

Planning Committee

Date: Wednesday, 6th May, 2020

Time: 2.00 pm

**Venue: Virtual Meeting - Zoom - Public Access via
YouTube**

**<https://www.youtube.com/bathnescouncil> -
Guildhall, Bath**

Agenda

To: All Members of the Planning Committee

Councillors:- Matt McCabe, Sally Davis, Vic Clarke, Sue Craig, Lucy Hodge,
Duncan Hounsell, Eleanor Jackson, Hal MacFie, Manda Rigby and Brian Simmons

Permanent Substitutes:- Councillors: Rob Appleyard, Alison Born, Gerry Curran,
Michael Evans, Andrew Furse, Liz Hardman, Ruth Malloy, Vic Pritchard and Ryan Wills

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Marie Todd

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NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Broadcasting of Meetings:-**

The Council will broadcast the images and sounds live via the internet (YouTube). The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Public Participation at Meetings**

The Council has a scheme to enable the public to make their views known at meetings. They may submit a written statement relevant to what the meeting has power to do. They may also present a petition on behalf of a group.

Advance notice is required not less than two working days before the meeting. This means that for Planning Committee meetings held on Wednesdays, notice must be received in Democratic Services by 5.00pm the previous Monday.

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

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A G E N D A

- (1) Update Report and Public Statements (Pages 5 - 22)

The Democratic Services Officer for this meeting is Marie Todd who can be contacted on 01225 394414.

Delegated List Web Link: <http://www.bathnes.gov.uk/services/planning-and-building-control/view-and-comment-planning-applications/delegated-report>

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BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 6 May 2020

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01 & 02	19/05508/LBA & 19/05507/FUL	Old House, Northend Batheaston

The reports refer to a set of (unauthorised) inward opening white metal gates (for vehicular access). The applicant's agent understands that these original gates were authorised following notification from the former owner to the former planning authority (Wansdyke) prior to their fixing. The Officer has been unable to verify this.

It is confirmed that the development would not affect any public footpaths/rights of way.

03	19/04797/FUL	3 Scumbrum Lane High Littleton
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Further comments/objections have been received from an interested party:

The comments reiterate the concerns in respect of the Free Right of Way In Common Path and impact on access

This matter is addressed within the committee report.

Development within the application site.

The applicant has confirmed all development is to be carried out within land owned by the applicant. Planning permission does not override any legal rights of way and or landownership matters which are a civil matter between neighbours.

Impact on local character through a single extension. The character and appearance of the extension has been addressed within the committee report.

Visual/Light Impact – Impact on the light enjoyed by number 3 and the combined effect has been raised but has been considered and is addressed within the committee report.

Parking – Parking and access have been considered within the committee report.

Amendments to the conditions:

Condition 3 text is amended as follows and a fourth condition is added.

CONDITION 3

{\b Materials (Compliance)}

All roofing materials to be used shall match those of the existing building in respect of type, colour, finish, type, size and profile.

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

Condition 4

{\b Materials - Sample of Render (Bespoke Trigger)}

No external walls of the development shall be rendered until details of the colour and texture of the render to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved materials.

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

PLANS LIST

002, 003, 004 all dated 2/11/2019

008A dated 27/01/2020

005, 006A, 007A, 009A all dated 17/02/2020

011A dated 4/05/2020

**Bath Preservation Trust – General Statement to B&NES Planning Committee,
6th May 2020**

Good afternoon, *my name is/this is a statement from* Caroline Kay, Chief Executive of the Bath Preservation Trust.

Bath Preservation Trust has been part of Bath's civic planning conversation since before the second world war. Little did we all realise at the turn of 2020 that we would be living and working under current conditions; but here we are at the first ever virtual meeting of B&NES' Planning Committee.

I wanted to make a general statement at the beginning of the meeting partly to mark that historic moment; and partly to say to the Committee that however difficult it is to interact directly with your community, your constituents and your consultees, we are still here.

Bath Preservation Trust has lost 90% of its income through the current closure of our 4 museums and with staff either furloughed or working from home. But we will continue to participate, digitally, virtually, online, however works best, to make sure that the public benefit we provide continues and that the challenges we all face are not used as excuse for poor planning, hasty decision making or inadequate placemaking. We will continue to work with householders, planners, developers and neighbours, with the benefit of our independent expertise, to bring out the best for new developments, to respond positively to the current challenges, and call to account when necessary.

We look forward to these committee meetings developing so that preferably, public involvement can become more participatory.

We hope most of all to work with all to ensure that when we look back at this moment of history, it will be seen as the time at which we worked together as a community for a better, less polluted, more sustainable and even more beautiful city, for the benefit of all.

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19/05508/LBA Old House, Northend, Batheaston, Bath, Bath and North East Somerset, BA1 8ES

BATH PRESERVATION TRUST STATEMENT TO PLANNING COMMITTEE

OBJECT

A succession of unauthorised and inappropriate works have been undertaken in a manner which has resulted in harm to rural character and the setting of a listed building. This committee has the opportunity through the refusal of this application to reverse that harm.

Specifically, the introduction of dressed ashlar coping and quoins, which gives the new wall a much more formal appearance, is completely out of place in this rural landscape and consequently has a negative impact on the setting of the listed building, which is notable in part for its strong rural character.

We agree with the recommendations by your officers; that the development as installed, and amendments as proposed, are of a design, form, detail and materials that are inappropriate and unsympathetic towards the rural surroundings and appear as incongruous, alien and urbanising features that are harmful towards the significance of the designated heritage asset and the special interest of the listed building and its setting. Public benefit would be required to offset this harm and there are no public benefits to the development sufficient to outweigh the identified harm to the setting of the listed building.

Following refusal of this application we would advise the reinstatement of the cock-and-hen stone capping to prevent the further deterioration of the rural, vernacular character of the conservation area, the setting of a Grade II agricultural building, and the built qualities of the AONB and Green Belt. We advise the reinstatement of the demolished wall in reclaimed rubble stone wall to re-establish the locally distinctive character that would complement, rather than harm the setting of the listed building.

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ITEMS 1 & 2
06/05/20 PLANNING COMMITTEE

OLD HOUSE, NORTHEAST, BATHEASTON
PLANNING & LISTED BUILDING APPLICATIONS
19/0557/FUL & 19/05508/LBA

Chairman & Fellow Councillors,

Firstly we are the owners of the above property. We installed the new gates to make the whole entry safer for all and to enable accessible parking in our property. We have sustained ongoing damage to vehicles parked in the main road and were unable to safely maneuver and park under the previous arrangement at the site. We were incorrectly advised that planning permission and listed building consent for our gates had been granted in conjunction with a previous planning application at our property. This was incorrect.

Our retrospective planning and listed building applications were deferred at the 11th March Planning Committee Agenda for a member visit to view the application site and allow clarification over the discussion points raised at the committee meeting by Cllr Sarah Warren 'call in' and our planning consultant.

In essence these points related to the consideration of local councillor Warren's highlighted committee referral points over the '*public benefits*' of the proposals and whether the officer's recommendation takes proper account of the relevance of the existence of an identical gated treatment of our neighbour, the adjoining property (Valley View BA1 6NX), just to the north of the application site.

The approved Valley View & Old House gates are shown on your RECORDED VIDEO. We know this as we met with the Planning Officer taking the video. He acknowledged that the proposals invoke the same design, form, detail and material considerations as they front the same main road (North End) in the same rural landscape / same Green Belt context, same AONB context and involve the same highway benefits (B&NES Ref No. 11/01860/FUL). The last committee report was wrong in stating that this site is not within a Conservation Area.

The current situation relates to the consideration of a unique scenario as the gates at both properties are already built. Following Council requests to make the reinstated walling more rural it is our intention to further reduce the width of the Old House gates by a further 0.7 metres and make the adjoining walls more rustic to address Council concerns (See *Observations/Update 11.03.20*).

We appreciate that you have not visited but the local topography surrounding both our property and Valley View dictates that only limited oblique views of the new gates are afforded in their landscape context. The approved gates at Valley View are more visible than the Old House property as they are approximately double the size of the proposed Old House Gates. We are in

the process of implementing planting proposals at our proposals. However we know that vegetation screening afforded at Valley View and Old House properties is not a planning consideration as it could not be guaranteed in perpetuity.

The gates in both cases are not '*open & exposed*' as described by the Case Officer in her Observations/Update report 11.03.20. The land rises steeply on the opposite side of the road in the case of the Old House so that the gates are only visible in oblique short range and immediate views i.e. directly adjacent to the frontage of the site. There are no medium and long-range views which would be consistent with an open and exposed aspect. The Old House proposals are therefore directly comparable with Valley View.

The Valley View gates are not located adjacent to a listed building but they were approved on the basis that they allowed roadside car parking to be transferred to an onsite courtyard. This is the same situation as that at Old House where prior to the installation of the new sliding gate mechanism has enabled improved access for vehicles previously parked on the roadside outside our house. The Old House originally had a pair of unsightly large white metal gates, which restricted parking and associated turning movements.

Your RECORDED VIDEO shows that the proposed new gates at Old House are set against the modern extended section of the listed building rather than its older principal elevations. Under the relevant planning legislation relating to listed buildings any public benefits associated with the proposals should be offset against the minimal impact on the setting of the listed building.

We fundamentally refute that the proposals bring no public benefits to highway safety on Northend. These are clearly acknowledged by the local member who lives close to the site and your own highway officer has confirmed that this would be case. His department don't object to the application. We have checked the situation and Valley View already had limited off street parking before their gates were approved.

We want to make clear that the entry arrangement has been installed at our property to make the entry safer, it makes it much easier to turn than with the previous metal gate arrangement and directly prevents the requirement for on street parking on a very narrow section of this lane which regularly floods. As we have already confirmed that the new gated arrangement will enable 4-5 home and visitor parking spaces onsite to prevent parking on the street. These weren't available previously and this is why we made the changes !

The proposals are fully supported by Batheaston Parish Council and in other third party responses which only highlight the public benefits of our proposals.

It is unexplainable to us why the Case Officer seems to be going out of her way to dismiss the comparability of this proposal with the Valley Farm gates. These gates were originally dismissed as not having received planning

consent but the position has changed. Despite our property being a Grade II listed building the public benefits must be taken into account in the planning balance.

In the above circumstances we respectfully request that our highlighted points are fully considered in tandem with the full support of the referring local member (who is unable to attend or log in) and the benefits acknowledged by the local community. If this is refused you will leave us with no option but to go to planning appeal to make the same relevant points over again.

Thank you

Mr. & Mrs. C Humphrey

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Application No. 19/04797/FUL - 3 SCUMBRUM LANE, HIGH LITTLETON

OBJECTION – STATEMENT FROM MR AND MRS PARKER

We own 2 Scumbrum Lane. Our detailed objections to this development have already been submitted to BANES – all of which we consider remain valid. We wish to comment on some important points in the case officer report which led to the approval recommendation.

Free Right of Way In Common Path – Irrespective of the legal rights of way issue, the report makes no mention of the significant accessibility impact caused by the proposed path route, despite all objectors highlighting this as a serious concern, e.g. disabled access, etc. Since this critical amenity issue appears to have been disregarded, we request this matter is fully considered by the Committee.

The report also states that all the development is located within the land of No. 3 Scumbrum. With due respect this is inaccurate, since the proposal is dependent on a material change on our land through the surrender of part of our patio to accommodate the revised path. To date there has been no approach by the applicant to discuss this issue and therefore we fully agree with High Littleton Parish Council that the current plans are at best speculative and in many respects erroneous. Based on the available plans, we are not prepared to surrender part of our land and forgo unrestricted use of our small patio area, believing it reasonable that any common access path changes should be contained wholly within the land of No.3.

Local Character – the report states that the development contributes and responds to the local context and maintains the appearance of the surrounding area. We respectfully challenge this statement and ask the Committee to seek evidence for this assertion, noting that no other house in the dominant context of Scumbrum terrace has a single storey extension of this nature.

Visual/Light Impact – The report appears to frequently use the extension at No.1 Scumbrum to justify the development by virtue of its smaller relative size. We respectfully suggest to the Committee that the presence of the end of terrace “bookend” extension at No.1 is irrelevant when judging the direct effect of the extension at No.3, except where the **combined** effects of the two extensions leads to adverse impacts, such as our expressed concerns about enclosure effects at the rear of our property.

Parking – The report considers access, parking and road safety arrangements acceptable - we ask the Committee to seek full justification for this statement. The report doesn't acknowledge that on-street parking is already extensive (overspilling into Scobell Rise) and states that highway safety standards are maintained. We respectfully challenge this view since Scumbrum terrace is opposite a junction and on a hill where traffic speed is regularly excessive, indicating the local highway is very poorly configured to accommodate extra parking demands.

In summary, we ask the Committee to consider the above comments, together with the extensive and consistent objections from neighbours, Parish Council and ward councillor, which clearly reflects that the local community do not support this development and ask the Committee to respect this community view by refusing planning permission.

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We have lived at 3 Scumbrum Lane for nearly 13 years. Teasel Cottage was the first home we bought as a soon to be married couple. We loved it so much that we knew we wanted to put down roots and start our family here. Our eldest child is now 8 and he attends the village school, High Littleton Church of England Primary. Our daughter is already 19 months old and we hope she'll attend High Littleton PreSchool. As a parent of the school, Rachel regularly attends and sings at the school's Christmas and Easter church services with our son. She has offered her voluntary services as a music teacher to bring added value to the school's arts curriculum. This application comes not from a position of vanity or monetary gain, but to the future direction of our family and to the education of our children, that staying in High Littleton would provide.

Our current living accommodation as a 2 bedroom cottage, has become too small to support our growing family's needs. Suitable affordable housing within the village is limited and the future of the housing market remains uncertain. Our application for an extension represents a financially viable approach to remaining in the village.

Our initial planning application includes a design statement which takes into consideration amenity, character and appearance of the terrace. It details the varying architectural styles, construction methods and extensions that are visible from the house. The proposal would therefore still be in-keeping with local character as both number 1 and number 7 are 3 and 4 bedroom properties respectively.

As a property with 2 double bedrooms which could theoretically accommodate 4 adults, increasing the number of bedrooms to 1 double and 2 singles will maintain, not increase this capacity and therefore not impact the parking provision.

In the interest of transparency, prior to submitting the full planning application, we liaised with our neighbours; the previous and current owners of number 2 and the landlords of number 4 and 5 regarding our intentions. We discussed both the suitable design solutions and the access via the "right of way in common". As intended, we will of course maintain this for all neighbouring properties and will continue to liaise with our neighbours on this civil matter. This "right of way in common" has no stipulations concerning size, construction or mobility access as stated on the original deeds. However, the narrowest section of the planned "right of way in common" diversion is 36 inches allowing for access and manoeuvrability.

Through consultation with the assigned planning officer, we have revised our plans inline with the guidance offered. Our proposal is modest in nature and adheres to all relevant planning regulations and considerations as detailed by the assigned planning officer's report. This would form the basis for any appeal should that be necessary.

As a family, we are committed to contributing to village life, continuing to support the school and the community of High Littleton.

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APPLICATION NO. 19/04797/FUL – 3 SCUMBRUM LANE, HIGH LITTLETON

STATEMENT FROM CLLR RYAN WILLS

First of all, the proposed extension will result in a significant alteration to the common access path used by all residents of this terrace by adding 4 right angle turns. This significantly harms the amenity of these neighbouring properties and will make disabled access particularly difficult or in fact impossible. It is stated that this is a civil matter, but no approach has been made to the neighbouring householders and therefore the application is making a huge assumption that they will agree to give up a section of their already narrow gardens. I cannot see a way that this proposed application will not result in this and therefore significantly harm the residential amenity of the neighbouring properties.

In addition to that, the extension would have an overbearing impact on the neighbouring properties as well as blocking light and overlooking their gardens which will consequently reduce their privacy, further harming the residential amenity of the neighbouring properties. While no.1 does have an extension, this is at the end of the terrace and so does not have the same effect as the property in the middle of the terrace will have in the respect of being overbearing. However, when combined with the extension at no.1, the property no.2 will experience a “boxed in” effect with the two properties either side having extensions and being longer in size and therefore the residential amenity of no.2 will be significantly harmed.

Furthermore, the proposed application would increase the number of bedrooms from 2 to 3 which would likely result in an additional car. There is no off-street parking for this property or along the terrace as a whole. There is already insufficient room for parking on a very narrow road and so the effect of this application will exacerbate this problem.

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Clutton Parish Council Statement to Planning Committee Wednesday 6th May 2020

Clutton Parish Council would like to submit a statement in relation to 17/00076/UNAUTH

Site Location: Parcel 2300 Marsh Lane Clutton Bristol

Re: Non-compliance with Enforcement Notice and storage of skips and vehicles

We regret that we have come to this stage without a Planning Application being put in by Mr Roberts, but the Parish Council wishes to support the Enforcement Officers on the following grounds:

- 1) This has been an ongoing situation for many years and it should be resolved
- 2) It is contrary to local Planning Policy
- 3) It is contrary to the Neighbourhood Plan – if this was a good area for commercial development then it should have been included as part of the plan
- 4) We believe it is in the public interest to enforce the reinstatement of the land due to the impact of large vehicles on the roads, the poor visibility and the potential environmental damage of waste materials on the land.
- 5) The lanes in the area are not compatible with large vehicles moving around
- 6) There are highways issues including visibility and poor safety
- 7) The developer has had ample opportunity to either
 - a. remove the development
 - b. or put in a planning application
 - c. He has done neither
- 8) We note that the planning officer has visited Mr Roberts in person on several occasions.
- 9) Enforcement Officer indicated that the developer said that he had another site and was moving there but this didn't happen.
- 10) In fact, not only has the developer not complied with the enforcement notice, he has continued to develop the site after the notice was issued in 2017 by
 - a. buying the site
 - b. Tarmacking the area
 - c. Putting up fencing
 - d. Putting in a curb
- 11) In summary the PC support enforcement
 - a. To adhere to Planning Policy, including our own Clutton neighbourhood plan and
 - b. To minimise the possibility of an accident in the area due to poor visibility
 - c. To return the land to agricultural land

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