

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **20th September 2023**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

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.

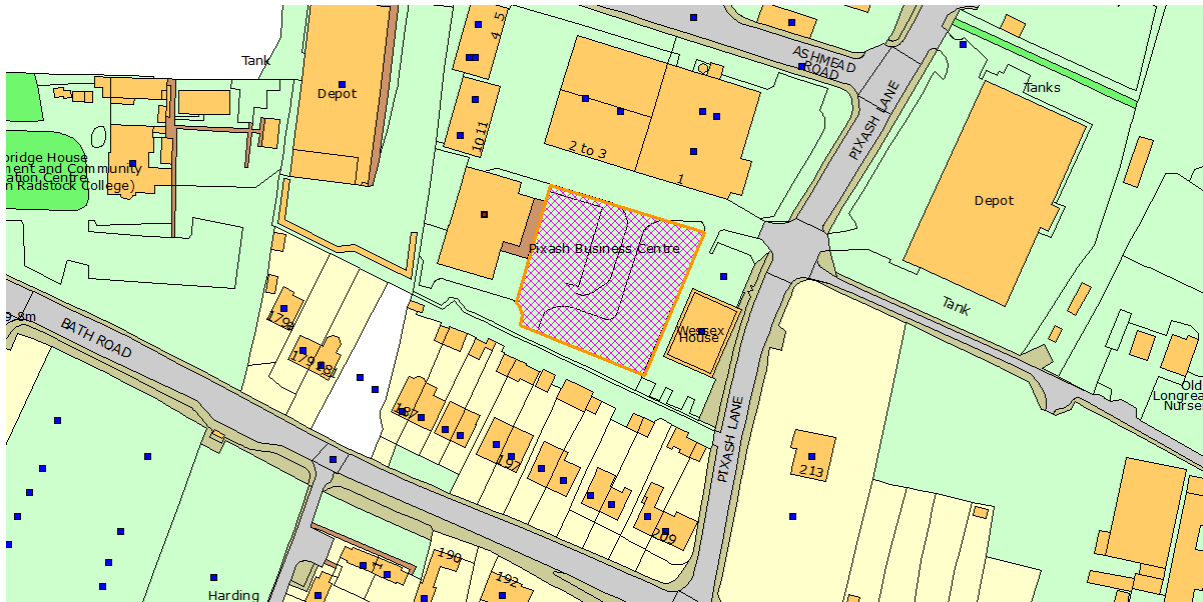
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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	23/00660/FUL 20 April 2023	Mr Chris Lyons Systopia Consulting Limited Proximity House, Pixash Business Centre, Pixash Lane, Keynsham, Bristol Construction of 2no. industrial units (Use class B2, B8, E(g)) with associated parking, external yards, landscaping and services.	Keynsham East	Ben Burke	PERMIT
02	23/02945/TCA 19 September 2023	Mrs Karen Godfrey Orchard Cottage , Dovers Lane, Bathford, Bath, Bath And North East Somerset T1-cypress, fell	Bathavon North	Jane Brewer	NO OBJECTION

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 23/00660/FUL
Site Location: Systopia Consulting Limited Proximity House Pixash Business Centre
Pixash Lane Keynsham Bristol



Ward: Keynsham East **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Hal McFie Councillor Andy Wait
Application Type: Full Application
Proposal: Construction of 2no. industrial units (Use class B2, B8, E(g)) with associated parking, external yards, landscaping and services.
Constraints: Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing, Policy ED2A Primary Industrial Estates, Ecological Networks Policy NE5, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome, Tree Preservation Order,
Applicant: Mr Chris Lyons
Expiry Date: 20th April 2023
Case Officer: Ben Burke
To view the case click on the link [here](#).

REPORT Reasons For Reporting To Committee

Ward member, Cllr Andy Wait, has requested that the application be referred to the committee (full comments in the representations section below). The matter was referred to the Chair of the Planning Committee, Cllr Duncan Hounsell, who has stated:

"Although I note the support for the application from Keynsham Town Council, objectors and the ward councillor raise significant planning issues including highway safety, the

possible effect on the amenity of Wessex House, the possible effect on the amenity of neighbouring residential properties, and the possible effect on the operational viability of nearby businesses. This application is in an area which has seen recently a number of large-scale developments and any possible cumulative harm needs to be assessed. The report addresses many issues. However, the planning application is of wide local public interest and best determined in the public domain. The committee will wish to be satisfied that the application is policy compliant."

The application site consists of access parking and amenity land located to the east of and connected with Proximity House. The site falls within the Broadmead/Ashmead/Pixash designated Strategic Industrial Estate.

Planning permission is sought for construction of 2no. industrial units (Use class B2, B8, E(g)) with associated parking, external yards, landscaping and services.

Relevant Planning History:

DC - 96/02627/FUL - PER - 2 December 1996 - Change of use of former conference centre to warehouse/storage depot for dry packed teas and coffees as amended by letter and plans received 13th November 1996

DC - 99/02537/FUL - PER - 8 July 1999 - Additional storey extension to offices

DC - 01/01947/FUL - PERMIT - 19 October 2001 - Single storey extension.

DC - 07/02486/FUL - PERMIT - 24 April 2008 - Erection of new light industrial unit with two storey offices incorporated (Resubmission)

DC - 13/04792/TPO - CON - 17 December 2013 - G1- Poplar Trees x4- reduce by 6 meters in height

Adjacent Sites:

12/02677/FUL - PER - 22 August 2012 - Change of use of former commercial garage space to warehousing, introduction of new entrance and office space, extension of existing mezzanine level and creation of internal link between units 4 - 7 Pixash Business Centre.

16/05227/FUL - PER - 02 February 2017 - Erection of 3no business units.

21/00435/EREG03 - PER - 30 July 2021 - Redevelopment and consolidation of existing depot site and adjacent land with associated staff parking and access and landscaping works to include the provision of the following: (i) a public re-use and recycling centre (RRC); (ii) material recovery facility (MRF); (iii) waste transfer station (WTS); (iv) Trader (bulky waste); Trade Waste Transfer Station (TWTS); (v) vehicle fleet storage and maintenance; (vi) MOT centre (public); (vii) BANES Parks and Grounds maintenance storage; (viii) BANES Highways winter service and salt store; and ancillary offices.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Andy Wait:

I am getting a lot of comment about this application.

Already there are a significant number of objections and I know there will be more. The basic objection is one of overdevelopment which will lead to difficulties with access to the sites nearby. Those businesses are extremely worried as that current location is effectively an open space where HGVs can manoeuvre in safety. Without that area, the site will become unmanageable.

I would like to call this application in for the B&NES Planning Committee to discuss. This location has had huge disruption from the building of the recycling centre, extra double yellow lines and the building of the Meryton Care Home so the last thing these companies need is for more restrictions on their businesses.

Keynsham Town Council:

At last night's Planning and Development Committee meeting Keynsham Town Council resolved to SUPPORT WITH COMMENT.

There are no planning reasons to object to this application: -
Keynsham Town Council consider that the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of Bath and North East Somerset adopted Placemaking Plan 2017 and Local Plan (Core Strategy) Partial Update Jan 2023.

Keynsham Town Council have concerns in respect of the development being of Class B2, which could have a detrimental effect on the local community if the wrong type of industry is permitted so close to residential properties, which has been the case in other areas of the town.

Highways Development Management: 3 comments ordered from latest

Highway Authority Comments 31st July 2023:
Latest comments on minor revisions to drawing:

Summary:

Having reviewed the submitted scheme, subject to the recommended planning conditions, there is no highway objection to the planning application proposals.

Full Comments:

The highway authority has previously commented twice on the planning application, and these comments are provided in full below.

Having reviewed the latest revision to the site plan, which shows a slight change in the building position, the highway authority has no further comments at this stage. The highway comments dated 23rd May 2023 remain applicable.

Highway Authority Comments 23rd May 2023:
Comments following submission of objection with transport statement

The highway authority has previously commented on the planning application, and these comments are provided below. Following the submission of an objection in the form of a transport technical note, the planning authority has reconsulted the highway authority. The technical note focuses on the likely traffic generation and parking requirements of the proposed development, these are reviewed in turn below.

Traffic Generation - the submitted technical note reviews the method used to determine the likely traffic levels associated with the proposed floorspace. Having reviewed the possible differences in the calculation selections, it is clear that in both traffic generation scenarios the development would have an immaterial impact on the operation of the surrounding highway network.

Proposed Car Parking - As stated in the earlier highway consultation response, the recent adoption of the Transport & Development SPD includes new parking policies which determine the appropriate parking levels for new developments. This scheme has been reviewed against those policy requirements. The submitted technical note reviews the parking activity that could be associated with the development, and the calculations determine that (on average) there may be demand for 13.79 parking spaces at certain times of the day. The proposed development would be provided with 13 car parking spaces, and this clearly demonstrates that the policy compliant parking levels would be appropriate in this scenario.

Existing Car Parking - the submission makes reference to existing parking activity at the Business Park, and this includes parking at the Proximity House building. Whilst Photograph 6 does show inappropriate parking activity, Photograph 5 shows that there are several other parking spaces that are not occupied. Site observations also collaborate these findings.

Whilst there is a clear need for the site management to ensure that parking occurs in specified parking areas, the evidence indicates that there is no overwhelming car parking issue at the Proximity House building.

Heavy Goods Vehicle Turning - The Transport Statement submitted as part of the application clearly demonstrated that the proposed site layout could accommodate turning manoeuvres required for rigid heavy goods vehicles. The objection technical note reviews how a 16.5m articulated vehicle would turn (although no swept path analysis is provided) and site observations consider this in Paragraph 4.5. Although located in a different position, there will be a spur leading to the proposed development and Proximity House as part of the scheme, and it is unclear why a 16.5m articulated vehicle could not undertake a similar turning manoeuvre as witnessed. The site management would obviously seek to reposition parking spaces on the main access route following the proposed change of the Proximity House junction, and there appears to be no strong reason why this could not be achieved.

In summary, the highway authority does not consider there to be a need to alter the earlier recommendation, as provided below.

Previous Highway Authority Comments 15th March 2023

Original comments

Having reviewed the site history, it is noted that there was an earlier planning permission for the development of this land for a similar use. The current Local Plan Partial Update has been reviewed and this confirms that the site is within the area defined for Policy ED2A Industrial Estates. This policy states that the proposed type of land use being promoted for the site would be considered acceptable in principle, although the potential transport impacts are considered further below.

The submission is supported by a Transport Statement and Travel Plan Statement, and both of these documents have been reviewed.

The Transport Statement confirms that the site would be accessed from the existing industrial estate roads, and that there would be no change to the adopted highway. The formation of a revised access is a private matter between third parties. The Statement has also reviewed the potential impact of the scheme on the surrounding highway network. It is agreed that given the scale of the development would not have a significant traffic impact.

The parking requirements for the application have been reviewed. It is noted that the scheme includes re-providing the existing car parking for the Proximity House building, and there is no objection to this approach. The same number of spaces would be provided, with one additional accessible space being allocated. The new building would be divided into two units, with six and seven bays being provided. Each unit would have one of the spaces allocated as an accessible bay. The proposed car parking levels exceed the maximum standards as presented within the recently adopted Transport & Developments SPD, however, there is a need to consider the parking impacts in the context of the overarching Policy ST7 that is presented within the Local Plan Partial Update. This policy confirms that development proposals should ensure that there is no increase in on-street parking that has a potential safety or operational impact that affects the local highway. Given the existing parking activity throughout the local area, this is a risk of an overspill parking impact on the highway at this location, and providing a clear turning space within the site is a benefit of the proposal that needs to be protected. The submitted Transport Statement provides a parking accumulation calculation and this demonstrates that the parking spaces would accommodate the expected demand, with some allowance for operational requirements and the use of the accessible parking spaces. It is agreed that the proposed number of car parking spaces would be appropriate given the policy requirements.

The requirements for cycle parking provision are also presented within the Transport & Developments SPD, and the requirements are met with ten secure spaces being proposed. Swept path analysis is included within the Transport Statement and this demonstrates that rigid HGVs, including refuse collection vehicles, would be able to turn within the site. The Transport & Developments SPD reviews requirements for Travel Plans, and the submitted Statement has been considered against those requirements. The SPD threshold for requiring a Statement is actually significantly higher than the floorspace being proposed as part of this planning applications. The Travel Plan Statement has been reviewed and there is no objection to the strategy as presented within the document.

It is recommended that a Construction Management Plan would be appropriate to help mitigate possible impacts throughout that phase of the development.

In summary, the highway authority does not object to the planning application proposal, although should permission be granted, it is recommended that the following conditions are attached.'

1. Construction Management Plan (Pre-commencement) condition
2. Parking (Compliance) Condition.

Environmental Protection:

There is potential for the proposed industrial units to generate noise nuisance at the nearest residential property. The applicant has submitted a noise assessment in accordance with British Standard 4142: 2019 Methods for rating and assessing industrial and commercial sound. Appropriate plant noise criteria has been suggested and I would recommend conditions concerning the following:

- o Restriction of cumulative plant noise arising from the development to comply with the limits detailed in Table 6 of Noise Impact Assessment Reference: 10030/BL. Demonstration of compliance via submission of a report to the local planning authority upon occupancy of the unit.
- o Site specific Construction/Demolition Environmental Management Plan.

Drainage and Flooding:

The drainage strategy for this site is acceptable.

No objection subject to the drainage being installed as per the updated drainage strategy.

Ecology:

Summary:

The ecological assessment and biodiversity net gain calculations are welcomed. Conditions are recommended to secure mitigation and net gain measures as well as a sensitive external lighting scheme.

Full Comments (summary):

There is limited potential for other protected and notable species to be present and impacted, with the possible exception of foraging and commuting bats in adjacent habitat. The recommendations for avoidance and mitigation measures as well as species-specific habitat creation for bats, nesting birds and hedgehog detailed in the report are supported and will need to be secured by condition if consent is granted.

As detailed by the ecological consultants, external lighting will need to be sensitively designed to avoid significant light spill onto nearby habitats potentially suitable for use by foraging and commuting bat species including the treeline to the south. External lighting should be sensitively designed in accordance with ILP 2018 guidance and to meet Local Plan Policy D8.

The Biodiversity Net Gain Assessment (Focus Environmental Consultants, December 2022) and accompanying Defra Metric spreadsheet and Drawing 1095-01 Landscape Proposals are welcomed. The calculations demonstrate that there will be at least 10% net gain in habitat units and significant gain in hedgerow units. Although I would query whether three of the trees will meet the 'good' habitat criteria in the Defra metric and it appears that approximately 70m rather than 100m of hedgerow creation is achievable, any adjustments still result in overall net biodiversity gain. Neutral grassland (Emorsgate Mix) will need to be appropriately managed, including conservation cuts and removal of arisings 1-2 times per year with wildflowers left to seed between April and July. A detailed management plan can be secured by condition within a full and final Biodiversity Gain Plan. Species-specific measures have also been proposed. Therefore, the proposals meet Local Plan Policies NE3a and D5e.

Conditions are proposed concerning the following:

- o Wildlife Protection and Enhancement Scheme (Compliance)
- o Biodiversity Gain and Habitat Management Plans (Pre-commencement)
- o Ecological Compliance Report (Pre-occupation)
- o External Lighting (Bespoke Trigger)

Arboriculture:

The Arboriculture Report is acceptable.

Mitigation for the loss of T11 as detailed (2 trees to be planted on site and maintained to establishment).

Conditions proposed concerning the following:

- o Compliance with Arboricultural Method Statement and Tree Protection Plan
- o Replacement tree planting

Contaminated Land:

Taking account of the potentially contaminative historical use of the site as a depot and surrounding potentially contaminative historical uses including, depots, engineering works and waste transfer station and the proposed development (industrial units), we recommend that conditions be placed on the application concerning the following:

- o Desk Study and Site Walkover
- o Reporting of Unexpected Contamination

Representations Received: 26 responses (1 comment and 25 objections)

Design:

Overdevelopment of estate.

Transport:

Proposals do not make sufficient provision for HGV turning on site and result in loss of existing turning facility causing vehicles to reverse onto Pixash Lane.

Construction of recycling centre and care home within area have caused significant transport issues and disturbance to residents alongside other issues.

Pixash Lane is not suitable for further traffic generating uses.

Proposal raises highway safety issues.

Insufficient parking.

Access to recycling centre from A4 is unsafe.

Proposal adds to congestion.

Proposal will reduce access to the estate for large 45ft articulated lorries resulting in vehicles having to reverse out on to Pixash Lane to the detriment of highway safety.

The development would remove the existing loading bay and prevent units 1&2 from operating.

Pixash Business Park is at capacity.

Removal of parking to allow for new access roads would be detrimental to existing businesses.

Harmful to pedestrian movement within the site.

We object to amended drawings which do not address the access issues for lorries.

There is a covenant requiring the turning area (splay to existing access) to be retained.

[Covenants are a separate legal matter and not a material planning consideration.]

The new access will result in the loss of parking spaces within the business centre access.

Disagree with Highways Development Management comments that proposal will not detrimentally impact parking and traffic.

Amenity:

Harm to amenity of surrounding residential properties.

Noise and disturbance to residents from proposed use.

Noise report was carried out in Dec 2022 when noisy construction works were occurring so the survey carried out may not be accurate representation of current situation.

[Environmental Protection has advised that the noise assessment stated levels at the time of monitoring were primarily affected by road traffic noise. There was no mention in the noise report of noise from building works which would have been reported if it had been an issue. The proposed noise levels detailed in the noise report are reasonable and EP comments do not require review].

Block light to neighbouring residents.

Noise and dust from construction harmful to local residents.

Loss of green space.

Loss of views. [This is not a planning consideration.]

Detrimental to privacy of adjacent resident.

Siting, mass and height of building will result in loss of daylight and harm to amenity of office occupiers of Wessex House.

Trees:

Potential harm to TPO Poplar trees between the access lane and Pixash Business Centre. [The arboriculture team has advised that such trees are safeguarded.]

We have an arboriculturist report stating that if the roots of the Lombardy Poplar trees (covered by a TPO) are disturbed in any way the dwellings adjacent to the site will be at risk of suffering heave. [An acceptable Tree Protection Plan and Method Statement has been provided ensuring trees concerned will not be detrimentally affected.]

Other:

New access could cause damage to main drain. [There is no evidence this is the case and this is a detailed construction matter and not a planning consideration for this application].

Application is invalid as the redline site boundary does not connect to public highway. [The redline boundary has been updated to connect with Pixash Lane and a full public re-consultation was carried out alongside notice being served on the affected landowner by the applicant. As such, due process has been followed.]

We should have the opportunity to comment on revised drawings submitted. [The revisions made to the drawing were relatively minor and improved the scheme; therefore, there was no requirement for public re-consultation. However, all comments received to present have been logged and considered.]

We request application to go to committee.

The building has not been moved as far away from the boundary as suggested by the case officer. [This concerns uploaded correspondence between the applicant and agent. Despite these comments, following review of the revised plans it has been determined that the revisions are policy compliant.]

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

CP5: Flood Risk Management

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

D1: General urban design principles

D2: Local character and distinctiveness

D5: Building design

D6: Amenity

PCS1: Pollution and nuisance

PCS2: Noise and vibration

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

D8: Lighting

ED2A: Strategic and other primary industrial estates

NE1: Development and green infrastructure

NE3: Sites, species, and habitats

NE3a: Biodiversity Net Gain

NE5: Ecological networks

NE6: Trees and woodland conservation

PCS5: Contamination

SCR7: Sustainable Construction Policy for New Build Non-Residential Buildings

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)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

PRINCIPLE OF COMMERCIAL DEVELOPMENT:

The site falls within the Broadmead/Ashmead/Pixash designated Strategic Industrial Estate within the remit of policy ED2A: Strategic and other primary industrial estates. This states that proposals for light industrial, heavy industrial, warehousing (classes E(g)(iii), B2, B8) and builders' merchants will be acceptable in principle within such areas. The proposed use is consistent with this policy.

DESIGN, CHARACTER AND APPEARANCE:

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

As a result of negotiation, the building has been moved away from Wessex House providing a 4m separation to the boundary and an 8m separation between the buildings. The building is also set back from the access road. There is landscaping at the boundaries and an area of planting at the southwest of the site. The elevation and walls consist of metal sheeting. The siting, in providing separation from the boundaries and landscaping, is acceptable. The building is a suitably designed commercial building appropriate for an industrial estate. Consequently, 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.

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. PCS1 concerns pollution and nuisance and states that development will only be permitted providing there is no unacceptable risks of pollution to other existing land uses arising from the proposal. PCS2 is entitled noise and vibration and states 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 or general amenity unless this can be minimised or mitigated to an acceptable level.

Dwellings of Bath Road back onto the site separated from it by a rear access lane and relatively substantial rear gardens. There is a 27m separation distance between the rear wall of these properties and the site. Environmental Protection (EP) has advised there is potential for the proposed industrial units to generate noise nuisance at the nearest residential property. The applicant has submitted a noise assessment in accordance with British Standard 4142: 2019 Methods for rating and assessing industrial and commercial sound. Appropriate plant noise criteria have been suggested and they recommend a condition restricting plant noise arising from the development to the limits detailed in Table 6 of Noise Impact Assessment Reference 10030/BL required to be demonstrated through a report submitted to and approved by the Local Planning Authority within 4 months of occupying the unit. A Site Specific Construction/Demolition Environmental Plan is also proposed to manage environmental impacts during construction.

Subject to these conditions it is considered the proposal will not result in significant harm to the amenity of local residents and be consistent with policy D6, PCS1 and 2 above. In

conclusion, given the siting of the building within a designated Primary Industrial Estate, the separation distance from neighbouring residential properties, design, scale, massing of the proposed development and proposed conditions the proposal would not cause significant harm to the amenities of any adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal therefore accords with policy D6, PCS1 and PCS2 of the Placemaking Plan and part 12 of the NPPF.

AMENITY OF SURROUNDING COMMERCIAL UNITS:

Policy D6 states 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.

Objection comments have been received that the proposal, as a result of proximity and height, will result in a loss of light to and have an intrusive impact on Wessex House. As a result of negotiation, the building has been moved away from Wessex House, providing a 4m separation to the boundary and an 8m separation between the buildings. The building also has a relatively low ridge height in comparison to Wessex House of 7.3m. Wessex House is a commercial building (office use) with a relatively significant floor plate depth that likely has significant reliance on artificial lighting. There are no windows in the rear of the proposed building so there will be no privacy impacts on this property. Given this, the separation distance will ensure Wessex House maintains appropriate levels of privacy, outlook and natural light for an office building within a commercial estate consistent with policy D6.

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.

Comments have been received that loss of the existing splayed lay-by / turning area would prevent articulated lorries from turning, as well as parking and unloading without blocking the access and that parking within the main access will be displaced. As confirmed in HDM comments the proposal is acceptable in respect of access, parking and traffic generation. In addition, adequate turning space for rigid HGVs is maintained. It is advised in the HDM comments that: 'The formation of a revised access is a private matter between third parties.' Furthermore, the scheme relocates the access to west of the site providing a suitable alternative turning facility for articulated vehicles, and parking displaced by the development and access will be able to be relocated within the main access, which is a private matter to be worked out between landowners, as confirmed in HDMs comments. Objections have also been received that there are covenants requiring the existing turning area to be retained. Covenants are a separate legal matter, operating separate to planning control and do not constitute a material planning consideration.

With regard to the above, the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

DRAINAGE AND FLOODING:

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

The Drainage and Flooding Team has advised that the revised drainage strategy for this site is acceptable and they have no objection subject to the drainage being installed as per the updated drainage strategy, which will be secured by condition. Therefore, the proposed development complies with policy CP5 of the Core strategy with regards to flooding and drainage matters, as well as part 14 of the NPPF.

CONTAMINATED LAND:

Local Plan Partial update policy PCS5 concerns Contamination. It requires that development does not cause significant harm to health or the environment or cause pollution of any water, remediation measures are put in place and any identified potential harm can be suitably mitigated.

The Contaminated Land Officer has advised (in summary) that taking account of the potentially contaminative historical use of the site as a depot and surrounding potentially contaminative historical uses including, depots, engineering works and waste transfer station and the proposed development (industrial units) standard contaminated land conditions will be required. Subject to these conditions the proposal is considered to comply with policy PCS5 of the Local Plan Partial Update.

TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland consecration. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023).

The Arboriculture Team has advised that the Arboriculture Report is acceptable and that the Arboricultural Method Statement contained therein can be secured by condition. They require mitigation for the loss of T11 with 2 trees planted on site, which can be condition. The proposal is therefore considered to comply with policy NE6 of the Local Plan Partial Update.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered. In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG). In the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites Metric or agreed equivalent.

The Ecology Team has advised the submitted calculation demonstrates that there will be at least 10% net gain in habitat units and significant gain in hedgerow units. Furthermore, that a detailed management plan can be secured by condition within a full and final Biodiversity Gain Plan. Species-specific measures have also been proposed. Therefore, the proposals meet Local Plan policies NE3, NE3a and D5e. Given this, the scheme is acceptable on ecology grounds subject to recommended conditions.

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 grant nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

CONCLUSION:

Section 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. The proposal complies with the relevant local plan policies, as outlined above, and therefore complies with the development plan as a whole consistent with the above legislation.

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 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.

3 Parking (Compliance)

The areas allocated for parking and turning, as indicated on submitted plan reference 2764 - P101G shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

4 Replacement tree planting (bespoke)

Within two months of the commencement of works a soft landscape scheme with plan and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority showing the species, planting size and location of two replacement trees (as mitigation for loss of T11).

Reason: To secure replacement tree planting on site in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update and the fixed number tree replacement policy within the Planning Obligations Supplementary Planning Document.

5 Arboriculture - Replacement Trees (Compliance)

All replacement tree planting works shall be carried out in accordance with the details approved in connection with condition 4. The works shall be carried out during the next available planting season following completion.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure replacement trees are provided and to provide an appropriate landscape setting for the development in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update.

6 Plant noise (Bespoke)

Cumulative plant noise arising from the development shall comply with the limits detailed in Table 6 of Noise Impact Assessment Reference: 10030/BL. Compliance shall be demonstrated through submission and approval of a Noise Assessment Report within 4 months of occupation of the development, hereby approved.

Reason: To protect neighbouring residents from exposure to environmental noise in accordance with policies PCS1 and PCS2 of the Bath and North East Somerset Placemaking Plan.

7 Construction/Demolition Environmental Management Plan (pre-commencement)

No development shall take place until a site specific Construction/Demolition Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Council's Environmental Protection Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
 - 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
 - Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.

- 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.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To protect neighbouring residents from potential nuisance associated with construction.

8 Wildlife Protection and Enhancement Scheme (Compliance)

The development hereby approved shall be carried out only in accordance with the avoidance, mitigation and enhancement measures described in Section 1 of the approved Preliminary Ecological Appraisal with Preliminary Roost Assessment report (Focus Environmental Consultants, December 2022) or any subsequent update report approved in writing through the formal approval of condition details process by the Local Planning Authority.

Reason: to avoid harm to wildlife including nesting birds and hedgehog and to provide ecological enhancement measures in accordance with the Wildlife and Countryside Act 1981 (as amended) and policies NE3 and D5e of the Bath and North East Somerset Local Plan

9 Biodiversity Gain and Habitat Management Plans (Pre-commencement)

No development shall take place until full details of a Biodiversity Gain Plan for on-site delivery and monitoring of Biodiversity Net Gain, and a Habitat Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver at least at 0.68 habitat units.

The Plans shall be in accordance with (but not limited to) the approved Biodiversity Net Gain Assessment and with current best practice guidelines and shall include (but not be limited to) the following:

- A) An up-to-date BNG habitat map for on-site proposed habitats.
- B) Habitat Management Plan- long-term management and protection measures for all retained habitats and species, including fencing and boundary details.
- C) Long term aims and objectives for habitats (extents, quality) and species.
- D) Detailed management prescriptions and operations for newly created habitats; locations, timing, frequency, durations; methods; specialist expertise (if required).
- E) Details of any management requirements for species-specific habitat enhancements.
- F) Annual work schedule for at least a 30 year period.
- G) A list of activities and operations that shall not take place and shall not be permitted within the HMP Plan area (for example use of herbicides; disposing of grass cuttings / arisings (or other on-site waste disposal); inappropriate maintenance methods; storage of materials; machine or vehicle access.
- H) Detailed monitoring strategy for habitats and species, particularly trees and neutral grassland habitats, and methods of measuring progress towards and achievement of stated objectives.
- I) Details of proposed reporting to the Local Planning Authority and LA Ecologist, and proposed review and remediation mechanism.
- J) Proposed resourcing, and legal responsibilities.

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

Reason: To protect and enhance ecological interests in accordance with Bath and North East Somerset Placemaking Plan policies NE3, NE3a and D5e.

10 Ecological Compliance Report (Pre-Occupation)

Before first use of the development hereby approved, a report produced by a suitably experienced professional ecologist based on post-construction site visit and inspection, confirming and demonstrating, using photographs, completion and implementation of ecological mitigation measures as detailed in the approved ecology report and Biodiversity Net Gain Assessment (revised and updated version approved by condition) shall be 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 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 provide biodiversity gain in accordance with NPPF and policies NE3, NE3a, and D5e of the Bath and North East Somerset Local Plan.

11 External Lighting (Bespoke Trigger)

No new external 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; and
2. 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 policies NE3 and D8 of the Bath and North East Somerset Local Plan.

12 Drainage (pre-occupation)

Drainage for the development, hereby approved, shall be installed in accordance with the Drainage Strategy by CampbellReith consulting engineers dated March 2023 prior to occupation of the premises hereby approved.

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.

13 Contaminated Land - 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 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:

- 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 11 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.

14 Contaminated Land - 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 11 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.

15 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 section 11 of the National Planning Policy Framework.

16 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.

17 Removal of Permitted Development Rights - Use Class (Compliance)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for general industrial, storage and distribution and light industrial use falling within use classes B2, B8 and E(g) and for no other purpose in Class E of the schedule to that Order.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

18 Refuse/recycling store & Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until the bicycle stands (10 bicycles) and the refuse/recycling store detailed on approved drawing 101F (Site Plan) have been provided. The bicycle stands and refuse/recycling store shall be retained permanently thereafter.

Reason: To secure adequate refuse/recycling storage and off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy T.6 of the Bath and North East Somerset Local Plan.

19 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the submitted landscape proposals plan (1095-01A). The works shall be carried out prior to occupation of the development or in accordance with a programme of implementation that has been submitted to and agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

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 below.

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

PLANS LIST:

1 This decision relates to the following approved drawings:

06 Sep 2023	2764 - P100_B	LOCATION PLAN
06 Sep 2023	2764 - P101_G	SITE PLAN
06 Sep 2023	2764 - P200_F	FLOOR PLANS - LEVEL 0
06 Sep 2023	2764 - P201_A	FLOOR PLANS - LEVEL 1 AND ROOF
06 Sep 2023	2764 - P300_B	TYPICAL SECTION - A-A
06 Sep 2023	2764 - P400_B	ELEVATIONS

2 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

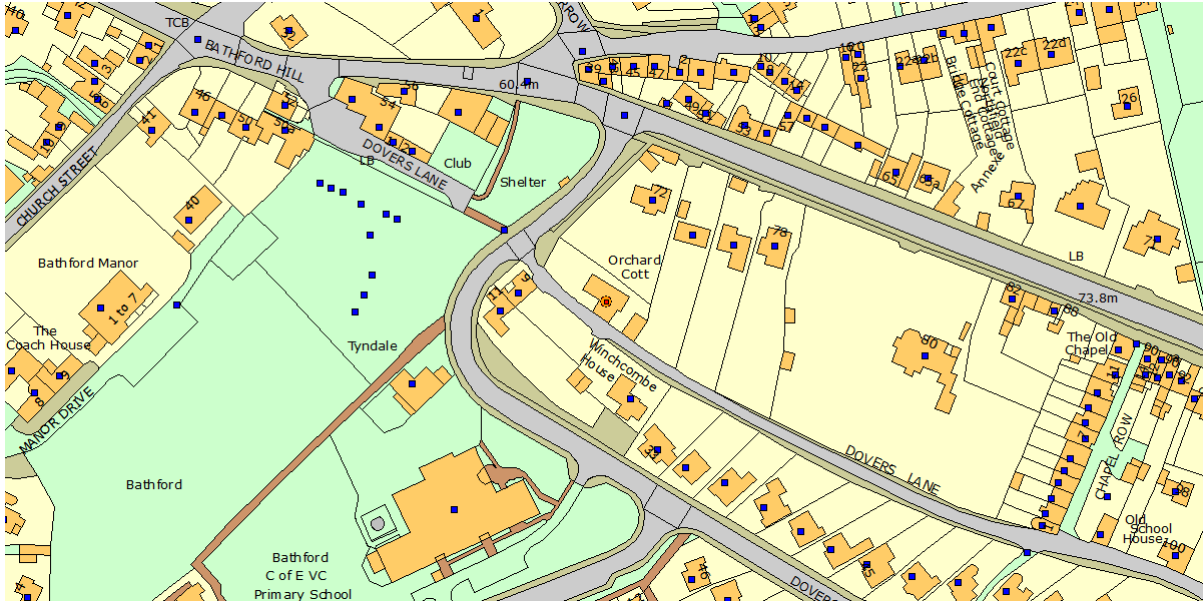
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply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

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

5 Responding to Climate Change (Informative):

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

Item No: 02
Application No: 23/02945/TCA
Site Location: Orchard Cottage Dovers Lane Bathford Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Bathford **LB Grade:** N/A
Ward Members: Councillor Kevin Guy Councillor Sarah Warren
Application Type: Tree Works Notification in Con Area
Proposal: T1-cypress, fell
Constraints: Conservation Area,
Applicant: Mrs Karen Godfrey
Expiry Date: 19th September 2023
Case Officer: Jane Brewer
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING NOTIFICATION TO COMMITTEE:

The notification relates to an employee of the council's tree.

DESCRIPTION:

This notification relates to trees located within the Bath Conservation Area.

The proposal is to fell a cypress, approximately 4m high, growing in the rear garden

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.

In this case, the tree is dead so would be exempt, however, since the tree does not pose a danger, 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.

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.

Further information regarding trees in conservation areas can be found on the Council's website at:

<https://www.bathnes.gov.uk/services/environment/trees-and-woodlands/trees-conservation-areas>

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 cypress is approximately 4m high and readily visible from Dovers Lane. It is clear that the tree is dead from the retained brown foliage throughout the canopy.

CONCLUSION:

The removal of the tree is appropriate.

RECOMMENDATION:

No objection

Advisory notes to be included in the response:

The Councils' core policies are to tackle the climate and nature emergencies which includes the need to retain and protect existing trees and woodlands given the contributory roles which trees play in climate change mitigation and ecosystem services.

Replacement planting when trees are removed is vitally important, particularly in our urban environments. A comprehensive list of tree species for green infrastructure is available online from the Trees and Design Action Group at <https://www.tdag.org.uk/tree-species-selection-for-green-infrastructure.html>

Guidance on tree planting and establishment can be found on the Arboricultural Associations website at <https://www.trees.org.uk/Help-Advice/Guide-to-Young-Tree-Establishment>

RECOMMENDATION

NO OBJECTION