

## **DEVELOPMENT MANAGEMENT COMMITTEE**

### **Minutes of the Meeting held**

Wednesday, 3rd May, 2017, 2.00 pm

**Councillors:** Sally Davis (Chair), Rob Appleyard, Tim Ball (in place of Caroline Roberts), Jasper Becker, Paul Crossley, Matthew Davies, Eleanor Jackson, Les Kew, Brian Simmons (in place of Bryan Organ) and David Veale

#### **135 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

#### **136 ELECTION OF VICE CHAIRMAN (IF DESIRED)**

A Vice Chairman was not required on this occasion.

#### **137 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from:

Councillor Bryan Organ – substitute Councillor Brian Simmons

Councillor Caroline Roberts – substitute Councillor Tim Ball

#### **138 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **139 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was no urgent business.

The Chairman informed members that the following items had been withdrawn from the agenda:

- Item No. 2 – Land between Homelands and 10 Camerton Hill
- Item No. 3 – Units 1-2, Fourth Avenue, Westfield
- Item Nos 4 and 5 – 14 Union Street, Bath
- Item No. 9 – Stonedge Cottage, Stoneage Lane, Tunley

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

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

A written question was received from Mr John Branston regarding the use of “no-car” clauses in relation to tenants of purpose built student accommodation. The Chairman read out a response to this question and a copy of both the question and response are attached as *Appendix 1* to these minutes.

141 **ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There were no items from Councillors or Co-Opted Members.

142 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 5 April 2017 were confirmed and signed as a correct record.

143 **SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- Oral statements by members of the public and representatives on item 1. A copy of the speakers' list is attached as *Appendix 3* to these minutes.

**RESOLVED** that in accordance with the Committee's delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 4* to these minutes.

**Item No. 1**

**Application No. 16/05772/FUL**

**Site Location: 40 Bloomfield Park, Bloomfield, Bath, BA2 2BX – Erection of eight apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission)**

The Case Officer reported on the application and his recommendation to permit.

The registered speakers spoke for and against the application.

Councillor Mark Shelford, local ward member, spoke against the application.

Councillor Jackson asked a question regarding the layout of the flats in relation to neighbouring properties. The Case Officer showed layout plans and explained that no windows directly faced either 39 or 41 Bloomfield Park. The windows looked out on either the front or rear of the properties and not to the side.

Councillor Kew noted the large number of letters and objections that had been received regarding this application. He felt that the design was now more in keeping with the area and noted that the building had been moved back by 3m.towards the rear of the site. He did not feel that the proposal demonstrated overdevelopment of the site or that it would cause significant harm to neighbouring properties. It would give a mix of properties in the area and provide much needed accommodation. He

then moved that planning permission be granted subject to conditions. This was seconded by Councillor Matthew Davies.

Councillor Jackson asked whether there would be a condition regarding grounds maintenance. The Case Officer explained that there would not usually be such a condition for a development of this size. Condition 9 would require replacement of trees or plants if required within the first 5 years of completion.

Councillor Jackson also expressed concern that only 8 parking spaces would be provided. The Case Officer explained that there had been no objection from the Highways Team and that this was considered to be a sustainable location.

The Case Officer also explained that the difference between this application and the previous one was the repositioning of the development 3m to the rear of the site to protect the trees. The building was still the same size with a slightly smaller lower ground parking area.

The Team Manager, Development Management, stated that the Planning Inspector had found the development acceptable other than the potential harm to the trees which had now been addressed.

Councillor Crossley felt that the development was too large and imposing for the site and would be detrimental to neighbouring properties. He felt that the change to move the development back by 3m was not significant and stated that the building was now bigger, taller and wider.

Councillor Veale agreed that the building was too large and too tall. The development would also generate more traffic and noise which would be detrimental to neighbours.

The Team Manager, Development Management, re-iterated that the development was not any larger than before and that officers felt all issues raised by the Planning Inspector had now been addressed.

The motion was then put to the vote and there were 4 votes in favour and 6 votes against. The motion was therefore LOST.

Councillor Crossley then moved that the application be refused for the following reasons:

- The development was too imposing due to its scale, mass and bulk which would be detrimental to the amenities of the neighbouring properties. This represented overdevelopment of the site.
- The development would exacerbate highway and parking issues in an already congested location.
- The development would have an adverse effect on the Conservation Area.

This was seconded by Councillor Appleyard.

The motion was put to the vote and it was RESOLVED by 6 votes for and 4 votes against to REFUSE the application for the reasons set out above.

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

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- An update report by the Group Manager (Development Management) on item 1 attached as *Appendix 2* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 3* to these minutes.

**RESOLVED** that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 5* to these minutes.

**Item No. 1**

**Application No. 16/05504/OUT**

**Site Location: 34-35 Lower Bristol Road, Westmoreland, Bath, BA2 3AZ –  
Erection of two buildings to provide residential accommodation for students (up to 204 bedrooms) with ancillary accommodation and facilities and external courtyards, alterations to existing pedestrian and vehicular access and associated infrastructure following demolition of existing building**

The Case Officer reported on the application and his recommendation to delegate to permit. He advised the Committee that there were some amendments to the report as follows:

- The site was not within the central area.
- The standard reserved matters condition would be added.
- Condition 7 should read “40 mcg”.

He also explained that the building was approximately 5m taller than the current building but that this was lower than some other buildings in the vicinity and was in line with the Building Height Strategy.

The registered speakers spoke for and against the application.

Councillor Ian Gilchrist, local ward member, spoke against the application.

Councillor Becker, local ward member on the Committee, noted that the Economic Development Team had raised an objection and would prefer industrial use for the site. There was already a great deal of student accommodation in Bath. He felt that the proposed design was ugly and too large. On the whole he would prefer employment opportunities to be provided in this central location but if student accommodation were to be developed he would prefer this on a smaller scale and with an improved design.

The Case Officer responded to questions from members stating that the development would have to comply with the energy efficiency requirements of building regulations. He also explained that although this was an outline application only, landscaping details were reserved matters, which would come back to the Committee for decision.

Councillor Kew stated that the proposed building was a poor design. The Case Office pointed out that additional conditions could be added regarding materials if required.

Councillor Appleyard felt that the visual aspect was gloomy and dark and stated that the design could be improved. He moved that the application be refused for the following reasons:

- The application was overbearing and of poor design due to its mass and bulk. This would have an adverse effect on the appearance of the area and would be damaging to the World Heritage Site.
- The application would be contrary to policy and there were strong economic reasons for refusal as stated by the Council's Economic Development Team.

Councillor Jackson stated that the building was depressing, gloomy and overbearing. She also had concerns for the safety of students due to the poor lighting at the rear. This was an employment site and she felt that it would be better used for an industrial purpose. She then seconded the motion.

Councillor Crossley did not agree that the design of the building was gloomy and noted that there was variation in the roofscape. The design was industrial which was suitable for the area. Two office block applications had recently been approved for this area which addressed the need for employment opportunities.

In response to a question the Case Officer explained that the proposed Section 106 Agreement would require the upgrade of the bus stop in this area.

Councillor Jackson questioned why residential accommodation was proposed for an area which suffered from air pollution. No reasons had been given as to why this site could not be marketed for industrial use.

Councillor Veale felt that the design was too bulky.

The motion was then put to the vote and it was RESOLVED by 7 votes for and 3 against to REFUSE the application for the reasons set out above.

## **Item No. 2**

### **Application No. 17/00299/OUT**

**Site Location: Land between Homelands and 10 Camerton Hill, Camerton, Bath – Outline planning application for the erection of 1 single storey dwelling (Resubmission)**

This item was withdrawn from the agenda.

**Item No. 3**

**Application No. 17/00265/FUL**

**Site Location: Techniglaze Ltd, Units 1-2, Fourth Avenue, Westfield, BA3 4XE – Change of use from B1c to a children’s soft play area (D2) and cafe**

This item was withdrawn from the agenda. Councillor Jackson requested a definition in due course of what actually constitutes a trading estate.

**Item No. 4**

**Application No. 17/00652/FUL**

**Site Location: 14 Union Street, Bath, BA1 1RR – Conversion of existing ancillary retail upper floors to form 4 flats, erection of a roof extension to form 1 flat, associated internal and external works including a new shop front to No. 14, replacement upper storey windows and new external door and railings to the Union Passage elevation (resubmission)**

**Item No. 5**

**Application No. 17/00651/FUL**

**Site Location: 14 Union Street, Bath, BA1 1RR – Conversion of existing ancillary retail upper floors to form 4 flats, erection of a roof extension to form 1 flat, associated internal and external works including a new shop front to No. 14, replacement upper storey windows and new external door and railings to the Union Passage elevation (resubmission)**

These items were withdrawn from the agenda.

**Item No. 6**

**Application No. 17/00568/FUL**

**Site Location: Hartley Farm Cottage, Hartley Lane, Swainswick, Bath, BA1 8AF – Erection of side and rear extensions (Revised proposal)**

The Case Officer reported on the application and her recommendation to refuse. She explained that the proposal would represent a 130% increase in volume beyond the original building.

The registered speakers spoke in favour of the application.

Councillor Kew read out a statement from Councillor Geoff Ward, local ward member, in support of the application.

In response to a question the Case Officer explained that there had been an agricultural tie to the dwelling in the past but that in dealing with this application she had not treated it as such.

Councillor Kew noted that the current dwelling was very small and that it needed to be extended to be habitable. If the applicants moved into the dwelling then it would free up a family home in the area which would help to regenerate the rural economy.

Councillor Jackson stated that the proposed extension represented a large increase in the footprint of the building.

Councillor Veale moved that consideration of this application be deferred pending a site visit to view the location and to clarify dimensions. This was seconded by

Councillor Crossley.

The motion was then put to the vote and it was RESOLVED by 8 votes in favour and 2 against to DEFER consideration of the application pending a site visit.

**Item No. 7**

**Application No. 17/00944/FUL**

**Site Location: Lansdown Golf Club, Lansdown Road, Charlcombe, Bath –  
Erection of tarmac hardstanding and timber post and rail fencing with native  
hedge and tree planting to perimeter for parking and storage of golf buggies  
(Regularisation)**

The Case Officer reported on the application and her recommendation to permit.

Councillor Kew moved that planning permission be granted subject to conditions.  
This was seconded by Councillor Jackson.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the application subject to the conditions set out in the report.

**Item No. 8**

**Application No. 17/01029/LBA**

**Site Location: Ground Floor, 30 Grosvenor Place, Lambridge, Bath – Internal  
alterations to remove part of the modern timber partition walling between the  
kitchen and living room**

The Case Officer reported on the application and her recommendation to grant listed building consent.

Councillor Crossley moved that listed building consent be granted subject to conditions. This was seconded by Councillor Matthew Davies.

The motion was then put to the vote and it was RESOLVED unanimously to GRANT listed building consent subject to the conditions set out in the report.

**Item No. 9**

**Application No. 17/00163/FUL**

**Site Location: Stonedge Cottage, Stoneage Lane, Tunley, Bath – Alterations to  
raise the wall to the same level as the neighbour's wall including the existing  
panel fence (Resubmission)**

This item was withdrawn from the agenda.

**Item No. 10**

**Application No. 17/01459/FUL**

**Site Location: 53 Milton Avenue, Bear Flat, Bath, BA2 4RA – Loft conversion  
with rear dormer, single storey rear extension and conversion of existing  
garage (Revision)**

The Case Officer reported on the application and her recommendation to permit.

Councillor Appleyard moved that planning permission be granted subject to

conditions. This was seconded by Councillor Kew.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the application subject to the conditions set out in the report.

**145 ANNUAL PERFORMANCE REPORT 2017**

The Committee considered the Annual Performance Report for 2017.

RESOLVED to NOTE the report.

**146 QUARTERLY PERFORMANCE REPORT JANUARY - MARCH 2017**

The Committee considered the Quarterly Performance Report for January to March 2017.

Councillor Jackson stated that the Council should consider ways to improve communication with members of the public regarding planning matters, pointing out that website access was sometimes difficult.

RESOLVED to NOTE the report.

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

The Committee considered the appeals report. The Team Manager, Development Management, pointed out that the Old Colliery Tip, Woodborough Hill, Peasedown St John appeal had been allowed subject to conditions.

RESOLVED to NOTE the report.

The meeting ended at 4.20 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

## Public Question

### **The Use of 'No-car' clauses in relation to tenants of Purpose-Built Student Accommodation**

(Written questions to B&NES Development Management Committee ahead of 3<sup>rd</sup> May 2017 meeting.)

John Branston, Second Avenue, Bath

#### **Background**

My questions relate to the general principle of 'no car' policies in relation to purpose-built student accommodation development. I'd like to cite the example of the PBSA development known as 'Twerton Mill' on Lower Bristol Road. This was proposed and permitted based on undertakings that occupants would not bring a motor car to the site, or park within 3km of the site. This undertaking became the subject of a Section 106 agreement. See following excerpts from relevant documents:

#### **Undertakings in application documents, supporting reports etc.**

*"Management of on road car parking in a scheme such as this is vital and is one which is highly visible to our neighbours. At this site, where parking is not provided, and the bringing of cars is not allowed, we are highly conscious of the tenants' behaviour. We work with the relevant Council department to ensure that permits are not issued to any residents and if necessary terminate their tenancy"* (proposed Student Management Plan)

*"The tenancy agreement will prevent students from bringing a car to Bath"* (Item 6.2, Transport Statement, 14/05698/EFUL)

*"The predominantly non-car nature of the development will ensure that the development will have very little (if any) impact on the operation and functionality of the existing highway network in the vicinity."* (Item 6.4, Transport Statement, 14/05698/EFUL)

*"The Travel Plan will also highlight the strict tenancy agreement which bans student residents from bringing a motor vehicle to Bath."* (Point 9.5.5, Environmental Statement (Transport & Access), 14/05698/EFUL)

*"All [non-disabled] residents of the site will be reliant on non-car travel modes"* (Car Parking and Access Management Plan, 15/02152/COND)

*"It is considered that the proposed redevelopment of the Twerton Mill site for student accommodation is sustainable in transport terms and affords every opportunity to replace private car use with more sustainable forms of transport."* (Item 6.7, Transport Statement, 14/05698/EFUL)

*"All parking would be subject to a parking management regime, and students would be restricted from having cars, in the same way as other purpose-built student accommodation, and this would need to be secured through a Section 106 Agreement."* (Highways report, 14/05698/EFUL)

#### **Twerton Mill Car Parking and Access Management Plan**

*"8.1 The site is primarily 'car free' in nature with parking only being provided for the site management team (two spaces) and a small number of disabled students (three spaces). All other residents of the site will be reliant on non-car travel modes"*

## **Section 106: Schedule 1 (Owner's Covenant)**

*"The owner covenants with the council...*

*3.8 Not to permit the occupation of the development other than by persons who do not use or keep and agree in writing not to use or keep a motor vehicle in connection with their occupation of the development on the terms of the motor car condition.*

*3.9 To ensure that every occupier enters into a legally valid agreement which may include the letting agreement with the owner prior to his/her occupation of the development to abide by the motor car condition and continues during his/her period(s) of occupation of the development to comply with such agreement.*

(s106 Agreement between B&NES and Twerton Mill owners, 2014)

### **Twerton Mill Travel Plan (handbook for students)**

*"There is no parking available at Twerton Mill. In line with tenancy agreements, students are not permitted to park a vehicle within 3km of the site."*

### **Twerton Mill Welcome Handbook 2015-16**

*"Cars: Sorry but there isn't any parking available on site. Indeed, it is a clause in your tenancy agreement that you agree not to bring a car to Twerton Mill."*

## **Current Situation**

All the above undertakings, promises, plans, policies and legally-enforceable agreements notwithstanding, it is plainly evident that many tenants of the Twerton Mill development have brought cars to the city, that they park them in streets directly surrounding the development (most notably on the Lower Bristol Road itself, opposite the site) and that these cars are regularly used for journeys to and from the development site.

### **Legal (Point of view of PBSA operator, from experience)**

*"In order to terminate the tenant's rental contract, the PBSA operator would need to issue a 'Section 8' on the tenant in breach of the S106 clause in their Assured Shorthold Tenancy. The case would then go in front of a judge on 'DISCRETIONARY GROUNDS' (as opposed to a Section 21 which is Mandatory possession). The problem with 'discretionary grounds' is that it is highly unlikely a judge would side with the landlord and order eviction of a student (especially if they are paying their very high rent). In general, judges normally side with tenants and the case would either be thrown out or adjourned further. As a landlord, this is costly and a lot of unwanted hassle so I seriously doubt this procedure has ever been exercised on a student bringing a car."*

## **Questions to B&NES Development & Planning Committee**

a) Based on the experience of recent PBSA developments in Bath, and in particular the development at Twerton Mill, what is the Development and Management Committee's view of the effectiveness of the s106 measures put in place as a means of preventing car ownership by tenants of such purpose-built student accommodation?

b) Will the Development and Management Committee continue to accept these same undertakings from other developers of purpose-built student accommodation in future and rely on the same s106 condition as a means to preventing additional on-street parking in the vicinity of such a development?

c) Will the Development and Management Committee either

- i. seek more rigorous enforcement of s106 conditions with regard to parking in connection with PBSA?
- ii. support the idea of changing council policy to bring parking requirements for PBSA in line with those for any other residential development?

### **Response**

A written question has been submitted by Mr John Branston concerning the use and parking of cars by students occupying purpose built student accommodation contrary to the Section 106 Agreement that restricts these students from having the use of a private motor vehicle. Particular reference has been made to the cars that are being parked opposite the student accommodation at Twerton Mill, Lower Bristol Road, Bath and Mr Branston has asked whether this Committee supports the idea of changing Council policy to bring parking requirements for purpose built student accommodation in line with those for any other residential development.

It is not appropriate for this Committee to debate the merits of student accommodation in general having little or no off street parking provision, this should be debated as appropriate with specific regard to a planning application before it. In addition I cannot comment on the issue of cars parking on the Lower Bristol Road without the matter being looked into by officers to determine who these cars may belong to and whether any action can or should be taken by the Council. I have therefore asked the Group Manager of Development Management to look into this matter and reply direct to Mr Branston as soon as he can and to copy Committee members into this response.

This page is intentionally left blank

## BATH AND NORTH EAST SOMERSET COUNCIL

### Development Management Committee

Date 3<sup>rd</sup> May 2017

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

#### ITEM

#### ITEMS FOR PLANNING PERMISSION

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01	16/05504/OUT	34 - 35 Lower Bristol Road, Westmoreland, Bath, BA2 3AZ (Pickfords)

A revised surface water drainage strategy has been received. This shows the manhole labelling error corrected. It is confirmed that the intention is that the network is connected into the existing storm water drainage system. The revised submission also shows alternative arrangements to avoid construction over the large public foul sewer as well as storm water calculations (see below for the Drainage Team's comments/assessment).

The following clarification in respect of waste/recycling facilities has been received;

- 4 x 1000L refuse bins (collected weekly)
- Recycling (all collected weekly):
  - 1 x 1100 L for cardboard
  - 2 x 360 L for cans and plastics
  - 2 x 360L for glass
  - 2 x 240L for paper

No further comments have been received from the Waste Team but for the reasons set out in the main report the waste and recycling facilities are considered to be acceptable in any case.

#### Policy Clarification

The Planning Policy Team wish it to highlighted that the strategy (Core Strategy Policy B1) is to plan for the contraction of industrial floor space through current losses that have taken place since 2011 **plus** the allocation of specific sites in the Placemaking Plan. Sites allocated in the Placemaking Plan that are or were last used for industrial purposes, for development for other uses, together with losses that have occurred means that the 40,000m<sup>2</sup> contraction is achieved. It is not considered therefore by the Policy Team that it is *evident* or *inevitable* (as stated in the main report) that the plan for the contraction of industrial floor space will be achieved through the loss of sites to which ED2B applies (such as Pickfords). The further

comments from the policy team in this respect are accepted. The fact that the planned contraction will be achieved through occurred losses and Placemaking Plan allocations is an important material consideration but in this case it does not alter the recommendation. It remains the case that given the nature of the use and number of jobs involved, there is not considered to be a strong economic reason for refusal.

#### Further comments from B&NES Flooding & Drainage Team

'No objection'

A revised surface water drainage strategy has been submitted. This confirms that 30% betterment is to be provided (compared to the existing 1 in 100 year storm event). There will be sufficient on-site attenuation to contain the 1:100 year climate change event and connection to the public storm network.

A surface water drainage condition has been recommended by the Flooding & Drainage Team however this matter is already dealt with by Condition 18 (see main report)

#### Alteration to Condition 7

It is recommended that Condition 7 be amended to remove reference to trees *within* the site as all trees within the site are to be removed.

#### Further information received:

Cushman & Wakefield Letter:

Since the drafting of the main report a letter has been received from Cushman & Wakefield (at the applicant's request) regarding the appropriate floor area on which to calculate employment figure.

Members will note from the main report that there is an area of disagreement in respect of the floor area of the building. The Economic Development team have made reference to a floor area of 4700sqm (which includes the mezzanine levels) whereas the agent has made reference to a floor area of 1460sqm (which does not include the mezzanine levels).

It is stated in the C&W letter that the building comprises 1460sqm of high bay warehouse space including offices, yard and parking. Pickfords have installed three levels of mezzanine which is highly specialised and only suitable for their purpose or another storage operator. Employees are very infrequently required to be in these areas and these types of operators employ very few staff on site. It is further stated that at the expiry of the lease the tenant will remove all items of their fit out including the mezzanine levels. On this basis Cushman & Wakefield have concluded that it is only appropriate to consider employee numbers by reference to the base build area of 1460sqm [i.e. *excluding* the mezzanine levels].

Further supporting email from the agent:

A further email has been received from the agent clarifying certain matters. That email was accompanied by a visualisation showing the proposed scheme together with an outline of the recently consented Quays South scheme; this will be displayed at the meeting as part of the presentation. The agent's email makes the following points:

- The impact of the proposed development on views from Wells Road have been modelled and Historic England have accepted that there will be no unacceptable harm to the Bath World Heritage Site;
- The impact of the proposed development will be much more subdued in views from Wells Road, and much more peripheral, than the Quays South scheme;
- The redevelopment proposals for the Pickfords site will be an improvement on the existing building;

An addition letter of objection from a local resident making the following points:

- The 3 views submitted with the ghosting of South Quays over the Pickfords proposal, again offers CGI selected by the applicant, where it captures some less harmful perspectives across the WHS;
- The first is taken from a South East to North West perspective and from a lower level on Wells Road that does not afford the best views of the WHS. The second and third are taken from elevated perspectives where the Pickfords site and views are obscured by foliage or only partially into view;
- The South Quays development is not more subdued and peripheral than the proposed development;
- The South Quays developer significantly reduced the height of the office building and a full storey reduction of the residential building – which is the most significant in terms of mitigating the impact on view;
- The Pickfords application represents greater harm when viewed from Wells Road towards the Royal Crescent, Landown Crescent and Cavendish Crescent;
- The east/west block is higher than the highest point of the Quays South residential building;
- The Quays South buildings are peripheral and would frame rather than block the view;
- The proposed development should be reduced in height and should be no higher than Quays South residential building - if not what was the point in reducing the height of that building;
- The excessive height is driven by excessive ceiling heights on the top floor;
- This is the equivalent of a 6 storey building;
- The proposal will fill and dominate the open area above the Newark Works roofline between the Office Building and the Eastern Residential Building afforded by the lower roof lines of the central residential building.

A second further supporting email from the agent:

- The level of 37510 is correct – that is the height that has been modelled in the verified views;
- We neither understand, nor concur with, the comments that the building will be higher than the approved South Quay scheme when even the neighbour's own mark-up proves it to be lower than the most significant parts of the development. He refers to the outline approval of the South Quays residential scheme as having a maximum height of 36.19. It is, in fact, 41.7 as shown on his own diagram.
- The majority of 'actual' views of my clients' site from Wells Road are oblique as opposed to the facing elevation he is indicating. This will again place the taller, more significant parts of the approved South Quays development directly behind (and above) my clients' scheme. The section drawing from the Bath Quays South application is not an actual view.

- With regard to the comment that my clients' perspectives of the building are being obscured by foliage etc. – that is simply the reality of the situation, and it therefore again models the 'actual' views.
- The evidence of the independently verified views are that the Crescents etc. to which the neighbour refers to are not affected. It is unfortunate, but maybe also pathological, that the neighbour has not provided any photographic evidence of the alleged views in which my client's proposals will be seen from the Wells Road against the backdrop of the townscape features to which he refers.
- The neighbour's comment re floor levels simply reflect is misunderstanding of construction for this building type.

Further comments from Widcombe Association:

- WA is concerned by the scale of the proposed development and its impact on views of the city from Wellsway, one of the main entrances to the city from the south. Remain concerned that this aspect has not been addressed adequately in the documents provided by the applicant;
- The height and massing of the main block as proposed would predominate in the views across the city, being higher and of greater east-west massing, than the approved residential buildings of South Quays;
- The excessive height of the proposed building is not justified and the design should be revisited;
- members of the DMC are urged to refuse the application on the basis that it would seriously damage the OUV of the WHS;
- Alternatively the application should be deferred for a site visit to enable members to view the site for themselves.

---

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
09	17/00163/FUL	Stonedge Cottage Stoneage Lane Tunley BA2 8AS

Updated Information:

Since the original report was published an inspector's decision (APP/F0114/D/13/2210633) has been brought to attention which suggests that the proper approach to the proposal is as set out below:

The proposed wall can be described as a building. For example, the term 'building' is defined in s336 TCPA 1990 as follows:

“building” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

S55 of the Act states (so far as relevant):

(1A) For the purposes of this Act “building operations” includes—

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

It is agreed that the existing wall and the proposed wall are substantial and therefore there is a good argument that the wall is a building and so the proposed wall can be described as appropriate development in the green belt.

On this basis the increase of the existing wall should be assessed against the disproportionate test. Paragraph 89 of the NPPF states that extensions will be permitted providing that it does not result in disproportionate additions over and above the existing dwelling. The Green Belt SPD (2008) states that additions of about a third would be acceptable.

It must be noted that we are awaiting a scaled plan of the existing wall but visually it is apparent that the proposed alterations would amount to an approximate 50% volume increase of the original wall. Therefore the proposed wall would represent a disproportionate volume increase to a building in the green belt and the recommended decision would still be to refuse the proposal.

This page is intentionally left blank

**BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A STATEMENT AT THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON WEDNESDAY 3 MAY 2017**

<b>A. SITE VISIT LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>SPEAKER</b>	<b>FOR/AGAINST</b>
1	40 Bloomfield Park, Bath, BA2 2BX	George Howard	Against
		Kit Stokes (Applicant)	For
		Councillor Mark Shelford	Against

<b>B. MAIN PLANS LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>SPEAKER</b>	<b>FOR/AGAINST</b>
1	34 – 35 Lower Bristol Road, Bath, BA2 3AZ	Ian Hull	Against
		Tom Rocke (Agent)	For
		Councillor Ian Gilchrist	Against
6	Hartley Farm Cottage, Hartley Lane, Swainswick, Bath, BA1 8AF	Mrs Breach and Basil Breach (Applicants)	For (To share 3 minutes)

This page is intentionally left blank

**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**3rd May 2017**

**SITE VISIT DECISIONS**

<b>Item No:</b>	001	
<b>Application No:</b>	16/05772/FUL	
<b>Site Location:</b>	40 Bloomfield Park, Bloomfield, Bath, Bath And North East Somerset	
<b>Ward:</b> Lyncombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of eight apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission)	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Juniper Homes (South West) Limited	
<b>Expiry Date:</b>	20th January 2017	
<b>Case Officer:</b>	Chris Griggs-Trevarthen	

**DECISION REFUSE**

1 The proposed development, due to its siting, scale, massing and bulk, would have a detrimental impact upon the amenities of the adjoining occupiers, 41 Bloomfield Park and 39 Bloomfield Park contrary to policy D.2 of the Bath and North East Somerset Local Plan and policy D6 of the draft Bath and North East Somerset Placemaking Plan.

2 The proposed development would not provide an appropriate level of on-site parking spaces and would generate additional traffic which would exacerbate highways safety issues associated with on-street parking on Bloomfield Park contrary to policy ST7 of the draft Bath and North East Somerset Placemaking Plan.

3 The proposed development, due to its siting, scale, massing and bulk, would result in overdevelopment of the site and extend significantly beyond the rear building line to the detriment of the character and appearance of the Conservation area. The proposal is therefore contrary to policies D.2, D.4 and BH.6 of the Bath and North East Somerset Local Plan, policy CP6 of the Bath and North East Somerset Core Strategy and policies D2, D3 and HE1 of the draft Bath and North East Somerset Placemaking Plan.

**PLANS LIST:**

- 020 Existing Site Location Plan
- 021 Existing SE and SW Elevation Sheet 1
- 022 Existing NE and NW Elevations Sheet 2
- 023 Existing Streetscene

- 030A Proposed Site Plan
- 031A Proposed Floor Plans
- 032 Proposed SE and SW Elevations
- 033A Proposed NE and NW Sheet 2
- 034A Proposed Streetscene

#### 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. The Local Planning Authority has worked positively and proactively with the applicant in an effort to overcome the previous reasons for refusal by allowing the submission of amendments and agreeing to extend the target date for determination. However, for the reasons given by the planning committee, the application still did not comply with the development plan and was refused.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule comes into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**3rd May 2017**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	16/05504/OUT	
<b>Site Location:</b>	34 - 35 Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset	
<b>Ward:</b> Widcombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Erection of two buildings to provide residential accommodation for students (up to 204 bedrooms) with ancillary accommodation and facilities and external courtyards, alterations to existing pedestrian and vehicular access, and associated infrastructure following demolition of existing building	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, British Waterways Major and EIA, Contaminated Land, Flood Zone 2, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Eagle One Estates Limited	
<b>Expiry Date:</b>	5th May 2017	
<b>Case Officer:</b>	Chris Gomm	

**DECISION REFUSE**

1 The proposed development by reasons of its height, bulk, massing and external appearance will have a dominating, oppressive and incongruous impact upon the character and appearance of this part of the Lower Bristol Road and the wider World Heritage Site. Accordingly the application is contrary to saved policies D2, D4 and BH1 of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted 2007, policies DW1, B1, B4 and CP6 of the adopted Bath & North East Somerset Core Strategy, and policies D1, D2, D3, D5, HE1 and BD1 of the draft Bath & North East Somerset Placemaking Plan.

2 The application site is currently occupied by a well-established storage use operating from purpose-built premises. The business has nine employees based at this site. It has not been demonstrated that there is a lack of business demand for the existing building or for the site itself. It is considered that the loss of this business site will have an unacceptable impact on the local economy and as such there are strong economic reasons why its redevelopment for non-business uses is inappropriate. Accordingly the application is contrary to policies DW1 and B1 of the adopted Bath & North East Somerset Core Strategy and policy ED2B of the draft Bath & North East Somerset Placemaking Plan

## PLANS LIST:

This decision has been taken on the basis of the following plans, drawings and documentation:

- o 3D Site View: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S1010
- o CGIs: Drawing No. S1100
- o Long site sections: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S3003
- o Front Block Elevations North & South: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02003 PL02
- o GA Sections - AA & BB: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S3001 PL02
- o Site Sections - AA& BB: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S3002 PL02
- o Site Elevations: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S2006
- o Photographs from the train: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-06007
- o Verifiable Visual Montages: Ref. 10910 EO (Feb 2017)
- o Design & Access Statement Job No. 80554 (1 Oct 2016)
- o Existing Site Plan: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-00002 PL01
- o Site Plan: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-00003 PL01
- o GA Plan Level-01: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01001 PL01
- o GA Plan Level 00: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01002 PL01
- o GA Plan Level 01: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01003 PL01
- o GA Plan Level 02: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01004 PL01
- o GA Plan Level 03: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01005 PL01
- o GA Plan Level 04: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01006 PL01
- o GA Plan Roof: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01007 PL01
- o GA Elevations North & East: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02001 PL01
- o GA Elevations South & West: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02002 PL01
- o Site Location Plan: 80554-STL-XX-ZZ-DR-A-ZZZZ-00001 PL01
- o W\_01\_Surface Water Drainage Strategy\_R3)
  
- o Air Quality Assessment Ref: 442356, RSK, August 2016
- o Archaeological Desk-Based Assessment, Avon Archaeology, September 2016
- o Bat & Protected Species Survey, Malford Environmental Consulting, June 2016
- o Phase 1 Desk Study, GeoConsulting Engineering Ltd, May 2016
- o Flood Risk Assessment, BuroHappold Engineering, November 2016
- o Flood Risk Sequential & Exception Test, Rocke Associates.
- o Noise Assessment Report, Kimber Acoustics, November 2016
- o Planning Statement, Rocke Associates
- o Sustainable Construction Checklist
- o Transport Statement, Transport Planning Associates, November 2016
- o Tree Survey, Aspect Tree Consultancy, July 2016

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule comes into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal

against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

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. Notwithstanding the officer's recommendation, the submitted application was unacceptable to the committee for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	02	
<b>Application No:</b>	17/00299/OUT	
<b>Site Location:</b>	Land Between Homelands And 10, Camerton Hill, Camerton, Bath	
<b>Ward:</b> Bathavon West	<b>Parish:</b> Camerton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Outline Planning Application for the erection of 1no. single storey dwelling (Resubmission).	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Primary School Purpose, Public Right of Way, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mrs Brenda Sandy-Miles	
<b>Expiry Date:</b>	7th April 2017	
<b>Case Officer:</b>	Victoria Griffin	

#### Withdrawn from agenda

<b>Item No:</b>	03	
<b>Application No:</b>	17/00265/FUL	
<b>Site Location:</b>	Techniglaze Ltd, Units 1-2, Fourth Avenue, Westfield	
<b>Ward:</b> Westfield	<b>Parish:</b> Westfield	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use from B1c to a Children's soft play area (D2) and cafe	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Contaminated Land, Core Business Area, Forest of Avon, Neighbourhood Plan, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr Craig Haskins	
<b>Expiry Date:</b>	4th May 2017	
<b>Case Officer:</b>	Tessa Hampden	

#### Application Withdrawn

<b>Item No:</b>	04
<b>Application No:</b>	17/00652/LBA
<b>Site Location:</b>	14 Union Street, City Centre, Bath, Bath And North East Somerset
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Conversion to 14 - 15 Union Street of existing ancillary retail upper floors to form 4 No. flats; erection of a roof extension to form 1 No. flat; associated internal and external works including a new shop front to No.14; replacement upper storey windows; and new external door and railings to the Union Passage elevation (re-submission)
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Bath Core Office Area, Adjoins City Boundary, Centres and Retailing, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Prime Shop Front, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	14 Union St Ltd & 15 Union St Ltd
<b>Expiry Date:</b>	2nd June 2017
<b>Case Officer:</b>	Victoria Griffin

**Withdrawn from agenda**

<b>Item No:</b>	05
<b>Application No:</b>	17/00651/FUL
<b>Site Location:</b>	14 Union Street, City Centre, Bath, Bath And North East Somerset
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Conversion to 14 - 15 Union Street of existing ancillary retail upper floors to form 4 No. flats; erection of a roof extension to form 1 No. flat; associated internal and external works including a new shop front to No.14; replacement upper storey windows; and new external door and railings to the Union Passage elevation (re-submission)
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Bath Core Office Area, Adjoins City Boundary, Centres and Retailing, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Prime Shop Front, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	14 Union St Ltd & 15 Union St Ltd
<b>Expiry Date:</b>	2nd June 2017
<b>Case Officer:</b>	Victoria Griffin

**Withdrawn from agenda**

<b>Item No:</b>	06
<b>Application No:</b>	17/00568/FUL
<b>Site Location:</b>	Hartley Farm Cottage , Hartley Lane, Swainswick, Bath
<b>Ward:</b> Bathavon North	<b>Parish:</b> Batheaston <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of side and rear extensions (Revised proposal)
<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas,
<b>Applicant:</b>	Mrs R Breach
<b>Expiry Date:</b>	5th May 2017
<b>Case Officer:</b>	Emma Hardy

**Defer for site visit – to allow members to understand the context of the site**

<b>Item No:</b>	07
<b>Application No:</b>	17/00944/FUL
<b>Site Location:</b>	Lansdown Golf Club, Lansdown Road, Charlcombe, Bath
<b>Ward:</b> Bathavon North	<b>Parish:</b> Charlcombe <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of tarmac hardstanding and timber post & rail fencing with native hedge and tree planting to perimeter for parking and storage of golf buggies (Regularisation).
<b>Constraints:</b>	Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas,
<b>Applicant:</b>	Lansdown Golf Club
<b>Expiry Date:</b>	26th April 2017
<b>Case Officer:</b>	Emma Hardy

**DECISION PERMIT**

**1 Standard Time Limit (Compliance)**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission

**2 Plans List (Compliance)**

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

### **3 Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details Potterton Associates Ltd Extended Buggy Storage Area Detail Layout drawing No. 582 P 05 Revision B dated 1/3/2017). The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) 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 in accordance with Policies D.4, NE.1 and NE.2 of the Bath and North East Somerset Local Plan.

### **PLANS LIST:**

This decision relates to the following plans and information: Fig 02 Aerial photograph, Fig 03 Existing photographs, Fig 04 1:1250 Location plan and drawing No. P05 Rev B Detailed layout received 28/2/2017.

### **Condition Categories**

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

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

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

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

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

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### 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.

<b>Item No:</b>	08	
<b>Application No:</b>	17/01029/LBA	
<b>Site Location:</b>	Ground Floor , 30 Grosvenor Place, Lambridge, Bath	
<b>Ward:</b> Walcot	<b>Parish:</b> N/A	<b>LB Grade:</b> I
<b>Application Type:</b>	Listed Building Consent (Alts/exts)	
<b>Proposal:</b>	Internal alterations to remove part of the modern timber partition walling between the kitchen and living room.	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Mr Borel Setten	
<b>Expiry Date:</b>	28th April 2017	
<b>Case Officer:</b>	Caroline Power	

### DECISION CONSENT

#### 1 Time Limit - Listed Building Consent (Compliance)

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 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

### PLANS LIST:

Drawing 03 Mar 2017 002 BLOCK PLAN  
Drawing 03 Mar 2017 100 EXISTING AND PROPOSED PLANS  
OS Extract 03 Mar 2017 003 LOCATION PLAN

### Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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.

<b>Item No:</b>	09
<b>Application No:</b>	17/00163/FUL
<b>Site Location:</b>	Stonedge Cottage, Stoneage Lane, Tunley, Bath
<b>Ward:</b> Bathavon West	<b>Parish:</b> Dunkerton & Tunley Parish Council
<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Alterations to raise the wall to the same level as the neighbour's wall, including the existing panel fence (Resubmission)

<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Flood Zone 2, Forest of Avon, Greenbelt, LLFA - Flood Risk Management, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr Christopher Bramwell-Pearson
<b>Expiry Date:</b>	2nd June 2017
<b>Case Officer:</b>	Chloe Buckingham

### Withdrawn from agenda

<b>Item No:</b>	10
<b>Application No:</b>	17/01459/FUL
<b>Site Location:</b>	53 Milton Avenue, Bear Flat, Bath, Bath And North East Somerset
<b>Ward:</b> Lyncombe	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Loft conversion with rear dormer, single storey rear and side extension, and conversion of existing garage (Revision)
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Mr Mark Shelford
<b>Expiry Date:</b>	22nd May 2017
<b>Case Officer:</b>	Samantha Mason

### DECISION PERMIT

#### 1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission

#### 2 Materials (Compliance)

All external roofing materials to be used shall match those of the host dwelling in respect of size, material, and colour.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

#### 3 Materials (Compliance)

All external stone work to the front and side elevation of the proposed side extension projecting forward from the current garage shall match the host dwelling in respect of type, size, colour, and pointing.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

#### **4 Materials - Sample of Render (Bespoke Trigger)**

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

#### **5 Obscure Glazing and Non-opening Window(s) (Compliance)**

The proposed window in the side elevation of the proposed side extension serving the shower room as shown on drawing number 005 shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the residential amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan

#### **6 Ancillary Use (Compliance)**

The development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 53 Milton Avenue and shall not be occupied as an independent dwelling unit.

Reason: The accommodation hereby approved is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers.

#### **7 Internal Links (Compliance)**

The internal links between the existing house, the proposed shower room, snug, and the lower ground floor annexe shall be retained in perpetuity.

Reason: In order to maintain ancillary use of the lower ground floor annexe which is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers.

#### **8 Plans List (Compliance)**

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

#### **PLANS LIST:**

This decision relates to the following plans:

27 Mar 2017 004 Proposed Ground & First Floor Plans  
27 Mar 2017 005 Proposed Lower Ground Floor & Loft Floor Plans  
27 Mar 2017 006 Proposed Front Elevation  
27 Mar 2017 007 Proposed Side Elevations  
27 Mar 2017 008 Proposed Rear Elevation  
27 Mar 2017 009 Site Location & Proposed Block Plan  
27 Mar 2017 010 Site Location Plan

### **Condition Categories**

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

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

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

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

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

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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.

This page is intentionally left blank