

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**9th April 2014**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	13/02728/OUT	
<b>Site Location:</b>	Milford Head, Stitchings Shord Lane, Bishop Sutton, Bristol	
<b>Ward:</b> Chew Valley South	<b>Parish:</b> Stowey Sutton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Demolition of existing buildings and redevelopment of the site to provide 9no. dwellings (Outline with all matters reserved except access). (Resubmission of 12/05599/OUT)	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Coal - Referral Area, Forest of Avon, Greenbelt, Public Right of Way, Water Source Areas,	
<b>Applicant:</b>	Keynsham Property Developments Ltd	
<b>Expiry Date:</b>	21st August 2013	
<b>Case Officer:</b>	Daniel Stone	

**DECISION REFUSE**

1 The Council's Draft Core Strategy has been submitted to the Secretary of State and is currently being examined by an appointed Inspector. The cumulative effect of the proposal, which is outside of the existing Housing Development Boundary, and other recently permitted housing developments within Bishop Sutton and the southern half of the district is so significant that to grant planning permission would undermine the Council's plan-making process by predetermining decisions about the scale location and phasing of new housing development that are central to the Council's emerging Core Strategy. The proposed housing development is therefore contrary to the provisions of the National Planning Framework and National Planning Practice Guidance.

2 Inadequate information has been submitted to demonstrate that safe vehicular access to the site can be maintained during flood events. The access road leading to the site suffers from frequent and well documented flooding and is not served by surface water drains. As such the proposed development would be contrary to saved policies NE.14 (i) of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007, policy CP5 of the draft Bath and North East Somerset Council Core Strategy March 2013 and the guidance in the National Planning Policy Framework (paragraph 103).

3 The proposed development would have an adverse impact on the character and setting of the Area of Outstanding Natural Beauty. As such the proposals are considered to be contrary to policy CP6 of the Bath and North East Somerset Council Core Strategy March 2013, policies NE.1 and NE.2 of the Bath & North East Somerset Local Plan including

minerals and waste policies Adopted October 2007 and the guidance in the National Planning Policy Framework.

#### **PLANS LIST:**

This decision relates to drawing nos

- SITE LOCATION PLAN
- Flood Risk Assessment - Ref 3702 Revision A
- site drainage - SW drainage layout
- Proposed SITE LOCATION PLAN - PERMEABLE AREAS
- Site Survey - drawing 2293/100
- Site Survey - drawing - 29/12
- Tree Protection Plan - 130619-MH-TPP- Re A
- SUSTAINABLE CONSTRUCTION CHECKLIST
- Transport assessment
- TREE report
- WESSEX WATER PLAN
- TRIAL PIT EXCAVATION. SITE INSPECTION RE...

#### Decision Taking Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Informal advice offered by the Local Planning Authority the submitted application was taken into account by the applicant in the design and layout of the scheme and assistance was given in seeking to overcome issues raised during the processing of the application, however the Development Control committee resolved to refuse the application.

#### Need for Watercourse Consent to Discharge to Ditch

The proposals indicate discharging flows to an existing drainage ditch at the west end of the site. Any discharges to this watercourse will require Ordinary Watercourse Consent from this office. Details about how to apply for Ordinary Watercourse Consent can be obtained by emailing [engineering\\_design\\_land\\_drainage@bathnes.go.uk](mailto:engineering_design_land_drainage@bathnes.go.uk)

The developer should also be aware that the Council's Highway Authority does not adopt roads that include permeable paving.

<b>Item No:</b>	02	
<b>Application No:</b>	14/00217/FUL	
<b>Site Location:</b>	40 Bryant Avenue, Westfield, Radstock, Bath And North East Somerset	
<b>Ward:</b> Westfield	<b>Parish:</b> Westfield	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Construction of new dwelling	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,	
<b>Applicant:</b>	Mrs K Lewis	
<b>Expiry Date:</b>	19th March 2014	
<b>Case Officer:</b>	Heather Faulkner	

## DECISION REFUSE

1 The proposed dwelling due to its scale, bulk, siting and design within close proximity of the neighbouring boundaries is considered to have an overbearing impact. The windows on the rear elevation would also result in loss of privacy and a greater perception of being overlooked. The residential amenity currently enjoyed by these neighbouring occupiers is therefore considered to be significantly harmed. This would be contrary to policy D2 of the Bath and North East Somerset Local Plan (including minerals and waste) 2007 and the National Planning Policy Framework (March 2012).

2 The proposed development by reason of its scale, siting and design would result in the overdevelopment of the site and would result in a cramped form of development which fails to respond positively to the built form of this locality and is considered detrimental to the character and appearance of the streetscene and surrounding area contrary to policy D.2 and D.4 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007 and the Nation Planning Policy Framework (March 2012).

## PLANS LIST:

Drawings received 17th January 2014

Site Location Plan

- 1
- 2
- 3
- 4

## DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Further advice was sought following the previous application being withdrawn however no changes were made to the proposals. The proposal was considered unacceptable for the reasons given and the

agent 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 this the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	03	
<b>Application No:</b>	14/00140/FUL	
<b>Site Location:</b>	Bath Soft Cheese Park Farm, Church Lane, Kelston, Bath	
<b>Ward:</b> Bathavon North	<b>Parish:</b> Kelston	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of extension to existing agricultural building to create a cheese dairy.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas,	
<b>Applicant:</b>	Park Farm LTD	
<b>Expiry Date:</b>	18th March 2014	
<b>Case Officer:</b>	Sasha Coombs	

**DECISION** Defer consideration to allow members to visit the site.

<b>Item No:</b>	04
<b>Application No:</b>	13/05504/FUL
<b>Site Location:</b>	60 Ringwood Road, Twerton, Bath, Bath And North East Somerset
<b>Ward:</b> Westmoreland	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of single storey rear extension, new dormer to rear roof slope, and alterations to form 6 bedroom HMO
<b>Constraints:</b>	Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
<b>Applicant:</b>	Mr David Walsh
<b>Expiry Date:</b>	13th February 2014
<b>Case Officer:</b>	Sasha Coombs

**DECISION PERMIT**

1 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 permissions.

2 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:**

This decision relates to drawing nos 2032.1, 2 and 3 received 19th December 2013.

**DECISION TAKING STATEMENT:**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted

<b>Item No:</b>	05
<b>Application No:</b>	14/00194/FUL
<b>Site Location:</b>	66 Upper East Hayes, Walcot, Bath, Bath And North East Somerset
<b>Ward:</b> Walcot	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Change of use from a House in Multiple Occupation (HMO) (Use Class C4) to Use Class Sui Generis for up to 9 persons
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, World Heritage Site,
<b>Applicant:</b>	Mrs Helen Martin
<b>Expiry Date:</b>	13th March 2014
<b>Case Officer:</b>	Alice Barnes

## DECISION PERMIT

1 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 permissions.

2 The development hereby approved shall not be occupied by more than 9 unrelated occupants.

Reason: An increase in the number of occupants would need further consideration by the Local Planning Authority.

3 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:

Site location plan  
Block plan  
Existing and proposed first floor layout plan  
First floor layout plan

<b>Item No:</b>	06	
<b>Application No:</b>	14/00406/FUL	
<b>Site Location:</b>	61 Lorne Road, Westmoreland, Bath, Bath And North East Somerset	
<b>Ward:</b> Widcombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use from dwelling (Use Class C3) to HMO (Use Class C4) house of multiple occupation.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,	
<b>Applicant:</b>	Mr Johnny Kidney	
<b>Expiry Date:</b>	26th March 2014	
<b>Case Officer:</b>	Jonathan Fletcher	

**DECISION** Defer consideration to clarify number of HMOs within the vicinity of the property.



<b>Item No:</b>	07
<b>Application No:</b>	14/00793/FUL
<b>Site Location:</b>	3 Stirtingale Road, Southdown, Bath, Bath And North East Somerset
<b>Ward:</b> Oldfield	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Provision of loft conversion to include side and rear dormer and rooflights to front elevation roof slope.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
<b>Applicant:</b>	Mr Bain
<b>Expiry Date:</b>	16th April 2014
<b>Case Officer:</b>	Chris Griggs-Trevarthen

## DECISION PERMIT

1 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 permissions.

2 All external walling and roofing materials to be used shall match those of the existing building.

Reason: In the interests of the appearance of the development and the surrounding area.

3 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:

MT\_661 01

## DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Negotiations were entered into with the applicant in an effort to resolve the issues discussed above. However, a solution was not found and the proposals remain unacceptable. The Local Planning Authority encourages the use of pre-application advice which was not sought in this case. Additionally, the applicant has been offered the opportunity to withdraw the application.

<b>Item No:</b>	08
<b>Application No:</b>	14/00535/LBA
<b>Site Location:</b>	Land And Buildings To Rear Of 1-7 High Street, Mill Hill, Wellow, Bath
<b>Ward:</b> Bathavon South	<b>Parish:</b> Wellow <b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	External alterations to include changes to glazed screen to kitchen and roof materials on barn to approved scheme 13/02813/LBA
<b>Constraints:</b>	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building,
<b>Applicant:</b>	Mr Chris Watt
<b>Expiry Date:</b>	10th April 2014
<b>Case Officer:</b>	John Davey

## DECISION REFUSE

1 The proposed use of metal sheeting for the roof would harm the character and appearance of both the listed building and the conservation area.

## PLANS LIST:

Drawing numbers 2544-02 AB, 2544-03, 2544-04 ABCDE, 2544-05, 2544-07 ABC, 2544-13 ABC, 2544-14 AB, 2544-14 ABC and 2544-15, 2544-S-02, 2544-S-03 and 2544-S-04, D01, D04, D05, D06 and D08 and 12654-200-001, all received on 3 February 2014.

Drawing numbers E01 - E03 inclusive and D01 - D09 inclusive, and Infiniti Glazing Specification all received on 13 February 2014.

Statement of Significance received on 17 March 2014

Email confirmation of manufacturer dated 20 March 2014.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given and expanded upon in the Committee report a positive view of the proposals was taken and consent was granted.