

## **DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING**

### **BATH AND NORTH EAST SOMERSET**

#### **MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

Wednesday, 1st August, 2012

**Present:-** Councillor Gerry Curran in the Chair

Councillors Nicholas Coombes, Sally Davis (In place of David Veale), Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, David Martin, Douglas Nicol, Bryan Organ, Vic Pritchard (In place of Martin Veal), Jeremy Sparks (In place of Neil Butters) and Brian Webber

Also in attendance: Councillors John Bull, Dave Laming, Dine Romero and Caroline Roberts

#### **25 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

#### **26 ELECTION OF VICE CHAIR (IF DESIRED)**

A Vice Chair was not required

#### **27 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Neil Butters, Martin Veal and David Veale and their respective substitutes were Councillors Jeremy Sparks, Vic Pritchard and Sally Davis

#### **28 DECLARATIONS OF INTEREST**

Councillor Nicholas Coombes declared a non-pecuniary interest in the planning application at Paulton Engine, Hanham Lane, Paulton (Report 10) by virtue of previously having worked with the applicants. Having considered the matter, he would remain and vote on the Item. Councillor Les Kew declared an interest in the application at Clutton Industrial Estate, King Lane, Clutton (Item 5, Report 11) as he was related to one of the Directors of the applicant Company – he would therefore leave the meeting for its consideration.

#### **29 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There were no items of urgent business

#### **30 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

The Senior Democratic Services Officer informed the meeting that there were members of the public wishing to make statements on the Tree Preservation Order at 29 Flatwoods Road, Claverton Down, Bath (Report 12) and on the former Fullers

Earthworks, Combe Hay, Bath (Report 14) and they would be able to do so when reaching those Reports on the Agenda. There were also various people wishing to make statements on planning applications in Reports 10 and 11 and they would be able to do so when reaching those items on the Agenda.

### **31 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There were no items

### **32 MINUTES: WEDNESDAY 4TH JULY 2012**

The Minutes of the meeting held on Wednesday 4<sup>th</sup> July 2012 were approved as a correct record and signed by the Chair

### **33 MAJOR DEVELOPMENTS**

The Committee noted the update report of the Senior Professional – Major Development on the progress of the archaeological survey in preparation for development at the former Cadbury site, Somerdale, Keynsham

### **34 SITE VISIT LIST - APPLICATION FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

- A report by the Development Manager on an application for planning permission at Paulton Engine, Hanham Lane, Paulton
- Oral statements by members of the public etc, the Speakers List being attached as *Appendix 1* to these Minutes

**RESOLVED** that, in accordance with their delegated powers, the application be determined as set out in the Decision List attached as *Appendix 2* to these Minutes.

**Paulton Engine, Hanham Lane, Paulton – Extension and alteration of existing 3 bed house to provide 2 further bedrooms and dining room and demolition of 1960s single storey bathroom extension; reconstruction of roofless outbuilding to provide garage, workshop and studio over; erection of a pair of semi-detached 2 bed holiday cottages; repair of derelict pigsties to provide potting sheds with bat loft; rebuilding of derelict stable; roofing and repair of 2 walls as open woodshed; lean-to greenhouse to replace kennels; rubbish clearance within site and landscape improvements** – The Case Officer reported on this application and his recommendation to refuse permission. He referred to late representations received from residents of Hanham Lane. There was also further information submitted by the applicant relating to the bats on the site as a result of which Officers were now satisfied that Natural England were likely to grant a bat licence. Accordingly, the recommended Refusal Reason 6 could be deleted. An archaeological report had also been submitted which included works of mitigation and therefore Refusal Reason 5 could be deleted. The applicants had also submitted further financial details in support of their claim that the holiday cottages were required in order to make the restoration of the historic site viable. However, the Case Officer advised Members that no detailed breakdown of costs had been

provided and there was no reliable evidence to suggest a financial need for the holiday cottages.

The public speakers made their statements against and in favour of the proposals. The Ward Councillor John Bull then made a statement supporting the scheme in principle but with reservations.

The matter was opened up for debate. Councillor Liz Hardman supported the proposals in principle as they would restore a derelict site, preserve industrial heritage and enhance the area. However, she could not see the justification for the holiday cottages which were outside of the development boundary.

Councillor Nicholas Coombes referred to his interest in the application declared earlier in the meeting. He stated that, due to his previous work with the applicants, he was not open-minded because he considered that the applicants had good credentials for undertaking this type of scheme and would do it very well. At this point, the Chair expressed some concern that Councillor Coombes might have given the impression that he had pre-determined the application and asked the Senior legal Adviser to advise. The Senior Legal Adviser advised that, in view of his statement that he did not have an open mind, it was advisable for Councillor Coombes to leave the meeting for the consideration of this Item because there was a risk of a perception of pre-determination. After some discussion, Councillor Coombes left the meeting for the consideration of this application.

Councillor Bryan Organ supported the scheme which would preserve these buildings and therefore moved that the recommendation be overturned and that authority be delegated to Officers to grant permission subject to appropriate conditions, including the use of the holiday cottages to make the scheme viable. The motion was seconded by Councillor David Martin.

Members debated the motion. Most Members considered that the scheme was of a good design meeting environmental standards and restored our industrial heritage. It was located a relatively short distance from a bus route and with the holiday cottages and restored buildings, it could provide a form of tourist attraction in the area. Some Members however expressed concern regarding possible commercial use and the car park providing spaces for numerous cars. One Member felt the development would spoil the tranquil nature of this rural location in the Conservation Area.

The Senior Professional – Major Development informed the Committee of some procedural requirements of the motion. Reasons had to be provided for overturning the Recommendation and granting permission, the holiday cottages should be tied to the development so that they could not be sold off separately and there was an issue as to whether this should be done by an operational statement, condition or a S106 Agreement. He advised that conditions might include operational statements in respect of the holiday cottages and the studio. In addition, as the proposal was contrary to the Local Plan, if permitted, it would need to be advertised as a Departure for any further representations to be submitted. Councillor Bryan Organ stated that, in terms of reasons, the development would improve and enhance the appearance of the site and this part of the Conservation Area, it was legitimate for the applicants to rely on income generated by the holiday cottages to fund the scheme, and the site was not remote because it was within walking distance of Paulton village. He queried whether a S106 Agreement was necessary to tie in the holiday cottages and felt that

a Condition was all that was required. Following advice from the Senior Professional, it was agreed that a S106 Agreement was probably the best way of securing the future use of the holiday cottages; however, ultimately, it was a decision for Officers. Authority was also delegated to Officers to impose appropriate conditions.

The Chair summed up the discussion and put the amended motion to the vote. Voting: 9 in favour and 3 against. Motion carried.

(Notes: (1) Councillor Nicholas Coombes was not present to vote; and (2) after the vote, there followed a short natural break)

### **35 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

- A report by the Development Manager on various applications for planning permission etc
- Oral statements by members of the public etc on Item Nos. 4 and 6-9, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Development Manager on Item Nos. 1,4, 5 and 7, which is attached as *Appendix 3* to these Minutes

**RESOLVED** that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 4* to these Minutes.

**Items 1-3 Nos. 14 – 16 Monmouth Place, Upper Bristol Road, Bath – (1) Erection of 7 three storey plus basement 3 bed houses following demolition of existing vacant shop units (Ref 12/01730/FUL); (2) demolition of existing vacant shop units (Ref 12/01731/CA); and (3) erection of 7 three storey plus basement 3 bed houses following demolition of existing vacant shop units (Ref 12/01741/LBA)** – The Case Officers reported on these applications for planning permission, conservation area consent and listed building consent and their recommendations (1) to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to cover (i) £6,000 for the improvement of local public transport infrastructure; (ii) £28,430.13 for education provision in accordance with the advice of the Education Officer; (iii) works to upgrade the paving in front of the site to match the adjoining pavements to a specification agreed in writing with the local planning authority in consultation with the Highway Authority; and (iv) a contribution £17,360.50 toward off-site open space provision/improvement; and (B) subject to the prior completion of the above Agreement, authorise the Divisional Director of Planning and Transport Development to Permit subject to conditions; (2) grant conservation area consent subject to conditions; and (3) grant listed building consent subject to conditions.

Councillor Les Kew considered that that this was a good proposal which gave consideration to light issues for the existing buildings situated at the rear of the site. He therefore moved the Officer's' recommendation for the planning application which was seconded by Councillor Doug Nicol.

Councillor Nicholas Coombes declared a non-pecuniary interest as he had worked with the applicants. He would remain and vote on the application.

Members debated the motion. The proposals were supported as they improved the street scene and provided much needed housing. It was noted that there would be loss of views for some flats at the rear of the site and some loss of light due to the height of the proposed development.

The Chair summed up the debate and put the matter to the vote. Voting: unanimously in favour.

Councillor Les Kew moved the applications for conservation area consent and listed building consent as per the Officers' recommendations. These were seconded by Councillor Doug Nicol. The motions were voted on separately and approved unanimously.

**Item 4 Land rear of 79 London Road West, Bailbrook Lane, Bath – Erection of 4 detached dwellings** – The Team Leader – Development Management reported on this application and the recommendation to (A) authorise the Planning and Environmental Law Manager to prepare an Agreement under S106 of the Town and Country Planning Act 1990 to secure a contribution of £10,849.72 for Highways and £34,268.87 towards education provision; and (B) upon completion of the Agreement, authorise the Development Manager to Permit subject to satisfactory comments being received from the Council's Ecologist and Urban Designer and to conditions.

The public speakers made their statements against and in favour of the proposals. The Officer commented on late objections received. The Update Report referred to representations from the Ecological Officer and Urban designer and covered the issue of Ecology which culminated in the recommendation of a further Condition. He also commented that the proposed development was on a sloping site with no significant impact on the Conservation Area. The Senior Professional – Major Development acknowledged that there were no comments from the Conservation Officer; however, Officers were satisfied that there was already sufficient information in the Report concerning the impact on the Conservation Area. The Ward Councillor Dave Laming made a statement expressing concerns about the development.

Members discussed the proposals. One Member felt that the site was being overdeveloped and that the design did not match existing houses in the area whereas another Member considered that it was underdeveloped as the report stated that it could accommodate around 15 houses. Councillor Brian Webber did not support the proposals and therefore moved that the recommendation be overturned and that permission be refused on the basis that it was creeping suburbanisation that did not preserve or enhance the Conservation Area, and that the increased use of Bailbrook Lane - which is narrow and used as a rat-run - by further vehicular movements would create a hazard to pedestrians, cyclists and other car users. The motion was seconded by Councillor Vic Pritchard.

Members debated the motion. Various issues were discussed including density, the size of the site being 0.49 ha putting it just outside the scope for the Council to request that some affordable housing be included, design, topography of the site and water drainage. The Senior Professional – Major Development gave advice to the Committee regarding the proposals for the site and recommended that Members

have a site visit (if they were minded to refuse the application) to familiarise themselves with the site and its location in case there was an appeal against a refusal. The Officer commented that the application had been considered in the light of the recent National Planning Policy Framework but that this did not raise any issues of concern.

The motion to Refuse was then put to the vote and was carried, 8 voting in favour and 5 against.

(Notes: (1) After the vote at 4.25pm, there was a 10 minute adjournment for a natural break; and (2) Councillor Les Kew left the meeting in view of his declared interest on the following application)

**Item 5 Clutton Hill Industrial Estate, King Lane, Clutton – Approval of Reserved Matters with regard to Outline application 08/01709/ OUT (infill development of part of existing site with 6 small industrial buildings and revised access)** – The Case Officer reported on this application for approval of Reserved Matters and his recommendation to Approve subject to conditions. He referred to late objections received and to the Update Report which gave Reasons for Approval.

Councillor Eleanor Jackson supported the application and moved the recommendation to Approve which was seconded by Councillor Liz Hardman.

Members debated the motion. Councillor Jeremy Sparks raised various concerns about alleged unauthorised uses of the site and stated that he would abstain from voting on the application. He felt that hours of operation should be considered as delivery times tended to disturb local residents. The Senior Professional – Major Development stated that this would have needed to have been considered when the outline application had been submitted.

The motion was put to the vote. Voting: 10 in favour and 2 against with 1 abstention. Motion carried.

(Note: Councillor Les Kew was not present for this application)

**Item 6 Fairash Poultry Farm, Compton Martin Road, West Harptree – Erection of 3 dwellings following demolition of existing poultry farm (Revised submission)** – The Case Officer reported on this application and her recommendation to refuse permission. She reported the receipt of a late letter of support.

The public speakers made their statements against and in favour of the proposals.

Councillor Nicholas Coombes reported the views of the Ward Councillor Tim Warren who was unable to attend the meeting. Councillor Vic Pritchard considered that the reasons for refusing the previous application to develop the site still applied to this proposal. It was in an isolated position and at a dangerous cross roads and he therefore moved the Officer recommendation to refuse permission. This was seconded by Councillor Les Kew.

After a brief discussion, the motion was put to the vote and was carried unanimously.

**Item 7 Former Little Chef, Bristol Road, Farrington Gurney, Bristol – Change of use from restaurant (A3) to restaurant and takeaway (A3 and A5) –** The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to agree with the applicant the submission of a Unilateral Undertaking to secure a financial contribution to the Council of £10,000 towards the cost of off-site transportation measures; and (B) on completion of the Unilateral Undertaking, authorise the Development Manager to Permit subject to conditions. He reported that late objections had been received relating to health issues and the nearby school. The recommendation included a contribution from the applicant of £10,000 towards the cost of transportation measures such as speed restrictions. The Update Report referred to the objections received from local residents and consideration of the National Planning Policy Framework as regards this application. The public speakers made their statements against the proposal.

Councillor Les Kew opened the debate. He raised various concerns about the proposal including noise, litter, impact on local residents, wrong location in a village, and a lot of objections with no one supporting. He therefore moved that permission be refused on the grounds of 1) sustainability, the proposed development being located outside of the town centre and the requirement for access would require excessive motor vehicle movements; 2) noise and disturbance to neighbouring properties; 3) objections by the Parish Council and over 200 residents of Farrington Gurney; 4) highway safety as the site is located on a busy A road often congested with a lack of pedestrian access from the village and no controlled crossing on the A37 together with poor visibility from the north; and 5) the inability to control the environmental impact of litter and noise through the inability to police these matters away from the premises eg local playing fields and parks. The motion was seconded by Councillor Vic Pritchard.

Members debated the motion. Members discussed various issues and concerns including access, the hours of operation and whether these could be amended, the exclusion zone around schools for takeaways, whether a refusal of permission on these grounds could be defended on appeal. The Senior Professional – Major Development responded to some of these issues by stating that hours of operation could be negotiated with the applicants - other matters could be dealt with by conditions or an operational statement. In his view, it would probably be difficult to defend on appeal.

Members continued to discuss their concerns regarding the application. There was a lot of objection by local residents being a fair percentage of the village. It was considered by Members that some of the issues could not be resolved by way of conditions or an operational statement. The Senior Professional considered that some of the reasons for refusal suggested by objectors in reason for refusal 3) were not valid reasons and could not be defended at an appeal. The Senior Legal Adviser emphasised the need for Members to be clear on the reasons for refusal. With the agreement of the seconder, Councillor Les Kew therefore deleted reason 3). The revised motion was put to the vote. Voting: 10 in favour and 3 against.

Councillor Brian Webber left the meeting. There followed a short adjournment after which the Chair informed the meeting that the reasons for refusal needed to be revisited in that, by deleting reason 3), the healthy eating issues had also been

deleted which was not the mover's intention. This aspect was therefore reinstated and the vote retaken. Voting: 8 in favour and 3 against. Motion carried.

**Item 8 Land south of 73 Englishcombe Lane, Bath – Erection of a new dwelling**  
– The Case Officer reported on this application and her recommendation to Permit with conditions. She reported on a further condition to be added to the recommendation as regards the inclusion of an obscure glazed screen for the balcony.

The public speakers made their statements against and in favour of the proposal. Councillor Dine Romero made a statement expressing concerns about various issues and considered that a site visit would be advantageous.

Councillor Nicholas Coombes supported the proposal and considered that the building had a pleasing appearance. Some of the concerns raised were covered by condition and others would come under Building Regulation control. He therefore moved the Officer recommendation which was seconded by Councillor Vic Pritchard. The Team Leader - Highway Development Control gave advice regarding access and turning circle requirements. The motion was then put to the vote. Voting: 10 in favour and 0 against with 2 abstentions. Motion carried.

**Item 9 No 27 West Lea Road, Lower Weston, Bath – Provision of loft conversion and side and rear dormers (Resubmission)** – The Case Officer reported on this application and her recommendation to refuse permission. The Ward Councillor Caroline Roberts informed the Committee that the owners' Architect had not informed them of the facility of speaking at the meeting and therefore enquired whether one of the owners could do so as he was present. The Committee decided to allow the owner to speak on this occasion.

The owner then made his statement in support of the proposal which was followed by a statement by the Ward Councillor Caroline Roberts who also supported the application.

Councillor Malcolm Lees supported the application and considered that the recommendation should be overturned. He therefore moved that the application be granted permission which was seconded by Councillor Liz Hardman.

Members debated the motion. Some Members felt that the Officer's assessment was correct as the dormer would be detrimental to the host building by virtue of its scale and design. Other Members considered that these issues were not significant enough to warrant refusing permission in this location a good distance away from the heritage part of the City. Also, dormers could be considered to be an economic use of space within a building.

Councillor Lees gave his reasons for overturning the recommendation, namely, the scale and design of the dormer would be subservient to the host building and would not be detrimental to the street scene. The motion to Permit was then put to the vote. Voting: 6 in favour and 5 against. Motion carried.

(Note: At this point in the proceedings (6.40pm), the Committee adjourned for 20 minutes for Tea)

**36 TREE PRESERVATION ORDER - 29 FLATWOODS ROAD, CLAVERTON DOWN, BATH**

Referring to the Minutes of the meeting held on 18<sup>th</sup> January 2012, the Senior Arboricultural Officer submitted a report on a new Tree Preservation Order at 29 Flatwoods Road which (1) informed of an objection to the inclusion of one tree within this group of beech; and (2) recommended that the Order be confirmed without modification.

The Senior Arboricultural Officer reported on the matter by means of a power point presentation. The owners of the property nearest the tree made their statements against the inclusion of the tree in the Order. The Officer responded to Members' queries.

Members debated the matter. Councillor Eleanor Jackson considered this to be a beautiful row of trees and felt that, as long the tree was not hollow or diseased, it should be fairly healthy. She therefore moved the Officer recommendation which was seconded by Councillor David Martin.

Members debated the motion. Various issues were discussed. There were some concerns regarding the roots affecting drains and foundations. However, some Members considered that the tree added to the appearance of the row of trees and also the owners could seek consent for any work to the tree that may be required in the future. The Chair summed up the debate and put the motion to the vote.

**RESOLVED** to confirm without modification the Tree Preservation Order entitled "Bath and North East Somerset Council (29 Flatwoods Road, Claverton Down, Bath No 267A) Tree Preservation Order 2012"  
(Voting: 7 in favour and 5 against)

**37 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

To note the report

**38 UPDATE ON FORMER FULLERS EARTHWORKS, COMBE HAY, BATH**

Referring to the Minutes of the meeting held on 9<sup>th</sup> May 2012, the Committee considered the joint report of the Divisional Director of Planning and Transport Development and the Planning and Environmental Law Manager which (i) informed Members of appeals lodged against the Enforcement Notices that had been served on 30<sup>th</sup> May and which Notices were therefore now held in abeyance; (ii) attached a Timetable provided by the owner's Agents for progression of an application for a Residual Waste Facility (RWF) on the site through to its implementation; (iii) stated that the owners had asked whether the Council would make a joint application to the Planning Inspectorate for the appeals to be held in abeyance pending the Council's consideration of the application for a RWF in accordance with the Timetable; (iv) set out the Officers' comments on the request; and (v) recommended that, in the circumstances, the Committee agree to making such a joint application to the Planning Inspectorate with the Council reserving the right to reinstate the appeals if there was any failure on the owner's part to comply with the Timetable for implementation of a RWF or the outline planning application was refused.

The Planning and Environmental Law Manager reported on the issues in the Report stating that, if the Timetable set out in Annex A of the Report was adhered to, the unauthorised development on the site would be resolved sooner than if the appeals were to go ahead. The Council would have a RWF on the land fulfilling the Council's allocation in the Joint Waste Core Strategy (JWCS). She referred to representations received from the owner's Agents, a local resident and from Harrison Grant, Solicitors acting on behalf of Protect Bath. The public speakers made their statements on the matter.

Councillor Bryan Organ considered that there should be no further delays in taking action and therefore moved that the request for the appeals to be held in abeyance be refused. There followed some questions and discussion by Members after which Councillor Nicholas Coombes seconded the motion.

Members debated the motion. There were differing views as to whether to agree to the request to hold the enforcement appeals in abeyance. Reference was made to the site being allocated for a RWF in accordance with the JWCS and concerns were expressed that there was no guarantee that permission would be granted. It was queried why the appeals and the application for a RWF could not be progressed at the same time ie in tandem. However, this was not on offer. The Divisional Director emphasised that the enforcement action was not being revisited and that the appeals would only be held in abeyance pending the Council's determination of the planning application. The recommended action was an opportunity to deliver a RWF on the site, which is the Council's policy, and to achieve compliance with planning issues earlier than originally anticipated.

Some Members felt that the enforcement appeals should not be held in abeyance and that there should be no further delays. Councillor Coombes said that he felt the appeals would result in a certain outcome as opposed to an uncertain outcome if the appeals were held in abeyance. Other Members felt that agreeing to the suggested Timetable was a measured way forward and would save time and money for both parties and result in a RWF being provided in accordance with the JWCS which would resolve the situation at an earlier date. Councillor Les Kew considered that it would be useful to have regular reports to the Committee on progress.

The Divisional Director and the Planning and Environmental Law Manager reported on the issues and responded to Members' queries. The Chair summed up the discussion.

The motion to refuse the request to hold the appeals in abeyance was put to the vote. Voting: 4 in favour and 7 against. Motion lost.

Councillor Les Kew moved the Officer recommendation but with the additional requirement that a monthly report go to the Committee on progress. This was seconded by Councillor Doug Nicol and put to the vote.

**RESOLVED** that (1) the Council make a joint application to the Planning Inspectorate that the appeals be held in abeyance pending the Council's consideration of the planning application in accordance within the Timetable, with the Council reserving the right to reinstate the appeals if (i) there is any failure on the owner's part to comply with the Timetable for implementation of the Residual Waste

Facility as set out in the Annex to the report; or (ii) the Outline planning application is refused; and (2) monthly progress reports be submitted to the Committee.  
(Voting: 7 in favour and 4 against)

The meeting ended at 8.25 pm

Chair(person) .....

Date Confirmed and Signed .....

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**SPEAKERS LIST  
BATH AND NORTH EAST SOMERSET COUNCIL  
MEMBERS OF THE PUBLIC WHO MADE A STATEMENT AT THE  
MEETING OF THE DEVELOPMENT CONTROL COMMITTEE ON  
WEDNESDAY 1<sup>ST</sup> AUGUST 2012**

<b>SITE/REPORT</b>	<b>NAME/REPRESENTING</b>	<b>FOR/AGAINST</b>
<b>SITE VISIT/REPORT 10</b>		
Paulton Engine, Hanham Lane, Paulton (Pages 31-46)	Dorothy Church <u>AND</u> Andy Parker	Against – To share 3 minutes
	Jonathan Hetreed <u>AND</u> Sheila Hetreed (Applicants)	For – To share 3 minutes
<b>MAIN PLANS LIST REPORT 11</b>		
Land rear of 79 London Road West, Bath (Item 4, Pages 77-92)	Charlotte Watkins, LP Planning (Objectors' Agents)	Against
	Chris Dance, LPC Planning Ltd (Applicants' Agents)	For
Fairash Poultry Farm, Compton Martin Road, West Harptree (Item 6, Pages 100-107)	Cherry Daly	Against
	John Casselden, Arcon Architects (Applicants' Agents)	For
Little Chef, Bristol Road, Farrington Gurney (Item 7, Pages 107-115)	Mike Hedges, Chairman, Farrington Gurney Parish Council	Against
	Gary Lewis	Against
Land south of 73 Englishcombe Lane, Bath (Item 8, Pages 116-125)	Robert Hales <u>AND</u> Chris Blagdon	Against – To share 3 minutes
	Melanie Gwilliam (Applicant)	For
27 West Lea Road, Lower Weston, Bath (Item 9, Pages 126-130)	John Baker (Applicant)	For
<b>TREE PRESERVATION ORDER/REPORT 12</b>		
29 Flatwoods Road, Claverton Down, Bath	Siobhain Archer <u>AND</u> Garry Pratt	Statements
<b>FORMER FULLERS EARTHWORKS REPORT 14</b>	Peter Duppa Miller, Clerk to Combe Hay Parish Council	Statements
	Caroline Kay, Bath Preservation Trust	
	Trevor Osborne	

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**1st August 2012**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	12/00879/FUL	
<b>Site Location:</b>	Paulton Engine, Hanham Lane, Paulton, Bristol	
<b>Ward:</b> Paulton	<b>Parish:</b> Paulton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Extension and alteration of existing 3 bed house to provide 2 further bedrooms and dining room and demolition of 1960s single storey bathroom extension; reconstruction of roofless outbuilding to provide garage, workshop & studio over; erection of pair of semi-detached 2-bed holiday cottages; repair of derelict pigsties to provide potting sheds with bat loft; rebuilding of derelict stable; roofing & repair of 2 walls as open woodshed; lean-to greenhouse to replace kennels; rubbish clearance within site and landscape improvements.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Public Right of Way, Sites of Nature Conservation Imp (SN),	
<b>Applicant:</b>	Jonathan & Shelagh Hetreed	
<b>Expiry Date:</b>	22nd June 2012	
<b>Case Officer:</b>	Andrew Strange	

**DECISION** Delegate to permit subject to S106 agreement and conditions and no new planning issues being raised as a result of advertising this application as a Departure

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**1 st August 2012**

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

**ITEM 10**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01	12/01730/FUL	14-16 Monmouth Place City Centre Bath

Comments have been received from English Heritage. They make observations as follows. There is no objection to the development in principle. Authenticity and attention to detailing will be important. The roof profile is a departure from what might be expected and the authority should verify that such treatment is verified.

Officers response.

It has been demonstrated following former approvals that a traditional double pitch roof would not provide adequate amenity to adjoining occupants. Therefore the design approach has to be considered the balance to be made is whether the development overall taking account of the streetscape benefits are acceptable. The Historic Buildings Officer has raised no objection and the proposed development in this case is considered acceptable in design terms the overall benefits of infilling this gap being over riding.

**Recommendation**

As per the main agenda

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
05	12/00637/FUL	Charlcombe Homes Ltd Land rear of 79 London Road West Bailbrook Lane Lower Swainswick Bath

## REPRESENTATIONS

ECOLOGICAL OFFICER: The additional information addresses all of my concerns.

- Reptile surveys have been completed
- additional consideration has been given to lighting, and impacts of the proposal on bats of the SAC and I am satisfied that there is no risk from the proposal of a likely significant effect on bats of the SAC.
- Planting and habitat creation proposals have been strengthened

I have no objection to the scheme subject to a condition securing the implementation of all the recommended measures set out in the ecological reports, including those now shown in Figure 1: Habitat Management and proposed Darkened Areas for Bats (dated May 2012). The range of measures shown in Figure 1 will need to be incorporated into plans for landscape proposals.

URBAN DESIGNER: The site itself is described accurately in the submitted Design and Access Statement. The principle of some development of this site is acceptable. Even with some visual impact on longer views the hillside is characterised by houses in the landscape. Development here could continue this.

The repetition of the same L shaped house form sets up a suburban character contrary to the local variety and hillside layers of development found in local housing. This will be visible from above at the point of access and over the Bailbrook Lane boundary wall.

The scale of the proposed houses is overall acceptable. Whilst the DAS doesn't carry out a local character analysis, up to three storey frontages are achieved on hillside frontages.

The units are sub-divided into distinct elements breaking the mass down. Traditional pitched roofs are acceptable. However the L shaped massing does not draw upon the local context of building along contours and creates a potentially uncomfortable bulky mass from Bailbrook Lane. The widened access will harm the character of Bailbrook Lane.

There is variety of form and architecture in this part of Bath, reflecting the organic semi-rural setting. This creates the opportunity for different styles within a pallet of local materials.

Whilst the architecture style and materials may be the basis of a successful scheme, the current proposal is considered harmful because of the repetition of a single building form contrary to local character.

## ECOLOGY:

Bats are protected by European law which means that the Council, in its function as the local planning authority, must have regard to the requirements of the Habitats Directive when considering whether to grant planning permission. If the development would involve the deterioration or destruction of a breeding site or resting place for bats, or would cause deliberate disturbance to bats, then Article 12 of the Directive will be engaged and permission must not be granted unless the Committee is satisfied that the derogation tests under Article 16 are met. No roosts exist on the site therefore the destruction or disturbance of Bats within the site is unlikely and the three tests do not apply. However the ecological assessments submitted note the proximity of the site to the SAC (Special Area of Conservation), and location of the site within the feeding zone for bats of the SAC. Impacts on feeding grounds for bats of the SAC must therefore be considered under the Habitats Directive and must consider whether the proposed development will have a 'likely significant affect' on the SAC.

Use of boundary vegetation as bat flight-lines is addressed in the supporting information and recommendations are made for native planting that will retain and create linear vegetation features, which can be used as flight-lines for bats and these have been incorporated into the scheme and additional information has been received in relation to lighting and retaining dark corridors along boundary vegetation to enable continued use as bat flight lines and the impact on bats of the SAC regarding potential loss of feeding habitat. Measures are proposed to ensure that no disturbance is caused and a condition will be attached to secure these. Subject to this condition, it is considered that the information provided is considered to demonstrate that there will not be a significant effect on bats of the SAC.

Condition 19: The development shall not be occupied until all of the recommended measures set out in the Extended Phase I Habitat Survey date stamped 10th February 2012, Additional Ecology Information date stamped 17th May 2012, the Habitat Management Plan date stamped 18th May 2012 and the Reptile Survey date stamped 7th June 2012 (including those now shown in Figure 1: Habitat Management and proposed Darkened Areas for Bats) or otherwise agreed in writing have been implemented on the land to the written satisfaction of the local planning authority.

Reason: to ensure that the conservation status of the SAC is preserved and/or enhanced in accordance with national and European legislation and current policy.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
05	11/05081/RES	Clutton Hill Industrial Estate, King Lane, Clutton

The Committee report omits a summary of the Reasons for Approval as required by Article 31(1) of the Town and Country Planning (Development Management Procedure) Order 2010

#### Reasons for Approval

The decision to recommend approval has taken account of relevant policies set out in the Development Plan and National Planning Policy Framework. The decision has also been taken into account other material considerations including emerging policy set out in the Draft Core Strategy and the responses from statutory consultees and other interested parties.

The proposed development is in accordance with policies GB.1, GB.3, D.2, D.4, NE.10, NE.11 and T.24 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

It is considered that by virtue of the scale, layout and design of the proposed buildings within a designated Major Existing Developed Site the proposed development is acceptable and in accordance with policies GB1 and GB3 of the adopted Local Plan and will not have a significantly greater impact on the purposes of including land in the Green Belt from that approved in outline (ref. 08/01079/OUT granted 20 May 2009).

The site access conforms with the layout approved under the outline planning permission (ref. 08/01079/OUT granted 20 May 2009) and is in accordance with Policy T.24 of the adopted Local Plan. The design of the buildings and landscape strategy is considered to be acceptable and in accordance with policies D2 and D4 of the adopted Local Plan.

Subject to implementation of measures to safeguard protected species the development will be in accordance with policies NE10 and NE11 of the adopted Local Plan.

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
07	12/01762/FUL	Little Chef Bristol Road Farrington Gurney

The objections to the scheme include the impact of the proposed development on the local primary school's Healthy School status and encouragement of unhealthy eating habits.

Although there are no specific development plan policies, the NPPF refers to the need for the planning system to perform a number of roles including a social role, that includes the creation of a high quality built environment, with accessible local services that reflect the community's needs and support its **health**, social and cultural well-being. The NPPF also sets out 12 core land use planning principles, including that planning should take account of and support local strategies to improve health. It also recognises that the planning system has an important role in creating healthy, inclusive communities.

The guidance in the NPPF and case law confirms that the impact of the proposed use on the school's social objective of promoting healthy eating is a material consideration.

However, this site is on a main road and is away from the existing primary school that is just over 400m away from the site. It is therefore unlikely to specifically attract children, other than when accompanied by parents/carers outside school hours.

There are no other hot food takeaways in the village and the proposal is not therefore likely to lead to a proliferation of such uses in the area that might undermine the school's Healthy Schools Plus award or Health Schools status.

Although objectors have made reference to a specific operator, none is named within the application and the proposals must be determined on the basis of land use planning considerations, rather than the nature of any specific operator.

In the above context, the proposals are unlikely to undermine the core land use planning principles in the NPPF or materially undermine the local school's healthy eating status and are therefore acceptable.

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**1st August 2012**

**DECISIONS**

<b>Item No</b>	01	
<b>Application No:</b>	12/01730/FUL	
<b>Site Location:</b>	14 - 16 Monmouth Place, City Centre, Bath, Bath And North East Somerset	
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 7no. three-storey plus basement, three bed houses following demolition of existing vacant shop units.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,	
<b>Applicant:</b>	Ashford Homes Ltd	
<b>Expiry Date:</b>	28th June 2012	
<b>Case Officer:</b>	Sarah James	

**DECISION**

A Authorise the Planning and Environmental Law Manager to enter a Section 106 Agreement to cover the following;-

- 1) £6,000 for the improvement of local public transport infrastructure.
- 2) £28,430.13 for education provision in accordance with the advice of the education officer
- 3) Works to upgrade the paving in front of the site to match the adjoining pavements to a specification agreed in writing with the local planning authority in consultation with the highway authority.
- 4) A contribution of £17,360.50.toward off site open space provision / improvement

B Subject to the prior completion of the above agreement, authorise the Divisional Director for Planning and Transport Development to PERMIT subject to the following conditions

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.

3 No development shall commence until samples of the materials to be used in the construction of the external surfaces, including roofs, and boundary walls, 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 details so approved.

Reason: To safeguard the character and appearance of the Listed Building and the Conservation Area and World Heritage Site.

4 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999.

Reason: To protect occupants from external noise.

5 Areas of the external walls shown on the submitted drawings to be rendered shall be rendered a colour and texture which has been submitted to and approved in writing by the Local Planning Authority before any work commences.

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

6 Prior to the commencement of development at the site details of a Construction Management Plan for all works of construction and demolition including management of construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully complied with during the construction of the development.

Reason: In the interests of the amenities of adjacent residential properties and highway safety.

7 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced.

The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

A survey of the extent, scale and nature of contamination;

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,

Groundwater's and surface waters,

Ecological systems,

Archaeological sites and ancient monuments;

An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological

systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. 8 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition no.9

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.'

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological

systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

12 No removal of buildings or structures shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no building or structure shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme.

Reason : In the interests of protecting wildlife

13 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason : Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

15 No dwelling shall be occupied until its associated screen walls/fences or other means of enclosure have been erected in accordance with the approved plans and thereafter retained. the boundary treatments as approved shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of privacy and/or visual amenity.

16 The proposed windows in the rear elevation of the building identified to be obscure glazed on drawing 3526/010 shall be non-opening and glazed with obscure glass and permanently retained as such.

Reason : To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

17 No works or deliveries required to implement this development shall take place outside the hours of 8.00 am - 6.00 pm Monday to Friday 8.00am to 1.00 pm Saturdays and at no time on Sundays or bank Holidays.

Reason: In the interest of the amenity of adjoining residents

18 Prior to the commencement of the works subject of this consent details of the following matters (in respect of which approval is expressly reserved) shall be submitted and approved in writing by the Local Planning Authority:

1) Sample of roofing materials to include ridge tile.

- 2) Sample panel of external walling to note natural limestone ashlar, coursing and jointing. Lime putty mix to be used.
- 3) Sample panel of render to include type and colour finish.
- 4) Details of door furniture for front, north elevation.
- 5) Colour scheme for external doors and windows, to include shopfront.
- 6) Location of gas/electricity meter inspection boxes.
- 7) Large scale details of natural stone cornice for parapets, plant bands and joinery detail.
- 8) Details of bonding/size of ashlar blocks to be noted on large scale elevation drawings of the development.
- 9) Height and bonding/size of ashlar blocks for chimney stacks.
- 10) Large scale window details at 1:20

Reason: To safeguard the character and appearance of the listed buildings.

19 Prior to first occupation of the dwellings hereby approved provision shall be made within the site for the suitable storage of bicycles and bins in accordance with details that have been submitted and approved in writing by the local planning authority.

Reason : In the interest of residential amenity and to promote sustainable travel.

#### **PLANS LIST:**

##### PLANS LIST:

Site location Plan 3526/001 B , 3526/002 A, 3526/003 A, 3526/004 A, 3526/010 B, 3526/006

Reasons for granting approval - The proposed development would enhance the Conservation area and World Heritage Site by sensitive infilling within the street scene. The development by virtue of its design would not be harmful to the listed building. It would create no unacceptable highway impact as the site is in a sustainable City location. It has no impact on ecology including any European Sites as no ecology of significance is present. It would provide needed new residential housing. The development has been tested to ensure that adjoining residents have adequate levels of light and it is an appropriate use so as to not be harmful to the amenities of existing residential occupiers. The development would be constructed of high quality materials and in this central location would provide a good standard of accommodation for new occupiers.

The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during the construction and site clearance.

The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

<b>Item No:</b>	02
<b>Application No:</b>	12/01731/CA
<b>Site Location:</b>	14 - 16 Monmouth Place, City Centre, Bath, Bath And North East Somerset
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Conservation Area Consent
<b>Proposal:</b>	Demolition of existing vacant shop units.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
<b>Applicant:</b>	Ashford Homes Ltd
<b>Expiry Date:</b>	28th June 2012
<b>Case Officer:</b>	Varian Tye

## DECISION    CONSENT

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

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

2 No demolition shall take place until (a) a contract for the carrying out of redevelopment of the site has been made; and (b) planning permission has been granted for the redevelopment for which that contract provides.

Reason. To safeguard the character and appearance of the Conservation Area , World Heritage site and setting of listed buildings.

3 No demolition/removal of buildings or structures shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no building or structure shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme

Reason: To protect nesting birds.

4 Any works necessary to stabilise or make good the two adjacent listed buildings, numbers 14 and 16 A Monmouth Place, and their basements and cellars, shall be undertaken in natural materials to match existing and traditional lime mortar pointing, within two calendar months of adjacent demolition taking place unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the character and appearance of the listed buildings.

## **PLANS LIST:**

Plans numbered 3526/001 REVB, 002REVA, 003 REVA, 004REVA, 005 , 006, 010 REVB, 020, 021, 022,030, 031, noise assessment, sustainable check list, Design and Access Statement incorporating a Statement of Historic Significance date stamped the 17th April,, 3rd May and 25th June

## **FOOTNOTE:**

For the avoidance of doubt this consent refers only to the demolition of the existing vacant units on the site as noted in the description of works attached to this application.

## **REASONS FOR GRANTING CONSENT**

The decision to grant consent subject to conditions has been made in accordance with relevant legislation, National Planning Policy Framework, the Historic Environment Planning Practice Guide by English Heritage, and appropriate policies from the Local Plan. The modern single storey buildings proposed to be demolished on the application site are of no merit and detract from the character of the Conservation Area, World Heritage Site and the setting of listed buildings. The proposals will therefore preserve or enhance the character and appearance of the Conservation Area, World Heritage Site, and the setting of listed buildings

<b>Item No:</b>	03
<b>Application No:</b>	12/01741/LBA
<b>Site Location:</b>	14 - 16 Monmouth Place, City Centre, Bath, Bath And North East Somerset
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Erection of 7no. three-storey plus basement, three bed houses following demolition of existing vacant shop units.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
<b>Applicant:</b>	Ashford Homes Ltd
<b>Expiry Date:</b>	28th June 2012
<b>Case Officer:</b>	Varian Tye

## DECISION CONSENT

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

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

2 Prior to the commencement of the works subject of this application a sample of the natural slate and ridge tiles to be used shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved sample panel.

Reason. To safeguard the character and appearance of the listed buildings and their setting, and the character of the Conservation Area and the World Heritage Site.

3 Prior to the erection of the external walls a sample panel of the natural ashlar stonework and the stone rubble wall to be erected at the rear of the site shall be erected on site and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved sample panel.

Reason: To safeguard the character and appearance of the listed buildings and their setting and the character of the Conservation Area and the World Heritage Site.

4 Existing openings to be blocked up in 14 and 16 A Monmouth Place shall have a traditional lime plastered internal finish.

Reason: To safeguard the character and appearance of the listed buildings.

5 Any works necessary to stabilise or make good the two listed buildings, numbers 14 and 16 A Monmouth Place, and their basements and cellars, shall be undertaken in natural materials to match existing and traditional lime mortar pointing, within two calendar months of adjacent demolition taking place unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the character and appearance of the listed buildings.

**PLANS LIST:**

Drawing(s) documents, 3526/001 REVB, 002REVA, 003 REVA, 004REVA, 005 , 006, 010 REVB, 020, 021, 022, 030, 031, noise assessment , sustainable check list, Design and Access statement incorporating a Statement of Historic Significance date stamped the 18th April,, 3rd May and 26th June 2012.

**FOOTNOTE.**

You are advised that this consent does not override any interests that third parties may have regarding civil matters such as ownership , covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should ensure the necessary consents have been obtained from all persons having an interest in the land.

**REASONS FOR GRANTING CONSENT**

The decision to grant consent subject to conditions has been made in accordance with relevant legislation, National Planning Policy Framework and the Historic Environment Planning Practice Guide by English Heritage. The works by virtue of their location, design, detailing and use of materials, will preserve the building, its setting and its features of special architectural or historic interest and will preserve or enhance the character and appearance of the Conservation Area and World Heritage Site.

<b>Item No:</b>	04	
<b>Application No:</b>	12/00637/FUL	
<b>Site Location:</b>	Land At Rear Of 79 London Road West, Bailbrook Lane, Lower Swainswick, Bath	
<b>Ward:</b>	<b>Parish:</b>	<b>LB Grade:</b>
Lambridge	N/A	N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of four detached dwellings.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Hotspring Protection, Tree Preservation Order, World Heritage Site,	
<b>Applicant:</b>	Charlcombe Homes Ltd	
<b>Expiry Date:</b>	9th April 2012	
<b>Case Officer:</b>	Rebecca Roberts	

## **DECISION: REFUSE**

1. The proposed development, by reason of the loss of an open green space would represent inappropriate development which would be detrimental to the character and appearance of this part of the Conservation Area. The proposal is therefore contrary to policy D.4 and BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste polices) 2007.
2. By reason of its restricted width and sub-standard junction with the proposed development, Bailbrook Lane is considered unsuitable to serve as a means of access to the proposed development and together with conflicting traffic movements on Bailbrook Lane, generated by the proposed development, the development would be prejudicial to road safety, contrary to policy T.24 of the Bath and North East Somerset Local Plan (including minerals and waste polices) 2007.

## **PLANS LIST:**

This decision relates to drawing no's 2, 4, 6,8, 9, Design and Access Statement, Planning Statement, Landscape and Visual Impact appraisal, Extended Phase I Habitat Survey and Transport Statement date stamped 10th February 2012, the Arboricultural Implications Assessment date stamped 18th April 2012 and drawing no's 5A, 7A, the Site Location Plan and Additional Ecology Information date stamped 17th May 2012, the Habitat Management Plan date stamped 18th May 2012, the Reptile Survey date stamped 7th June 2012 and the Nicholas Pearson Associates letter date stamped 2nd July 2012.

<b>Item No:</b>	05
<b>Application No:</b>	11/05081/RES
<b>Site Location:</b>	Clutton Hill Industrial Estate, King Lane, Clutton, Bristol
<b>Ward:</b> Clutton	<b>Parish:</b> Clutton <b>LB Grade:</b> N/A
<b>Application Type:</b>	PI Permission (Approval Reserved Matters)
<b>Proposal:</b>	Approval of reserved matters with regard to outline application 08/01079/OUT (Infill development of part of existing site with 6no. small industrial buildings and revised access)
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,
<b>Applicant:</b>	Clutton Hill Agricultural Services Limited
<b>Expiry Date:</b>	8th March 2012
<b>Case Officer:</b>	Gwilym Jones

**DECISION** Approve

1 Prior to first occupation of the development the measures set out in the Operational Statement (received 22 February 2012) shall be implemented in full and permanently maintained thereafter.

Reason - In the interests of highway safety.

2 The development shall be undertaken in accordance with the recommendations of the Protected Species Surveys (June 2012).

Reason: To avoid risk of harm or disturbance to protected species.

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:**

This decision relates to the following drawings and documents: Location Plan (received 22 February 2012); Block Plan Revision B (received 22 February 2012); 51415/01/001 Rev.C; CHAS.LS.01.B; Hard Landscaping Plan (received 28 November 2011); Protected Species Surveys (June 2012).

The applicant's attention is drawn to the need to comply with all relevant conditions imposed on the grant of outline planning permission (08/01079/OUT) prior to commencement/first occupation the approved development as specified.

**Reasons for Approval**

The decision to recommend approval has taken account of relevant policies set out in the Development Plan and National Planning Policy Framework. The decision has also been

taken into account other material considerations including emerging policy set out in the Draft Core Strategy and the responses from statutory consultees and other interested parties.

The proposed development is in accordance with policies GB.1 (Control of development in the Green Belt), GB.3 (Major Existing Developed Sites), D.2 (General design and public realm considerations), D.4 (Townscape considerations), NE.10 (Nationally important species and habitats), NE.11( Locally important species and habitats), T.24 (General development control and access policy) of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

It is considered that by virtue of the scale, layout and design of the proposed buildings within a designated Major Existing Developed Site the proposed development is acceptable and in accordance with policies GB1 and GB3 of the adopted Local Plan and will not have a significantly greater impact on the purposes of including land in the Green Belt from that approved in outline (ref. 08/01079/OUT granted 20 May 2009).

The site access conforms with the layout approved under the outline planning permission (ref. 08/01079/OUT granted 20 May 2009) and is accordance with Policy T.24 of the adopted Local Plan. The design of the buildings and landscape strategy is considered to be acceptable and in accordance with policies D2 and D4 of the adopted Local Plan.

Subject to implementation of measures to safeguard protected species the development will be in accordance with policies NE10 and NE11 of the adopted Local Plan.

<b>Item No:</b>	06
<b>Application No:</b>	12/02165/OUT
<b>Site Location:</b>	Fairash Poultry Farm, Compton Martin Road, West Harptree, Bristol
<b>Ward:</b> Mendip	<b>Parish:</b> West Harptree <b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application
<b>Proposal:</b>	Erection of 3no. dwellings following demolition of existing poultry farm (revised resubmission).
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,
<b>Applicant:</b>	Mr Peter Wood
<b>Expiry Date:</b>	18th July 2012
<b>Case Officer:</b>	Alice Barnes

## DECISION REFUSE

1 The proposed development has been located outside of the housing development boundary, remote from existing settlements and poorly served by public transport. The housing will not be used for either forestry or agriculture. The proposed development is therefore contrary to policy HG.10 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

2 The proposal is located remote from services, employment opportunities and is not well served by public transport. The proposal is therefore contrary to policy T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

3 The provision of housing within the open countryside will harm the natural beauty of the surrounding Mendip Area of Outstanding Natural Beauty. The proposed is therefore contrary to policies Ne.1 and Ne.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

**PLANS LIST:**Site location plan, Existing site layout 10, Proposed site layout 11,Site section 12

<b>Item No:</b>	07
<b>Application No:</b>	12/01762/FUL
<b>Site Location:</b>	Former Little Chef, Bristol Road, Farrington Gurney, Bristol
<b>Ward:</b> High Littleton	<b>Parish:</b> Farrington Gurney <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Change of use from restaurant (A3) to restaurant and takeaway (A3 and A5).
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
<b>Applicant:</b>	Ms Nicola Davies
<b>Expiry Date:</b>	3rd July 2012
<b>Case Officer:</b>	Andrew Strange

**DECISION** Refuse

(Full wording of reasons awaited)

<b>Item No:</b>	08
<b>Application No:</b>	12/01610/FUL
<b>Site Location:</b>	Land At South Of No 73, Englishcombe Lane, Southdown, Bath
<b>Ward:</b> Oldfield	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of a new dwelling.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
<b>Applicant:</b>	Mrs Melanie Gwilliam
<b>Expiry Date:</b>	11th June 2012
<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 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, 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 details so approved.

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

3 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

4 All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. 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 approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

5 No site works or clearance shall begin until a scheme for protection of trees and other existing or proposed landscape areas to British Standard 5837:2005 has been submitted to and approved in writing by the Local Planning Authority. The approved protection scheme shall be implemented before the development is begun and shall not be removed until the development has been completed. Protected areas shall be kept clear of any buildings, plant, material, debris and trenching. Existing ground levels maintained within protected areas. There shall be no entry to protected areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

6 No development shall take place within the application site until a programme of archaeological work has been undertaken in accordance with a detailed written scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority, and the completion of the approved programme of work has been confirmed in writing by the Local Planning Authority.

Reason: To ensure that archaeological deposits and structures are investigated and recorded to an appropriate professional standard.

7 No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) measures to avoid harm to protected species including details of a watching brief by a suitably experienced ecologist and proposals for a destructive search for reptiles
- (ii) measures to avoid harm to nesting birds
- (iii) details of replacement and new habitat features such as bird and bat boxes and native planting

as in the recommendations of section 7 of the submitted Extended Phase 1 Habitat Survey Report Aether Ecology 13 June 2011 and section 6 of the submitted Reptile Survey & Translocation Report Aether Ecology 17th October 2011. All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: To secure adequate ecological protection during the course of development.

8 Notwithstanding the submitted plans the hedgerows on the east and west boundaries shall be retained. Should the existing hedgerows, 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 approved in writing by the Local Planning Authority.

Reason: In the interests of ecological protection.

9 Prior to the commencement of development at the site details of a Construction Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall comply with the guidance contained in the Councils Code of Construction Site Noise practice note and the BRE Code of Practice on the control of dust from construction and demolition activities. The details so approved shall be fully complied with during the construction of the development.

Reason: To protect the amenities of the occupants of adjacent residential properties.

10 The proposed windows on the east side elevation at first floor level shall be glazed with obscure glass and permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

11 Notwithstanding the information shown on the submitted plans, application form and design and access statement, obscure screening to a height of 2m from floor level, should be constructed on the east elevation of the proposed first floor balcony and permanently retained as such in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority before works commences on site.

Reason: In the interests of residential amenity.

12 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:** As existing site location plan S-01;As existing site plan S-02; As existing section AA; Proposed site plan P-01 rev A; Proposed ground floor plan P-02 rev A; Proposed first floor plan P-03 rev A; Proposed roof plan P-04 rev A; Proposed section AA P-05 rev; Proposed north elevation P-06 rev A; Proposed east elevation P-07 rev A; Proposed south elevation P-08 rev A; Proposed west elevation P-09; Proposed footprint comparison P-20 rev A; Proposed outline comparison P-21 rev B, Proposed landscape and boundary treatment P-22 rev A

#### REASONS FOR GRANTING APPROVAL

1. The proposed development would not have an adverse impact upon the street scene or the amenity of the surrounding residential occupiers. The proposed development has provided adequate of street parking and on site turning facilities. Therefore there will be no harm to highway safety. The proposed development uses an appropriate design and materials and therefore will preserve the character of this part of the Conservation Area and World Heritage Site.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

D2, D4, Bh.1, Bh.6, HG.4 and T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

#### Informative

The applicant is advised to contact Building Control on 01225 477517 to discuss the impact of the permitted development on the stability of the land.

<b>Item No:</b>	09		
<b>Application No:</b>	12/02482/FUL		
<b>Site Location:</b>	27 West Lea Road, Lower Weston, Bath, Bath And North East Somerset		
<b>Ward:</b>	Newbridge	<b>Parish:</b>	N/A
		<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Provision of loft conversion and side and rear dormers (Resubmission).		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Forest of Avon, Hotspring Protection, World Heritage Site,		
<b>Applicant:</b>	Mr And Mrs J Baker		
<b>Expiry Date:</b>	13th August 2012		
<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/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:** Existing plans 01; Proposed plans 02; Side elevation, all date stamped 1st June 2012

## REASONS FOR GRANTING APPROVAL

1. The proposed development would not have an adverse impact upon the streetscene or the amenity of the surrounding residential occupiers. Due to the use of matching materials and a subservient design the proposed development will not cause undue harm the character and appearance of the surrounding World Heritage Site. The proposed development will respect and complement the host dwelling.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

D2, D4 and Bh.1 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007