

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

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

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

Wednesday, 10th April, 2013

**Present:-**

Councillors Neil Butters, Nicholas Coombes, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, David Martin, Douglas Nicol, Bryan Organ, Manda Rigby (In place of Gerry Curran), Martin Veal, David Veale and Brian Webber

Also in attendance: Councillor Vic Pritchard

#### **152 CHAIR FOR THE MEETING**

In the absence of Councillor Gerry Curran, Councillor Nicholas Coombes took the Chair for the duration of the meeting.

#### **153 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chair was not desired

#### **155 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

An apology for absence was received from Councillor Gerry Curran whose substitute was Councillor Manda Rigby.

#### **156 DECLARATIONS OF INTEREST**

Councillor Nicholas Coombes declared an interest in the planning application at Gibbs Mews, Walcot Street, Bath (Item 1, Report 10) as he had worked briefly with one of the public speakers on this Item; however, he did not consider that this would prejudice his judgment of the application. Councillor Manda Rigby stated that she had pre-determined the application at Gibbs Mews and therefore she would make a statement as Ward Member and then leave the meeting for its consideration.

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

There were no items of urgent business.

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

The Senior Democratic Services Officer informed the meeting that there was a speaker on Former Fullers Earthworks (Item 11) and that she would be able to do so when reaching that Item on the Agenda. There were also a number of speakers

wishing to make statements on planning applications, Items 1-4 of Report 10 on the Agenda, and that they would be able to do so when reaching those Items in that Report.

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

There were no items from Councillors.

## **160 MINUTES: 13TH MARCH 2013**

The Minutes of the previous meeting held on Wednesday 13<sup>th</sup> March 2013 were approved as a correct record and signed by the Chair subject to, in the 6<sup>th</sup> line of Minute No 142, the words “the Friends of Bath” being inserted before “Abbey Management Committee.”

(Note: An amendment to change the word “detention” to “retention” pond in the last sentence of the 1<sup>st</sup> paragraph of Minute No 148 was not made as it was subsequently established that “detention” was the correct term.)

## **161 MAJOR DEVELOPMENTS**

The Senior Professional – Major Development gave Members an overview on the 3 MoD sites in Bath and updated specifically as follows:

Ensleigh, Lansdown – Two parcels of land, the smaller sold and a planning application submitted and the larger parcel bought by a management company which was negotiating with prospective developers. There was a possibility that land to the north of the latter could be acquired as an extension to this land.

Warminster Road – The freehold had been acquired and discussions were being held with development partners. A planning application was anticipated by the end of the year.

Foxhill, Combe Down – The site had been acquired by Curo (formerly Somer) and discussions would be held in due course.

Councillor Eleanor Jackson referred to the barriers outside Bath Spa Station and enquired about the location of the bus shelter. The Officer stated that, in the absence of information, he would respond to Councillor Jackson and/or report back to the next meeting.

Councillor Bryan Organ enquired about the delay in development of the former Cadbury’s site, Somerdale, Keynsham. The Officer responded that an application had been received comprising many large documents which would need a lot of consideration. He would inform the Committee when the application was confirmed to be valid. The Chair requested that Ward Members be kept informed.

The Committee noted.

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

The Committee considered

- The report of the Development Manager on various applications for planning permission etc
- An Update Report by the Development Manager on Item Nos 1 and 2, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Item Nos 1-4, the Speakers List being attached as *Appendix 2* 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 3* to these Minutes.

**Item 1 Gibbs Mews, Walcot Street, Bath – Erection of 4 dwellings (Retrospective amendments to Application 08/00591/FUL amended 11/03532/NMA)** – The Case Officer reported on this application and her recommendation to refuse permission. She referred to the Update Report which commented on additional information received from the applicant.

The public speakers made their statements against and in favour of the application. Councillor Manda Rigby made a statement against the proposals and then left the meeting in view of her pre-determination declared earlier in the meeting.

The Case Officer and the Team Leader – Development Management provided advice regarding use of materials.

Councillor Eleanor Jackson opened the debate. The development had been viewed at the Site Visit prior to this meeting. There was no problem with the principle of the development although she felt that the landscaping was poor. The use of artificial stone did not conserve or enhance the appearance of the development in this part of the Conservation Area or the World Heritage Site or when viewed from the River. She therefore moved the recommendation to refuse permission which was seconded by Councillor Les Kew.

Members debated the motion. Most Members considered that there was no blame on the Council's part and that the applicants had proceeded using the wrong materials without due authorisation. The use of Natural Bath Stone was required for a good reason.

The motion was put to the vote and was carried unanimously.

**Items 2&3 Charmydown Lodge, Charmydown Lane, Swainswick, Bath – (1) Conversion of Charmydown Barn to a 5 bed dwelling, alteration and reinstatement of Charmydown Lodge to a 3 bed dwelling, retention of new detached garage block, minor works to the walls of the former pigsties and associated soft and hard landscaping following demolition of modern barns, stables and lean-to (Revisions to permitted scheme 08/04768/FUL and 08/04769/LBA); and (2) Internal and external alterations for the conversion of Charmydown Barn to a 5 bed dwelling, alteration and reinstatement of Charmydown Lodge to a 3 bed dwelling, retention of new detached garage block, minor works to the walls of the former pigsties following demolition of modern barns, stables and lean-to (Revisions to permitted scheme 08/04768/FUL and 08/04769/LBA)** – The Case Officer reported on these

applications for planning permission and listed building consent and the recommendations to (1) refuse permission and (2) grant consent with conditions. She referred to receipt of a letter from the applicants' Solicitors. The Update Report gave a further Officer assessment of the proposals. Councillor Martin Veal queried whether the walls of the Lodge had been deliberately demolished to which the Officer replied that they had been as the applicants had been advised that they were unsafe.

The applicants' Agent made a statement in favour of the proposals.

Councillor Les Kew opened the debate. He observed that the proposal was substantially the same as previously approved and that the Lodge needed to be restored to retain the quality of the whole development. He considered that, as the stone had been stored for re-use and the building work was of good quality, the development should be allowed. Reinstatement with a small extension was the correct way forward. There were very special circumstances to warrant that the development should be allowed and he moved accordingly. The motion was seconded by Councillor Martin Veal. The Principal Solicitor advised that a new building in the Green Belt was inappropriate development and was therefore by definition harmful to the Green Belt. Members needed to consider whether they accepted the very special circumstances put forward by the applicants that were, in summary, that the Lodge building should be reinstated as it was a heritage asset and made an important contribution to the setting of the listed buildings. The mover and seconder agreed that those factors amounted to very special circumstances.

Members debated the motion. Councillor Eleanor Jackson disagreed and considered that this was an historic settlement in a stunning location. The building had not been inhabited for very many years. It had been demolished and, if rebuilt, it would be a new house and very special circumstances did not exist. Discussion ensued and most Members supported the motion for the reasons cited. Councillor David Martin stated that solar panels or photo voltaic cells should be considered.

The Team Leader – Development Management requested that the motion be amended to delegate authority to Officers to enable appropriate conditions to be imposed and for a S106 Agreement to secure that the Lodge remained ancillary to the main dwelling. The mover and seconder agreed.

The revised motion was put to the vote. Voting: 11 in favour and 2 against. Motion carried.

Regarding the application for listed building consent, Councillor Les Kew moved the Officer recommendation to grant consent with conditions. This was seconded by Councillor Martin Veal and put to the vote and was carried unanimously.

**Item 4 The Chase, Rectory Lane, Compton Martin – Erection of extensions including a first floor extension to create a 1.5 storey dwelling (Revised proposal)** – The Case Officer reported on this application and her recommendation to permit with conditions.

The public speakers made their statements against and in favour of the proposal. The Ward Councillor Vic Pritchard made a statement on the matter.

The Chair commented that the plans were not clear as regards context, that is, levels and relationship to the adjoining dwelling. Councillor Neil Butters agreed and moved that the application be deferred for a Site Visit. The motion was seconded by Councillor Martin Veal.

The motion was put to the vote and was carried, 9 voting in favour and 4 against.

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

The Development Manager and the Principal Solicitor reported on the current situation as regards appeals and Enforcement Notices relating to the above site. The appeals against the 3 Notices had now been withdrawn by the appellants. As regards Notice 01, the owners contended that they had complied with the requirements of the Notice. The Officers had visited the site (with representatives of the Environment Agency) and could confirm that they had not fully complied. The Council, however, had today withdrawn Notice 01 leaving the 2<sup>nd</sup> Bite Notice in place to protect the Council's position.

The Officers responded to various questions by Members including references to photographs of the site, the role of the Environment Agency and the current appearance of the site.

The public speakers made their statements on the matter (see *Appendix 2* to these Minutes).

Members considered the situation and asked further questions to which the Officers responded.

The Committee thanked the Officers for their update and noted the current position.

**164 COUNCILLOR CURRAN'S BIRTHDAY**

In the absence of Councillor Gerry Curran, Members expressed their best wishes for his 50<sup>th</sup> birthday.

The meeting ended at 4.25 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**10<sup>th</sup> April 2013**

**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>
1	12/04076/FUL	Gibbs Mews, Walcot Street, Bath

Additional information received from Applicant:

Correspondence has been received raising concerns that the report does not include reference to specific issues relevant to the application.

A summary of the issues raised form bullet points with Officer's comments directly below:

- The Applicant would like to point out that the Enforcement Officer, Mr Miller, visited the site on a number of occasions in 2012 and observed both the sample panel and the buildings being constructed on the site. In his letter dated 15<sup>th</sup> August 2012 to the applicant, it was not mentioned that the blocks being used were of a different type or character to the sample panel. The letter instead identified that the blocks were of a different size to that of the sample panel.

As explained in the main report, the existing development on the site has been subject to investigation by the Council's Enforcement Team and it is clear that the letter dated 15 August 2012 did raise concerns about the use of reconstituted bath stone blocks as well as the size of the blocks being used.

However whilst this letter and the enforcement issues are of relevance it has to be borne in mind that it is an application for planning permission that is under consideration, not an enforcement report.

Furthermore the letter from Enforcement was dealing with the concerns raised and known about at that time. Since then the issues of concern surrounding this site have become much clearer and are as explained in the main report.

- The Applicant is of the view that Committee have not been advised in clear terms that in respect of planning application 08/00591/FUL the conditions specifically required the materials to be of the same type shown in the sample panel.

This issue is addressed in full in the main report. When the sample panel was originally considered in 2008 it was clear, from the application documents, approved plans and all other reports and correspondence, that the sample panels were constructed of Natural Local stone or in this case Natural Bath stone. This was then reflected in the wording of conditions attached to the resulting permissions.

- The Applicant is concerned that Committee have not been advised of the recommendations of the officer as set out in the Chairman Delegation Decision Form of November 2012 and nor has any explanation been given as to why the officer's recommendations are now different to the recommendation of five months ago.

It is true that the application was referred to the Chair of Development Control Committee with a recommendation by Officers to approve the development. However as part of the continuing consideration of the application, and following further discussions with Conservation and Enforcement Officers, the recommendation was reviewed. As a result it was decided, for the reasons outlined in the main report, that the proposal was unacceptable and that it should be recommended for refusal.

- The Applicant is of the view that the Conclusion which appears on page 61 that "it has been concluded that the development has not been constructed in accordance with the sample panel under Condition 3 of 08/00591/FUL with regard to the type of stone and the size of the block used" is a conclusion drawn without any justification and is perverse.

Officers are satisfied that the application has been considered correctly and the conclusions reflect the professional opinions of all relevant officers but specifically those of the Planning and Conservation Officers.

Members are reminded that the matter before them is an application for planning permission not a report relating to any potential enforcement action. Whilst the enforcement issues are of relevance to the consideration of this application any specific enforcement action has to be considered as a separate matter and which will, if necessary, be considered at another meeting.

In conclusion there is no change to the recommendation within the main report.

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
2	12/05579/FUL	Charmydown Lodge, Charmydown Lane, Swainswick

#### ECOLOGY:

A license has been issued by Natural England for the ecology mitigation works approved under the 08/04768/FUL application.

#### OFFICER ASSESMENT:

To clarify the 08/04768/FUL application was considered acceptable as the proposal involved the conversion of buildings which in principle were appropriate development in the Green Belt as the proposal fell within one of the set criteria set out in policy GB.1 and complied with policy ET.9 which specifically relates to the re-use of rural buildings. The former lodge building was considered to be abandoned and as such was classed as a rural building and not a residential/domestic building. The conversion of the Barn was considered to preserve a historic asset which was considered a dominant building in this locality.

However the current proposal involves the re-instatement of a building which has been significantly demolished. The proposal would involve re-building the side and rear elevation and the single storey side projection of the former Charmydown Lodge building along with the conversion of the Barn and associated works. As outlined in the report the conversion of the Barn is supported. However the works now proposed for the former Charmydown Lodge building does not comply with Green Belt policy. As clearly outlined in the 2008 application the Lodge building had a nil use and could not be considered as residential, therefore the applicant



could not propose a re-placement dwelling as it is not of a C3 (residential) use. The current proposal does not fall within the criteria set out in policy GB.1 and is therefore inappropriate development which by definition is harmful to the Green Belt.

The applicant has submitted a historic appraisal to try and demonstrate special circumstances and suggests that the former lodge structure is curtilage listed and is therefore of historical importance that warrants the re-statement of the building to preserve the historical significance of the building, however as outlined in the 08/04768/FUL the buildings were considered to have a physical relationship with the listed Farmhouse however it was the Barn that was considered to have historical significance and as a whole the proposed development was a building conservation project. However as outlined in the Conservation officers report the works involved at the former lodge structures can no longer be readily recognised as a building conservation project and that the significance of the building has been reduced by the demolition. Therefore the historic significance put forward by the applicant are not considered special circumstances that outweigh the harm to the Green Belt.

Therefore there is no change to the recommendation to refuse.



**SPEAKERS LIST  
BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT  
DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY 10<sup>TH</sup> APRIL 2013**

**SITE/REPORT                                      NAME/REPRESENTING                      FOR/AGAINST**

<b>SITE/REPORT</b>	<b>NAME/REPRESENTING</b>	<b>FOR/AGAINST</b>
<b>PLANS LIST – REPORT 10</b>		
Gibbs Mews, Walcot Street, Bath (Item 1, Pages 48-62)	Mark MacDonnell <u>AND</u> Caroline Kay (Chief Executive, Bath Preservation Trust)	Against – To share 5 minutes
	John Bosworth, representing Thameside Property Co Ltd (Applicants)	For – Up to 5 minutes
Charmydown Lodge, Charmydown Lane, Swainswick, Bath (Items 2&3, Pages 63-86)	Mark Watson (Applicants' Agent)	For – Up to 6 minutes
The Chase, Rectory Lane, Compton Martin (Item 4, Pages 87-94)	John Mapplethorp	Against
	Mrs Linegar (Applicant)	For
<b>FORMER FULLERS EARTHWORKS – ITEM 11</b>		
	Caroline Kay (Chief Executive, Bath Preservation Trust)	Statement
	Peter Duppa-Miller	Statement

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**10th April 2013**

**DECISIONS**

<b>Item No:</b>	1
<b>Application No:</b>	12/04076/FUL
<b>Site Location:</b>	Gibbs Mews, Walcot Street, Bath,
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of 4no. dwellings (retrospective amendments to application 08/00591/FUL amended by 11/03532/NMA).
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Sites of Nature Conservation Imp (SN), World Heritage Site,
<b>Applicant:</b>	Thameside Property Company Ltd
<b>Expiry Date:</b>	21st November 2012
<b>Case Officer:</b>	Rachel Tadman

**DECISION REFUSE**

1 The development, due to the use of reconstituted Bath stone and block size, is out of character with the surrounding area and has an incongruous appearance which fails to preserve or enhance the character and appearance of this part of the Bath Conservation Area. The development would also have a harmful impact on the setting of the surrounding listed buildings. This is contrary to Policy D2, BH2 and BH6 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

**PLANS LIST:**

The application relates to drawing nos 875.location, PL 13, PL 14, PL 15 Rev C, PL 16 Rev C, 876.block, 876/10/1 Rev A, 876/10.02.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The submitted application has been found to be unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

<b>Item No:</b>	2
<b>Application No:</b>	12/05579/FUL
<b>Site Location:</b>	Charmydown Lodge, Charmydown Lane, Swainswick, Bath
<b>Ward:</b> Bathavon North	<b>Parish:</b> St. Catherine <b>LB Grade:</b> II
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Conversion of Charmydown Barn to a 5no. bed dwelling, alteration and reinstatement of Charmydown Lodge to a 3no. bed dwelling, retention of new detached garage block, minor works to the walls of the former pigsties and associated soft and hard landscaping following demolition of modern barns, stables and lean-to (revisions to permitted scheme 08/04768/FUL and 08/04769/LBA).
<b>Constraints:</b>	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Public Right of Way, Water Source Areas,
<b>Applicant:</b>	Dormie Holdings Ltd.
<b>Expiry Date:</b>	18th February 2013
<b>Case Officer:</b>	Rebecca Roberts

**DECISION** Authorise the Development Manager to Permit with appropriate conditions and Section 106 Agreement

<b>Item No:</b>	3
<b>Application No:</b>	12/05580/LBA
<b>Site Location:</b>	Charmydown Lodge, Charmydown Lane, Swainswick, Bath
<b>Ward:</b> Bathavon North	<b>Parish:</b> St. Catherine <b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Internal and external alterations for the conversion of Charmydown Barn to a 5no. bed dwelling, alteration and reinstatement of Charmydown Lodge to a 3no. bed dwelling, retention of new detached garage block, minor works to the walls of the former pigsties, stables and lean-to (revisions to permitted scheme 08/04768/FUL and 08/04769/LBA).
<b>Constraints:</b>	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Public Right of Way, Water Source Areas,
<b>Applicant:</b>	Dormie Holdings Ltd.
<b>Expiry Date:</b>	14th February 2013
<b>Case Officer:</b>	Ian Lund

**DECISION** CONSENT

1 The additional 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 With regard to the main barns and proposed attached structures, prior to the commencement of works, details of all new external joinery and glazing design shall be approved in writing by the Local Planning Authority. These details shall include depth of reveal, materials and full working drawings including both horizontal and vertical sections, to a scale of not less than 1:10. At no time shall the approved joinery be altered without the prior approval, in writing, of the Local Planning Authority.

Reason: To enable the Local Planning Authority to be satisfied with the completed appearance of the buildings.

3 At no time shall any flues, vents, meter boxes or other fixtures be attached to the exterior of the buildings other than those approved as part of this consent, without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to be satisfied with the completed appearance of the buildings.

4 Full details of the treatment to be given to the eaves, soffits and verges shall be submitted to and approved by the Local Planning Authority prior to the commencement of the works. Such details shall include precise construction information and materials shall be implemented in strict accordance with these details.

Reason: In the interests of protecting the character of the Listed Buildings.

5 Full details of all chimneys, flues and vents shall be submitted to and approved by the Local Planning Authority prior to the commencement of the works. Such details shall include precise size, and where appropriate, samples and shall, once agreed, be strictly complied with.

Reason: In the interests of protecting the character of the Listed Buildings.

6 With respect to the main barns a full schedule of the details of the roof repairs and any structural repairs (or other such schedule as may be deemed to be appropriate) shall be submitted to and approved by the Local Planning Authority. Such schedule shall, once agreed, be strictly complied with.

Reason: In the interests of protecting the character of the building.

7 With respect to the main barns the method and manner of the removal and replacement of the flagstone floors shall be agreed by the Local Planning Authority. Their removal and reinstatement shall be in strict accordance with these details.

Reason: In order to protect the character of the buildings.

8 With regard to the main barns full details of all joinery, including windows, doors, screens and internal railings, shall be submitted to and agreed by the Local Planning Authority prior to the commencement of the works. Such details shall include horizontal

and vertical cross-sections at a scale of not less than 1:20 and shall be implemented and thereafter maintained in strict accordance with these agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to protect the character of this Listed Building.

9 With regard to the main barns full details of the design and means of fixing of the proposed plywood baffles shall be submitted to and approved by the Local Planning Authority prior to the commencement of the works. The works shall be then implemented in strict accordance with the approved details.

Reason: In the interests of protecting the character of the Listed Building.

10 With regard to the main barn no works 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 (but shall not be limited to):

(i) a method statement for the retention of all bat roosts on the site including the maintenance of the bats' existing accesses or the provision of alternative new accesses and the proposed timing of all works affecting the bat roosts and details of a monitoring scheme

(ii) details of any lighting scheme to prevent harm to bats and retention of dark areas and corridors for bats

(iii) details of monitoring schemes, aftercare and/or management proposals as applicable for the above.

All the proposed methodologies shall be in accordance with current published best practice guidance.

Reason: to ensure that the conservation status of the various protected species present on the site is maintained and/or enhanced in accordance with national and European legislation and current policy.

11 The main barns shall not be occupied until all of the works detailed in the approved Wildlife Protection and Enhancement Scheme have been implemented on the land to the written satisfaction of the local planning authority.

Reason: to ensure that the conservation status of the various protected species present on the site is maintained and/or enhanced in accordance with national and European legislation and current policy.

12 Following implementation of the works detailed in the approved Wildlife Protection and Enhancement Scheme pursuant to condition 10 above, the development shall thereafter be managed, maintained and monitored in accordance with the provisions of the approved Wildlife Protection and Enhancement Scheme (or such variations of the same as may be approved in writing by the Council from time to time).

Reason: to ensure that the protected species present on the site are properly managed

13 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: 1743a-s101, 1743a-e-02, 1743a-e-03, 1743a-e-05, 1743a-e-010, and 1743a-e-011 all date stamped 20 December 2012.

### Proposal Plans:

Main barn and garage - 1743a-p-03, 1743a-p-04, 1743a-p-05, 1743a-p-06 date stamped 20 December 2012, and revised drawing 1743-p-05b date stamped 28 February 2013.

The Lodge - 1743a-p-010, 282/001c, date stamped 20 December 2012 and revised drawing 1743a-p-011a date stamped 28 February 2013,

Overall Site Plan 1743a-p-02 date stamped 20 December 2012.

Fenestration schedules / plans for The Lodge : Window schedule, Door schedule, 1743a-p-221, 1743a-p-222, 1743-a-p-223, 1743a-p-224, 1743a-p-231, and 1743a-p-232 all date stamped 20 December 2012.

Additional documents: Lime mortar mix, schedule of rainwater goods, schedule of materials, lime render specification, photographs of material samples, and draft S106 agreement all date stamped 20 December 2012, and email dated 28 February 2013 from Watson, Bertram and Fell.

Design and Access Statement, GL Hearn Planning Statement, Mann Williams Main and Cross Barns Structural Report, Mann Williams The Lodge Structural Commentary, J R Sutcliffe Charmydown Lodge Statement of Architectural and Historical Assessment, Tyler Grange Update Ecological Assessment, S J Stephens Associates Arboricultural Report and Tree Protection Plan all date stamped 20 December 2012.

## **REASONS FOR GRANTING CONSENT**

The decision to grant consent subject to conditions has been made in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation of the protected buildings and the setting of a nearby principal building. The decision is also generally consistent with the part 12 of the National Planning Policy Framework and accompanying practice guidance and has taken into account the views of third parties.

Whilst the works have the potential to impact upon protected species, these impacts have been identified, assessed and a suitable mitigation scheme designed. The amended proposals are considered to meet the requirements of the E U Habitats Directive. Although the bat roost situated in the barn will be preserved, the development has the potential to cause deterioration of the roost. However, it is considered that the derogation tests in Article 16 of the Habitats Directive are satisfied as there are considered to be imperative reasons of overriding public interest in restoring the historic barn structure to a beneficial use, there is no satisfactory alternative and the development would not have a detrimental effect upon the conservation status of the bats. The impacts of the development on protected species have been identified, assessed and a suitable mitigation scheme

designed. The development is therefore considered to meet the requirements of the Habitats Directive.

#### Decision-making Statement

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

#### Informative

Please note the grant of listed building consent for the proposed works does not authorise development requiring separate planning permission.

<b>Item No:</b>	4	
<b>Application No:</b>	13/00376/FUL	
<b>Site Location:</b>	The Chase, Rectory Lane, Compton Martin, Bristol	
<b>Ward:</b> Chew Valley South	<b>Parish:</b> Compton Martin	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of extensions including a first floor extension to create a 1.5 storey dwelling (Revised proposal)	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Housing Development Boundary, Water Source Areas,	
<b>Applicant:</b>	Mr and Mrs C & J Linegar	
<b>Expiry Date:</b>	26th March 2013	
<b>Case Officer:</b>	Heather Faulkner	

**DECISION** Defer consideration to allow Members to visit the site to see its relationship with the adjoining property.