

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 1st August, 2018, 2.00 pm

Councillors: Sally Davis (Chair), Patrick Anketell-Jones (Reserve) (in place of Les Kew), Jasper Becker, Neil Butters (Reserve) (in place of Rob Appleyard), Paul Crossley, Matthew Davies, Eleanor Jackson, Bryan Organ, Will Sandry (Reserve) (in place of Caroline Roberts) and Brian Simmons (Reserve) (in place of David Veale)

22 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

23 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

24 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Rob Appleyard – substitute Cllr Neil Butters
Cllr Les Kew – substitute Cllr Patrick Anketell-Jones
Cllr Caroline Roberts – substitute Cllr Will Sandry
Cllr David Veale – substitute Cllr Brian Simmons

25 DECLARATIONS OF INTEREST

There were no declarations of interest.

26 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

27 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.

28 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

29 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 4 July 2018 were confirmed and signed as a correct record subject to the following amendment:

Item No. 1 – Application No. 18/0185/FUL – paragraph 6

Amend the second sentence to read “He stated that although the Parish Council had voted to oppose the application, fewer than half had so voted”.

30 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. 18/00356/FUL

Site Location: Curbar Edge, 2 Rowlands Close, Bathford, Bath, BA1 7TZ – Roof change to create habitable space with 4 bedrooms incorporating rear dormer structure, front single storey extension and landscaping including engineering works to the rear garden

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

A local resident spoke against the application.

The applicant spoke in favour of the application.

Cllr Martin Veal, local ward member, spoke against the application. He stated that all three local ward members opposed the proposal which was not in keeping with the area. He stated that the design was inappropriate and was overbearing; there were also concerns about the height of the building and the potential for overlooking of neighbouring properties. He pointed out that the removal of ponds and trees had caused ecological harm.

The Case Officer responded to questions as follows:

- The site was not in a Conservation Area.

- The increase in the height of the roof was 1.5m.
- The existing garage would remain in its current location.

Cllr Becker stated that although he could understand the concerns of local residents he did not feel that there were sufficient planning grounds to refuse the application. He moved the officer recommendation to permit. This was seconded by Cllr Crossley.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour and 3 abstentions to PERMIT the application subject to the conditions set out in the report.

31 **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, 3, 4 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 No. 1

Application No: 18/00058/ERE03

Site Location: Bath Quays North Development Site, Avon Street, Bath – Outline planning application for comprehensive mixed use redevelopment, comprising B1, C1, C3, A1, A3, A4, A5, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA, above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved

The Case Officer reported on the application and his recommendation for approval. He informed members that there had been no objection from Natural England subject to certain conditions being required. The existing number of parking spaces on the site was 639 not 693 as stated in the report. The application had been amended to omit any A5 (hot food takeaway) floorspace. There were also some minor amendments to the conditions and the recommendation was to delegate to permit the application.

A representative from South West Transport Network spoke against the application.

The applicant spoke in favour of the application.

The Case Officer then responded to questions from members as follows:

- Coach parking would be provided at the Odd Down park and ride site and this would be in place prior to the closure of the Avon Street coach park. Drop off facilities would still be available in the town centre.
- The land valuation was based on the capitalised income stream. The 20% premium was considered to be appropriate to act as an incentive to developers and was in line with government guidance.
- The cost of the car parking spaces included provision for subterranean structures which had increased the cost per space. There was a requirement to provide car parking within the development and ground level parking would increase building heights.
- The applicant had submitted a financial appraisal to substantiate their assertion that, based on the costs and values of the development, the scheme was not viable and would be unable to support any affordable homes. Affordable housing could still be delivered via a grant process but this was not a material consideration. Whilst the lack of affordable housing within the scheme was regrettable the Council's key aim was to provide office and employment space in the city centre.
- CIL (Community Infrastructure Levy) would apply to some parts of the development, although office space was not subject to a CIL contribution. The total amount of CIL provided would depend on the final mix in the scheme.
- The existing public toilets in Avon Street would be demolished but there may be new facilities within the redevelopment.
- The Environment Agency had raised no objections to the application subject to conditions being in place to include a flood evacuation plan. The plinth would also be raised up to avoid the flood zone.
- There would be up to 270 dwellings within the development and even if the maximum were provided the site would still not be viable. Full details of the residential part of the development would come forward as part of the reserved matters application. This was likely to comprise a range of building heights in line with the parameter plans and design codes.
- The development has the potential to create a significant number of full time equivalent job opportunities within the South West economy and the B&NES area. Full details were set out in the report.

Cllr Crossley moved that consideration of the application be deferred pending a site visit and workshop session with officers. He stated that this was a very important application and many questions remained unanswered. It would be helpful to view the various different areas of the site and visualise how the development might look. He also believed that further discussion was required around the viability assessment due to the non-provision of affordable housing.

Cllr Jackson seconded the motion. She was concerned at the number of concerns put forward by officers that the application was not acceptable in its current form, as set out on pages 50 and 51 of the report. She also stated that the design should be more dynamic and was concerned at the lack of social housing.

The Group Manager, Development Management, stated that he did not feel a site visit was necessary as members were familiar with the site and specific questions

were being, and could be answered, at the meeting. He confirmed that the viability appraisal had been scrutinised by independent experts and officers were satisfied with this review. The application was in line with design codes and the Placemaking Plan.

Cllr Matthew Davies felt that a site visit was unnecessary and pointed out that the application was only at the outline stage and that a more detailed application would come forward for consideration by the Committee in due course.

Cllr Becker stated that he could not support the proposal for a site visit. If the Council wanted to attract jobs to Bath then the right type of office space was required in the right location. It was necessary to cross subsidise the provision of office space by residential development and more high value jobs were required in the area. He felt that deferral would not shed any more light on the application and that the Committee should seize the opportunity to provide this much needed development.

Cllr Sandry supported the proposal for a site visit as it would help members to view the site in the context of the plans submitted. There were considerations such as the view from the surrounding area and the impact on adjacent Georgian buildings. It was important to pause and reflect on this type of application, particularly in light of the lack of affordable housing provision.

Cllr Anketell-Jones felt that the site would never be viable unless the height of the buildings was significantly increased. He felt that the officer report provided sufficient information on which to make an informed decision.

Cllr Butters supported the provision of more office accommodation in Bath but shared the concerns regarding the number of senior officers who had put forward concerns about the application such as the Urban Design and Landscape Officers.

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

Cllr Becker then moved that the Committee delegate to permit the application with amendments. He noted that there was flexibility in the proposals but that the general principle regarding the unviability of the site remained. It was important for the local economy to move away from its dependence on retail, food and tourism. The current site needed regeneration. The roof heights were acceptable. He understood the concerns regarding the lack of affordable housing but felt that this could be dealt with in an alternative way. However, he had concerns regarding the design codes and guidance and felt that more control should be taken in this area. He proposed that the Committee agree that the design principles should follow those in the Placemaking Plan and should recognise the homogeneity of the heritage of Georgian Bath.

The Group Manager, Development Management, explained that the Placemaking Plan required the scheme to respond positively to adjacent buildings and the wider context of Bath. The design code dealt with design principles but not architectural style. Design detail would be difficult to pin down at this stage and would be addressed through the reserved matters submissions. He advised that the existing level of control over the design was sufficient.

The Case Officer explained that the design codes had been prepared with the Georgian city in mind although they did not specify exactly what the development should look like. An informative requiring the developer to have regard to the Placemaking Plan allocation and the homogeneity of Georgian Bath could be added. Cllr Becker agreed to this suggestion.

Cllr Matthew Davies seconded the motion. He noted that if the development were to become viable in the future then affordable housing could still be provided.

Cllr Crossley spoke against the motion. He was supportive of new development but felt that more work was required on this proposal. There were wide parameters for the development and he was concerned at the lack of affordable housing on a Council owned site. He also had concerns regarding the viability assessment and felt that the provision of up to 270 dwellings with no affordable housing was unacceptable. Overall he felt that the scheme was premature and would not be advantageous for the long term future of Bath.

Cllr Sandry stated that the office space within the proposal could end up being squeezed out by the provision of luxury apartments. The location was perfect for office accommodation being so close to the bus and train stations.

Cllr Anketell-Jones noted that the site could become a vibrant business quarter for Bath providing high value jobs. It was important not to dilute the vision for the site. Office space in Bath had been lost in the past and this would also offer the opportunity for people to live sustainably in the city centre. City centres were changing due to developments in digital technology leading to less retail and more housing developments. This proposal provided the right mix of vision and flexibility.

The motion was then put to the vote and it was RESOLVED by 6 votes in favour and 4 against to DELEGATE TO PERMIT the application subject to conditions, a planning obligation to secure future viability reviews to secure affordable housing where possible, and the inclusion of an informative requiring the detailed design to respect and complement the architectural character of Georgian Bath and its surroundings.

Item No. 2

Application No. 17/05597/FUL

Site Location: Ryman Engineering Services, Frome Road, Radstock, BA3 3PY – Demolition of existing building and redevelopment of the site for residential purposes involving the erection of 10 units and associated infrastructure including parking and private gardens

The Case Officer reported on the application and his recommendation for refusal. He gave the following updates:

- An email of support had been received from the Norton Radstock Regeneration Company.
- The revised NPPF had been published on 24 July 2018. References in the Committee report to the NPPF should be amended as follows – page 90 reference to “Paragraph 135” should now read “Paragraph 197”. Page 94 reference to “Paragraphs 186 and 187” should now read “Paragraph 38”.

- The revised NPPF states that if the highways impact is unacceptable an application should be refused (previously this stated that an application should be refused if the highways impact was severe).

A member of Radstock Town Council spoke in favour of the application.

The applicant and agent spoke in favour of the application.

A statement was read out on behalf of Cllr Chris Dando, local ward member, in support of the application. He pointed out that the Ryman's Engineering Works was now located in an increasingly residential setting and was out of place. The current premises were no longer fit for purpose. The proposed scheme would provide affordable housing in the town and would be more in keeping with the location and Conservation Area. Concerns raised could be addressed through conditions.

The Case Officer then responded to questions as follows:

- The Coal Authority had provided some comments regarding one of the mine shafts which were read out at the meeting. Members were advised that the shaft had been filled in 1974 with pit muck and capped by British Coal to an unknown specification. An additional cap had since been added but this was also to an unknown specification. In 1999 the shaft was inspected and this showed that the fill had slumped by 60-70m; the private owners were responsible for its filling. There were no further records held by the Coal Authority in respect of further treatment. There were no records regarding the other mine shaft.
- The Case Officer advised that intrusive investigation of the two mine shafts was required in advance of the application being determined. It was advised that resolution of this matter could not be dealt with by condition as the findings of the investigation could have fundamental implications for the scheme – such as a change in layout or reduction in the number of units for example. It was unclear at this stage what mitigation may be necessary (if any).
- Similarly it was advised by the Case Officer that conditions could not effectively be used to resolve the light spill/ecological issue because it may be that a revised layout and/or orientation of the building(s) was necessary to reduce light spill to an acceptable level. He also advised that a resolution of this issue during the course of the application may well have been reached had there not been fundamental highway and ecological concerns.

The Group Manager, Development Management, made the following comments:

- The underground conditions of the site were a material consideration. The applicant should be requested to come back when the appropriate assessments have taken place.
- The ecology concerns were around the presence of both Lesser and Greater Horseshoe bats which were a protected species under European law. There could be a solution but without a survey this was unclear.

The Highways Officer explained that the original highways consultant had felt that action could be taken to make the application acceptable. However, this would involve having to advertise to change the speed limit. The point of access was currently unclear as it differed from plan to plan. There could be a solution to the highways concerns but no further plans to address these issues had been submitted. As the application stands there were safety concerns.

Cllr Jackson stated that the site was a strategic site in Radstock which was crying out for development. It was a brownfield site which should be prioritised despite its interesting ecology. The proposal would conserve and enhance the area and affordable housing was also desperately needed. The entrance to the site was substandard and there was no need for more offices and shops in the town centre at present. The location was sustainable being close to bus stops and shops. The Chair of Norton Radstock Regeneration Company, the Radstock Action Group and Radstock Town Council all supported this application. Many of the developments in Radstock were situated on top of mines or near mine shafts and this would be no different.

Cllr Jackson then moved that the Committee delegate to permit the application with strong conditions including:

- A satisfactory plan for re-engineering of the road access and perhaps a warning sign “concealed access”.
- Ecological mitigation (dealing with light spill issues)
- A thorough satisfactory “intrusive” mining report with mitigation measures/way forward to be agreed with the Local Planning Authority.

Cllr Sandry seconded the motion as he did not feel that the Coal Authority response warranted concern, he considered the slumping of the fill to be beneficial in terms of the stability of the shaft, although an intrusive survey would be helpful. Despite some concerns regarding transport and access this was already a site access.

Cllr Becker supported the building of houses on the site but felt that the current application should be rejected until the applicant has addressed the issues raised relating to the mines, bats and access.

Cllr Anketell-Jones asked whether the Council would be legally liable if there were to be a shaft collapse/future ground instability. He was advised by the Group Manager, Development Management, that the Council would not be liable and that any future subsidence or other issues relating to the mines would be the responsibility of the landowner but that it was correct for members to consider whether they were satisfied that the risk of development had been properly considered.

The Group Manager, Development Management, pointed out that full details were not yet known regarding the ecology and mining concerns. More work should be carried out to ascertain the best way to safeguard the rare bats in this area.

Following further advice from the Case Officer, the Highways Officer and Group Manager, Development Management, Cllr Jackson accepted and Cllr Sandry seconded that it be moved that the Committee delegate to permit the application with

strong conditions including:

- Securing the access as shown on the current plans
- Securing the delivery of any necessary ecological surveys and appropriate/necessary mitigation prior to any development taking place
- Securing intrusive ground investigations at the site prior to any development taking place together with any necessary mitigation identified.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to DELEGATE TO PERMIT the application subject to conditions.

Item No. 3

Application No. 18/00179/FUL

Site Location: The Copse, Bannerdown Road, Batheaston, Bath – Erection of 5 dwellings with access and associated works following demolition of existing dwelling

The Case Officer reported on the application and his recommendation to permit. He informed the Committee that he had received one further objection from a local resident regarding overlooking and the effectiveness of the proposed management company.

A representative from the local Residents' Group spoke against the application.

The agent spoke in favour of the application.

Cllr Martin Veal, local ward member, spoke against the application. He congratulated the architect and agent for the way in which they had engaged with local residents. However, he expressed concern regarding the overlooking of properties in West View Road and the subsequent invasion of privacy. He also raised issues relating to the slope of the land on the site, non compliance with the NPPF, tree maintenance, the Management Company and insufficient car parking spaces.

The Case Officer responded to queries as follows:

- There was surface water drainage on the site.
- Condition 9 required that no occupation of the development site shall commence until details of a management company were submitted.
- The concerns re overlooking had been considered and the distances between the majority of the properties were over 21m. There was also a laurel hedge along the site boundary.
- The development comprised a mix of flat and pitched roofs.

Cllr Becker moved the officer recommendation to permit. He felt that this was a good scheme and that the conditions proposed would deal with the concerns raised by the objectors.

Cllr Crossley seconded the motion and stated that, on balance, he felt that the issues relating to overlooking and water flows had been addressed.

Cllr Jackson expressed concerns regarding environmental issues on the site including the maintenance of the trees.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 against to PERMIT the application subject to the conditions set out in the report.

Item No. 4

Application No. 18/01510/LBA

Site Location: 31 Sion Hill, Lansdown, Bath, BA1 2UW – Internal and external alterations to insert pair of new windows to ground floor of rear elevation and new joinery details to existing rear doors

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

The applicant spoke in favour of the application.

Cllr Anthony Clarke, local ward member, spoke in favour of the application. Whilst he agreed with protecting heritage buildings he felt that it was important for houses to adapt, provided this was not detrimental to the building. He did not feel that this application would be harmful and noted the applicants' wish to gain more light in their main living area.

(Note: At this point Cllr Organ left the meeting)

The Case Officer responded to questions as follows:

- There were a large variety of designs in this area but none exactly like the proposal as far as she was aware.
- Changes to a listed building can still be considered harmful even if people were unable to see them.

Cllr Anketell-Jones, local ward member, stated that he supported the comments made by Cllr Clarke. He noted that the additional windows were required for practical purposes to illuminate the interior of the property.

(Note: At this point Cllr Organ returned to the meeting. He was unable to vote on this application as he had not been present for the whole of the discussion on this item).

Cllr Crossley stressed the need for period properties to meet the needs of the residents who currently live in them. A window had already been added to the rear façade and he did not feel that the proposal would damage the building. It reflected the changing requirements for modern living and would ultimately protect the building and its long term maintenance which amounted to a public benefit. He moved that the Committee delegate to permit the application. This was seconded by Cllr Matthew Davies.

Cllr Becker supported the motion stating that the new windows would not be visible from the street as they were at the rear of the property.

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

Item No. 5**Application No. 18/02224/FUL****Site Location: 146 Wellsway, Bath, BA2 4SE – Provision of rear parking area for 1 vehicle**

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

Cllr Michael Norton, local ward member, spoke in favour of the application. He stated that the benefit of this application to the resident outweighed any negative impact. The wall was already breached in some parts and removing a car from the public highway was of benefit to the area. There was no objection from local residents. The wall was a retaining structure rather than a historical feature.

The Case Officer responded to questions as follows:

- The proposed parking space would comprise a hardstanding area with a retaining wall to the rear. No gates were shown on the plans.
- A similar application had been refused in April 2013.
- The public parking layby area would be reduced in length if the application were approved. One smaller parking space would still be available.
- No concerns had been raised regarding the loss of trees or hedgerows.
- There would be harm to the Conservation Area.
- The stonework could be reused where possible but this would require negotiation with the applicant.

The Group Manager, Development Management, pointed out that the existing breaches in the wall were predominantly for garages and that part of the wall had been retained. This application would breach the full height of the wall which more typically took place only in small pedestrian accesses.

Cllr Jackson stated that the application was contrary to policy and would not preserve or enhance the Conservation Area. The wall was retaining and historic and should be preserved. The application would also result in the loss of a public parking space. She moved the officer recommendation for refusal.

Cllr Crossley seconded the motion noting that this was a long wall with a substantial visual presence which was a feature in this location.

Cllr Anketell-Jones felt that the wall was characteristic of the area and that the open space which would be created would result in a brutal appearance.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 abstention to REFUSE the application for the reasons set out in the report.

32 QUARTERLY PERFORMANCE REPORT - APRIL TO JUNE 2018

The Committee considered the quarterly performance report for the period April to June 2018. Cllr Crossley congratulated the Committee on its excellent service to the public and consistently high standards. He also praised the Chair for the excellent

way she dealt with the Committee and the fairness she showed to all members.

The Group Manager, Development Management, responded to questions as follows:

- There was no clear reason why B&NES had a 2% rise in planning application numbers when the national trend was for a 3% decrease.
- Future reports would show the costs awarded to the Council as well as those awarded against.
- Workloads for planning officers were relatively high and there were currently 2 vacancies within the team.
- He agreed that ward councillors should be informed of any judicial reviews of planning applications within their area.

RESOLVED to note the quarterly performance report.

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

The Committee considered the appeals report.

RESOLVED to note the report.

The meeting ended at 6.15 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 1st August 2018

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

Item No.001 Application No. 18/00356/FUL

Address: Curbar Edge , 2 Rowlands Close, Bathford, Bath, BA1 7TZ

In light of the revised National Planning Policy Framework published on the 24th July the decision taking statement is revised to state;

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Condition 5 is revised to state;

{b Wildlife Protection and Enhancement (Pre-commencement)}

Within six weeks of the granting of permission full details of a Wildlife Protection and Enhancement Scheme produced by a suitably experienced ecologist shall be submitted to and approved in writing by the local planning authority. These details shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed precommencement checks and surveys, for the avoidance of harm to bats, reptiles, nesting birds and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;

(ii) Detailed proposals for implementation of wildlife mitigation and enhancement measures, including wildlife-friendly planting and landscape details; provision of bat and bird boxes; provision of replacement habitats; provision for enabling movement of wildlife including hedgehogs on and off site; sensitive lighting design; with proposed specifications, models, species, materials as applicable, and proposed numbers and positions of species and features to be shown on plans as applicable;

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development and retained within the development thereafter in accordance with approved details.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies NE3 of the Bath and North East Somerset Local Plan.

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.1 Application No. 18/00058/ERE03
Address: Bath Quays North, Avon Street, Bath

Correction

The existing number of parking spaces on the site is 639 (not 693 as stated in the report).

The Application has been amended to omit any A5 (Hot food takeaway) floorspace.

Further Amendments

Following completion of the Committee report minor amendments are proposed to the wording of Conditions 1, 10, 11, 12, 13, 16, 19, 22, 26, 31, 34, 35. These changes are to provide further clarity and to reflect the phased nature of the proposed development.

If Members are minded to approve the application it is proposed that the Director - Development, Planning and Transport Development be authorised to make these amendments prior to issuing the Decision Notice.

Revised NPPF

The Revised NPPF was published on 24th July 2018. References in the Committee report to the NPPF should be to the Revised NPPF (2018). Reference to para. 134 of the NPPF (2012) should be to para. 196 of the NPPF (2018). There are no material changes to the advice in respect of the considerations to be taken into account when determining the current application.

The NPPF (2018) Section 11: Making Effective Use of Land, further emphasises the contribution that brownfield sites and under-utilised land can make to delivering homes and other identified needs.

Item No.3 Application No. 18/00179/FUL
Address: The Copse, Bannerdown Road, Batheaston

Revised NPPF

The Revised NPPF was published on 24th July 2018. References in the Committee report to the NPPF should be to the Revised NPPF (2018). Reference to paragraph 120 of the NPPF (2012) should be to paragraph 179 of the NPPF (2018). There are no material changes to the advice in respect

of the considerations to be taken into account when determining the current application.

Item No.4 Application No. 18/01510/LBA
Address: 31 Sion Hill Bath

The Revised NPPF was published on 24th July 2018. References in the main body of the Committee report to the NPPF should be to the Revised NPPF (2018). References to paragraphs 186 and 187 of the NPPF (2012) in the decision taking statement should be to paragraph 38 of the NPPF (2018). There are no material changes to the advice in respect of the considerations to be taken into account when determining the current application.

Under Other representations should read;
Two representations have been submitted in support which comment that

Item No.5 Application No. 18/02224/FUL
Address: 146 Wellsway, Bath

The Revised NPPF was published on 24th July 2018. References in the Committee report to the NPPF should be to the Revised NPPF (2018). Reference to paragraph 134 of the NPPF (2012) should be to paragraph 196 of the NPPF (2018). There are no material changes to the advice in respect of the considerations to be taken into account when determining the current application.

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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 1 AUGUST 2018

| SITE VISIT LIST | | | |
|-----------------|--|--------------------------------------|-------------|
| ITEM NO. | SITE NAME | SPEAKER | FOR/AGAINST |
| 1 | Curbar Edge, 2 Rowlands Close, Bathford, Bath, BA1 7TZ | Martin Gurney | Against |
| | | Nikki McCarthy (Applicant) | For |
| | | Cllr Martin Veal (Local Ward Member) | Against |

| MAIN PLANS LIST | | | |
|-----------------|---|---|--------------------------|
| ITEM NO. | SITE NAME | SPEAKER | FOR/AGAINST |
| 1. | Bath Quays North Development Site, Avon Street, Bath | David Redgewell | Against |
| | | Simon Martin (Applicant) | For |
| 2. | Ryman Engineering Services, Frome Road, Radstock, BA3 3PY | Cllr Colin Currie (Radstock Town Council) | For |
| | | Steve Ryman (Applicant) | For (To share 3 minutes) |
| | | James Dean (Agent) | |
| 3. | The Copse, Bannerdown Road, Batheaston, Bath | Penny Gill (Residents' Group) | Against |
| | | Chris Beaver (Agent) | For |
| | | Cllr Martin Veal (Local Ward Member) | Against |

| 4. | 31 Sion Hill, Lansdown, Bath, BA1 2UW | Anthony Russ (Applicant) | For |
|----|---------------------------------------|---|-----|
| | | Cllr Anthony Clarke (Local Ward Member) | For |
| | | | |
| 5. | 146 Wellsway, Bath, BA2 4SE | Cllr Michael Norton (Local Ward Member) | For |

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

1st August 2018

DECISIONS

| | | |
|-----------------------------|---|----------------------|
| Item No: | 001 | |
| Application No: | 18/00356/FUL | |
| Site Location: | Curbar Edge , 2 Rowlands Close, Bathford, Bath | |
| Ward: Bathavon North | Parish: Bathford | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Roof change to create habitable space with 4 bedrooms incorporating rear dormer structure, front single storey extension and landscaping including engineering works to the rear garden. | |
| Constraints: | Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro, | |
| Applicant: | Mrs Nikki McCarthy | |
| Expiry Date: | 3rd August 2018 | |
| 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 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.

3 Parking (Compliance)

The areas 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 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 Obscure Glazing and Non-opening Window(s) (Compliance)

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

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

5 Wildlife Protection and Enhancement (Pre-commencement)

Within six weeks of the granting of permission full details of a Wildlife Protection and Enhancement Scheme produced by a suitably experienced ecologist shall be submitted to and approved in writing by the local planning authority. These details shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed precommencement checks and surveys, for the avoidance of harm to bats, reptiles, nesting birds and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;

(ii) Detailed proposals for implementation of wildlife mitigation and enhancement measures, including wildlife-friendly planting and landscape details; provision of bat and bird boxes; provision of replacement habitats; provision for enabling movement of wildlife including hedgehogs on and off site; sensitive lighting design; with proposed specifications, models, species, materials as applicable, and proposed numbers and positions of species and features to be shown on plans as applicable;

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development and retained within the development thereafter in accordance with approved details.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies NE3 of the Bath and North East Somerset Local Plan.

6 Protection and Enhancement (Pre-occupation):

No occupation of the development hereby approved shall commence until:

(a) measures to provide additional features to benefit wildlife, to include, for example, nesting opportunities for birds; bat boxes; hedgehog home; hedgehog access points within fencing; and wildlife- and bee-friendly planting; have been installed on site

(b) a brief report confirming and demonstrating, using photographs where appropriate, completion of the measures in part (a) of this condition, has been submitted to and approved in writing by the Local Planning Authority.

All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat

Reason: To minimise loss of nesting and bat roosting habitats and a net loss to biodiversity, and to provide biodiversity gain in accordance with NPPF

7 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:

Site location plan
Block plan
Existing plans and elevations 101
Proposed elevations 201 revised
Roof plan and view 202 revised
Proposed section 203
Proposed section 204

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.

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

1st August 2018

DECISIONS

| | |
|--------------------------|--|
| Item No: | 01 |
| Application No: | 18/00058/ERE03 |
| Site Location: | Bath Quays North Development Site, Avon Street, City Centre, Bath |
| Ward: Kingsmead | Parish: N/A LB Grade: N/A |
| Application Type: | Reg03 app with EIA attached |
| Proposal: | Outline planning application for comprehensive mixed use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA, above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved. |
| Constraints: | Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Contaminated Land, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, Public Right of Way, SSSI - Impact Risk Zones, |
| Applicant: | Bath & North East Somerset Council |
| Expiry Date: | 30th April 2018 |
| Case Officer: | Gwilym Jones |

DECISION Delegated to permit subject to applicant entering into S106 agreement and relevant conditions.

| | |
|------------------------|--|
| Item No: | 02 |
| Application No: | 17/05597/FUL |
| Site Location: | Ryman Engineering Services, Frome Road, Radstock, Bath And North East Somerset |

| | | |
|--------------------------|---|----------------------|
| Ward: Radstock | Parish: Radstock | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Demolition of existing building and redevelopment of the site for residential purposes involving the erection of 10 units and associated infrastructure, including parking and private gardens | |
| Constraints: | Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, Policy GDS1 Site Allocations, Housing Development Boundary, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy PCS6 Unstable Land-Coal Mining Le, SSSI - Impact Risk Zones, | |
| Applicant: | Ryman Engineering Services | |
| Expiry Date: | 20th June 2018 | |
| Case Officer: | Chris Gomm | |

DECISION Delegate to Permit subject to conditions

| | | | |
|-----------------------------|---|----------------------|--|
| Item No: | 03 | | |
| Application No: | 18/00179/FUL | | |
| Site Location: | The Copse, Bannerdown Road, Batheaston, Bath | | |
| Ward: Bathavon North | Parish: Batheaston | LB Grade: N/A | |
| Application Type: | Full Application | | |
| Proposal: | Erection of 5no dwellings with access and associated works following demolition of existing dwelling | | |
| Constraints: | Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro, Tree Preservation Order, | | |
| Applicant: | Complete Build Solutions Ltd | | |
| Expiry Date: | 2nd August 2018 | | |
| Case Officer: | Chris Griggs-Trevarthen | | |

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 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. It shall also include details of how ground stability will be maintained during the construction process. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway, the protection of residential amenity and land stability in accordance with policies PCS6 and 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.

3 Land Stability Assessment and Mitigation (Pre-commencement)

No development shall commence, except for demolition or investigation works, until a detailed land stability report and mitigation method statement have been submitted to and approved in writing by the Local Planning Authority. This shall include a detailed assessment of the potential impacts of the proposed development on the land stability of the site and surrounding slopes and detailed mitigation measures to be employed to address any significant risk identified. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that there is a detailed assessment of land stability undertaken at the detailed design stage and to gain an understanding of the impacts of the proposed development and the most appropriate mitigation methods in accordance with policy PCS6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the condition of the land and the appropriate mitigation and construction methods need to be understood before any works commence.

4 Drainage Details (Pre-commencement)

No development shall commence until full details of a surface water drainage system with supporting calculations have been submitted to and approved in writing by the Local Planning Authority. These must demonstrate that the drainage system can store surface water for up to the critical 1:100+ climate change rainfall event without flooding occurring on the site. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that the development and neighbouring properties are not subject to unacceptable flood risk in accordance with policy CP5 of the Bath and North East Somerset Core Strategy and policy SU1 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the size of the attenuation tank will directly affect the initial groundworks and therefore need to be understood before development commences.

5 Arboricultural Method Statement (Pre-commencement)

No demolition or 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; pre-commencement site meeting with the appointed Arboriculturalist and Local Planning Authority Arboricultural Officer; 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, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with policy NE6 of the Bath and North East Somerset Placemaking Plan. 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 Wildlife Protection Measures (Pre-commencement)

No development shall take place until full details of a Wildlife Protection Measures have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- (a) proposed notification of findings of all necessary pre-commencement survey/monitoring for badger activity and (if applicable) nesting birds;
- (b) plan showing fenced exclusion zone/s and details of method statements as required for avoidance of harm to wildlife (including badger if applicable) and retained vegetation and habitats;
- (c) proposals for any additional ecological mitigation requirements arising.

The development shall thereafter be carried out only in accordance with the approved details and with all other ecological mitigation requirements as detailed in the approved Extended Phase I Ecological Survey dated May 2018 (Stark Ecology).

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies NE3 of the Bath and North East Somerset Placemaking Plan.

7 Sample Panel - Materials (Bespoke Trigger)

No construction of the external materials of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken 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.

8 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to

include proposed lamp models and manufacturer's specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE3 and D8 of the Bath and North East Somerset Placemaking Plan.

9 Management Company (Pre-occupation)

No occupation of the development shall commence until details of a management company which will maintain the communal areas of the site have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. How the management company will be organised and funded in perpetuity;
2. An inspection and maintenance regime for the retained and proposed trees, with particular attention given to the 7no. TPO London Plane Trees along the southern boundary of the site;
3. An agreed height for the Laurel hedge along the southern boundary of the site and details of how this will be maintained;
4. How the wildlife corridor and all approved ecological features and planting will be maintained; and,
5. A site management plan identifying the areas to which the above matters relate.

The communal areas of the site shall thereafter be maintained by the approved management company in accordance with the approved details.

Reason: To ensure the adequate maintenance of the communal areas in the interests of the longevity and health of the retained trees, the privacy of adjoining neighbours and biodiversity in accordance with policies NE6, D6 and NE3 of the Bath and North East Somerset Placemaking Plan.

10 Hard and Soft Landscaping Details (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; finished ground levels; a planting specification to include numbers, density, 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 D.2 and D.4 of the Bath and North East Somerset Placemaking Plan.

11 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

12 Arboricultural Certificate of Compliance (Pre-occupation)

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

Reason: To ensure that the approved arboricultural method statement is complied with for the duration of the development in accordance with policy NE5 of the Bath and North East Somerset Placemaking Plan.

13 Implementation of Wildlife Scheme (Pre-occupation)

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, completion and implementation of all approved ecological mitigation and enhancement measures in accordance with approved details as described in the approved Extended Phase I Ecological Survey dated May 2018 (Stark Ecology) and approved details of wildlife protection measures, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of wildlife protection and Ecological mitigation measures, to prevent ecological harm and to provide biodiversity gain in accordance with policies NE3 of the Bath and North East Somerset Local Plan.

14 Landscaping Implementation (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 D.2 and D.4 of the Bath and North East Somerset Placemaking Plan.

15 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

16 Reporting of Unexpected Contamination (Compliance)

In the event that unexpected contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by unusual colour, odour, texture or containing unexpected foreign material.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

17 Timber Privacy Screen (Compliance)

The timber privacy screen to south-east window of the first floor bedroom (as indicated on drawing number 14B) of plot 4 shall be installed prior to the occupation of plot 4. The timber privacy screen shall be retained permanently thereafter.

Reason: To limit views towards adjoining residential properties in West View Road in the interests of residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

18 Parking (Compliance)

The areas allocated for parking and turning 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 ST7 of the Bath and North East Somerset Placemaking Plan.

19 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:

| | |
|----------|---------------------------|
| 213 01 | SITE LOCATION PLAN |
| 213 02 | BLOCK PLAN |
| 213 03 | EXISTING SITE PLAN |
| 213 04 D | GROUND FLOOR PLANS |
| 213 05 C | FIRST FLOOR PLANS |
| 213 06 C | ROOF PLANS |
| 213 07 C | OVERLOOKING PLAN |
| 213 08A | SUSTAINABLE DRAINAGE PLAN |
| 213 09A | SERVICES LAYOUT |
| 213 10 C | REFUSE MANAGEMENT |
| 213 11 | PLOT 1 ELEVATIONS |
| 213 12 | PLOT 1 PLANS |

| | |
|------------------|---------------------------------|
| 213 13 A | PLOT 4 ELEVATIONS |
| 213 14 B | PLOT 4 PLANS |
| 213 15 | PLOT 3 ELEVATIONS |
| 213 16 | PLOT 3 PLANS |
| 213 17 | PLOT 5 ELEVATIONS |
| 213 18B | PLOT 5 PLANS |
| 213 19A | PLOT 2 PLANS |
| 213 20A | PLOT 2 ELEVATIONS |
| 213 21B | SITE SECTIONS |
| 213 22 C | SITE SECTIONS |
| 213 23B | PROPOSED SITE SECTIONS |
| 213 24A | CANTILEVERED TERRACE |
| 213 25A | FOUNDATION LAYOUTS |
| 213 26 B | FOUNDATIONS AND SERVICES PLAN |
| 078 004 F | BOUNDARY TREATMENT PLAN |
| 078 005 A | TREE RETENTION AND REMOVAL PLAN |
| 078 006 D | BOUNDARY MANAGEMENT PLAN |
| 078 010 B | LANDSCAPE SECTIONS |
| 078 001 G | LANDSCAPE PLAN |
| 078 200 E | PLANTING PLAN |
| IMA-17-204 001 F | SCHEMATIC DRAINAGE LAYOUT |
| IMA-17-204 003 B | VEHICLE TRACKING |
| IMA-17-204 004 B | VEHICLE TRACKING |

DECISION MAKING STATEMENT

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

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

Highways Act 1980

The applicant should be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence under Section 184 of the Highways Act 1980 for the amendment of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework.

| | |
|--------------------------|---|
| Item No: | 04 |
| Application No: | 18/01510/LBA |
| Site Location: | 31 Sion Hill, Lansdown, Bath, Bath And North East Somerset |
| Ward: Lansdown | Parish: N/A LB Grade: II |
| Application Type: | Listed Building Consent (Alts/exts) |
| Proposal: | Internal and external alterations to insert pair of new windows to ground floor of rear elevation and new joinery details to existing rear doors. |
| Constraints: | Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, |

| | |
|----------------------|--|
| | Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones, |
| Applicant: | Ms Kate Bernstein |
| Expiry Date: | 4th July 2018 |
| Case Officer: | Caroline Waldron |

DECISION CONSENT

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

Drawings

1073:S1 SURVEY GROUND FLOOR PLAN
1073:S2 SURVEY WEST ELEVATION
1073:S3 SURVEY KITCHEN WINDOW ELEVATION
1073:S4 SURVEY KITCHEN WINDOW DETAIL
1073-02 PROPOSED GROUND FLOOR PLAN

Date stamped: 5th April 2018

Drawings

1073-01A PROPOSED WEST ELEVATION
1073-03A PROPOSED SASH WINDOW DETAILS
1073-04A PROPOSED KITCHEN DOORS DETAIL

Date stamped: 9th May 2018

Other documents

Design and Access and Heritage Statement date stamped: 5th April 2018

Historic Building Report date stamped: 23rd May 2018

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework.

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.

Community Infrastructure Levy

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| | | |
|--------------------------|---|----------------------|
| Item No: | 05 | |
| Application No: | 18/02224/FUL | |
| Site Location: | 146 Wellsway, Bath, Bath And North East Somerset, BA2 4SE | |
| Ward: Lyncombe | Parish: N/A | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Provision of off road parking area for 1no vehicle | |

| | |
|----------------------|--|
| Constraints: | Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, |
| Applicant: | Mr & Mrs R & J Starkey |
| Expiry Date: | 2nd August 2018 |
| Case Officer: | Chloe Buckingham |

DECISION REFUSE

1 The demolition of the boundary wall would involve the erosion of a characteristic feature of the Conservation Area and would neither preserve nor enhance the character or appearance of the Conservation Area but instead cause it harm. Therefore, the proposal is contrary to policies D1, D2, D4, D5 and HE1 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2012).

PLANS LIST:

This decision relates to;

Site Location Plan, Existing Plans and Elevations and Proposed Plans and Elevations received 21st May 2018.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.