZZ-DR-A-02002-S4_P58 Proposed Site Elevations - Sheet 1
1586-STL-XX-ZZZZ-DR-A-02003-S4_P58 Proposed Site Elevations - Sheet 2
1586-STL-ZZ-01-DR-A-09000-S4_P58 Proposed Site Wide Ground Floor Plan
1586-STL-XX-ZZZZ-DR-A-09002-S4_P58 Proposed Site Wide Roof Plan
1586-STL-01-00-DR-A-01100-S4_P58 Block 1 - Ground Floor Plan
1586-STL-01-00-DR-A-01100-S4_P58 Block 1 - Ground Floor Plan
1586-STL-01-ZZ-DR-A-01101-S4_P58 Block 1 - Typical Upper Floor Plan
1586-STL-01-05-DR-A-01102-S4_P58 Block 1 - Level 05 Plan
1586-STL-01-RF-DR-A-01103-S4_P58 Block 1 - Roof Plan
1586-STL-01-ZZ-DR-A-02100-S4_P58 Block 1 - Elevations - Sheet 1
1586-STL-01-ZZ-DR-A-02101-S4_P58 Block 1 - Elevations - Sheet 2"
1586-STL-01-ZZ-DR-A-02102-S4_P58 Block 1 - Courtyard Elevations
1586-STL-01-ZZ-DR-A-03100-S4_P58 Block 1 - Proposed Sections - Sheet 1
1586-STL-01-ZZ-DR-A-03101-S4_P58 Block 1 - Proposed Sections - Sheet 2"
1586-STL-02-00-DR-A-01200-S4_P58 Block 2-3 - Ground Floor Plan
1586-STL-02-ZZ-DR-A-01201-S4_P58 Block 2-3 - Typical Upper Floor Plan
1586-STL-02-04-DR-A-01202-S4_P58 Block 2-3 - Level 04 Roof Plan
1586-STL-02-RF-DR-A-01203-S4_P58 Block 2-3 - Roof Plan
1586-STL-02-XX-DR-A-02200-S4_P58 Block 2-3 - Elevations - Sheet 1
1586-STL-02-XX-DR-A-02201-S4_P58 Block 2-3 - Elevations - Sheet 2"
1586-STL-02-XX-DR-A-03200-S4_P58 Block 2-3 - Sections
1586-STL-04-ZZ-DR-A-01400-S4_P58 Block 4-7 - Ground Floor Plan
1586-STL-04-ZZ-DR-A-01401-S4_P58 Block 4-7 - First and Second Floor Plans
1586-STL-04-ZZ-DR-A-01402-S4_P58 Block 4-7 - Level 03 and Roof Plan
1586-STL-04-ZZ-DR-A-03400-S4_P58 Block 4-7 - Sections
1586-STL-08-00-DR-A-01800-S4_P58 Block 8 - Ground Floor Plan
1586-STL-08-ZZ-DR-A-01801-S4_P58 Block 8 - Typical Upper Floor Plan
1586-STL-08-04-DR-A-01802-S4_P58 Block 8 - Level 04 Plan
1586-STL-08-05-DR-A-01803-S4_P58 Block 8 - Level 05 Plan
1586-STL-08-RF-DR-A-01804-S4_P58 Block 8 - Roof Plan
1586-STL-08-XX-DR-A-02800-S4_P58 Block 8 - Elevations - Sheet 1
1586-STL-08-XX-DR-A-02801-S4_P58 Block 8 - Elevations - Sheet 2"
1586-STL-08-XX-DR-A-02802-S4_P58 Block 8 - Courtyard Elevations
1586-STL-08-XX-DR-A-03800-S4_P58 Block 8 - Sections
1586-STL-XX-XX-D-L-09000-S4_P20 Landscape General Arrangement Plan

1586-STL-XX-XX-D-L-09100-S4_P20 Tree Protection, Removal and Retention Plan
1586-STL-XX-XX-D-L-09140-S4_P20 Soft Landscape Strategy Plan
1586-STL-XX-XX-D-L-09160-S4_P20 Hard Landscape Strategy Plan
1586-STL-XX-XX-D-L-09180-S4_P20 Structures, Furniture and Boundaries Plan
1586-STL-XX-XX-D-L-09301-S4_P20 Landscape Site Section - Block 1
1586-STL-XX-XX-D-L-09302-S4_P20 Landscape Site Section - Block 2-3 and 5-6
1586-STL-XX-XX-D-L-09303-S4_P20 Landscape Site Section - Block 6-7 and Basin
1586-STL-XX-XX-D-L-09304-S4_P20 Landscape Site Section - Block 7-8 and 8
1586-STL-XX-XX-D-L-09305-S4_P20 Landscape Site Section - Mound, Rain Garden and Swale"
1586-STL-XX-XX-D-L-09401-S4_P20 Typical Tree Pit and Soil Profile
1586-STL-XX-XX-D-L-09402-S4_P20 Illustrative Cycle Store - Composite
1586-STL-XX-XX-D-L-09405-S4_P20 Illustrative Cycle Store - Brick"
1586-STL-XX-XX-D-L-09403-S4_P20 Illustrative Bin Store
1586-STL-XX-XX-D-L-09404-S4_P20 Typical Padel Court Detail
1586-STL-XX-XX-SP-L-90001-Soft Landscape Palette January 2026
1586-STL-XX-XX-SP-L-90002-Hard Landscape Palette January 2026
589-DFL-ELG-XX-DR-EO-13002 P01 Planning Lighting Layout
3589-DFL-ELG-XX-DR-EO-13002-S3-P01 Lighting and CCTV Layout
3589-DFL-ELG-XX-CA-EO-13002-S3-P01 Lighting Class Calculations

All received 3rd February 2026

1586-STL-04-ZZ-DR-A-02400-S4_P69 Block 4-7 - Elevations

Received 26th March 2026

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 **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 *Public Rights of Way*

1. There must be no effect to the line, width or gradient of bridleway BC74/1 during or after construction.
2. If the proposed works require a temporary closure of the bridleway to facilitate development, please find full details of the process and costs involved on the Council's website at: https://www.bathnes.gov.uk/apply-temporarily-close-public-right-way
3. Any damage caused to the bridleway during the construction phase must be repaired to the satisfaction of the PROW Inspector at Bath and North East Somerset Council.
4. Consideration must be given to the proposed planting alongside the bridleway:

a. The suitability of the trees proposed.
b. A width of at least 4 metres must be retained, taking into consideration the maximum width of the proposed planting when mature.
c. At least 3.7 metres height clearance must be retained for horse riders.

5. The landowner is responsible for the maintenance of overhanging vegetation and for ensuring that the width and height of the bridleway is maintained as specified above.
6. If a site visit is required to discuss the issues raised, please contact the PROW Inspector, Lauren Baxter (Lauren_Baxter@bathnes.gov.uk).

5 **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.

6 **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

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

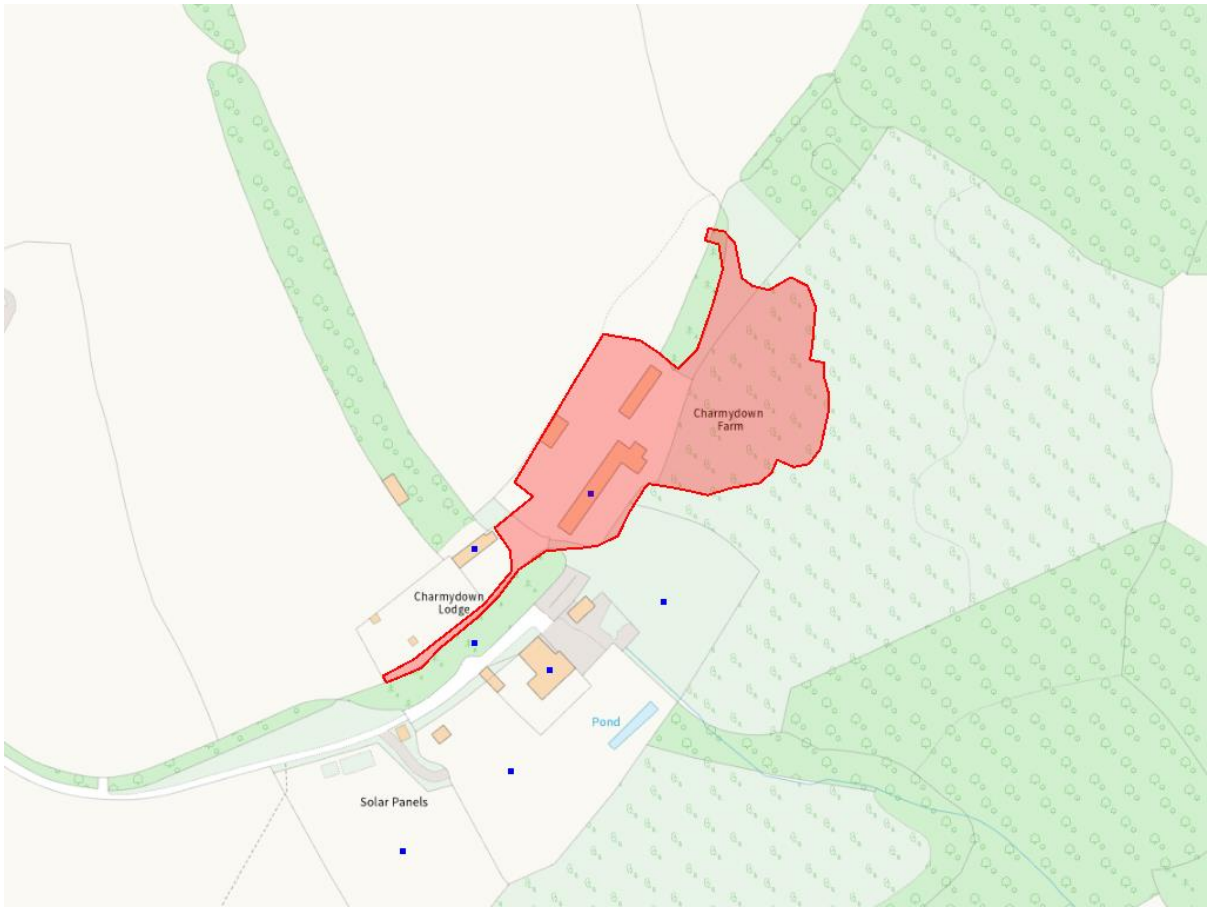
8 **Responding to Climate Change (Informative):**

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: 23/00429/FUL

Site Location: Charmydown Barn Charmydown Lane Swainswick Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** St. Catherine **LB Grade:** II

Ward Members: Councillor Kevin Guy Councillor Sarah Warren

Application Type: Full Application

Proposal: Internal and external alterations and extension to existing barn in connection with conversion to a residential dwellinghouse (use class C3). To also include reprofiling of east field, hard and soft landscaping, installation of drainage and effluent pipes, and creation of pond with decks

Constraints: Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Dormie Holdings Ltd

Expiry Date: 29th March 2023

Case Officer: David MacFadyen
To view the case click on the link here.

REPORT
Reason for Committee Decision:

This application was referred for decision by the Council's Planning Committee by Bathavon North Ward Councillor Sarah Warren. This referral has been considered by the Chair and Vice Chair of the Planning Committee in accordance with the Council's Planning Scheme of Delegation. The Chair and Vice Chair of the Planning Committee have decided the application should be decided by the Planning Committee due to public interest and need for scrutiny. It was deemed appropriate for the application to be reported to the Planning Committee for decision and the report herein as been prepared for review by the Committee.

Site Background

The application relates to a property known as Charmydown Barn ('the barn'), which forms part of a historic farm including the adjacent Farmhouse and adjacent buildings. The site is located on the south facing slope of the Charmydown plateau, around 1km north of Little Solsbury Hill. The land was previously owned by Wessex Water and subdivided for sale in 2004. There are a series of planning permissions dating from 2002 for conversion of the barn and adjacent cottage ('the lodge') to a dwelling.

The barn includes three distinct built phases, originally dating from 1802 with the cross/threshing barn built first. The long barn was added in two subsequent phases in the mid-nineteenth century. The lean-to shelter to the northeast with distinctive circular rubble stone columns is of similar original age, although has been rebuilt recently.

The barn is two storeys but rising topography means it reads as single storey from the north. It is constructed with random limestone masonry walls and dual pitched roofs clad with slate. The roof to the cross/threshing barn is clad with clay pantiles. The cross barn features a pair of double height threshing barn door openings centrally located on the east facing gable, away from prevailing winds. The southern elevation of the long barn includes a series of openings, including four elegant arched doors in the central section.

The adjacent Farmhouse (Charmydown Farmhouse) is on the National Heritage List for England at Grade II level. Despite separate ownership, the barn forms part of the historic curtilage and is therefore a curtilage listed building.

The site is accessed via a private lane from Swainswick Lane, east of the A46 Gloucester Road. It is in the Green Belt and the Cotswolds National Landscape (formerly Area of Outstanding Natural Beauty). The site is 1.6km outside the Bath World Heritage Site, but is located in the landscape setting of Bath area under policy NE2A.

The site is approx. 3.5km from the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and Combe Down & Bathampton Down Mines Site of Special Scientific Interest (SSSI). There is good habitat connectivity between the bats SAC and the site via the river valley and open land. The South Charmy Down complex Site of Nature Conservation Interest (SNCI) is adjacent to the north east of the site.

Planning History

Application ref: Development: Decision:

02/00963/FUL & 02/00984/LBA Conversion of barn and cottages to two dwellings and garage, plus formation of access and passing bays as amended by drawings received 27.6.02 Permitted - 02.10.2002

08/04768/FUL & 08/04769/LBA Conversion and enlargement of barns to create new dwelling and garage, and refurbishment and alteration of cottages to create new dwelling with associated soft and hard landscaping, following demolition of existing modern barns, stables and double storey lean-to Permitted - 15.12.2010

12/05579/FUL & 12/05580/LBA Internal and external alterations for the conversion of Charmydown Barn to a 5no. bed dwelling, alteration and reinstatement of Charmydown Lodge to a 3no. bed dwelling, retention of new detached garage block, minor works to the walls of the former pigsties, stables and lean-to (revisions to permitted scheme 08/04768/FUL and 08/04769/LBA). Permitted - 10.09.2013

14/02769/AGRN Provision of new access track Prior Approval Refused - 15.07.2014

16/03240/FUL & 16/03241/LBA External and internal alterations to facilitate excavation of a trench along the north wall of the barn to enable access for construction of the approved retaining wall together with structural repairs to the exposed existing stone footings of the barn wall and part-replacement of the existing first floor structure. Permitted - 17.08.2016

21/04437/FUL Changes to the plan form of studio building and reduction in volume, and increase in width to the subterranean area of main barn (Retrospective) Withdrawn - 13.01.2022

22/01210/FUL Regularise minor works carried out on site, including alterations to the plan form of a studio building and reduction in volume. Increase in width to the subterranean area of the main barn (Retrospective). Withdrawn - 18.07.2022

Development

The applications seek full planning permission and listed building consent for internal and external alterations to the barn to facilitate conversion to a dwelling (use class C3). Planning permission is also sought for landscaping works on the wider site. The application is part retrospective, stemming from an enforcement investigation following works deviating from earlier consents for conversion.

The key changes from the previous consents are summarised as follows:

- House accommodation increased from 5-bed to 6 bed;

- Internal floor area increased by approximately 140m2;

o Enlargement of the approved subterranean space to the north west of and adjoining the rear of the main barn;

o Alterations to the size and design of the studio space being created in the former piggeries, creation of an additional bedroom;

o External alterations to the previously approved fenestration of the barns;

o Removal of 3 rooflights from northern roof and introduction of 2 walk-on glazed skylights over ground floor accommodation;

o Installation of steel cable safety railing on top of the link between the main barn and the piggery;

o Blocking up of additional doors added to main barn without consent;

o Rendering added to cover inappropriate internal brickwork;

o Internal alterations to the layout of the converted barn;

o Reprofiling of spoil dumped on field to south of barn, spread more evenly and re-seeded with St Catherine Meadow Mixture grass;

o Re-designed landscaping scheme around the barn complex, swimming pool removed and natural pond introduced;

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Internal Consultation

Conservation Historic Environment, B&NES Council:

It is maintained that the scale of intervention caused by the internal extensions to the barn has unduly harmed its significance. Any optimum viability argument put forward is based on a series of unauthorised works some of which are not essential to be able to inhabit this converted building.

It is concluded that the harm caused to this designated heritage asset, is, in the context of the significance of the asset as a whole and in the language of the NPPF, less than substantial. In such circumstances Paragraph 208 of the NPPF (2024) requires that any harm be weighed against any public benefits of the proposal, including securing the optimum viable use of the building. In addition, this scheme does not accord with policy HE1 of the PMP.

Landscape Advisor, Bath & North East Somerset Council:

The LVA addresses effects on character and effects on views resulting from the disturbance to the land in the southern and eastern parts of the site and the re-design of the garden area immediately east of The Piggery. It does not address the effects of the

changes to the buildings and the entire development. Given the planning history of the site and what has previously been given permission, this is agreed to be the right approach.

Comparisons of original (2008) contours, currently existing contours and proposed contours are illustrated for views 8, 9, 10, 11 and 12. These confirm that the proposed reprofiling would create much smoother and more natural-looking contours that would be generally much closer to the original ground conditions than those currently existing.

The proposals for reprofiling of the eastern field are considered appropriate.

The overall landscape proposals for the site are considered appropriate in terms of what is shown, but need to be amended to clarify how the disturbed ground in the northern part of the site is proposed to be remedied.

Subject to the receipt of satisfactory additional information on proposals for the northern part of the site, the conclusions of the LVA that the current adverse landscape and visual effects of the site in its existing condition could be mitigated to an acceptable degree by a combination of proposed re-profiling and hard and soft landscape design measures are considered reasonable.

Transportation and Highways, Bath & North East Somerset Council:

The highway authority has previously commented on application 12/05579/FUL (permitted) at this location which proposed 'Conversion of Charmydown Barn to a 5 no. bed dwelling, alterations and reinstatement of Charmydown lodge to a 3 bed dwelling, retention of new detached garage block, minor works to the walls of the former pigsties and associated soft and hard landscaping following demolition of modern barns, stables and lean-to (revisions to permitted scheme 08/04768/FUL and 08/04769/LBA)'.

It is noted that the Public Rights of Way Team has recommended a condition regarding Public footpath BA21/9 which must either be incorporated into the design on its definitive line and remain open and unobstructed to the public at all times, or it must be successfully diverted.

The application does not propose to increase the number of bedrooms or individual dwellings over that previously permitted and therefore we would recommend no Highway objection is raised.

Ecology, B&NES Council:

No objection subject to conditions, positioning of the pond to provide sufficient separation to the SNCI and information confirming harm avoided to tree roots and subject to consultation response from Natural England regarding the Habitats Regulations Assessment.

Drainage and Flooding, Bath & North East Somerset Council:

The Drainage and Flooding team have no objection from local flood risk.

We note that the Wessex Water have been consulted and have commented on the proposed development. We defer to their comments with regards to surface water being discharged into a stream over which Wessex Water are the riparian owner.

Public Rights of Way, B&NES Council:

No objection.

The Applicant must apply to divert the footpath at the site which is subject to separate process with no guarantee of success. If unsuccessful, the original footpath route would need to be reinstated.

The effect of the wall and hedge combined will be considered during the determination of a public path diversion order. The enjoyment of the public may well be impacted by the wall and hedge, and this will be taken into consideration as part of the public path diversion order process.

External Consultation

Historic England:

Consultation not required for works to curtilage listed building.

Natural England:

No objection to adoption of appropriate assessment for Habitats Regulations. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

National Trust:

In our response to 21/04437/FUL, we expressed concerns about unauthorised development that appeared to have taken place on site, beyond the scope of previous consents. This included built development and alterations, and considerable groundworks / deposition of material / creation of tracks, which 'spread' the site outwards into the surrounding countryside.

We would ask the Council to give due weight and attention to the following matters:

- the effects on landscape and scenic beauty, including impact on views;
- the impacts on the intrinsic character and appearance of the countryside; and
- the implications for heritage assets and their setting and significance.

Wessex Water:

Previously owned the land and retain ownership of adjacent land. Restrictive covenants in favour of water interests included in 2004 sale.

Holding objection in March 2023 due to:

- Capabilities of existing treatment system;
- Negotiation of easement for the outfall from the treatment plant;
- Concerns regarding ground levels in relation to spring collection network and a private water supply;
- Details confirming effectiveness of soakaway required;
- Land stability accounting for pond;
- Habitat creation and biodiversity net gain.

Wessex Water reconsulted in January and July 2025. Also contacted directly for updates on their position following submission of further information. No further response has been provided.

Cotswolds National Landscape Board:

Refer LPA to duty for national landscape and relevant strategies. No response or objection to this specific proposal.

Bath Preservation Trust:

It is maintained that the scale of intervention caused by the internal extensions to the barn has unduly harmed its significance.

In addition, we have concerns about the proposed external lighting strategy, and the increase of lighting around the main building and its landscaping features will have a negative impact on dark skies character of the Cotswold National Landscape and on the character and setting of this agrarian building complex. Increased and inappropriate lighting could also have the potential to disturb insect populations and wildlife in the area and will make the buildings highly visible in distant views of the site at night, impacting negatively on the dark sky character of the countryside.

Despite the submission of the further documentation in relation to a range of issues, the proposed scheme has resulted in cumulative harm to a group of Grade II buildings, as well as wider harm to the openness of the Green Belt and the contribution of the farm complex to the special character of the Cotswold National Landscape. There is no indication that the proposals would achieve the "optimum viable use" of the Barn, beyond the proposals already approved as part of applications 12/05579/FUL & 12/05580/LBA, and therefore the harm fails to be outweighed by demonstrated public benefit.

Local Consultation

Cllr Sarah Warren, Bathavon North ward:

"This retrospective application is for the construction of a substantial complex (unlikely to be a single residential dwelling as stated in the Design and Access Statement) in place of what was previously a Grade 2 listed barn, on this extremely prominent and ecologically important site in the Green Belt and the AONB, overlooking the Scheduled Historical Monument of Solsbury Hill. The development, which has continued illegally for many years now and is visible from as far as Bannerdown and Bathford, is in flagrant breach of numerous areas of planning policy, including B4, CP6, NE2, NE2d, and GB2. It constitutes overdevelopment, representing numerous additional rooms over and above those previously approved, and a more than doubling in floor area. A new road, new 6ft wall, new terraces in the hillside, new windows to the listed barn, and new pond have all been constructed without permission, destroying biodiverse limestone grassland Meadow that constituted a Site of Nature Conservation Interest. Should officers be minded to approve the application, I would like it dealt with by committee please".

Public Consultation

The application has been advertised with 83 neighbouring addresses notified and consulted on two occasions in February and September 2023. Site notices were posted at the site on both occasions as well as press adverts published in the local newspaper. The application was also listed on the weekly list of planning applications published by the Council and listed on the Planning section of the Council website.

The deadline for public consultation responses was 9th October 2023. Public responses have been received and considered up to the point of decision.

To date, 135 responses have been received with 124 in objection and 11 in support.

A summary of grounds of objection is as follows:

o Development exceeds scope of previous permissions with owner demonstrating poor regard for compliance;
o Development is excessive in scale, with uplift in bedroom numbers and non-essential accommodation such as leisure uses, cinema, games room etc. symptomatic of overdevelopment;
o Heritage harm to historic barn and its setting including removal of walls, addition of windows/doors, use of metal fenestrations, as well as development in surrounding setting;
o Development clearly visible on skyline from Bath, Batheaston and Bathford, harming landscape;
o Concerns over light spill and pollution at night time accounting for visibility of location on hillside;
o Extensive ground and earthworks including 'haul road' have caused harmful landscape and Green Belt impacts;
o Impact of extensions on Green Belt openness;
o Ecology impacts and unfinished/ineffective mitigation such as disturbance over a prolonged build to species including owls, swallows, bats, reptiles;
o Destruction of previously approved reptile receptor area by subsequent earthworks;
o Absence of archaeological investigation despite asserted sensitivity and extensive excavation;
o Public right of way footpaths have been blocked during construction, concerns over routes being absorbed and negatively impacted by development;

o Concerns regarding parking and access issues associated with scale of development and access via private lane, unsuitable for intensified residential use and associated vehicles;
o Harm to neighbouring amenities through overlooking from raised ground levels, noise/light concerns linked to larger scale "venue like" use;
o Poor engagement with utility providers and neighbours during planning process;
o Impact of works on neighbours water supply and overflow discharge into stream on third party land;
o Concerns regarding integrity of the planning system, granting retrospective consent argued to risk normalising breaches and undermining confidence in control;
o Length of construction process extending over years, exacerbating landscape, ecological harm and disruption to neighbours;
o Concerns regarding contaminated rubbish/spoil spread at the site and effectiveness of mitigation;
o Apprehension and suspicion regarding potential future use of dwelling for commercial purposes such as holiday let or hotel;

A summary of grounds of support is as follows:

o Intentional campaign of publicity against application;
o The views from the surroundings haven't changed despite works;
o Original stone barn has been successfully retained unchanged;
o There is a lot less building at the farm now than in the past when it was used for agriculture;
o Once finished, the development will look and fit in well with the area;
o It is better for the application to be approved to allow remediation to proceed, reversing environmental and amenity issues of the current situation;
o Support plans to return a large part of the land to meadow;
o Site should not be left as it stands;
o Conversion has already been approved so this application is an addition and improvement of this property;
o Support sympathetic conversion of disused agricultural building that would otherwise be derelict and detract from landscape;
o Support inclusion of wildlife pond, wild flower meadow and rockeries, constructed from local stone;

POLICIES/LEGISLATION
National Legislation:

Section 38(6) of the Planning Act 2004 requires:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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.'

National Policy:

National Planning Policy Framework (Dec 2024) and the National Planning Practice Guidance (March 2014) must be awarded significant weight in decision making.

Local Plan:

The Council's Local Plan can be reviewed in full at the following website:

https://beta.bathnes.gov.uk/core-strategy-placemaking-plan-and-local-plan-partial-update

The Local 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

The following policies of the Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update are relevant to the determination of this application:

DW1 District-wide Spatial Strategy
SD1 Presumption in favour of Sustainable development
CP1 Retrofitting Existing Buildings
CP5 Flood Risk Management
SU1 Sustainable Drainage
CP6 Environmental Quality
D1 General Urban Design Principles
D2 Local Character & Distinctiveness
D6 Amenity
D8 Lighting
HE1 Historic Environment
NE2 Conserving and Enhancing the Landscape and Landscape Character
NE2A Landscape Setting of Settlements
NE3 Sites, Habitats and Species
NE3a Biodiversity Net Gain
NE5 Ecological Networks and Nature Recovery
NE6 Trees and Woodland Conservation
CP7 Green Infrastructure
NE1 Development and Green Infrastructure
PCS1 Pollution and Nuisance
PCS2 Noise and Vibration
ST1 Promoting Sustainable Travel
ST7 Transport Requirements for Managing Development and Parking Standards
B4 The World Heritage Site and its setting

Supplementary Planning Documents and relevant planning guidance:

Bath & North East Somerset Transport & Development SPD (2023)
Bath & North East Somerset Sustainable Construction SPD (2023)
Energy Efficiency, Retrofitting and Sustainable Construction SPD (2022)
The Setting of the City of Bath World Heritage Site SPD (2013)

Climate and Ecological Emergencies

The Council declared a climate emergency in March 2019 and in July 2020 declared an Ecological Emergency. These matters are material considerations in the determination of this application. The declarations have directly informed the preparation and content of planning policies adopted within the Local Plan Partial Update (2023).

Low Carbon and Sustainability 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
Charmydown Barn and Lodge first received planning permission for residential conversion in 2002. In 2004, the site was sold by previous owner Wessex Water. In 2010, the Council granted further planning permission for conversion and enlargement of the barns to create new dwelling and garage, as well as and refurbishment of the lodge as a dwelling with associated works. A revised residential conversion scheme was then also permitted by the Council in 2013. Further permission was granted for additional structural and drainage works associated with the conversion in 2016. Conversion of the lodge has since been completed.

In 2020, the Council received complaints that development of the barn had not been carried out in accordance with approved plans. An enforcement investigation confirmed this, leading to a planning application being made in 2021 seeking to remedy breaches. This application, and another subsequent application, were withdrawn in 2022 because they were found unacceptable by officers.

The current planning application was submitted in 2023, stemming from the enforcement case. It seeks to regularise differences between what was previously consented, works

undertaken and works now proposed which include further revisions. Work has been paused on site since 2022, pending a decision on the revised application and conclusion to enforcement case.

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise as set out at Section 38(6) of the Planning Act 2004 and para. 2 of the NPPF. Policy issues and relevant material considerations applicable to the development shall be address in turn under following subheadings.

Green Belt

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

Para. 143 of the NPPF outlines: "Green Belt serves 5 purposes:

(a) to check the unrestricted sprawl of large built-up areas;
(b) to prevent neighbouring towns merging into one another;
(c) to assist in safeguarding the countryside from encroachment;
(d) to preserve the setting and special character of historic towns; and
(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."

Para. 153 of the NPPF states that: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

Para. 154 of the NPPF states that: "Development in the Green Belt is inappropriate unless one of the following exceptions applies:
…
c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;"

Policy CP8 (Green Belt) of the Local Plan defines the extent of the Green Belt in Bath & North East Somerset.

The policy states that: "The openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy."

"Delivery will be through the Development Management process. The Existing Buildings in the Green Belt SPD (2008) will continue to guide decisions on proposals within the Green Belt."

The site is in the Green Belt and impact on the Green Belt was a key consideration when permitting redevelopment of the barn and lodge in 2013. As the site has extant permission for residential use of the barn and lodge, the key policy test is whether the development (external alterations and enlargement) would be inappropriate by virtue of forming disproportionate additions over and above the size of the original building.

The basis for the original building is as it existed on 1 July 1948. Locally, the Council has defined a disproportionate addition as greater than 33% larger than the original building. This is in line with the Council's 'Existing dwellings in the Green Belt' SPD (2008). This definition is not adopted in national policy, however which requires a case specific assessment dependent on the merits of the case.

Based on existing plans submitted with earlier applications, the volume of the original main barn is estimated to total 2700m3. The volume of additions to the building are estimated to total 1000m3. This would be marginally over one third (37%) of the original volume.

Whilst this would be disproportionate in accordance with the SPD guidance, the officer's assessment has identified material considerations leading to the conclusion that the development would not be disproportionate in the context of the site and its history.

It is noted that a pair of large steel frame Dutch barns and other agricultural structures have been demolished as part of the wider redevelopment. These were present from the mid-20th century until at least 2006. The reconstructed piggery is also shorter than the historic lean-to shelter in the same position. Following enlargements now proposed, there is materially less built development surrounding the original barn than in the mid-20th century.

The enlargement of the main barn is predominantly located at the rear/north and west side. Due to topography, the built form is largely beneath adjacent ground level. Rooflights and the terrace above can be seen, as was the case with the previous consent. The inability to see this part of the development significantly limits the conflict with essential characteristics and purposes of the Green Belt. Even if the enlargements were visible, they would only be marginally (4%) larger than the volume in the Council's guidance.

Despite enlargements being larger than would typically be considered proportionate in accordance with local guidance, it is not judged that the development would be disproportionate in this case. This is based on the historic context, proposed scale and largely subterranean nature of development. As subterranean extensions to a historic farm complex, the development would not be inappropriate. It is found compliant with the spirit of Green Belt policy, preventing encroachment into the countryside and preserving openness.

Heritage & Conservation

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, 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.

Para. 202 of the NPPF states that:

"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

Para. 207 of the NPPF states that:
"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."

Para. 208 of the NPPF states that:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Para. 212 of the NPPF states that:

"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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Policy HE1 (Historic Environment) of the Local Plan states that:

"Within the scope of Core Strategy Policies B4 and CP6, 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/or setting, and make a positive contribution to its character and appearance".

"Great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals will be weighed against the public benefits of the proposal; whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset."

The barn forms part of the historic curtilage of a listed farmhouse (Charmydown Farmhouse - Grade II) and is therefore a 'curtilage listed building'. It is understood to have been built in three phases, dating from 1802 with the cross/threshing barn built first. The long barn was added in two subsequent phases in the mid-nineteenth century. The lean-to shelter to the northeast with distinctive circular rubble stone columns is of similar original age, although has been rebuilt recently.

The barn is two storeys but rising topography means it reads as single storey from the north. It is constructed with random limestone masonry walls and dual pitched roofs clad with slate. The roof to the cross/threshing barn is clad with clay pantiles. The cross barn features a pair of double height threshing barn door openings centrally located on the east facing gable, away from prevailing winds. The southern elevation of the long barn includes a series of openings, including four elegant arched doors in the central section.

The Council's Conservation Officer has identified harm to the historic significance of the barn resulting from the following works:

o Subterranean extension at rear of barn causing changes to original planform and introducing of several openings in original solid rear wall of barn;

o Use of brickwork in the interior of the barn (proposed to be overclad with render);

o Introduction of door in threshing/cross barn (to be reinstated with stone walling and slit window);

o Infilling piggery lean-to with masonry (to be revised to include full height glazing and oak cladding)

o Inappropriate groundworks and landform surrounding barns causing detrimental impact on the setting of historic farm complex and wider landscape (to be reprofiled and replanted)

The most impactful aspect of the internal work that has been undertaken and is currently unauthorised, is the formation of the understorey extension on the north side of the long barn. This is largely invisible externally, due to the way the original building was built into the natural slope of the landscape, effectively constructing a bank barn.

In 2016 under 16/03240/FUL & 16/03241/LBA) permission was granted for the excavation of a trench along the north wall of the barn to enable access for construction of an approved retaining wall together with structural repairs. There is uncertainty surrounding the scale of trench that was permitted. However, it was smaller than now proposed, did not provide habitable accommodation and did not include creation of openings providing access from the barn.

The harm from loss of historic fabric together with intervention with the original plan and internal character of this building results in an erosion in its significance as a heritage asset. This aspect of the scheme is at odds with policy HE1 and paragraph 202 of the NPPF whereby the combined impact of these alterations has resulted in less than substantial harm to the long barn.

During the rebuilding of the eastern end of the rear wall in the long barn, bricks were used rather than rubble stone. This is an unacceptable and unauthorised use of a material that is alien to this complex of traditional buildings. It is proposed to address this by rendering the brickwork. In this instance, whilst these inappropriate building materials are at odds with its character and significance of this vernacular stone-built structure, the proposed mitigation by using a render to cover them up is the least destructive way of amelioration. Conditions will be required to ensure details of the work and compliance.

Externally the significant features of the long barn are the arched openings. The 2012 scheme allowed for these openings to be formed into large, glazed panels with oak framed surrounds. It is now proposed to use Crittall style metal glazing instead. The use of metal frames for the glazing allows for a finer frame and has an industrial character that is suited to agrarian character if used sympathetically. The previous withdrawn proposals were found unsympathetic due to excessive subdivision of openings by expanse of glazing with horizontal and vertical metal framework.

The current scheme has revised the door openings within these openings so only a single arch would have a doorway. This allows two of the arched openings to be simple fixed panes, fully responding to the requirement to retain uninterrupted, glazed openings within these arched openings. The central door utilises a slender Crittall frame, and the upper glazing bar has been removed to simplify the appearance of the doors and side panels. This is found to be acceptable and provide an enhancement over the previous 2013 oak framed design.

Part of unauthorised works involved creation of a new set of doors to the cross/threshing barn. The current proposals are for the door opening to blocked up, quoins removed and slit window reinstated. These works pose some residual harm due to loss of historic fabric. It was also part of earlier withdrawn applications to revise glazing in the cross/threshing barn to Crittall style. Glazing has not yet been installed, but the current proposals would step back to oak framed doors. This revision is more akin to the approved scheme from 2012 and reinstates more of the barns original character. This change is therefore supported.

Following extensive pre-application dialogue with the applicant, a series of changes have been proposed to minimise harm posed and provide enhancements in certain areas. This includes the following revisions:

o Lime render applied over inappropriate internal brickwork in kitchen area;

o Deletion of roof lights from rear of barn roof and roof of piggery;

o Removal of additional doors added in threshing/cross barn, with stone masonry reintroduce and slot window;

o Revised use of metal Crittal framed windows in arched openings providing finer profiles than previous oak design;

o Reinstatement of full roof to piggery and revisions to layout and design of accommodation, maintaining open stall character;

o Agreement of acceptable design for balustrade to rear/upper terrace garden with lightweight steel cable system;

o Removal of swimming pool, revised landscaping scheme with natural pond, less formal/gentile and more appropriate to agricultural character and rural setting;

o Details of appropriate boundaries secured including rubble stone walls, timber post and wire fencing and timber bar gate;

o Sensitive lighting scheme secured, meeting ecological objectives and preserving agrarian character and rural setting;

A degree of residual harm to historic significance remains, largely because of the subterranean extension at rear of barn including changes to original plan-form and creation of openings in rear wall. The harm caused by openings cannot now be fully reversed. Reversal of the subterranean extension has not been considered reasonable or proportionate given the works associated. A structure was permitted in this location for structural and drainage reasons in 2016. The level of harm accounting for curtilage status and subterranean nature is not judged to reasonably warrant intervention needed to reverse the extension. It is acknowledged that remedial excavation could also result in further structural damage to the historic building.

In accordance with para. 215 of the NPPF, 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.

Residual heritage impacts to the curtilage listed historic barn are assessed at 'less than substantial' level. This harm should be weighed against the public benefits of the proposal. Some design and conservation improvements over the 2013 permission are proposed, including lower profile window frames to arched openings, deletion of roof lights and reinstatement of full piggery roof as well as a more contextually appropriate landscaping scheme excluding swimming pool. These design improvements are given some minor weight as public benefits.

There is also conservation benefit associated with conversion of the barn to a dwelling, delivering restoration and preservation of the historic building as well as a long-term custodian for the site. This benefit is acknowledged not to be exclusive of the current application and applied to earlier 2013 consent. Whilst the 2013 scheme resulted in less harm to historic significance, the situation has progressed to the point this consent is no longer reasonably capable of implementation. Simply because an earlier permission was less harmful, it does not justify discounting conservation benefits associated with the current application.

Aside from unauthorised works, it is acknowledged that other work undertaken on site has been completed to a high standard using good quality materials. Workmanship of the stonework rebuilding rounded columns in the piggery was commended by the Conservation Officer, noting this building was previously in a parlous condition. Conservation of the historic barn and delivery of a high-quality dwelling is a public benefit which is given moderate weight.

The scheme will also provide biodiversity net-gain. This comprises 220m of native hedgerow planting, an area of broad-leaved woodland planting, a natural pond and 0.56ha grassland meadow planting (EM18 St Catherine Mixture). This represents betterment on the previous (2013) landscape design which was more formal, less appropriate in surrounding landscape character, less biodiverse and smaller scale. The improved biodiverse landscaping scheme and provision of net-gain for biodiversity is a public benefit which is given minor weight.
The construction phase would be associated with creating employment opportunities locally and economic growth associated with this work. This is also a public benefit which is given minor weight.

Overall, it is assessed that the combined benefits including employment in construction, minor improvements to the design, biodiversity net gain and ultimate delivery of a dwelling securing conservation of the historic barn, are public benefits sufficient to outweigh less than substantial harm caused to the heritage asset. The development therefore accords with heritage and conservation legislation and policy. The application is found acceptable in this regard.

Landscape, Townscape, Design & Local Character

The site is in the Cotswolds National Landscape (formerly Area of Outstanding Natural Beauty - AONB) and in the landscape setting of Bath. There is a requirement under Section 245 of the Levelling Up and Regeneration Act (LURA) 2023 that the Authority must seek to further the statutory purposes of protected landscapes.

Policy NE2 (Conserving and Enhancing the Landscape and Landscape Character) of the Local Plan states that:

1. Development will be permitted where it:

a) conserves or enhances local landscape character, landscape features and local distinctiveness

b) incorporates green space within the scheme that positively contributes to creating a high quality environment by enhancing landscape character and biodiversity and providing sustainable public access and other landscape benefits

c) is demonstrated that the whole scheme, including hard landscape and planting proposals, will contribute positively to the local area including reference to relevant existing landscape assessments supplemented by any additional assessments

d) conserves or enhances important views particularly those to significant landmarks and features and take opportunities to create new local views and vistas.

2. Development should seek to avoid or adequately mitigate any adverse impact on landscape.

3. Proposals with 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.

4. Great weight will be afforded to conserving and enhancing landscape and scenic beauty of designated Areas of Outstanding Natural Beauty (AONBs), and with particular reference to their special qualities.

Policy NE2A (Landscape Setting of Settlements) of the Local Plan states that: "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."

Para. 131 of the NPPF outlines that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policies D1-D10 of the Local Plan guide high quality design in the district; they have regard to the character and appearance of a development and its impact on the character and appearance of the wider area. Development should enrich the character and qualities of places and should contribute positively to local distinctiveness, identity and history. Development should also respond positively to the site context, in particular the local character, including uses, landmarks, layout, streets and spaces, siting, spacing, set-back, building lines, roofscapes, materials, building forms and features.

The Council's landscape advisor has been involved in review of the scheme over an extended period, providing several responses and reviewing updated and additional information. Their final response is no objection subject to conditions.

Construction works to date have caused adverse impact landscape character due to earthworks and spoil that has been moved on site, with large quantities relocated on the hillside below the barn. This has disturbed the landscape surrounding the site, causing significant visual disturbance of the landscape. Whilst works have been paused during this application some regrowth has occurred, albeit dominated by fast growing weeds.

The current application now seeks to make remedial works to change the profile of dumped material to improve this land. The area has been surveyed for current levels which are shown on plans, compared with original and proposed revised levels. The revised levels are roughly mid-way between original and current levels. The proposals will remove abrupt angles and battered slopes, and the ground profile will be returned to a gentler and more natural slope. The profile of the public footpath would also be reinstated. This area would then be seeded with a grass and wildflower seed mix native to the St. Catherine's Valley (Emorsgate EM18 St Catherine Mixture). The local native grass mix is well suited to soil conditions at the site and ensure the land returns to appear in keeping with the surrounding landscape.

It is proposed to introduce a natural pond on land to the east of the site. This would be dug into the limestone formation, 1m at maximum depth and planted with marginal and aquatic planting. A pair of timber pontoons are proposed on each side.

A Landscape and Visual Appraisal is provided with the application to illustrate landscape impacts. It does not address the effects of the changes to the buildings and the entire development given that a residential conversion has been consented. A variety of near, mid and long-range views of the site are included covering changes to the development, the landscape proposals and reprofiling works.

The Council's landscape advisor has confirmed that there would not be significant effects at the National Character Area level and that immediate landscape context impacts are relevant. Following review of the landscape appraisal, they are satisfied that the proposed reprofiling would create much smoother and more natural-looking contours that would be generally much closer to the original ground conditions than those currently existing. The proposals for reprofiling of the eastern field are considered appropriate.

The overall landscape proposals for the site are also considered appropriate. It is noted that stockpiles currently on the northern part of the site will not be retained. This area is proposed as lawn bound by hedgerow. The proposed landscape scheme is less formal and suburban than the previous design (Seed, 2012). Removal of the swimming pool, the amended garden wall and reduction in hard surfaces are more in-keeping with the rural landscape context. The pond and extensive native grass, hedge and woodland planting proposals will ensure the development will in time appear harmonious with local landscape character.

The Council's landscape advisor agrees that the conclusions of the LVA are reasonable; the current adverse landscape and visual effects of the site in its existing condition could be mitigated to an acceptable degree by a combination of proposed re-profiling and hard and soft landscape design measures. This advice is accepted and position is shared by the Case Officer. Full planting and hardscape details would be secured by condition.

Whilst the unauthorised engineering works below the barn have posed harm to the landscape, this will be minimised by the current application. The Council's landscape advisor has confirmed adverse impact can be mitigated to an adequate degree in accordance with local policy requirements.

In relation to the duty to further the statutory purposes of the Cotswolds National Landscape, the development would retain the open access land to the south including public footpath. This would enable continued public enjoyment and wellbeing benefits associated with the sites' contribution to the national landscape. The enhanced landscaping scheme including net-gain for biodiversity would also further the purposes of the national landscape in respect of improving the response of the development to the distinctive character, fauna, flora and cultural heritage found in the surrounding national landscape. The development is assessed to have met the test of Section 245 of the Levelling Up and Regeneration Act (LURA) 2023.

Impact on the landscape setting of the Bath World Heritage Site has been assessed as part of the landscape assessment process. The site is located in the designated setting area under policy B4, but is some 1.6km from the world heritage site area itself at Lower Swainswick. Given that the development is found to provide an appropriate response to local landscape character, the outstanding universal value of the world heritage site would also be preserved.

Regarding impact on the public footpath, the 2013 consent permitted building over part of the course of the path to the southwest of the site. This needs to be formalised through separate procedure and applications for temporary diversion have been made. If changes to the footpath route were unsuccessful, the development would require amendment to allow the lawful route to be reinstated.

The proposals retain a very similar route to the current route. The change is the same as was consented by the 2013 development, and it is not judged that the recreational value for users would be adversely impacted by this minor deviation. Regarding amenity value of the route, this has been considered by ensuring the height of the boundary wall to the north of the footpath is minimised. The height and density of hedge planting at this boundary will be considered as part of the detailed landscape design (secured by condition) to ensure views of the historic barns are retained. Subject to this measure, it is not judged that the recreational and amenity value of the public rights of way would be adversely affected by the development.

Overall, the development is found to conserve and enhance landscape character. This would be achieved by reprofiling works which would return the field to a more natural profile. The revised landscaping scheme is more reflective of rural character and includes extensive native planting which will provide enhancement. The development furthers the statutory purposes of the Cotswolds National Landscape and accords with policies NE2, NE2A, D1, D2 and CP6 of the Local Plan.

Ecology & Biodiversity

Para. 180 of the NPPF outlines that:

"Planning decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to

improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Policy NE3 (Sites, Habitats and Species) of the Local Plan states that:

Development resulting in significant harm to biodiversity will not be permitted. Harm to biodiversity must always first be avoided and minimised. Where avoidance of harm is not possible, mitigation, and as a last resort, compensation must be provided, to at least equivalent ecological value.

For designated sites and other important habitat, this means:

1. Development that would adversely affect, directly or indirectly, internationally designated sites (such as RAMSAR) and sites within the National Sites Network (including new and existing SACs and SPAS) will not be permitted other than in exceptional circumstances where:

- There are no feasible alternative solutions that would be less damaging or avoid damage to the site.
- The proposal needs to be carried out for imperative reasons of overriding public interest.
- The necessary compensatory measures can be secured.

2. Development that would adversely affect, directly or indirectly nationally designated sites including SSSIs will not be permitted except in exceptional circumstances where:

a) the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest

b) mitigation measures can be secured to prevent any significant adverse effect on the site, including retention of existing habitat and vegetation in situ; and

c) provision of replacement habitat creation and bespoke measures.

3. Development that would adversely affect, directly or indirectly other, habitats or features of biodiversity/geodiversity importance or value will only be permitted in the following cases:

a) for Sites of Nature Conservation Importance; Local Nature Reserves, Regionally Important Geological/ Geomorphological Sites and other sites of equivalent nature conservation value, where material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site; where

impacts have been minimised; and where there are opportunities to replace and/or offset the loss to at least equivalent or greater ecological value

b) for UK Priority Habitats (not covered by Clause 4), where the importance of the development and its need for that particular location is sufficient to override the value of the species or habitat; and where impacts have been minimised; and where it can be demonstrated that it is possible to replace and/or offset the loss to at least equivalent or greater ecological value

c) for locally important habitats, where the importance of the development and its need for that particular location is sufficient to override the value of the habitat;

d) for features of the landscape such as trees, copses, woodlands, grasslands, batches, ponds, roadside verges, veteran trees, hedgerows, walls, orchards, and watercourses and their corridors if they are of amenity, wildlife, or landscape value, or if they contribute to a wider network of habitats, where such features are retained and enhanced unless the loss of such features is unavoidable and material considerations outweigh the need to retain the features.

4. Development is expected to protect and enhance irreplaceable habitats (within B&NES including (but not confined to) ancient woodlands; ancient and veteran trees; priority grasslands; or SAC bat habitat within juvenile sustenance's zones). Development negatively impacting irreplaceable habitat will not be permitted unless there are wholly exceptional circumstances* and a suitable mitigation and compensation strategy is provided.

5. In all cases:

a) Firstly, any harm to the nature conservation value of the site should be avoided where possible before mitigation and as a last resort compensation are considered and

b) secondly, compensatory provision of at least equal nature conservation value is made for any outstanding harm, and

c) Thirdly, Biodiversity Net Gain will be delivered and managed in perpetuity (minimum of 30 years) through the appropriate means e.g. a legal agreement

d) Then, as appropriate:

(i) Measures for the protection and recovery of priority species are made.
(ii) Provision is made for the management of retained and created habitat features.
(iii) Site lighting details are designed to avoid harm to nature conservation interests; including habitat connectivity and function as part of an ecological corridor.

For protected species this means:

Adverse impacts on European, UK protected species, UK Priority and locally important species must be avoided wherever possible
(i) subject to the legal tests afforded to them, where applicable; and

(ii) otherwise, unless the need for and benefits of the proposed development clearly outweigh the loss; and
(iii) where impacts have been minimised; and
(iv) it can be demonstrated that it is possible to mitigate and compensate for any loss

*Note: wholly exceptional reasons mean, for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat."

The Council's Ecologist has also been involved in review of the scheme over an extended period, providing several responses and reviewing updated and additional information. In January 2026, they confirmed that they had no objection to the development, subject to planning conditions. Natural England were subsequently consulted in relation to a Habitats Regulations Assessment. In February 2026, Natural England confirmed that they agreed with the Council's appropriate assessment for Habitats Regulations Assessment, providing all mitigation measures were secured in any permission.

The site is ecologically sensitive surrounded by and supporting a range of important habitats, wildlife and protected species, and supporting important and vulnerable bat roosts.

A bat roost installed in the roof of the main barn as mitigation as part of the 2013 consent, has successfully established as a lesser horseshoe bat maternity roost. Common pipistrelle and whiskered/brandts have also been recorded at the roost. Bats in this roost are now vulnerable to further development and eventual residential occupation of the site. The Council's Ecologist has agreed with the project Ecologist that a bat mitigation method statement must be secured by condition.

The bat mitigation method statement would secure minimum working distances and exclusion zones, ecological supervision and on-site advice from the project ecologist and working methods to avoid and minimise impacts to bats. This would be secured as a pre-commencement condition prior to works recommencing at the site. The Council's Ecologist has confirmed that subject to this measure, the first test of the Habitats Regulations would be met (the conservation status of the affected species will not be harmed).

Regarding the other tests, there is no alternative location this development could take place given it is conversion of a historic barn. The scope of development cannot be revised to an alternative, less damaging option for species and habitats. There is also overriding public interest as the barn benefits from permission for conversion granted in 2013. There are heritage interests and public benefits associated with conservation of the historic barn and delivery of dwelling providing a long-term custodian for the site.

Compensatory measures will be taken and measures to fully offset the impacts will be secured by the bat mitigation method statement. Therefore, the legal tests for Habitats Regulations are met. The Habitats Regulations Assessment is adopted by the Local Planning Authority and the risk of "likely significant effect" on the Bath & Bradford on Avon Bats Special Area of Conservation can be ruled out based on implementation of submitted information and mitigation secured by conditions.

An ecologically sensitive lighting scheme also forms part of the development and is a key mitigation for bats at the site. It has been demonstrated that the lighting scheme will achieve near dark conditions for most of the site, including areas of habitat used by bats. This has been confirmed acceptable by the Council's Ecologist and adherence to the submitted strategy will need to be secured by condition.

The site is adjacent to the South Charmydown Complex Site of Nature Conservation Interest (SNCI). This is a local nature conservation designation. Construction works including creation of an access track through woodland to the east of the site have caused harm to the Site of Nature Conservation Interest. The track has begun to revegetate, but it will be used again in future to facilitate access for reprofiling of the land to the south. The landscape proposals indicate the track would be seeded with meadowgrass however there is need to retain the track for on-going maintenance access to the lower field. The Council's Ecologist has requested that more detailed proposals are provided setting out how the track (and adjacent land) will be restored and how impact to the SNCI will be limited. This would be secured by planning condition.

The proposed pond location has been confirmed to fall outside the Site of Nature Conservation Interest. A Tree Survey and Arboricultural Impact Assessment with Tree Protection Plan will be required prior to works of excavation to create the pond commencing. This will ensure no damage is caused to tree root area of trees forming part of the SNCI. This would be secured by planning condition. Details of vegetation for the pond as well as maintenance and ecological objectives will be secured in a Landscape and Ecological Management Plan which would be a planning condition.

This planning application was submitted in early 2023 before biodiversity net-gain became mandatory in April 2024. Furthermore, BNG does not apply to retrospective planning permissions for unauthorised developments as confirmed by R (Weston Homes Plc) v Secretary of State for Levelling Up, Housing and Communities and another [2024] EWHC 2089 (Admin). However, the Council's local BNG policy NE3a was adopted in January 2023 and applies to the development. This requires that development will only be permitted where no net loss and 'appropriate' net gain of biodiversity is secured. National policy also encourages development to facilitate improvements in biodiversity wherever possible.

The applicant has provided a biodiversity assessment and metric which is welcomed. The Council's Ecologist has encouraged that more detailed proposals for the access track are confirmed before final BNG requirements are agreed. The applicant's current assessment and metric indicate that significant gains for biodiversity are feasible. There is uncertainty in relation to the baseline for net gain and this is partly why retrospective applications are not mandated to undertake BNG. However, the landscaping scheme including 220m of native hedgerow, an area of broad-leaved woodland planting and 0.56ha grassland meadow planting (EM18 St Catherine Mixture) is considered likely to achieve an enhancement for biodiversity when compared with the 2013 permission. In this case, it is judged that securing a detailed landscaping scheme to reflect the biodiversity assessment and metric as well as Landscape and Ecological Management Plan would be sufficient to secure an appropriate net gain for biodiversity.

There is a site-wide risk to reptiles and other wildlife during works. The Council's Ecologist has advised this should be addressed via production of an Ecological Construction Environmental Management Plan prior to works re-starting at the site.

Subject to conditions securing mitigation measures discussed above, it is concluded that the development forming part of this application would avoid harm to ecology and biodiversity. Significant effects on protected species and their habitats can be ruled out. An overall net-gain for biodiversity will be achieved following development. This accords with The Conservation of Habitats and Species Regulations 2017 and policies NE3 and NE3A of the Local Plan.

Access, Transport & Highways

Para. 114 of the NPPF requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
b) safe and suitable access to the site can be achieved for all users;
c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Para. 115 of the NPPF states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Policy ST1 (Promoting Sustainable Travel) of the Local Plan requires that:

"planning permission is permitted for developments which reduce the growth and the overall level of traffic and congestion through reducing private car dependency and giving priority to active and low carbon modes of transport such as walking and cycling."

Policy ST7 (Transport Requirements for Managing Development) of the Local Plan requires that:

"development avoids prejudicing highway safety, provides safe and convenient access, suitable vehicle access, avoids excessive traffic impact and provides adequate mitigation and improvements."

The development involves changes to the built form and landscaping of a dwelling first permitted by the Council in 2002. The acceptability of a dwelling at the site was established by implementation of the 2013 permission.

The current proposals would increase the amount of accommodation that the house comprises. One further bedroom is proposed as well as additional living and accommodation facilities. Whilst the living facilities within the house are extensive, they are not exceptional for a large rural barn conversion.

The Council's Highways Officer has commented on the application confirming that the changes would not materially change highways impacts associated with the development. Access to the site would remain as previously approved. Movements are associated with a one dwellinghouse and are largely dependent on owners/occupiers choice, as opposed to scale of accommodation at the site. The minor increase in accommodation would not facilitate significantly different vehicle movements or transport patterns.

The development will avoid severe impacts on the road network and any unacceptable impact on highway safety. The development accords with relevant polices relating to transport and access and is therefore acceptable in this regard.

Neighbouring Amenity

Para. 135 of the NPPF requires that planning decisions ensure that developments:

"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".

Policy D6 (Amenity) of the Local Plan requires that development must provide for appropriate levels of amenity and must:

a. Allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light;
b. Not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance;
c. Allow for provision of adequate and usable private or communal amenity space and defensible space.;
d. Include adequate storage and functional arrangements for refuse and recycling; and
e. Ensure communal refuse and recycling provision is appropriately designed, located and sized.

Policy PCS1 (Pollution and Nuisance) of the Local Plan requires that "development will only be permitted providing there is:

1) no unacceptable risk from existing or potential sources of pollution or nuisance on the development, or

2) no unacceptable risks of pollution to other existing or proposed land uses arising from the proposal."

Policy PCS2 (Noise and Vibration) of the Local Plan requires that:

1) Development will only be permitted where it does not cause unacceptable increases in levels of noise and/or vibration that would have a significant adverse effect on health and quality of life, the natural or built environment or general amenity unless this can be minimised or mitigated to an acceptable level.

2) Noise-sensitive development should avoid locations wherever possible where the occupants would be subject to unacceptable levels of noise or vibration from an existing noise source.

The development involves changes to the built form and landscaping of a dwelling that was originally permitted by the Council in 2002. The acceptability of a dwelling at the site was established by implementation of the 2013 permission. In terms of land use and type of development proposed, the current application remains for a single dwellinghouse. As such, the characteristics of the proposed use in terms of activity occurring at the site, comings and goings, hours of use and associated noise and parameters for nuisance or disturbance are equivalent to previous permissions.

The current proposals would increase the amount of accommodation within the house. One further bedroom is proposed as well as additional living and accommodation facilities. Whilst the facilities within the house are extensive, they are not exceptional for a large rural barn conversion. The additional accommodation would not enable use of the house that would be materially different in profile and characteristics than established under previous permissions.

It is noted that the site is relatively isolated and there is only one neighbouring property within 300m (Charmydown Farmhouse). The neighbouring home is screened by dense vegetation and trees lining the boundaries. The additional accommodation and enlargement of the building now proposed, is located to the north and east of the development site. This is the opposite side of the barn to the neighbouring home. The proposed enlargement is also below ground level and therefore would not cause any overshadowing, loss of light or impact on privacy experienced at the neighbouring property.

The current application introduces a safety fall restraint to the upper tier garden at the eastern end of the building. This wasn't detailed in previous applications but is likely to have been necessary given change in levels. This proposal secures an appropriate safety measure in keeping with built and landscape character. The system does not enable any further views or overlooking than would have been feasible under previously consented development.

Noise disturbance associated with construction works would be temporary rather than permanent. This type of disturbance would not provide sufficient grounds to refuse planning permission independently. However, working hours will be secured by condition as part of an updated Construction Management Plan to ensure works are limited to acceptable times to preserve neighbouring living conditions and amenity.

Overall, taking account of light, outlook, noise and other pollution impacts, officers are satisfied that the development will safeguard acceptable standards of amenity for all

neighbouring residents and uses. The proposals are found to accord with policies D6, PCS1 and PCS2, and are acceptable in terms of impacts for neighbours.

Arboriculture

Para. 136 of the NPPF states that:

"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible."

Para. 193 of the NPPF states that:

"development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists."

Policy NE6 (Trees and Woodland Conservation) of the Local Plan states that development will only be permitted where:

a) it seeks to avoid any adverse impact on trees and woodlands of wildlife, landscape, historic, amenity, productive or cultural value; and

b) it includes the appropriate retention and new planting of trees and woodlands; and

If it is demonstrated that an adverse impact on trees is unavoidable to allow for appropriate development, compensatory provision will be made in accordance with guidance in the Planning Obligations SPD (or successor publication) on replacement tree planting.

An Arboricultural Report dated June 2011 was submitted with the previous application. A high number of trees surrounding the barn were proposed for removal to accommodate the development. These have subsequently been removed as part of the project. Arboricultural conditions nos. 5 and 6 were placed on the 2013 permission.

Due to previously approved felling, there are now no trees surrounding the building that would be impacted by the changes now proposed. The nearest trees to development are within the area of woodland to the east of the site (the South Charmydown Complex Site of Nature Conservation Interest SNCI. The proposed pond would be located and involve excavation nearby these trees. For this reason, an updated Arboricultural Report is necessary including tree protection measures before work commences in this area. This will be secured by condition.

The proposed landscaping plan indicates planting proposals for 29 new trees. These would provide compensation for trees previously felled at the site. Full details of the landscaping scheme including species, planting stock size, maintenance proposals etc.

will be secured via conditions. Subject to this measure, the application is found to accord with Policy NE6.

Flood Risk & Drainage

Policy CP5 (Flood Risk Management) of the Local Plan requires that: "Development in the District will follow a sequential approach to flood risk management, avoiding inappropriate development in areas at risk of flooding and directing development away from areas at highest risk in line with Government policy NPPF).

Policy SU1 (Sustainable Drainage) of the Local Plan requires that: "Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of runoff from 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 100year+ climate change event)."

"SuDS are to comply with the "Non-statutory technical standards for sustainable drainage systems" published by the Department for Environment, Food and Rural Affairs (DEFRA) and the standards/requirements contained in the West of England Sustainable Drainage Developer Guide (2015), or successor guidance."

The previous application was found to be acceptable on grounds of drainage and flood risk. The site is not in an area that is vulnerable to flooding (Flood Zone 1). The previous 2013 application included significant improvements to the ground permeability at the site, with large areas of concrete and other buildings associated with previous agricultural use removed. These works have been implemented, providing an improvement for drainage and surface water run-off from the site.

The Council's Drainage Engineer has reviewed the application and confirmed it is acceptable on flooding grounds. A detail drainage system design is not required at planning stage for minor development as clarified by policy SU1.

As the site is in a rural area, it will not be possible for the development to connect to public drainage network. A private system has been installed, and this work is controlled by Part H of the Building Regulations. The package treatment plant includes an overflow pipe extending to the south discharging into a brook. This is located on land controlled by Wessex Water and would be subject to their agreement separately.

It is noted that Wessex Water lodged a holding objection against the application in March and September 2023. Their concerns were in relation to the following matters:

- Capabilities of existing treatment system;
- Negotiation of easement for the outfall from the treatment plant;
- Concerns regarding ground levels in relation to spring collection network and a private water supply;
- Details confirming effectiveness of soakaway required;
- Land stability accounting for pond;
- Habitat creation and biodiversity net gain.

It is noted that capabilities of treatment system are controlled by Building Regulations and this is not a matter which should overlap with planning. Similarly, agreement of an easement for the outfall from the treatment plant is a civil matter between relevant landowners. This can be dealt with via other legislation.

The Council is aware there are covenants on the land in favour on Wessex Water ensuring that the foul and surface water drainage systems must be in accordance with a specification agreed by Wessex Water. Furthermore, the owner must use best endeavours to prevent pollution of the rivers, watercourses and water supplies. These provide recourse for the water company to control these aspects of the development.

The applicant provided further information in response to Wessex Water in September 2023. This included confirmation by structural engineer (Mann Williams) that the 1m deep pond can be constructed without posing any structural stability issues. Updated biodiversity information has also been provided. The Council has no reason or evidence to believe the advice of project structure engineer is inaccurate and the water company has provided no evidence to the contrary.

As confirmed above, the proposed habitat creation and biodiversity net gain proposals are found to comply with local policy NE3 and NE3A. They have been reviewed by the Council's Ecologist and confirmed acceptable subject to conditions.

The Local Planning Authority has attempted to engage with Wessex Water in relation to their concerns. They have been re-consulted on updated information in September 2023, January 2025 and July 2025. They have also been contacted directly for further comment regarding their holding objection in February 2025. No further response has been provided.

Given that no further response or engagement has been forthcoming after an extended period and the concerns raised are considered to have been resolved, refusal of planning permission on grounds raised by Wessex Water is not justified. The proposals accord with national and local policy and guidance relating to drainage and flooding. The application is acceptable in this regard.

Other Matters

It is acknowledged that a high number of objections have been received against this application. Some issues raised are addressed under relevant subheadings above. Other concerns which do not relate to policy matters and shall be addressed here.

Concerns are raised in relation to the procedure of the Local Planning Authority allowing submission of applications to remedy breaches of planning control, rather than enforcing compliance or taking other enforcement action.

In response, it is highlighted that the Council's Enforcement and Development Management services have collaborated at length on this case. The Council's Enforcement Plan outlines that:

"Unless significant or irreparable harm is being caused, the Council will initially try to resolve breaches through negotiation. This may result in voluntary remedial action. Where

it is assessed that it is likely that planning permission would be granted for the development, the person responsible will normally be invited to submit a retrospective planning application. However, this is not a guarantee that permission will be granted, and where permission is refused, formal enforcement action may still be taken."

In this case, the Council has negotiated works ceasing whilst the breaches have been investigated and proposals for remedial works are considered. The enforcement investigation remains open pending a resolution to this planning application.

It is acknowledged that this process has taken a significant period which is not ideal. However, the harm has not worsened in the meantime. Delays are not unusual where complex planning matters such as historic listed buildings and protected species and associated habitat regulations are involved. This has required preparation and review of additional information, resulting in extended periods of back and forth on the project, within wider workloads.

In relation to concerns over compliance, it is noted the enforcement investigation remains open pending a resolution to this planning application. If the application was refused by the Planning Committee, following extinguishing of any rights to appeal, the Enforcement team would consider the position further. If the application were permitted, the current case would likely be closed. This would not mean that further cases would not be opened should further breaches occur. The Local Planning Authority would clearly take prior events into account when deciding appropriate process and action if this became necessary.

The 2013 planning permission was accompanied by a legal agreement which stated that the owner shall not use the lodge for any purpose other than ancillary accommodation to the barn. It also stated that the lodge must not be an independent dwelling. It also stated the lodge should not be sold or disposed of separately to the barn without prior agreement of the Council. The agreement clarifies this would not preclude use of the lodge by staff such as caretaker or estate manager.

It is now understood that this agreement contained the wrong company details and details for the applicant/landowner. It has been considered whether a new agreement is necessary with the current application. National planning policy (para. 58 of the NPPF) requires that planning obligations must only be sought where they are necessary to make the development acceptable.

The need for the previous legal agreement and aforementioned obligations relating to the lodge and barn stems from justification for the development against Green Belt policy. The 2013 Committee Report stated:

"The reinstatement of the structures formally known as Charmydown Lodge are proposed to be used ancillary to the barn, a Unilateral Undertaking (legal agreement) has been drawn up which restricts the former Lodge structures to be ancillary as they are considered to be independent structures which can be described as having its own setting away from the barn, this legal agreement will form part of the application. As considered previously the demolition of a significant part of the lodge building meant the previous planning permission was lost, the previous consideration of a conversion was on balance considered appropriate however the new proposal to re-instate the building (rebuild 2 and

half elevations and single storey projection) would involve significant works which is tantamount to a new dwelling in the Green Belt which is inappropriate development and no special circumstances have been demonstrated that outweigh the harm to the Green Belt contrary to policy GB.1."

The 2013 application was recommended for refusal by the case officer, but approved by the Council's Planning Committee. The agreement was part of this decision and was ultimately completed, albeit with erroneous information. The agreement was not deemed necessary or sufficient to resolve concerns of the case officer over harm to Green Belt associated with demolition and reconstruction of the lodge. These works are now long complete, and work is well advanced on the barn.

On review, it is not considered necessary to bind use of the lodge and barn by planning obligation. The lodge and barn being owned or used separately is not judged to result in a materially higher level of harm to the Green Belt than if they were under the same ownership. Any changes to the curtilage or further development would require permission and applications would be assessed on their merits considering what is proportionate, original and essential characteristics of the Green Belt. It is not proposed to secure a new legal agreement as part of the current application as this would not meet the test for necessity at para. 58 of the NPPF.

A further issue raised in public responses concerns the potential for the dwelling to be used for commercial purposes such as a hotel or holiday let. The application must be decided on its merits, and the application only seeks permission for use of the barn as a dwellinghouse in use class C3 of The Town and Country Planning (Use Classes) Order 1987. It would not be reasonable to decide the current application pre-emptively based on speculation over future uses. If change of use occurred later, this would become subject to enforcement investigation once there was evidence of such change of use having taken place.

Previous applications have been informed by archaeological assessment and the development now proposed would not disturb a wider area than previously permitted development. No further archaeological assessment is deemed necessary in this case.

As an application for part-retrospective development where works are already implemented, a time limit compliance condition is unnecessary. It is not considered necessary to restrict householder permitted development rights for extensions or other minor development in this instance given that the site is within the historic curtilage of a listed building e.g. a curtilage listed building. Permitted development rights are already restricted in such cases and even minor works will likely require planning permission and/or listed building consent.

Community Infrastructure Levy - CIL

As an extension above 100m2, the development exceeds the 100m2 'minor development' threshold. The whole development is likely CIL liable and any exemptions are unlikely to apply to this retrospective application given that exemption must be granted prior to commencement. The Council will confirm liability by issuing a CIL Liability Notice and Demand Notice if permission is granted.

Public Sector Equalities Duty

In accordance with the duty required by sections 149-157 of the Equality Act 2010, the Local Planning Authority as public sector organisation is required to have due regard to the need to eliminate inequality against people with different protected characteristics, advance equality of opportunity, and foster good relations in relation to activities such as policy, consultation and public service.

This has been taken into account both in relation to the application and decision making process as well as when assessing the impacts and merits of the development itself.

Measures which the Local Planning Authority takes to advance equality of opportunity in the planning process at set out in the Council's adopted Statement of Community Involvement. This involves measures such as community consultation, advertising applications via a range of different mediums and making application documents available in a variety of print and non-print formats if required. These measures have been implemented in accordance with the Council's adopted Statement of Community Involvement prior to and during processing of this planning application. Multiple public consultation periods have taken place and the Council has taken comments into consideration beyond the formal consultation periods. The response to the application has been significant, reflective of a well engaged community and accessible consultation process.

In relation to the development, as a private dwelling there are not significant implications for the public including those who share protected characteristics. Accessibility and the quality of public footpaths at the site may effect those with disabilities. This has been considered and the changes to footpaths found acceptable subject to the detailed landscaping scheme secured by condition.

Overall, the potential equality impacts have been assessed relating to both the application process and in relation to the development itself. The Local Planning Authority is satisfied that it has taken a range of steps to achieve compliance with the Equalities Act 2010 and therefore discharged its public sector equalities duty.

Planning Balance & Conclusion

The application is found compliant with Green Belt policy as a proportionate enlargement of the original building, taking account of the historic agricultural structures that formerly existed at the site, scale of proposed enlargements and subterranean nature of the development. The enlargement undertaken and creation of openings in original walls have caused loss of historic fabric and harm to legibility of the original barn planform. This harm is rated at 'less than substantial' level and when weighed against public benefits of the development, is found to be sufficiently outweighed. Public benefits associated with the application include improvements to the design and more contextually appropriate landscaping scheme, conservation benefits through redevelopment delivering a dwelling securing custodian for the historic building, biodiversity enhancements through significant native planting and construction jobs. Other impacts of development including landscape, appearance and character, public rights of way, highways, neighbouring amenity, ecology and biodiversity, arboriculture, drainage and flooding are either acceptable, or acceptability can be confirmed by planning condition.

Following an extensive process of negotiation and revision to the proposals, it is judged that the development is now compliant with the Local Plan. Planning applications must be decided in accordance with the Local Plan unless material considerations indicate otherwise. In this case, following review of all relevant material considerations, none are identified that would justify refusing permission. It is therefore recommended the application is permitted, subject to conditions below (as necessary).

RECOMMENDATION

PERMIT

CONDITIONS

1 **Construction Management Plan (Pre-commencement)**

No development shall resume 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;

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.

2 **Ecological Construction Environmental Management Plan (CEMP: Ecology)**

No development shall resume until an Ecological Construction Environmental Management Plan (CEMP: Ecology) produced by a suitably experienced professional ecologist has been submitted to and approved in writing by the Local Planning Authority and a suitably experienced professional ecological has been appointed to the role of Ecological Clerk of Works. The CEMP: Ecology shall include the following:

a) list of potentially damaging activities and brief risk assessment of potential impacts on habitats,
protected species and other wildlife

b) a scale plan showing exclusion zones and positions of fencing for the protection of retained vegetation, ecologically sensitive habitats and features, and protected species, and details and specifications for proposed fencing, barriers and notices (as applicable); to also include (as
applicable) arboricultural impact assessment and details of tree protection measures

c) responsibilities and required competencies and credentials of a professional ecologist that shall be appointed to the role of Ecological Clerk of Works (ECoW), including (as applicable) preworks checks, update surveys, provision of tool-box talks and all required ecological information
to site workers;

d) times and frequency of visits to site by the Ecological Clerk of Works, to include proposed checks inspections and record-keeping/ reporting; and details of operations and locations within the site where works shall be carried out with ecological supervision;

e) Responsible persons and lines of communication;

f) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on wildlife and habitats during works (may be provided as a set of method statements), to include the location, timing and methodologies of specified works to avoid harm to wildlife
and sensitive features. This shall include:

i. a Reptile Mitigation and Translocation Method Statement that is in accordance with (but not limited to) the approved Reptile Survey and Assessment report dated 7th June 2023 by Ellendale Environmental, and a plan showing proposed reptile receptor site and positions of reptile exclusion fencing;

ii. details of measures, exclusion zones and barriers to protect habitats within the Site of Nature Conservation Interest;

The approved CEMP shall be adhered to and implemented for the duration of works, strictly in accordance with the approved details.

Reason: To avoid harm to existing and retained habitats and species during site preparation and construction works in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE3 of the Bath and North East Somerset Local Plan Partial Update.

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.

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

No development shall resume 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. The arboricultural method statement shall include details of the following:

1. Up-to-date tree survey in accordance with BS5837;

2. A programme of works to include details of supervision and monitoring by an Arboricultural Consultant and the provision of site visit records and certificates of completion to the local planning authority;

2. Measures to control potentially harmful operations such as site preparation (including demolition, clearance, earthworks and level changes), the storage, handling, mixing or burning of materials on the site and the movement of people and machinery throughout the site;

3. The location of any site office, temporary services and welfare facilities;

4. The location of any service runs or soakaway locations;

5. A scaled Tree Protection Plan showing the location of all retained trees and tree protection measures.

No development or other operations shall take place until any further tree protection measures are installed and thereafter only in accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals 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.

4 **Bat Mitigation Method Statement (Pre-commencement)**

Prior to any works resuming on site, including site clearance, demolition or construction, a Bat Mitigation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The bat mitigation method statement shall be prepared by a qualified ecologist and include measures that shall be in place to prevent disturbance or harm to bats or their roosts during construction, including (but not limited to):

i. a large scale plan showing the location/s and dimensions of the bat roost/s and access points and making clear the locations of sensitive features and areas requiring protection;

ii. The plan shall include clearly delineated exclusion zones, and their minimum width, within which there shall be no access, construction activities or other operations;

iii. details and specifications for proposed measures to prevent access or operations within the exclusion zones, such as notices, visible barriers (such as tape) and physical barriers (such as fencing, padlocks, as required);

iv. proposed ecological supervision by a suitably experienced professional ecologist (licenced bat worker), and proposals for pre-works checks, tool-box talks and provision of information and advice to site workers; proposed checks and site visits and their

frequency; details of what shall happen in the event of any encounters with bats or other wildlife, or in the event of any breaches of the exclusion zone;

v. details of how works and site management will be designed and implemented to prevent harm to the roost and minimise impacts, including timing of works, precautionary working methods, seasonal requirements (maternity season; potential hibernation use); and protection from noise, vibrations, dust, pollution and waste, lighting, and practices for avoidance of impacts to conditions within the roost and the surrounding environment (eg from changes to air circulation, temperature, humidity, light levels);

vi. specifications for installation of three roof ridge tiles within the building, to be located away from the occupied roost, with features and positions and materials to be shown on a plan, to include specifications for bat-safe roofing felt where applicable;

vii. clarification of operations or locations / proximity to the roost where works would require a European Protected Species Licence (EPS), and of whether a licence is required for the scheme;

viii. details and findings of any update survey or further survey as applicable (if required due to the passage of time or to inform an EPS Licence).

The development shall thereafter be implemented only in accordance with the approved Bat Mitigation Method Statement and all roost and bat habitat features, roost access points and suitability of roost and habitat conditions shall be retained and maintained thereafter for the purposes of the conservation of bats and their roosts.

Reason: To safeguard bats, their roosts and prevent ecological harm in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE3 of the Bath and North East Somerset Local Plan Partial Update.

5 **Access Track Mitigation and Restoration Scheme (Pre-commencement)**

Prior to any works resuming on site including ground preparation, excavation or vegetation removal, an Ecological Mitigation and Restoration Scheme for the access track, trees and woodland, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall
include:

i) a plan showing the boundary of the land subject to the access track ecological mitigation and restoration scheme;

ii) detailed ecological and botanical survey and assessment of the land within the scheme boundary, to include the access track and adjoining habitats, woodland and affected area of the Site of Nature Conservation Interest, and all ground previously affected by the track creation and associated earthworks, to include species lists and mapped survey results;

iii) assessment of existing habitat value on and adjacent to the track, and assessment of the most likely former habitat value prior to works (based on a precautionary approach and ecological and botanical survey of the adjoining habitats and woodland);

iv) arboricultural survey and impact assessment, including assessment of impacts of any trees affected by works already completed (if applicable);

v) details of measures to remediate, replant and / restore habitat value including within the SNCI, and to restore and strengthen the tree-belt and woodland edge habitat and their suitability for use by SAC bats; and

vi) details of any further works required for track creation or to the existing track, including proposed removal or relocation of previously imported materials (if applicable) and a method statement for the works and measures to protect ecology.

The development shall thereafter be implemented in accordance with approved access track mitigation scheme.

Reason: To prevent net loss of biodiversity and to restore habitat value on land affected by the creation of the access track, in accordance with policies NE3 and NE3A of the Local Plan Partial Update.

6 **Landscape Design Proposals (Pre-commencement)**

No further development 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
4. Details specifications and models / materials and dimensions numbers and positions (as applicable) of additional features to benefit wildlife, including additional bat and bird boxes (as integral features or externally fitted); barn owl box; barn owl shelf in accordance with previously approved details.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain 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.

7 **Landscape Ecological Management Plan (Pre-occupation)**

No occupation of the development shall take place until full details of a Landscape and Ecological Management Plan (LEMP) have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

(i) A plan showing the boundary of the land subject to the LEMP;

(ii) A list of long-term wildlife conservation and landscape aims and objectives, to include: habitat specific; species-specific; and issue-specific objectives (as applicable), and to include wildlife conservation objectives for species-rich grasslands; native hedgerow; wildlife pond; and broadleaved woodland; provision of habitats suitable for reptiles; roost features and habitat provision for foraging barn owl; provision of habitat suitability for bat flight routes and foraging; protection and enhancement of woodland habitat within the SNCI;

(iii) Proposed management prescriptions and operations; locations, timing, frequency, duration; methods equipment and personnel as required to meet the stated aims and objectives;

(iv) All details, locations, boundaries of habitats and management units / areas and specified operations shall be shown on a plan;

(v) A list of activities and operations that shall not take place and shall not be permitted within the LEMP Plan area or specified habitats (for example use of herbicides, waste disposal, inappropriate maintenance methods, storage of materials);

(vi) All required measures shall be incorporated into and compatible with the wider scheme, and shown to scale on all relevant plans and drawings including landscape design and planting plans (vii) Proposed monitoring and reporting scheme, to include ongoing review and remediation strategy; and

(viii) Proposed costs, legal responsibility, and funding sources.

All works within the scheme shall be carried out and the land managed and maintained thereafter only in accordance with the approved LEMP.

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 and D2 of the Bath and North East Somerset Placemaking Plan, and policies NE2, NE3 and NE3A of the Bath and North East Somerset Local Plan Partial Update.

8 **Ecological and Biodiversity Net Gain Compliance Report (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 site visit and inspection, and confirming and demonstrating, using photographs, completion

and implementation of ecological measures as detailed in the approved ecology report and Biodiversity Net Gain Plan has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented;

2. Confirmation of compliance with the method statements referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and

3. Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented.

All measures within the scheme shall be retained, adhered to, monitored and maintained thereafter in accordance with the approved details.

Reason: To prevent ecological harm and to ensure that biodiversity net gain is successfully provided in accordance with policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update.

9 **Internal External Lighting (Compliance)**

External and Internal lighting shall be installed and operated only in accordance with the lighting design, light spill containment measures and predicted light spill levels as detailed in the approved lighting design, lighting layout plans and lux level calculations, and Luminaires Schedule (ref: P25041.02.25) documents dated 25th April 2025 by Ecological Lighting Solutions.

No external lighting beyond that included in the above Lighting Strategy shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights;

2. Predicted lux levels and light spill on both the horizontal and vertical planes;

3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Local Plan Partial Update.

10 **External Materials to Match (Compliance)**

All materials to be used in the external construction of the building including fenestrations shall match materials of the existing building unless specified otherwise on approved drawings.

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 HE1, 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.

11 **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 Site Location Plan 1743.LB-08 REV A 8 September 2023
Site Location Plan Wider 1743.LB-01 REV C 8 September 2023
Eastern Field Contour Plan Original & Existing 214 - 002 REV G 8 September 2023
Eastern Field Contour Plan Original & Proposed 214 - 003 REV H 8 September 2023
Eastern Field Contour Plan Original, Existing & Proposed 214 - 004 REV H 8 September 2023
Eastern Field Re-Profiling Plan - Indicating Water Supply Network 214 - 006 REV B 8 September 2023
Typical Pond Proposed Cross Section 214-503 REV B / 9002_SK12_P1 8 September 2023
Proposed Landscape Plan 214 - 001 P12 4 July 2025
Temporary Traffic Regulation Order Plan 1743.LB-07 REV A 1 February 2023
Proposed Ground Floor Plan 1743.LB-10 REV A 1 February 2023
Proposed First Floor Plan 1743.LB-11 REV A 1 February 2023
Proposed Roof Plan 1743.LB-12 REV A 1 February 2023
Proposed Elevations 1 of 2 1743.LB-13 REV A 1 February 2023
Proposed Elevations 2 of 2 1743.LB-14 REV A 1 February 2023
Section for Western Boundary 214 - 012 REV E 1 February 2023
Eastern Field Sections 214 - 502 REV H 1 February 2023
Landscape Sections AA & BB 214 - 501 REV E 1 February 2023
Lighting Site & Ground Floor Layout Drawing 1 P25041 - 00 - 01 4 July 2025
Lighting Isoline Drawing P25041 - 00 - 01 - ISO 4 July 2025
Lighting Site & Ground Floor Layout Drawing 2 P25041 - 00 - 02 4 July 2025
Lighting Site & Ground Floor Layout Drawing 3 P25041 - 00 - 03 4 July 2025

Lighting Site & First Floor Layout	Drawing 1	P25041 - 01 - 01	4 July 2025
Lighting Site & First Floor Layout	Drawing 2	P25041 - 01 - 02	4 July 2025
Lighting Site & First Floor Layout	Drawing 3	P25041 - 01 - 03	4 July 2025
Proposed Block Plan	1743.LB-02 REV D	4 July 2025	
Proposed Drainage Layout	1743.LB-09 REV B	4 July 2025	
Proposed Site-Wide Drainage Plan		9002-500-REV P7	6 January 2025

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 **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 **Wessex Water**

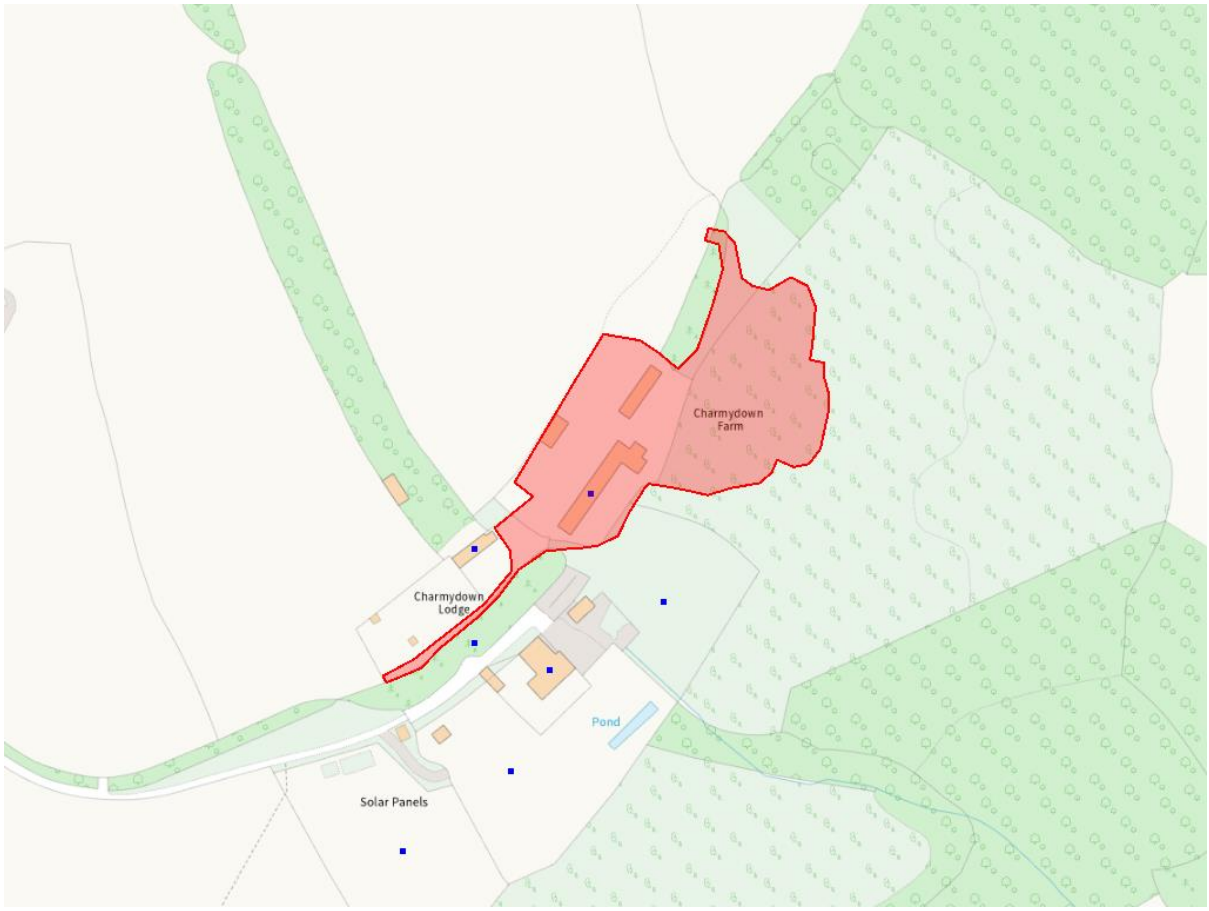
The Applicant should contact Wessex Water in relation to agreeing connections to their network or on their land.

https://developerservices.wessexwater.co.uk/your-project/developing-a-new-site

Item No: 03

Application No: 23/00430/LBA

Site Location: Charmydown Barn Charmydown Lane Swainswick Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** St. Catherine **LB Grade:** II

Ward Members: Councillor Kevin Guy Councillor Sarah Warren

Application Type: Listed Building Consent (Alts/exts)

Proposal: Internal and external alterations and extension to existing barn in connection with conversion to a residential dwellinghouse (use class C3). To also include reprofiling of east field, hard and soft landscaping, installation of drainage and effluent pipes, and creation of pond with decks

Constraints: Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Dormie Holdings Ltd

Expiry Date: 29th March 2023

Case Officer: David MacFadyen
To view the case click on the link here.

REPORT
Reason for Committee Decision:

This application was referred for decision by the Council's Planning Committee by Bathavon North Ward Councillor Sarah Warren. This referral has been considered by the Chair and Vice Chair of the Planning Committee in accordance with the Council's Planning Scheme of Delegation. The Chair and Vice Chair of the Planning Committee have decided the application should be decided by the Planning Committee due to public interest and need for scrutiny.

Site Background

The application relates to a property known as Charmydown Barn ('the barn'), which forms part of a historic farm including the adjacent Farmhouse and other buildings. The site is located on the south facing slope of the Charmydown plateau, around 1km north of Little Solsbury Hill. The land was previously owned by Wessex Water and subdivided for sale in 2004. There are a series of planning permissions dating from 2002 for conversion of the barn and adjacent cottage ('the lodge') to a dwelling.

The barn includes three distinct built phases, originally dating from 1802 with the cross/threshing barn built first. The long barn was added in two subsequent phases in the mid-nineteenth century. The lean-to shelter to the northeast with distinctive circular rubble stone columns is of similar original age, although has been rebuilt recently.

The barn is two storeys but rising topography means it reads as single storey from the north. It is constructed with random limestone masonry walls and dual pitched roofs clad with slate. The roof to the cross/threshing barn is clad with clay pantiles. The cross barn features a pair of double height threshing barn door openings centrally located on the east facing gable, away from prevailing winds. The southern elevation of the long barn includes a series of openings, including four elegant arched doors in the central section.

The adjacent Farmhouse (Charmydown Farmhouse) is on the National Heritage List for England at Grade II level. Despite separate ownership, the barn forms part of the historic curtilage and is therefore a curtilage listed building.

The site is accessed via a private lane from Swainswick Lane, east of the A46 Gloucester Road. It is in the Green Belt and the Cotswolds National Landscape (formerly Area of Outstanding Natural Beauty). The site is 1.6km outside the Bath World Heritage Site, but is located in the landscape setting of Bath area under policy NE2A.

The site is approx. 3.5km from the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and Combe Down & Bathampton Down Mines Site of Special Scientific Interest (SSSI). There is good habitat connectivity between the bats SAC and the site via the river valley and open land. The South Charmy Down complex Site of Nature Conservation Interest (SNCI) is adjacent to the north east of the site.

Planning History

Application ref: Development: Decision:

02/00963/FUL & 02/00984/LBA Conversion of barn and cottages to two dwellings and garage, plus formation of access and passing bays as amended by drawings received 27.6.02 Permitted - 02.10.2002

08/04768/FUL & 08/04769/LBA Conversion and enlargement of barns to create new dwelling and garage, and refurbishment and alteration of cottages to create new dwelling with associated soft and hard landscaping, following demolition of existing modern barns, stables and double storey lean-to Permitted - 15.12.2010

12/05579/FUL & 12/05580/LBA Internal and external alterations for the conversion of Charmydown Barn to a 5no. bed dwelling, alteration and reinstatement of Charmydown Lodge to a 3no. bed dwelling, retention of new detached garage block, minor works to the walls of the former pigsties, stables and lean-to (revisions to permitted scheme 08/04768/FUL and 08/04769/LBA). Permitted - 10.09.2013

14/02769/AGRN Provision of new access track Prior Approval Refused - 15.07.2014

16/03240/FUL & 16/03241/LBA External and internal alterations to facilitate excavation of a trench along the north wall of the barn to enable access for construction of the approved retaining wall together with structural repairs to the exposed existing stone footings of the barn wall and part-replacement of the existing first floor structure. Permitted - 17.08.2016

21/04437/FUL Changes to the plan form of studio building and reduction in volume, and increase in width to the subterranean area of main barn (Retrospective) Withdrawn - 13.01.2022

22/01210/FUL Regularise minor works carried out on site, including alterations to the plan form of a studio building and reduction in volume. Increase in width to the subterranean area of the main barn (Retrospective). Withdrawn - 18.07.2022

Listed Building Consent

This application seeks listed building consent for internal and external alterations to the barn to facilitate conversion to a dwelling (use class C3). The application is part retrospective, stemming from an enforcement investigation following works deviating from earlier consents for conversion.

The key changes from the previous consents are summarised as follows:

- House accommodation increased from 5-bed to 6 bed;

- Internal floor area increased by approximately 140m2;

o Enlargement of the approved subterranean space to the north west of and adjoining the rear of the main barn;

o Alterations to the size and design of the studio space being created in the former piggeries, creation of an additional bedroom;

o External alterations to the previously approved fenestration of the barns;

o Removal of 3 rooflights from northern roof and introduction of 2 walk-on glazed skylights over ground floor accommodation;

o Installation of steel cable safety railing on top of the link between the main barn and the piggery;

o Blocking up of additional doors added to main barn without consent;

o Rendering added to cover inappropriate internal brickwork;

o Internal alterations to the layout of the converted barn;

o Reprofiling of spoil dumped on field to south of barn, spread more evenly and re-seeded with St Catherine Meadow Mixture grass;

o Re-designed landscaping scheme around the barn complex, swimming pool removed and natural pond introduced;

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Internal Consultation

Conservation Historic Environment, B&NES Council:

Background and Significance

Charmydown farmstead is made up of the farmhouse (Grade II listed and separately owned), Barns, other agricultural buildings and structures and the lodge located in a raised and elevated position on the south facing slope of the Charmydown plateau, to the North of and in close proximity to Solsbury Hill.

This application relates to the farm buildings that are in separate ownership to the farmhouse and lodge.

An individual analysis of each building in this complex of historic agricultural buildings is provided below;

o THE LONG BARN- The development of this barn was around 1802 and was sited along the natural contour of the hillside attached at right angles to the threshing barn. This building has unique design embellishments that may have been added later, whereby the detail of the arching to the former wagon shed openings in the South elevation were deliberately formed as a status symbol given the distant views of this elevation. Whilst the southern elevation indicates a 2-storey building, this structure was built into the rising

slope and as such is known as a bank barn whereby the northern elevation reads externally as a single storey building.

o THE THRESHING BARN- This may be the earliest farm building on the site and by far the most prominent of the complex, with its high gabled roof, built in rubble stone and its 2 no double height threshing barn door openings centrally located on each side of the barn facing away from the prevailing winds. The presence of ventilation slits in the external walls emphasis the role this building played in the threshing and processing of crops.

o THE PIGGERY (Studio) -Historically, this building was open fronted and formed into 8 separate bays by circular stone columns. This open-fronted form characterises this particular type of farm building. Although called the piggery it is likely to have been original constructed as either a cart or implement shed or for housing cattle rather than used as a pigsty, although this use may have been introduced later.

The key changes from the earlier approvals include;

1. Enlargement of the approved subterranean space to the northwest of and adjoining the long
barn and introduction of new materials to the internal walls.

2. Internal alterations to the layout of the converted barns.

3. External alterations to the previously approved fenestration of the barns.

4. Installation of safety railing on top of the link between the long barn and the piggery.

5. Alterations to the size and design of the studio space being created in the former piggeries

6. Reprofiling of the land to the southeast of the building complex, to redistribute areas of temporary storage of spoil more evenly.

7. Re-designed landscaping scheme around the barn complex and impact on the setting of the group.

Internal Alterations

1. Understorey Extension to Long Barn- The most impactful aspect of the internal work that has been undertaken and is currently unauthorised, is the formation of the understorey extension on the north side of the long barn. This is largely invisible externally, due to the way the original building was built into the natural slope of the landscape, effectively constructing a bank barn (as explained above). This internal alteration forms extra accommodation at ground floor level within the building, primarily for utilitarian functions and an extra space for the enlarged kitchen.

In 2016 (under 16/03240/FUL & 16/03241/LBA) permission was granted for the excavation of a trench along the north wall of the barn to enable access for construction of

an approved retaining wall together with structural repairs to the exposed existing stone footings of the barn wall and part-replacement of the existing first floor structure.

At that time, the Council stated that "the barn is constructed on a steeply sloping site, and the rear north wall acts as a retaining wall. Investigative works have revealed that the below ground section of the stone wall is in a seriously unsound condition and that substantial rebuilding works are required to address water penetration and structural failure. A conservation structural engineer's report has advised trenching to access the footings, repair where possible or rebuild. The proposed excavation works to facilitate the structural repairs and works to the existing stone footings of the barn wall are considered acceptable. The application seeks to reinstate the existing ground levels following the completion of these works, and as such there would be no harm caused to the openness of the Green Belt or to the setting of the curtilage listed building."

Structural Works

It is acknowledged that the primary reason for the 2016 work was to provide structural stability to the long barn that was necessary for the successful completion of the 2012 conversion works. Specialised Structural Engineers designed the structural underpinning and reconstruction work. As work was implemented the condition of the building was worse than thought resulting in more rather than less intervention necessary to regain the barns structural integrity. As part of this work, a section of the barns original stone fabric was replaced with breeze block and brickwork. This loss of historic fabric is acknowledged by the applicants in the Planning Statement & Heritage Statement (Jan 2023) to amount to some harm to the significance of the barn resulting from the removal of the defective historic material. However, they justify this harm by indicating that the works are not visible outside the building.

The 2016 approval was for a narrow extension, described as a trench, of sufficient depth to allow cabling and other services to be housed outside the original buildings footprint without impacting on the main interior of this structure. This would also have formed a conduit to take any water penetrating from the ground above out of the building through a new drainage system. The approved scheme allowed for the trench extension according to the Case Officers report, to be of the order of 2.5m deep and 2m wide. No floor plans were provided that show this trench or any domestic uses for it, although the approved sections show the formation of a subterranean extension of approx. 2.4m deep to the north wall of the long barn.

The applicants claim that the 2016 scheme would have created extra space that was 3.5m deep rather than the 4m deep addition now constructed. This appears to conflict with the Case Officers report from 2016 that sets the parameters of the trench at 2m x 2.5m. From this information it would appear that the addition formed on the rear of the Long Barn is a larger structure than the approved 2016 applications description of a trench. The formation of a number of openings/doorways from the main body of the barn to this extension was also not part of the 2016 scheme. In breaching the wall to introduce new openings, original fabric would have been lost together with changes to the internal dynamics and character of this building as it was not designed to have doorways on this back wall at this level.

The impact of this addition, as already stated, is to the barn's interior only, due to the higher ground levels to the north of the building. Conversions of agricultural buildings often require extra space to allow for such facilities as utility and boot rooms. These can be housed in separate structures, thus ameliorating against the need for subdivision within the open space of the main building. However, in this case, no provision was made for such functional accommodation in the 2012 scheme. The additional floor space created from the 2016 scheme is unauthorised and impacts upon the character and significance of the long barn. Whereas most barns of this size are normally long buildings with a narrow footprint, this addition has virtually doubled the barns depth. By creating this extra accommodation, the original plan form of the barn has been significantly altered and as such this form of addition would not normally be considered appropriate.

Given that there is ambiguity over the level and scale of the formation of the utility trench through the 2016 works and taking direct dimensions from the approved drawings, the increase in the rear extension is in the region of 1.5m in depth. Although the height is the same, it is unclear whether the original space would have gone the entire length of the north elevation. Whilst the principle of extending the building was accepted in 2016, how this was envisaged to materialise within the building's interior remains unknown.

Cumulatively, the harm from loss of historic fabric together with intervention with the original plan and internal character of this building results in an erosion in its significance as a heritage asset. This aspect of the scheme is at odds with policy HE1 of the PMP and paragraph 202 of the NPPF whereby the combined impact of these alterations has resulted in less than substantial harm to the long barn.

Exposed Brickwork: During the rebuilding of the eastern end of the north wall within the long barn, bricks were used rather than rubble stone. This is an unacceptable and unauthorised use of a material that is alien to this complex of traditional buildings. The applicants are proposing to address this concern by rendering the brickwork. In this instance, whilst these inappropriate building materials are at odds with its character and significance of this vernacular stone-built structure, the proposed mitigation by using a render to cover them up is the least destructive way of amelioration. The use of a render of appropriate mix and texture should harmonise with the existing rubble stone walling and help regain the barns original internal appearance. There will be a need for compliance conditions to ensure that this work is undertaken sensitively.

2. Alterations to Plan within the Long Barn; The 1st floor of the long barn has had some revisions made to the 2012 approved layout. However, these changes are minor and have little impact on the overall character and significance of this part of the building as the 2012 approval accepted the principle of subdivision in this part of the building. Subdivision at this level was approved through the 2012 scheme so the intervention of new partitions is as a principle already established. The more major alteration to the plan is through the additional extension, together with the new openings formed in the back wall that, as already stated above, are considered to cause less than substantial harm to this heritage asset.

3.Fenestration; Long Barn; Externally the significant features of the long barn are the arched openings. The 2012 scheme allowed for these openings to be formed into large, glazed panels with oak framed surrounds. The unauthorised works have, however, instigated the use of metal framed units with doors and glazing, subdividing the expanse

of glazing with horizontal and vertical metal framework. By introducing subdivision in the glazing, these metal screens detract from the openness and translucency within the original openings. This style of glazing undermines the agricultural character of the farm group, introducing an alien design to the composition. The overall impact of this change to the treatment of the fenestration has been a major contribution towards diminishing the character and quality of this barn conversion.

It is conceded that had oak been used, as approved in 2012, this would have resulted, given the size of the openings, in the frames becoming chunky and cumbersome which would detract from the simple, uninterrupted appearance sought. The use of metal frames for the glazing allows for a finer frame and has an industrial character that can suit an agrarian character if used sympathetically.

The current scheme offers a compromise and reduces the door openings within these openings so only a single arch would have a doorway. This allows two of the arched openings to be simple fixed panes, fully responding to the requirement to retain uninterrupted, glazed openings within these arched openings. The central door utilises a slender Crittal frame, and the upper glazing bar has been removed to simplify the appearance of the doors and side panels. I am therefore satisfied that this element of the scheme is now acceptable.

Threshing Barn; The proposal reinstates an important ventilation slit within the threshing barns wall. The alteration to form a door in the ventilation slit's location was part of the unauthorised works. As a result, historic fabric has been lost and although the door has now been removed and the slit reformed, this damage has been done. Another component of the unauthorised works was the imposition of Crittall 'or similar' metal frame doors & sidelights into the main barn door opening. This applies to both sides of the barn. Although fine metal frames have been accepted in the long barn, the threshing barns significance is partially derived from its double storey, timber doors and frames that are an important historic and characteristic feature. The unauthorised works replaced this approved treatment with metal framed units. This type of intervention to the building's historic fabric and authenticity of its external elevations, undermined its significance as a heritage asset.

The current proposals are to reinstate the timber doors and frame to the southwest elevation and impose a new oak framed glazed screen and French doors to the southeast door. This is more akin to the approved scheme from 2012 and reinstates more of the barns original character. On this basis, subject to conditions, I support this aspect of the scheme.

4.Link Building/High Retaining wall with Parapet. It is considered that the alternative solution of form a barrier with steel cables should provide an effective barrier whilst not introducing anything too domestic in character to this part of the site. This part of the scheme is supported.

5.Studio Building (Piggery); The 2012 scheme approved the formation of a partially glazed roof and infilling of bays to form further domestic accommodation. The current proposal is to maintain a solid clay tiled roof, omitting all glazing from the roof and re-opens 2 of the 8 bays, with the majority of the remaining ones having recessed glazed screens imposed. This lessens the visual impact of external domestication of this building and helps to retain

its original significance. It is also noted that the workmanship of the stonework in rebuilding the rounded columns is well executed and has resulted in recreating a building that was previously in a parlous condition.

6. & 7. Landscaping and setting issues; A landscaping scheme has been developed that indicates that the unauthorised engineering works to create an inappropriate landform to the south of the barn complex is to be restored back to the natural topography of this site. In other respects, the works will return the grounds immediately around the southern elevation of the buildings back to the simpler form omitting the swimming pool and more gentile landscaping that was approved through the 2012 scheme.

This is welcomed and will provide a more fitting setting to this historic farmstead. It is understood that this issue is one of the more controversial elements of the unauthorised works that have taken place and if not corrected will have a detrimental impact on the setting of this farm complex and on the wider landscape that forms part of the AONB. Should the applications be approved, there will be a need for compliant conditions to ensure that this part of the scheme is fully and sensitively implemented.

Other matters.

Entrance gates and fencing - The plans recently received do not provide any details for this element of the site. Given the need to ensure that the settings of the listed buildings are maintained and preserved, details should be submitted as part of these applications. An appropriate type of gate would be a timber 5-bar gate, reflecting the agricultural character of the site. Gate posts would be more suitable as simple timber posts. Timber paling fence or rubble stone walls might also be considered instead of the metal fencing.

Whilst it is acknowledged that this latest proposal has reduced the number of external changes and interventions that had previously been proposed, reinstating lost features and either re-introducing changes that were approved through the 2012 applications or else changing some approved details for improvements, there is still a fundamental impact to the interior of the long barn. The Council has previously permitted something similar to what has been built, but this would have been smaller, both in depth and height, not including any accommodation or any access from the building or associated with any openings in the rear wall of the barn. When combined with the amount of intervention from them structural repairs and more recent unauthorised works, this results in less than substantial harm to the significance of these heritage assets.

The cumulative impact of the unauthorised alterations resulting in less than substantial harm means that they need to be weighed up against any positive conservation aspects of this scheme as well as any public benefit, including securing the sites optimum viable use. Justification for the increased size of the trench has not been provided to date to allow more assessment to be made to this aspect of the scheme. Without any such justification the scheme should be considered against para 202 of the NPPF and HE1 of the PMP.

Local Consultation

Cllr Sarah Warren, Bathavon North ward:

"This retrospective application is for the construction of a substantial complex (unlikely to be a single residential dwelling as stated in the Design and Access Statement) in place of what was previously a Grade 2 listed barn, on this extremely prominent and ecologically important site in the Green Belt and the AONB, overlooking the Scheduled Historical Monument of Solsbury Hill. The development, which has continued illegally for many years now and is visible from as far as Bannerdown and Bathford, is in flagrant breach of numerous areas of planning policy, including B4, CP6, NE2, NE2d, and GB2. It constitutes overdevelopment, representing numerous additional rooms over and above those previously approved, and a more than doubling in floor area. A new road, new 6ft wall, new terraces in the hillside, new windows to the listed barn, and new pond have all been constructed without permission, destroying biodiverse limestone grassland Meadow that constituted a Site of Nature Conservation Interest. Should officers be minded to approve the application, I would like it dealt with by committee please".

Public Consultation

The listed building consent application has been advertised through site notices posted at the site on two occasions in February and September 2023 as well as press adverts published in the local newspaper. The application was also listed on the weekly list of planning applications published by the Council and listed on the Planning section of the Council website.

The deadline for public consultation responses was 9th October 2023. Public responses have been received and considered up to the point of decision.

To date, 46 responses have been recieved with all responses classed as objections.

A summary of grounds of objection is as follows:

o Development exceeds scope of previous permissions with owner demonstrating poor regard for compliance;
o Development is excessive in scale, with uplift in bedroom numbers and non-essential accommodation such as leisure uses, cinema, games room etc. symptomatic of overdevelopment;
o Heritage harm to historic barn and its setting including removal of walls, addition of windows/doors, use of metal fenestrations, as well as development in surrounding setting;
o Development clearly visible on skyline from Bath, Batheaston and Bathford, harming landscape;
o Concerns over light spill and pollution at night time accounting for visibility of location on hillside;
o Extensive ground and earthworks including 'haul road' have caused harmful landscape and Green Belt impacts;
o Impact of extensions on Green Belt openness;
o Ecology impacts and unfinished/ineffective mitigation such as disturbance over a prolonged build to species including owls, swallows, bats, reptiles;
o Destruction of previously approved reptile receptor area by subsequent earthworks;
o Absence of archaeological investigation despite asserted sensitivity and extensive excavation;
o Public right of way footpaths have been blocked during construction, concerns over routes being absorbed and negatively impacted by development;

o Concerns regarding parking and access issues associated with scale of development and access via private lane, unsuitable for intensified residential use and associated vehicles;
o Harm to neighbouring amenities through overlooking from raised ground levels, noise/light concerns linked to larger scale "venue like" use;
o Poor engagement with utility providers and neighbours during planning process;
o Impact of works on neighbours water supply and overflow discharge into stream on third party land;
o Concerns regarding integrity of the planning system, granting retrospective consent argued to risk normalising breaches and undermining confidence in control;
o Length of construction process extending over years, exacerbating landscape, ecological harm and disruption to neighbours;
o Concerns regarding contaminated rubbish/spoil spread at the site and effectiveness of mitigation;
o Apprehension and suspicion regarding potential future use of dwelling for commercial purposes such as holiday let or hotel;

POLICIES/LEGISLATION
National Legislation:

There is a duty placed on the council under Section under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in 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.

National Policy:

National Planning Policy Framework (Dec 2024) and the National Planning Practice Guidance (March 2014) must be awarded significant weight in decision making.

Local Plan:

The Council's Local Plan can be reviewed in full at the following website:

https://beta.bathnes.gov.uk/core-strategy-placemaking-plan-and-local-plan-partial-update

The Local 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

The following policies of the Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update are relevant to the determination of this application for listed building consent:

HE1 Historic Environment

Supplementary Planning Documents and relevant planning guidance:

Historic England Advice Note 2 'Making Changes to Heritage Assets' (2016)
Historic England Advice Note 10 Listed Buildings and Curtilage (2025)

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
Heritage & Conservation

There is a duty placed on the Council under Section under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in 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.

Para. 202 of the NPPF states that:

"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

Para. 207 of the NPPF states that:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."

Para. 208 of the NPPF states that:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Para. 212 of the NPPF states that:

"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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Policy HE1 (Historic Environment) of the Local Plan states that:

"Within the scope of Core Strategy Policies B4 and CP6, 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/or setting, and make a positive contribution to its character and appearance".

"Great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals will be weighed against the public benefits of the proposal; whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset."

The barn forms part of the historic curtilage of a listed farmhouse (Charmydown Farmhouse - Grade II) and is therefore a 'curtilage listed building'. It is understood to have been built in three phases, dating from 1802 with the cross/threshing barn built first. The long barn was added in two subsequent phases in the mid-nineteenth century. The lean-to shelter to the northeast with distinctive circular rubble stone columns is of similar original age, although has been rebuilt recently.

The barn is two storeys but rising topography means it reads as single storey from the north. It is constructed with random limestone masonry walls and dual pitched roofs clad with slate. The roof to the cross/threshing barn is clad with clay pantiles. The cross barn features a pair of double height threshing barn door openings centrally located on the east facing gable, away from prevailing winds. The southern elevation of the long barn includes a series of openings, including four elegant arched doors in the central section.

The Council's Conservation Officer has identified harm to the historic significance of the barn resulting from the following works:

o Subterranean extension at rear of barn causing changes to original planform and introducing of several openings in original solid rear wall of barn;

o Use of brickwork in the interior of the barn (proposed to be overclad with render);

o Introduction of door in threshing/cross barn (to be reinstated with stone walling and slit window);

o Infilling piggery lean-to with masonry (to be revised to include full height glazing and oak cladding)

o Inappropriate groundworks and landform surrounding barns causing detrimental impact on the setting of historic farm complex and wider landscape (to be reprofiled and replanted)

The most impactful aspect of the internal work that has been undertaken and is currently unauthorised, is the formation of the understorey extension on the north side of the long barn. This is largely invisible externally, due to the way the original building was built into the natural slope of the landscape, effectively constructing a bank barn.

In 2016 under 16/03240/FUL & 16/03241/LBA) permission was granted for the excavation of a trench along the north wall of the barn to enable access for construction of an approved retaining wall together with structural repairs. There is uncertainty surrounding the scale of trench that was permitted. However, it was smaller than now proposed, did not provide habitable accommodation and did not include creation of openings providing access from the barn.

The harm from loss of historic fabric together with intervention with the original plan and internal character of this building results in an erosion in its significance as a heritage asset. This aspect of the scheme is at odds with policy HE1 and paragraph 202 of the NPPF whereby the combined impact of these alterations has resulted in less than substantial harm to the long barn.

During the rebuilding of the eastern end of the rear wall in the long barn, bricks were used rather than rubble stone. This is an unacceptable and unauthorised use of a material that is alien to this complex of traditional buildings. It is proposed to address this by rendering the brickwork. In this instance, whilst these inappropriate building materials are at odds with its character and significance of this vernacular stone-built structure, the proposed mitigation by using a render to cover them up is the least destructive way of amelioration. Conditions will be required to ensure details of the work and compliance.

Externally the significant features of the long barn are the arched openings. The 2012 scheme allowed for these openings to be formed into large, glazed panels with oak framed surrounds. It is now proposed to use Crittall style metal glazing instead. The use of metal frames for the glazing allows for a finer frame and has an industrial character that is suited to agrarian character if used sympathetically. The previous withdrawn proposals were found unsympathetic due to excessive subdivision of openings by expanse of glazing with horizontal and vertical metal framework.
The current scheme has revised the door openings within these openings so only a single arch would have a doorway. This allows two of the arched openings to be simple fixed panes, fully responding to the requirement to retain uninterrupted, glazed openings within these arched openings. The central door utilises a slender Crittall frame, and the upper glazing bar has been removed to simplify the appearance of the doors and side panels. This is found to be acceptable and provide an enhancement over the previous 2013 oak framed design.

Part of unauthorised works involved creation of a new set of doors to the cross/threshing barn. The current proposals are for the door opening to blocked up, quoins removed and slit window reinstated. These works pose some residual harm due to loss of historic fabric. It was also part of earlier withdrawn applications to revise glazing in the cross/threshing

barn to Crittall style. Glazing has not yet been installed, but the current proposals would step back to oak framed doors. This revision is more akin to the approved scheme from 2012 and reinstates more of the barns original character. This change is therefore supported.

Following extensive pre-application dialogue with the applicant, a series of changes have been proposed to minimise harm posed and provide enhancements in certain areas. This includes the following revisions:

o Lime render applied over inappropriate internal brickwork in kitchen area;

o Deletion of roof lights from rear of barn roof and roof of piggery;

o Removal of additional doors added in threshing/cross barn, with stone masonry reintroduce and slot window;

o Revised use of metal Crittal framed windows in arched openings providing finer profiles than previous oak design;

o Reinstatement of full roof to piggery and revisions to layout and design of accommodation, maintaining open stall character;

o Agreement of acceptable design for balustrade to rear/upper terrace garden with lightweight steel cable system;

o Removal of swimming pool, revised landscaping scheme with natural pond, less formal/gentile and more appropriate to agricultural character and rural setting;

o Details of appropriate boundaries secured including rubble stone walls, timber post and wire fencing and timber bar gate;

o Sensitive lighting scheme secured, meeting ecological objectives and preserving agrarian character and rural setting;

A degree of residual harm to historic significance remains, largely because of the subterranean extension at rear of barn including changes to original plan-form and creation of openings in rear wall. The harm caused by openings cannot now be fully reversed. Reversal of the subterranean extension has not been considered reasonable or proportionate given the works associated. A structure was permitted in this location for structural and drainage reasons in 2016. The level of harm accounting for curtilage status and subterranean nature is not judged to reasonably warrant intervention needed to reverse the extension. It is acknowledged that remedial excavation could also result in further structural damage to the historic building.

In accordance with para. 215 of the NPPF, 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.

Residual heritage impacts to the curtilage listed historic barn are assessed at 'less than substantial' level. This harm should be weighed against the public benefits of the proposal.

Some design and conservation improvements over the 2013 permission are proposed, including lower profile window frames to arched openings, deletion of roof lights and reinstatement of full piggery roof as well as a more contextually appropriate landscaping scheme excluding swimming pool. These design improvements are given some minor weight as public benefits.

There is also conservation benefit associated with conversion of the barn to a dwelling, delivering restoration and preservation of the historic building as well as a long-term custodian for the site. This benefit is acknowledged not to be exclusive of the current application and applied to earlier 2013 consent. Whilst the 2013 scheme resulted in less harm to historic significance, the situation has progressed to the point this consent is no longer reasonably capable of implementation. Simply because an earlier permission was less harmful, it does not justify discounting conservation benefits associated with the current application.

Aside from unauthorised works, it is acknowledged that other work undertaken on site has been completed to a high standard using good quality materials. Workmanship of the stonework rebuilding rounded columns in the piggery was commended by the Conservation Officer, noting this building was previously in a parlous condition. Conservation of the historic barn and delivery of a high-quality dwelling is a public benefit which is given moderate weight.

The scheme will also provide biodiversity net-gain. This comprises 220m of native hedgerow planting, an area of broad-leaved woodland planting, a natural pond and 0.56ha grassland meadow planting (EM18 St Catherine Mixture). This represents betterment on the previous (2013) landscape design which was more formal, less appropriate in surrounding landscape character, less biodiverse and smaller scale. The improved biodiverse landscaping scheme and provision of net-gain for biodiversity is a public benefit which is given minor weight.
The construction phase would be associated with creating employment opportunities locally and economic growth associated with this work. This is also a public benefit which is given minor weight.

Conclusion

Overall, it is assessed that the combined benefits including employment in construction, minor improvements to the design, biodiversity net gain and ultimate delivery of a dwelling securing conservation of the historic barn, are public benefits sufficient to outweigh less than substantial harm caused to the heritage asset. The development therefore accords with heritage and conservation legislation and policy. The application for listed building consent is therefore reccommended to be consented subject to conditions below.

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 **Materials - Submission of Materials Schedule (Bespoke Trigger)**

No construction of the external walls of the development shall resume until a schedule of materials and finishes to be used in the construction of the external surfaces, including further masonry, studio oak cladding, windows, doors, roofs, balustrade/railings, rainwater goods, chimneys/flues etc. have 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.

3 **Materials - Submission of Materials Internal Rendering (Bespoke Trigger)**

No rendering of the internal brickwork (in accordance with 4.22 of the Planning, Design & Access Statement, January 2023 by Context Planning) shall commence until a detailed specification of the proposed lime render has been submitted to and approved in writing by the Local Planning Authority.

Prior to first residential occupation of the building, rendering of internal brick walls shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the historic significance of the curtilage listed barn in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policies HE1, D1 and D2 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

4 **Joinery Details (Bespoke Trigger)**

No installation of the timber cladding to the studio wing shall commence until full details and drawings comprising large scale construction sections 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.

5 **Window Door Details (Bespoke Trigger)**

Notwithstanding typical details submitted with the application, no installation of the windows and doors shall commence until full details and drawings comprising large scale construction details and sections 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 **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 Site Location Plan	1743.LB-08 REV A	8 September 2023
Site Location Plan Wider	1743.LB-01 REV C	8 September 2023
Proposed Ground Floor Plan	1743.LB-10 REV A	1 February 2023
Proposed First Floor Plan	1743.LB-11 REV A	1 February 2023
Proposed Roof Plan	1743.LB-12 REV A	1 February 2023
Proposed Elevations 1 of 2	1743.LB-13 REV A	1 February 2023
Proposed Elevations 2 of 2	1743.LB-14 REV A	1 February 2023
Section for Western Boundary	214 - 012 REV E	1 February 2023
Landscape Sections AA & BB	214 - 501 REV E	1 February 2023
Lighting Site & Ground Floor Layout Drawing 1	P25041 - 00 - 01	4 July 2025
Lighting Site & Ground Floor Layout Drawing 2	P25041 - 00 - 02	4 July 2025
Lighting Site & Ground Floor Layout Drawing 3	P25041 - 00 - 03	4 July 2025
Lighting Site & First Floor Layout Drawing 1	P25041 - 01 - 01	4 July 2025
Lighting Site & First Floor Layout Drawing 2	P25041 - 01 - 02	4 July 2025
Lighting Site & First Floor Layout Drawing 3	P25041 - 01 - 03	4 July 2025
Proposed Block Plan	1743.LB-02 REV D	4 July 2025
Proposed Landscape Plan	214 - 001 P12	4 July 2025

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 **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: 04

Application No: 25/04283/FUL

Site Location: 12 Cameley Green Twerton Bath Bath And North East Somerset BA2 1SA

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 of a 3 bedroom dwellinghouse (Use Class C3) to a 7 bedroom House in Multiple Occupation (HMO) (Sui Generis) with single storey rear extension, associated external and internal alterations, bin store and bike store.

Constraints: Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Coal - Standing Advice Area, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Ecological Networks Policy NE5, SSSI - Impact Risk Zones,

Applicant: Rivers Birtwell

Expiry Date: 27th February 2026

Case Officer: Ben Burke

To view the case click on the link here.

REPORT
Details of location and proposal and Relevant History:

The site is within a primarily residential area and falls within Bath World Heritage Site. The proposal is for a change of use of a 3 bedroom dwellinghouse (Use Class C3) to a 7 bedroom House in Multiple Occupation (HMO) (Sui Generis) with single storey rear extension, associated external and internal alterations, bin store and bike store.

Relevant Planning History:
There is no relevant planning history on this site.

Local Area:

25/01744/FUL - Refused - 25 September 2025 - 30 Shaws Way Twerton - Change of use from a 3 bedroom dwellinghouse (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4) and single-storey rear extension and alterations bicycle and bin storage.

Allowed on Appeal 10 February 2026

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Summary of Consultation/Representations:

Cllr Sarah Moore - Objection (summary):

Harm to amenity of neighbours due to noise and disturbance.
Overdevelopment of property.
The rooms as proposed, are predominantly, only marginally larger than the minimum standards.
Layout could result in significant noise and disturbance to the neighbouring property's amenity due to drainage and a lounge and bathroom being adjacent to bedrooms next door. There is a lack of adequate information concerning this potential noise impact.
Drawings indicate soundproofing on the party wall, but this is not supported by an acoustic report.
Intensification of use and activity resulting from 7 occupants would cause significantly harmful noise disturbance and loss of privacy harmful to the amenity of neighbours.
Extension would result in a harmful loss of light to the neighbours, particularly the rear ground floor room of the adjoining property.
As parking is currently considerably restricted the proposal would result in an unacceptable level of pressure on street parking.
Property is identical in construction and layout to number 30 Shaws Way, which was refused by the planning committee for similar reasons to the issues outlined above.
All family homes need to be retained for local families.
HMOs in the area are already reducing the number of children that can attend local infant and junior schools.
Contrary to policy D6 of the Bath and North East Somerset Council Placemaking Plan and part 12 of the NPPF.

Environmental Protection Team:

1st comment: Object/Scope for Revision
The higher concentration of people proposed to be in the property, as a 7-bed HMO, increases the risk of the adverse impact of noise particularly to the neighbouring property. Measures have been suggested to mitigate this. However, having considered the nontraditional construction type (BISF) which has been associated with significant noise transmission, and with no additional evidence provided to support the measures suggested, I am not satisfied it will be adequate to prevent unreasonable noise disturbance.

Without further evidence being provided and to enable Environmental Protection to properly assess the risk of noise impact, I would suggest that the applicant be required to submit a site-specific acoustic assessment by a qualified acoustician. This should address the construction type and suitable mitigation measures to minimise the risk of an adverse impact. I am aware that access to the neighbouring property cannot be assumed, and any assessment reliant on such access would be subject to some limitation. The assessment should clearly identify any assumptions made and demonstrate that the proposed mitigation would remain effective under a worst-case scenario, without the reliance on works or measurements with the neighbouring dwelling.

2nd comment: No objection, subject to conditions.
The submitted noise assessment demonstrates that, with the proposed construction upgrades, there will be at least an 8dB exceedance of the baseline Building Regulations criteria (Approved Document E). As this comfortably exceeds what would be considered a good level of sound insulation at +5dB in this context of a 7-bed HMO with BISF construction next to a dwelling, I have no objection to the proposal. This is subject to a condition requiring the implementation of the mitigation measures detailed in the planning statement and noise assessment. As it has been correctly noted that this is dependant on correct installation, I have requested evidence of this installation to be submitted prior to occupation.

Third Party/Neighbour Representations:

42 Objections received. The main issues raised were:

Character and amenity:
Activity of 7 occupants will result in a significant increase in internal noise, particularly as property is a steel framed semi-detached house.
Locating the kitchen and bathrooms adjacent to the Party Wall will result in noise and disturbance to the neighbour.
Extension is too large and being on the boundary with number 11 will result in loss of light to this property.
Over intensive use of property providing an inadequate living standard for future occupants and resulting in harm to neighbour's amenity.
Not in keeping with area.

Mixed and balanced communities:
Too many affordable family homes being lost.
More than enough HMOs but not enough family homes.
Such properties should be retained as family homes

Transport and parking:
Bike storage will not compensate for the increase in cars associated with the proposal.
Currently very limited parking in the area and proposal would increase on-street parking pressures.
Street parking associated with the proposal would reduce the road width causing access issues for emergency services and refuse/recycling collection vehicles.

Other:
Same type of property as 30 Shaws Way which was refused planning permission for a similar proposal on grounds of harm to amenity.
2 local schools are experiencing reduced intakes.
Additional documents do not address the application issues.
House with extensions is too small for 7 adults.

POLICIES/LEGISLATION
Planning policies, legislation & other information relevant to your proposal
The Development Plan for Bath and North East Somerset comprises:
- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- Bath & North East Somerset Local Plan Partial Update (2023)
- West of England Joint Waste Core Strategy (2011)
- 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:

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:

D2: Local Character & Distinctiveness
D5: Building Design
D.6: Amenity
ST7: Transport requirements for managing development

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 several new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

H2: Houses in multiple occupation

SUPPLEMENTARY PLANNING DOCUMENTS:

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

The Houses in Multiple Occupation in Bath Supplementary Planning Document (January 2022) is also relevant in the determination of this planning application.

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT
PRINCIPLE OF DEVELOPMENT:

Change of use to HMO:
Policy H2 concerns 'Houses in Multiple Occupation' and states that proposals for change of use from residential (C3) to large HMO (Sui Generis) will be refused if one or more of seven criteria apply/applies. The proposal will be reviewed against these, as follows:

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

The proposals will be reviewed against the HMO SPD Feb 2023 which contains 2 main criteria:

Criterion 1:
The proposal would not result in sandwiching of C3 properties between HMOs.

Criteria 2:
HMO properties represent 10% or more of households within a 100 metre radius of the application property, or the application property tips the concentration to 10% or more.

With the application property, the concentration would be increased to 5.6%, which falls well within the 10% threshold.

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

The property is within a medium density residential suburb. It is a semi-detached property with a degree of separation to all neighbouring dwellings and a substantial garden. Given this, the small-scale HMO is not incompatible in principle with the character and amenity of established adjacent uses.

iii. The HMO significantly harms the amenity of adjoining residents through a loss of privacy, visual and noise intrusion;
It is understood that the property is of a non-traditional construction type (BISF) which has been associated with significant noise transmission. Environmental Protection (EP) has confirmed that the submitted acoustic report demonstrates the proposed soundproofing measures comfortably exceed a good level of sound insulation and that they therefore have no objection to the application. In line with EP's comments, a condition requiring implementation of the mitigation measures detailed in the acoustic report as well as evidence of implementation will be attached. Given this, and that the property's internal communal space significantly exceeds the HMO standards for 6 persons and it has a reasonable sized garden, the proposal would not result in significant harm to the amenity of neighbours.

iv. The HMO creates a severe transport impact;
The parking standard is unchanged for the proposal, and the existing off-street parking space will be retained. Furthermore, the parking survey report (2019) commissioned by the Council supported the findings by a 2007 study by DCLG (now known as Ministry of Housing, Communities & Local Government) that HMOs result in no net increase in parking demand over that of a family home. Therefore, the proposal would not have a serve transport impact and there are no transport grounds for refusal.

v. The HMO does not provide a good standard of accommodation for occupiers;
The HMO SPD expands on this criterion outlining space standards, as well as drying and other facility requirements. Measurements from the proposed plans show that the standard for kitchens and total communal space is significantly exceeded, and all bedrooms exceed the standard for single occupancy. In addition, there is adequate space externally, during clement weather, and within the communal living area for drying clothes.

vi. The HMO property does not achieve an Energy Performance Certificate "C" rating unless one or more of the following exemptions applies:
The property has an expired D rating certificate. The application provides a schedule of works to be carried out to meet EPC C rating. These measures are all realistic and achievable and a condition can be attached that these works and publication of an EPC C rating occur prior to occupation of the dwelling as an HMO.

vii. The HMO use results in the unacceptable loss of accommodation in a locality, in terms of mix, size and type;
As the proposal will result in an HMO level very significantly below the 10% threshold within the output area, with the majority of properties remaining single dwellings, this is not considered to be the case.

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

Conclusion:
The proposal meets criteria i and ii concerning sandwiching and the 10% threshold within the local area. The required space standards and ventilation requirements for clothes drying are all achieved. A schedule of energy efficiency upgrades to achieve an EPC rating has been provided which can be secured through a pre-commencement condition. It will also not significantly harm the amenity of neighbours and local residents or be determinantal to the highway safety. Therefore, the proposal is compliant with H2 and the HMO SPD.

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 party objections have been received that the activity of 7 occupants will significantly increase internal noise, particularly as the property is a steel framed semi-detached house. In addition, that this and the layout, resulting in a lounge and bathroom adjoining next door's bedrooms through the party wall, will result in internal noise transmission to the detriment of the neighbour's amenity. In addition, that, although drawings indicate soundproofing on party wall, there is no supporting acoustic report.

As outlined in the above principle of development section, EP has confirmed that the submitted acoustic report demonstrates the proposed soundproofing measures comfortably exceed a good level of sound insulation and that they therefore have no objection to the application. In line with EP's comments, a condition requiring implementation of the mitigation measures detailed in the acoustic report as well as evidence of implementation will be attached. Given this and that the property's internal communal space significantly exceeds the HMO standards for 6 persons and it has a reasonable sized garden, the proposed HMO use would not result in significant harm to the amenity of neighbours. The proposed single storey rear extension has a depth, width and height of 3m, 6.7m and 3m respectively. Given this, the extension would not result in a loss of light to or have an overbearing impact on neighbours. Therefore, the proposal accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

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

The proposal includes a modest, subservient single storey extension which will not harm the character and appearance of the area. Therefore, the proposal accords with policy CP6 of the Core Strategy, policy D2 of the Placemaking Plan, policy D5 of the Local Plan Partial Update and part 12 of the NPPF.

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 proposals might have on their Outstanding Universal Value and associated attributes. In this instance, due to the nature and limited scale of the proposal, 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.

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.

With regard to part iv of the Principle of Development section above the proposal would not result in a severe transport impact and complies with the Council's parking standards consistent with policy ST7 and the Transport and Development SPD.

OTHER MATTERS
Third parties have advised that the property is identical in construction and layout to number 30 Shaws Way (25/01744/FUL), within the same local area, for which committee refused planning permission for change of use from a 3-bedroom dwellinghouse (Use Class C3) to a 6-bedroom House in Multiple Occupation (HMO) (Use Class C4) on the grounds of harm to amenity. Regarding this, that application has subsequently been allowed on appeal with the Inspector finding there was no evidence before them that noise and disturbance cannot be mitigated by insulation, which was secured by condition.

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 **Noise mitigation measures (pre-occupation)**
Prior to the occupation of the property as a large scale House in Multiple Occupation (HMO) (Sui Generis), the proposed soundproofing works detailed in section 3 of the below submitted document and shown on the approved drawing below, must be installed and retained thereafter in perpetuity.

Acoustic South East, Design Review, 12 Cameley Green, ref no. J4125, dated 25/02/2026
Proposed (drawing); Ref 3172, 02; dated Oct 25

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.

3 **Bicycle and Refuse/Recycling Storage (Pre-occupation)**
No occupation of the development shall commence until the bicycle and refuse/recycling stores have been provided in accordance with the below approved drawing. The stores shall be retained permanently thereafter.

Proposed; 3172, 02; dated Oct 25

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy ST7 of Local Plan Partial Update. In addition, to provide for suitable storage and management of refuse and recycling in the interests of amenity compliant with policy D6 of the Placemaking Plan.

4 **EPC C rating (pre-occupation)**
Prior to the occupation of the building as a large scale House in Multiple Occupation (HMO) (Sui generis), an EPC C rating certificate shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the property achieves an EPC C rating in accordance with policy H2 of the Local Plan partial Update.

5 **Restriction to 7 occupants (compliance)**
The House in Multiple Occupation (HMO) (Sui Generis), hereby approved, shall be retricted to 7 occupants.

Reason: To safeguard the amenty of the local residents in accordance with policy D6 of the Placemaking Plan and policy H2 of the Local Plan Partial Update.

6 **Plans List (Compliance)**
The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list.

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

PLANS LIST:

1	05 Nov 2025	3172.01	LOCATION PLAN
	05 Nov 2025	3172.02	PROPOSED

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 **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 **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.

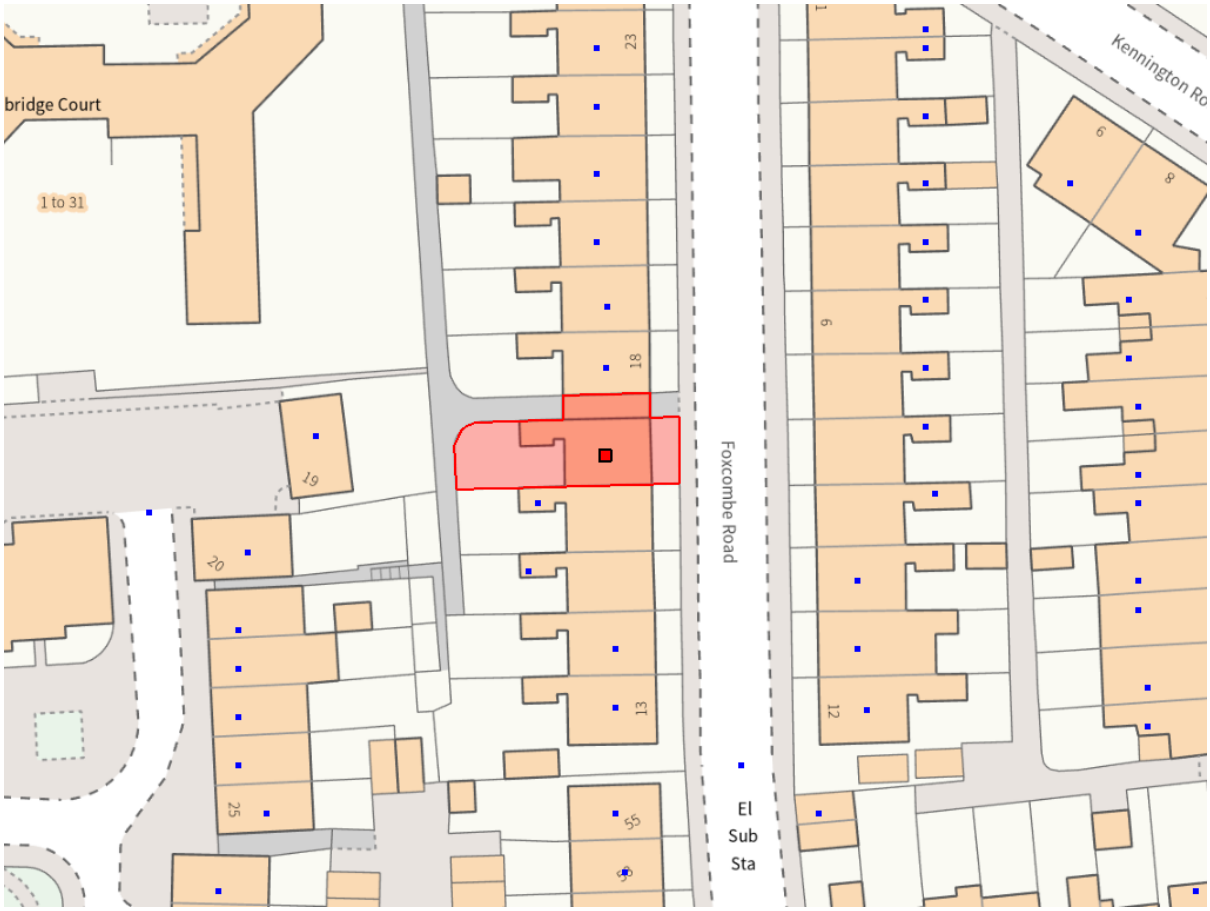
5 **Responding to Climate Change (Informative):**

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: 05

Application No: 25/04761/FUL

Site Location: 17 Foxcombe Road Newbridge Bath Bath And North East Somerset BA1 3ED



Ward: Newbridge **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Michelle O'Doherty Councillor Samantha Kelly

Application Type: Full Application

Proposal: Change of use from two flats to a single dwelling (C3) to revert to original use.

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, Policy NE3 SNCI 200m Buffer, SSSI - Impact Risk Zones,

Applicant: Mrs Anna Brown

Expiry Date: 9th February 2026

Case Officer: Paige Moseley

To view the case click on the link here.

REPORT
The application refers to 17 Foxcombe Road, a Victorian terraced property in Newbridge comprised of two residential flats.

Planning permission is sought for the change of use from two flats to a single dwelling (C3).

Reason for Committee

The application was called in by the ward councillor should officers be minded to refuse. The application was referred to the Chairs of the planning committee who decided that the application must be debated and decided by the planning committee. The reason for this is below:

Councillor Tim Ball (Chair): Thank you for this very comprehensive report that I have decided can go to committee as this is a marginal one as it is one that the committee should scrutinise as the policy area is far from defined on one side or the other.

Relevant Planning History:

15/04681/FUL - PERMIT - 17 December 2015 - Installation of new white uPVC windows to replace existing timber windows.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Consultation Responses :

None received

Representations Received :

Ward Councillor Michelle O'Doherty has requested that the application be called in to the committee should officers be minded to refuse. The following reasons were given:

"The application seeks consent to re-join two self-contained flats into a single dwellinghouse within a Victorian property on Foxcombe Road. While I note that officer concerns may arise in relation to Policy H5, which seeks to resist the net loss of housing units, I consider that there are clear material planning considerations which justify Committee scrutiny and may support a reasoned departure from a strict application of that policy in this instance.

1. Quality and effectiveness of existing housing units
The existing flats are arranged over interlocking levels and are largely separated by lightweight stud partitions. This results in poor acoustic performance, sub-optimal living conditions, and inefficient use of floorspace. While technically two units exist, their functional quality is limited, and they do not represent an efficient or sustainable form of residential accommodation. Reversion to a single dwelling would result in a higher-quality residential environment and better long-term use of the building.

2. Effective occupancy and housing capacity

Despite representing two planning units, the current configuration accommodates fewer occupants than a suitably sized family dwelling would. The proposal therefore does not undermine overall housing capacity in functional terms and may better align with the city's actual housing needs rather than a purely numerical unit count.

3. Identified shortage of family housing
Evidence within the Council's own housing needs assessments indicates a significant shortage of 3-4 bedroom family housing in Bath. The proposal would directly contribute to addressing this imbalance, particularly in a sustainable inner-city location. Recent development patterns in the area have focused heavily on smaller flats, with limited provision for family accommodation.

4. Character of the street and precedent
Foxcombe Road and the surrounding area are characterised predominantly by family dwellings. I am aware of at least two properties in the street that have been reverted from flats back to single dwellings in recent years. This suggests that the principle of reversion has previously been accepted where it contributes positively to the character and function of the neighbourhood. Consistency and fairness in decision-making are material considerations.

5. Policy balance and planning judgement
While Policy H5 is an important consideration, nation planning guidance is clear that policies must be balanced against site-specific circumstances, housing quality, and local context. In this case, the notional loss of one housing unit is outweighed by gains in housing quality, suitability, and alignment with identified local needs."

Third Parties/Neighbours:
14no. comments in support of the application were received from local residents. Matters raised are summarised below:
- Property was originally a single dwelling
- Reduction in parking demand
- In line with other renovations in the street from two flats to one house
- In keeping with surrounding houses
- Good facilities for families in the area
- Reduces noise nuisance of kitchens and communal rooms next to bedrooms
- There have been lots of recent developments for flats and student accommodation in Bath so a family house would be positive.
- Maintains a mix of property sizes

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:

SD1: Presumption in favour of sustainable development
B4: The World Heritage Site and its Setting
CP6: Environmental Quality
CP10: Housing Mix

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
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 with 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
H5: Retention of existing housing stock
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)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in December 2024 and is a significant 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.

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 proposal is for the change of use of 2no 20bed flats flats to 1no. 4-bed single dwellinghouse. The property is a terraced property in Newbridge. It was originally a single dwelling before gaining planning permission for the subdivision into flats in 1989. The proposed works are internal only and the external appearance of the property would not change.

The main issues to consider are:

1. Principle of development
2. Design, character and appearance in the conservation area
3. Impact to World Heritage Site
4. Residential amenity
5. Highways safety and parking
6. Other matters
7. Public sector equality duty
8. Conclusion

1. PRINCIPLE OF DEVELOPMENT

Policy H5 of the Local Plan Partial Update aims to protect existing housing stock. It states that the loss of existing residential units will not be permitted unless there are benefits which outweigh the harm, such as:

1. Demonstrable and substantial conservation benefits
2. Demonstrable and substantial economic, social, and environmental benefits

3. Benefits in terms of provided visitor accommodation.

The proposal would result in the loss of 1no. residential unit from Bath's housing stock. Whilst it is recognised that this loss is small in the context of the overall housing target, it is relevant that the Council lacks a 5-year housing land supply. It currently stands at 2.5 years and demonstrates the significant housing shortfall. Within this context, the loss of any existing housing is considered significant.

Several benefits have been put forward by the applicant including:
- Bath and North East Somerset Local Housing Needs Assessment (LHNA) 2024 identifies larger need for family sized houses than 1 and 2 bed flats.
- Single family home more adaptable (multigenerational living, home-working, outdoor space)
- Reduced risk of noise disturbance to neighbours
- Aligns with character of the rest of the terrace
- Reducing on-street parking pressure
- Conservation of historic character and form of the property

Conservation benefits:

The property is a Victorian terraced house within Bath conservation area and has some hertiage value, however is not a listed building nor a does it hold sufficient significance to be considered a non-designated heritage asset. The internal plan form would be restored to that of a single dwelling as it would have been originally. However, apart from removal of the side access, the proposal would have little impact on the external appearance of the building or street scene and the building currently still has the appearance of a single dwelling. It is therefore considered that the proposal would not have demonstrable and substantial conservation benefits.

Social, economic and environmental benefits:

A site visit was carried out to the property by the case officer. Flat 1 exceeds Nationally Described Space Standards (NDSS) for a 2-bed 4-person dwelling, whilst Flat 2 would meet NDSS standards for a 2-bed 3-person dwelling. Flat 1 has access to private outdoor space and the layout it similar to what would be found in a single dwellinghouse. Flat 2 does not have outdoor space and it is acknowledged that the layout of this flat is less rational than that of Flat 1, however the rooms felt reasonably spacious with built in storage spaces, and the lack of private outdoor space is fairly typical of a flat living arrangement. The living accommodation was therefore considered to be of reasonable quality.

The benefits in terms of noise disturbance are acknowledged, and it is likely that the proposal would result in reduced disturbance to the adjacent neighbour and Flat 1 due to removal of communal rooms and applicances from the first floor. However it is considered that improvements could also be made through improved sound proofing measures within the flat such as insulation.

It is therefore considered that whilst there would be some benefits in relation to this criterion, they would not be substantial enough to outweigh the loss of a residential unit from the district's housing stock.

Reduction in parking demand has been put forward as a benefit. Parking arrangements for the site are on-street parking with a residential permit zone. The application sets out that currently both flats are entitled to 2 parking permits each, whereas a single dwelling would be limited to 2 permits. Whilst there could be some benefit to this, it is also noted that the property is within a sustainable location close to a local centre and with good public transport links to the city centre which may reduce the need for occupiers to own private cars. It is considered that this would not be a demonstrable and substantial benefit in relation to this criterion.

The applicant puts forward a benefit in the need for family housing (3+ bedroom) units identified by the LHNA 2024. Whilst it is acknowledged that the need for 1 and 2 bedrooms flats has a smaller share of overall need than 3 and 4 bedroom houses, there is still an identified ongoing need for these unit types. The conversion of the existing flats into 1no. dwellinghouse would not have a substantial impact on meeting identified need, and therefore it is considered that this benefit would not outweigh the identified harm of loss of housing stock.

Comments have noted that there are good facilities in the area for families. It is considered that the existing circumstances of the flats would not preclude small family units living there.

Visitor accommodation benefits:

There would be no benefits with regard to visitor accommodation.

As such the proposal would conflict with policy H5, therefore conversion of the property from two flats to a single dwelling would result in the loss of one home having a detrimental impact upon housing supply and is considered unacceptable in principle.

2. DESIGN, CHARACTER AND APPEARANCE IN THE CONSERVATION AREA:

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 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.

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. 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.

3. 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.

4. 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.

As set out above, the proposal would likely result in some improvements to residential amenity, although this is not considered to outweigh the loss of a residential unit.

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.

5. 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 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.

6. OTHER MATTERS:

Comments make reference to other properties within the street/surrounding area which have been converted from flats into single dwellinghouses. No references or addresses for these have been provided and the case officer has not been able to find any similar planning permissions within the street.

7. 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;

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.

8. CONCLUSION:

It is considered that the benefits of the proposal would not be substantial and would not outweigh the loss of a residential unit, therefore the proposal conflicts with policy H5 of the Local Plan Partial Update. As such officers recommend refusal of the application.

RECOMMENDATION
REFUSE

REASON(S) FOR REFUSAL

1 The proposal would result in the loss of one home for which the harm has not been outweighed by substantial benefits as required by Policy H5. The proposal is unacceptable in principle and is contrary to Policy H5 of the Local Plan Partial Update.

PLANS LIST:

1 This decision relates to the following plans:

15 Dec 2025 SITE LOCATION PLAN
15 Dec 2025 EXISTING FLOOR PLANS
15 Dec 2025 PROPOSED FLOOR PLANS

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

3 **Community Infrastructure Levy**

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

4 **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.

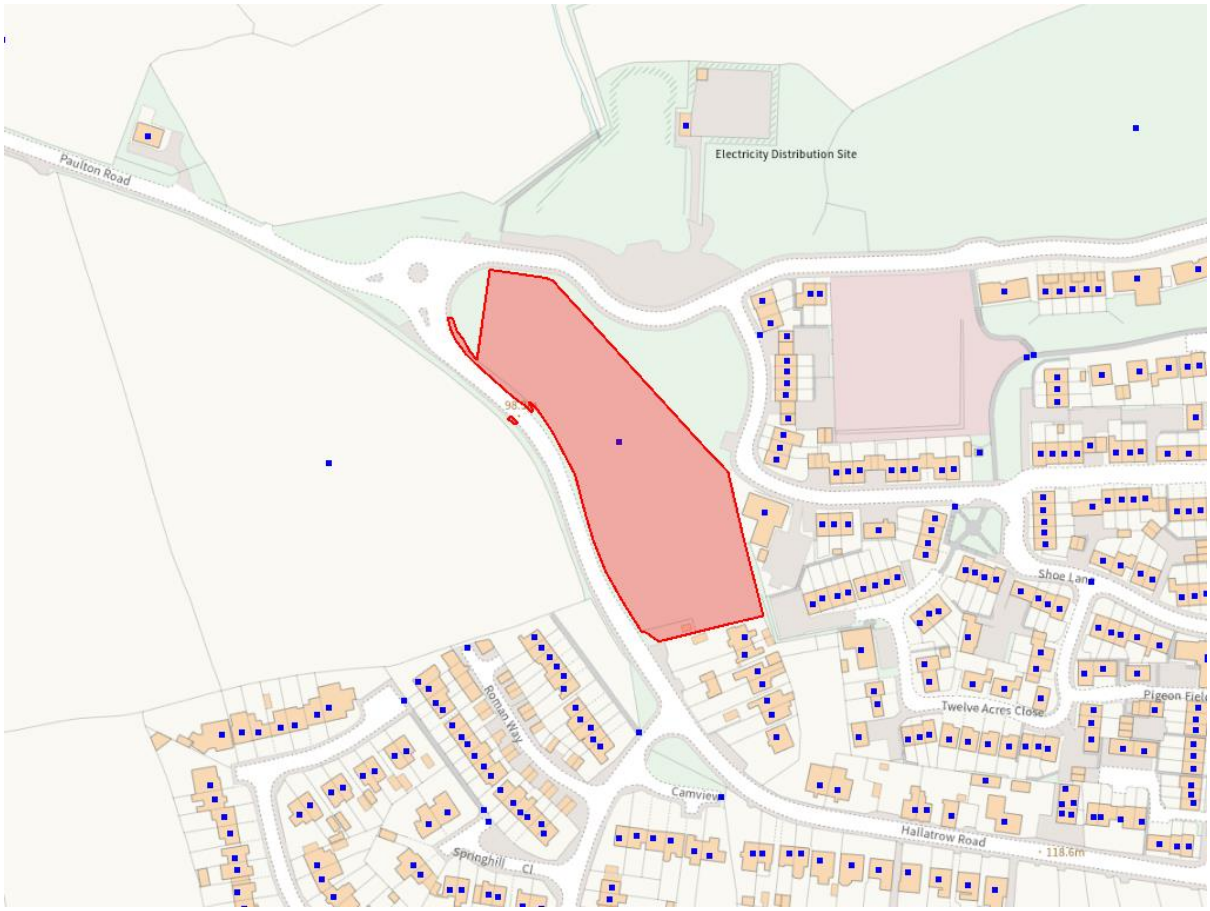
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations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

Item No: 06

Application No: 25/02196/OUT

Site Location: Parcel 5378 Hallatrow Road Paulton Bristol Bath And North East Somerset



Ward: Paulton **Parish:** Paulton **LB Grade:** N/A

Ward Members: Councillor Liz Hardman Councillor Grant Johnson

Application Type: Outline Application

Proposal: Outline permission for the erection of a care home (Use Class C2), access, car parking, servicing and other associated works, with consideration of layout, scale, and access.

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Policy GDS1 Site Allocations, Housing Development Boundary, LLFA - Flood Risk Management, Policy M1 Minerals Safeguarding Area, Policy NE2A Landscapes and the green set, NRN Grassland Strategic Netwo Policy NE5, SSSI - Impact Risk Zones,

Applicant: Muller Property Group

Expiry Date: 24th December 2025

Case Officer: Danielle Milsom

To view the case click on the link here.

REPORT
This application is referred to Planning Committee in line with the Council's Scheme of Delegation, following the objection raised by Paulton Parish Council, in addition to the call to committee requested received by Cllr Liz Hardman.

Following comments were received by Cllr Tim Ball, Chair of Planning Committee:

"(the assessment) its is very long and complex and the balance is marginal taking all weightings into account. I feel that as this is o marginal and the ward councillor has made a strong case that it would be prudent for committee to scrutinise this in more detail."

The application as therefore to be determined by the Planning Committee.

The application refers to a Parcel of land, 5378, located to the North-east of Hallatrow Road, which is located on the western outskirts of Paulton. The site is bound by hedgerow and vegetation and is currently not in use.

Planning permission is sought for outline permission for the erection of a care home (Use Class C2), access, car parking, servicing and other associated works, with consideration of layout, scale, and access.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Consultation Responses:

Summarised below, full details can be found online.

Paulton Parish Council: Objection
Objection on the following grounds - The site is outside of the Housing Development Boundary, the detrimental effect on the ecology in the area due to the plans to cut down several trees and there does not seem to be the demand for care homes in the local area as the few built in the last 3 years are running at 60% capacity.

Paulton Parish Council further comments:
According to B&NES commissioning manager, these private care homes are far too expensive. B&NES has only a certain number of self-funders. The last three care homes set up in BANES in the last two years have remained only 60% full. There is plenty of capacity elsewhere. Current demographic data for the area would suggest that another home is not required. However, there is an actual care home which closed down in High Littleton about 10 years ago and is empty. Instead of building on Green field land, this Brownfield site could be renovated instead.

Other objections include the layout of a very extensive building which will encompass the care home. This building would have a very significant impact on the Green infrastructure of the area. It would also have a significant impact on trees G 12 and G 14. There are also important sensitive lighting problems associated with the building.

Finally, there is no net biodiversity gain.

For all of these reasons, Paulton parish Council objects to this application

Arboriculture: No objection subject to conditions

Highways: No objection subject to conditions

Adult Social Care: Scope for revision

Drainage and Flooding: No objection subject to conditions

Landscape: Objection

Archaeology: No objection

Avon and Somerset Fire Rescue: Require 1x fire hydrant

Ecology: Objection, request for further information. - Details requested for lighting parameters requested and received to enable completion of the HRA

Natural England: Further information required

Contaminated Land: No objection subject to conditions

NHS: Contribution requested

Representations Received :

Cllr Liz Hardman: Objection/call to committee request

Both Paulton Parish Council and myself are opposed to this development.

The commissioning manager in BANES has stated there is under capacity in Care Homes in the area. She has commented that these private Care Homes are very expensive . She also added that B&NES does not have a large number of self funders. The last three Care Homes in B&NES built in the last two years, are at 60% under capacity.

We are concerned that this Care Home will be built on a greenfield site. This is despite the fact that in nearby High Littleton, 3 miles away, there is a Care Home which was closed 10 years ago, which could be renovated and used. This would use a brown field site, hosting a derelict building.

Other issues I am concerned about is the layout of a very extensive building footprint which would have a significant impact on the Green infrastructure as you enter Paulton. The building would also have a significant impact on trees G12 and G 14. There is also a sensitive lighting problem.

Finally, there is no net biodiversity gain.

For all of these reasons, if you are deemed to support this application , I would like to request that it come before B&NES planning committee.

Third Parties/Neighbours:
26 objections received. A summary is as follows:

- Care home in High Littleton closed in 2016 remains empty
- There is no need for a new care home when an existing one lies empty
- Destroys green space
- Transport issues with additional cars
- First option should be re-purposing existing facilities
- Junction proposal is too dangerous
- Site too close to residential properties
- Opportunity for existing to be taken on by developer
- Loss of biodiversity
- Existing lack of parking for residents
- Bat protection order in place
- Local infrastructure would be impacted
- Green space needed for wildlife
- Destruction of woodland area
- Positioning next to main road unsafe for vulnerable residents
- Obstruction to views
- Should be on brownfield land
- Add to oversubscribed GP surgeries in the area
- Existing care homes have availability
- Approx 70 dwellings in vicinity granted on basis that the care home originally proposed was no longer required
- Insufficient information on noise and disruption during construction and on going operation
- 24 hour care needs, increasing vehicle movements with shift patterns
- All GP surgeries under substantial strain
- Concern of lack of consultation
- Ecological impact on habitats and protected species

POLICIES/LEGISLATION
The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

CP5: Flood Risk Management

CP6: Environmental Quality
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:

SV1: Somer Valley Spatial Strategy
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D6: Amenity
H1: Housing facilities for the elderly, people with other supported housing or care needs

NE2A: Landscape setting of settlements
RE5: Agricultural land
SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with 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
CP7: Green infrastructure
D5: Building design
D8: Lighting
NE1: Development and green infrastructure
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
NE6: Trees and woodland conservation
PCS5: Contamination
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)
Planning Obligations Supplementary Planning Document - Interim Update (February 2026)

NATIONAL POLICY:

The updated National Planning Policy Framework (NPPF) was published in December 2024 and is a significant material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT
This application relates to a parcel of land located to the west of Paulton, to the east of Hallatrow Road. To the north and west of the site lies open countryside of agricultural fields. The east and south comprise of build up residential development, including recently completed residential development to the east, delivered through site allocation.

The site is located outside of the housing development boundary which wraps around the site. The site also lies within the policy NE2 area of landscape setting.

The topography of the site slopes downward from south-west to north-east with a difference in height by approx 5.5 meters. The western boundary is lined with a substantial hedgerow which separates the site from Hallatrow Road.

This application seeks outline permission for the erection of a care home (Use Class C2), access, car parking, servicing and other associated works, with consideration of layout, scale, and access.

The main issues to consider are:

1. Principle of development
2. Agricultural land
3. Infrastructure provision
4. Design, character and appearance
5. Landscape
6. Residential amenity
7. Highways safety and parking
8. Drainage and flood risk
9. Contaminated land
10. Trees
11. Ecology

12. Sustainable construction
13. Planning obligations
14. Public sector equality duty
15. Planning balance
16. Conclusion

1. PRINCIPLE OF DEVELOPMENT:

Housing and Facilities for the elderly, people with other supported housing or care needs

The proposal is for the construction of a care home which seeks to provide C2 residential accommodation. The development would encompass 84 bedrooms, with ensuite bathrooms and associated amenity facilities, parking and external landscaping. The care home would be registered with the Care Quality Commission.

Bath & North East Somerset is facing a significant and increasing demand for housing and care to meet the needs of its ageing population. The number of people of retirement age is predicted to increase by nearly 6,000 (18.3%) by 2021. The most significant rate of growth in the local authority area's population will be in the number of people aged 85 and above.

Housing and facilities for the elderly, people with other supported housing or care needs, will be permitted, where:
a) The use is compatible with the locality and existing/future uses in the locality, and does not create potential conflicts with existing uses (e.g. potential for visual and noise intrusion if in a city/town centre).

b) There is adequate (i) communal space (including cooking and dining areas) and (ii) garden/ outdoor space within the curtilage of the property to meet the needs of the residents. National best practice standards should be met relevant to the type of development proposed, for example development should, follow best practice identified by HAPPI 12, in particular the 10 elements critical to age-inclusive housing:
o Generous internal space standards.
o Plenty of natural light in the home and circulation spaces.
o Balconies and outdoor space, avoiding internal corridors and single aspect flats.
o Adaptability and "care aware" design which is ready for emerging assistive technologies.
o Circulation spaces that encourage interaction and avoid an "institutional feel".
o Shared facilities and community hubs where these are lacking in the neighbourhood.
o Plants, trees and the natural environment.
o High levels of energy efficiency, with good ventilation to avoid overheating.
o Flexible extra storage for belongings, including bicycles and mobility scooters.
o Shared external areas such as "home zones" that give priority to pedestrians.

The care home would be sited close to residential development and it is therefore considered to be compatible with surrounding uses.

Criteria B requires the care home to provide adequate housing for the elderly in line with guidance. This includes the HAPPI 10 principles which include, but not limited to, flexible spaces, daylight, outdoor space, adaptability, circulation space, shared facilities, access to

natural environment and sustainable design. Key criteria within policy H1 also identifies requirements for the space.

The general internal layout of the care home presents individual rooms all served with ensuites. At the ground floor, several communal rooms are located, including lounge, dining and a café with access to external seating areas. The rooms are located along a corridor form but are broken up by the communal areas. The first floor is a similar arrangement, again with 5 communal areas and external balcony seating areas. The second floor has the same bedroom layouts, with additional communal areas inclusive of cinema rooms and hair/beauty services.

The layout offers outdoor space, in additional to many internal spaces offering various amenities and activities for residents. The site is surrounded by trees which restrict the external use, but soft landscaping can be utilised to create more inclusive and inviting outdoor spaces. Bedrooms are generally single aspect, however given the number of communal areas available, and inclusion of external seating areas, it is considered that the overall offering complies with the HAPPI 12 principles.

When considering whether a proposal is C2 in use, the following criteria will be considered, alongside other material considerations:
o Built Form - scale, range of facilities and communal space
o Tenure
o Provision of meals
o Allocation and eligibility criteria, including the retention of C2 use in perpetuity - the level of care catered for and the type of care contracted for as part of the residence
o Housing and support provider model - including whether the facility is regulated by the Care and Quality Commission, or successor/equivalent

It is considered that the proposed use would fall within C2 use. The floor plan shows the occupiers would have their own bedrooms and bathrooms, but all other facilities would be shared. All meals would be provided. It is also understood that the care home would support those with end of life care needs which therefore falls within the provision of C2 use.

The proposal is considered to be compliant with the requirements of policy H1 which is positively worded in favour of supporting housing for the elderly and people with other supported housing or care needs. Further consideration of location continues below.

Policy SV1 of the Somer Valley spatial strategy aims to enable the delivery of new homes within Paulton, within the housing development boundary. Residential development on previously developed sites falling within the scope of policy ED2B adjoining and closely related to the housing development boundary will be acceptable if the policy requirements are met. Residential development on sites outside of the housing development boundary will be acceptable if identified within a neighbourhood plan.

As discussed, the site is not within the housing development boundary. The site also does not comprise of previously developed land and there is no neighbourhood plan adopted to support development outside of the housing development boundary. The proposed development of a residential care home at this site therefore conflicts with policy SV1. Further discussion will continue within the planning balance section of this report.

2. AGRICULTURAL LAND:

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

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

An agricultural land classification report has been prepared and submitted as part of this application. The report concludes that predictive and provisional maps indicate that the there is a high likelihood that the site compromises grade 1 quality land which therefore falls within the definition of best and most versatile (BMV). The report also concludes that the economic benefits of the site from utilisation would amount to only £160 per annum. Furthermore, when considering the site restrictions, the scale, and topography, it is unlikely that this could be achieved in reality. Therefore, even if the land was confirmed to contain BMV land quality, it is unlikely that meaningful agricultural benefits could be achieved.

The need for the care home provision has been considered throughout this report, with an identified district wide need. Within the locality, specific care needs are identified to address demand and this is sought by the development. The residential provision of accommodation also counts to the districts housing stock. The development itself would provide for 84 individuals, and knock-on effects of this would be homes becoming available within the area. The provision of homes is given significant weight with regards to economic and social sustainability of the area and wider district.

In addition, a review of alternative sites was undertaken to consider whether lower grades were available. This concluded that the areas to the north and west considered of similarly graded land, and where poorer grades were identified, these sites were already developed.

On balance, it is considered that the development does not conflict with policy RE5. Whilst the site is located on Grade 1 land, the actual potential for it to be used for agricultural purposes is unlikely and would be limited given scale, access and topography resulting in minimum yields. There are also significant sustainability benefits for the site's proposed development and a review of alternative sites did not present suitable, available options.

3. INFRASTRUCTURE PROVISION:

Policy CP13 requires that new developments must be supported by the timely delivery of the required infrastructure to provide balanced and more self-contained communities.

The delivery of an additional care home within Paulton will have knock on effects for the existing infrastructure within the village. The Council are aware that the local GP surgery within Paulton already supports a 102 bed care home. The NHS Integrated Care Board (ICB) have provided comments and reviewed the likely impacts of the development upon the Primary Care Network (PCN).

The ICB has identified that Elm Hayes Surgery, Harptree Surgery Somer Valley and St Mary's Surgery are likely to be the most impacted by the proposed development given their proximity to the site and predominant patterns of patient access in the area. All these surgeries form part of the Three Valleys PCN.

The ICB has assessed the capacity of the impacted practices to establish if they have adequate overall floorspace (clinical rooms and supporting accommodation) to provide services to the existing local population, in line with the 2019 NHS Long Term Plan objectives relating to primary care provision. The results of this assessment demonstrate that cumulatively the practices are currently experiencing an overall health infrastructure deficit. The development would therefore have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable.

The ICB have identified that the practices have the potential for reconfiguration/refurbishment and/or expansion to increase floorspace capacity in the Three Valleys PCN area. However, there is currently no capital funding available to progress these plans.

The need for reconfiguration and/or expansion of primary care services in proximity to the development emerges as a direct result of the additional population associated with the bedspaces in that development. From a service planning perspective, to adequately provide for the needs of the population within the area the ICB must consider the total population that will live in the development, regardless of where they may have moved from.

As a result, a planning obligation will be required to create the full amount of additional primary care floorspace required, in accordance with Policy CP13.

The ICB have reviewed the existing estate within the Three Valleys (PCN) and ongoing analysis has shown these surgeries are classified as core and flex and therefore have the ability to be refurbished, reconfigured, and/or extended to create the additional floorspace required to mitigate the impact of the proposed development. In doing so, this would also enable an efficient use of the existing healthcare facilities that are well-located in relation to the proposed scheme.

A total amount of £38,684 to enable the refurbishment, reconfiguration and/or extension of an existing pratice has been calculated based on the proposed care home's 84 bed spaces. This contribution has been agreed with the applicant and forms part of the proposed section 106 agreement.

4. 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 is located to the west of recent residential built form, and forms a long stretch of land, spanning towards the roundabout and access into the residential estate. The parcel of land is formed in a finger shape which stretches into the rural landscape. The land therefore provides a buffer between open countryside and the newer built development. It is quite a distinctive parcel of land which has a significantly green appearance created by its boundary treatments of substantial hedging and trees. The site acts as a screen from the west towards the residential development and this is considered to be positive as it helps to create a more neutral and soft entrance into the development. It is however acknowledged that there has been substantial growth around the site which has changed the appearance of the landscape in this area.

The application is for outline consent with appearance and landscaping being reserved matters. Access, layout and scale are being applied for as part of the application which can therefore be considered.

Plans have been provided to show the proposed care home. Whilst the appearance is indicative, the plans do show the scale and the layout. The proposed layout follows the stretch of land which is long in its form. Car parking is proposed to the north-western end with the building then stretching to the south-east. The stretch of the building responds to the site boundaries and contours and this creates sections which are articulated by their orientation and heights. Generally the building appears as two storeys, with dormers windows within the roof space to provide second floor spaces. Ridge heights differ as the orientation changes and this breaks up the overall mass and scale of the building.

The scale is reflective of the development which has taken place to the east, which is a mix of two storey dwellings and three storey flats. The height of the building, appearing as two storey with accommodation in the roof space is considered to be acceptable in relationship to surrounding development.

Given the location on the edge of Paulton, development of the site would be visible upon approach to the village, however it would be read against the backdrop of considerable development which has taken place to date. The finger of land is partially bounded by existing built form and therefore the extension further north west is considered to be acceptable. The layout involving parking areas to the north-west of the site with the building stretching to the south-east is most appropriate to limit any height and mass being created further into the landscape.

The appearance of the care home is to be determined at reserved matters stage. The plans indicatively show the design, which does appear to be inclusive of materials which have been used within neighbouring developments which include reconstituted stone walling. Elements of timber are also shown which could be acceptable in small portions. Roof materials are indicated to be slate effect which is unfortunate. At reserved matters stage, it would be expected that this be revised to a natural material.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the

Core Strategy (2014), policies D1, D2, D3, D4 of the Placemaking Plan (2017), Policy D5 of the Local Plan Partial Update (2023) and part 12 of the NPPF.

5. 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. 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.

Previously received landscape advice indicated that taking access from Hallatrow Road would lead to unnecessary environmental harm. The proposal for access from this location is acknowledged as technically feasible, and the constraints associated with alternative access routes such as those involving Oxlease Way or the roundabout are recognised. However, the site's designation under Policy NE2A as part of Paulton's landscape setting highlights the importance of protecting its existing vegetated boundaries. The current hedgerow and tree cover along Hallatrow Road provide a strong, well established screen to the west and south of the site. Given the value of this boundary vegetation, access options from Oxlease Way would have had a lesser impact.

The Landscape Features Plan within the Landscape and Visual Appraisal (April 2025) clearly illustrates the significant extent of vegetation that would be lost as a result of the proposed access. The indicative replacement planting shown in the illustrative landscape proposals (Dwg No. LAS 888 03) consists largely of small ornamental species that would offer limited long term visual or ecological benefit. More robust, long lived tree species would be better suited to compensating for the level of loss anticipated. Given that landscaping is a reserved matter, proposals could be enhanced at that stage.

The Council's Landscape Officer has raised a holding objection, noting that the proposed access would result in the loss of a substantial length of important boundary vegetation; that alternative access solutions have not been sufficiently explored; that the LVIA does not include key viewpoints or photomontages to demonstrate the full extent of impacts; and that the assessment relies heavily on assumed mitigation which is not secured at this outline stage. The Officer therefore concludes that it has not yet been demonstrated that the development could be achieved without unacceptable landscape and visual impact or that Policies NE2 and NE2A would be satisfied.

Overall, the proposal would result in harm to the landscape setting through the removal of established boundary vegetation along Hallatrow Road, which forms an important part of the site's landscape character. Although landscaping is a reserved matter and mitigation can be strengthened at the next stage, such measures are unlikely to fully offset the loss of the existing mature hedgerow and trees. The Council's Landscape Officer has issued a holding objection on this basis, citing the extent of vegetation removal, the adequacy of the LVIA, and the limited exploration of alternative access solutions. A degree of residual

landscape harm is therefore expected, and this will be taken into account within the planning balance.

6. RESIDENTIAL AMENITY:

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

The site and development itself would be set within its own plot which separates it from the closest neighbours. The closest residential dwelling would be sited to the south-east, however this portion of the site has been left open with built form being more centralised. The building proposed is large, and therefore there maybe some impact on neighbouring outlook towards the west across the site. It is however unlikely that the built form would result in significant shading to neighbouring properties. As the building extends to the south-west, the development lowers into the ground. The existing dwellings to the east are therefore situated at a higher ground level. The level changes and the separation distance would limit potential for the development to cause shading to neighbouring properties.

The indicative design shows that elevations closest to the east do not include windows. The rest of the layout is oriented and separated from neighbouring properties to mitigate privacy impacts of internal habitable spaces.

In relation to the development itself, all rooms would benefit from natural light, each severed by a suitably sized window. Rooms at the ground floor have direct access to external spaces and some upper levels benefit from balcony areas. Communal spaces are available at each floor in various locations offerings different outlooks. External spaces are created for occupants where landscaping would offer suitable amenity provision.

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.

7. 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.

Location
The site is located to the north-west of Paulton, on the edge of the existing built-up area. The site is accessed via Hallatrow Road.

The proposed site access and new pedestrian crossing is sited at an approximate 6-minute walk from the nearest bus stop, which has services which run frequently to Bristol Bus Station, and to Radstock. Services could be utilised and accessible for visitors and

staff. The location is considered to be suitable for the proposed use, with access to services within Paulton and amenities and public transport options.

Access

The site currently contains no access from the highway, as such the development includes new access arrangements from the B3355/Hallatrow Road, which is shown on drawing number 1011-VHXX-ZZ-DR-A-0501 Rev P01. The B3355 is subject to a 30mph speed limit which changes to 20mph to the southeast and contains sheltered public bus services at Paper Lane.

The above plan shows visibility splays at 2.4 x 43 m in both directions, in accordance with Manual for Street. The scheme also includes a new pedestrian footway which links to the existing facilities along the highway, into the existing residential development to the north and further to the local facilities within Paulton. A new pedestrian crossing point is shown to be provided which gives direct access into the site over the B3355 is shown with visibility splays of 1 x 43m, available from both dropped kerbs.

It is noted that point 2.2.1 of the TS states that as the B3355 and Oxleaze Way is separated by third party land, which are not adopted by the Council. Therefore, the applicant has approached the highway authority for details on adopting the built carriageway, footways and highway verges in order to secure forward visibility. The new footway is stated within drawing number 1011-VH-XX-ZZ-DR-A0501 Rev P01 and 007 Rev A to be undertaken by a Section 38 / 278. After conversations with the Council's agreements team, the works for a new footway and access can be undertaken by a Section 278 agreement.

A condition is attached to require delivery of the new pedestrian crossing as this provide a key link into Paulton and to access to bus stops.

Parking

Given the nature of the development, it is anticipated that the residents of the care home would not own vehicles, however provisions have been included to provide 29 parking spaces with 2 spaces utilised for disabled parking. This includes staff and visitor usage, which is suitable for the development.

The proposal included Electric Vehicle Charging for a number of the spaces; 3 active and 14 passive parking spaces. the applicant is advised that further details for these facilities can be found in the document entitled, Approved Document S; Infrastructure for the charging of electric vehicles of The Building Regulations 2010.

The layout of the parking facilities contains turning area which incorporates a temporary delivery area. the scheme includes suitable Swept Path Analysis of the access and turning area for a refuse vehicle, shown on drawing number 008 Rev A, without creating an issue to the existing facilities or internal parking arrangement.

The development contains cycle storage facilities close to the entrance of the building which provides 8 Sheffield stands to be utilised for both visitors and staff.

Trips
The predicted trips generated by the site have been incorporated in the TA by using the industry standard TRICS database, with the full data provided in Appendix 6. The assessment of the site is shown to result in 14 additional vehicle movements in the AM peak period and an additional 20 vehicle movements in the PM peak period. This would unlikely create a material impact on the highway network.

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.

8. 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 information submitted as part of the application has satisfied requirements by the Drainage team. A condition is attached regarding the existing culvert and watercourse on site, and a detailed drainage design.

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.

9. CONTAMINATED LAND:

Local Plan Partial update policy PCS5 has regard to Contamination.

Taking account of the findings and conclusions of the Geo-Environmental Desk Study Report, which included the recommendation for a geo-environmental ground investigation to include contamination assessment and ground gas monitoring, it is recommend that conditions are applied to the application.

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

10. TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland conservation. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where

it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland and ancient or veteran trees will not be permitted.

The application submissions include an arboricultural report which identifies large groups of scrub and young trees which contribute towards the green infrastructure in the vicinity.

The proposed access punches a wide and permanent gap through the continuous vegetation identified as G15 within the report along the western boundary. Due to ownership issues, the access is proposed to Hallatrow Road. This impacts upon landscape are discussed within the landscape section of this report, however it is also considered that there would be Green Infrastructure implications for the removal of the hedging. The hedgerow, as per the submitted BNG assessment has been categorised as 'good'. Therefore, the proposed development would result in the loss of Green Infrastructure. It is likely that through landscaping proposals, additional planting could be secured to mitigate the loss and enhance the site. Any hedgerow loss would also need to be catered for within the BNG assessment as will be discussed below. On balance, the loss of the hedgerow is small and the remaining is to be retained which is positive. With mitigation and further enhancement to be secured at reserved matters it is considered that the small loss of hedgerow is acceptable in this instance, in relation to policy NE6.

The layout and extensive building footprint has potentially significant implications on the amount of G12 and G14 retained which contribute towards green infrastructure. Additional planting is proposed but the majority appears to be within restricted locations due to proposed building and hard surfacing. The inclusion of soil volume requirements within the Indicative Landscape Proposal is noted and welcomed. Further planting and landscaping plans would be sought at reserved matters and potential for success of such planting in proximity to the development would be assessed at that stage.

It is unclear from the cross sections where cut and fill areas are proposed or the height of the proposed retaining structures in relation to the retained trees and vegetation. None of the drawings include existing or proposed levels to determine how the proposed retained vegetation might be affected by the works including changes in hydrology. The applicant has confirmed that all easing ground levels for retained trees and vegetations would be retained. Retaining walls ae required where levels would be dropped /amended in the interior of the site for the building. All retaining walls avoid RPAs and land between retains trees and the retaining walls would be retained. Cross sections to confirm can be sought via reserved matters stage.

The Tree Protection Plan indicates that fencing to maintain construction exclusion zones will be all that is necessary. The fencing for G9 is shown cutting into the southern most swale so would require amendment. It has been confirmed that protection fencing would be installed at the back of the swale with the swale excavated from the south-west side. Given that appearance and landscaping remain reserved matters, it is considered that a condition requiring a detailed Arb Method Statement and Tree Protection Plan remain necessary.

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

11. ECOLOGY:

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

The Council's ecologist has reviewed the application following the submission of initial and further information. The latest consultation response raised an objection due to lack of information regarding lighting. Lighting parameters were as such requested and have been received. The Ecologist is now progressing the completion of the Habitats Regulations Assessment (HRA), which will also require agreement from Natural England.

Designated Sites
The site is not within any designated sites for their nature conservation. The site is located approximately 7.3 km to the southeast of the Chew Valley Lake Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). Chew Valley Lake is internationally important for the populations of wildfowl and waders it supports. Habitats around the lake include reed-bed, neutral grassland and woodland, which support many species of plants and animals.

The nearest component of the North Somerset & Mendip Bats Special Area of Conservation (SAC) is located approximately 10.2 km west of the site. The SAC is important for two bat species, greater and lesser horseshoe bats. The SAC itself comprises component SSSIs which in North Somerset include, for example, the two maternity roosts at the Brockley Hall Stables SSSI and King's Wood SSSI and, hibernation roosts like the Banwell Bone Caves. In Somerset, the maternity and hibernation roosts are in the Cheddar Complex SSSI, and the hibernation roosts are at Wookey Hole SSSI. The landscapes around the SAC itself are also important in providing the foraging habitat needed to maintain the favourable conservation status of the horseshoe bats.

Habitats
An area of priority habitat, lowland mixed deciduous woodland, has been identified within the site boundary (Luscinia Ecology, 2024). The report confirms that the woodland has low species diversity, is small in size and isolated. The site plan and Biodiversity Net Gain plan show this as retained under the current proposals, which is supported and can be secured through an appropriately worded condition. A small area of hedgerow will be lost. The Preliminary Ecological Appraisal (Luscinia Ecology, 2024) confirms that four native woody species were present per 30m of hedgerow. As per the BNG report, the hedgerow is categorised as 'good' which is accepted. The hedgerow is assumed to be UK priority habitat. The proposed loss of the hedgerow is reflected correctly with the BNG assessments, discussed below. It is therefore accounted for factored in accordingly into the overall scheme.

It is required that the loss of the hedgerow be demonstrated to be unavoidable. The application submission sets out that access is unable to be achieved to the north of the site due to ownership issues. It is likely however that habitat would also be affected should

the access be moved. To the north of the site. The location of the access to the south is sited for highway safety in relation to the roundabout to the west, and minimises the loss of hedge should the access be moved further south. The loss of the hedgerow is as such considered to be unavoidable to achieve the access point and in relation to other restricting factors.

At reserved matters stage, final proposals for replacement habitat and ability to provide connective bat flight routes will need to be demonstrated. Based on plans submitted to date, there is potential for additional planting and habitat provision at the northern end of the site. Proposals so far indicate a mixed species hedgerow which will need to be further enhanced and improved at reserved matters and through BNG proposals as these progress, to meet requirements for replacement habitat.

Bats
A Preliminary Ecological Appraisal (Luscinia Ecology, 2024) has been submitted and is welcomed. The report confirms that there are no buildings within the site boundary. A number of mature trees are confirmed within the site boundary; however have been confirmed as having no suitability for supporting roosting bats (Luscinia Ecology, 2024).

Additional information has been provided including bat survey data, reptile survey and more information regarding hedgerow survey. These are accepted. The scheme as shown for this outline application includes retention of the wooded area and scrub habitat in the southern part of the site, and retention of the western boundary hedgerow; this approach and retention of existing habitat is supported.

Habitat Regulations Assessment

Consideration is required to potential impacts on bats associated with the local "bat" Special Areas of Conservation (SAC) including the Bath & Bradford on Avon Bats SAC, such as light-sensitive greater and lesser horseshoe bats which are known to be active in the area and for which there is a known roost in close proximity (and which formed part of the ecological mitigation for the nearby housing development).

The bat survey data from this site recorded both greater and lesser horseshoe bats within the site. While survey data shows low numbers of records, a precautionary approach is still necessary as these species are difficult to survey for especially where high confidence in absence or low numbers is being sought. More regular patterns of use or reliance on habitats at the site by SAC bat species cannot be ruled out, especially for areas of the site that were not subject to equivalent targeted survey effort (for example, it would be possible for regular bat passes on the other side of hedgerows, or at the edges of the site away from the transect or static positions, to be missed or go unrecorded). There is also no data or up to date information available about the condition and use of the nearby horseshoe bat roost (approximately 425m to the north) and which may be important to the local SAC bat population. Maintenance of habitat suitability and connectivity for foraging and flight paths in the surrounding landscape is important. The habitats at this site currently offer highly suitable conditions, such that the site would be likely to contribute to the overall resource and requirements for the roost of dark foraging and connective flight route habitats.

The site currently supports habitat that is highly suitable for use by SAC bats in providing hedgerows and scrub forming connective green infrastructure and dark corridors, and also providing some likely value as a foraging resource. The scheme retains habitat and connectivity to the south but will impact existing habitat and connectivity along the site boundaries and to the north. All areas of the site may potentially be impacted by lighting including external lighting and light spill from within the building.

The application requires the completion of a Habitat regulation assessment, which will need to be agree by Natural England. The submission of the lighting parameters has now allowed this assessment to be undertaken by the Council's ecologist and this is underway, but not completed. The recommendation of this application is made subject to completion of the HRA process and confirmation of acceptance from Natural England.

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 emerging government policy. This is also supported by the appeal decision APP/F0114/W/19/3243930 for application 19/01596/FUL and Ecological Emergency declaration by Bath and North East Somerset Council. The scheme will need to demonstrate that the net gain of biodiversity is feasible. New/extended buildings are expected to incorporate in-built (i.e. integrated) features for bats and birds (including swifts) to demonstrate compliance with Policy D5e.

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

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

The completed Statutory Biodiversity Metric demonstrates that the scheme cannot deliver net gain on-site. The statutory version of the metric has been used and all trading rules have not been met. The scheme will currently achieve -3.00 Habitat Units (-45.23%), 0.44 Hedgerow Units (+73.15%) and 0.00 Watercourse Units (0.00%). A further 3.66 Habitats Units and 0.01 Watercourse Units are required to achieve a 10% Net Gain in Habitat and Watercourse Units.

To achieve no net loss, and a net gain of 10%, off-site units will be required to be purchased. There is also potential for BNG proposals to be improved with on site enhancements. Proposals could develop at reserved matters stage. The standard BNG condition is applied to secure a net gain, in line with the hierarchy, prioritising onsite habitat, then with the purchase of units to achieve the required 10% gain.

12. 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. Appearance is a reserved matter and therefore the outline permission does not require the submission of a sustainable construction checklist at this stage. A checklist would be required at reserved matters evidencing that the prescribed standards have been met.

13. PLANNING OBLIGATIONS:

The legal agreement proposed to be attached to this permission includes the following:
- 1x Fire Hydrant
- Targeted recruitment and training contribution (£7040 contribution, 14 work placements, 2 apprenticeship starts 2 new jobs)
- Contribution to local care network £38,684

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

Section 149 provides that the Council must have due regard to the need to—
(a) eliminate discrimination, harassment, victimisation
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
Protected characteristics include disability.
As explained above the scheme is considered to have had regard to the public sector duty as it seeks to support those with care requirements to deliver suitable accommodation. The application proposes has had regard to comments received by the public and has not sought to discriminate against minority groups.

15. PLANNING BALANCE:

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.

The Council cannot currently demonstrate a 5-year housing land supply. Therefore, the most important policies for determining this application are to be considered out-of-date. As such, paragraph 11(d) of the NPPF is applicable which sets out: "d) where there are no

relevant development plan policies, or the policies which are most important in 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."

As set out in this report, the application of policies in the NPPF that protect areas or assets of particular importance, as identified in footnote 7, do not provide a strong reason for refusing the development.

Care provision demand

In relation to NPPF paragraph 11(d) (ii), the benefits of the proposed development include the provision of care facilities within Paulton, and the wider district. The need for care is provision has been discussed within the principle section of this report. It is also known that within Paulton and surrounding area, there are care homes which are not fulfilling capacity, and this provides an indication of place-based need, identifying that there is difference in need for specialist provision within Paulton.

B&NES Council operates a home first approach where the aim is to promote the individual's wellbeing and to help them live independently for as long as possible. The Adult Social Care team recognise that the preference of the majority of B&NES residents is to remain at home rather than move to receive support. As B&NES stated in their MPS the difference between actual supply and estimated supply need hasn't been realised through unmet need. However, it has been found that there is a demand for residential and nursing homes that can meet higher levels of need is growing (dementia). The Council are now requiring dementia residential, nursing, dementia nursing and complex dementia nursing and this is where the shortfall is.

At this stage the development does not benefit from a provider so it is difficult to confirm what the care category will be but the overall, demand for nursing home beds in the UK has seen a complex shift. While the overall rate of admissions to care homes has decreased slightly, there's a growing need for more specialized and intensive care within those homes, particularly for older adults with complex needs and those with mental health issues. This is coupled with a projected shortfall of beds in the coming years due to an aging population and potential closures of existing homes.
People usually move into a care home when it is no longer feasible for them to live more independently, even with care provided at home.

Residential homes support people who do not need 24-hour nursing care but are unable to care for their own daily needs and so cannot live independently. They can also offer emergency, respite, short-term, long-term care to older people.

Nursing homes are particularly suited to people who are less mobile, very frail or have a medical condition or multiple conditions that require regular attention from a nurse.

Individuals who need two people to help them transfer, e.g. from bed to chair, or from a chair to the toilet may also need a nursing home because of the higher staffing levels.

In the UK 405,000 older people (65+) currently live in care homes. This represents 16% of older people over the age of 85. The term care home includes homes both with and without nursing provision. Data from population and cohort studies suggest that older people living in care homes have complex healthcare needs. The average care home resident has multiple long-term conditions, functional dependency and frailty. 75-80% of those people living in care homes have cognitive impairment. Residents are likely to have better health outcomes if health services reflect these needs, with attention to comprehensive, multidisciplinary assessment, case management and input from appropriately trained specialists in care of complex medical problems in later life these services can be supported in nursing homes where registered nurses are available to support.

The Council acknowledge the reports and data in our MPS and state that B&NES are seeing an increased demand for nursing, dementia nursing and complex dementia beds.

According to the Capacity Tracker, in May 2024, there were 811 residential beds and 615 nursing beds for older people within B&NES a further care home opened at the end of 2024 with a further 66 residential beds increasing the residential total to 877 beds.
Vacancy levels do not tell the whole picture as care homes are able to support individuals with various levels of dependency within a category; but B&NES current vacancy level as of 28/07/2025 from the National Capacity Tracker was:-

Residential - 48
Dementia Residential - 68
Nursing - 26
Dementia Nursing - 39
Complex Dementia Nursing - 0

This shows that B&NES has a short fall of nursing, dementia nursing and complex dementia beds. It is worth noting from the data that the majority of the vacancies in residential and dementia residential are in the three new care homes that have opened in the last two years. There is also a 60+ residential home opening in Bath.

Given the above and the demand upon dementia care, it is considered that there is justification for the development to be tailored to dementia care. It is understood that this is the aspiration of the developer, despite the developer not having secured a registered provider. Officers have sought to secure the care home provision to dementia care. To ensure that the care home genuinely responds to the identified need, officers have secured a planning condition requiring a marketing and operational strategy to be submitted. Details to be provided would set out how the development will market the care home as providing dementia care alongside general residential care. At this stage, when there is no registered provider in place, it is considered to be reasonable to seek to deliver dementia care in this regard, though a review of marketing strategies. Any provider would therefore be required to demonstrate that a level of dementia care is sought through their marketing strategies as integral to the operation of the care home. As such, the tailored demand for the area is considered to be met, as sought by the Council's adult social care team.

In summary, the evidence demonstrates a clear local and district wide demand for specialised dementia and nursing care, and the proposed development with appropriate conditions, is capable of meeting this demand. As such, the provision of care accommodation is afforded significant weight in the planning balance.

Provision of housing

As discussed above, and in the context of paragraph 11d of the NPPF, the Council are unable to demonstrate a 5 year housing land supply. The proposed development would offer up to 84 bed spaces. As per the housing delivery test measurement rule book the ration applied to communal accommodation is based on the national average number of adults in all households. The current ratio is 1.9. Using the ratio, the 84 bed space development would deliver equivalent to 44.2 dwellings. Given the Council's current deficit in housing land supply, this also carries significant weight.

Primary Care Network

The demand created by an additional care home upon the Primary Care Network is recognised given the significant pressure local GP surgeries are under. The development has agreed to a contribution which would help to fund required refurbishment projects for existing GP surgeries, relative to the demand the development is considered to generate. This mitigates the identified impact and is considered a benefit of the scheme, supporting its sustainable delivery.

Landscape

The development requires the removal of a section of established hedgerow and boundary vegetation along Hallatrow Road to facilitate the proposed access. This boundary forms an important part of the site's landscape character and contributes to Paulton's wider landscape setting under Policy NE2A. The Council's Landscape Officer has issued a holding objection, citing the extent of vegetation removal, the adequacy of the submitted LVIA, and the limited exploration of alternative access options.

While landscaping is a reserved matter and future mitigation can be enhanced, including the use of more robust tree species, this is unlikely to fully offset the harm arising from the loss of mature boundary vegetation. Residual harm is therefore anticipated and is given moderate weight against the proposal.

Conflict with the Development Plan

The site is located outside the Housing Development Boundary, is not previously developed land, and is not supported by any adopted neighbourhood plan. As such, the development represents built form in the countryside and is at conflict with Policy SV1. This policy conflict carries negative weight in the balance.

16. CONCLUSION:

The proposal contributes to the district wide need for care accommodation. While there is evidence of unused capacity in existing local care homes, the identified shortfall in

specialist facilities, particularly dementia and complex dementia provision, is clear. The need for care home provision is also anticipated to rise considerably due to the aging population of the district area. The scheme responds positively to this need and will be required through condition to prioritise dementia care in its marketing. This is afforded significant weight.

The proposal also contributes to wider housing need, equivalent to 44.2 dwellings, which also carries significant weight.

The development will place additional demand on primary healthcare services, but this will be mitigated through an agreed financial contribution meeting the requirements of the NHS Integrated Care Board.

There is moderate harm identified to local landscape character which can largely be mitigated through conditions and addressed during the reserve matters stage. There is also conflict with the adopted development plan which is considered out-of-date.

In applying the tilted balance under paragraph 11(d) of the NPPF, no policies provide a clear reason for refusal, and while landscape harm has been identified, it is limited and can be mitigated at the reserved matters stage. The harm is not considered to be significant or demonstrable.
Overall, the benefits of the scheme outweigh the identified harms. The application is therefore recommended for approval, subject to conditions, completion of a Habitats Regulations Assessment (HRA) agreed by Natural England, and the completion of a Section 106 agreement securing the necessary contributions.

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:

- 1x Fire Hydrant (£1,500 financial contribution)
- Targeted recruitment and training contribution (£7,040 contribution, 14 work placements, 2 apprenticeship starts 2 new jobs)
- Contribution to local care network £38,684

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 **Outline Time Limit (Compliance)**

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 **Reserved Matters Time Limit (Compliance)**
Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3 **Reserved Matters (Pre-commencement)**
Approval of the details of the appearance and landscaping; of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

4 **Dementia Care Marketing Strategy (pre-occupation)**
Prior to the first occupation of the care home hereby approved, a Marketing Strategy shall be submitted to and approved in writing by the Local Planning Authority.
The Strategy shall set out how the operator will market the care home as providing dementia care alongside general residential care, and shall include details of:
a) The specialist care staff and the facilities to be provided within the care home to specifically cater for residents with dementia;
b) How dementia care will be referenced within the operator's marketing materials, including digital and printed media;
c) How the availability of dementia care will be communicated to relevant health and social care professionals and referral bodies; and
d) Confirmation that marketing materials will clearly present dementia care as an integral part of the overall care home offer.
The care home shall thereafter be marketed in accordance with the approved Strategy unless otherwise varied in writing by the Local Planning Authority.

Reason: To meet the needs of the local care network and provide care provision in accordance with policy H1 of the Bath and North East Somerset Placemaking Plan.

5 **Drainage design (pre-commencement)**
No development shall commence, except ground investigations and remediation, until a detailed drainage design based on the approved Flood Risk Assessment / outline drainage strategy (demonstrating that that surface water will be managed within the site using sustainable drainage principles so as to prevent any increase in onsite or offsite flood risk) has been submitted to the Local Planning Authority and given written approval. The design is to include plans, structure details and calculations demonstrating performance of the system at the critical 1:1, 1:30 and 1:100+45% events. The submission also needs to demonstrate how the proposed drainage system will be maintained to perform to the design standard for the life of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and

North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

6 **Culverted water course survey (pre-occupation)**
No occupation of the development shall commence until a survey of the existing culverted watercourse within the site has been undertaken and submitted to the LPA.

Reason: To ensure the site is not subjected to undefined and unmanaged flood risk.

7 **Arboricultural Method Statement (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.

8 **Arb method statement compliance (bespoke trigger)**
No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. 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.

9 **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.

10 **Investigation and Risk Assessment (pre-commencement)**
No development shall commence 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 the Environment Agency's 'Land contamination risk management' (LCRM) and shall include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land,

groundwaters and surface waters,

ecological systems,

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 section 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

11 **Remediation Scheme (pre-commencement)**
No development shall commence 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 section 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

12 **Verification Report (pre-occpation)**
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 section 15 of the National Planning Policy Framework.

13 Construction Environmental Management Plan (CEMP): Biodiversity (Pre-commencement)
No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:
a) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), to include the location, timing and methodologies of specified works to avoid harm to wildlife (including but not limited to badger and hedgehog) and sensitive features (Cam Brook and adjacent land SNCI and adjacent hedgerow [H3]).
b) A plan showing boundaries of fenced exclusion zones for the protection of retained habitats and features and ecologically sensitive zones and species, within which zones there shall be no excavations; clearance of vegetation; storage of materials; waste disposal; or vehicle or machine access; with details and specifications to also be provided for proposed fencing, barriers and warning signs, as applicable.
c) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
d) The times and frequency of visits during construction when a professional ecologist needs to be present on site to oversee works.
e) Responsible persons and lines of communication. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: to avoid harm to existing and retained habitats and species during site preparation and construction works

14 **Unexpected Contamination (bespoke-trigger)**
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 15 of the National Planning Policy Framework.

15 **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).

16 **Implementation of crossing point (pre-occupation)**
The dropped kerb crossing as shown in drawing 007A within the Transport Statement (IMA, 2025) shall be completed and operational prior to the first occupation of the development hereby approved.

Reason: In the interests of residential amenity and highway safety, in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

17 **Ecological and Biodiversity Net Gain Compliance Report (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 site visit and inspection, and confirming and demonstrating, using photographs, completion and implementation of ecological measures as detailed in the approved ecology report and Biodiversity Net Gain Plan has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented;
2. Confirmation of compliance with the method statements referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
3. Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented.

All measures within the scheme shall be retained, adhered to, monitored and maintained thereafter in accordance with the approved details.

Reason: To prevent ecological harm and to ensure that biodiversity net gain is successfully provided in accordance with policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update.

18 **External and Internal Lighting (Bespoke Trigger)**
The development hereby approved shall be carried out in accordance with the Dark Corridor Parameters Plan (LUS24061 12). No new external or internal lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights;
2. Predicted lux levels and light spill on both the horizontal and vertical planes;
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Local Plan Partial Update.

19 **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 and to ensure appropriate biodiversity net gain 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.

20 **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:
Revised Drawing 25 Sep 2025 1011-VH-XX-ZZ-DR-A-0500 P10 PROPOSED SITE PLAN
Drawing 12 Jun 2025 1011-VH-XX-ZZ-DR-A-0501 REVISION P01 PROPOSED SITE PLAN SHOWING ROOF PLAN
OS Extract 12 Jun 2025 1011-VH-XX-ZZ-DR-A-0080 REVISION P02 SITE LOCATION PLAN
Drawing 12 Jun 2025 1011-VH-XX-00-DR-A-0200 REVISION P07 PROPOSED GROUND FLOOR PLAN
Drawing 12 Jun 2025 1011-VH-XX-00-DR-A-0201 REVISION P07 PROPOSED FIRST FLOOR PLAN
Drawing 12 Jun 2025 1011-VH-XX-00-DR-A-0202 REVISION P07 PROPOSED SECOND FLOOR
Drawing 12 Jun 2025 1011-VH-XX-00-DR-A-0203 REVISION P01 PROPOSED ROOF PLAN
Drawing 12 Jun 2025 1011-VH-XX-ZZ-DR-A-0300 REVISION P01 PROPOSED ELEVATIONS
Drawing 12 Jun 2025 1011-VH-XX-ZZ-DR-A-0400 REVISION P01 PROPOSED SITE SECTIONS

2 Vehicular Crossing/Dropped Kerb
In order for a new/amended vehicular access ed, Transport Development Management will require the Applicant to apply for a Section 184 licence under the Highways Act 1980. The applicant should be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence for the amendment to an existing and/or creation of a new 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. More information can be found following this link https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/licences-and permits/dropped-kerbs

Please note even if full planning permission is permitted, an approved Section 184 licence is not guaranteed.
Local Highway Authority require an agreement (Section 38 / 278) The Local Highway Authority (LHA) requires the developer to enter into legally binding agreements to secure an extension to the pedestrian footway and pedestrian crossing along the B3355 /

Hallatrow Road, Further information in this respect may be obtained by contacting the LHA (Highways@bathnes.gov.uk).

3 **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.

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 **Permit/Consent Decision Making Statement**

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

5 **Community Infrastructure Levy - General Note for all Development**

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively

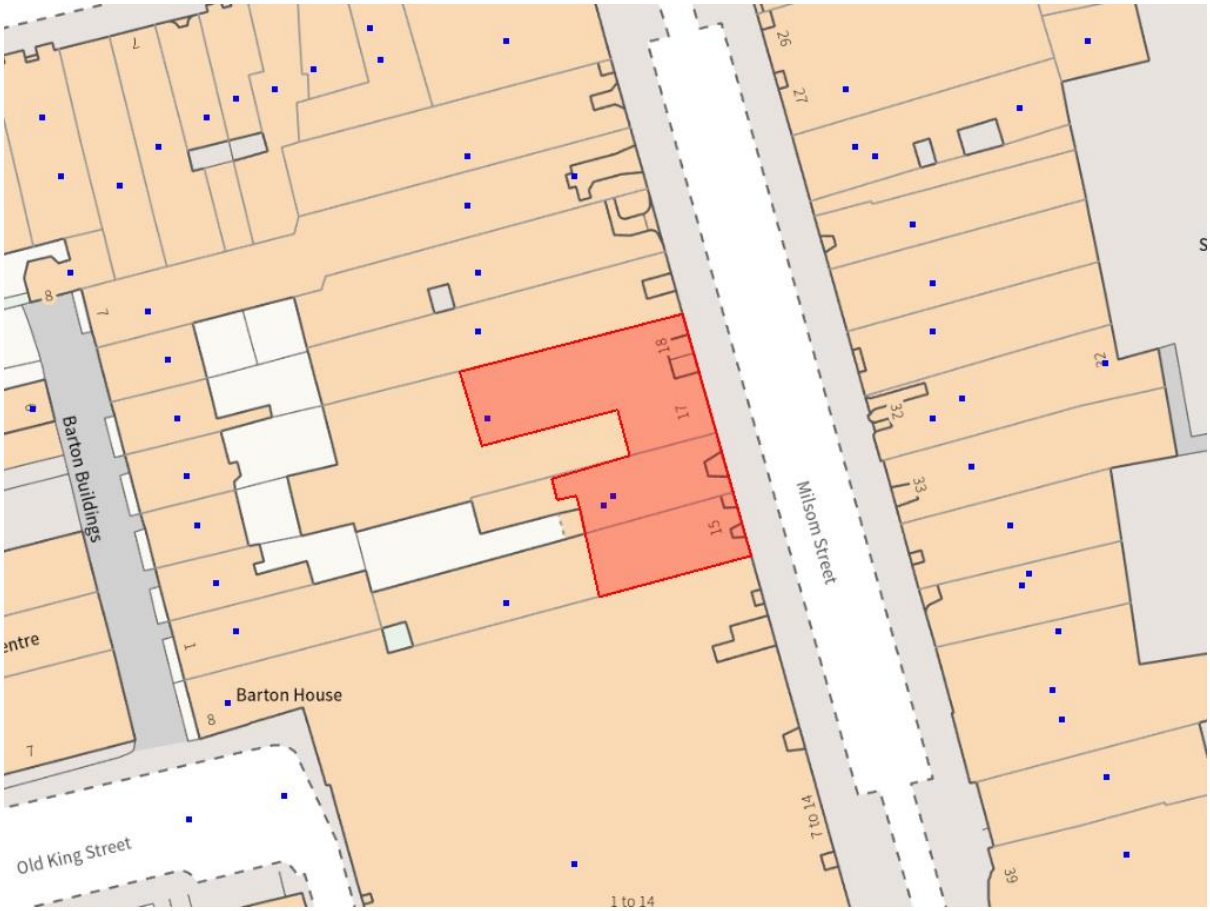
and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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

Item No: 07

Application No: 25/03500/FUL

Site Location: 15 Milsom Street City Centre Bath Bath And North East Somerset BA1 1DE



Ward: Kingsmead **Parish:** N/A **LB Grade:** II

Ward Members: Councillor Paul Roper Councillor George Tomlin

Application Type: Full Application

Proposal: Repairs to roof and installation of PV panels and AOV rooflights

Constraints: Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, 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 CR3 Primary Shopping Areas, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, SSSI - Impact Risk Zones,

Applicant: Mr Ben Kimber

Expiry Date: 31st October 2025

Case Officer: Laura Batham

To view the case click on the link here.

REPORT

Reason for calling to committee:
In accordance with the scheme of delegation the application was referred to the chair and vice chair of planning committee. They decided that the application should be determined by committee giving the following reason: "As it is an Aequus application that is an outreach council company and should be scrutinised."

Site Description:
15-18 Milsom Street are a group of four Grade II listed buildings located in the conservation area and the double-inscribed World Heritage Site that consists of the City of Bath and the Great Spa Towns of Europe UNESCO inscriptions. The buildings are attributed to Thomas Jelly and historically constructed as dwellings. Subsequently, the ground floors were converted into shops and many of the shop fronts are of historic interest. The ground floors are currently in commercial use with the upper floors of the four buildings either vacant or in residential use.

Proposal:
Repairs to roof and installation of PV panels and AOV rooflights

History:
09/01243/AR - Refused - 15 June 2009 - Display of 1no internally illuminated fascia sign to replace existing

09/01244/LBA - Refused - 15 June 2009 - External alterations for the display of 1no internally illuminated fascia sign to replace existing

09/03023/AR - Consent - 29 October 2009 - Display of 1no fascia sign to replace existing lettering (Resubmission)

09/03025/LBA - Invalid - 12 October 2009 - External alterations for the display of 1no internally illuminated fascia sign to replace existing

09/04031/LBA - Consent - 15 December 2009 - External alterations for the display of 1no. non-illuminated fascia sign to replace existing.

13/00833/LBA - Consent - 10 May 2013 - External alterations for the provision of new extract duct to rear of building.

15/01203/LBA - Consent - 8 May 2015 - Internal alterations to and redecoration of ground floor/basement restaurant (regularisation)

15/01204/LBA - Consent - 6 July 2015 - Installation of 1 no. hanging sign

15/01205/AR - ARNRQ - 18 June 2015 - Display of 1 no. hanging sign and new covering to awning.

21/04238/LBA - Consent - 22 November 2021 - Internal and external alterations for the display of new signage and awning, repainting of shop front, new non-slip entrance floor covering and redecoration of round floor and basement.

21/04242/AR - Consent - 22 November 2021 - Display of 1no. non-illuminated fascia sign, 1no. nonilluminated hanging sign, 1no replacement fabric awning and 2no. internal menu boards internally illuminated.

22/00699/VAR - PERMIT - 20 April 2022 - Variation of condition 2 (Plans List) of application 21/04238/LBA (Internal and external alterations for the display of new signage and awning, repainting of shop front, new non-slip entrance floor covering and redecoration of ground floor and basement.)

22/00701/AR - Consent - 20 April 2022 - Installation of 1no. non-illuminated fascia sign, 1no. nonilluminated hanging sign, 1no. replacement fabric awning and 2no. internal illuminated menu boards.

23/02256/FUL - PERMIT - 24 July 2024 - Conversion of the first, second and third floors of 15-16 Milsom Street to 5no. residential units.

23/02257/LBA - Consent - 24 July 2024 - Internal alterations for the conversion of the first, second and third floors of 15-16 Milsom Street to 5no. residential units.

23/02691/LBA - Consent - 26 September 2023 - Internal and external alterations and new signage associated with new restaurant brand.

25/02727/VAR - Pending Determination - Variation of condition 4 (Plans List (Compliance)) of application 23/03107/FUL (Conversion of the upper floors to 4no. residential units.)

25/02725/VAR - Pending Determination - Variation of conditions 2 (Shop front adaptation (Bespoke Trigger)) 3 (Replacement internal doors (Bespoke Trigger)) 4 (Fireplaces (Bespoke Trigger)) 5 (New Window Details (Bespoke Trigger)) 6 (Insulation (Bespoke Trigger)) 7 (Secondary Glazing Details (Bespoke Trigger)) 8 (Service Details (Bespoke Trigger)) and 9 (Plans List (Compliance)) of application 23/03108/LBA (Internal alterations to convert the upper floors into 4no. residential units.)

25/03501/LBA - Pending Determination - External works for repairs to roof and installation of PV panels and AOV rooflights

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ecology:
The Bat Survey indicated no presence of bats was found during the survey, but there are known populations in the local area, including a bat roost in the locality. There is no objection subject to the conditions, including compliance with the working regulations recommended in the Preliminary Bat Roost Assessment and the Bat Survey, including carrying out the works in consultation with a suitably qualified ecologist.

One support comment received:
Great development to see PV panels proposed in a sensitive way to the location to increase renewable energy generation at the location where it will be used!

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:

RELEVANT CORE STRATEGY POLICIES
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
D1: General urban design principles
D2: Local character and distinctiveness
D6: Amenity
HE1: Historic environment
SCR2: Roof-mounted/ building integrated scale solar PV

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 with 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
CP3: Renewable Energy
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks

NATIONAL POLICY/GUIDANCE:

National Planning Policy Framework and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

LEGISLATION:

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.'

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.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT
This planning application seeks consent for Repairs to roof and installation of PV panels and AOV rooflights. Permission is required for the installation of PV panels as the building is listed. Roof repairs and installation of AOV rooflights do not require planning permission and the impact of these will be assessed under the corresponding listed building application.

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.

Solar panels are proposed within the roof valley and have been sensitively sited. The additions allow for energy generation which further supports the long-term use of the building and is welcomed. 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 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. In this instance, due to the size, location and appearance of the solar panels, set within the roof valley 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:

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. In this case by virtue of the design, scale and position of the solar panels 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.

Planning Application in Respect of Listed Buildings

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The alterations to the roofscape would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated Heritage asset. The proposal accords with 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. 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.

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.

An ecology assessment has been completed confirming that no protected species will be impacted by the works and conditions are recommended to ensure that the roof is stripped carefully in accordance with the assessment.

Conclusion:

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether or not to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. This decision accords 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 **Wildlife Mitigation Scheme (compliance condition)**

The development hereby approved shall be carried out only in accordance with the bird and bat mitigation measures outlined in Sections 6.2.3 and 6.3.1 of the Preliminary Bat Roost Assessment Report by Seasons Ecology in July 2025 and the protection measures set out in section 6.2.2 of the Bat Survey by Seasons Ecology in September 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 policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

3 **Precautionary Working Methods for the protection of wildlife (Compliance condition)**

Works must proceed only in accordance with the following measures for the protection of bats and birds:

o a suitably qualified Ecological Clerk of Works shall be appointed and attend site prior to commencement of works to carry out pre-works checks; specify and oversee precautionary working methods and provide a toolbox talk to site workers;

o a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the building and its roof, and any crevices and concealed spaces, immediately prior to any works affecting these areas

o nests in use or under construction shall be protected undisturbed until the young have fledged
o works to the roof and any areas with concealed spaces or crevices shall be carried out using "soft strip" methods, by hand, lifting materials (not sliding) to remove them, and checking beneath each one
o the site manager and site workers shall be briefed on appropriate ecologically sensitive methods and an ecologist shall be available on call to deal with any unexpected or last-minute discoveries of bats or roosts, or nesting birds

Reason: To avoid harm to protected species (bats and nesting birds) in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

4 **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 AL(0)14 REV A
AL(0)20 REV D
AL(0)30 REV C
AL(0)01 REV A
All received on 5th September 2025

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 **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.

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.

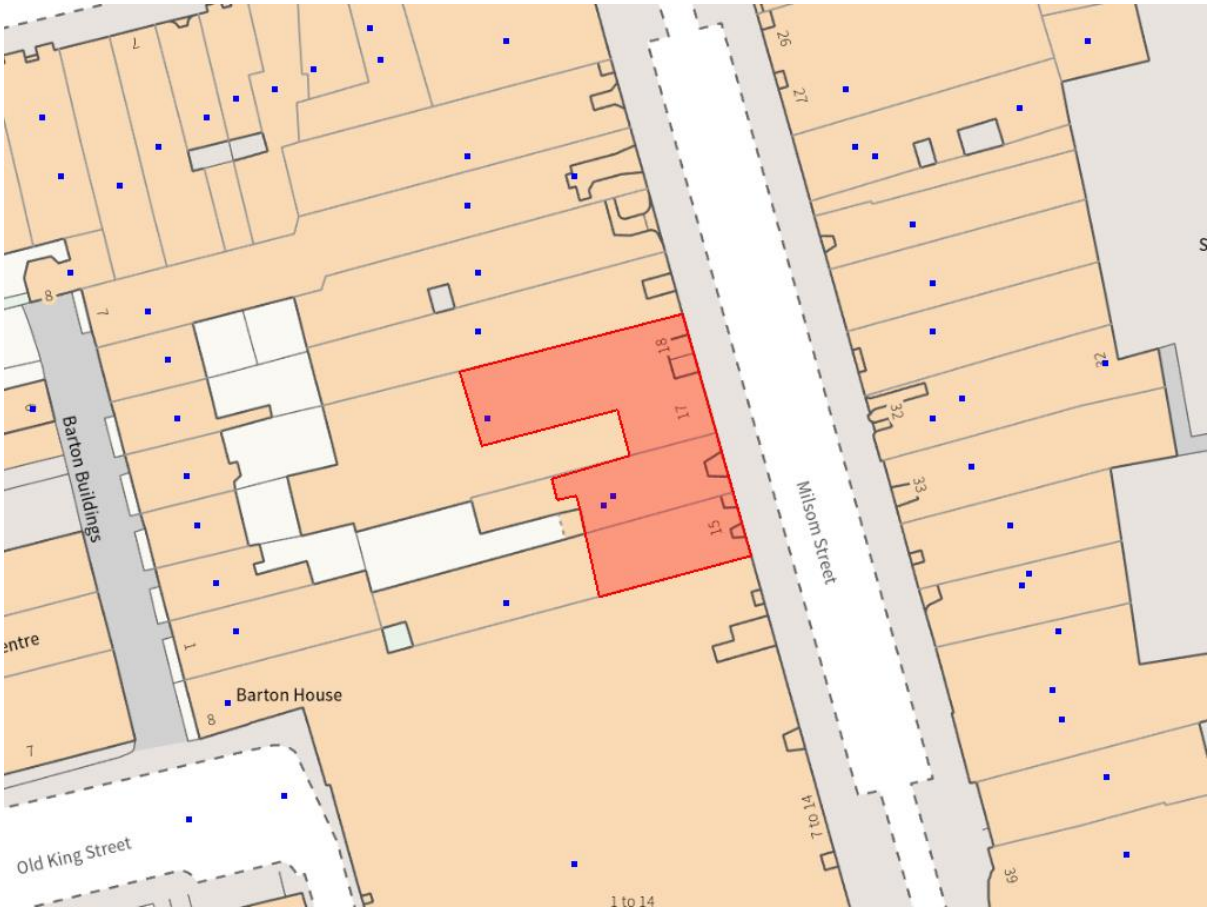
6 **Permit/Consent Decision Making Statement**

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: 08

Application No: 25/03501/LBA

Site Location: 15 Milsom Street City Centre Bath Bath And North East Somerset BA1 1DE



Ward: Kingsmead **Parish:** N/A **LB Grade:** II

Ward Members: Councillor Paul Roper Councillor George Tomlin

Application Type: Listed Building Consent (Alts/exts)

Proposal: External works for repairs to roof and installation of PV panels and AOV rooflights

Constraints: Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, 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 CR3 Primary Shopping Areas, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, SSSI - Impact Risk Zones,

Applicant: Mr Ben Kimber

Expiry Date: 31st October 2025

Case Officer: Laura Batham

To view the case click on the link here.

REPORT

Reason for calling to committee:
In accordance with the scheme of delegation, the application was referred to the chair and vice chair of planning committee. They decided that the application should be determined by committee giving the following reason: "As this is aqueous application it must go to committee under the scheme of delegation."

Site Description:
15-18 Milsom Street are a group of four Grade II listed buildings located in the conservation area and the double-inscribed World Heritage Site that consists of the City of Bath and the Great Spa Towns of Europe UNESCO inscriptions. The buildings are attributed to Thomas Jelly and historically constructed as dwellings. Subsequently the ground floors were converted into shops and many of the shop fronts are of historic interest. The ground floors are currently in commercial use with the upper floors of the four buildings either vacant or in residential use. vacant.

Proposal:
External works for repairs to roof and installation of PV panels and AOV rooflights

History:
09/01243/AR - Refused - 15 June 2009 - Display of 1no internally illuminated fascia sign to replace existing

09/01244/LBA - Refused - 15 June 2009 - External alterations for the display of 1no internally illuminated fascia sign to replace existing

09/03023/AR - Consent - 29 October 2009 - Display of 1no fascia sign to replace existing lettering (Resubmission)

09/03025/LBA - Invalid - 12 October 2009 - External alterations for the display of 1no internally illuminated fascia sign to replace existing

09/04031/LBA - Consent - 15 December 2009 - External alterations for the display of 1no. non-illuminated fascia sign to replace existing.

13/00833/LBA - Consent - 10 May 2013 - External alterations for the provision of new extract duct to rear of building.

15/01203/LBA - Consent - 8 May 2015 - Internal alterations to and redecoration of ground floor/basement restaurant (regularisation)

15/01204/LBA - Consent - 6 July 2015 - Installation of 1 no. hanging sign

15/01205/AR - ARNRQ - 18 June 2015 - Display of 1 no. hanging sign and new covering to awning.

21/04238/LBA - Consent - 22 November 2021 - Internal and external alterations for the display of new signage and awning, repainting of shop front, new non-slip entrance floor covering and redecoration of round floor and basement.

21/04242/AR - Consent - 22 November 2021 - Display of 1no. non-illuminated fascia sign, 1no. nonilluminated hanging sign, 1no replacement fabric awning and 2no. internal menu boards internally illuminated.

22/00699/VAR - PERMIT - 20 April 2022 - Variation of condition 2 (Plans List) of application 21/04238/LBA (Internal and external alterations for the display of new signage and awning, repainting of shop front, new non-slip entrance floor covering and redecoration of ground floor and basement.)

22/00701/AR - Consent - 20 April 2022 - Installation of 1no. non-illuminated fascia sign, 1no. nonilluminated hanging sign, 1no. replacement fabric awning and 2no. internal illuminated menu boards.

23/02256/FUL - PERMIT - 24 July 2024 - Conversion of the first, second and third floors of 15-16 Milsom Street to 5no. residential units.

23/02257/LBA - Consent - 24 July 2024 - Internal alterations for the conversion of the first, second and third floors of 15-16 Milsom Street to 5no. residential units.

23/02691/LBA - Consent - 26 September 2023 - Internal and external alterations and new signage associated with new restaurant brand.

25/02727/VAR - Pending Determination - Variation of condition 4 (Plans List (Compliance)) of application 23/03107/FUL (Conversion of the upper floors to 4no. residential units.)

25/02725/VAR - Pending Determination - Variation of conditions 2 (Shop front adaptation (Bespoke Trigger)) 3 (Replacement internal doors (Bespoke Trigger)) 4 (Fireplaces (Bespoke Trigger)) 5 (New Window Details (Bespoke Trigger)) 6 (Insulation (Bespoke Trigger)) 7 (Secondary Glazing Details (Bespoke Trigger)) 8 (Service Details (Bespoke Trigger)) and 9 (Plans List (Compliance)) of application 23/03108/LBA (Internal alterations to convert the upper floors into 4no. residential units.)

25/03500/FUL - Pending Consideration - Repairs to roof and installation of PV panels and AOV rooflights

25/03501/LBA - Pending Determination - External works for repairs to roof and installation of PV panels and AOV rooflights

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ecology:

The Bat Survey indicated no presence of bats was found during the survey, but there are known populations in the local area, including a bat roost in the locality. There is no objection subject to the conditions, including compliance with the working regulations recommended in the Preliminary Bat Roost Assessment and the Bat Survey, including carrying out the works in consultation with a suitably qualified ecologist.

POLICIES/LEGISLATION

There is a duty placed on the Council under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in 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.

With respect to any buildings or other land in a conservation area there is a duty placed on the Council under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The Revised National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory Development Plan for B&NES comprises:
- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan Partial Update (2023)
- Joint Waste Core Strategy
- Made Neighbourhood Plans

The following policies are relevant to the determination of this application:

- HE1 Historic Environment
- CP1 Retrofitting Existing Buildings

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 consent for repairs to the roofs of 15, 16, 17 and 18 Milsom Street alongside improvements to insulation, installation of solar panels and Automatic Opening Vents.

The full extent of the repairs for the roof are unknown at this stage as scaffolding is required to provide a full assessment. Ongoing repair of buildings are important to ensure their long-term use and prevent water ingress which can cause extensive damage. Therefore, the principle of repairing the roof is supported and a public benefit. As the extent of repairs are unknown, a condition can be used to allow for any significant repairs

required for the roof structure to be agreed once access is possible. This would also apply to a number of dormer windows which require some repairs.

As part of the works it is proposed to improve insulation within the roof and introduce solar panels. Improved insulation is considered to also benefit the long term use of the building and improve thermal efficiency. The increase in improved insulation requires alterations to the eaves. The eaves would be set behind the parapet wall and therefore alterations could be accommodated without harm to the external appearance of the building. a condition will be applied to ensure final details are provided.

Solar panels are proposed within the roof valley and have been sensitively sited. The additions allow for energy generation which further supports the long-term use of the building and is welcomed.

As part of wider works to the properties, fire safety improvements require the additional of automatic opening vent roof lights. The roof lights have been positioned carefully on the interior of the valley. Whilst there would be a small loss of fabric to accommodate these, the improvement of fire safety for the building is considered a public benefit which outweighs the low level of harm caused.

Some additional works to provide extraction to the interior of the buildings are required as part of converting some of the upper floors to residential use. These interior works are the subject of a separate application. Final locations of the vents are not known at this time as mechanical ventilation for the buildings needs to be worked up at a later stage. The principle of appropriately sited vents to facilitate ongoing use of the building is supported and final locations of vent tiles can be agreed by condition.

Ecology:

An ecology assessment has been completed confirming that no protected species will be impacted by the works and conditions are recommended to ensure that the roof is stripped carefully in accordance with the assessment.

Legislation:

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. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would be an acceptable alteration/addition to the listed building that would preserve 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.

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.

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 **Schedule of Roof Repairs (Bespoke Trigger)**

Prior to any repairs to the roof structure, a detailed schedule of any repair work, including methods and samples of materials to 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 features of special architectural and historical interest and preserve 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 **Scaffolding details (Bespoke Trigger)**

If the works of the proposal contained within the application require access scaffolding to be erected none of the scaffolding shall be physically tied using anchor ties or bolts unless details including subsequent repair specifications are submitted to and approved by the Local Planning Authority prior to the erection of any scaffolding. Once approved the scaffolding shall be erected, removed and the building repaired in accordance with the approved details.

Reason: Physically tied scaffolding can cause significant damage to a listed building and should be avoided to safeguard the character and appearance of the building in accordance with Policy HE1 of the Bath and North East Somerset Placemaking Plan.

4 **Eaves Details (Bespoke Trigger)**

Prior to the alteration to the eaves to accommodate insulation, full details of the new eaves detail and associated insulation 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 features of special architectural and historical interest and preserve 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 **Schedule of Dormer Repairs (Bespoke Trigger)**
Prior to repairs to the dormer windows hereby approved, full details of the extent of repair/replacement including a detailed schedule of any repair work, including methods and materials to 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 features of special architectural and historical interest and preserve 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 **Details of AOVs (Bespoke Trigger)**
No installation of the AOVs hereby approved shall commence until full details 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 **Wildlife Mitigation Scheme (Compliance condition)**
The development hereby approved shall be carried out only in accordance with the bird and bat mitigation measures outlined in Sections 6.2.3 and 6.3.1 of the Preliminary Bat Roost Assessment Report by Seasons Ecology in July 2025 and the protection measures set out in section 6.2.2 of the Bat Survey by Seasons Ecology in September 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 policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

8 **Precautionary Working Methods for the protection of wildlife (Compliance condition)**
Works must proceed only in accordance with the following measures for the protection of bats and birds:
o a suitably qualified Ecological Clerk of Works shall be appointed and attend site prior to commencement of works to carry out pre-works checks; specify and oversee precautionary working methods and provide a toolbox talk to site workers;
o a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the building and its roof, and any crevices and concealed spaces, immediately prior to any works affecting these areas
o nests in use or under construction shall be protected undisturbed until the young have fledged
o works to the roof and any areas with concealed spaces or crevices shall be carried out using "soft strip" methods, by hand, lifting materials (not sliding) to remove them, and checking beneath each one

o the site manager and site workers shall be briefed on appropriate ecologically sensitive methods and an ecologist shall be available on call to deal with any unexpected or last-minute discoveries of bats or roosts, or nesting birds

Reason: To avoid harm to protected species (bats and nesting birds) in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

9 **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 AL(0)14 REV A
AL(0)20 REV D
AL(0)30 REV C
AL(0)01 REV A
All received on 5th September 2025
Roofing Scope of Works received on 8th January 2026

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 **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.

4 **Permit/Consent Decision Making Statement**

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

Item No: 09

Application No: 25/02727/VAR

Site Location: 17 - 18 Milsom Street City Centre Bath Bath And North East Somerset BA1 1DB

Ward: Kingsmead **Parish:** N/A **LB Grade:** II

Ward Members: Councillor Paul Roper Councillor George Tomlin

Application Type: Application for Variation of Condition

Proposal: Variation of condition 4 (Plans List (Compliance)) of application 23/03107/FUL (Conversion of the upper floors to 4no. residential units.)

Constraints: Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, 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 CR3 Primary Shopping Areas, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

Applicant: Aequus Developments Ltd

Expiry Date: 18th September 2025

Case Officer: Laura Batham

To view the case click on the link here.

REPORT
Reason for reporting to committee:
In accordance with the scheme of delegation, this application was referred to the chair and vice chair of the planning committee who gave the following reason "This application is referred to Committee as this is an Aequus application that is an outreach council company and should be scrutinised."

Site Description:
The application site forms part of a row of Grade II Listed terraced properties set on Milsom Street. The terrace is located in the conservation area and the double-inscribed World Heritage Site that consists of the City of Bath and the Great Spa Towns of Europe UNESCO inscriptions. Numbers 17-18 have been linked together with one single point of access; however, originally were constructed as two houses, with both staircases retained through the buildings. The ground floor is now in retail use. Only access and the upper floors of Number 18 are proposed to be altered.

Proposal:
Variation of condition 4 (Plans List (Compliance)) of application 23/03107/FUL (Conversion of the upper floors to 4no. residential units.)

History:
98/00978/AR - Refuse - 25 January 1999 - Retention of externally illuminated hanging sign to the premises of Gap Kids

99/00630/FUL - Permit - 15 September 1999 - Installation of new condenser unit on roof to first floor

99/00631/LBA - Consent - 5 May 2000 - External alterations to install new condenser unit on roof to first floor

99/01029/LBA - Consent - 5 May 2000 - External alterations to display individual, non-illuminated fascia mounted letters

23/03108/LBA - Consent - Internal alterations to convert the upper floors into 4no. residential units.

23/03107/FUL - Permit - 23 May 2024 - Conversion of the upper floors to 4no. residential units.

25/02725/VAR - Pending Determination - - Variation of conditions 2 (Shop front adaptation (Bespoke Trigger)) 3 (Replacement internal doors (Bespoke Trigger)) 4 (Fireplaces (Bespoke Trigger)) 5 (New Window Details (Bespoke Trigger)) 6 (Insulation (Bespoke Trigger)) 7 (Secondary Glazing Details (Bespoke Trigger)) 8 (Service Details (Bespoke Trigger)) and 9 (Plans List (Compliance)) of application 23/03108/LBA (Internal alterations to convert the upper floors into 4no. residential units.)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
None received.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:
- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- Bath & North East Somerset Local Plan Partial Update (2023)
- West of England Joint Waste Core Strategy (2011)
- 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
D6: Amenity
HE1: Historic environment
PCS1: Pollution and nuisance
SCR5: Water efficiency

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 with 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
CR3: Primary shopping areas and primary shopping frontages
CP1: Retrofitting Existing Buildings
CP3: Renewable Energy
H3: Residential development in existing buildings
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
ST7: Transport requirements for managing development

LEGISLATION:

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.'

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.

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 permission for amendments to a previous approval for the conversion of the upper floors of 18 Milsom Street to 4 flats. The application was granted in 2024 and the revised applications seeks to make amendments to layouts to enable improved access for extraction and drainage and to improve fire safety requirements in according with Building Regulations. The principle of 4 units has been already agreed.
The application is accompanied by a separate listed building application which will assess the impact on the fabric and character of the building.

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.

For this application the alterations to the permitted scheme include changes to internal partitions to allow for improved layouts whilst still creating the same number of residential units. The main external changes relate to the insertion of several windows on the rear extension of the building for flat 1. 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 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. In this instance, due to the size, location and appearance of the external changes, 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:

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. In this case by virtue of the design and scale of changes proposed 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.

Planning Application in Respect of Listed Buildings

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the insertion of windows will have a low level of less than significant harm due to loss of fabric; however, this level of harm is considered to be outweighed by the public benefits of re-using the building. The proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The alterations to the roofscape would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated Heritage asset. The proposal accords with 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 previous application determined that the level of amenity offered to future occupiers would unacceptable. The revised plans include the addition of heat pumps to provide heating and hot water. These pumps would be located internally within specific plant rooms for each flat and would not result in significant loss of amenity for adjacent residents.

New windows proposed to serve flat 1 have been previously approved. The scheme proposes changes in size and designs of these openings. Overlooking from flat 1 has been removed and therefore condition 3 (obscure glazing) of application 23/03107/FUL is

no longer required. The remaining windows are not considered to result in a significant loss of amenity for the surrounding buildings.

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 is well located for access to local facilities and public transport connections and therefore the absence of parking is not objected to. 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.

The submission shows that waste and recycling storage are provided on the site as required. A condition will be applied to ensure that a waste and recycling management plan is provided.

Low Carbon and Sustainable Credentials:

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

Conclusion:

The variation of plans will continue to provide 4 new residential units and allow the re-use of the upper floors of the buildings and improve thermal efficiency of the building. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether or not to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. This decision accords with the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 **Standard Time Limit (Compliance)**
The works hereby approved shall be begun before the expiration of three years from 23rd May 2024

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 **Air Source Heat Pump (Compliance)**
The proposed air source heat pump shall comply with the MCS Planning Standards with regard to noise.

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.

3 **Waste Management Plan (Pre-occupation)**
No occupation of the development shall commence until a waste management plan has been submitted to and approved in writing by the Local Planning Authority. The storage of waste shall thereafter be undertaken in accordance with the approved details.

Reason: To secure adequate off-street waste provision for occupants in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

4 **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 The following plans/drawings received on 24th July 2025
AA(18)30REV D
AA(18)10 REV E
AA(18)01 REV B

The following plans/drawings received on 10th July 2025
AL(18)01 A
AL(18)03 C
AL(18)20 C
AL(18)21 C

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 **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.

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 **Coal Mining - High Risk Area**

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
http://www.gov.uk/mining-remediation-authority

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: 10

Application No: 25/02725/VAR

Site Location: 17 - 18 Milsom Street City Centre Bath Bath And North East Somerset BA1 1DB

Ward: Kingsmead **Parish:** N/A **LB Grade:** II

Ward Members: Councillor Paul Roper Councillor George Tomlin

Application Type: Application for Variation of Condition

Proposal: Variation of conditions 2 (Shop front adaptation (Bespoke Trigger)) 3 (Replacement internal doors (Bespoke Trigger)) 4 (Fireplaces (Bespoke Trigger)) 5 (New Window Details (Bespoke Trigger)) 6 (Insulation (Bespoke Trigger)) 7 (Secondary Glazing Details (Bespoke Trigger)) 8 (Service Details (Bespoke Trigger)) and 9 (Plans List (Compliance)) of application 23/03108/LBA (Internal alterations to convert the upper floors into 4no. residential units.)

Constraints: Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, 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 CR3 Primary Shopping Areas, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

Applicant:	Aequus Developments Ltd
Expiry Date:	18th September 2025
Case Officer:	Laura Batham

To view the case click on the link here.

REPORT

Reason for reporting to committee:
In accordance with the scheme of delegation, this application was referred to the chair and vice chair of the planning committee who gave the following reason "This application is referred to Committee as this is an Aequus application that is an outreach council company and should be scrutinised."

Site Description:
The application site forms part of a row of Grade II Listed terraced properties set on Milsom Street. The terrace is located in the conservation area and the double-inscribed World Heritage Site that consists of the City of Bath and the Great Spa Towns of Europe UNESCO inscriptions. Numbers 17-18 have been linked together with one single point of access; however, originally were constructed as two houses, with both staircases retained through the buildings. The ground floor is now in retail use. Only access and the upper floors of Number 18 are proposed to be altered.

Proposal:
Variation of conditions 2 (Shop front adaptation (Bespoke Trigger)) 3 (Replacement internal doors (Bespoke Trigger)) 4 (Fireplaces (Bespoke Trigger)) 5 (New Window Details (Bespoke Trigger)) 6 (Insulation (Bespoke Trigger)) 7 (Secondary Glazing Details (Bespoke Trigger)) 8 (Service Details (Bespoke Trigger)) and 9 (Plans List (Compliance)) of application 23/03108/LBA (Internal alterations to convert the upper floors into 4no. residential units.)

History:
98/00978/AR - Refuse - 25 January 1999 - Retention of externally illuminated hanging sign to the premises of Gap Kids

99/00630/FUL - Permit - 15 September 1999 - Installation of new condenser unit on roof to first floor

99/00631/LBA - Consent - 5 May 2000 - External alterations to install new condenser unit on roof to first floor

99/01029/LBA - Consent - 5 May 2000 - External alterations to display individual, non-illuminated fascia mounted letters

23/03108/LBA - Consent - Internal alterations to convert the upper floors into 4no. residential units.

23/03107/FUL - Permit - 23 May 2024 - Conversion of the upper floors to 4no. residential units.

25/02727/VAR - Pending Determination - Variation of condition 4 (Plans List (Compliance)) of application 23/03107/FUL (Conversion of the upper floors to 4no. residential units.)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
None received.

POLICIES/LEGISLATION
There is a duty placed on the Council under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in 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.

With respect to any buildings or other land in a conservation area there is a duty placed on the Council under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory Development Plan for B&NES comprises:
- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan Partial Update (2023)
- Joint Waste Core Strategy
- Made Neighbourhood Plans

The following policies are relevant to the determination of this application:

- HE1 Historic Environment
- CP1 Retrofitting Existing Buildings

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 consent to vary approved plans to convert the upper floors to residential which will allow ongoing use of the spaces. Changes to the layout of the approved scheme are required to accommodate different heating system, provide

appropriate fire safety upgrade and re-arrange to suit connections for bathrooms and kitchens. The application is accompanied by a planning application which will assess any planning considerations.

18 Milsom Street is intrinsically linked with number 17 due to there being on single point of access through the shop front at ground floor level. Both staircases remain in situ; however, direct access is only available to number 18.

Changes to Shop Front:
Changes to the shop front to allow a new door serving the flats have already been agreed. The shop front is a later addition to the listed buildings and retains a balanced front which could accommodate two different shops/entrances. The shop front is articulated by 7 fluted Corinthian columns which supports a decorated entablature. On the upper floors the dwellings are set down the hill; however, number 17 is at a lower level than both 16 and 18. The shop front dates to the 20th century.

A new door opening directly onto Milsom Street is proposed. In this instance, given that the glazing is a modern intervention and extended 20th century design, the changes to the fabric are not considered to be harmful. A new door would be set back within the frontage, leaving the columns unaltered. Final joinery details of the door will be provided by condition.

First Floor:
At first floor level the floor plan is split into two distinct areas. At the front of the property is an open plan space where the wall dividing the traditional two room plan has been removed. Part of this wall will be reinstated to separate the two spaces to create a living space at the front of the building with bathroom. In the rear room the space will be divided to create a lobby, plant room and bedroom. Given the previous changes to the floor plan, the works are not considered to be harmful to the significance of the building.

At the rear of the building is a large room with octagonal rooflight set at a high level. There is a fireplace on one wall but otherwise, little natural light due to the absence of windows.

Archival research was unable to identify the use of this unusual space. It is likely to be used as a work room associated with the commercial use of the ground floor, given its design. It is proposed to add windows into this space to allow its future use as residential. These additional windows will provide light to two bedrooms, the main living space, bathroom and kitchen. The floorplan of flat 1 will ensure the octagonal shape of the windows set above will remain visible in the living space. The new windows will result in loss of fabric to create the opening and will alter the character of the space, resulting in a low level of less than substantial harm.

Second Floor:
The second floor has further seen extensive changes to the floorplan. The cellular floorplan is still present in places; however, it has been significantly impacted by the altered staircase serving the third floor and insertion of a room above the staircase to the first floor. It is proposed to insert new partitions to create a one bed flat. The main changes relate to the insertion of a hall to allow access to the new bathroom and alteration to the staircase to the third floor. Given the extensive changes to the platform already seen, the works are not considered to cause harm to the significance of the building.

Third Floor:
The third floor level it is proposed to largely re-use the current floor plan; however, changes are required to provide a new access to the flat and en-suite. The revised drawings do result in a slightly more harm than previously approved; however, the floor plan is retained through the retention of historic partitions.

Further works:
Across all floors it is proposed to replace modern fire doors with appropriately detailed doors. Where fireplaces have been blocked up these will be re-opened which is supported.

Low Carbon and Sustainable Credentials:
The application proposes secondary gazing for the windows and internal insulation. The building has been altered over time and it is considered that additional insulation can be accommodated. Some details of insulation have been provided; however, more are required to ensure insulation is appropriate details around windows. New windows will be slim double glazed and secondary glazing is proposed where historic windows will be retained. These details will be requested by condition. The revised plans also allow for the insertion of heat pumps to supply heating and hot water and there are no concerns with the additions.

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 considered in the recommendation made.

Conclusion:
The planform of the building has been extensively altered; however, there remain historic elements of the building. The works would result in a loss of fabric to create window openings and alter the planform further. Paragrpah 212 of the NPPF states that '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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

The NPPF goes on to state that '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.'

In this case there are public benefits of the application which would see the upper floors of the building re-used for residential use rather than be left empty and at risk of ongoing decay. It is considered that the public benefits of the building's re-use outweigh the less than substantial level of harm caused.

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. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would be an acceptable alteration to the listed building that would preserve its significance as a designated heritage asset for the reasons set out above. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

RECOMMENDATION

CONSENT

CONDITIONS

1 **Standard Time Limit (Compliance)**

The works hereby approved shall be begun before the expiration of three years from 22nd May 2024

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 **Shop front adaptation (Bespoke Trigger)**

No alterations to the shop front shall commence until full details including elevations and detailed cross sections of the adaptations 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.

3 **Replacement internal doors (Bespoke Trigger)**

No installation of any replacement internal doors; shall commence until full details, including cross sections; 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

4 **Fireplace Details (Bespoke Trigger)**

Following the opening up of fireplaces and prior to any further works, full details of the new fireplaces or any associated alterations 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 **New Window Details (Bespoke Trigger)**
Notwithstanding the details provided, prior to the installation of any new window openings, full details including elevations, details of window reveals, and detailed cross sections of the window joinery 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.

6 **Insulation (Bespoke Trigger)**
Notwithstanding the details provided, prior to the addition of any wall or floor insulation, full details of the insulation, including cross section and final finishes 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.

7 **Secondary Glazing Details (Bespoke Trigger)**
Notwithstanding the details provided, prior to the installation of any secondary glazing or slim double glazing, full details including cross sections of the window joinery 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.

8 **Service Details (Bespoke Trigger)**
No installation of the heating, bathroom or kitchen services shall commence until full details comprising 1:50 drawings showing the routes for water, waste, electrics and any form of ventilation and means of extraction, including location of flues 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.

9 **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 The following plans/drawings received on 10th July 2025
AA(18)05 A
AL(18)01 A
AL(18)20 C
AL(18)21 C
The following plans/drawings received on 24th July 2025
AA(18)10 REV E
AA(18)30REV D

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 **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.

4 **Permit/Consent Decision Making Statement**

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

Item No: 11

Application No: 26/00993/TPO

Site Location: Holy Trinity Church Church Street Paulton Bristol Bath And North East Somerset

Ward: Paulton **Parish:** Paulton **LB Grade:** IISTAR

Ward Members: Councillor Liz Hardman Councillor Grant Johnson

Application Type: Tree Works subject to TPO

Proposal: Copper Beech, ID number 171585-Fell, tree is diseased

Constraints: Tree Preservation Order,

Applicant: Bath And North East Somerset Council

Expiry Date: 8th May 2026

Case Officer: Jane Brewer

To view the case click on the link here.

REPORT

REASON FOR REPORTING NOTIFICATION TO COMMITTEE:

The application is made by Parks and Open Spaces.
Government guidance advises that the decision is taken by a committee or officer of the authority other than the one with responsibilities for management of the land in question.

The proposal has been brought to Committee to ensure that the Planning Scheme of Delegation is complied with and that full transparency in decision making is demonstrated.

DESCRIPTION:
This application relates to a significant Copper Beech tree growing within the setting surrounding the Grade II* listed Holy Trinity Church located within the Paulton Conservation Area.

The proposal is to fell the tree.

The reasons given in the application for the removal of the tree to the presence of decay-causing fungi Ganoderma applanatum and Kretzschmeria deusta, the latter was noted following the recent failure of a major limb across the path between the Vicarage and church.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
An objection has been received by a Paulton Parish Councillor.
The reason given for the objection is because they consider that Ganoderma applanatum brackets have been misidentified and that further investigation is required using decay-detecting equipment to assess the extent of decay.

POLICIES/LEGISLATION
Town and Country Planning Act 1990 (in particular sections 197-214 as amended)
Town and Country Planning (Tree Preservation)(England) Regulations 2012

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
OFFICER ASSESSMENT:

Ganoderma applanatum and Kretzschmeria deusta were noted on the the tree, Both are fungi associated with decay development in living trees.

Ganoderma applanatum is usually associated with white rot decay around the base of trees and buttress roots but has also been found several meters up the trunk and occasionally in major limbs. White rot wood decay is where both the lignin and cellulose are removed. Early decay development can be monitored but advanced decay can lead to stem or root plate failure.

The fruiting bodies are readily visible as perennial brackets on the stem of the Beech tree.

Kretzschmaria deusta is of far more concern because it is often overlooked because of its inconspicuous appearance. It causes extensive soft rot, usually around the lower stem and main roots which can lead to catastrophic tree failure. Decay-detecting devices such as sonic tomography can miss decay caused by this fungus as a result of the decay process.

Decay detecting equipment are tools which can not be used in isolation to determine a course of action. Decisions must also be informed by observations such as the location and amount of fruiting structures around the circumference of a tree, knowledge of tree species and wood quality and frequency of inspections.

The applicant is trained in the Quantified Tree Risk Assessment (QTRA) method to calculate risk. QTRA is an established tool for tree managers to assess the three components of tree-failure risk which relate to targets, the size of the tree part implicated and probability of failure. Their calculation takes into account the unpredictable nature of failures occurring as a result of Kretzschmaria deusta.

In this case the amount of fruiting bodies present indicate advanced internal decay.

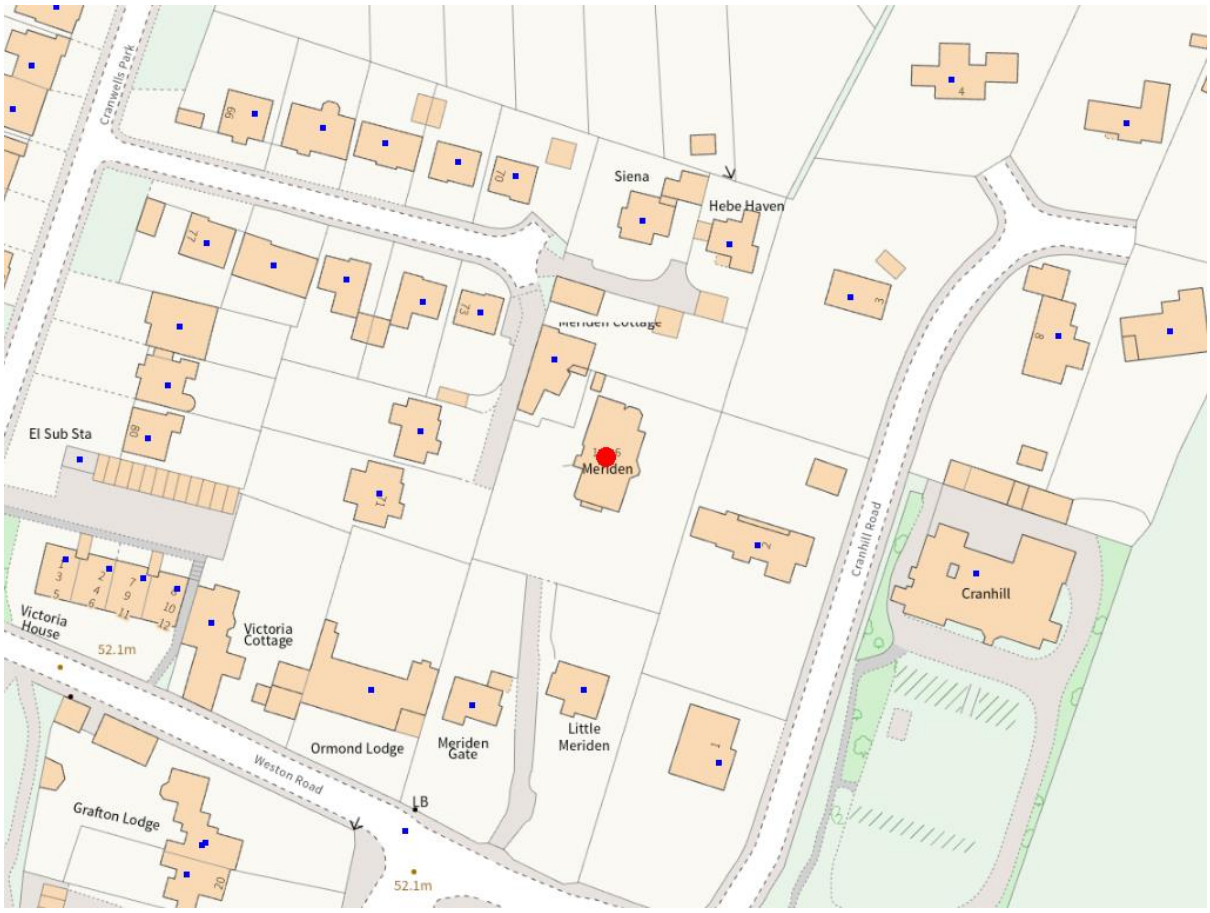
The proposed felling of the tree is considered to represent a decision based on a proportionate assessment following the monitoring of the health and safety of the tree.

A replacement planting condition is recommended.

RECOMMENDATION

CONSENT

Item No: 12
Application No: 26/00605/TCA
Site Location: Flat 2 Meriden Weston Road Lower Weston Bath



Ward: Weston **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Ruth Malloy Councillor Malcolm Treby
Application Type: Tree Works Notification in Con Area
Proposal: Acer palmatum T1 - crown reduce by 1-1.5m.
Constraints: Conservation Area,
Applicant: Ms Colette Hoepli
Expiry Date: 30th March 2026
Case Officer: Jane Brewer
To view the case click on the link here.

REPORT
REASON FOR REPORTING NOTIFICATION TO COMMITTEE:
The notification is associated with an employee.
The proposal has been brought to Committee to ensure that the Planning Scheme of Delegation is complied with and that full transparency in decision making is demonstrated.

DESCRIPTION:

Six weeks notice must be submitted to the Council for tree works or tree felling within a conservation area if the tree has a trunk diameter of 7.5cm or over (when measured 1.5m above ground level) and where exceptions do not apply.

This notification relates to a tree located within the Bath Conservation Area. The proposal is to reduce the canopy of a japanese maple which has been pruned in the past.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
No public comments have been received

POLICIES/LEGISLATION
Town and Country Planning Act 1990 (in particular sections 197-214 as amended)
Town and Country Planning (Tree Preservation)(England) Regulations 2012

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 purpose of a tree notification is to give the Council the opportunity to consider whether a Tree Preservation Order should be made to protect the trees.

The following criteria are used to assess whether trees are worthy of a Tree Preservation Order:
1. Visibility to the general public
2. Overall health, vigour and appearance
3. Suitability of their location and anticipated future management
4. Special factors such as contribution to the character of a conservation area, World Heritage Site setting or overall green infrastructure; their rarity; their ecological contribution and whether they have historical significance such as in the case of veteran trees.The proposed works is considered minor and relates to a small tree which is not readily visible to the general public.

The works are considered to represent the normal management of trees within a domestic garden setting and a TPO would not be a proportionate response.

RECOMMENDATION
NO OBJECTION