

## **DEVELOPMENT MANAGEMENT COMMITTEE**

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

Wednesday, 14th February, 2018, 2.00 pm

**Councillors:** Sally Davis (Chair), Jasper Becker, Ian Gilchrist (Reserve) (in place of Rob Appleyard), Eleanor Jackson, Les Kew, Bryan Organ, Liz Richardson (Reserve) (in place of Matthew Davies), Caroline Roberts, Dine Romero (Reserve) (in place of Paul Crossley) and David Veale

#### **101 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

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

A Vice Chairman was not required on this occasion.

#### **103 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from:

Councillor Rob Appleyard – substitute Councillor Ian Gilchrist  
Councillor Paul Crossley – substitute Councillor Dine Romero  
Councillor Matthew Davies – substitute Councillor Liz Richardson

#### **104 DECLARATIONS OF INTEREST**

Councillor Eleanor Jackson stated (in relation to Application Nos 16/05548/MINW and 17/00329/FUL) that she held two allotments and had some involvement with the Allotment Association. However, she did not feel that this constituted a disclosable interest under the Councillors' Code of Conduct.

Councillor Caroline Roberts also stated that her husband held an allotment on a different site to the one being considered at this meeting under items 1 and 2 on the main plans list. This did not constitute a disclosable interest under the Councillors' Code of Conduct.

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

There was no urgent business.

#### **106 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.

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

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

108 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 17 January 2018 were confirmed and signed as a correct record.

109 **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) 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. 17/05022/FUL**

**Site Location: 10 Woodborough Hill Cottages, Woodborough Hill, Peasedown St John – Erection of a two storey side extension (Resubmission)**

The Case Officer reported on the application and her recommendation for refusal. She explained that the applicant has made a number of changes to the application and, as a result, the reason for refusal relating to the separate planning unit can be removed.

The registered speaker spoke in favour of the application.

Cllr Karen Walker, local ward member, spoke in favour of the application.

In response to a question the Case Officer explained that the ecology officer had raised no objections to the application subject to the inclusion of two conditions regarding bat mitigation and sensitive lighting.

Cllr Jackson moved the officer recommendation for refusal as the proposal was not in keeping with the area, the design was not appropriate and due to ecology concerns. This motion was not seconded.

Cllr Kew stated that the site visit had been very useful and had enabled members to

view the surrounding properties, many of which had flat roof extensions. He felt that the extension would enhance the property and the whole terrace. He noted that the Parish Council and local ward member supported the application. He then moved that the Committee delegate to permit the application, subject to conditions, as it would not harm the locality nor detract from the character of the area.

Cllr Roberts noted the wide diversity of properties in the area, many of which had flat roofs. She seconded the motion to delegate to permit.

Members requested that some training take place regarding ecology matters, including bats, which officers agreed to organise.

The motion was then put to the vote and it was RESOLVED by 8 votes in favour and 2 votes against to DELEGATE TO PERMIT the application subject to conditions, including those proposed by the ecology officer and a condition relating to matching materials.

## 110 **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 items 1, 2, 3 and 5 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 Nos 1 and 2**

**Application Nos 16/05548/MINW and 17/00329/FUL**

**Site Location: Upper Lawn Quarry, St Winifred's Drive, Combe Down, Bath – Extension of quarry and variation of restoration strategy and period of extraction up until 2035. Change of use of an area of paddock land for use as allotments.**

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

The registered speakers spoke for and against the applications.

Cllr Cherry Beath, local ward member, spoke against the applications.

The Case Officer then responded to questions as follows:

- The allotments in rows 4-7 will be relocated.

- The Secretary of State has received a request to call in the application.
- There is a footpath leading down Row 23 of the allotments.
- The water trough will be replaced.
- The existing top soil and sub soil will be used for the replacement allotments.
- There is still the possibility for further extraction from the quarry if required in the future.
- The total area of the replacement allotment site is larger than the existing site.

The legal advisor informed the Committee that any land ownership matters that may be controlled by the Council were not planning considerations and should be dealt with as a separate aspect. Compensation for loss and inconvenience of the allotments was also a legal matter between the individual parties rather than a planning matter.

Councillor Jackson stressed the need for the replacement allotments to be equivalent to the existing ones. She also felt that the terms and conditions for these allotments should be brought in line with national allotment practice to ensure like for like.

The Team Manager, Development Management explained that the Committee cannot change the legal status of the existing allotments. Any change could be considered by the allotment association, the landowner and the Council. The management of the allotments was not a consideration for this Committee.

Councillor Romero felt that the application should be deferred until some of the outstanding issues have been clarified.

Councillor Jackson moved that the Committee delegate to permit the applications subject to conditions as set out in the report, but also to amend condition no. 3 of application no.17/00329/FUL, and add an extra condition, if necessary, to achieve a revised layout plan for the allotments. This was seconded by Councillor Kew.

The motion was put to the vote and it was RESOLVED, subject to the Secretary of State not calling in the application:

- (a) By 8 votes in favour, 1 vote against and 1 abstention to DELEGATE TO PERMIT application number 16/05548/MINW subject to the conditions set out in the report.
- (b) By 7 votes in favour, 1 against and 2 abstentions to DELEGATE TO PERMIT application number 17/00329/FUL subject to the conditions set out in the report.

### **Item No. 3**

#### **Application No. 17/05748/FUL**

**Site Location: Fairash Poultry Farm, Compton Martin Road, West Harptree – Conversion and part demolition of redundant poultry sheds to form 2 live-work dwellings and associated access and landscaping works (Resubmission)**

The Case Officer reported on the application and his recommendation for refusal. He informed the Committee that since publication of the report 2 letters of objection and 1 letter of support had been received. The reasons for objection included poor

access, highway safety, contamination, lack of marketing of the site and lack of affordable housing. The reasons for support included the innovative design.

The registered speakers spoke for and against the application.

Cllr Tim Warren, local ward member, spoke in favour of the application.

The Case Officer then responded to questions as follows:

- It is likely that there would be a modest reduction in the number of vehicle movements to the site due to the change from poultry sheds to live-work dwellings.
- It was confirmed that there has been no permission as yet for change of use from employment to residential purposes.
- The Highways Officer explained that the development was too small to justify the construction of a new roundabout in this location.

Cllr Kew stated that the farm buildings currently on site were unsightly and that this proposal could provide an opportunity for improvement. He noted that the site was industrial and was not in the greenbelt. Cllr Kew moved that the Committee delegate to permit the application subject to conditions.

Councillor Organ seconded the motion noting that the site had been vacant and unsightly for a number of years and that the proposal would not lead to increased traffic in the area.

Cllr Richardson felt that this application was almost acceptable but had not yet completely addressed all the issues. She believed that the junction was dangerous and that visibility was poor. She did not feel that sustainability was an issue and did not believe that a footpath was necessary. She noted that a neighbourhood plan was in place for this area.

Cllr Jackson noted that need to ensure sustainable patterns of development which was promoted by the NPPF and therefore must be given significant weight. She felt that the visibility at the junction was very limited. She also stated that the provision of two dwellings represented underdevelopment and that the size of the site would support the provision of affordable housing.

Cllr Romero stated that the access to the site was still substandard and that the application required some further revisions.

The Team Manager, Development Management, advised the Committee that they must consider the application as it stands. If a footpath were to be provided then this would require a S106 Agreement. He also confirmed that there was no minimum density policy for this site.

Cllr Kew stated that most planning issues had now been resolved and that he supported the conversion of the redundant buildings in this rural area. The proposal would deliver a permanent solution to this redundant site provided conditions relating to the appropriate materials and landscaping were in place.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 2 votes against and 2 abstentions to DELEGATE TO PERMIT the application subject to conditions and a legal agreement if necessary.

**Item No. 4**

**Application No. 17/05569/FUL**

**Site Location: Roundhill Farm, Moorledge Road, Chew Magna – Erection of extension and conversion of farm buildings to provide one dwelling**

The Case Officer reported on the application and her recommendation for refusal.

The registered speaker spoke in favour of the application.

Cllr Liz Richardson, local ward member, spoke in favour of the application.

The Case Officer confirmed that this type of development would not normally be restricted to ownership by family members as it was not a rural workers' dwelling. It was noted that no evidence had been received to satisfy policy RE4 in terms of the need for the dwelling and the financial viability of the business to support such a dwelling.

Cllr Romero felt that consideration of the application should be deferred so that the case could be made for the provision of a rural workers' dwelling.

In response to a question the Case Officer explained that if this were a barn conversion then it could be allowed under permitted development rights. The Team Manager, Development Management, explained that this proposal consisted of substantial extension and alteration which was beyond the conversion policy. He confirmed that if members wished to approve the application, on the basis that it was for a family member, then a S106 Agreement could be put in place to ensure that the ownership of the new property remained within the same family as the main farmhouse.

Members discussed the potential overlooking and loss of privacy that would be caused by the development and concluded that, as the house would be occupied by a member of the same family, any negative impact would be mitigated.

Councillor Kew moved that the Committee delegate to permit the application subject to conditions and a S106 Agreement requiring the property to remain in the same ownership as that of the main farmhouse building. This was seconded by Cllr Jackson.

The motion was then put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application subject to conditions and the provision of a S106 Agreement requiring the new property to remain in the same ownership as the main farmhouse building.

**Item No. 5**

**Application No. 17/05316/FUL**

**Site Location: Bloomfield House, 3 Braysdown Lane, Peasedown St John – Demolition of existing rear single storey extension and replacing with new 2 storey rear extension**

The Case Officer reported on the application and her recommendation for refusal. It was confirmed that the dwelling was neither listed nor in a Conservation Area.

The registered speaker spoke in favour of the application.

Councillors Sarah Bevan and Karen Walker, local ward members, spoke in favour of the application.

Cllr Jackson noted that the proposed extension was not subservient to the existing building. She also queried whether the timber cladding was appropriate for this property.

Cllr Romero proposed that consideration of this application be deferred pending a site visit. This was seconded by Cllr Jackson.

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

*(Note: At this point Cllr Caroline Roberts left the meeting).*

**Item No. 6**

**Application No. 17/05269/FUL**

**Site Location: 27 Horsecombe Brow, Combe Down, Bath, BA2 5QY – Erection of single storey rear extension and two storey side extension. Replacement of existing windows and re-cladding of existing dormer window following demolition of existing garage and side extension**

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

Cllr Kew moved the officer recommendation to permit. This was seconded by Cllr Organ.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 1 abstention to PERMIT the application subject to the conditions set out in the report.

**111 QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2017**

In response to a question regarding the difference in investigations launched and enforcement notices issued officers explained that the majority of cases were resolved via negotiation.

RESOLVED: To NOTE the quarterly performance report.

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

The Committee considered the appeals report.

RESOLVED to NOTE the appeals report.

The meeting ended at 4.50 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**



**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**14<sup>th</sup> February 2018**

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

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
001	17/05022/FUL	10 Woodborough Hill Cottages

The applicant has made the following changes to the proposal:

- 1) A doorway opening has been created at the first floor level linking the main dwelling to the two bedrooms and bathroom of the proposed.
- 2) The applicant has confirmed that the existing kitchen will be removed from the host dwelling and replaced with a utility room.
- 3) The window on the rear extension has been amended so that it is in proportion with the existing windows.
- 4) The parking plan shows space available for four cars.

Due to the changes to the scheme the Council are agreed to remove the condition regarding the separate planning unit. However, the second reason for refusal remains intact.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01 & 02	16/05548/MINW & 17/00329/FUL	Upper Lawn Quarry

**Summary of Further Representations**

Following the publishing of the Committee reports relating to applications 16/05548/MINW and 17/00329/FUL the Council has received three further letters of objection. The reasons for objection can be summarised as follows:

1. The DMC deferred the applications in August because the committee report was not well-enough prepared. It is still inappropriate for the proposal to be presented to the Planning Committee in February, as a number of areas are unclear and others are yet to be sufficiently resolved. This lack of clarity should leave the Committee no option but to defer the application once again and seems to be a waste of Council

resources as well as giving continued uncertainty and upset for allotment tenants.

2. The Parks Department lodged a detailed objection in December to the most recent applications with a number of areas they identify as unresolved and inappropriately addressed. These concerns must be addressed in full before the application goes to the Committee.
3. Existing tenants as well as the Parks Department still do not know for certain which allotment plots will be destroyed by the application. The original application for 35m x 42m of land was never marked out and none of the parties concerned are clear about exactly which allotments are affected and where the boundaries will come. The boundary was supposed to be marked out on the site, but this has not been done. Allotment tenants have been given a blanket warning by Parks and Open Spaces that they may have to vacate their plots, but do not know which of them will be affected. As a result, some are not sure whether it is worth their while investing time, energy and money cultivating their plots and those plots now appear neglected.
4. Amendments to the original application show a clear “land grab”, in which the original 35m applied for has been extended by at least 2 or 3 metres south, thereby destroying yet more existing allotment sites. Again the area has not been marked out and there is still no clarity as to which plots will be affected. The Committee should be asked to stand firm on the original 35m application, at which point the boundary fence should be erected and the quarry should begin inside that boundary. The applicant would hardly be affected commercially by this - it was after all their original application - but it would protect at least 2 – if not more - mature, cherished allotments from destruction. Referring the Committee to the Mastermap dated 2015, just a couple of metres is all it will take to protect one row if not two entire rows of allotments for the future. Requiring the applicant to place the boundary fence along a sensible line between existing allotment rows instead of encroaching on an entire row is the most sensible approach.
5. The Committee should be made aware that planning blight has now been occurring at the allotments since early in 2017 as a number of tenants who may (or may not) be affected by the application have lost heart in cultivating their plots due to the uncertainty and others who may have been on the waiting list feel disinclined to take up an allotment as there is no certainty as to their future.
6. Without knowing which plots will be affected, Parks have been offering plots that have come vacant on the existing site to any tenants that they think MIGHT be affected (including ourselves on Plot 8A2). However, we have been unwilling to take up the offer made in this random fashion as we still don't know whether or not we are affected by the application. Our own measurements would indicate not. We are

understandably very reluctant to leave our well-maintained plot in which we have invested significant time and effort over many years for a lesser-quality plot elsewhere on the site, especially when we believe we are personally unaffected but just don't know

7. One existing and heavily-used water trough will be lost by the application. It is the northernmost trough along the pipeline running up the allotments. This trough serves at least 18 allotment plots currently and should be relocated southwards so that it is adjacent to what will become the northernmost remaining allotment. Without having water available throughout the planting and growing seasons, allotments will become unviable.
8. The applicants' previous disregard for the planning conditions placed on them when they applied to extend the quarry workings in 2000/01 must be taken into consideration. They were required at that time by B&NES to return an area of land to viable allotment plots in replacement for the land they were taking as additional quarry. They did not do this, and that area of land, together with spoil heaps of what would have been topsoil, remains neglected but unavailable.
9. The latest amendments were not posted at the allotment entrance to the site, and so people who may have wanted to object could not do so.
10. The existing allotments are held on an annual one-year lease by B&NES with the owner, Mr Lovegrove. If this was widely known by allotment tenants, there may be those who would not wish to take up an allotment due to the annual risk and uncertainty of losing a cherished plot in which much time, effort and money will have been invested. Now is an appropriate point at which B&NES could seek to reduce future costs and uncertainty by extending the terms of the lease so that it does not have to be renegotiated every year. The lease on the adjacent Glen Field, over which the applicant also has mineral rights according to the Local Plan, has recently been renegotiated between the owner and Monkton Combe School. The same renegotiation and terms should be sought by B&NES over the Combe Down allotments and the proposed new extension. The Allotments Act 1950 requires all tenants and sub-tenants to be given a minimum of 12 months' notice to quit an allotment plot.
11. The agreement between the freeholder Mr Lovegrove and Bath City Council dated 1 July 1991 provides that: "Mr Lovegrove shall have ... upon giving the Council 3 months' previous notice in writing ... the power to re-enter the allotments if required to be used for mining ... making compensation for crops then growing on the property."
12. Maps that have been used during the planning application process to show the existing allotment plots have been out of date and a clear

picture has not always been represented as to the layout of the plots that may be affected.

13. The applicant has not pegged out the proposed allotment extension, and so there is no clarity as to where the site extends.
14. There is a wide belt of land that cannot be worked as allotments due to the excessive height of the leylandii hedge and its roots between the proposed new site and Oldfield Old Boys RFC. This has been referenced in some documents, but has not been clearly identified or marked out.
15. It does not appear that any allowance has been made for water troughs for the new extension which is essential to the viability of these allotments.
16. The proposed new sites will be a long way from the only entrance to the site which is off Glen Field. They will not be easily accessible but there are no secured areas on the site, which is subject to vandalism and theft. Tools have to be carried on and off each time a plot-holder makes a visit. This will make these sites less attractive to some groups of potential allotment holders.
17. The planning applications have been submitted with no plans for future restoration of the quarry, or for infilling and repair of the very large area of quarry that has already been worked out, or any plans to return the newly-applied-for area of quarry to allotments for community benefit and Local Green Space once it has been worked out.
18. Issues remain over the Construction Management Plan (CMP) and the creation of replacement plots. The CMP does not contain enough detail or milestones to ensure the equitable and problem-free vacation of affected plots and relocation to new replacement plots. Very importantly.
19. Enforcement of Conditions: Planning Policy's comment on the applications is "No objection subject to conditions". You will recall the August DMC was told that the applicants failed to fulfil the conditions of their 2000/2001 application; their agent made a comment in his statement that conditions did not necessarily have to be met. We are deeply concerned, given the agent's statement in August rejecting the conditions relating to the quality of the replacement plots and, secondly, the case officer's failure to take proper account of the Parks Department's detailed objection, that the Council will not be prepared to commit the resources to ensure that the CMP is made sufficiently robust and that conditions are enforced.

### **Further Officer Comments**

It is Officers opinion that the additional information submitted by the applicant and their agent is sufficient to allow a detailed assessment of the proposals. Whilst there are elements of the proposals that could still be improved upon or

amended these are elements that can be secured or controlled by the attachment of appropriate planning conditions.

With regard to the Parks Departments comments whilst stating that the application was not acceptable in its current form they provided suggested amendments and conditions to address these issues. It should be noted that following the issue of an updated allotment layout by the Parks Department and confirmation of the conditions attached to the Committee Report for the allotment application they have confirmed that they find the application acceptable subject to the conditions proposed. In relation to the leylandii trees adjacent to the replacement allotments site the Parks Department have advised that as the replacement allotment land is larger than the land to be lost the overall area of land suitable for cultivation, taking account of the leylandii, would be equivalent to that being lost.

It should be noted that the planning application process requires applicants to submit scale drawings in support of planning applications. These drawings are capable of being measured by a scale ruler and the dimensions of a development determined. The drawings submitted by the applicant comply with these requirements as well as providing detailed annotation for further information. The planning regulations do not require applicants to mark out proposed development sites on the ground and this is not a requirement that the Council would hold any other applicant to. Moreover, when comparison is made of the submitted site location plan and the allotments mastermap provided by one of the allotment holders it is evident that the individual allotments to be affected by the development are easily identifiable, namely plots in rows 4-7. Whilst the applicant has increased the red line boundary relating to the quarry extension it should be noted that this was to bring the site location plan in line with the submitted site plan. Nevertheless all applicants are entitled to submit a planning application for the development they wish to undertake and as such the Council is duty bound to assess the acceptability of the proposals regardless of whether they will impact on a greater number of allotments. In this instance, when considering the allotment mastermap against, the current proposals would affect a larger proportion of row 7 than the location plan seen by the August Planning Committee but no additional plots would be affected.

Whilst it is appreciated that the allotment holders have felt a degree of uncertainty throughout the planning process the certainty of a planning decision cannot be realized until a decision has been issued by Committee and in this case when the Secretary of State has considered whether they need to call in the application.

It should be noted that planning conditions have been attached to both the quarry extension and allotment replacement applications that require the

replacement of the water trough to be lost to the quarry extension as well as a further water trough to be installed in the replacement allotments.

With regard to the applicants' compliance with the conditions attached to previous minerals permissions it should be noted that this is not a material planning consideration of either of the quarry extension or replacement allotment applications. However, planning legislation does hold provision for the enforcement of planning conditions if they are found to be in breach and the Council would advocate any local resident or allotment holder contacting the Council's Planning Enforcement Section so that they might investigate matters in relation to any existing or subsequent planning permissions.

In relation to the advertisement of amendments to the application scheme it should be noted that planning legislation requires the Council to post site notices for the initial publicity of the planning application. Following the initial publicity, where an application is amended it is up to the local planning authority to decide whether further consultation and publicity is necessary. In this instance subsequent site notices were posted in relation to the amended site location plan and application description for the quarry extension as the nature of the application had changed significantly. However, following that re-consultation and the increase in adjoining owner/occupiers to the red line boundary it was considered that a further re-consultation by mail of all adjoining owner/occupiers was sufficient for the amended / additional information submitted by the applicant. As such the Council has complied with its duties with regard to consultation.

Whilst it is appreciated that the lease agreement with the landowner of the allotments is of some concern to the allotment holders this is not a material planning consideration of the quarry extension or replacement allotment applications. In relation to the requirement of compensation for the loss of crops it should be noted that the planning application must be assessed against planning policy with any conditions supported by planning policy. In this instance Policy LCR8 of the BANES Placemaking Plan, whilst requiring the replacement of allotments, does not make provision for compensation for the loss of crops.

With regard to access to the replacement allotments sites it is considered that vehicular access would have a detrimental impact on the existing allotment site, requiring the removal of further plots to facilitate it. As such, given the distance of the proposed allotments from the existing vehicular access, on planning balance, a vehicular access is not considered necessary in this instance.

As with previous applications for extensions to the quarry conditions have been attached that require the restoration of the quarry at an appropriate time.

However, it should be noted that given the proposed increase in the extraction life of the quarry and the emergence of the Local Plan that will run until 2036 it is felt that a conditions that allows greater flexibility to the end use would be more appropriate in this instance. This is considered preferable to requiring the submission of a restoration scheme prior to determination that may not be fit for purpose when the extraction life of the quarry comes to an end.

In relation to the CMP it is considered that, when combined with the proposed conditions, these provide sufficient controls to ensure that the two developments are carried out in an appropriate manner and within a required order and timeframe.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
03	17/05748/FUL	Fairash Poultry Farm Compton Martin Road West Harptree

The Council's ecologist has now confirmed that she has no objections to the proposals subject to conditions securing landscaping and controlling any external lighting.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
05	17/05316/FUL	Bloomfield House, 3 Braysdown Lane

Additional comments of objection have been received from a neighbour as follows;

- Councillor Bevan's comment states that "This application will not affect the street scene or the visual amenity from Braysdown Lane". This is not the case as the southern aspect of the two story extension will be clearly visible from Braysdown Lane. It is also inaccurate to state that "The applicant has taken steps to advise neighbours of his plans", as no consultation has taken place outside of the standard BANES planning process so no assumed support should be inferred from her statement.
- Councillor Walker's support for the application is partially based on the fact that "There will be no loss of light to either neighbour adjacent to the property". This statement is not correct No. 1 will suffer a loss of light throughout the morning. To my knowledge Councillor Walker has not visited my property to be in a position to make such a statement of fact.

- The Parish Council's statement of support for the application is partially based on the fact that the planning application will not increase the number of bedrooms. This is incorrect as the plans clearly show 5 bedrooms where originally there were only 4. With the additional bedroom resulting from the creation of a self-contained annexe to provide accommodation for a nanny as mentioned in the design statement.



# **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 14 FEBRUARY 2018**

<b>SITE VISIT LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>SPEAKER</b>	<b>FOR/AGAINST</b>
1	10 Woodborough Hill Cottages, Peasedown St John	John White (Agent)	For
		Cllr Karen Walker (Local Ward Member)	For

<b>MAIN PLANS LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>SPEAKER</b>	<b>FOR/AGAINST</b>
1 & 2	Upper Lawn Quarry, St Winifred's Drive, Combe Down, Bath	Simon Burrows	Against (To share 6 minutes)
		Martin Coulson	
		Simon Chambers (Agent)	For (6 minutes)
		Cllr Cherry Beath (Local Ward Member)	Against
3	Fairash Poultry Farm, Compton Martin Road, West Harptree	Cherry Daly	Against
		Chris Beaver (Agent)	For
		Cllr Tim Warren (Local Ward Member)	For
4	Roundhill Farm, Moorledge Road, Chew Magna	Mike Younie (Agent)	For
5	Bloomfield House, 3 Braysdown Lane, Peasedown St John	Chris Marsland (Agent)	For

		Cllr Sarah Bevan (Local Ward Member)	For
		Cllr Karen Walker (Local Ward Member)	For

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

**14th February 2018**  
**SITE VISIT DECISIONS**

<b>Item No:</b>	001		
<b>Application No:</b>	17/05022/FUL		
<b>Site Location:</b>	10 Woodborough Hill Cottages, Woodborough Hill, Peasedown St. John, Bath		
<b>Ward:</b> Peasedown St John	<b>Parish:</b> Peasedown St John	<b>LB</b>	
<b>Grade:</b> N/A			
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of a two storey side extension (Resubmission)		
<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Policy CP9 Affordable Housing Zones, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Mr & Mrs Camm		
<b>Expiry Date:</b>	18th January 2018		
<b>Case Officer:</b>	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 External Lighting (Bespoke Trigger)**

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights, details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby 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 wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

**3 Bat Mitigation (Bespoke Trigger)**

The development hereby approved shall be implemented only in accordance with the recommendations, precautionary working methods, and proposed bat mitigation described

in Section 6 and Annex 4 of the approved Protected Species Survey and Assessment dated September 2017 by Seasons Ecology. No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, completed implementation of all the necessary ecological and bat mitigation measures in accordance with the approved recommendations and specifications, has been submitted to and approved in writing by the Local Planning Authority. This must include findings of any necessary update or pre-commencement surveys, and, as applicable, either a copy of any EPS license obtained prior to any works affecting bats or their roosts, or written confirmation that an EPS licence was not required.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

#### **4 Materials (Compliance)**

All external walling and roofing materials to be used shall match those of the existing building in respect of size, type, colour, jointing and coursing.

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 Ancillary Use (Compliance)**

The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 10 Woodborough Hill Cottages; 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 contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan.

#### **6 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 Site Location Plan (S03E), Block Plan (S04E), Existing Plans and Elevations (S02D) and Existing Site Plan (S01D) received 13th October 2017.

Proposed Site Plan (10-P01 Rev F), Proposed Ground Floor Plan (10-P02 Rev F), Proposed First Floor Plan (10-P03 Rev F), Proposed South Elevation and Section AA (10-P05 Rev F) and Proposed West and East Elevations (10-P04 Rev F) received 31st January 2018.

#### **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.

### **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.

### **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. 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](http://www.bathnes.gov.uk/cil)

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

**14th February 2018**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	16/05548/MINW	
<b>Site Location:</b>	Upper Lawn Quarry, St Winifred's Drive, Combe Down, Bath	
<b>Ward:</b> Combe Down	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Application for Variation of Condition	
<b>Proposal:</b>	Extension of quarry and variation of restoration strategy and period of extraction up until 2035.	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Existing Mineral Working, Forest of Avon, Hotspring Protection, Preferred Area for Mineral Extraction, MOD Safeguarded Areas, Regionally Important Geological Site RIG, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,	
<b>Applicant:</b>	Messrs Hancock	
<b>Expiry Date:</b>	28th February 2018	
<b>Case Officer:</b>	Tim Pearce	

**DECISION** Delegate to PERMIT subject to the Secretary of State not calling in the application.

<b>Item No:</b>	02	
<b>Application No:</b>	17/00329/FUL	
<b>Site Location:</b>	Upper Lawn Quarry, St Winifred's Drive, Combe Down, Bath	
<b>Ward:</b> Combe Down	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use of an area of paddock land for use as allotments	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Existing Mineral Working, Forest of Avon, Hotspring Protection, Mineral Construction Area, MOD Safeguarded Areas, Regionally Important Geological Site RIG, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,	
<b>Applicant:</b>	Messrs Hancock	
<b>Expiry Date:</b>	28th February 2018	
<b>Case Officer:</b>	Tim Pearce	

**DECISION** Delegate to PERMIT subject to the Secretary of State not calling in the application.

<b>Item No:</b>	03	
<b>Application No:</b>	17/05748/FUL	
<b>Site Location:</b>	Fairash Poultry Farm , Compton Martin Road, West Harptree, Bristol	
<b>Ward:</b> Mendip	<b>Parish:</b> West Harptree	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Conversion and part demolition of redundant poultry sheds to form 2 No. live-work dwellings and associated access and landscaping works (Resubmission)	
<b>Constraints:</b>	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
<b>Applicant:</b>	Mr Peter Wood	
<b>Expiry Date:</b>	22nd January 2018	
<b>Case Officer:</b>	Chris Gomm	

**DECISION** Delegate to PERMIT subject to appropriate conditions and for a S106 agreement if necessary for road improvement.

<b>Item No:</b>	04	
<b>Application No:</b>	17/05569/FUL	
<b>Site Location:</b>	Roundhill Farm, Moorledge Road, Chew Magna, Bristol	
<b>Ward:</b> Chew Valley North	<b>Parish:</b> Chew Magna	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of extension and conversion of farm buildings to provide 1no. dwelling.	
<b>Constraints:</b>	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, Public Right of Way, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
<b>Applicant:</b>	Mr J Cox	
<b>Expiry Date:</b>	15th February 2018	
<b>Case Officer:</b>	Chloe Buckingham	

**DECISION** Delegate to PERMIT subject to conditions and a S106 Agreement to ensure that the approved development stays within the same ownership as the main house.



<b>Item No:</b>	05		
<b>Application No:</b>	17/05316/FUL		
<b>Site Location:</b>	Bloomfield House, 3 Braysdown Lane, Peasedown St. John, Bath		
<b>Ward:</b> Peasedown St John	<b>Parish:</b> Peasedown St John	<b>LB</b>	
<b>Grade:</b> N/A			
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Demolition of existing rear single storey extension and replacing with new two storey rear extension		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Neighbourhood Plan, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Mr James Tadman		
<b>Expiry Date:</b>	15th February 2018		
<b>Case Officer:</b>	Samantha Mason		

**DECISION**    Defer for Site Visit.

<b>Item No:</b>	06		
<b>Application No:</b>	17/05269/FUL		
<b>Site Location:</b>	27 Horsecombe Brow, Combe Down, Bath, Bath And North East Somerset		
<b>Ward:</b> Combe Down	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of single storey rear extension and two storey side extension, replacement of existing windows and re-cladding of existing dormer window following demolition of existing garage and side extension.		
<b>Constraints:</b>	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Mr Matt Cochrane		
<b>Expiry Date:</b>	15th February 2018		
<b>Case Officer:</b>	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 Materials (Compliance)**

All external roofing materials to be used on the two storey side extension hereby permitted and the dormer cladding hereby permitted shall match those of the existing building in respect of size, material, colour, texture and profile.

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

## **3 Parking (Compliance)**

The area allocated for parking (driveway) 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 is retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

## **4 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:

1715-P-010, 1715-P-020-, 1715-P-040, 1715-P-050-, 1715-P-001 - received 27th October 2017

1715-P-110-A, 1715-P-120-B, 1715-P-140-A, 1715-P-150-B, 1715-P-160-A - received 22nd January 2018

### **Condition Categories**

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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.

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