

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 26th September, 2018, 2.00 pm

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

44 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

45 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

46 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Rob Appleyard – substitute Cllr Ian Gilchrist
Cllr Paul Crossley – substitute Cllr Dine Romero
Cllr Caroline Roberts – substitute Cllr Will Sandry
Cllr David Veale – substitute Cllr Liz Richardson

47 DECLARATIONS OF INTEREST

There were no declarations of interest.

48 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

49 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.

50 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

51 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 29 August 2018 were confirmed and signed as a correct record.

52 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 4 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 3* to these minutes.

Item Nos. 1 and 2

Application Nos. 18/02499/FUL and 18/02500/LBA

Site Location: 32 – 33 Victoria Buildings, Westmoreland, Bath, BA2 3EH – Provision of new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the provision of 9 apartments at the Belvoir Castle, Bath

The Case Officer reported on the applications and her recommendation for refusal. She outlined the reasons for refusal and emphasised that members should attach considerable importance to the identified harm to the heritage assets. The Case Officer advised that the ecology concerns had been resolved and this no longer was held as a reason for refusal.

Two local residents spoke against the applications.

The Agent spoke in favour of the applications.

Cllr Colin Blackburn, local ward member spoke in favour of the applications. He stated that starter homes were badly needed in this area. He also stressed the importance of retaining the Belvoir Castle pub as a heritage asset in this locality as it was a key facility in the centre of the community.

Cllr June Player, local ward member, spoke against the applications stating that she did not wish to lose the pub but felt that the current proposal would cause damage to the listed buildings at Park View. She was concerned that there was no parking provision which would add to the existing congestion problems in the area.

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

- The pub toilets would be accessible but there would be stairs down to the skittle alley and garden.
- It would not be possible to restrict the occupancy of the apartments as this was not an affordable housing application.
- The Placemaking Plan set the parking level requirement for student accommodation at zero, however, this application was not for designated student accommodation, therefore the application did not meet minimum parking standards.
- Surrounding buildings were 4 storeys high which was above the height of the proposed building.
- The Highways Officer confirmed that Bath Spa Railway Station was 1.47km from the site and Oldfield Park Railway Station was 380m from the site. The relevant parking requirement discount had been applied.
- An assessment had to be made regarding overlooking, height and distance as there was nothing prescriptive in the policy or legislation. The overbearing nature of the development was the main issue.
- The skittle alley was constructed of bricks and rubble stone. It was not listed in its own right but as part of the pub building.
- The building was on a brownfield site but the protection of the heritage assets was the key consideration.
- The Team Manager, Development Management advised that ,as stated in paragraph 193 of the NPPF, great weight should be given to the conservation of a heritage asset and its significance must be taken into consideration. She explained that there was no connection delivered in the application between the refurbishment of the pub and the construction of the dwellings. Therefore the Committee should not give a great deal of weight to the pub refurbishment being supported by the sale of the apartments.
- The Team Manager, Development Management, advised that if there was a subsequent proposal to convert the pub into a dwelling then this would require a fresh planning application and be considered against relevant planning policies on its merits.
- In response to issues raised by members, the Legal Advisor stated that conditions which sought to alter the status of the proposed dwellings from the open market housing would be likely to be overturned on appeal.
- The Team Manager, Development Management, emphasised the need to consider the development as proposed and that any restrictions or substantive change to the proposal would require further discussions with the applicant.

Cllr Kew stated that these were difficult applications. It was important to retain the pub as a community asset. There was a great need for housing in Bath. He noted that the development could be considered overbearing. This was a central location with good local transport links. On balance he felt that this was an area of dereliction that required development. He moved that the Committee delegate to permit the applications, subject to conditions, for the following reasons:

- To secure the retention of the pub as a community asset, meeting place and public amenity.
- The existing building is in need of improvement and the proposal will complement the listed buildings.
- He did not think that the development would flood.

- The site is in a highly sustainable location.
- To improve the area.
- To provide housing.
- To secure important community facilities.
- The harm identified is considered to be less than substantial.

Cllr Matthew Davies seconded the motion.

Cllr Jackson stated that the loss of amenity to the properties in Park View was unacceptable and that the proposed development would dominate the houses. There was also no guarantee that the pub would be retained as a community and heritage asset.

Cllr Romero stated that she would support the housing if it were designated for key workers or starter homes. However she also noted that the development was very close to existing properties and could be overbearing for local residents.

Cllr Sandry stated that the size and scale of the proposed development and its relationship to existing houses in the area meant that he could not support the application. He noted there was no evidence that the pub was unviable and pointed out that there was a large amount of redevelopment in this area.

Cllr Gilchrist felt that the proposal was too high and was concerned about overlooking.

Cllr Organ was concerned at the number of pubs that were closing and supported the refurbishment of this business which would provide a facility for the community.

Cllr Becker was concerned that the building would be overbearing and would prefer to visit the site as he noted there were already some tall buildings in the vicinity.

Cllr Jackson was concerned that if permission were granted this would not be in accordance with current policies. The Legal Advisor explained that the Committee could decide to depart from policy if members concluded that the policy was outweighed by other material considerations. He stressed that great weight should be given to the harm to the heritage assets which created a presumption against granting planning permission. In order to grant permission the Committee would have to find that there were public benefits which outweighed the harm.

The Team Manager, Development Management, advised that if members were placing weight on the community benefits arising from the refurbishment of the pub, as the motion suggests is the case, then members should consider delegating to permit on the basis that the securing of those community benefits should be discussed with the applicant with a view to securing them by a condition or legal agreement as appropriate. It was further clarified that in the event that this could not be achieved the application would be brought back to the committee given the motion put forward. Cllr Kew confirmed that it was important to retain the pub and skittle alley as a community asset and meeting facility and agreed that the proposed improvements should be secured by condition or legal agreement.

On that basis the motion was put to the vote. Members voted on each application

separately and, in both cases, it was RESOLVED by 5 votes in favour, 4 votes against and 1 abstention to DELEGATE TO PERMIT both of the applications subject to conditions and/or a legal agreement as appropriate.

Item No. 3

Application No. 18/02831/FUL

Site Location: The Old Bakery, Jews Lane, Twerton, Bath, BA2 3DG – Demolition of existing building and redevelopment comprising erection of a student accommodation building (sui generis) and erection of a flexible employment building (Class B1)

The Case Officer reported on the application and her recommendation to permit. She advised the Committee that additional conditions were now proposed in relation to ecological matters as set out in the update report.

A local resident spoke against the application and Cllr June Player (local ward member) also read out two statements from local residents against the application.

The Agent spoke in favour of the application.

Cllr June Player, local ward member, spoke against the application. She stated that the height of the building would dominate adjacent dwellings. The density of the development would lead to more activity in the area and would lead to diminution of the amenities of local residents. She also pointed out the parking problems in this area which would increase with 63 additional residents and stated that parking could not be adequately monitored. She pointed out the large number of objections and noted that the quality of life of residents, particularly those in Albert Terrace, would diminish along with the community balance in the area.

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

- The policy supports student accommodation in this location.
- The Highways officer confirmed that there was a toucan crossing close to the site.
- A CIL contribution would be made by the developer which could provide improved landscaping if necessary. There was a park nearby which could be used by residents as a recreational area.
- There was currently no service or lease agreement in place for the building.
- The parking measures would be enforceable as a condition as set out in the report.
- There would be some harm to 14 Albert Terrace as there would be a reduction in daylight. However this harm was not considered to be so significant as to warrant refusal of the application.
- The building would be 2m closer to existing dwellings than at present and would be 8m in height.

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

Cllr Sandry stated that while this was not a bad application, the location was not ideal and it would have an adverse effect on neighbouring properties. The

provision of large amounts of student accommodation in the area was hollowing out communities. The shortage of parking spaces in this location was also a concern.

Cllr Jackson felt that the proposal would be intrusive for the residents of Albert Terrace. She also expressed concern regarding the quality of urban design and landscaping.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 3 votes against and 2 abstentions to DELEGATE TO PERMIT the application subject to conditions and the completion of a Section 106 Agreement as set out in the report.

Item No. 4

Application No. 18/02261/FUL

Site Location: 27 Rockliffe Avenue, Bathwick, Bath, BA2 6QP - Erection of replacement dwelling following demolition of existing (Resubmission of 16/02520/FUL)

The Case Officer reported on the application and her recommendation to permit. She explained that the scheme as now submitted seeks to address the concerns raised by the Planning Inspector following an appeal against the refusal of a previous application on the site. She also drew the Committee's attention to three additional conditions which were set out in the update report.

One neighbour and a representative from the Bathwick Estates Residents' Association spoke against the application.

The Agent spoke in favour of the application.

Cllr Richard Samuel, local ward member, spoke against the application. He made reference to the adverse impact on the Conservation Area, quality of the replacement dwelling and the impact of groundworks on the site. He asked the Committee to consider holding a site visit so that they could view the potential impact of the development on neighbouring properties.

Officers then responded to questions from members as follows:

- The roof form was the reason the appeal had been dismissed as it was felt that it harmed the outlook from a neighbouring property.
- Whilst the development would be in close proximity to the boundary the planning inspector had not raised any concerns about damage to the neighbouring property. The Case Officer had discussed the excavation works with one of the Building Inspectors who confirmed that the works should be able to be carried out without causing harm to the neighbouring properties. The onus was on the developer and applicant to ensure that work was carried out safely. The Team Manager, Development Management made reference to the adopted Land Stability Policy but identified that the preamble to the policy related it in the main to former mining areas. It was pointed out that, whilst land stability is a material planning consideration, measures to investigate risk should be proportionate. Here there was no particular evidence of out of the ordinary risk in this area. Damage during construction would be a civil matter between the parties rather than a planning issue. Matters of construction would be considered in detail through Building

Control.

- The materials used would be ashlar stone with a tiled roof.
- The street contained a mix of dwelling styles.
- The Case Officer was not aware of any flood risk in this location.
- In response to a question from a member the Legal Advisor stated that, in general, the Council did not have a legal duty of care in the discharge of its public functions. However, there were some exceptions, and it was possible for the Council to be liable in civil law if it permitted a development which was dangerous. However that did not appear to be the case here.
- In response to a further question from a member the Legal Advisor explained that the Committee was able to take a different view to the Planning Inspector but should give great weight to the Inspector's decision because it was a decision of the Secretary of State. Members would need to provide cogent reasons for taking a different view to the Planning Inspector.
- The Team Manager, Development Management, referred to the previous application and the Inspector's consideration and conclusions in respect of the demolition of the existing house and pointed out that if a further appeal was made the Inspector would be more than likely to conclude in a similar fashion.
- The Team Manager, Development Management, explained that if the piled foundation was less than 15m in depth (as was suggested to be the case) it would be unlikely to trigger an application pursuant to the County of Avon Act 1982.

Cllr Kew moved the officer recommendation to permit. He noted that the basement construction was a matter for the contractor who should ensure a safe construction. He felt that there was no risk of flooding and that the piled foundation was a routine exercise. The current dwelling did not make a particular contribution to the Conservation Area and the redesign addressed the issues raised by the Planning Inspector. He acknowledged the concern of local residents but felt that this was a good application.

Cllr Organ seconded the motion.

Cllr Sandry stated that he felt this application represented overdevelopment of the plot and did not add to or improve the Conservation Area.

Cllr Romero had concerns regarding the excavation of the basement as the work would take place very near to the neighbouring boundary. She also felt that the front of the building would not be in keeping with the street scene. She believed that a site visit would be advantageous.

Cllr Richardson felt that the new design provided more space and noted the eclectic mix of the existing street scene.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 3 votes against and 1 abstention to PERMIT the application subject to the conditions set out in the report.

Item No. 5

Application No. 18/02898/FUL

Site Location: Horseworld, Staunton Lane, Whitchurch – Erection of 5 residential units (including affordable housing) together with associated parking, highways and landscaping works

The Case Officer reported on the application and her recommendation to delegate to permit. She clarified that, following further discussions with the Conservation Officer, it had been confirmed that there was no adverse impact on the setting of the listed building and its curtilage farm complex.

A local resident spoke against the application.

The Agent spoke in favour of the application.

Cllr Paul May, local ward member, spoke against the application. He stated that the proposal to remove the “early years facility” from the development was premature. The off-site facility that would now provide this service was some distance from the development and could not be safely or easily accessed by foot. Parking and heavy traffic were also an issue in the location.

Officers then responded to questions as follows:

- The Team Manager, Development Management, informed members that Policy RA5 requires school contributions and also the policy states that “A new early years facility will need to be provided on site or nearby” and, if that provision is considered to be met, the policy does not provide for alternative uses to be provided instead.
- The Case Officer explained that nursery provision was not calculated in the same way as school place provision. There had been insufficient places but this need had now been met by the new facility.
- The Highways Officer explained that there was a zebra crossing from Staunton Lane and that a wider footway would be provided along the route to the nursery school.

Cllr Richardson queried why there were no precise figures regarding the need for an early years facility. She stated that more details were required such as how many spaces were available at the nursery and its current occupancy level. She also pointed out that the nursery was located on the A37 and that it was unlikely that many parents would walk this route with their children.

Cllr Jackson noted that there was no guarantee that the nursery would remain in operation and that, as yet, no OFSTED inspection had taken place. It therefore seemed premature to remove the requirement for land allocation for this purpose. She also requested further information regarding pollution levels along the walking route to the nursery.

Cllr Kew felt that a decision should be deferred because more detail was required regarding the need for nursery places in the area and the provision at the current facility. He moved that consideration of this application be deferred pending further details and a site visit. The motion was seconded by Cllr Sandry.

The motion was put to the vote and it was RESOLVED unanimously to DEFER consideration of the application pending further information and a site visit.

Item No. 6

Application No. 18/02637/FUL

Site Location: St Michael's Cottage, Townsend, East Harptree, BS40 6BH – Change of use of section of paddock to allow vehicular access to dwelling

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

The Agent spoke in favour of the application.

Cllr Tim Warren, local ward member, spoke in favour of the application. He pointed out that the Parish Council supported the proposal which provided a safer access to and from the property.

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

- No comments had been received from the local Church which was close to the site.
- The Highways Officer confirmed that the new access provided greater visibility and therefore improved highway safety.
- The speed limit in this area was 60mph.
- Policy NE2B of the Placemaking Plan was relevant to the change of use of a paddock to allow for the creation of a track for dwellings outside of the Housing Development Boundary.

Cllr Matthew Davies moved that the Committee delegate to permit the application as it provided a safer access to the property.

Cllr Jackson seconded the motion as the proposal improved highway safety which outweighed any potential harm to the AONB.

Cllr Richardson did not feel that the proposal represented significant harm to the AONB

Cllr Kew noted that the applicant had suggested the use of grasscrete to mitigate the impact of the development.

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

Item No. 7

Application No. 18/03786/FUL

Site Location: 7 Elm Grove, Bath, BA2 2HJ – Erection of single storey front porch and single storey flat roof rear extension

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

Cllr Sandry, Local Ward member, confirmed that he was not aware of any local

objection to the proposal.

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

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

53 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 5.40 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 26th September

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01/02	18/02499/FUL	32 - 33 Victoria Buildings Bath

An updated Ecological Survey has been received in response to reason for refusal 6. This has been sent to the Council's Ecologist and a further update will be provided at the committee meeting.

Item No.	Application No.	Address
03	18/02831/FUL	The Old Bakery Jews Lane Twerton

As advised in the committee report, additional conditions are now proposed in relation to ecological matters.

Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of the wildlife mitigation measures and recommendations of the approved ecological report have been 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 pre-commencement checks and update surveys, and precautionary working methods, including control of construction lighting, for the avoidance of harm to bats, nesting birds, badgers and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;
- (ii) Detailed proposals for the retention of the vegetation to the south of the building and for any necessary scrub clearance, including measures for the protection of breeding birds;

- (iii) Detailed proposals for additional planting along the southern hedgerow to improve foraging opportunities for bats;
- (iv) Detailed proposals for inclusion of the seed mix Emorsgate EL1 – Flowering Lawn Mixture within gardens and soft landscaping;
- (v) Detailed proposals for the locations of the two bat access tiles to be installed on the residential student accommodation building and the locations of the two 1FE Schwegler access panels for bats 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.

Reason: To prevent ecological harm and to provide biodiversity gain

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 the approved Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain

External Lighting (Bespoke Trigger)}

No new external or internal 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; 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 upward light spill and light spill onto trees and boundary vegetation, particularly the southern boundary, and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated

Item No.	Application No.	Address
4	18/02261/FUL	27 ROCKLIFFE AVENUE BATHWICK

Clarification on materials

The property will be ashlar stone on the first floor and the ground floor will be rubble natural stone.

The flat roofed elements will have sedum roofs with a low parapet it is not proposed that these areas will be accessible other than for maintenance purposes.

A further condition is considered necessary in respect of the sedum roofs.

16 {b Green Roof Details (Bespoke Trigger)}

Prior to the construction of the roof of the approved development a detailed specification of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall include section drawings of the roof, a planting schedule, a timetable for implementation and a maintenance schedule. The green roof shall be implemented in accordance with the approved details prior to the occupation of the development or in accordance with the approved timetable for implementation.

Reason: To ensure the successful implementation of the green roof in the interests of preserving the character and appearance of the 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.

List of plans

100-1599 P-

100B,101B,102B,103B,110B,111B,112B,113B,114B,200B,201B,202C,203C, 300B,301B,001B, 002B,003B,010B, 011B, 012B,020B,021B,022B,023B,030B and 031B all dated March 18. Construction details/Sections through boundary walls.

Changes to the NPPF

Para 13 of the Inspectors decision notice he states

Paragraph 138 of the National Planning Policy Framework (the Framework) states that not all elements of a conservation area will contribute to its significance. Paragraph 138 of the Framework goes on to say that the loss of a building (or other element) which makes a positive contribution to the significance of the conservation area should be treated as either substantial harm or less than substantial harm, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

The NPPF was amended in 2018. The wording previously contained within Para 138 is now contained within Para 201 of the 2018 NPPF.

The judgement as to whether the loss of this building should be treated as substantial or less than substantial harm is dependent on the significance and its contribution to the significance of the Conservation Area and WHS as a whole.

The Planning Inspector when dealing with the appeal against the Councils refusal to permit a replacement dwelling on this site concluded that the proposal would preserve the character and appearance of the BCA. Consequently the proposal would meet the requirements of Core Strategy Policy CP6 and PP Policy HE1. Combined, these policies seek to ensure that development contributes positively to local character and preserves the elements which contribute to the special character or appearance of a conservation area. Accordingly it can be reiterated that the proposal is not considered to harm the character and or appearance of this part of the Conservation Area.

Additional plans

Additional plans have been submitted indicating a rubble stone wall to be constructed along the boundaries with both numbers 25 and 29. A condition requiring further details has been considered necessary and has been attached to the committee report. (Condition 15).

Clarification in respect of concerns that the development will set a precedent.

The report refers to precedent not supporting refusal of an application however, the Courts have held that permission may as a matter of law be refused on the grounds of the possible precedent effect of the decision, and the pressures that may follow for the unlocking of the whole area for development once permission is granted for one site within it. However mere fear or generalised concern of a precedent effect would not normally be enough; there would have to be some evidence for reliance on it. The courts have recognised, however, that in some cases the facts would speak for themselves, as in the common case of the rear extension of one of a row or terrace of dwellings, where it may be obvious that other owners in the row are likely to want extensions if one is permitted. As with all material considerations, precedent is ultimately fact specific and a matter for planning judgment.

In this instance the character of the properties in the locality is varied and as such each case for any replacement of a dwelling on a site would need to be judged on its merits.

Further clarification/comment in respect of comments raised by interested parties.

-Overdevelopment

Neighbours have commented that the available plot for constructing a dwelling is small and in terms of siting and spacing the proposal will result in overdevelopment of the site.

The footprint of the proposed dwelling is seen to be in keeping with the surrounding context. Due to the topography of the site the height of the new dwelling is in keeping with adjacent properties within the street as seen from Rockliffe Avenue. As seen from the river the building was considered to be an improvement by the inspector.

The proposed new dwelling will be marginally narrower than the existing dwelling and therefore does not fill the width of the site in the same way as the existing dwelling. Therefore the proposal does not represent overdevelopment of the site thereby complying with Policies HE1, D1, D2, D3, D6 and D7.

-Rainwater Harvesting

Additionally Policy SCR5 also explains that all dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency being 110 litres per person per day.

Rainwater harvesting or other methods of capturing rainwater for use by residents e.g.) water butts will be required for all residential development.

Therefore the following conditions are considered necessary:

17 {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.

18 {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 Placemaking Plan.

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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 26 SEPTEMBER 2018

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1. & 2.	32 – 33 Victoria Buildings, Westmoreland, Bath, BA2 3EH	Anne Donnelly	Against (To share 6 minutes)
		Susan Walker	
		John White (Agent)	For
		Cllr Colin Blackburn (Local Ward Member)	For
		Cllr June Player (Local Ward Member)	Against
3.	The Old Bakery, Jews Lane, Twerton, Bath, BA2 3DG	Jenny Bakhoff	Against
		Chris Hays (Agent)	For
		Cllr June Player (Local Ward Member)	Against
4.	27 Rockcliffe Avenue, Bathwick, Bath, BA2 6QP	Amie Berkovitch	Against (To share 3 minutes)
		Manda Rigby (Bathwick Estate Residents' Association)	
		Simon Chambers (Agent)	For
		Cllr Richard Samuel (Local Ward Member)	Against
5.	Horseworld, Staunton Lane, Whitchurch	Mary Walsh	Against
		Lee Mullins (Agent)	For

		Cllr Paul May (Local Ward Member)	Against
6.	St Michael's Cottage, Townsend, East Harptree, BS40 6BH	Chris Brunt (Agent)	For
		Cllr Tim Warren (Local Ward Member)	For

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

26th September 2018

DECISIONS

Item No:	01	
Application No:	18/02499/FUL	
Site Location:	32 - 33 Victoria Buildings, Westmoreland, Bath, BA2 3EH	
Ward: Westmoreland	Parish: N/A	LB Grade: II
Application Type:	Full Application	
Proposal:	Provision of new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the provision of 9 apartments at the Belvoir Castle Bath.	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Rengen Development Limited	
Expiry Date:	28th September 2018	
Case Officer:	Tessa Hampden	

DECISION Delegate to PERMIT subject to conditions

Item No:	02	
Application No:	18/02500/LBA	
Site Location:	32 - 33 Victoria Buildings, Westmoreland, Bath, BA2 3EH	
Ward: Westmoreland	Parish: N/A	LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	Provision of new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the provision of 9no apartments at the Belvior Castle Bath.	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	PJ	
Expiry Date:	28th September 2018	
Case Officer:	Tessa Hampden	

DECISION Delegate to CONSENT subject to conditions

Item No:	03
Application No:	18/02831/FUL
Site Location:	The Old Bakery , Jews Lane, Twerton, Bath
Ward: Westmoreland	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Demolition of existing building and redevelopment comprising erection of a student accommodation building (sui generis) and erection of a flexible employment building (class B1).
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Contaminated Land, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Railway, Railway, SSSI - Impact Risk Zones,
Applicant:	Deeley Freed Estates
Expiry Date:	5th October 2018
Case Officer:	Tessa Hampden

DECISION Delegate to PERMIT subject to a S106 and relevant conditions.

Item No:	04
Application No:	18/02261/FUL
Site Location:	27 Rockliffe Avenue, Bathwick, Bath, Bath And North East Somerset
Ward: Walcot	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of replacement dwelling following demolition of existing (Resubmission of 16/02520/FUL)
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, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs Cockayne
Expiry Date:	28th September 2018
Case Officer:	Christine Moorfield

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Precautionary working methods and update survey (compliance)

The development hereby approved shall be carried out only in accordance with the recommendations of section 5.2 of the approved Bat Surveys Report dated July 2018 by Seasons Ecology.

Reason: to avoid harm to wildlife including bats and their roosts, and nesting birds

4 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until details of a Wildlife Protection and Enhancement Scheme for the overall site have been submitted to and approved in writing by the local planning authority. These details shall include

(i) details for all necessary protection and mitigation measures during site preparation and construction phases, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to reptiles, nesting birds, bats, badger, otter, aquatic life and other wildlife, as applicable;

(ii) proposed biodiversity enhancements to be incorporated into the landscape scheme, to include wildlife-friendly planting and provision of bat and bird boxes, with proposed species, specifications, numbers, models, and positions 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.

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

5 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 LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent 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 other wildlife

6 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 the approved Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with policies NE3 of the Bath and North East Somerset Local Plan.

7 Archaeology (bespoke trigger)

The applicant shall give 14 days' written notice of the date of commencement of works to the Local Planning Authority's archaeological officer. Thereafter the applicant shall afford access at all reasonable times to any archaeologist nominated by the Council and shall allow him/her to observe the excavations and record items of interest and finds.

Reason: The site is within an area of potential archaeological interest and the Council will wish to examine and record items of interest discovered.

8

Landscaping scheme Precommencement)

No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure that any hard and soft landscape proposals do not adversely affect the existing trees on the site and in neighbouring properties.

9 Arboricultural method statement (Pre commencement)

No development shall take place until an arboricultural method statement and tree protection plan following the recommendations contained within BS 5837:2012 has been prepared. The statement should identify measures to protect any trees within the development site and the neighbouring properties with the potential to be affected by site facilities, access, parking storage, demolition and construction operations. The statement and plan should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of operations including preliminary site access and set up. The statement shall include proposed tree protection measures during site preparation (including demolition, clearance and level changes) and during construction. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, burning, handling and mixing of materials, the location of site office and the movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees within the site and its immediate surroundings.

10 Compliance with arboricultural method statement (pre commencement)

No development activity shall commence until the protective measures as stated in the approved arboricultural method statement and tree protection plan are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place with photographic evidence.

Reason: To ensure that the trees are protected from potentially damaging activities.

11 Construction Management Plan (Pre-commencement)

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

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

12 No Terrace/Balcony Use (Compliance)

The roof area of the development hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area.

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.

13 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.

14 Roof light details (Bespoke Trigger)

The building of the external walls of the dwelling hereby permitted shall not commence until full details at a scale of 1:20 of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy D1 and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

15 Boundary treatment finish (Bespoke Trigger)

The building of the external walls of the dwelling hereby permitted shall not commence until full details at a scale of 1:20 of the boundary treatment and path finishes adjacent to number 25 and 29 have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy D1 and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

16 Green Roof Details (Bespoke Trigger)

Prior to the construction of the roof of the approved development a detailed specification of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall include section drawings of the roof, a planting schedule, a timetable for implementation and a maintenance schedule. The green roof shall be implemented in accordance with the approved details prior to the occupation of the development or in accordance with the approved timetable for implementation.

Reason: To ensure the successful implementation of the green roof in the interests of preserving the character and appearance of the 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.

17 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.

18 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 Placemaking Plan.

PLANS LIST:

This decision relates to drawing nos 100-1599 P-100B,101B,102B,103B,110B,111B,112B,113B,114B,200B,201B,202C,203C,300B,301B,001B, 002B,003B,010B, 011B, 012B,020B,021B,022B,023B,030B and 031B all dated March 18. Construction details/Sections through boundary walls.

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.

This permission does not convey or imply any civil or legal consents required to undertake the works.

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

Item No:	05	
Application No:	18/02898/FUL	
Site Location:	Horseworld, Staunton Lane, Whitchurch, Bristol	
Ward: Publow And Whitchurch	Parish: Whitchurch	LB Grade: II
Application Type:	Full Application	
Proposal:	Erection of 5no. residential units (including affordable housing) together with associated parking, highways and landscaping works.	
Constraints:	Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Policy GDS1 Site Allocations, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	Bellway Homes Ltd (South West)	
Expiry Date:	26th October 2018	
Case Officer:	Chloe Buckingham	

DECISION Defer for further information and site visit

Item No:	06
Application No:	18/02637/FUL
Site Location:	St Michael's Cottage , Townsend, East Harptree, Bristol
Ward: Mendip	Parish: East Harptree LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of use of section of paddock to allow vehicular access to dwelling
Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Policy NE2 AONB, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Mr & Mrs N. Gillingham
Expiry Date:	27th September 2018
Case Officer:	Chloe Buckingham

DECISION Delegate to PERMIT subject to conditions

Item No:	7
Application No:	18/03786/FUL
Site Location:	7 Elm Grove, Southdown, Bath, Bath And North East Somerset
Ward: Oldfield	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of single storey front porch and single storey flat roof rear extension
Constraints:	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, SSSI - Impact Risk Zones,
Applicant:	Ms Lucy Strange
Expiry Date:	17th October 2018
Case Officer:	Samantha Mason

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

22 Aug 2018 Site Location Plan

22 Aug 2018 Proposed Block Plan

23 Aug 2018 A01 (A) Existing and Proposed Floor Plans and Elevations

Condition Categories

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

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

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

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

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

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

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

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

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