

Development Management Committee

Date: Wednesday, 16th January, 2019

Time: 2.00 pm

Venue: Brunswick Room - Guildhall, Bath

Agenda

To: All Members of the Development Management Committee

Councillors:- Sally Davis (Chair), Rob Appleyard, Jasper Becker, Paul Crossley, Matthew Davies, Eleanor Jackson, Les Kew, Bryan Organ, Caroline Roberts and David Veale

Permanent Substitutes:- Councillors: Patrick Anketell-Jones, Neil Butters, Ian Gilchrist, Liz Hardman, Will Sandry, Liz Richardson, Brian Simmons, Martin Veal and Karen Warrington

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Marie Todd

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 39 4414

Web-site - <http://www.bathnes.gov.uk>

E-mail: Democratic_Services@bathnes.gov.uk

NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. Recording at Meetings:-

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

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The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two working days before the meeting. This means that for Development Management meetings held on Wednesdays, notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

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Additional information and Protocols and procedures relating to meetings

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Development Management Committee- Wednesday, 16th January, 2019

at 2.00 pm in the Brunswick Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will ask the Committee Administrator to draw attention to the emergency evacuation procedure.

2. ELECTION OF VICE CHAIRMAN (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number and site in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

(1) At the time of publication, no items had been submitted.

(2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Committee Administrator will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, i.e. 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

To deal with any petitions or questions from Councillors and where appropriate Co-opted Members

8. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 26)

To confirm the minutes of the meeting held on 19 December 2018.

9. CONCURRENT CREATION AND EXTINGUISHMENT ORDERS AFFECTING PUBLIC FOOTPATHS BA5/35, BA5/37, BA5/43, BA5/45 AND BA5/46 AT BATH RACECOURSE (Pages 27 - 44)

10. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 45 - 60)

11. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 61 - 86)

12. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 87 - 92)

The Committee is asked to note the report.

The Committee Administrator for this meeting is Marie Todd who can be contacted on 01225 394414.

Delegated List Web Link: <http://www.bathnes.gov.uk/services/planning-and-building-control/view-and-comment-planning-applications/delegated-report>

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 19th December, 2018, 2.00 pm

Councillors: Sally Davis (Chair), Rob Appleyard, Paul Crossley, Ian Gilchrist (Reserve) (in place of Caroline Roberts), Eleanor Jackson, Les Kew, Bryan Organ, Brian Simmons (Reserve) (in place of Matthew Davies) and Martin Veal (Reserve) (in place of Jasper Becker)

76 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

77 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

78 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Jasper Becker – substitute Cllr Martin Veal
Cllr Matthew Davies – substitute Cllr Brian Simmons
Cllr Caroline Roberts – substitute Cllr Ian Gilchrist
Cllr David Veale

79 DECLARATIONS OF INTEREST

There were no declarations of interest.

80 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

The Committee noted that it was the last meeting that Mark Reynolds (Group Manager, Development Management) would be attending as he was leaving the Council. Members thanked him for all his work and wished him well for the future.

81 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.

82 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

83 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 21 November 2018 were confirmed and signed as a correct record.

84 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 and 2 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 No. 1

Application No. 18/02911/FUL

**Site Location: 1 Ivy Court Cottage, Tennis Court Road, Paulton, BS39 7LU –
Erection of two 3 bed dwellings with associated garages**

The Case Officer reported on the application and her recommendation to permit. She reported that an update had been received from the solicitor acting for the neighbours and there was now no dispute regarding the ownership of the boundary wall.

A statement from local ward members Cllrs John Bull and Liz Hardman was read out at the meeting.

Cllr Crossley noted that this was an infill site with good access. He also welcomed the building of smaller houses on the site and moved the officer recommendation to permit.

Cllr Kew seconded the motion stating that the proposal was a good use of this land.

In response to a question from Cllr Jackson the Case Officer confirmed that there was adequate space for two houses on the plot and that the dwellings would be taller than the existing garage. She also confirmed that the issues raised by Paulton Parish Council had now been successfully addressed.

The motion was put to the vote and it was **RESOLVED** unanimously to **PERMIT** the

application subject to the conditions set out in the report.

Item No. 2

Application No. 18/03674/FUL

Site Location: Lake View, Stoke Hill, Chew Stoke – Change of use from existing garage with office above into holiday let accommodation

This application was WITHDRAWN from the agenda.

Item Nos 3 and 4

Application Nos 18/04158/LBA and 18/04157/FUL

Site Location: The Priory, Old School Hill, South Stoke, Bath – Exterior alterations to include rebuild and partly relocate and extend dry and mortared rubble bath stone wall. Erection of low rubble stone retaining wall in south east corner. Installation of gates, erection of a wooden fence. Installation of limestone path and garden seat platform and forming of bin/log store (Retrospective). Change of use from pub garden to private garden including the addition of a fence and wall and erection of a shed. (Retrospective)

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

A representative from the Parish Council and the applicant spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke in favour of the application. He pointed out that the local community had worked hard to bring the Packhorse Pub back into use and that the kitchen extension to the pub included timber cladding. There had been no objections to the development from local people.

The Case Officer then responded to questions as follows:

- The purchase of land to assist the community pub facility did not represent special circumstances which would allow the Committee to permit the application. Any benefits relating to the fence were private benefits rather than public.
- A planning permission could include a condition that planting should take place on the applicant's side of the fence but not the external side as this was not within the applicant's control.
- A new or replacement boundary within this location could be a stone wall.
- No planning permission would be required to plant a hedge along the boundary.

Cllr Jackson felt that the fence looked incongruous in this location and that the visual impact was unacceptable. A stone wall or hedge would be more appropriate. She moved the officer recommendation to refuse both applications.

Cllr Veal noted that there had been no objections from neighbours or the Parish Council and felt that the fence was acceptable.

Cllr Appleyard felt that the fence was very prominent in this location and that the policy should be followed to protect the character and appearance of the

Conservation Area. He stated that there were no very special circumstances which would allow this application to be permitted and seconded the motion to refuse.

Cllr Crossley pointed out that derelict buildings had been brought back into use in this area and he welcomed the fence which would be improved with some appropriate planting. The local community did not have any issues with the fence and he did not feel that it adversely affected the openness of the greenbelt or the listed buildings. Any harm caused by the enclosure was outweighed by an unoccupied dwelling being brought back into use.

Cllr Gilchrist did not feel that the fence caused an excessive impact.

Cllr Kew stated that the fence did have an adverse impact on this very special village and that the setting must be protected.

The motion was put to the vote and it was RESOLVED by 5 votes in favour and 4 votes against to REFUSE both applications for the reasons set out in the reports.

Item No. 5

Application No. 18/03359/FUL

Site Location: 6 Richmond Road, Beacon Hill, Bath, BA1 5TU – Erection of replacement split level four bedroom dwelling and attached garage following demolition of existing two bedroom bungalow and garage

The Case Officer reported on the application and her recommendation to permit. She pointed out that condition 5 should read “shall not be occupied” rather than “shall be occupied”.

A neighbour spoke against the application and the agent spoke in favour of the application.

Cllr Tony Clarke, local ward member, spoke against the application stating that he was concerned about the mass of the proposed building and its proximity to number 5 Richmond Road.

Cllr Jackson was concerned at the loss of openness in this area and felt that the rural aspect could be compromised. She felt that the design was not right for the location. She moved that the application be refused for the following reasons:

- Massing and bulk of the proposed building.
- Loss of amenity and privacy to the neighbouring property.

Cllr Kew understood the concern regarding the bulk of the proposed building. He also felt that the design could be improved.

Cllr Appleyard seconded the motion to refuse due to the size and massing of the proposed building. He also expressed concern about the space between the neighbouring properties.

Cllr Crossley highlighted the change to the building line along Richmond Road. The Case Officer explained that there was no specific planning policy regarding building lines as there were often different features in suburban areas such as this.

The Case Officer confirmed that the garage was not visible from the road.

The motion was put to the vote and there were 3 votes in favour and 6 votes against. The motion to refuse was therefore LOST.

Cllr Kew then moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 1 vote against to DEFER consideration of the application pending a site visit.

Item No. 6

Application No. 18/04168/FUL

Site Location: Long Byre, Barn Lane, Chelwood – Erection of detached double garage

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

The agent spoke in favour of the application.

The Case Officer confirmed that stone and render had been the materials specified in the original application but that this had been changed to timber cladding at the suggestion of the Conservation Officer.

The Team Manager, Planning and Enforcement, explained that the main issue for consideration in the case was the inappropriate development in the greenbelt.

Cllr Organ moved that the Committee delegate to permit the application as the Parish Council had raised no objections and there were no objections from Highways. He felt that the development would be acceptable in this location.

Cllr Kew seconded the motion stating that he felt there would be no adverse effect on the greenbelt. He stated, however, that the timber cladding was out of keeping in the area and felt that a stone finish would be more in keeping with the Chelwood area.

Cllr Jackson agreed that the garage was acceptable but suggested that the Case Officer be requested to negotiate with the applicant to enable the building to be stone rather than timber cladding.

The Team Manager, Planning and Enforcement, advised the Committee that if the application were permitted then the applicant could not be required to change the materials. If members were keen for stone to be used then they should defer consideration of the application for further discussions with the applicant.

Cllr Organ then withdrew his motion with the consent of the seconder, Cllr Kew. Cllr Crossley then moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Organ.

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

85 **CONCURRENT CREATION AND EXTINGUISHMENT ORDERS AFFECTING PUBLIC FOOTPATHS BA5/35, BA5/37, BA5/43, BA5/45 AND BA5/46 AT BATH RACECOURSE**

The Committee considered an application to divert sections of Public Footpaths (FP) BA5/35, BA5/46 and BA5/45 at Bath Racecourse in the Parish of Charlcombe. The intention was to divert the footpaths away from the Racetrack and provide routes which do not cross the Racetrack surface.

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

A representative from Charlcombe Parish Council spoke in favour of the application and a local Farm Manager spoke against.

Cllr Veal, local ward member, spoke against the application. He stated that if footpath 4(c) was created then this would have an adverse effect on walkers, dogs and livestock. Sheep worrying was an issue in this area and chemicals were sometimes used on crops in the adjoining field which could be hazardous to walkers and their dogs.

The Team Manager, Planning and Enforcement advised that it was not possible to amend the proposals which had been submitted as this was the scheme that had been consulted on. The Committee could either agree the application in its entirety or reject it.

The Case Officer confirmed that there was already a right of way in the field and that if possible discussions could take place with the applicant and landowner regarding the provision of fencing in this area. It was noted that the Cotswold Way already looped around the field. It was also confirmed that to officers' knowledge there had been no injuries caused to any members of the public walking across the racecourse.

Cllr Kew acknowledged the concerns expressed but felt that the proposals were well thought through. He then moved the officer recommendation to grant authorisation. This was seconded by Cllr Organ.

Cllr Crossley felt that there was no problem with extinguishing the paths as set out in the report. He pointed out that if footpath 4(c) were not created then this would meet the need of the adjoining landowner and the racecourse. He asked whether officers could renegotiate with the racecourse to amend the plans accordingly. This would then meet the needs of the farmer, the racecourse and walkers.

The Legal Advisor stated that any substantial changes to the scheme could cause an issue in terms of a lack of consultation because the public had been consulted about this particular scheme.

Cllr Kew agreed that if footpath 4(c) was not required then this would remove the

concerns.

Cllr Veal agreed with the suggestion but noted that the Committee was required to consider the application before it.

The Case Officer explained that by removing footpath 4(c) the required tests may not be met.

The motion was put to the vote and there were 3 votes in favour, 5 votes against and 1 abstention. The motion was therefore LOST.

Cllr Veal then moved that consideration of the application be deferred pending a site visit. Cllr Appleyard seconded the motion.

The motion was then put to the vote and it was RESOLVED by 6 votes in favour, 1 vote against and 2 abstentions to DEFER consideration of the application pending a site visit.

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

The Committee considered the appeals report. It was noted that the successful appeal relating to 108 Ivy Avenue related to the definition of “vertical sandwiching” of HMO properties. Officers would review the policies as necessary in the light of this finding.

Cllr Jackson congratulated the officers on their excellent record of winning enforcement appeals.

RESOLVED to NOTE the report.

The meeting ended at 4.20 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 19th December 2018

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
1	18/02911/FUL	1 Ivy Court Cottage Tennis Court Road Paulton

The plans list is amended to 01F, 02, 03, 04A, 05A, 06 and 07A.

Details have been submitted in respect of the Construction Management Plan and therefore the wording of condition number 16 is changed to the following:

16-{\b Construction Management Plan (Compliance)}

The development hereby approved shall be carried out strictly in accordance with the Construction Management Plan that has been submitted. The development shall 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.

Site layout plan 01F indicates a scheme for rainwater harvesting through the provision of Water butts and therefore condition 14 is not necessary.

2	18/03674/FUL	Lake View Stoke Hill Chew Stoke
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The agent has confirmed that the applicant is willing to sign a Section "106 Agreement" to tie the, if approved, 2no holiday units to the main house so that it is not classed as an independent unit.

Officer comment: A S106 agreement would not overcome the conflict with policy and could not be justified from a planning point of view.

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 19 DECEMBER 2018

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
3 & 4	The Priory, Old School Hill, South Stoke, Bath	Cllr Christopher Winpenny (Chair of South Stoke Parish Council)	For (6 minutes)
		Dominic Brooks (Applicant)	For (6 minutes)
		Cllr Neil Butters (Local Ward Member)	For (10 minutes)
5	6 Richmond Road, Beacon Hill, Bath, BA1 5TU	Samantha Jennings	Against (To share 3 minutes)
		Rachel Siglow	
		Esmond Murray (Agent)	For
6	Long Byre, Barn Lane, Chelwood,	Cllr Tony Clarke (Local Ward Member)	Against
		Nigel Clark (Agent)	For

PUBLIC FOOTPATHS LIST			
1	Bath Racecourse	Cllr Alastair MacKichan (Charlcombe Parish Council)	For
		Kevin Harrison	Against

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BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

19th December 2018

DECISIONS

Item No:	01	
Application No:	18/02911/FUL	
Site Location:	1 Ivy Court Cottage, Tennis Court Road, Paulton, Bristol	
Ward: Paulton	Parish: Paulton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 2 no. 3 bed dwellings with associated garages.	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones,	
Applicant:	Mr Erwin Davis	
Expiry Date:	21st December 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 Ground investigations (Precommencement)

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and

North East Somerset Core Strategy. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

4 Reporting of Unexpected Contamination (Compliance)

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.

5 In accordance with the method statement (Pre commencement)

No development or other operations shall take place except in complete accordance with the Detailed Arboricultural Method Statement dated November 2018. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwellings.

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

6 Desk Study and Walkover (Compliance)

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for determining whether land is suitable for a particular development.

A Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. The Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. Should the Phase 1 investigation identify potential pollutant linkages then further investigation and assessment will be required.

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 and 15 of the National Planning Policy Framework.

7 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.

8 Use of garages (Compliance)

The garages hereby approved, as indicated on submitted plan reference SMH/45/18/16-01 Revision E, shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

9 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed certificate of compliance by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. To ensure that the approved method statement is complied with for the duration of the development.

10 Bound/Compacted Vehicle Access (Pre-occupation)

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

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

11 Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least four bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy T.6 of the Bath and North East Somerset Local Plan.

12 Hard and Soft Landscaping (Pre-occupation)

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

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

13 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

14 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed first floor ensuite bathroom windows in the south and north elevations shall be obscurely glazed and non opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

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

15 16-Construction Management Plan (Compliance)

The development hereby approved shall be carried out strictly in accordance with the Construction Management Plan that has been submitted. The development shall 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.

16 Sample Panel - Walling (Bespoke Trigger)

No construction of the external walls of the development shall commence until a sample panel of the natural coursed rubble stone external walling to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

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

PLANS LIST:

PLANS 01F, 02, 03, 04A, 05A, 06 and 07A dated 29.11.2018

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

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 an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to 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.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability

Notice which you will receive shortly. Further details are available here:
www.bathnes.gov.uk/cil

Item No:	02		
Application No:	18/03674/FUL		
Site Location:	Lake View, Stoke Hill, Chew Stoke, Bristol		
Ward: Chew Valley North	Parish: Chew Stoke	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Change of use from existing garage with office above into holiday let accommodation.		
Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
Applicant:	KP		
Expiry Date:	28th February 2019		
Case Officer:	Christine Moorfield		

Withdrawn from agenda

Item No:	03		
Application No:	18/04158/LBA		
Site Location:	The Priory, Old School Hill, South Stoke, Bath		
Ward: Bathavon South	Parish: South Stoke	LB Grade: N/A	
Application Type:	Listed Building Consent (Alts/exts)		
Proposal:	Exterior alterations to include rebuild & partly relocate & extend dry & mortared rubble bath stone wall. Erection of low rubble stone retaining wall in south east corner. Installation of gates, erection of a wooden fence. Installation of limestone path & garden seat platform & forming of bin/log store. (Retrospective)		
Constraints:	Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Conservation Area, Conservation Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,		
Applicant:	Mr & Mrs John Dominic & Elizabeth Jane Brooks		
Expiry Date:	21st December 2018		
Case Officer:	Laura Batham		

DECISION REFUSE

1 The fence, as a result of its strident and inappropriate character is fails to preserve the setting of the adjacent listed buildings. As such the proposal would be contrary to policy CP6 of the adopted Core Strategy (2014), policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF

PLANS LIST:

This decision relates to drawings P20 2, P21, P22 and P23 received on 19th September 2018.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 39-43 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No:	04		
Application No:	18/04157/FUL		
Site Location:	The Priory, Old School Hill, South Stoke, Bath		
Ward: Bathavon South	Parish: South Stoke	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Change of use from pub garden to private garden including the addition of a fence and wall and erection of a shed. (Retrospective)		
Constraints:	Article 4 Bath Demolition Wall, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,		
Applicant:	Mr & Mrs John Dominic & Elizabeth Jane Brooks		
Expiry Date:	21st December 2018		
Case Officer:	Laura Batham		

DECISION REFUSE

1 The fence, as a result of its strident and inappropriate character, fails to preserve the setting of the adjacent listed buildings and this part of the South Stoke Conservation Area and is contrary to policy CP6 of the adopted Core Strategy (2014), policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF

2 The fence amounts to inappropriate development in the Green Belt, which is harmful by definition. In the absence of very special circumstances to outweigh this harm, the proposed development is contrary to Policy CP8 of the Core Strategy (2014) and part 13 of the National Planning Policy Framework 2018.

PLANS LIST:

This decision relates to drawings P20 2, P21, P22 and P23 received on 19th September 2018.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

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

Authority acknowledges the approach outlined in paragraphs 39-43 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No:	05	
Application No:	18/03359/FUL	
Site Location:	6 Richmond Road, Beacon Hill, Bath, Bath And North East Somerset	
Ward: Lansdown	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of replacement split level four bedroom dwelling and attached garage following demolition of existing two bedroom bungalow and garage.	
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, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones,	
Applicant:	Mr Robert McLuhan	
Expiry Date:	21st December 2018	
Case Officer:	Rae Mephram	

Defer for site visit - to allow Members to understand the context of the site.

Item No:	06	
Application No:	18/04168/FUL	
Site Location:	Long Byre, Barn Lane, Chelwood, Bristol	
Ward: Clutton	Parish: Chelwood	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of detached double garage	
Constraints:	Bristol Airport Safeguarding, Clutton Airfield, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, Policy M1 Minerals Safeguarding Area, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	Mr P Harrison	
Expiry Date:	20th December 2018	
Case Officer:	Hayden Foster	

Defer for site visit - to allow Members to understand the context of the site.

07 – Bath Racecourse – Changes to public footpaths

Deferred for Site visit

Bath & North East Somerset Council	
MEETING/ DECISION MAKER:	Development Management
MEETING/ DECISION DATE:	16 January 2019
TITLE:	Concurrent Creation and Extinguishment Orders affecting Public Footpaths BA5/35, BA5/37, BA5/43, BA5/45 and BA5/46 at Bath Racecourse
WARD:	Bathavon North
AN OPEN PUBLIC ITEM	
List of attachments to this report: Appendix 1 - Decision Plan: Existing Routes Appendix 2 - Decision Plan: Proposed Routes	

1 THE ISSUE

- 1.1 An application has been made to divert sections of Public Footpaths (FP) BA5/35, BA5/46 and BA5/45 at Bath Racecourse in the Parish of Charlcombe. The intention is to divert the footpaths away from the Racetrack and provide routes which do not cross the Racetrack surface. An informal consultation was held and a total of 13 letters/emails were received from members of the public in opposition to the proposals. The decision whether to progress the proposal must therefore be made by the Development Management Committee. The issue is whether the Authority should concurrently make a public path creation order under section 26 of the Highways Act 1980 and a public path extinguishment order under section 118 of the Highways Act 1980 to remove sections of public footpaths from the Racetrack at Bath Racecourse and provide new public footpaths in their place.

2 RECOMMENDATION

The Committee is asked to:

- 2.1 grant authorisation for a concurrent Public Path Creation Order and Public Path Extinguishment Order to be made to create new sections of public footpath around the perimeter of the Racetrack at Bath Racecourse and to extinguish current public footpaths from the centre of the Racetrack as detailed on the plan attached at Appendix 1 and Appendix 2 ("the Decision Plan").

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The Applicant has agreed to pay the cost for processing the Orders and the cost of any required notices in a local newspaper. The Applicant has agreed to pay for any works required to bring the Proposed Footpaths into fit condition for use by the public. Should Orders be made and confirmed, the Existing Footpaths will cease to be maintainable at public expense and the Proposed Footpaths will become maintainable at public expense.
- 3.2 Should Orders be made and objections received and sustained, then the Orders will either be referred back to the Team Manager - Highways Maintenance and Drainage or to the Development Management Committee to consider the matter in light of those objections. Should the Team Manager - Highways Maintenance and Drainage or Committee decide to continue to support the Orders, then the Orders will be referred to the Secretary of State for the Environment, Food and Rural Affairs for determination. The Authority would be responsible for meeting the costs incurred in this process, for instance at a Public Inquiry.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Authority has a statutory duty to ensure that all public rights of way are unobstructed and a discretionary power to make public path orders. When considering a proposal for a public path order, the Authority should first consider whether the proposals meet the requirements set out in the legislation (which is reproduced below).
- 4.2 Before making a public path creation order under section 26 of the Highways Act 1980 ("the Act") the Authority must be satisfied that there is a *need* for a right of way in the area. In reaching its decision, the Authority must have regard to:
- the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area,
 - the effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions to compensation,
 - the effect which the creation of the path would have on members of the public with protected characteristics under the Equality Act 2010,
 - the contents of the Rights of Way Improvement Plan,
 - the needs of agriculture and forestry and the keeping and breeding of horses,
 - and the desirability of conserving flora, fauna and geological and physiological features.
- 4.3 Before making a public path extinguishment order under section 118 of the Act the Authority must be satisfied that it is expedient that the path is stopped up on the ground that the footpath is *not needed* for public use. Before confirming the order, the Authority (or in the case of an opposed order, the Secretary of State) must consider that it is expedient to do so having regard to the extent to which it appears that the path would, apart from the order, be likely to be used by the public and have regard to the effect which the extinguishment would have on the land served by the path.

- 4.4 Where a creation order and extinguishment order is to be made concurrently s118(5) of the Act provides that, when considering the extent to which the extinguished paths would be likely to be used by the public, regard may be given to the extent to which the creation order would provide alternative paths. This means that consideration must firstly be given by the Authority to the creation order on its own merits, and if satisfied that it should be made, then the prospective creation order can be taken into consideration when considering the criteria for the extinguishment order.
- 4.5 In addition to the legislative tests detailed above, the proposals must also be considered in relation to the Authority's adopted Public Path Order Policy ("PPO Policy"). The PPO Policy sets out the criteria against which the Authority will assess any Public Path Order proposal and stresses that the Authority will seek to take a balanced view of the proposal against all the criteria as a whole.
- 4.6 The criteria are:
- Connectivity,
 - Equalities Impact,
 - Gaps and Gates,
 - Gradients,
 - Maintenance.
 - Safety,
 - Status,
 - Width,
 - Features of Interest.
- 4.7 The Human Rights Act incorporates the rights and freedoms set out in the European Convention on Human Rights into UK law. So far as it is possible all legislation must be interpreted so as to be compatible with the convention. The Authority is required to consider the application in accordance with the principle of proportionality. The Authority will need to consider the protection of individual rights and the interests of the community at large. In particular the convention rights which should be taken into account in relation to this application are Article 1 of the First Protocol (Protection of Property), Article 6 (the right to a fair hearing) and Article 8 (Right to Respect for Family and Private Life).

5 THE REPORT

- 5.1 In this report Bath Racecourse means the whole of the grounds managed by Bath Racecourse ("the Applicant") and the Racetrack means the horseracing arena used by Bath Racecourse, delineated and labelled "Racetrack" on the Decision Plan.
- 5.2 Bath and North East Somerset Council ("the Authority") has worked with the Applicant in order for the proposed routes to be as beneficial to the public as possible. The Applicant has therefore proposed a route (5C) that improves connectivity to FP BA5/57 and improves visibility at the crossing with Lansdown Lane when connecting with FP BA5/57. A new link (6C) is to be provided from the FP to the north east of Bath Racecourse to improve connectivity with FPs BA5/18 and BA5/15 on the northeast side of Lansdown Road.

- 5.3 Whilst the consultation was in progress it came to light that sections of FPs BA5/37 (2E), BA5/43 (3E) and BA5/45 (4E) to the north of Bath Racecourse are not aligned with the route the public actually walk. It was subsequently decided to include an amendment to the proposal in order to align the recorded routes with the routes which are actually walked.
- 5.4 Once the consultation was complete further consideration was given to the proposal by the Authority and the Applicant. As a result, an amendment was made to the proposed diversion of FP BA5/35 (1C) to “round out” the route in the northeast corner of Bath Racecourse. The Authority also decided that the most appropriate way to achieve the package of changes is by concurrent extinguishment and creation orders rather than by a diversion order as it appears the legislative criteria is more appropriate in this case.
- 5.5 FPs BA5/35, BA5/37, BA5/43, BA5/45 and BA5/46 are recorded on the Definitive Map and Statement which have a relevant date of 26th November 1956. The legal alignment has remained unchanged ever since.
- 5.6 The Existing FPs are shown on the Definitive Map as running over the Racetrack. An application has been made by Bath Racecourse as landowner to divert the Existing FPs away from traversing the Racetrack to alternative routes around the perimeter of the Racetrack. The Applicant proposes to move Racetrack barriers at the east of Bath Racecourse so that it will be possible to walk freely on the proposed routes on the inside of a dry stone wall running parallel to Lansdown Lane, to smooth out any ground as required and make appropriate gaps and repairs in the stone walls at Lansdown Lane and Lansdown Road. The Applicant wishes to keep Racetrack barriers in place throughout the year and will alter current barriers should the proposals come into effect making the Proposed FPs permanently unobstructed and available for public use. The Applicant has stated that the proposals will improve safety for the public, racehorses and riders on Race Days, improve links to the Cotswold Way long distance trail and other public footpaths and provide improved views and safer road crossings. Additional proposals have been added for FPs BA5/37 (2C), BA5/43 (3C) and BA5/45 (4C) as it was discovered during consultation that the legal line of FP BA5/45 (4E) is currently obstructed by the edge of Racecourse fencing by the Racecourse buildings opposite the stable block. This has been in situ for many years. The proposed changes to FPs BA5/45, BA5/43 and BA5/37 to the north of Bath Racecourse are to ensure the definitive lines align with where the public currently walk.
- 5.7 It is recommended that the various tests outlined in section 4 above are considered in relation to the creation order, in turn. Issues raised during consultation are also addressed below. The various tests in relation to the extinguishment order will then be considered.
- 5.8 **Creation Order**
- 5.9 **The Authority must be satisfied that there is a need for a right of way in the area.**
- 5.10 The nature of use of the FPs in this area is considered to primarily be two-fold; either for longer-distance walkers (e.g. walkers using the adjacent Cotswold Way (a 100 mile National Trail which runs between Bath and Chipping Campden) or the large network of footpaths over the southern end of the Cotswolds) or for

shorter-distance leisure walkers (e.g. local walkers wanting to enjoy the views (especially the views of Bath from nearby Prospect stile), skylarks and an easy flat walk which may include residents or tourists from nearby Bath or dog-walkers. The FPs in the area are described as 'a network' as they do not particularly go from A to B and are restricted by the steep contours of the area surrounding the Racecourse. The Authority promotes two FPs in the area. One as part of the long distance promoted walk (Cotswold Way National Trail) and one as a shorter 6 mile walk (Cotswold Way Circular Walk). The purpose of use for long- or short-distance is therefore considered to be for pleasure rather than utility. The Cotswold Way is not affected by the proposals. The Cotswold Way Circular Walk starts from Lansdown Park & Ride, heading along the 'busy road' (Lansdown Road) towards FP BA5/36 just past the public house, then using BA5/46 to BA5/34.

- 5.11 There is therefore a need for rights of way in the area.
- 5.12 The Authority must have regard to the extent to which the path or way would **add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area.**
- 5.13 Convenience of a substantial section of the public - Matters such as length, difficulty of walking and the purpose of the path pertain to the convenience to the public.
- 5.14 Length – The total length of Existing FPs is approximately 1615 metres. The total length of Proposed FPs is approximately 2508 metres. The total length of recorded public footpath would therefore increase by approximately 893 metres although this does not necessarily mean that individual journeys from start point to destination are increased. Comparative calculations have been made with regard to likely routes taken by walkers from each direction. The comparative calculations show that the majority of the proposed routes are less distance than using the existing routes. The proposed route from north to south is the only route which increases the distance from one point to another. However, the distance of recorded rights of way is increased thereby offering more flexibility and availability of walking than currently available.
- 5.15 Difficulty of walking - The terrain of the Existing FPs and Proposed FPs is predominantly over open grass and there is therefore no change to the difficulty of walking. There is one short incline towards the eastern end of FP 5C. One objector asserted that this is not as suitable for people with mobility limitations. However, it is considered that when taking account of the nature and terrain of the area as a whole the surface is acceptable for people with mobility limitations.
- 5.16 Purpose of the paths – The nature of use of the FPs in this area is stated in paragraph 5. 10. Individual objectors have stated that there is less flexibility with the proposed routes. However, it has been noted that many of the routes that the objectors use are not public footpaths but 'customary paths' and that their concern is that they will only be able to walk on public footpaths, thus reducing their flexibility. However, it should be noted that the public may be trespassing if they walk on private land without permission and this is the situation whether the proposals go ahead or not. Customary paths which are not recorded as public rights of way or walking randomly cannot be taken into account in the proposal. Any comparison is to be made between Existing FPs and Proposed FPs, as customary paths cannot be considered a permanent public amenity. It is considered

that providing a further approximately 893 metres more recorded length of public footpath will add to public amenity rather than detract from it.

- 5.17 Enjoyment of a substantial section of the public - The Proposed FPs remove the walker from the Racetrack but are still within Bath Racecourse site. Enjoyment of the wildlife (e.g. skylarks) or grassland is therefore not affected by the Proposals. There is no change to 'Prospect Stile' or views over Bath. FP 4C provides enhanced views to the west over the River Severn and the Welsh Mountains beyond on a clear day and is closer to the earthwork and tumuli to the northwest. The Proposed FPs provide a circular route which may add to the enjoyment of the public including those walking dogs. Increasing the length of recorded FPs will provide more possibilities for the public to enjoy the area. One Objector stated that there will be fumes associated with traffic on Lansdown Lane. However, FP 1C is separated from Lansdown Lane by a dry stone wall and verge, rather than running immediately contiguous with the road. Lansdown Lane has not been identified as requiring monitoring as part of the Council's Air Quality Annual Status Report. FP 5C provides a route to the south of the Racetrack providing an alternative to walking over the Golf Course to the north of Bath Racecourse buildings. There are continuous views towards Bath provided by FP 5C. The nature of the FPs mean it is likely that the public are walking for pleasure and public enjoyment of the Proposed FPs as a whole should be enhanced.
- 5.18 Convenience of persons resident in the area - Bath Racecourse is not in a densely populated area and the Existing FPs do not provide direct routes to shops or workplaces. Most walkers appear to be recreational walkers. It is therefore considered that there will be no adverse effect on the convenience of persons resident in the area.
- 5.19 Summary Although the length of the recorded FPs will be increased, this may be seen as a benefit if a walker wishes to enjoy the amenity of the area and is not using the FPs to get from 'A to B' by the quickest route. The Proposed FPs will remove the walker from the Racetrack to traverse the perimeter of the Racetrack without changing the difficulty or purpose of the walk; provide better links with other FPs; provide a choice of walking to the south of the Racetrack or to the north via the golf course (the unaffected route) and provide the option of a circular walk. Bath Racecourse has advised that the proposed routes will be unobstructed by any barriers including during racing events. The Proposed FPs would therefore add to the convenience or enjoyment of a substantial section of the public, and have no adverse effect on the convenience of persons resident in the area. This test should therefore be considered to have been met.
- 5.20 **The Authority must have regard to the effect which the creation of the paths would have on the rights of persons interested in the land, account being taken of the provisions to compensation.**
- 5.21 FPs 1E, 4E and 5E currently cross the Racetrack which causes management problems and safety issues for the Landowner during Race Days. The landowner wishes to retain plastic safety barriers across FPs 1E, 4E and 5E throughout the year which creates obstructions to the Existing FPs. The definitive line of FP 4E runs through Racecourse fencing in the vicinity of the stables to the north of the site. An alternative route (part of FP 4C) has been set out which has been used by the public for a number of years and the landowner wishes to formalise this arrangement. FPs 2E and 3E are to be realigned to follow the routes already in use. The landowner has applied to divert the Existing FPs so that they run outside

the vicinity of the Racetrack in order to improve management of the Racetrack throughout the year, improve safety on race days and align the legal route with what is currently walked. There is no adverse effect on land affected by the Proposed FPs with regard to compensation as the Existing and Proposed FPs are all owned by the Applicant who supports the proposals. This test should therefore be considered to have been met.

5.22 The Authority must have regard to the effect which the creation of the paths would have on members of the public with protected characteristics under the Equality Act 2010.

5.23 The following will provide a positive impact for those path users with visual, hearing or mobility impairments: providing routes around the perimeter of the Racetrack rather than over the Racetrack; pedestrian kissing gates will be erected on the boundary of Bath Racecourse with Lansdown Road and Lansdown Lane for safety reasons; re-siting the junction of FP BA5/35 with Lansdown Lane will provide improved visibility when crossing to FP BA5/57 as it moves the junction away from a bend in the road and avoids the need to walk along Lansdown Lane; the additional FP proposed onto Lansdown Road provides improved connectivity with FPs BA5/15 and BA5/18 ensuring walkers will not have to walk along Lansdown Road.

5.24 There is a shallow gradient on a short section of FP 5C towards its eastern end. It is considered that this will be an acceptable gradient when taking the nature and terrain of the whole area into consideration. All other Existing and Proposed FPs are on a level surface.

5.25 The proposed diversion has a neutral effect on those with other protected characteristics.

5.26 The Authority must have regard to the contents of the Rights of Way Improvement Plan.

5.27 The proposal would contribute towards the Authority achieving the following actions which are identified in the Rights of Way Improvement Plan's Statement of Actions including:

- Action 4.3 - *"Identify and carry out improvements for people with mobility difficulties and visual impairments"* (i.e. connectivity with other FPs)
- Action 4.4 - *"Identify road safety improvements that enable increased use of routes"* (i.e. improved visibility when crossing of Lansdown Lane and less distance required to be walked along Lansdown Road between FPs)
- Action 4.6 - *"Identify gaps in the wider recreational network that will improve accessibility and connectivity"* (i.e. improved connectivity between FPs and providing an alternative route to the south of the Racetrack)

5.28 It is therefore considered that the Proposals are in keeping with the Rights of Way Improvement Plan.

5.29 The Authority must have regard to the needs of agriculture and forestry and the keeping and breeding of horses.

5.30 A telephone conversation was held with an adjacent farm manager who was concerned about dogs not under control roaming onto his farmland. However, he agreed that the problem exists from the Existing FPs and that the way to avoid the

issue would be to improve fencing between the farmed field and Bath Racecourse. He may pursue this directly with the Applicant. He acknowledged that the issue with dogs is not a result of the proposals and that the proposals could not be altered to improve the situation. No written objection was received from the farm manager. It is considered that the proposals will not have an adverse effect on farming as there are no proposed FPs on farmland. The proposal will have a neutral effect on forestry. The Proposals are designed to improve the safety of the public, horses and their riders on event days; this test should therefore be considered to have been met.

- 5.31 **The Authority must have regard to the desirability of conserving flora, fauna and geological and physiological features.**
- 5.32 Objections have been raised regarding the condition of the surface of the Proposed FPs, i.e. that they would become muddier than the Existing FPs. The Objectors use descriptions such as narrowing, channelling, funnelling, restricting the path and being corralled which suggest that current PROW are wider than the Proposed FPs which is not the case. It suggests the objectors are not comparing the Proposed FPs with the Existing FPs but comparing with walking randomly over Bath Racecourse. The Proposed FPs will have a wider legal width than the assumed current width, thereby providing a wider surface for walking; please see paragraph 5.41. It is considered that as the Proposed FPs are over similar terrain to the Existing FPs there is no adverse effect of the proposals on conservation of flora, fauna, geological or physiological features.
- 5.33 **The effect of the Proposed FPs on the additional criteria identified in the Authority's PPO Policy; namely, Connectivity, Equalities Impact, Gaps and Gates, Gradients, Maintenance, Safety, Status, Width and Features of Interest**
- 5.34 Connectivity - FPs 1C and 5C improve connectivity to the east by moving the junction closer to FP BA5/57. Improved connectivity to the north is to be provided by FP 6C creating a junction closer to FPs BA5/15 and BA5/18. FP 4C provides improved connectivity from the west to the north. FP 5C provides improved connectivity from the south to the east.
- 5.35 Equalities Impact - Please see paragraphs 5.22 - 5.25.
- 5.36 Gaps & Gates - FPs 1E, 1C and 6C cross field boundaries. It is intended to authorise kissing gates under section 66 of the Act for public safety at Racecourse boundaries. Authorisation of the gates is in keeping with the principles of 'Least Restrictive Access'. The Proposed FPs will be unimpeded by Racetrack barriers.
- 5.37 Maintenance - The whole of Bath Racecourse area is maintained by Bath Racecourse. Although it is proposed to increase the length of recorded FP it is considered that the proposals will have a negligible effect on maintenance. Signage will be looked at and improved whether the proposals go ahead or not.
- 5.38 Safety - The Applicant is concerned with safety of the public and of horses and riders on the Existing FPs on Race Days or other organised events. Diverting the routes to the perimeter of the grounds will avert safety issues on days when events are taking place as it will be safer to walk around the perimeter than to walk across the Racetrack. There will be a neutral effect on safety on the Proposed FPs at times when there are no events taking place. FP BA5/36 runs

across the edge of the golf course and objectors have commented on the safety of walking this part of the FP which is not part of the proposal. The Authority is in separate dialogue with the golf course management regarding use of FPs on the golf course but this is a separate issue not related to the proposal. One objector is concerned about safety on FP 1C, being adjacent to Lansdown Lane. However, there is a dry stone wall and verge between the Proposed FP and the highway and this is therefore not considered an issue.

- 5.39 FP 1C will join Lansdown Lane further north to a point opposite FP BA5/57. This moves the walker further away from a bend in Lansdown Lane which will make a safer crossing of the highway.
- 5.40 FP 6C will provide a new junction with Lansdown Road opposite FPs BA5/15 and BA5/18. Walkers will not have to use Lansdown Road to get from one FP to the other, thereby improving safety.
- 5.41 Width – The Existing FPs have no recorded width; it is therefore assumed that they are wide enough for two people to pass comfortably, which the Authority considered to be a width of 1.8m. The Proposed FPs will be 2.0m wide throughout which provides an improvement to the available width.
- 5.42 The Proposals have no impact on Status as all affected routes are public footpaths.
- 5.43 Features of Interest – FP 4C provides improved views to the west over the River Severn and the Welsh Hills and is closer to the Earthwork, Tumuli and Pillow Mound in the adjoining field. FP 5C provides an improved view to the south over Bath.
- 5.44 It is considered that on balance the Proposed FPs are in accordance with the Policy.
- 5.45 **Extinguishment Order**
- 5.46 Where a creation order and extinguishment order is to be made concurrently s118(5) of the Act provides that, when considering the extent to which the extinguished paths would be likely to be used by the public, regard may be given to the extent to which the creation order would provide alternative paths. It is recommended that the various tests in relation to the Extinguishment Order are considered in turn:
- 5.47 The Authority must be satisfied that it is expedient that the paths are stopped up on the ground that the footpaths are not needed for public use.
- 5.48 It is considered that the creation order will provide suitable alternative paths to the extent that the Existing FPs will not be needed for use by the public.
- 5.49 **Before confirming the order the Authority (Council or Secretary of State) must consider that it is expedient to do so having regard to the extent to which it appears that the paths would, apart from the order, be likely to be used by the public**
- 5.50 It is considered that the creation order will provide improved routes to the extent that the existing FPs will be unlikely to be used by the public.

- 5.51 **Before confirming the order the Authority (Council or Secretary of State) must consider that it is expedient to do so having regard to the extent to which it appears that the effect the extinguishment would have on the land served by the paths**
- 5.52 The Existing FPs do not provide the means of access for the landowner to any parcel of their land and, in any case, the landowner supports the proposals which will not therefore have a detrimental effect on the land served by the FPs.
- 5.53 **The effect the extinguishment will have on the Authority's PPO Policy.**
- 5.54 Paragraph 2.5 of the Authority's PPO Policy states that; *"The Authority does not generally support applications for extinguishment orders unless they are part of a wider package with compensating public benefit"* and paragraph 2.2 states that *"the Council will seek to enhance the network whenever possible by improvement to the current route and network"*.
- 5.55 It is considered that the benefits of the Proposed FPs outlined in paragraphs 5.9 to 5.43 above will enhance the FP network by adding improved routes and therefore complies with the Authority's Public Path Order Policy.
- 5.56 It is therefore considered on balance that extinguishment of the Existing FPs is in accordance with the Policy when considered in the context of the whole package and that the Existing FPs are no longer needed for public use.
- 5.57 **SUPPLEMENTAL REPORT**
- 5.58 The Proposal was discussed at the Development Management Committee on 19th December 2018. A representative from Charlcombe Parish Council spoke in favour of the application and a local Farm Manager spoke against. The decision was deferred pending a site visit which was held on 7th January 2019.
- 5.59 Subsequent to the Committee Meeting the case officer was asked to facilitate a dialogue between the adjoining Farm Manager and Bath Racecourse regarding fencing. It should be noted that fencing is not an issue that is within the Authority's control. An email was sent by the case officer facilitating contact between the landowners and requesting any known details regarding sheep worrying over the last 10 years, in order to better understand the issues.
- 5.60 Acknowledgements from both sides were received. On writing this report no further details have been received by the case officer but an oral update will be provided at the committee meeting.
- 5.61 This proposal is designed to provide walkers with clearer routes to follow, improve safety around the Racecourse, provide an improved circular route and to avoid the need for enforcement action where there are obstructions on the Existing FPs.

6 RATIONALE

- 6.1 Making an order to create the Proposed FPs around the perimeter of Bath Racecourse land and concurrently making an order extinguishing the Existing FPs is recommended on the grounds that the relevant statutory tests appear to have been met and the proposal is in line with the Public Path Order Policy.

6.2 Objections from individuals and North Stoke Parish Meeting should be balanced against positive support from individuals, Charlcombe Parish Council, the Ramblers and Cotswold Voluntary Wardens. No comments were received from the Ward Councillors.

6.3 The Proposed FPs will improve connectivity within the public rights of way network.

7 OTHER OPTIONS CONSIDERED

7.1 It is an option to not go forward with the proposed Creation and Extinguishment Orders. Bath Racecourse would then be required to open up the routes that are currently obstructed. However, this option would not deliver any improvements for the public and is therefore not recommended.

7.2 It is an option to progress the proposals as a Public Path Diversion Order under s119 of the Act. However, this mechanism is not as appropriate for altering a network of paths, as opposed to individual paths.

7.3 Amending the Proposal further has been considered but would not provide benefits to the public; suit the Applicant who is paying for the application; fit the legislative criteria or accord with the Authority's Public Path Order Policy.

8 CONSULTATION

8.1 Affected landowners, Charlcombe Parish Council, national and local user groups, Natural England, the Ward Councillors and statutory consultees were all consulted about the proposed diversion for a period of six weeks ("the Consultation Period"). Additionally site notices were erected at each end of the proposed diversions and on the Authority's website to seek the views of members of the public.

8.2 In response to the consultation, a number of statutory undertakers stated that their plant would not be affected. Openreach BT advised they had apparatus running across the area but did not object to the proposals providing their rights were maintained. These rights will therefore be preserved in the Extinguishment Order.

8.3 Charlcombe Parish Council (which covers the whole of the original consultation site) give their full support to the proposals, stating that the proposals are "*eminently sensible and will improve the overall layout and connectivity of the paths whilst at the same time enhancing safety on race days and safety when crossing Lansdown Lane.*"

8.4 A representative from North Stoke Parish Meeting (which is adjacent to the original consultation site) emailed to say they had expressed concerns to the Ward Councillors regarding moving a footpath closer to the boundary of farm land and asked for a site meeting. A telephone conversation was held with the farm manager who stated there is a current problem with dogs not on leads from all over Bath Racecourse area. He stated that wherever the footpath is will be a problem unless more substantial fencing is erected, which he couldn't afford. However, he has no problem with dogs from FP BA18/25 which runs within the farm field. It was agreed a site meeting was unnecessary but that the farm manager would contact the Applicant to see if more robust fencing could be arranged. The farm manager did not contribute in writing to the consultation.

- 8.5 Cotswold Voluntary Wardens Parish Warden (in the parish of Charlcombe) responded, saying *“This proposal will regularise those routes and make it clearer for people who want to walk the legal paths to do so without the uncertainty of crossing Racecourse barriers”*. The overall response was – *“At last, I am pleased to see these proposals materialise in a way that will lead to better clarity for all concerned and safer access, without limiting much of the activity that people already do. I hope that these proposals can be given whole-hearted support to enable progress as quickly as possible.”*
- 8.6 The local Ramblers representative stated that he supported the Cotswold Wardens views and *“On behalf of Ramblers I have no objections and hope that these proposed changes can be effected”*.
- 8.7 Individual supporting comments are summarised below, covering safety, connectivity, views and general support:
- Improved Safety - Improved visibility for crossing Lansdown Lane away from the brow of the hill (2 respondents). This will also put it opposite the entrance to BA5/57, which should make it safer to cross the road.
- Improved Connectivity – New exit at Lansdown Lane provides a better link. New link at Lansdown Road is a welcome addition improving access (2 respondents).
- Improved Views - FP4C is fantastic, enjoyable through many seasons, looks across to Wales and an improvement for viewing different species of birds.
- General Support - Proposed changes at the east side seem to be sensible and are supported. It will also allow Bath Racecourse to manage race days better.
- 8.8 A total of 13 letters/emails were received from members of the public in opposition to the proposals.
- 8.9 Individual's objections are summarised below, covering distance, safety, environment, views/enjoyment and criteria for changing the routes:
- Distance - Reduces access from the south and west to those wishing to frequent the Public House. Adds distance (2 respondents). Reduces flexibility (2 respondents) and is more inconvenient.
- Safety - Will not improve public safety (2 respondents) and walkers and dogs may stray onto track (2 respondents). Crossing the course causes no damage. Disagreement that a new entrance onto Lansdown Rd will make crossing safer. Walking closer to Lansdown Lane unsafe and increases risk of dogs straying into busy road . More likely to be breathing in exhaust fumes (2 respondents). Dog will be nearer to livestock (3 respondents) and BA5/36 is often blocked with vehicles. Increases need to use golf course and golf balls are a hazard.
- Environment/Difficulty of walking - FP 5C is extremely boggy/muddy/treacherous for most of the year (4 respondents). Doesn't want to walk on the road/golf course and creates a longer circular route. Extremely slippery, dangerous for unsuspecting walker and more hazardous due to narrow width and an incline. Restricts options for walking and substantially less convenient. Won't be able to walk freely and allow dogs off the lead. Muddy tyre tracks/cars visiting will cause obstruction and cars park by the stables.
- Views/Enjoyment - No direct link to Prospect Stile (2 respondents). Wishes to continue the 'open access feel' and to 'enjoying the wide open space'.

Criteria for changing the routes - These paths have existed since before the racecourse. Footpath amendments should only be undertaken if they improve the quality of the walk. Prefers the FPs to just be closed on the 20-25 race days. Making changes just for a few race meetings per year is not justified/FPs do not impinge upon the Racecourse. Inconvenient/impractical (2 respondents) and people won't walk around the edge (FP6C). Counter to B&NES PPO Policy for extinguishment orders with no public benefit. Changes should be considered individually not as a package. I do not consider Racecourse barriers cause a problem (2 respondents). 'A nonsense' and impossible to enforce. Signs should be improved.

- 8.10 The Applicant was further consulted and the general objections discussed. It had come to light during the Consultation Period that the definitive line of FP BA5/45 northeast of the advertised change (FP 4E) is obstructed by the edge of Racecourse fencing which has been in situ for many years and short sections of the definitive line of FPs BA5/37 (FP 2E) and BA5/43 (FP 3E) do not align with where the public walk. It was therefore agreed to amend the package to include changes to FPs BA5/45, BA5/43 and BA5/43 so that the definitive lines are the same as the routes currently walked by the public, thus becoming FPs 2C, 3C and 4C. FP 4C will therefore move to just inside the boundary of the parish of North Stoke. It was also agreed to amend FP 1C from the original proposal so that the corner was more 'rounded off'. No other alternative proposals could be accommodated as the remaining area under consideration (e.g. the area to the north of the Racetrack but south of the Racecourse buildings) has to be kept free as an emergency route for medical staff when an event is taking place.

9. RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	Wendy Robbins 01225 394161 wendy_robbins@bathnes.gov.uk
Background papers	<p><i>Background papers are available online at:</i> http://www.bathnes.gov.uk/services/streets-and-highway-maintenance/public-rights-way/prow-legal-order-case-documents/bath</p> <ul style="list-style-type: none"> • <i>B&NES Public Path Order Policy</i> • Large scale plan • Description of Public Footpaths to be created and extinguished and Limitations and Conditions • Consultation Responses • Comparative Distances • Photographs • Consultation Plan
Please contact the report author if you need to access this report in an alternative format	

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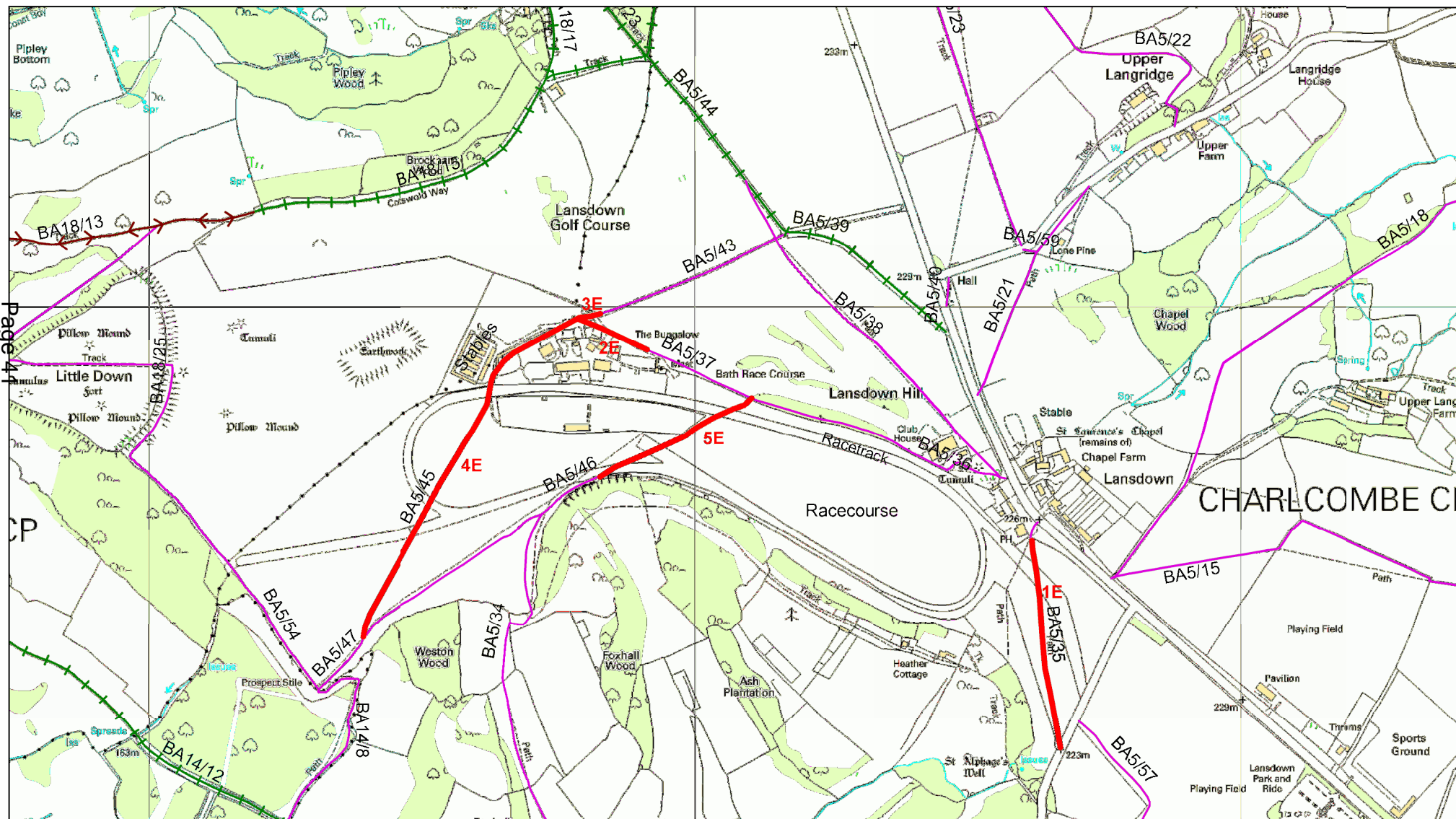
Appendix 1 Decision Plan Existing Routes

Public footpath to be extinguished (E) —
Parish Boundary —•—•—•—

Unaffected public byway open to all traffic
Unaffected public footpath
Unaffected public bridleway



Scale: 1:10,000



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Appendix 2 Proposed Routes

Public footpath to be created (C)

Parish Boundary

Public Footpaths to be extinguished are not shown



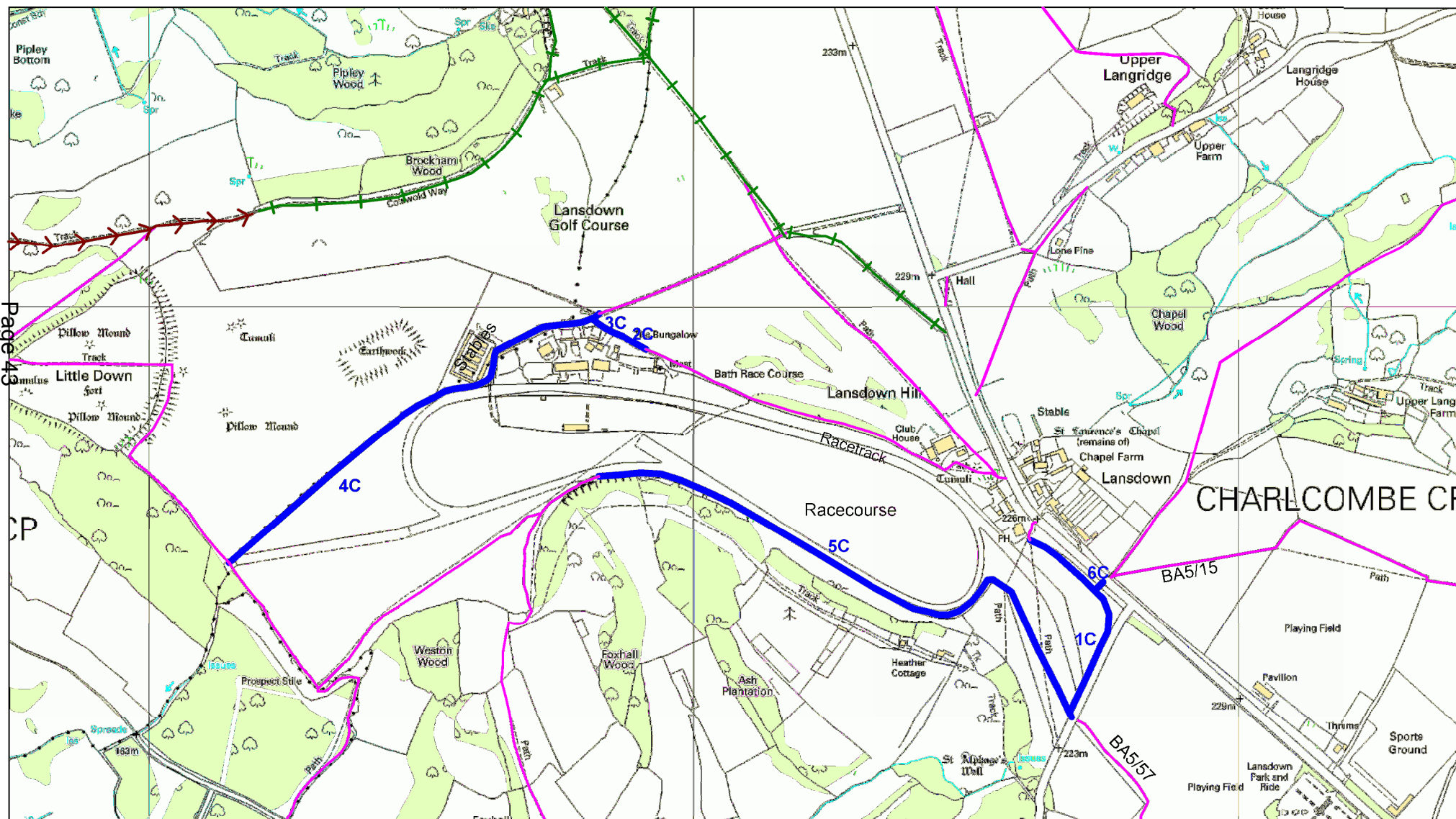
Unaffected public byway open to all traffic

Unaffected public footpath

Unaffected public bridleway



Scale: 1:10,000



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Bath & North East Somerset Council		
MEETING:	Development Management Committee	AGENDA ITEM NUMBER
MEETING DATE:	16th January 2019	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	APPLICATIONS FOR PLANNING PERMISSION	
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

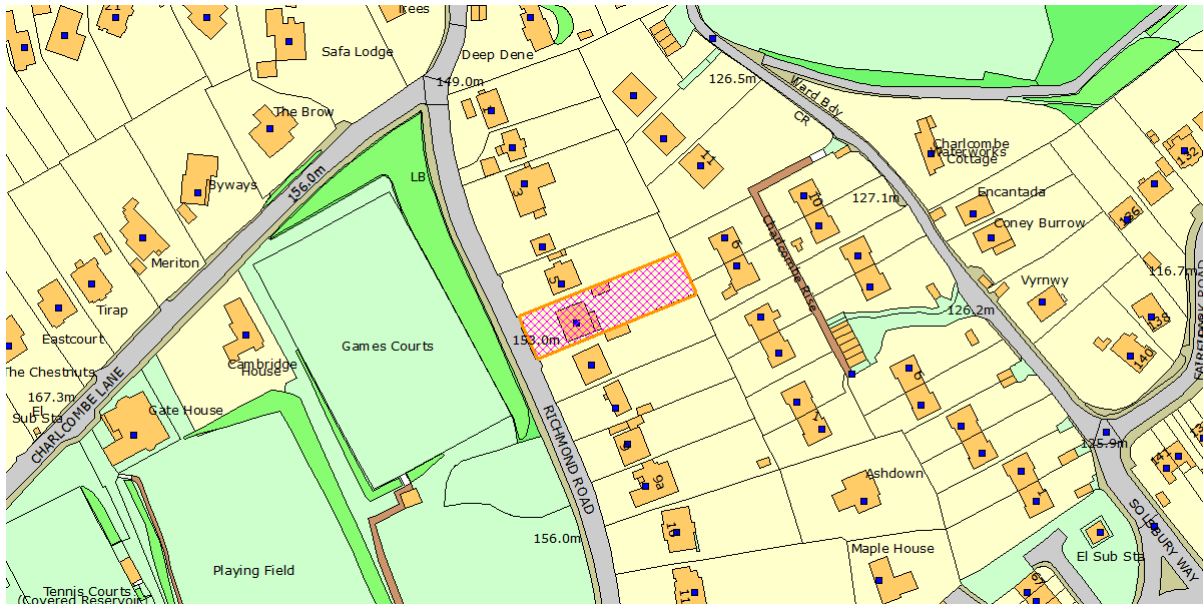
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	18/03359/FUL 21 December 2018	Mr Robert McLuhan 6 Richmond Road, Beacon Hill, Bath, Bath And North East Somerset, BA1 5TU Erection of replacement split level four bedroom dwelling and attached garage following demolition of existing two bedroom bungalow and garage.	Lansdown	Rae Mephram	PERMIT
002	18/04168/FUL 20 December 2018	Mr P Harrison Long Byre, Barn Lane, Chelwood, Bristol, Bath And North East Somerset Erection of detached double garage	Clutton	Hayden Foster	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 18/03359/FUL
Site Location: 6 Richmond Road Beacon Hill Bath Bath And North East Somerset BA1 5TU



Ward: Lansdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Patrick Anketell-Jones Councillor Anthony Clarke
Application Type: Full Application
Proposal: Erection of replacement split level four bedroom dwelling and attached garage following demolition of existing two bedroom bungalow and garage.
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, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones,
Applicant: Mr Robert McLuhan
Expiry Date: 21st December 2018
Case Officer: Rae Mepham
To view the case click on the link [here](#).

REPORT

Reason application going to committee

Application referred to the Chair due to request from Cllr Clarke. The Chair determined the application should be heard by the Development Management Committee for the following reason:

I have studied the application carefully noting comments from statutory, third party consultees & the Ward Cllr. Although the proposal has been reduced following pre-app advice controversy remains over the size & massing of the proposal & as the report explains it is a matter of balance as to how much harm it may cause to the residential amenity of neighbours.

I therefore recommend the application be determined by the DMC allowing points raised to be debated in the public arena.

The application was heard by the Development Management Committee on the 19th December 2018, and was deferred for a site visit.

Site description and proposal

6 Richmond Road is a bungalow located within the Bath World Heritage Site. This application is for the demolition of the existing building and replacement with a split level 3 storey dwelling.

Planning history

5 Richmond Road:

13/00842/FUL - PERMIT - 2 May 2013 - Replacement and re-proportioning of all openings to the front/road and rear elevations, re-rendering of all elevations, erection of a new boundary and gate to the road and installation of bi-fold glazed doors to the rear opening onto the existing deck.

14/02518/NMA - RF - 20 June 2014 - Non-material amendment to application 13/00842/FUL. (Replacement and re-proportioning of all openings to the front/road and rear elevations, re-rendering of all elevations, erection of a new boundary and gate to the road and installation bi-fold glazed doors to the rear opening onto the existing deck.)

14/02888/FUL - PERMIT - 18 August 2014 - Replacement and re-proportioning of all openings to the front/road and rear elevation, re-rendering of all elevations, construction of new boundary/gate to the road, installation of glazed french doors to the rear opening onto the existing deck and rooflight added to the master ensuite.

17/05554/FUL - APPRET - - Internal refurbishment with external re-proportioning of openings and insulating and over-cladding

17/05556/FUL - PERMIT - 19 February 2018 - Erection of a front single storey porch extension and a single storey rear extension below the existing raised deck, erection of a timber boundary fence, re-proportioning of the window and door openings

7 Richmond Road:

17/00178/FUL - PERMIT - 30 June 2017 - Erection of single storey side and rear extension and two storey rear extensions, loft conversion, demolition of existing garage, alterations to the main roof profile and redevelopment of entrance and front parking area.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses

None received.

Cllr representations

Cllr Anthony Clarke:

I visited the site several days ago and discussed the application with Samantha Jennings, who has submitted, since we met, her objection.

I am particularly concerned by the new mass of the application and the present design leading to significant overlooking of the Jennings property.

If you are minded to approve, I would be grateful if the application could go to the Development Control Committee for consideration.

Third party representations

Nine objection comments have been received, summarised as:

- Proposal subject to negative pre-application
- Overdeveloped
- Overlooking from balcony
- Dominant
- Overbearing boundary wall
- Unneighbourly development
- Out of character with the road
- Reduction in balcony only alleviates some overlooking
- Awkward rear elevation
- Too big and intrusive
- Garage forward of building line
- Construction too near boundary
- Uncharacteristic density

POLICIES/LEGISLATION

The Council's Development Plan comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- B1 - Bath Spatial Strategy
- B4 - The World Heritage Site and its Setting
- DW1 - District Wide Spatial Strategy
- SD1 - Sustainable Development

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

BD1 - Bath Design Policy
D1 - General Urban Design Principles
D2 - Local Character & Distinctiveness
D3 - Urban Fabric
D4 - Streets and Spaces
D5 - Building Design
D6 - Amenity
H7 - Housing Accessibility
LCR9 - Increasing the Provision of Local Food Growing
SCR5 - Water Efficiency
ST1 - Promoting sustainable travel
ST7 - Transport requirements for managing development

The Revised National Planning Policy Framework (NPPF) 2018 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

OFFICER ASSESSMENT

Principle of development

The property is located within the Urban Area of Bath, and proposes a replacement dwelling. The principle of development is therefore considered to be acceptable, subject to other material considerations.

Character and appearance

The existing building is comprised of a bungalow, set down from road level. This application is intended to replace the existing building with a 3no. storey house.

Richmond Road is within a residential part of Lansdown, bordered on one side by the Royal High School. The road has been the subject of large housing developments in recent years; of note are 1 Richmond Road and 4 Richmond Road. The dwellings within Richmond Road have no defining character or house type, other than their detached nature.

The adjacent properties at 5 and 7 Richmond Road have recently been granted permission for alterations. The application at number 5 granted alterations to exterior materials and fenestration, as well as the addition of an undercroft. The application at number 7 gave permission for an increase in the roof height, provision of gable ends, and erection of a two storey side and single storey rear and side extension.

The proposal has been designed so the ridgeline and eaves sit between 5 and 7 in order to step down with the natural topography of the area. The build is substantial and concerns were raised at pre-application in terms of the overall massing and size of the property.

Some alterations have been made, including a slight reduction in height, design alterations to the rear elevation, and alterations to the garage at the front of the property. The dwelling is still large, but fits within the confines of the plot without constituting overdevelopment, reflects the developed grain of the area, and does not appear out of character in terms of height.

The rear elevation of the property has two gable ends which break up the massing, as well as utilising a variety of local materials to create depth.

A garage has been proposed to the front of the property, which adds a large flat roof projection to the front of the property. This has been detached from the house with the exception of a boundary wall. The garage sits lower than road level, and is not considered to overly obscure the front elevation of the property.

The appearance of the property is contemporary, and there is no objection to this.

On balance, despite the large size of the proposal, the dwelling is considered to be acceptable in terms of character and appearance.

Residential amenity

The proposal is largely built in line with its neighbouring properties, and the main bulk of the property will not cause significant harm to residential amenity due to overlooking or an overbearing impact.

Two balcony areas have been proposed, one set within a recess in the middle of the property, and one located on top of a single storey projection located adjacent to number 5. The balcony has been reduced to a smaller area and no longer sits immediately adjacent to the neighbouring property. A full height privacy screen has also been proposed. There will be some overlooking possible from this area, however day to day use of the balcony is unlikely to cause significant harm. Subject to a condition restricting the use of the flat roof area, and details of the screen being submitted, the balcony in this location is not considered to cause significant harm to residential amenity.

Concerns have been raised regarding the boundary wall at the front of the property used in the construction of the garage. The wall is between 2.5m - 3m high depending on ground level, and is adjacent to the driveway of the neighbouring property. It is not considered that this wall would have an overbearing impact upon no. 7, nor cause a significant loss of light to the property.

Highways

The proposal provides sufficient parking in line with the parking standards set out in ST7.

Ecology

The proposal has been submitted with a bat activity/emergence survey which also covers nesting birds and badgers. Bat activity has been detected on site, but no bats or indication of bats have been found within the building, and there is a negligible potential for a roost.

Subject to the recommendations within the survey being followed, including the provision of a bat box and two bat shelters, the application is considered to be acceptable.

Increasing the provision of Local Food Growing

Policy LCR9 states that all residential development will be expected to incorporate opportunities for informal food growing where possible. The proposal site benefits from garden areas where future occupiers could grow food if they wished.

Water Efficiency

All dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

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

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

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

3 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, other than the lined areas on the rear elevation as shown on drawing 004 A.

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.

4 Details of Means of Enclosure (Compliance)

No construction of the external walls of the development shall commence until details of the privacy screens have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of privacy and/or visual amenity in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

5 Erection of Means of Enclosure (Compliance)

The dwelling shall be occupied until its associated screen walls/fences or other means of enclosure have been erected in accordance with the approved plans and thereafter retained.

Reason: In the interests of privacy and/or visual amenity in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

6 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.

7 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, implementation of the recommendations of the Bat Emergence/Activity Survey has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

8 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. Water butts) has been provided.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

9 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.

10 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:

27 Jul 2018 006 STREET SCENES
27 Jul 2018 001 LOCATION PLAN
03 Oct 2018 004A PROPOSED PLANS
08 Oct 2018 005 REV A PROPOSED ELEVATIONS
16 Nov 2018 007 B REAR ELEVATIONS

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

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

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.

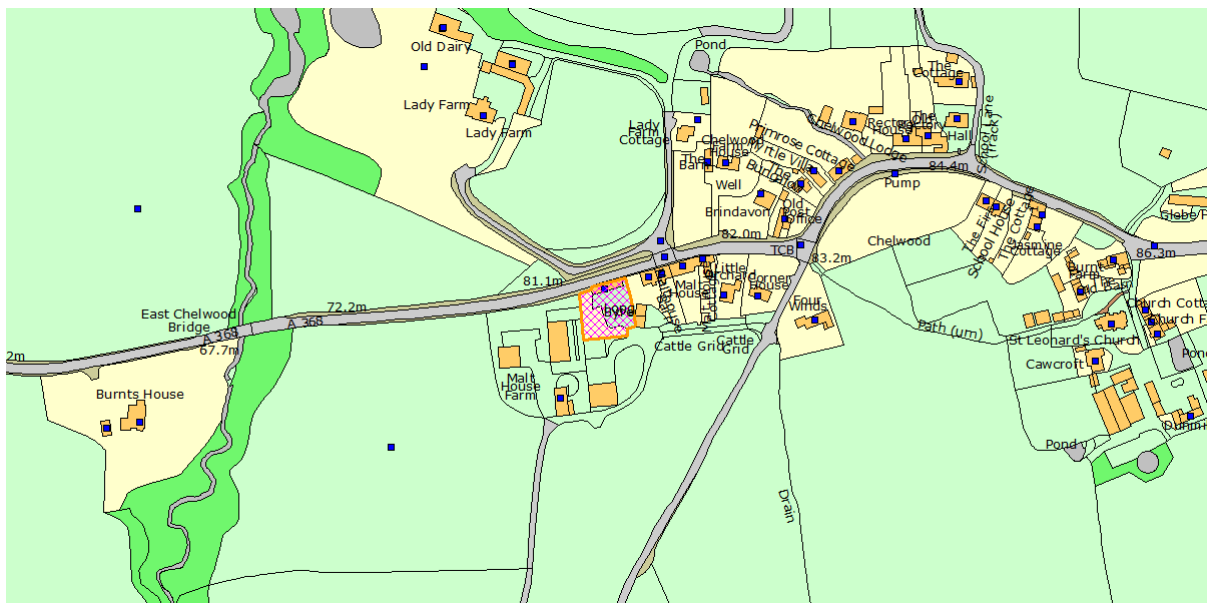
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

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 an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Item No: 002
Application No: 18/04168/FUL
Site Location: Long Byre Barn Lane Chelwood Bristol Bath And North East Somerset



Ward: Clutton **Parish:** Chelwood **LB Grade:** N/A
Ward Members: Councillor Karen Warrington
Application Type: Full Application
Proposal: Erection of detached double garage
Constraints: Bristol Airport Safeguarding, Clutton Airfield, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, Policy M1 Minerals Safeguarding Area, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant:	Mr P Harrison
Expiry Date:	20th December 2018
Case Officer:	Hayden Foster
To view the case click on the link here .	

REPORT

Reason for the application being referred to Committee:

The application had been referred to the Committee chair following comments made by the parish council who had written in support of the application. The Committee chair has made the following comments:

'I have read through the application & all related documents carefully noting statutory consultee comments which when assessed against relevant planning policies come to different conclusions, regarding Green Belt the proposed position is unacceptable but to move it to overcome this issue it then has an unacceptable impact on the listed building. I therefore recommend the application be determined by the DMC.'

This application was deferred at the last meeting of the Committee to allow Members to visit the site.

Site Description and Proposal:

The proposal is set to be associated with a Grade II Listed Barn situated within the residential area of Chelwood. The site is also located within the Green Belt.

The application seeks consent for the erection of a detached double garage.

Relevant Planning History:

98/02719/FUL - PERMIT- Conversion of barn to form dwelling as amplified by letter received on the 24th August 1998.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Chelwood Parish Council

'Parish Council support the application. The proposed changes do not represent inappropriate development in the Green Belt.'

Highways

'Highways DC do not anticipate the proposed development having an unacceptable impact on the public highway. There will be no loss of existing on-site parking plus access from the public highway will remain unaltered.'

It is therefore recommended that the application be approved subject to conditions.'

Conservation

'The proposed garage is acceptable in this location, which is at a distance from the protected building and not within its immediate vicinity. However, the detailing and design of the garage, including use of materials, requires revision. As an alternative to the use of natural stone masonry walls I suggest timber. The approach could be either timber frame and cladding or concrete block with timber cladding. In either case I suggest the timber cladding should be laid horizontally using wide boards. The timber could be either painted a dark recessive colour or allowed to weather naturally.

Regarding the door and window I suggest increasing the depth of the reveal.'

Representations Received:

None received.

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP6: Environmental Quality
CP8: Green Belt

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General Urban Design Principles
D2: Local Character and Distinctiveness
D3: Urban Fabric
D5: Building Design
D6: Amenity
GB1: Visual Amenities of the Green Belt
GB3: Extensions and Alterations to Buildings in the Green Belt

HE1: Historic Environment

ST7: Transport requirements for managing development

The National Planning Policy Framework (NPPF) was published in July 2018 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

The Existing Dwellings in the Green Belt SPD is also relevant in this instance.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

OFFICER ASSESSMENT

Planning permission is sought for the erection of detached double garage. The proposal is set to be associated with a Grade II Listed Barn situated within the residential area of Chelwood. The site is also located within the Green Belt.

Principle of Development

As mentioned the site is located within the Green Belt. Policy GB1 of the Placemaking Plan requires that development within or conspicuous from the Green Belt should not prejudice but seek to enhance the visual amenities of the Green Belt. This is when considering its siting, design or materials used for its construction.

Paragraph 145 of the National Planning Policy Framework can also be considered, this states that the construction of new buildings is regarded as inappropriate in the Green Belt. However, the exceptions to this, amongst other things, are the extension or alteration of a building provided that it does not result in disproportionate addition over and above the size of the original building. This is in addition to the replacement of existing buildings provided the new building is in the same use and not materially larger than the one it replaces.

The proposed garage is to be placed forward of the associated dwelling, and situated at a distance of (approximately) 14.5 metres from the dwelling. It is considered that due to the sitting of the garage it would not be seen as an extension to the main dwelling, rather it is considered that the proposal would be seen as a separate detached building.

In some situations the development of garages/ outbuildings can be regarded as 'permitted development' under Class E of the General Permitted Development Order (GPDO). However, in this instance the proposal is situated forward of the main dwelling, and is within the curtilage of a Listed Building. As such the development of a garage under permitted development would not be applicable for this site.

As a result the proposed garage is considered to be inappropriate development of a new building within the Green Belt. This would also result in harm to the openness of this part of the Green Belt. This is especially considering the sitting of the proposed garage, which is set at such a distance from the associated dwelling. No very special circumstances

have been put forward by the applicant and none have been identified by the planning case officer. As such the proposal is considered contrary to policy GB1, GB3 of the Placemaking Plan and paragraph 145 of the NPPF.

Design and Character- Impact on the setting of the Listed Building

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As the proposal is situated within the curtilage of a listed building the BATHNES Historic Environment Team has been consulted. Within the response received it was noted that the sitting of the garage is acceptable from a Historic Environment consideration. However, it was also noted that alterations would be needed to the choice of materials with a suggestion of timber cladding as opposed to the use of render and stone. Following these comments revised plans have been submitted and the proposed garage now incorporates Waney Edge Timber Boarding with recessed doors and windows. As such the concerns in regards to the proposals visual appearance in relation to the Listed Building have been addressed.

Although the sitting of the garage is considered acceptable when considering its impact on the Listed Building, the proposal would still however, be unacceptable when considering its impact on the openness of the Green Belt. Conversations have been held with the Historic Environment Team as to whether the proposed garage would be acceptable from a Listed Building perspective if moved closer to the dwelling. This would be in order to present a closer visible relationship between the dwelling and the garage while allowing it to be considered as a proportionate extension. This would allow the proposal to overcome Green Belt concerns. However, if the garage's location were to be moved closer to the dwelling this would result in an unacceptable impact to the setting of the Listed Building.

As such the proposed garage is acceptable in regards to the setting of the Listed Building, however, as mentioned the sitting of the proposed garage would amount to inappropriate development within the Green Belt.

Residential Amenity

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. As such the proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph part 12 of the NPPF.

Highways

As noted Highways DC have been consulted and have raised no objection to the proposal. As such the means of access and parking arrangements are acceptable and

maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

Conclusion

For the reasons set out in the above report the application is recommended for refusal. The proposed detached garage will represent inappropriate development of a new building within the Green Belt. This would result in harm to the openness of the Green Belt. This is due to the siting of the proposed garage, which is set at such a distance from the associated dwelling. Very special circumstances have also not been displayed to overcome the harm to the openness of the Green Belt.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed detached garage represents inappropriate development which is by definition harmful to the Green Belt. Due to its' location the proposal would also result in harm to the openness of this part of the Green Belt. In the absence of very special circumstances the proposal is contrary to policy CP8 of the Core Strategy, policy GB1 of the Placemaking Plan and paragraph 145 of the NPPF.

PLANS LIST:

This decision relates to the following plans received 18th September 2018:

Drawing Number: 2 - Proposed Site Plan

Plans received 21st November 2018:

Drawing Number: 1/1 - Proposed Garage Plans and Elevations

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.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Bath & North East Somerset Council		
MEETING:	Development Management Committee	AGENDA ITEM NUMBER
MEETING DATE:	16th January 2019	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	APPLICATIONS FOR PLANNING PERMISSION	
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

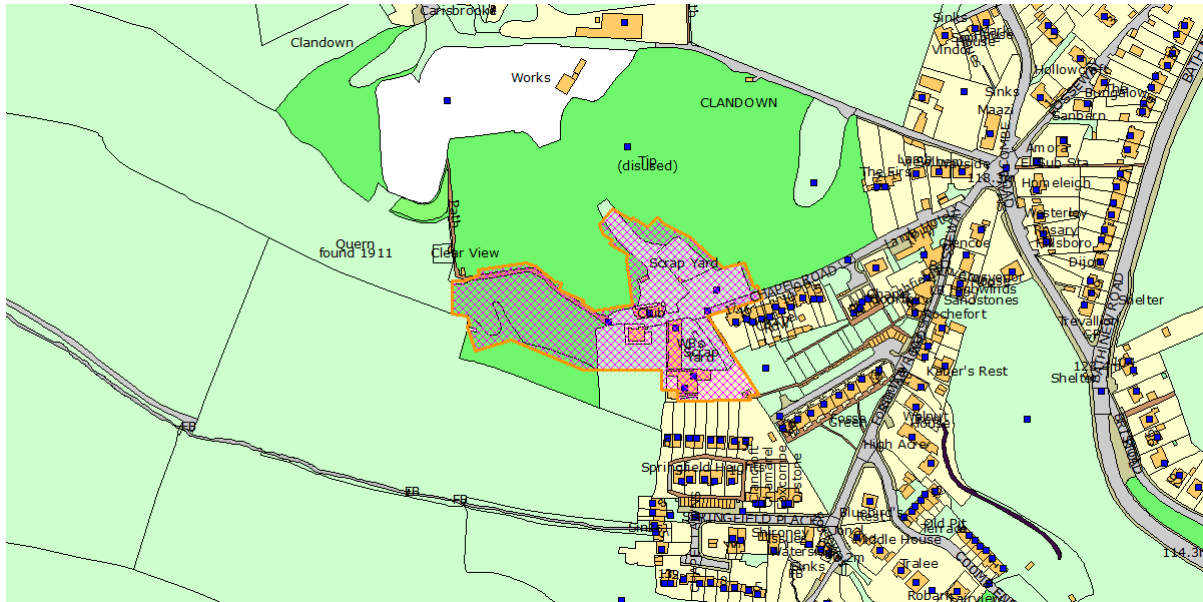
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	16/04870/FUL 21 January 2019	Bidwell Metals Ltd Bidwell Metals Ltd, Chapel Road, Clandown, Radstock, Bath And North East Somerset Erection of 28 dwellings, public open space, a community building and ancillary works following the demolition of 2 buildings (REVISED DESCRIPTION)	Radstock	Tessa Hampden	REFUSE
02	18/02900/FUL 18 January 2019	Mr Tim Draper Land At Rear Of 106 High Street, Dovers Lane, Bathford, Bath, Erection of two storey, 3 bed dwelling	Bathavon North		PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 16/04870/FUL
Site Location: Bidwell Metals Ltd Chapel Road Clandown Radstock Bath And North East Somerset



Ward: Radstock **Parish:** Radstock **LB Grade:** N/A
Ward Members: Councillor Christopher J Dando Councillor Deirdre Horstmann
Application Type: Full Application
Proposal: Erection of 28 dwellings, public open space, a community building and ancillary works following the demolition of 2 buildings (REVISED DESCRIPTION)
Constraints: Affordable Housing, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Forest of Avon, Housing Development Boundary, Public Right of Way, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant: Bidwell Metals Ltd
Expiry Date: 21st January 2019
Case Officer: Tessa Hampden
 To view the case click on the link [here](#).

REPORT

Reason for referring application to committee

This application was heard at committee in August 2017. Members delegated to permit subject to securing a number of planning obligations through a S106 agreement. This application has been brought back to committee because the applicant has failed to enter

into a S106 agreement or provide any information as to why these planning obligations would render the scheme unviable. Given the length of time that this application has been with the Local Planning Authority, officers consider it important to now draw the application to a conclusion.

Site description and proposal

The application relates to Bidwell Metals site which includes the adjacent former school site. The site is located at the end of Chapel Road in Clandown, Radstock. The site sits within the Radstock Conservation Area. Part of the site is within the Housing Development Boundary, with the remainder falling outside of the Housing Development Boundary.

The application seeks planning permission for 28 dwellings, public open space, a community building and ancillary works following the demolition of two buildings. Significant revisions were made during the application period with the quantum of development reducing from 49 dwellings to 28 in response from concerns by officers and third parties. The dwellings comprise a mixture of terraces, detached dwellings and residential units formed through the conversion of the existing buildings on the site.

Relevant planning history

Appeal - 12/00009/RF - DISMIS - 5 July 2012 - Change of use of premises from Non-Residential Institution formally Clandown Primary School) (Use Class D1) to Storage and Distribution (Sales/Wholesale Distribution Centre of Lilley's Cider Barn) (Use Class B8) (Retrospective)

11/00896/FUL - RF - 28 December 2011 - Change of use of premises from Non-Residential Institution (formally Clandown Primary School) (Use Class D1) to Storage and Distribution (Sales/Wholesale Distribution Centre of Lilley's Cider Barn) (Use Class B8) (Retrospective)

99/02659/FUL - PER - 29 September 1999 - To provide a parking area adjacent to the kitchen and dining room as amended by revised plans received on 2nd August 1999.

06/02747/FUL - WD - 14 September 2006 - Extensions and conversion to provide two dwellings, following demolition of modern extension (WC Block).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Arboricultural Officer - No objection subject to conditions

Highway safety - No objections subject to conditions and S106 to secure highway/pedestrian improvements

Ecologist - No objection subject to conditions

Conservation Officer - Raises concerns with aspects of the development, but does not raise an overall objection to the development

Environment Agency - No objection subject to conditions

Parks and Open Space - objection to the scheme for 49 dwellings as inadequate public open space had been provided

Drainage - No objection subject to condition

Landscape Officer - Objects to the development

Historic England - Awaiting the response from the notification

Public Rights of Way - Objection to the original scheme due to re routing of PROW through an estate road

Cllr Jackson - In view of the local residents' objections, and the town council's strong objection, plus the amount of controversy and public concern about this site since 1991, request that the application is heard at the Development Management Committee. It does not seem that the town council's objections have been properly met at present, and that further issues are raised by the re-configuration of the junction of Chapel Road and the Fosseway by The Lamb Inn. I also believe that the trees adjacent to the Clandown Orchard Project should be removed.

Radstock Town Council - objection on grounds of highway safety (access and egress issues, narrowness of lane and lack of pavement), traffic generation and impact on neighbours.

12 objection comments 4 general comment and 1 supporting comment has been received. These can be summarised as follows:

Supporting comment

- Provision of much needed housing

Objection/general comments

- Highway safety/Additional traffic and resultant impact due to substandard access (including concerns regarding changes to the entrance to Chapel Road
- Lack of parking provision and resultant overspill
- Significant increase in population of small village
- Issues during the construction process
- Overdevelopment of the site
- Detrimental impact upon the character and appearance of the Conservation Area
- Ecological impacts
- Concerns relating to future applications
- Lack of supporting infrastructure
- Safety issues relating to the Batch
- Inappropriate location for community building/public open space

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)

- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
- Policy GDS.1 Site allocations and development requirements (policy framework)
- Policy GDS.1/K2: South West Keynsham (site)
- Policy GDS.1/NR2: Radstock Railway Land (site)
- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- Neighbourhood Plans

RELEVANT CORE STRATEGY POLICIES

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

DW1 - District-wide spatial strategy
 SV1 Some Valley Spatial Strategy
 CP2 - Sustainable Construction
 CP3 Renewable energy
 CP6 - Environmental Quality
 CP7 - Green Infrastructure
 CP9- Affordable Housing
 CP10 - Housing mix

RELEVANT PLACEMAKING PLAN

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

SD1 Presumption in favour of Sustainable Development
 D.1 - D.6 & D.10: General Urban design principles: Local Character & Distinctiveness; Urban Fabric; Streets and Spaces; Building Design; Amenity; Lighting; Public Realm
 D7 - Infill and Backland Development
 H1 - Historic environment
 SU1 - Sustainable Drainage
 NE1 - Development and Green Infrastructure
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 NE2A Landscapes setting of settlements
 NE3 - Sites, species and habitats
 NE4 Ecosystem Services 113
 NE5 Ecological networks
 NE6 - Trees
 ST1 - Promoting Sustainable Travel
 ST7 - Transport requirements for managing development
 SCR1 On-site renewable energy requirement
 SCR2 Roof Mounted/Building Integrated Scale Solar PV
 SCR5 Water Efficiency
 H7 Housing Accessibility

LCR7B Broadband
PCS1 Pollution and nuisance 128
PCS2 Noise and vibration 129
PCS3 Air quality
PCS5 Contamination
PCS6 Unstable land
PCS7A Foul sewage infrastructure
LCR1 Safeguarding local community facilities
CP5 Flood Risk Management
CP13 Infrastructure Provision

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

OFFICER ASSESSMENT

Principle of development

Policy SV1, the Somer Valley Spatial Strategy seeks to prioritise development on brownfield sites focusing on Midsomer Norton and Radstock Centres and the redevelopment of vacant and underused industrial land and factories. Policy SV1 explains that residential development on previously developed sites falling within the scope of Policy ED2B (non strategic industrial sites) adjoining and closely related to the Housing Development Boundary will be acceptable if the requirements of Policy ED2B and other relevant policies are met. The application originally proposed 49 dwellings, but officers raised concerns that this comprised building on an area of land that was not considered to be 'previously developed land' as defined within the National Planning Policy Framework and as such did not conform with the above policy. The scheme has now been reduced to 28 dwelling containing the development within the previously developed land, on land forming Bidwells Metal operational site and the former school site area.

Policy ED2B relates to development on non strategic industrial sites; this explains that applications for residential development or other uses will normally be approved unless there is a strong economic reason why this would be inappropriate. Bidwells Metals have relocated from this site as this use has been considered by the Environment Agency to be incompatible with its residential neighbours. It is understood that part of the site has been leased on a temporary basis by another scrap metal dealer for storage purposes. The Council's Economic Development Team does not consider that there are any strong economic reasons to safeguard this site in its current lawful use, and the development is considered to comply with the above policy.

The existing site comprises a snooker/community room which can be classified as a community facility safeguarded under Placemaking policy LCR.1. However the scheme provides a new community building within the site, and as such an alternative facilities of equivalent local community value is being provided as part of the redevelopment of the site. The development also proposes to change the use of the former school building to

residential development. Whilst a school can be defined as a community facility, this use has not been in place since around 2005, and this policy should not therefore be applied. The development is therefore compliant with the aforementioned policy which seeks to safeguard community facilities subject to the provision of the community building being secured through a S106 agreement to ensure that it is fitted out and provided prior to the occupation of the dwellings. However, as noted, the applicant has not entered into a S106 to secure the provision of a community building, and without this, the development would be contrary to policy LCR.1. This will be dealt with in the reports conclusion.

Overall, the development is considered to be acceptable in principle.

Character and appearance

Significant changes have been made to the proposal during the application process; the most significant being the reduction in the quantum of development put forward, removing 21 dwellings from the scheme. Whilst this change was primarily undertaken to contain the development within previously development land as explained above, the removal of these units from the undeveloped part of the site also significantly lessens the impact upon the character and appearance of the area by eliminating the most prominent dwellings in an area of land that has a semi rural feel and contributes strongly to the landscape setting of the wider settlement.

It is noted that the Landscape Officer has raised concerns with regards to the development in terms of its impact upon the landscape character with reference to Policy NE2a of the Placemaking Plan which seeks to preserve and enhance the landscape setting of settlements. When considering the landscape impact of the development, it is important to note the existing development and how this can be seen to detract from the areas character and quality. The built form proposed is primarily contained on areas with existing hard standings/buildings in situ.

The landscape and visual setting of Radstock results primarily from a combination of the strong landform and the history of mining and that this has provided the settlement with a very distinct pattern and form resulting in distinctive wooded coal batches and networks of paths. The landscape setting to the north of the whole settlement is dominated by the even line of the undeveloped northern slopes which includes the steep slopes of the valley up to Clandown. The application site is visible from wider views including from the A367 Bath New Road which lies to the east of the site; currently the aforementioned attributes can be seen from this location. Whilst the proposed development will be visible from wider views, the development will generally be contained with the area of land that has been previously developed, and will not encroach onto the undeveloped slopes. Further, it will not reduce the importance of the batch from wider views.

The design and form of the buildings within the scheme has again been revised during the application process. The terrace at the entrance of the site has been amended to remove the onsite parking at the front, and now comprises a terrace with small front gardens defined with boundary walls fronting the street. The majority of the parking for the units has been relocated to the rear. The terrace also benefits from traditional detailing such as chimneys and will be faced at the front with natural stone. This terrace is now considered to more closely resemble the traditional form common in this location which aids in

integrating the development with the existing built form, preserving and enhancing this part of the Conservation Area.

The decrease in the number of units has also reduced the number of dwelling types which again helps in ensuring that the development unifies more successfully with the existing settlement and the Conservation Area in which it sits. It is noted that a number of detached dwellings are proposed, but given their siting within the scheme these are not considered to be unacceptable. Whilst traditional terraces are more commonplace, there are other examples of detached buildings within the locality and the detached forms do not appear unduly alien within their context.

The original warehouse building is to be converted to form five dwellings. The building figures in wider views and the treatment of the front elevation of the building will be a defining aspect of the new development impacting upon the character of the Conservation Area. This building is currently an open fronted stone building which is likely to have been used for a function connected to the operation of the colliery and is viewed as a non designated heritage asset. In response to concerns raised by officers, some changes to this building have been made which include the reduction in roof lights and the change to grey metal for the infill material on the principal elevation. These are considered to benefit the aesthetic of the conversion. However, alterations to the industrial fenestration on the rear elevation and the addition of a number of roof lights are not considered to be a strong response in protecting the significance of this heritage asset. However, it is noted that the buildings character will change somewhat as it is converted to a domestic building, and the harmful elements to facilitate this conversion will be considered in the overall planning balance of this report.

The old school building will also be converted to residential units; the number of units proposed has been reduced during the course of the application. This has removed the need for an inserted floor which eliminated the need to cut across the windows and the mullions. The agent has also confirmed that the modern aluminium windows will be replaced with timber windows. Overall this is considered to be a more sensitive approach to this non designated heritage asset within the Conservation Area.

The development will incorporate a number of materials and overall the material palette is considered to be acceptable. A number of the units including those fronting Chapel Road will be constructed from white lias with render to the rear. This will aid in ensuring that the development integrates with the existing built form of the neighbouring dwellings. A number of the dwellings within the scheme will be constructed from render with roman tiles. This is considered to be acceptable given the siting of these units within the site. The Warehouse Building now incorporates zinc cladding to sit alongside the rubble stone; this is considered to be more appropriate than the timber cladding originally proposed, respecting the original character as an industrial/warehouse building.

Overall, whilst some areas of harm have been identified, the overall siting, scale and design of the proposal is considered to be acceptable. There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. The assessment has carefully considered these above requirements.

As noted above the proposed works, when looking at the overall scheme, are considered to preserve the character and appearance of the Conservation Area. Some elements of harm have however been identified. The NPPF distinguishes between 'substantial harm' and 'less than substantial harm' when referring to the impact upon the significance of a heritage asset. When a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The harm in this case is considered to be less than substantial. This will be addressed in the concluding part of this report.

Highway safety

Information has been provided to show that the previous primary school had a potential capacity of 70 students. It is however acknowledged that the school would have operated at a level far below this number of students, and the school has been closed for some time. There is also a significant debate regarding the level of traffic that has been, and could be now generated by the industrial uses that also occur at the site.

It is necessary to consider whether the impact of the proposed development, now 28 dwellings, would have a significant impact as compared with the potential of the existing site permissions. The latest information demonstrates that even if the prediction for the existing uses was overestimated by a factor of two, the proposed residential development would generate fewer vehicle trips across the day. The loss of the industrial uses would also remove (after the construction phase) the heavy goods vehicles that are associated with the site. It is therefore considered unlikely that the proposed development would have a significantly detrimental impact as compared with the potential of the permitted site uses. This does not overcome the need to ensure that pedestrian facilities on Chapel Road are enhanced so that the needs of any future residents could be met. There is therefore the need to ensure that an appropriate financial contribution is secured through a S106 agreement to safeguard these pedestrian improvements to Chapel Road.

It is noted that changes have been recently made to the Chapel Road / Fosseyway junction, and this is currently the subject of a legal review. This is a separate matter and should not influence the planning decision.

A parking schedule has been submitted during the application process and this demonstrates that the proposed parking levels would accord with the Placemaking Plan transport policies. The development is therefore considered to provide adequate on site parking for the proposed development.

Subject to the improvements to the pedestrian links and conditions to include details such as a Travel Plan and Construction Management Plan, it is considered that the development would not have an undue impact upon highway safety. However, given the appropriate financial contribution to safeguard these pedestrian improvements to Chapel Road can not be secured as the S106 has not progressed, the development is considered to be unacceptable on highway safety grounds.

Arboriculture Issues

The trees on and adjacent to the site are protected by virtue of the Radstock Conservation Area and the woodland to the north east is protected by a Tree Preservation Order.

Concerns were originally raised as it was not considered that the layout took account of the surrounding trees and woodland or how the proximity of the new dwellings and living conditions of occupants would be affected by the trees or how the management of the trees would be influenced.

An Arboricultural Report consisting of an Arboricultural Impact Assessment, Tree Protection Plan, Tree Removal Plan and Arboricultural Method Statement was submitted following the above concerns being raised. Further information has also been provided with regards to site ownership in relation to the adjoining land. The layout of the scheme has also been amended in response to these concerns. The revisions included moving the community building to the north of the site to replace the four dwellings whose gardens were considered to be unduly overshadowed by the trees on the batch. The additional information also illustrates that no further felling would be required should the retaining structures adjacent to the bank need to be replaced.

On balance officers are satisfied that whilst some trees will be removed, sufficient alterations and information has been submitted to ensure that there will be no unacceptable harm on the adjoining trees. Any planning permission can secure a landscape scheme to ensure that there is mitigation planting in place.

Residential amenity

The existing use generates a significant amount of noise and disturbance and has been considered incompatible with its residential neighbours. Whilst the development of the site for 28 dwellings will significantly increase the number of people in the surrounding area, this is not considered to result in significant harm. The residential dwellings will be located towards the end of Chapel Road, as a continuation of the existing road. Although the use will clearly generate vehicular movements, this is not considered to generate an unacceptable level of noise and disturbance when compared to the lawful use. Further, the dwellings are set a sufficient distance from neighbouring occupiers to ensure that they will not be harmed by virtue of loss of privacy or any overbearing impact.

Ecological matters

The reduction in the quantum of the development has allowed for a greater retention of existing vegetation and the provision of more substantial buffer zones between the development and adjacent land and habitats including trees. The provision of calcareous grassland within the proposed public open space on the westernmost section of the site is also welcomed. Final details including a method statement for the creation of this habitat and a landscape and ecological management plan detailing the proposed long term maintenance and conservation habitat management prescriptions for the area can be secured via condition.

Additional information has been provided regarding the bat surveys carried out to date. The surveys did not confirm any use of the buildings by bats at that time but did record bat activity in the vicinity by a range of bat species including common and soprano pipistrelle, noctule, serotine, and brown long-eared bat. Given the passage of time the bat emergence / dawn surveys are now one year old and three years old; there is a reasonable risk that new roosts could be present. Pre-commencement checks are therefore required, but following discussions, the Ecologist is satisfied that this can be

secured via condition. It has been demonstrated that additional bat mitigation measures including a roof void bat roost can be incorporated into the scheme which would be more than sufficient if any new bat activity is found on site.

Although there is no evidence that a roost being is disturbed, an EPS licence may be required for this proposal following pre commencement checks and therefore the Local Planning Authority should consider the "three tests" of the Habitats Regulations, and be satisfied that they would be met and a licence would be likely to be obtained.

Test 1 - Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment?

The public benefits should be commensurate with the level of impact. The development will result in 28 new dwellings including 8 affordable homes, contributing to the housing need of the area. Further, the development will result in jobs in the construction phase, and whilst this is only for a short period of time, this can be seen to be an economic benefit to the scheme. The test can be said to be passed.

Test 2 There is no satisfactory alternative

The buildings are in the heart of the development and form part of the overall redevelopment of the site. It would be unreasonable to assume that they would not fall within part of the overall redevelopment of the site.

Test 3 - The action authorised will not be detrimental to the maintenance of the population of the species

The proposed mitigation as detailed in the submitted documents would provide for the requirements of all bat species and uses that could potentially be present, and would satisfy the "third test" of the Habitats Regulations i.e. maintaining favourable conservation status of the affected species; and that an EPS licence application based on the proposed mitigation measures, could be obtained.

Overall, the development is therefore considered to be ecologically acceptable.

Parks and open spaces

The development provides a main area of public open space and smaller areas of public open space. This is considered to be adequate for the proposed level of occupation, and the ongoing management of this space can be secured through a S106 agreement. Again, as the S106 has not progressed, it is not considered that the appropriate mechanisms are in place to ensure that this is maintained appropriately in perpetuity.

Archaeological issues

An Iron Age or Roman-British quern-stone was found immediately to the west of the development site (MBN1138) suggesting possible early occupation in the area. Whilst the site itself contains the former 19th century school building (MBN30428), tramway route from the neighbouring Clandown Colliery and batch (MBN2222), and the other related

industrial structures and features and the other related industrial structures and features. Archaeological watching brief and historic building recording conditions are therefore included.

Drainage

The submission includes a flood risk assessment which demonstrates good use of SuDS. The development is considered to be acceptable subject to a condition to secure further details.

Contaminated Land

Given the former use of the site, conditions to deal with the risks associated with contamination of the site shall be secured through condition. Subject to this, there are no objections on these grounds.

Public Rights of Way

Public footpath CL24/135 runs through the site; objections were originally raised due to the lack of provision for public footpath CL24/135 which runs through the existing site. This footpath can be routed through made up estate paths and open space. This is therefore considered to be acceptable. Any diversion will require a Public Footpath Order.

Housing accessibility

PMP policy H7 requires that market housing should have enhanced accessibility standards and should meet the optional technical standard 4(2) in the Building Regulations Approved Document M. Based on evidence available the Council can demonstrate a need for 19% of all new market housing to meet enhanced accessibility standards arising during the Plan period. This scheme would therefore generate a need for four dwellings to meet this enhanced standard. The Planning Agent has confirmed that at least four of the market dwellings will meet the standards as required by the aforementioned policy. This can be secured through the inclusion of a condition on any planning permission.

Affordable housing

The scheme has been amended in light of comments received from the Council's Affordable Housing Officer. The development should provide 8 affordable housing units which represents 30% of the overall number of units. The units are appropriate pepperpotted within the site and would be tenure blind. The units would need to be secured through a S106 agreement. As detailed above this has not been progressed despite the application being within the Local Planning Authority for a significant portion of time and as the affordable housing can not be secured, the development fails to accord with policy CP9 of the Core Strategy.

Planning obligations

As set out within the main body of this report, the development triggers the need for the following planning obligations which would need to be secured through a S106 agreement

- 8 affordable housing
- Chapel Road pedestrian works
- Provision of parks and open spaces/amenity area and management mechanisms
- Provision of a community building

In line with the adopted Planning Obligations SPD, the development would also trigger the need for:

- Financial contributions in relations to Fire Hydrants
- Targeted Training and Recruitment Method Statement and Financial contributions

AS explained above, since this application was originally heard at Planning Committee in August 2017, officers have been unable to progress the S106 due to the applicant/agent being unable to commit to the above obligations. The applicant has concerns that the obligations would render the scheme unviable and as such are unable to sign the S106 at this stage. No evidence has been submitted to substantiate this position and without a full viability appraisal, officers are unable to agree to a departure from the planning obligations as outlined within this report.

Planning balance

Overall, whilst small areas of harm have been identified which includes that to the warehouse building and the resultant impact upon the Conservation Area, the benefits of providing 28 additional houses, including affordable housing outweigh any limited harm. Any considered harm to the Conservation Area is less than substantial, and when weighing this up against the public benefits of the proposal, is considered to be outweighed by these benefits.

However, the planning obligations sought can not be secured due to the lack of agreement to enter into a S106 agreement. The lack of the S106 results in this scheme being unacceptable and the application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The absence of a completed Section 106 Agreement to secure on site affordable housing; targeted training and recruitment method statement and financial contributions; Chapel Road pedestrian works; financial contributions for the installation of fire hydrants; provision of parks and open spaces/amenity area and management mechanisms, and the provision of a community building results in the scheme being unacceptable and contrary to Policy CP13, ST7, LCR1, NE1 of the Bath and North East Somerset Placemaking Plan, Policy CP9 of the Core Strategy and the adopted Planning Obligations - Supplementary Planning Document 2015

PLANS LIST:

04 Aug 2017 13074/HTA_3 REV B HOUSE TYPE A PLANS

04 Aug 2017 13074/HTS_1 HOUSE TYPE S ELEVATIONS
 04 Aug 2017 13074/HTS_2 HOUSE TYPE S PLANS
 04 Aug 2017 13074/002 REV H SITE LAYOUT
 04 Aug 2017 13074/AFF REV B AFFORDABLE HOUSING LOCATIONS
 04 Aug 2017 13074/HTC_2 REV B HOUSE TYPE C ELEVATIONS
 04 Aug 2017 13074/HTC_3 REV B HOUSE TYPE C PLANS
 04 Aug 2017 13074/MAT REV B MATERIALS LAYOUT
 04 Aug 2017 13074/SCH04 REV B SCHOOL BUILDING PROPOSED PLANS
 05 Jul 2017 13074/002 REV F RETAINING WALL OFFSET
 04 Jul 2017 13074/001 SITE LOCATION PLAN
 03 Jul 2017 13074/COM_1 REV A COMMUNITY BUILDING PLANS & ELEVATION
 03 Jul 2017 13074/SCH03 REV A SCHOOL BUILDING, PROPOSED ELEVATIONS
 03 Jul 2017 13074/WHO03 REV B WAREHOUSE BUILDING, PROPOSED PLANS
 03 Jul 2017 13074/WHO04 REV B WAREHOUSE BUILDING, PROPOSED ELEVATIONS
 03 Jul 2017 13074/001 REV B SITE LOCATION PLAN
 05 May 2017 13047_HTA_01 HOUSE TYPE A ELEVATIONS
 05 May 2017 13047_HTA_02 HOUSE TYPE A ALTERNATE ELEVATIONS
 05 May 2017 13047_HTA_03 REV A HOUSE TYPE A FLOOR PLANS
 05 May 2017 13047_HTC_1 REV A HOUSE TYPE C ELEVATIONS
 05 May 2017 13047_HTC_2 REV A HOUSE TYPE C ALTERNATE ELEVATIONS
 05 May 2017 13047_HTC_3 REV A HOUSE TYPE C FLOOR PLANS
 05 May 2017 13047_HTE_1 HOUSE TYPE E ELEVATIONS
 05 May 2017 13047_HTE_2 REV A HOUSE TYPE E FLOOR PLANS
 05 May 2017 13047_HTF_1 HOUSE TYPE F ELEVATIONS
 05 May 2017 13047_HTF_2 HOUSE TYPE F FLOOR PLANS
 05 May 2017 13047_SCH01 SCHOOL BUILDING EXISTING ELEVATIONS
 05 May 2017 13047_SCH02 SCHOOL BUILDING EXISTING PLANS
 05 May 2017 13047_SE01 REV A STREET ELEVATIONS
 05 May 2017 13047_WH01 REV A WAREHOUSE EXISTING PLANS & ELEVATION
 05 May 2017 13074_FOG_01 FOG ELEVATIONS
 05 May 2017 13074_FOG_02 FOG FLOOR PLANS
 03 Oct 2016 13074_SUB SUBSTATION PLANS AND ELEVATIONS

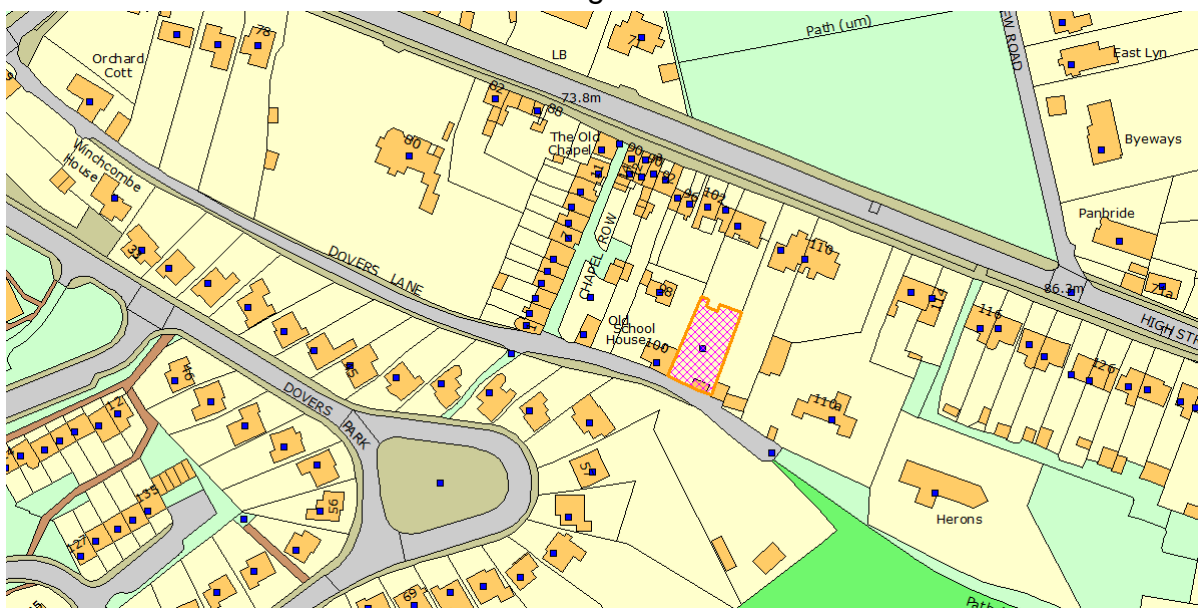
In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 39-43 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all

relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Item No: 02
Application No: 18/02900/FUL
Site Location: Land At Rear Of 106 High Street Dovers Lane Bathford Bath



Ward: Bathavon North **Parish:** Bathford **LB Grade:** II
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application
Proposal: Erection of two storey, 3 bed dwelling
Constraints: Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mr Tim Draper
Expiry Date: 18th January 2019
Case Officer: Edward Allsop
To view the case click on the link [here](#).

REPORT

Reason for the application being referred to Committee

The application was referred to the chairman of committee who has decided that the application may result in overdevelopment of the site and that this aspect is considered

controversial. In light of this, the application has been recommended to be determined by the DMC so the impact of the increase in size of the dwelling can be debated.

The application site forms part of the former rear garden of Grade II listed Laurel Cottage, 106 High Street. The site is located within the Bathford Conservation Area and relevant housing development boundary. Planning permission is sought for the erection a dwelling. Planning permission was previously granted for the erection a dwelling in 2016, this application seeks approval of a larger dwelling.

Relevant Planning History:

DC - 15/04445/FUL - PERMIT - 19 January 2016 - Erection of 1no. dwelling with new vehicular access and associated works.

DC - 15/04541/LBA - CON - 19 January 2016 - External alterations to existing pedestrian gateway to form vehicular access including insertion of bespoke oak double gates.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Bathford Parish Council- Object in principle. Whilst not objecting to the previous application (15/04445/FUL) albeit with serious reservations about the access from Dovers Lane which are still valid, Bathford P C is unable to support the current application. A 3 bedroom, 2 storey dwelling is inappropriate for the site and would constitute overdevelopment of a very small plot. Furthermore it would result in a serious loss of privacy for the neighbouring properties.

Highways- No objection, subject to conditions.

Drainage and flooding- No objection, subject to conditions.

Aboriculture- No objection, subject to conditions

Conservation- Object.

Ecology- No objection, subject to conditions.

Third party representations:

19no. objections have been received, the following is a summary:

Objection to principle of development within this part of the conservation area, highways safety concern, concern of construction vehicles accessing Dovers Lane, intrusive and overbearing presence of development, loss of privacy, highways safety concern in relation to children and pedestrians using Dovers Lane, loss of green space, objection to environmental impact, concern relating to foundations of properties during construction phase, overdevelopment of the site, objection to proposed render and design, not in keeping with listed buildings and surrounding area, objection to proposed access and intensification of Dovers Lane, loss of trees, removal of trees from neighbours land, other applications have been refused within Dovers lane on highways grounds, negative impact

on this part of the Conservation Area, no arboricultural or ecological assessments have been made.

Officer note: The concerns relating to the size, scale, design of the dwelling and impact on the character and appearance of the area, highways impact, trees and ecological impacts will be addressed within the report.

The potential impact on the structure stability of older buildings within the area throughout the construction phase is, in this instance not a material consideration in the determination of the planning application. These concerns should be addressed through building control as part of the implementation of the scheme. It should be noted that the old school building may be going through the process of being listed, however, the property is not listed at this point. In any case, the impact of development on the setting of heritage assets within close proximity of the site has been considered. It has been highlighted that an application was refused within Dovers Lane for the erection of 1no. dwelling (17/04472/FUL) in regards to highways concerns. It should be noted that no highway objection was raised; this can be seen within the officers report.

One comment has been received in relation to the development requiring the removal of trees from a neighbouring garden. The plans submitted do not suggest or indicate the removal of trees from adjacent properties. The trees removed along the boundary are within the application site.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

DW1: District-wide Spatial Strategy
CP2: Sustainable Construction
CP6: Environmental Quality
CP10: Housing Mix
SD1: Presumption in Favour of Sustainable Development

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General Urban Design Principles
D2: Local Character and Distinctiveness
D.3: Urban Fabric
D.4: Streets and Spaces
D.5: Building Design
D.6: Amenity
D7: Infill and Backland Development
ST7: Transport requirements for managing development
HE1: Historic Environment
SU1: Sustainable Drainage
SCR5: Water Efficiency
NE5: Ecological networks
NE6: Trees and Woodland Conservation

The National Planning Policy Framework (NPPF) was revised in July 2018 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

Conservation Areas

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation.

OFFICER ASSESSMENT

Principle of development:

This application seeks amendments to the previously permitted scheme for 1no. detached dwelling, to include: a larger dwelling and provision of 3no. off street parking spaces. The application site is located within a built up residential area and within the Bathford housing development boundary; therefore, the provision of new housing in this location is acceptable in principle. It should also be noted that planning permission has previously been granted for the erection of 1no. dwelling on this site, this previous approval is a material consideration in determining the current application.

Character and appearance:

The application site is located within the former garden of 106 High Street; the site adjoins Dovers Lane to the rear. The surrounding area is residential in character and accommodates a variety of housing type, size and design, however, it is noted that a number of listed cottages within the locality contribute positively to the existing character.

It is noted that there are examples of previous backland development within the locality and the proposed follows a similar line of development facing Dovers Lane. The size and scale of the building is considered appropriate and an over development of the site does not result, this is demonstrated by adequate off street parking being available and private amenity space provided. The dwelling incorporates a mixture of rendered and rubble stone walled elevations, interlinked with bath stone. The roof will be finished in double clay roman tiles. The chosen materials are considered acceptable, reflect and respond positively to the locality and enable the character and appearance of this part of the Conservation Area to be preserved. The objections to the development from Conservation have been noted, however, significant weight has been given to the extant permission for 1no. dwelling on this site. The most recent submission is not considered any more harmful than that previously approved.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4, D5 and HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 and 16 of the NPPF.

Amenity:

Although a number of the windows are located in the same position as the previous scheme which did not raise concern in regards to overlooking or loss of privacy; this revised application includes the introduction of new windows in alternative sittings to that previously approved, the impact of these changes have been assessed below.

The new window to be installed at first floor level to the east (side) elevation is located in the bathroom where it will be obscurely glazed. The first floor window to the west (side) elevation is sited above an internal staircase where sustained overlooking or loss of privacy is unlikely to result. The first floor window to the front elevation overlooks Dovers Lane and the first floor window to the rear elevation is located a sufficient distance from Laruel Cottage. In light of this, the windows do not result in a detrimental loss of privacy or overlooking. The size and scale of the dwelling is appropriate and due to its siting and distance from the boundaries will not cause a significant overbearing impact or oppressive presence of development for neighbouring occupiers.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Highways:

The highway authority has carefully reviewed the relevant site and nearby planning history. In particular, it is noted that a residential dwelling on the same site was granted permission when application 15/04445/FUL was determined. The principle of this type of development on the same site has therefore previously been considered to be acceptable. Having re-evaluated the planning proposal, given the constrained nature of the route, the highway authority does remain concerned that a significant intensification of the use of Dovers Lane could result in a road safety problem.

However, given the scale of the development (a single dwelling), it is unlikely that the scheme would generate a high level of traffic on a daily basis. It is also noted that the straight alignment of the lane provides a good level of forward visibility allowing drivers to see oncoming vehicles, pedestrians and cyclists thus reducing the likelihood of conflicts. As the highway authority does not anticipate that the proposed single dwelling would have a severe impact on the safety and operation of the public highway, it is considered that an objection would not be reasonable. The proposed parking arrangements do accord with the minimum requirements of the adopted Placemaking Plan, and the site provides a turning area that would enable vehicles to enter and leave the site in a forward gear. As before, this is considered to be an acceptable arrangement.

Given the site access route and the location of the site relative to neighbouring residential dwellings, it is important that access to the site throughout any construction phase is carefully managed. There is a need to ensure that parking arrangements are adequate and that access is managed so that the chance of conflict with other road. A construction management plan will be required to ensure safe operation of the highways and in the interests of protecting residential amenity. Therefore, the application is acceptable, subject to the conditions attached. The applicant should also be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence under Section 184 of the Highways Act 1980 for the amendment of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

Impact on trees:

Trees on and adjacent to the site are protected by in Bathford Conservation Area and the proposal implicates several notable trees including a Walnut and Silver Birch. During the application process the site was cleared of substantial overgrowth which included the removal of some trees within the site, the trees that were removed were not considered of arboricultural significance. It was considered that the Walnut tree could not realistically be retained if the position of the building is not moved. In light of this, the walnut tree will be lost and compensatory planting which, from an arboricultural perspective, is acceptable on site compliant with the Planning Obligations SPD.

There is no objection to the proposed arboricultural impacts, subject to a tree protection plan and landscaping condition, as requested via condition.

Ecology:

An ecological survey and assessment has been submitted. The report describes existing habitats which are predominantly former garden vegetation. The report refers to some vegetation clearance having already taken place, which is understood to have been carried out in association with the proposed development (but implemented as part of the previously approved scheme 15/04445/FUL).

A revised plan has been submitted with proposed wildlife mitigation measures and more substantive compensatory / replacement planting indicated. If implemented as shown and vegetation is maintained to sufficient height and width (along with sensitive lighting design) this will reduce the severity of ecological impact of the scheme to an acceptable level, and in time if all measures are retained and maintained to encourage wildlife value, the proposed measures should be capable of providing genuine replacement habitat value in the longer term and potentially contribute positively to bat flight line and foraging habitats.

Subject to implementation of the measures described in the submitted ecological report and drawing 512/P/02 Rev C, and conditions to secure the recommended wildlife mitigation measures & full details of the proposed planting / soft landscape, and sensitive lighting design, it is considered the risk of a "likely significant effect" on the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) or bats of the SAC, from this scheme alone or in combination with other projects, is ruled out and there is no objection to the proposal.

Drainage and flooding:

The applicant has indicated that they intend to discharge surface water to the mains sewerage system. Reviewing Wessex Water's records it is apparent that there is no surface water sewerage in the vicinity of the development plot only foul drainage. The applicant must therefore examine the use of soakaways to serve the new building; this would be a more sustainable approach and also be in line with the building regulations drainage hierarchy which prioritises soakaways over sewers. The British Geological Survey infiltration mapping provides the following information: The subsurface is probably suitable for infiltration although the design may be influenced by the ground conditions. Quantify infiltration rate via an infiltration/soakaway test.

RECOMMENDATION

PERMIT

CONDITIONS

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 Wildlife Protection (Compliance)

The development hereby permitted shall be implemented only in accordance with the ecological mitigation measures and precautionary working methods and ecological supervision for avoidance of harm to wildlife, as described in section 9 of the approved ecological report.

Reason: to avoid harm to wildlife and protected species including bats, reptiles, nesting birds and hedgehog.

3 Implementation of Soft Landscaping and Ecological Mitigation Scheme (Compliance)

A report produced by a suitably experienced ecologist confirming and writing and demonstrating using photographs, completion and implementation of the Soft Landscaping and Ecological Mitigation Scheme in accordance with approved details, shall be submitted to and approved in writing by the Local Planning Authority within six months of occupation of the development hereby approved.

Reason: To demonstrate the completed implementation of the Soft Landscaping and Ecological Mitigation Scheme, to prevent net loss to ecology and to provide replacement habitat and long term potential for biodiversity gain, in accordance with policies NE1, NE3 and NE5 of the Bath and North East Somerset Local Plan.

4 External Lighting (Bespoke Trigger - compliance)

No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

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

5 Soft Landscaping and Ecological Mitigation scheme (Pre-occupation)

(i) No occupation shall commence until a wildlife-friendly soft landscape scheme that is fully in accordance with the ecological measures described in section 9 of the approved Ecological Assessment by Ethos dated October 2018 and with the approved drawing 512/P/02 Rev C dated 22nd Nov 2018, has been submitted to and approved in writing by the Local Planning Authority showing details and plans of all trees, hedgerows and other planting to be retained; finished ground levels; full specifications for new planting and habitat creation, to include numbers, density, sizes, species, species compositions, positions, materials and fixings, for all new trees, shrubs, wildlife habitat and ecological mitigation features; and a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority

(ii) Detailed proposals for long term wildlife friendly maintenance and habitat management to provide maximum long term habitat value with particular attention to provision for bats,

birds, reptiles, hedgehog and invertebrates; All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development; and retained and maintained thereafter in accordance with approved details.

Reason: To prevent ecological harm; to compensate for the ecological impacts of the proposal, and to provide replacement habitat value and potential for long term biodiversity gain in accordance with policies NE1, NE3 and NE5 of the Bath and North East Somerset Local Plan.

6 Tree Protection Plan (Pre-commencement)

No development shall take place until an annotated tree protection plan produced following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan should include the design of protective fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

7 Tree Protection Plan (Pre-commencement)

No development activity shall commence until the protective measures as stated in the approved annotated tree protection plan are implemented. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwelling.

Reason: To ensure that the approved tree protection measures are complied with for the duration of the development.

8 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.

9 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:

Location plan- 29th June 2018

Proposed floor plans and elevations- 512-P-01- 29th June 2018

Proposed site plan elevations and section- 512-P-02C - 26th November 2018

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 an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Community Infrastructure Levy

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

Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

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

Bath & North East Somerset Council		
MEETING:	Development Control Committee	<div>AGENDA ITEM NUMBER</div> <div></div>
MEETING DATE:	16th January 2019	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES	
WARD:	ALL	
BACKGROUND PAPERS:	None	
AN OPEN PUBLIC ITEM		

APPEALS LODGED

App. Ref: 17/01709/LBA
Location: 2 Manor Farm Cottages Anchor Lane Combe Hay Bath Bath And North East Somerset
Proposal: Interior and exterior alterations (part retrospective), including a two-storey extension and partial demolition of rear boundary wall to create a vehicle access.
Decision: REFUSE
Decision Date: 19 October 2017
Decision Level: Planning Committee
Appeal Lodged: 6 December 2018

App. Ref: 17/04472/FUL
Location: Site Adjacent To Old School House Chapel Row Bathford Bath
Proposal: Erection of a two bedroom detached house and installation of a temporary caravan for the duration of the works.
Decision: REFUSE
Decision Date: 27 March 2018
Decision Level: Delegated
Appeal Lodged: 7 December 2018

App. Ref: 17/05819/FUL
Location: The Old Forge Upper Stanton Stanton Drew Bristol Bath And North East Somerset

Proposal: Conversion of outbuilding to ancillary residential accommodation
Decision: REFUSE
Decision Date: 25 June 2018
Decision Level: Delegated
Appeal Lodged: 10 December 2018

App. Ref: 18/02224/FUL
Location: 146 Wellsway Bath Bath And North East Somerset BA2 4SE
Proposal: Provision of off road parking area for 1no vehicle
Decision: REFUSE
Decision Date: 2 August 2018
Decision Level: Planning Committee
Appeal Lodged: 10 December 2018

App. Ref: 18/02875/FUL
Location: 92 Lays Drive Keynsham Bristol Bath And North East Somerset
BS31 2LE
Proposal: Erection of two storey side and rear extensions.
Decision: REFUSE
Decision Date: 30 August 2018
Decision Level: Chair Referral - Delegated
Appeal Lodged: 10 December 2018

App. Ref: 18/03214/FUL
Location: 23 Clarence Place Newbridge Bath Bath And North East Somerset
BA1 3EW
Proposal: Rear dormer window to existing loft conversion
Decision: REFUSE
Decision Date: 5 October 2018
Decision Level: Delegated
Appeal Lodged: 10 December 2018

App. Ref: 18/02696/FUL
Location: The Mead Stables Blackrock Lane Publow Bristol
Proposal: Erection of detached single storey dwelling and ancillary works.
Decision: REFUSE
Decision Date: 17 August 2018
Decision Level: Delegated

Appeal Lodged: 13 December 2018

App. Ref: 17/04739/FUL
Location: 6 Madams Paddock Chew Magna Bristol Bath And North East Somerset BS40 8PN
Proposal: Demolition of the existing dwelling, associated garage and greenhouse and erection of a new dwelling and garage. The proposal also includes the associated landscape and drainage works.
Decision: REFUSE
Decision Date: 12 April 2018
Decision Level: Planning Committee
Appeal Lodged: 14 December 2018

App. Ref: 18/02761/FUL
Location: 49 Hillcrest Pensford Bristol Bath And North East Somerset BS39 4AU
Proposal: Erection of a two storey dwelling.
Decision: REFUSE
Decision Date: 16 August 2018
Decision Level: Delegated
Appeal Lodged: 17 December 2018

App. Ref: 18/01305/OUT
Location: Crosspath Cottage Camerton Hill Camerton Bath Bath And North East Somerset
Proposal: Outline application for the erection of 4no single storey dwellings
Decision: REFUSE
Decision Date: 19 June 2018
Decision Level: Chair Referral - Delegated
Appeal Lodged: 18 December 2018

APPEALS DECIDED

App. Ref: 17/06028/FUL
Location: Public Toilets High Street Upper Weston Bath
Proposal: Demolition of Public WC facility and construction of 3no one bed flats
Decision: REFUSE
Decision Date: 30 January 2018
Decision Level: Delegated
Appeal Lodged: 7 September 2018
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 6 December 2018

App. Ref: 17/05538/FUL
Location: Nickel Scaffolding Ltd Land To South Of South Bristol Motor Company New Road Pensford Bristol
Proposal: Demolition of existing commercial structures and the erection of 6no. semi-detached four bedroom dwelling houses, including access on to New Road, 12no off-street parking spaces and an additional 6no parking spaces and associated soft/hard landscaping.
Decision: REFUSE
Decision Date: 7 March 2018
Decision Level: Chair Referral - Delegated
Appeal Lodged: 7 September 2018
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 7 December 2018

App. Ref: 18/01472/FUL
Location: Land South Of 378 Wellsway Bath
Proposal: Erection of a building comprising 3no apartments following removal of the existing storage building and advertising hoardings
Decision: REFUSE
Decision Date: 26 July 2018
Decision Level: Delegated
Appeal Lodged: 7 September 2018
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 7 December 2018

App. Ref: 17/04839/LBA
Location: Audley House Park Gardens Lower Weston Bath Bath And North

East Somerset

Proposal: Internal and external work to install flat roof dormer to front elevation

Decision: REFUSE

Decision Date: 18 April 2018

Decision Level: Delegated

Appeal Lodged: 6 September 2018

Appeal Decision: Appeal Allowed

Appeal Decided Date: 17 December 2018

App. Ref: 18/01276/FUL

Location: 1 The Square Temple Cloud Bristol Bath And North East Somerset BS39 5DG

Proposal: Erection of 2no semi detached dwellings.

Decision: REFUSE

Decision Date: 26 June 2018

Decision Level: Delegated

Appeal Lodged: 12 October 2018

Appeal Decision: Appeal Dismissed

Appeal Decided Date: 27 December 2018

Case Ref: 17/00268/UNAUTH

Location: Land Rear Of 18-25 Queenwood Avenue Fairfield Park Bath

Breach: Without planning permission the change of use of land from garden land (Sui Generis) to open and covered storage

Notice Date: 25 April 2018

Appeal Lodged: 26 September 2018

Appeal Decision: Appeal Dismissed

Appeal Decided Date: 14 December 2018

Forthcoming Hearings and Enquiries

App Ref: 17/02942/OUT

Location: 46 Radstock Road Midsomer Norton Radstock Bath And North East Somerset BA3 2AW

Proposal: Erection of 10 no. dwellings with associated new vehicular access, car parking, infrastructure and landscaping, following demolition of existing dwelling and outbuildings (Outline application with access to be determined and all other matters reserved).

Decision: Refuse

Decision Date: 07 November 2017

Decision Level: Delegated

Appeal Lodged: 12 October 2018

Hearing to be held on 15 January 2019 at the Guildhall