

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 26th July, 2017, 2.00 pm

Councillors: Sally Davis (Chair), Patrick Anketell-Jones (Reserve) (in place of Les Kew), Jasper Becker, Matthew Davies, Liz Hardman (Reserve) (in place of Eleanor Jackson), Bryan Organ, Dine Romero (Reserve) (in place of Paul Crossley), Caroline Roberts and Vic Pritchard (Reserve) (in place of David Veale)

23 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

24 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

25 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Paul Crossley – substitute Cllr Dine Romero
Cllr Eleanor Jackson – substitute Cllr Liz Hardman
Cllr Les Kew – substitute Cllr Patrick Anketell-Jones
Cllr David Veale – substitute Cllr Vic Pritchard

26 DECLARATIONS OF INTEREST

There were no declarations of interest.

27 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

28 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.

29 ITEMS FROM COUNCILLORS OR CO-OPTED MEMBERS

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

30 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 28 June 2017 were confirmed and signed as a correct record.

31 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.
- An update report by the Group Manager (Development Management) on item no 1 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* 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 3* to these minutes.

Item No. 1

Application No. 16/06140/FUL

Site Location: 30 Flatwoods Road, Claverton Down, Bath, BA2 7AQ – Erection of 2 dwellings, internal access drive and landscaping at rear of existing dwelling

The Case Officer reported on the application and her recommendation to permit. She informed the Committee that the applicant had submitted revised plans which reduced the height of the dwellings by 0.95m. A further objection had also been received relating to the availability of broadband in the area.

The registered speakers spoke for and against the application.

Cllr Cherry Beath, local ward member, spoke against the application. A statement against the application submitted by Cllr Bob Goodman, local ward member, was also read out at the meeting.

Councillor Pritchard asked a question regarding the access to the site. The Highways Case Officer explained that both dwellings would include double garages and that the access to the dwellings complied with the required width specified by the Department of Transport.

Councillor Romero stated that the plot appeared small for the proposed development.

Councillor Hardman stated that while she had sympathy with the neighbours there was already a precedent for back garden development in the area. She also noted that the Bath Skyline footpath route would be screened,

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

The motion was then put to the vote and it was RESOLVED by 6 votes for, 2 votes against and 1 abstention to PERMIT the application subject to the conditions set out in the report.

Item No. 2

Application No. 17/01411/FUL

Site Location: 10 Stonehouse Lane, Combe Down, Bath, BA2 5DW – Three storey side extension and garage to include demolition of existing single storey side extension, partial demolition of existing garage, minor changes to rear ground floor fenestration of existing main house and front landscaping

The Case Officer reported on the application and her recommendation to refuse. Since the publication of the report there had been one further objection relating to the overbearing impact of the development, overlooking, parking and not being in keeping with the character of the area received from a direct neighbour.

The registered speakers spoke in favour of the application.

Councillor Cherry Beath, local ward member, spoke against the application. A statement in favour of the application submitted by Cllr Bob Goodman, local ward member, was also read out at the meeting.

In response to a question the Case Officer explained that the extant planning permission would still remain in place if the current application were refused.

Councillor Becker felt that the design was good and noted that there were other tall buildings in the area.

Councillor Organ moved that permission be refused for the reasons set out in the report. He felt that the extension was too dominant. This was seconded by Councillor Roberts.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour and 2 against to REFUSE the application for the reasons set out in the report.

Item No. 3

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)

The Case Officer reported on the application and her recommendation to refuse. In response to a question it was confirmed that the height of the wall would be between 2.2 and 2.4m.

Councillor Roberts moved that the Committee delegate to permit the application subject to conditions. She felt that the proposal would not be disproportionate and would therefore comply with greenbelt policy. This was seconded by Councillor

Hardman.

Councillor Pritchard noted that there had been no local dissent regarding the application and felt that it would improve the appearance of the area.

The motion was then put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application subject to conditions.

32 **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 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* 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 4* to these minutes.

Item No. 1

Application No. 16/051219/EOUT

Site Location: Street Record, Foxhill, Combe Down, Bath - Application for outline planning permission for the redevelopment of the Foxhill Estate comprising:

- **The demolition of up to 542 dwellings;**
 - **The re-provision of up to 700 dwellings;**
 - **Demolition and re-provision of the local centre to include up to 560 sqm of A1, A3, A4 and A5 uses;**
 - **All associated access roads, infrastructure, landscaping, open space and cycle/footways;**
- (All matters reserved)**

The Case Officer reported on the application and his recommendation to delegate to permit. An illustrative masterplan was presented and the Case Officer explained that there would be up to 158 additional dwellings although there would be a net loss of 204 affordable homes. The proposals would deliver a 30% affordable housing provision which was policy compliant. This would be made up of a 75/25 social rent/shared ownership split. The development would be delivered in a number of phases.

The Case Officer explained that although the net loss of affordable housing was significant an independently verified viability report had been submitted. Officers were content that this was compliant with Policy H8.

There were a number of updates to the report as follows:

- Correspondence had been received from Mr Mark Hepworth, the author of the “Foxhill at the Crossroads” report (2012) who had expressed concern at the use of this report to justify the proposal to demolish homes.
- Further advice regarding bat licences.
- A Section 106 Agreement would require the delivery of affordable housing.
- There were minor changes to Condition No. 30.
- The Highways Officer had suggested some amendments to the conditions relating to garage dimensions, materials and method of construction, footways and a road condition survey.
- There would be an additional condition relating to bus access and turning areas during construction.

The registered speakers spoke for and against the application.

Cllr Cherry Beath, local ward member, spoke against the application. Cllr Lisa O’Brien read out a statement against the application on behalf of Cllr Bob Goodman, the local ward member.

Cllrs Lisa O’Brien, Joe Rayment and Alan Hale also spoke against the application.

Officers then responded to a number of questions from members as follows:

- The Compulsory Purchase Order (CPO) process was separate from the planning process. If CPOs were to be proposed then the Council would have to formally resolve for this to happen. The Committee should focus on the planning issues.
- The Mulberry Park development would deliver facilities that Foxhill residents would have access to. As Mulberry Park was currently being developed there was the opportunity for Foxhill residents to be offered homes on this site. All matters were reserved and plans were only illustrative at this stage. The purpose of the outline application was to put forward the principle of demolishing properties and redeveloping the site. It gives a framework for the regeneration project and detailed planning applications would subsequently be put forward for the various phases of the development.
- There would be a net loss of approximately 100 houses for social rent across both sites but this would be replaced with shared ownership affordable housing.
- Any tenants who had moved onto the estate after 2013 (approximately 100) were given a shorthold tenancy and made aware of the regeneration proposals.
- There would be a net gain of open space on the site (although individual gardens may be smaller).
- Curo were in a position to provide affordable housing on the Foxhill site using cross subsidy from the Mulberry Park development. This would not be viable for a private developer.

Councillor Roberts moved that consideration of the application be deferred pending a second site visit to gain more information and to enable further consultation to take place with local residents. This was seconded by Councillor Romero.

Councillor Hardman stated that although the plan to redevelop was welcomed she was concerned about the net loss of social rented homes. Not all residents could be accommodated and some people would find themselves substantially worse off. There would be a significant impact on people being displaced.

Officers explained that some, but not all, of the houses on the estate were substandard. Any refurbishment would incur additional costs.

The Group Manager, Development Management, explained that all the necessary consultation from a planning perspective had taken place. A decision to approve outline planning permission did not preclude further consultation from going ahead. Full details of each phase of the development would still need to come forward to the Council for consideration.

On further consideration Councillor Roberts withdrew her motion to defer, with the agreement of Councillor Romero. She then moved that permission be refused due to the lack of social rented homes being proposed. This was seconded by Councillor Romero.

The Group Manager, Development Management, explained that the proposal complied with Policy CP9 relating to affordable housing.

Councillor Pritchard noted that the plans constituted major change to the area but that it also offered an opportunity to regenerate the Foxhill Estate. He also noted that tenants would be offered equivalent properties on the new development with no increase in rent.

Councillor Becker acknowledged that the loss of a home was a traumatic experience and that there were uncertainties. However, the proposal offered a significant investment in a deprived area. Curo were under no legal obligation to regenerate in this way and he felt that the offer should not be rejected. It would be important to monitor the regeneration project closely to obtain the best possible development for residents.

Councillor Matthew Davies was minded to support the application provided that all permanent tenants would be rehoused while suffering no financial loss.

Councillor Anketell-Jones had visited the site independently and noted that it was a settled community. This development provided an opportunity to create a designed community and to improve the post-war legacy of the area. The new properties would be more energy efficient leading to reduced costs for residents. The majority of residents would have the opportunity to remain in the area.

Councillor Romero stated that while she had sympathy for Curo, who were aiming to improve the area, she felt that further consultation with residents was necessary as they were not all being offered "like for like" accommodation.

The motion was then put to the vote and there were 4 votes in favour and 5 votes against. The motion was therefore LOST.

Councillor Pritchard then moved that the Committee delegate to permit as set out in

the report and amended through the officer update. This was seconded by Councillor Matthew Davies.

The motion was then put to the vote and it was RESOLVED by 5 votes in favour and 4 against to DELEGATE TO PERMIT the application subject to conditions as set out in the report, and amended through the officer update, and the prior completion of a Section 106 Agreement to secure the matters set out in the report.

Item No. 2

Application No. 17/02383/FUL

Site Location: 2 Ivy Villas, Ivy Avenue, Southdown, Bath – Change of use from 3 bed dwelling house (use class C3) to a 4 bed house in multiple occupation

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

The registered speaker spoke in favour of the application.

Councillor June Player, local ward member, spoke against the application.

In response to a question the Group Manager, Development Management, confirmed that the successful outcome of the recent appeal relating to Lymore Gardens was a material consideration because this property was also located in an area where there were fewer than 25% HMOs. He also explained that a temporary planning permission would be very unusual for this type of application.

Councillor Pritchard stated that while he had sympathy with the local ward member he noted that this application was compliant with current Council policies. He then moved the recommendation in the report that permission be granted subject to conditions. This was seconded by Councillor Matthew Davies.

The motion was put to the vote and it was RESOLVED by 7 votes for, 1 vote against and 1 abstention to PERMIT the application.

Item No. 3

Application No. 17/02214/FUL

Site Location: 10 Berkeley Place, Walcot, Bath, BA1 5JH – Erection of garden building

The Case Officer reported on the application and her recommendation to permit. She confirmed that the building would be located at the end of the rear garden when Councillor Anketell-Jones sought clarification.

Councillor Pritchard moved that permission be granted subject to conditions. This was seconded by Councillor Organ.

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

33 PLANNING ENFORCEMENT REPORT

This item was withdrawn from the agenda.

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

The Committee considered the appeals report. It was noted that the appeal relating to 10 Lymore Gardens, Twerton had been allowed and not dismissed as set out in the report.

RESOLVED to **NOTE** the report.

The meeting ended at 5.15 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

26th July 2017

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

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	16/05219/EOUT	Foxhill Estate, Fox Hill, Combe Down Bath

Foxhill Estate, Fox Hill, Combe Down, Bath. ref: 16/05219/EOUT

Correspondence from Mr Hepworth

Correspondence has been received from Mr Mark Hepworth (dated 21 July 2017). Mr Hepworth is the author of 'Foxhill at the Crossroads' (2012), this is a research paper that the applicant has referred to as part of their application and case for the proposed regeneration of the estate. Mr Hepworth advises that he was not aware of the outline planning application until he recently met with the applicant and separately with the Foxhill Residents Association. Mr Hepworth makes a number of points in his correspondence which are summarised as follows:

- identifying that his report confirmed the poor state of Foxhill relative to Bath and the country, that this was due to neglect and underinvestment by the Council and that thirdly that there was potential to create benefits from redevelopment of the former MOD site (now known as Mulberry Park). He recommended a 'Community Plan' be prepared to underpin any development.
- clarifies that his report was not intended to justify wholesale demolition of Foxhill, rather it was to be a focus for improving the quality of life of residents.
- Considers that the Charter in place at Foxhill does not provide residents with an adequate 'voice'.
- Identifies that there has been a deterioration in indices of deprivation across the most deprived areas of Bath from 2010-2015 not just Foxhill.
- Identifies that there are social and human costs of demolition and that the Residents Association survey identifies that the majority of local residents do not want to move. As such there is a lack of a community mandate for the proposal.
- The proposal must be inclusive and benefit everyone.

Bath Placemaking Plan

The Bath Placemaking Plan has now been adopted and forms part of the statutory development plan. Accordingly, it attracts full weight in the decision making process.

Ecology

For clarification, the removal of any bat roosts, should any be found on the site, maternity roosts or otherwise, will require a licence. At this stage, there is no suggestion that a licence would not be granted.

S106 Agreement and Conditions update

Further meetings have been held with the applicant in respect of the S106 Agreement and a Draft agreement is now in a format which officers are content with in terms of:

- Seeking satisfactory levels of affordable housing
- Satisfactory levels of open space
- Targeted recruitment and training opportunities
- A Travel Plan to encourage sustainable modes of transport

Minor amendments are proposed to the conditions 2, 4 and 7, with revised wording as follows:

(2)

All reserved matters applications shall be accompanied by a Design Statement identifying how they align with the Area Wide Design Principles and Design Principles for the Character Area/s in which they are located, as set out in the submitted Design and Access Statement (as amended) prepared by HTA dated May 2017. Development should thereafter proceed in accordance with the approved design statement

(4)

This outline planning permission relates solely to the description of development set out above and in the Application Plans and Documents attached to this planning permission. All reserved matters applications shall accord with the following approved parameter plans forming part of the application except where specific listed conditions in this permission require otherwise:

- Amount - EXX-0100 Rev D
- Heights - EXX-0102 Rev O
- Access – EXX-0101 Ref F

(7)

A schedule of demolitions and new build shall be provided at each reserved matters phase prior to commencement of development on that phase. The schedule shall demonstrate that that phase when combined with any earlier phase will result in a net increase of dwellings on the site.

The reasons for the conditions 2, 4 and 7 remain unaltered.

Approved plans list to be updated to include the access parameter plan EXX-0101 Ref F.

Item No.	Application No.	Address
Site visit 001	16/06140/FUL	30 Flatwoods Road, Bath

The placemaking plan as now been adopted and forms part of the development plan. The conditions are now revised to state;

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. Parking (Compliance)

The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST.7 of the Bath and North East Somerset Placemaking Plan.

3. Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

4. Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

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

5. Arboriculture (Pre-commencement)

No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

6. Arboriculture (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwelling.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

7. Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include all necessary measures to avoid harm to wildlife including nesting birds; a method statement for the protection of retained hedgerows to include fencing specifications and a scale of showing fenced exclusion zones around retained vegetation including hedgerows; specifications for provision of new wildlife-friendly planting and hedgerows; and specifications including numbers heights and positions of features such as hedgehog, bird, and bat boxes to provide biodiversity

enhancement. All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE.3 of the Bath and North East Somerset Placemaking Plan.

8. Hard and Soft Landscaping (Pre-occupation)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

9. Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

10. Sensitive lighting (Compliance)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill onto bat roost access points, bat flight routes, vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and other wildlife

11. Refuse Collection (Prior to occupation)

Prior to the occupation of the development details of the proposed refuse collection must be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the details approved.

Reason: In the interests of highway safety.

12. Boundary treatments (Prior to commencement)

Prior to occupation of the development hereby approved the applicant shall submit details of the proposed boundary treatments to be constructed. The proposed boundary treatments shall be constructed on site in accordance with the approved details before development is occupied and retained for the lifetime of the development. Should boundary treatments be replaced then it shall be to a height and design which has first been agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policy D.6 of the Bath and North East Somerset Placemaking Plan.

13. Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST.7 of the Bath and North East Somerset Placemaking Plan

14. Existing and Proposed Levels (Pre-commencement)

No development shall commence until details of the existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policies D.2, D.5 and D.6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the ground levels have the potential to affect the overall impact of the development. Therefore these details need to be agreed before work commences as they could not easily be amended after.

15. 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.

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 26 JULY 2017

A. SITE VISIT LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	30 Flatwoods Road, Claverton Down, Bath	Sheila Brewis	Against
		Chris Beaver (Agent)	For
		Cllr Cherry Beath	Against
2	10 Stonehouse Lane, Combe Down, Bath	David Mills (Agent)	For (To share 3 minutes)
		Elizabeth Cunningham (Applicant)	
		Cllr Cherry Beath	Against
3	Stonedge Cottage, Stoneage Lane, Tunley	Claire Bramwell-Pearson (Applicant)	For

B. MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Street Record, Foxhill, Combe Down, Bath	Nick Tobin (Vice- Chair - Federation of Bath Residents' Associations)	Against (To share 6 minutes)
		John Gowers (Resident)	
		Paula Cooper (Resident)	
		Nola Edwards (Chair of Foxhill Residents Association)	
		Victor da Cunha (on behalf of applicant)	For (To share 6 minutes)
		Dee Stainer	

		Cllr Cherry Beath Cllr Lisa O'Brien (on behalf of Cllr Bob Goodman)	Ward Councillors (5 minutes) Against
		Cllr Lisa O'Brien Cllr Joe Rayment Cllr Alan Hale	Non-Ward Cllrs (3 minutes) Against
2	2 Ivy Villas, Ivy Avenue, Southdown, Bath	Simon Kinnersley	For
		Cllr June Player	N/A

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

26th July 2017

SITE VISIT DECISIONS

Item No:	001	
Application No:	16/06140/FUL	
Site Location:	30 Flatwoods Road, Claverton Down, Bath, Bath And North East Somerset	
Ward: Combe Down	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 2 no. dwellings, internal access drive and landscaping at rear of existing dwelling.	
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,	
Applicant:	Ashford Homes (South Western) Ltd.	
Expiry Date:	28th July 2017	
Case Officer:	Alice Barnes	

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 Parking (Compliance)

The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST.7 of the Bath and North East Somerset Placemaking Plan.

3 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking,

traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

4 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

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

5 Arboriculture (Pre-commencement)

No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

6 Arboriculture (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwelling.

Reason: To ensure that the approved method statement is complied with for the duration of the

development.

7 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include all necessary measures to avoid harm to wildlife including nesting birds; a method statement for the protection of retained hedgerows to include fencing specifications and a scale of showing fenced exclusion zones around retained vegetation including hedgerows; specifications for provision of new wildlife-friendly planting and hedgerows; and specifications including numbers heights and positions of features such as hedgehog, bird, and bat boxes to provide biodiversity enhancement. All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE.3 of the Bath and North East Somerset Placemaking Plan.

8 Hard and Soft Landscaping (Pre-occupation)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

9 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

10 Sensitive lighting (Compliance)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill onto bat roost access points, bat flight routes, vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and other wildlife

11 Refuse Collection (Prior to occupation)

Prior to the occupation of the development details of the proposed refuse collection must be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the details approved.

Reason: In the interests of highway safety.

12 Boundary treatments (Prior to commencement)

Prior to occupation of the development hereby approved the applicant shall submit details of the proposed boundary treatments to be constructed. The proposed boundary treatments shall be constructed on site in accordance with the approved details before development is occupied and retained for the lifetime of the development. Should boundary treatments be replaced then it shall be to a height and design which has first been agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policy D.6 of the Bath and North East Somerset Placemaking Plan.

13 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST.7 of the Bath and North East Somerset Placemaking Plan

14 Existing and Proposed Levels (Pre-commencement)

No development shall commence until details of the existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policies D.2, D.5 and D.6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the ground levels have the potential to affect the overall impact of the development. Therefore these details need to be agreed before work commences as they could not easily be amended after.

15 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:

Location plan 0009 rev A
Existing site plan 0013
Site plan 0001 rev K
Plot 1 Ground Floor Plan 0002 rev B
Plot 1 First Floor Plan 0003 rev B
Plot 1 External Elevations 0008-1 rev C
Plot 1 External Elevations 0008-2 rev C
Plot 2 Ground Floor Plan 004 rev C
Plot 2 First Floor Plan 00005 rev C
Plot 2 External elevations 0007-1 rev D
Plot 2 External Elevations 0007-2 rev D
Tree management plan 0011 rev G
Site section A-A B-B 0015 rev B

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 or send it direct to 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.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: 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.

Item No:	002	
Application No:	17/01411/FUL	
Site Location:	10 Stonehouse Lane, Combe Down, Bath, Bath And North East Somerset	
Ward: Combe Down	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Three storey side extension and garage to include demolition of existing single story side extension, partial demolition of existing garage, minor changes to rear ground floor fenestration of existing main house and front landscaping.	
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,	
Applicant:	Mr & Mrs Cunningham	
Expiry Date:	24th May 2017	
Case Officer:	Rae Mephram	

DECISION REFUSE

1 The proposed extension does not respect the character and appearance of the host dwelling in terms of the proposed design, size and scale, and fails to respond to the local context in terms of materials and fenestration details. The proposal would therefore be contrary to saved Policy D.4 of the Bath & North East Somerset Local Plan (including Minerals and Waste Policies) adopted October 2007, Policies D2 and D5 of the draft Placemaking Plan and the provisions of the National Planning Policy Framework (2015).

PLANS LIST:

This decision relates to:

23 Mar 2017 02 PROPOSED ELEVATIONS AND PLANS
23 Mar 2017 03 SITE LOCATION PLAN

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given 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.

Item No:	003
Application No:	17/00163/FUL
Site Location:	Stonedge Cottage, Stoneage Lane, Tunley, Bath
Ward: Bathavon West	Parish: Dunkerton & Tunley Parish Council
LB Grade: N/A	
Application Type:	Full Application
Proposal:	Alterations to raise the wall to the same level as the neighbour's wall, including the existing panel fence (Resubmission)
Constraints:	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,
Applicant:	Mr Christopher Bramwell-Pearson
Expiry Date:	2nd June 2017
Case Officer:	Chloe Buckingham

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 walling materials to be used shall match those of the existing wall in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 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;

Site Location Plan (no reference) and Front Garden Concept Layout (16 C) received 18th January 2017.

New Boundary Wall Details (16 B) received 23rd January 2017).

DECISION TAKING STATEMENT:

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

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

26th July 2017

DECISIONS

Item No:	01
Application No:	16/05219/EOUT
Site Location:	Street Record, Fox Hill, Combe Down, Bath
Ward: Combe Down	Parish: N/A LB Grade: N/A
Application Type:	Outline Application with an EIA attached
Proposal:	Application for Outline planning permission for the redevelopment of the Foxhill Estate comprising: <ul style="list-style-type: none">- the demolition of up to 542 dwellings;- the re-provision of up to 700 dwellings;- demolition and re-provision of the local centre to include up to 560 sq m of A1, A3, A4, A5 uses- all associated access roads, infrastructure, landscaping, open space and cycle/footways.
(All matters reserved).	
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, Local Shops, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,
Applicant:	Curo Places Ltd
Expiry Date:	14th February 2017
Case Officer:	Simon Metcalf

DECISION Permit subject to conditions and applicant entering into S106 Agreement.

Item No:	02
Application No:	17/02383/FUL
Site Location:	2 Ivy Villas, Ivy Avenue, Southdown, Bath
Ward: Westmoreland	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of use from 3 bed dwelling house (use class C3) to a 4 bed house in multiple occupation (use class C4)
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, HMO Stage 2 test required, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	Mr Peter Gray
Expiry Date:	27th July 2017
Case Officer:	Nikki Honan

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.

PLANS LIST:

The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

Location Plan, Block Plan, Floor Plan - all received 19 May 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 or send it direct to 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.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Item No:	03
Application No:	17/02214/FUL
Site Location:	10 Berkeley Place, Walcot, Bath, Bath And North East Somerset
Ward: Lansdown	Parish: N/A LB Grade: II
Application Type:	Full Application
Proposal:	Erection of garden building
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	Steve George
Expiry Date:	28th July 2017
Case Officer:	Laura Batham

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 - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

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 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 document 'Shed planning application - including plans' received on 10th May 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 or send it direct to 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