

## **DEVELOPMENT MANAGEMENT COMMITTEE**

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

Wednesday, 24th October, 2018, 2.00 pm

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

#### **54 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

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

A Vice Chairman was not required on this occasion.

#### **56 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Cllr Caroline Roberts – substitute Cllr Neil Butters.

#### **57 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

There was no urgent business.

#### **59 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.

#### **60 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

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

#### **61 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 26 September 2018 were confirmed and signed as a correct record.

## **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. 18/02898/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 explained that the new nursery school that opened in June 2017 could take 30 children on a full-time basis and was currently running at 60% occupancy. Therefore there was currently room for 12 additional children. Subject to available funds the nursery could also expand to provide up to 24 additional places, giving a total of 54 places at the nursery. Work was currently underway to widen the footpath and to provide a zebra crossing on the walking route to the nursery.

The agent spoke in favour of the application.

The Case Officer responded to questions as follows:

- The additional housing would provide two affordable units.
- Officers were not aware of any agreement that specified that a nursery should be provided "near" to the development.
- It was noted that many of the units were now occupied and officers confirmed that the early years' education facility had been opened prior to occupation as specified in the Section 106 Agreement.
- The estimated walking time to the existing early years' facility was a 10 minute walk which was considered to be reasonable.

Cllr Matthew Davies queried the acceptability of a 700m walk to the early years' facility with a young child.

Cllr Appleyard felt that the walk would take longer than 10 minutes with young children. He noted that the walking route was along a busy main road and also stated that there was no guarantee that the nursery would be in existence for the

long term.

Cllr Jackson expressed concern about the removal of the requirement to provide an early years' facility. She queried whether the current 60% occupancy of the existing facility was viable. She also queried whether a play area could be provided by the developer in this location if not a nursery. She was also concerned about pollution levels along the walking route.

The Team Manager, Development Management, explained that the legal agreement covered a number of matters including landscaping and highways. He confirmed that due to the existence of an adequate facility in the area the requirement to provide an early years' facility at this site no longer applied. From a planning perspective the land was no longer reserved for an early years' facility and was simply a vacant plot of land.

Cllr Kew was concerned at the loss of the early years' facility within the new development area. He referred to a letter that had been sent to the developer from the Council stating that the requirement to provide such a facility had been discharged. He noted that even with the new facility there remained a shortfall of 18 nursery places. Extending the facility could lead to a reduction in parking spaces. The A37 was a very busy road and was not a safe walking route for young families.

Cllr Crossley pointed out that the proposal would provide one property for social rent and one for shared ownership. He felt that this would be advantageous given the need for housing in this area and felt that this was more important than providing a second early years' facility. He moved the officer recommendation to delegate to permit the application. This was seconded by Cllr Butters.

Cllr Organ stated that the walking time from the new development to the nursery school was actually closer to 20 minutes.

Cllr Appleyard felt that the provision of the facility should actually be on the development site which would be more beneficial to children and families living in the new properties. He also highlighted the added benefit of creating a cohesive community and the social advantages of a local facility.

The Legal Advisor advised that, if the Council had written to the developer discharging the planning obligation, then the Council would be bound by that decision.

The motion was put to the vote and there were 3 votes in favour and 7 votes against. The motion was therefore LOST.

Cllr Kew then moved that consideration of the application be deferred pending further legal advice on the provisions of the Section 106 Agreement in order to establish if there were any alternative options. This was seconded by Cllr Appleyard.

The motion was put to the vote and it was RESOLVED unanimously to DEFER consideration of the application pending further legal advice on the provisions of the Section 106 Agreement.

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

The Committee considered:

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

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

**Item No. 1**

**Application No. 18/03742/FUL**

**Site Location: City of Bath College, Milk Street, Bath – Demolition of existing building and erection of new hotel and associated works (Resubmission)**

The Case Officer reported on the application and his recommendation to delegate to permit. He explained the differences between the resubmitted application and the previous application which had been refused by the Committee. This included a 1.4m reduction in the height of the building and the removal of the majority of the roof top plant.

The Chair of the Independent Guesthouse Association spoke against the application. He also spoke on behalf of FOBRA (Federation of Bath Residents' Associations), Bath Association of Self Catering Accommodation and the Hotel General Managers.

The Agent and a representative from Bath College spoke in favour of the application.

The Case Officer responded to questions as follows:

- There was no off street parking as part of this development, however, the plans for the works taking place in nearby Avon Street had not yet been determined. The Highways Officer explained that Blue Badge holders would be able to park in restricted areas for a period of up to three hours provided they were not causing an obstruction.
- Any changes to teaching arrangements for Bath College students as a result of the application were a matter for the College and not a planning consideration. The college would be vacated at the end of 2019 and it was anticipated that the construction of the hotel would take at least 18 months. A construction management plan would provide further details in due course.

Cllr Becker noted that the previous application had been refused on design grounds. He highlighted the fact that Bath was a World Heritage City and felt that it must remain a unique destination. He stated that there had been no significant

change to the design and that it was not appropriate for a Bath city centre development. He felt that the application should be rejected and that the Committee should ask for a new design that would enhance the Georgian city of Bath.

Cllr Appleyard noted that whilst the history of the city was important, visitors required good quality hotel accommodation. He did not see a problem with a hotel being on this site and acknowledged the improvements in the revised design. It was a softer design than the original proposal and the height had been reduced. He moved the officer recommendation to delegate to permit.

Cllr Kew seconded the motion as he felt that this was an improved design and he did not believe that a pastiche Georgian design was required in this location.

Cllr Crossley stated that the Committee required more detail regarding the economic impact of this proposal. He noted the large number of Airbnb properties in the city which were also affecting local businesses in the area.

Cllr Jackson expressed concern at the loss of trees and requested that a landscaping condition be imposed to include tree planting. The Team Manager, Development Management, explained that the S106 Agreement would require a financial contribution for offsite tree planting.

Cllr Butters also raised the impact of Airbnb properties in the city. The Case Officer explained that the Hotel Solutions Report which was currently being prepared would analyse the existing market and that the economic impact of policies would be considered as part of the Local Plan process.

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. 2**

### **Application No. 18/02591/FUL**

#### **Site Location: Pond House, Rosemary Lane, Freshford – Erection of two storey and single storey side extension and associated landscaping**

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

The agent spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke in favour of the application. He pointed out that both Freshford and Hinton Charterhouse Parish Councils were in favour of the application which should be given weight. He stated that this was an innovative design which would enhance the area.

The Case Officer then responded to questions as follows:

- The scale of the application would impact on the AONB. The farm buildings which would be demolished were not listed and were not within the Conservation Area.

- The buildings to be demolished would be the garage and workshop, the belvedere, the outside toilet, the tractor shed and part of the original dwelling.
- The property was extended in 1989 and the extension equated to a 41% increase in volume to the original dwelling. She confirmed that the outbuildings had not been included in the volume calculation.
- The ecologist had not been consulted on this application.

Cllr Jackson noted that the tractor shed could provide a habitat for bats and felt that there should be an ecology report. She moved the officer recommendation to refuse. The motion was seconded by Cllr Organ who felt that the extension would detract from the original building and would be too dominant.

Cllr Crossley stated that the proposed extension was an imaginative and outstanding design. He felt that the greenbelt would become more open with the demolition of the various buildings. He pointed out that the building was not listed.

Cllr Appleyard felt that the design was good but noted that the extension was significant in relation to the host dwelling. The percentage increase was contrary to policy and he could see no special reason to go against this.

Cllr Kew felt that the design was exceptional but the proposal was clearly against the greenbelt policy and therefore no exception could be made.

Cllr Davies praised the design and felt that a site visit would be helpful.

The Team Manager, Development Management, explained that the proposed extension was significantly larger than one third of the host dwelling. This also took into account the demolition of the other buildings on the site. Officers had concluded that the demolition of some buildings did not compensate for the bulk of the extension and its effect on the openness of the greenbelt.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 3 votes against to REFUSE the application for the reasons set out in the report.

*(Note: Cllr Butters spoke in his capacity as the local ward member and did not take part in the debate or vote on this item).*

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

### **Item No. 3**

#### **Application No. 18/01431/FUL**

**Site Location: Dearholm, Colliers Lane, Charlcombe, Bath – Erection of ground floor extension and alteration of the roof to create additional residential accommodation**

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

A representative from Charlcombe Parish Council spoke against the application.

Cllr Martin Veal, local ward member, spoke against the application. He stated that the proposal would have a detrimental impact on the rural setting on the edge of a

world heritage city. He pointed out that the site was located in a prominent and isolated location and that the development would cause harm to the greenbelt and AONB. He felt that the size of the extension was disproportionate and represented a 61% increase in volume.

Cllr Alison Millar, local ward member, spoke against the application. She pointed out that the site was located in open countryside, in an AONB and the greenbelt. She stressed the importance of protecting the landscape. The development would result in a much larger modern building which would be intrusive and have a negative impact on the rural character of the countryside. The new building would be more prominent, linear and box shaped. She referred to the comments of the landscape officer which concluded that the application was not acceptable in its current form.

Cllr Geoff Ward, local ward member, spoke against the application. He also pointed out that the site was highly visible from a number of locations across Bath. The proposal represented overdevelopment of the site and would be harmful to the greenbelt.

Cllr Crossley stated that the existing property sits well in its current location and enhances the view. The proposal would be very prominent and would be a large and brutal design which would seriously damage the view. He then moved that the application be refused due to the harm to the visual amenity of the greenbelt and AONB. The proposal would also represent overdevelopment due to the volume increase of the extension.

Cllr Jackson seconded the motion. She felt that the proposal would be too obtrusive and that the materials and design were inappropriate in this location.

Cllr Davies agreed with the comments and objections raised by Charlcombe Parish Council.

Cllr Appleyard expressed concerns about the visual impact of the extension and felt that the design was inappropriate for the rural location.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application for the following reasons:

- The proposal would detract from the visual amenity of the Area of Outstanding Natural Beauty and greenbelt.
- The size, design and appearance of the proposal would not be appropriate in this prominent location.

#### 64 **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 4.35 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**



**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**24<sup>th</sup> October 2018**

**UPDATE REPORT AND OBSERVATIONS RECEIVED SINCE THE  
PREPARATION OF THE MAIN AGENDA**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
1.	18/03742/FUL	Bath College, Milk Street, Bath

**Matters of Clarification**

The main report states (top P.62) that a new study into hotel growth in Bath is currently underway and that this will inform the on-going Local Plan review process and that the findings of that study should not be pre-judged. It is further stated in the conclusion of the main report (top P.71) that speculation regarding the findings of a future report cannot be given significant weight.

To clarify, it remains the case that the aforementioned report has not been published or received by the Council but some preliminary findings have been provided to the Council. Those initial findings include the projected demand for additional hotel bed space in Bath for the period 2018-2036 based on three scenarios - low growth, medium growth and high growth; these demand projections have been provided in relation to each category of hotel.

The data provided in respect of four star/boutique hotel demand is that which is most relevant to this application. Based upon the highest level of predicted growth, there is predicted to be demand for an additional 71 four star/boutique hotel beds by 2021; 159 in the period 2022-2026; 193 in the period 2027-2031 and 235 in the period 2031-2036; this is a total therefore of 658 four star/boutique hotel beds during the period 2018-2036 (there are already 204 bedrooms in the pipeline).

The preliminary findings of the study set out above are a material consideration but it is recommended that they are given limited weight. The findings form part of the evidence base which will inform the formulation of policy; they do not constitute policy. It is now for the Council to determine (once the final report is received) what policy approach to adopt in light of this new evidence - this will form part of the Local Plan review process. The Council will be consulting on its Local Plan Options document in November and that will set out various policy options for dealing with hotel growth in Bath.

Ultimately there is nothing in the projected demand data summarised above which suggests that the recommendation should change and the application should be

refused. Supply exceeding projected short-term demand is not in itself a reasonable reason for refusing an application; this is a matter for the market. This is a city centre location where a use such as a hotel is supported in principle by planning policy; there is no evidence to suggest that unacceptable levels of public harm will result from the proposal and as such the recommendation remains that permission be granted (on a delegated basis as per the main report).

### **Amended Conditions**

Discussions have continued between the Council and agent/applicant following the finalisation of the committee report. As a result of these discussions some minor revisions are recommended to Conditions 19 and 19. The recommended conditions in their revised form are set out below together with a note explaining each change.

**Condition 18:** No development shall commence, with the exception of demolition works, until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

(i) a survey of the extent, scale and nature of contamination

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments,

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

NOTE: '*with the exception of demolition works*' has been added to enable the building to be demolished prior to the discharge of this condition as undertaking the work required by this condition while the building is still in situ is likely to be problematic.

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**Condition 19:** No development shall commence, with the exception of demolition works, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken,
- (ii) proposed remediation objectives and remediation criteria,
- (iii) timetable of works and site management procedures, and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

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. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

NOTE: '*with the exception of demolition works*' has been added to enable the building to be demolished prior to the discharge of this condition as undertaking the work required by this condition while the building is still in situ is likely to be problematic.

### **Public Sector Equality Duty**

Section 149 of the Equality Act 2010 places a duty on public authorities, in the exercise of their functions (including therefore undertaking the assessment and determination of planning applications), to have due regard to:

1. The need to eliminate discrimination, victimisation and any other conduct prohibited by the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it and;
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Act defines 'protected characteristics' as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The proposed development involves the demolition of the college building and its replacement with a hotel; clearly the academic and teaching facilities within will be lost. Age is a protected characteristic and it is the case that a large proportion of college students fall within a particular (younger) age group; this has been taken into account. As stated in the main report, Bath College has determined to rationalise its estate, discontinue certain courses and relocate others. This is not as a consequence of the proposal, on the contrary; the proposed redevelopment of the site is as a consequence of decisions already taken by the college in respect of its estate and educational offer.

The proposed development in itself will not therefore result in those with protected characteristic, in particular age, being disadvantaged or their needs compromised. It will not lead to discrimination or victimisation or undermine relations. The decision has already been taken by a third party to dispose of the college building with the consequences that brings. In respect of disability (physical), the building has designed to be accessible.

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Item No.	Application No.	Address
001	18/02898/FUL	Horseworld, Whitchurch

Councillors at the last committee meeting wanted to know more about the current figures for the nursery that opened in June 2017.

An email from the director has stated that the new nursery can take 30 children on a full-time basis and is currently running at 60% occupancy. Therefore, there is still room for 12 children. Furthermore, the director has stated that if more capacity is required there is a supportive landlord who would, subject to the relevant permissions, allow the nursery to extend the provision. Subject to available funds it is thought that the nursery could expand by up to 24 places.

Further information was required regarding how the figures on capacity from the education team were calculated.

When all the proposals were put forward for this part of Whitchurch the education team would have looked at the total yield of children using the methodology contained within the Planning Obligations SPD (2009). This states that where additional provision is required in the area of the development, the determination of whether or not there is sufficient Early Years provision in the area of the development will be done via reference to the Bath and North East Somerset Childcare Sufficiency Report and an assessment of the impact of the development on existing capacity. The 2006 Childcare Act states that Local Authorities have a statutory obligation to ensure that they have a strategy in place for the provision of

childcare sufficient to meet the needs of parents who require childcare in order to work or to undertake training to obtain work. Calculations will be based on national take up rates for

Early Years services - currently 20% of children aged 0 - 2 and 95% of children aged 3 -4 take up Early Years services.

The market came forward with a solution which then negated the requirement for a developer funded solution which is why there was a flexible s106 agreement and then as a result there was no longer a requirement to provide childcare provision whether that be land, contributions to the build and so forth.

There are no catchment areas associated with childcare and early years provision as it is left to the market and families to find the solution. Whitchurch falls into the Chew Valley area for Childcare Sufficiency and that is oversupplied compared to much of Bath and NE Somerset.

Further clarification on calculations:

This particular application is for an additional 5 dwellings to the 97 dwellings from the original which is 102 dwellings in total. However, attention should also be paid to 16/02055/FUL Land East of the Mead, Queen Charlton Lane which permitted a further 100 dwellings. The breakdown is as follows:

16/04615/FUL Horseworld Staunton Lane (Bellway) (including the 5 dwellings in this application)

This development of 10 no. 1 bed flats, 1 no. 2 bed flat, 16 no. 2 bed houses, 40 no. 3 bed houses and 35 no. 4 bed houses – total 97 dwellings - at Horseworld Staunton Lane Whitchurch is calculated to generate the following need: Early Years age children – 16 (to the nearest round number)

16/02055/FUL Land East of the Mead, Queen Charlton Lane (Barratt)

This development of 14 no. 1 bed flats, 22 no. 2 bed houses, 33 no. 3 bed houses and 31 no. 4 bed houses – total 100 dwellings - at Land East of the Mead Queen Charlton Lane Whitchurch is calculated to generate the following need: Early Years age children - 13 (to the nearest round number)

The figures from the Planning Obligations SPD are:

	Number of Bedrooms					
	Flats 2	3+	Houses 2	3	4	5+
All Early Years children age 0-2 per 100 dwellings	7.2	10.8	14.4	21.6	23.4	19.2
Early Years Children age 0-2 per 100 dwellings 20% take up rate	1.44	2.16	2.88	4.32	4.68	3.84
All Early Years children age 3-4 per 100 dwellings	4.8	7.2	9.6	14.4	15.6	12.8
Early Years children age 3-4 per 100 dwellings 95% take up rate	4.56	6.84	9.12	13.68	14.82	12.16

The number of Early Years age children generated per dwelling varies depending on whether it is a flat or house and how many bedrooms each dwelling has. Average figures that are applied are as follows:

An example of how the education team have worked out the calculations is as follows;

Horseworld site only;

1 2-bed flat

0-2

$$1.44/100 \times 1 = 0.0144$$

3-4

$$4.56/100 \times 1 = 0.0456$$

16 2-bed houses

0-2

$$2.88/100 \times 16 = 0.4608$$

3-4

$$9.12/100 \times 16 = 1.4592$$

40 3-bed dwellings so using the figures from the table below;

Early years 0-2

$$4.32 / 100 \times 40 = 1.728$$

Early Year 3-4

$$13.68/100 \times 40 = 5.472$$

35 4-bed dwellings

0-2

$$4.68/100 \times 35 = 1.638$$

3-4

$$14.82/100 \times 35 = 5.1975$$

When rounded to the nearest whole number, the Horsecworld site (including the additional 5 dwellings) would require 16 spaces and the Queen Charlton Lane site would require 13 spaces. Therefore, it is considered that the new nursery has the capacity for the additional nursery space requirements.

It is important to not here that the inclusion of 2 3-bed dwellings and 3 4-bed dwellings by itself is 0.945 which is rounded up to 1 extra space.

The exact wording of the Section 106 is as follows:

*The owner shall not be required to pay the Additional Early Year's Contribution and the Early Year's Contribution shall not be required to transfer the Early Year's land if;*

- a) The Council has confirmed to the owner in writing that such payments are not required which shall be in circumstances where prior to occupation of any residential unit:*
  - i) A new early education and/or childcare facility has opened in Whitchurch Village after 1<sup>st</sup> June 2017 (to the extent that it is within the boundary of the Council's administrative area and may include the proposed new Mama Bear's Day Nursery in Whitchurch).*

Therefore, as it has been found that there is capacity within the existing nursery to take the additional children which opened in June 2017, the early year's facility is no longer necessary which complies with the wording of the s106 agreement.

There were also concerns expressed regarding the journey times for walking to the nursery which have been worked out as being approximately 15 minutes.

The highways team has also provided a detailed map showing the changes that will be made to the existing road and pavements from the site to the proposed development. These changes include widening footways to between 1.8-2m in width, the removal/re-positioning of signs and lamp posts, a proposed zebra crossing, a proposed uncontrolled pedestrian crossing and speed reduction bar markings on the road.





# **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 24 OCTOBER 2018**

<b>SITE VISIT LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>SPEAKER</b>	<b>FOR/AGAINST</b>
1	Horseworld, Staunton Lane, Whitchurch	Rhian Powell (Applicant)	For

<b>MAIN PLANS LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>SPEAKER</b>	<b>FOR/AGAINST</b>
1	City of Bath College, Milk Street, Bath	Harry Tedstone (Chair of Bath Independent Guesthouse Association)	Against
		Cathy Francis (Agent)	For (To share 3 minutes)
		Daisy Walsh (Bath College)	
2	Pond House, Rosemary Lane, Freshford	George Batterham (Agent)	For
3	Dearholm, Colliers Lane, Charlcombe, Bath	Alastair MacKichan (Charlcombe Parish Council)	Against
		Chris Beaver (Agent)	For
		Cllr Martin Veal Cllr Alison Millar Cllr Geoff Ward (Local Ward Members)	Against

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

**24th October 2018**

**SITE VISIT DECISIONS**

<b>Item No:</b>	001		
<b>Application No:</b>	18/02898/FUL		
<b>Site Location:</b>	Horseworld, Staunton Lane, Whitchurch, Bristol		
<b>Ward:</b> Publow And Whitchurch	<b>Parish:</b> Whitchurch	<b>LB Grade:</b> II	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of 5no. residential units (including affordable housing) together with associated parking, highways and landscaping works.		
<b>Constraints:</b>	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,		
<b>Applicant:</b>	Bellway Homes Ltd (South West)		
<b>Expiry Date:</b>	22nd November 2018		
<b>Case Officer:</b>	Chloe Buckingham		

**Defer for legal advice with regards to the provisions of the S106 Agreement.**

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

**24th October 2018**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	18/03742/FUL	
<b>Site Location:</b>	City Of Bath College, Milk Street, City Centre, Bath	
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Demolition of existing building and erection of new hotel and associated works (Resubmission).	
<b>Constraints:</b>	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, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, Public Right of Way, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Dominvs Project Company 8 Ltd	
<b>Expiry Date:</b>	22nd November 2018	
<b>Case Officer:</b>	Chris Gomm	

**DECISION** Delegate to PERMIT subject to applicant entering into S106 agreement and relevant conditions.

<b>Item No:</b>	02		
<b>Application No:</b>	18/02591/FUL		
<b>Site Location:</b>	Pond House, Rosemary Lane, Freshford, Bath		
<b>Ward:</b> Bathavon South	<b>Parish:</b> Hinton Charterhouse	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of two storey and single storey side extension and associated landscaping.		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Conservation Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE3 SNCI, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Public Right of Way, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Mrs Kate Walters		
<b>Expiry Date:</b>	28th September 2018		
<b>Case Officer:</b>	Samantha Mason		

## DECISION REFUSE

1 The proposed development represents inappropriate development in the Green Belt and would be harmful to openness and the purposes of including land within the Green Belt. The proposal is therefore contrary to policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

2 The proposed development by virtue of its scale and massing would adversely affect the natural beauty of the landscape of the designated AONB. The proposal is therefore contrary to policy NE2, D1, D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) as well as the Freshford and Limpley Stoke Neighbourhood Plan Planning, and the NPPF.

## PLANS LIST:

This decision relates to the following plans:

12 Sep 2018 1727 L1.A Site Location and Block Plans  
12 Sep 2018 1727 L2 Landscape Design  
12 Sep 2018 1727 L3a Proposed First Floor  
12 Sep 2018 1727 L4a Proposed Ground Floor  
12 Sep 2018 1727 L5a Proposed Roof Plan

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

<b>Item No:</b>	03		
<b>Application No:</b>	18/01431/FUL		
<b>Site Location:</b>	Dearholm, Colliers Lane, Charlcombe, Bath		
<b>Ward:</b> Bathavon North	<b>Parish:</b> Charlcombe	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of ground floor extension and alteration of the roof to create additional residential accommodation.		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Buzzard Williams		
<b>Expiry Date:</b>	28th September 2018		
<b>Case Officer:</b>	Rae Mephram		

## DECISION REFUSE

1 The proposal, due to it's design, size and appearance, would be detrimental to the character and appearance of this part of the Area of Outstanding Natural Beauty and the visual amenities of the Green Belt, contrary to policies NE2 and GB1 of the Bath and North East Somerset Placemaking Plan.

## PLANS LIST:

This decision relates to:

06 Jul 2018	411 - P201 - P3	PROPOSED SOUTH ELEVATION
06 Jul 2018	411 - P202 - P3	PROPOSED EAST ELEVATION
06 Jul 2018	411 - P203 - P3	PROPOSED NORTH ELEVATION
06 Jul 2018	411 - P204 - P3	PROPOSED WEST ELEVATION
23 Jul 2018	411 - P101 - P3	PROPOSED GROUND FLOOR PLAN
23 Jul 2018	411 - P102 - P3	PROPOSED FIRST FLOOR PLAN
23 Jul 2018	411 - P103 - P3	PROPOSED ROOF PLAN
23 Jul 2018	P - 001- P3	REVISED LOCATION PLAN
17 Aug 2018	411 - P002 - P4	PROPOSED SITE PLAN
25 Sep 2018	411 - P 301 REV P1	PROPOSED SECTION AA
25 Sep 2018	411 - P 302 REV P1	PROPOSED SECTION BB

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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