

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 24th April, 2019, 2.00 pm

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

121 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

122 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

123 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Jasper Becker – substitute Cllr Liz Richardson
Cllr Matthew Davies – substitute Cllr Patrick Anketell-Jones
Cllr Caroline Roberts – substitute Cllr Will Sandry
Cllr David Veale – substitute Cllr Brian Simmons

124 DECLARATIONS OF INTEREST

Cllr Bryan Organ declared a non-pecuniary interest in planning application no. 18/05696/OUT – Lays Farm Business Centre, Lays Farm Trading Estate, Keynsham. He stated that he would leave the meeting while the application was discussed and would not speak or vote.

125 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

126 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.

127 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

128 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 13 March 2019 were confirmed and signed as a correct record.

129 **SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- A report by the Head of Planning.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

RESOLVED that in accordance with the Committee's delegated powers, the application be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

Item No. 1

Application No. 18/05706/FUL

Site Location: Rookehill Farmhouse, 34 Wellsway, Keynsham – Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store (Resubmission)

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

The Agent spoke in favour of the application.

Cllr Organ, local ward member, stated that, on balance, he supported this application. He felt that the development would improve the area and curtilage of the listed building.

Cllr Kew stated that the site visit had been very helpful and he felt that the development would change the character of the area which is in the green belt. He moved the officer recommendation to refuse.

Cllr Anketell-Jones noted the traditional architecture and the rural character of the location which was within the green belt. He felt that the development could give the area a more suburban character and would introduce car parking to the road. He then seconded the motion.

Cllr Sandry could understand the principle of development but did not support this particular proposal.

Cllr Jackson could see no special reasons contained within the application which would justify a breach of policy.

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

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

The Committee considered:

- A report by the Head of Planning on various planning applications.
- An update report by the Head of Planning on item 7 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

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

(Note: Cllr Organ left the meeting at this point as he had declared an interest in the following planning application).

Item No. 1

Application No. 18/05696/OUT

Site Location: Lays Farm Business Centre, Lays Farm Trading Estate, Keynsham, BS31 2SE – Outline planning permission for the demolition of existing industrial buildings and erection of B1 business buildings and 8 dwellings

The Case Officer reported on the application and her recommendation to permit. She explained that conditions 12 and 13 should relate to B1 rather than B of the Use Class Order and confirmed that these would be amended accordingly.

The Agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The application showed an indicative layout at this stage as it was an outline application. She confirmed that currently some residential dwellings were located within the industrial estate.
- The employment spaces would be new buildings.
- There would be a separate access road for the industrial units outside of the red line boundary.
- The Highways Officer explained that the lack of turning space for vehicles would have to be addressed at the reserved matters stage.
- The reserved matters application would not automatically be considered by the Committee but would be dealt with under the approved delegation process.
- There would be no affordable housing on the site as the trigger for this had not been met.

The Deputy Head of Planning explained that, as this was an outline planning application, the details would be dealt with at the reserved matters stage and members should solely consider means of access for a mixed use scheme.

Cllr Jackson stated that the layout was sensible apart from the mixed development which could lead to suburbanisation.

Cllr Appleyard noted that a mixed use development had some advantages and pointed out that the site was on the edge of a residential area. He then moved the officer recommendation to permit.

Cllr Crossley seconded the motion. He stated that he would like the reserved matters application to be considered by the Committee rather than under delegated powers as there were still a number of issues to be resolved.

Cllr Kew did not think that the layout of the proposed development was appropriate and did not support the loss of employment land.

Cllr Richardson did not think that residential dwellings were appropriate on an industrial estate and highlighted the need for small industrial sites in Keynsham rather than more housing developments.

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

(Cllr Organ returned to the meeting at this point).

Item No. 2

Application No. 19/00682/FUL

Site Location: Wellow House, High Street, Wellow, Bath – Erection of one residential dwelling and associated landscaping and access

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

A Parish Council representative, the Agent and the Applicant spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke in favour of the application. He highlighted the local support for the proposal and stated that a village should evolve in order to thrive. He felt that the proposed dwelling was well designed and would cause no harm to the green belt.

The Case Officer then responded to questions as follows:

- The new dwelling would be separate from the existing house and would be separated by means of a fence and hedgerow.
- The boundary of the new house would include the tennis court and the driveway area.
- Replacement trees could be located anywhere on the site.
- The tennis court would constitute not previously developed land.
- The plot was within the Housing Development Area.
- The Deputy Head of Planning explained that the definition of infill development usually involved development on at least three sides of the site.

Cllr Sandry noted that there was a community hall on the other side of the road to the site which could be considered as another building on the third side of the development.

Cllr Jackson noted that there was a shortage of disability compatible dwellings in this area and queried whether weight should be given to this as a Human Rights issue. The Deputy Head of Planning explained that the public interest test would have to be applied and pointed out that no evidence of special circumstances has been provided with the application. This meant that little weight could be given to personal reasons for the development. The Committee could, however, take a different view from officers with regard to infill and the openness of the site.

Cllr Crossley stated that the proposal offered an opportunity to provide an accessible dwelling in this village location. The proposal would improve the mix of housing in the area and would constitute infill development because the site was developed on three sides. He moved that the Committee delegate to permit the application.

Cllr Kew seconded the motion. He stated that the site was within the Housing Development Boundary, had a good design and would be complementary to the local area. He also noted the support of the Parish Council and that there were no major objections from consultees. The trees that had been removed could be replaced and there was a need for smaller properties in the area.

Cllr Anketell-Jones felt that the replacement of a tarmac tennis court with a small residential property would be appropriate in this location.

Cllr Richardson supported the proposal stating that it constituted infill development which was of good quality design and supported by the local community.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application as the Committee took the view that it constituted infill development.

Item No. 3

Application No. 19/00492/FUL

Site Location: 27 Georgian View, Southdown, Bath, BA2 2LZ – Change of use from 4 bed dwelling house (use class C3) to 6 bed HMO (use class C4) with works to convert garden store to living space

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

Two local residents spoke against the application.

The Agent spoke in favour of the application.

Cllr Steve Hedges, local ward member, spoke against the application. He stated that there were too many HMO properties and too much student accommodation in Bath. Consideration should be given to neighbours living in the area and action should be taken to prevent the loss of a family home in this area. He also pointed out the parking problems that could be caused by additional car ownership in the area.

The Case Officer then responded to questions as follows:

- Cycles could be stored along the side of the property if required.
- The existing hardstanding area associated with the house did not require planning permission.
- The Highways Officer explained that the requirement for entry and exit in a forward gear only applied to new properties and not existing.
- The application had been assessed against the Houses in Multiple Occupation in Bath Supplementary Planning Document using both Criteria 1 and 2 and had passed both of these tests. The data used was from January/February 2019.
- The driveway allowed tandem parking.

Cllr Crossley stated that the whole area contained a large number of HMO properties although not all of these appeared to be registered. It was important for the data used to be accurate. Tandem parking was not ideal as people still tend to park on street if they would be blocked in by other vehicles. There was a remorseless reduction in family homes in Bath. He then moved that the application be refused for the following reasons:

- Damage to the setting of the World Heritage City of Bath.
- Loss of amenity to local residents due to squeezing more and more additional accommodation into the area.

Cllr Kew pointed out that there was a clear policy on HMO properties and that this must be adhered to. There was no hard evidence regarding unregistered HMOs and this would be difficult to defend on appeal.

Cllr Appleyard seconded the motion pointing out that it was important to try to control the loss of family homes.

The Deputy Head of Planning pointed out that the HMO Policy had been agreed and that a Planning Inspector would make a decision based on this policy.

Cllr Jackson did not feel that this was a sustainable location for students.

Cllr Anketell-Jones had concerns regarding parking arrangements and the tandem parking. He felt that the number of cars should be limited.

Cllr Sandry pointed out that different types of people lived in HMOs and these were not all students. He had concerns regarding the accuracy of the HMO data that had been used.

The motion was put to the vote and there were 3 votes in favour, 5 votes against and 2 abstentions. The motion was therefore LOST.

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

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 3 votes

against and 2 abstentions to PERMIT the application subject to the conditions set out in the report.

Item No. 4

Application No. 18/04922/OUT

Site Location: 6 Mount Road, Southdown, Bath, BA2 1LD – Outline application for the erection of one dwelling in rear garden (Access, layout and scale to be determined and all other matters reserved)

The Case Officer reported on the application and her recommendation to permit. The Deputy Head of Planning explained that the application was now subject to the appeal process on the grounds of non-determination. The final decision would therefore be made by the Planning Inspector. The Committee was asked to consider the application, decide what its decision would have been had the application not been subject to appeal and the Inspector would then take this information into account when making a decision.

A local resident spoke on behalf of a number of neighbours against the application.

The Agent spoke in favour of the application.

Cllr Dine Romero, local ward member, spoke against the application. She stated that the access to the new property would be via a cul-de-sac which would inconvenience the existing residents. She also expressed concerns regarding the removal of trees and damage to the wildlife population which included bats and badgers. She requested the following conditions if the application were to be approved – an independent wildlife survey, protection of the ash tree under a TPO, no overlooking windows, a different access and that reserved matters be considered by the Development Management Committee.

Cllr Jackson asked whether there could be an alternative access to the new property. The Case Officer explained that this would involve demolishing an existing garage to make an access from Mount Road.

Cllr Crossley, local ward member, explained that Southdown was a densely populated area of Bath which did not contain a large amount of trees. Green spaces and long gardens should therefore remain. There was no merit in the application and the development would result in a loss of amenity to local residents. A new house was not required in this location. Any access should be from Mount Road and not Belmore Gardens and there were many issues with the application that needed to be addressed. He moved that the application be refused on the following grounds:

- Inappropriate development in this back garden location.
- The development would be detrimental to the World Heritage City of Bath.
- Loss of amenity to local residents.
- The development is in a highly visible location.

Cllr Appleyard seconded the motion.

Cllr Kew felt that houses were needed in the Bath area and that this represented a

windfall site. The development would be on an adequate plot within the Housing Development Boundary.

Cllr Richardson stated that this was infill development and noted the substantial number of conditions which were proposed which she felt would mitigate any issues raised by objectors.

The motion was put to the vote and there were 2 votes in favour, 7 votes against and 1 abstention. The motion was therefore LOST.

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

The motion was put to the vote and it was RESOLVED by 7 votes in favour, 2 votes against and 1 abstention to agree that the Committee would have PERMITTED the application had it not been subject to appeal for non-determination.

Item No. 5

Application No. 19/00803/FUL

Site Location: Cherry Cottage, Mead Lane, Saltford – Erection of front gables, front balcony and external alterations (resubmission of 18/05702/FUL)

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

The Agent spoke in favour of the application.

Cllr Francine Haerberling, local ward member, spoke in favour of the application. She felt that the development would improve the area and pointed out that the Parish Council supported the proposal.

Cllr Organ stated that the application would improve the overall appearance of the property and would enhance the street scene. He moved that the Committee delegate to permit the application.

Cllr Kew seconded the motion and stated that there was already a mix of development in the area. The previous development to the property had been poor and this would improve the appearance of the dwelling.

Cllr Sandry stated that the current property sat well in its plot and noted that there were some smaller properties in the area. The property was already large and he felt that the development would be excessive.

Cllr Appleyard felt that the cumulative increase in volume was too great as it represented an increase of 133% from the original dwelling which was contrary to policy.

Cllr Anketell-Jones felt that the character and appearance of the property was dated. He stated that the proposed development was proportionate and would not look out of place.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 against to DELEGATE TO PERMIT the application subject to it being advertised as a

departure from the Development Plan.

Item No. 6

Application No. 18/05561/FUL

Site Location: 31 High Bannerdown, Batheaston, Bath, BA1 7JZ – Alterations and extension to bungalow

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

A representative from Batheaston Parish Council and two local residents spoke against the application.

The Agent spoke in favour of the application.

Cllr Geoff Ward, local ward member, spoke against the application. He stated that the property was located on a maturing housing estate with a mix of dwellings. He explained that the current bungalow was suitable for an older resident and felt that it was important to maintain a mix of property types and different community groups within the area.

In response to a question the Case Officer confirmed that Batheaston did not currently have a Neighbourhood Plan but that work to create one was underway.

Cllr Kew stated that he could not obtain a clear impression of the area from the plans and officer report and found it hard to understand the impact on the local area. He therefore moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Applyard.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 1 against and 3 abstentions to DEFER consideration of the application pending a site visit.

Item No. 7

Application No. 18/04535/FUL

Site Location: 49-50 Meadow Park, Bathford, Bath, BA1 7PY – Installation of timber decking and paved areas at rear of house with new decking and paving, including isolated raising of perimeter fences (retrospective)

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

A neighbour spoke against the application.

The Agent spoke in favour of the application.

Cllr Geoff Ward, local ward member, spoke against the application. He pointed out the large amount of wood that had been used to create the decking area and also stated that the 3m high fence was unacceptable. This had reduced the amount of sunlight to the neighbouring garden. Whilst he understood the need to make the garden more level it was not acceptable to cover the whole garden with decking.

The Case Officer explained that neighbouring properties had a mix of decking and paving which helped with the changing levels in the back gardens.

Cllr Appleyard moved that consideration of the application be deferred pending a site visit to view the angles of the site and to ascertain the effect on neighbouring properties. Cllr Kew seconded the motion.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 abstention to DEFER consideration of the application pending a site visit.

Item Nos. 8 & 9

Application No. 18/05670/FUL and 18/05671/LBA

Site Location: Richmond House, Weston Park, Upper Weston, Bath – Erection of a rear kitchen and garden room extension. External and internal alterations to include erection of a rear kitchen and garden room extension

The Case Officer reported on the applications and his recommendations to permit and to grant listed building consent.

A neighbour spoke against the applications.

The Agent spoke in favour of the applications.

The Case Officer confirmed that the seating area was located within the owner's property although close to the boundary. He also explained that the zinc roof cover had been chosen to give a softer appearance than lead.

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

Cllrs Jackson and Sandry stated that they did not like the design.

The motion was put to the vote and it was RESOLVED by 7 votes in favour, 2 votes against and 1 abstention to PERMIT the application and to GRANT listed building consent subject to the conditions set out in the report.

131 **BATH AND NORTH EAST SOMERSET COUNCIL (LAND TO WEST OF WESTON ALL SAINTS PRIMARY SCHOOL, OSBOURNES HILL, UPPER WESTON, BATH NO. 318) TREE PRESERVATION ORDER 2018**

The Committee considered a report regarding the making of a Tree Preservation Order on land to the west of Weston All Saints Primary School, Osbournes Hill, Upper Weston, Bath.

The Case Officer reported on the Tree Preservation Order (TPO) and her recommendation to confirm without modification.

The Chair of Charlcombe Parish Council and a representative from the Friends of The Orchard organisation spoke in favour of the TPO.

A representative of the landowner spoke against the TPO.

Cllr Geoff Ward, local ward member, spoke in favour of the TPO stating that the area was very beautiful, was ideal for children and families to visit and represented new

woodland growth which brings life to Weston.

The Case Officer responded to questions as follows:

- The land was designated as a landscape setting and was not currently a development area. The Committee was advised to consider only the current use and whether or not a TPO should be confirmed.
- Some of the individual trees in the area were already subject to TPOs. Applications had been received to fell two of these trees and there were many other different types of tree in the woodland. Some trees had been felled at the site entrance.
- If a TPO were to be approved then the landowner would have to apply to carry out tree works but this could be linked to an agreed management plan for the site. No ad hoc work would be able to take place.
- There was no right of way through the woodland although a footpath runs adjacent to the site.
- The temporary TPO will expire on 6 May 2019 but the Committee could agree to a new temporary TPO if they wished to carry out a site visit in the meantime.

Cllr Appleyard queried whether the TPO for the woodland as a whole would be appropriate or whether it was excessive and would restrict the landowner unnecessarily. The Deputy Head of Planning explained that there were some significant trees on the site and that the area of value was the site as a whole. Some unprotected trees had already been felled and the Order would ensure the remainder were protected.

Cllr Jackson noted the value of the site being adjacent to a primary school. She stated that this was a priceless habitat and pointed out that a management plan could be agreed. She then moved the officer recommendation to confirm the TPO without modification.

Cllr Kew felt that a site visit would be helpful to enable members to gain more information about the location.

Cllr Crossley seconded the motion stating that valuable woodland must be protected.

Cllr Anketell-Jones stressed the importance of green infrastructure and felt that the site should be retained for the community.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to CONFIRM the Tree Preservation Order without modification as set out in the report.

132 **QUARTERLY PERFORMANCE REPORT - JANUARY TO MARCH 2019**

The Committee considered the quarterly performance report from January to March 2019.

The Deputy Head of Planning agreed to inform Cllr Crossley as to how the CIL and S106 monies were allocated.

Cllr Crossley noted the overall improvement shown in the report and stated that this was a credit to both Councillors and Officers working together to improve performance.

RESOLVED: To note the report.

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

The Committee considered the appeals report.

RESOLVED: To note the report.

The meeting ended at 6.30 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 24th April 2019

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
7	18/04535/FUL	49 - 50 Meadow Park Bathford Bath BA1 7PY

Clarification has been received by emails dated 10th and 17th April 2019 from the agent for the application regarding the lighting that has been installed within the decking and garden and how drainage of the area has been achieved. The email states:

All the lighting can be removed individually without interrupting the remaining lighting. All the lighting as a whole is less than one floodlight. In regards to drainage the larger decking has a 6-12mm continuous gap every 120mm which allows water to reach the ground below which has a permeable membrane which allows water through. Any remaining water leads onto the paved areas which either drains into the 3 x 1.2m x 7m planters which have broken rubble and shingle at the base to act as a soak away or into the gravel area at the bottom. There is a section in front of the lower deck which meets the paved area that runs into a gutter system which is diverted currently into the rear woodland, this can easily be diverted back into your garden by removing a downpipe. Due to the whole garden being on a slope water will naturally find its way to the lowest point which is the woodland.

The lighting is remote control operated.

There are 27 recessed lights on the upper decking including the steps highlighting the edge and steps.

There are 8 recessed lights on the lower deck highlighting the edge of the decking.

There are 5 x spike lights at the rear of the garden up-lighting the bases of the trees.

There are 4 down lighters lighting the middle patio terrace.

There are 2 x spike lights under the steps to highlight feature items.

There is 1 x down light in the storage cupboard.

There are 2 x down lights lighting the side passage.

All lights are 3W LED luminaires

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A STATEMENT AT THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON WEDNESDAY 24 APRIL 2019

SITE VISIT LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Rookehill Farmhouse, 34 Wellsway, Keynsham	Tom Roche (Agent)	For

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Lays Farm Business Centre, Lays Farm Trading Estate, Keynsham, BS31 2SE	Chris Dance (Agent)	For
2	Wellow House, High Street, Wellow, Bath	Cllr Pat Caudle (Wellow Parish Council)	For
		Sandra Tuck (Agent) Susan Chivers (Applicant)	For (To share 3 minutes)
		Cllr Neil Butters (Local Ward Member)	For
3	27 Georgian View, Southdown, Bath, BA2 2LZ	Andy Stewart Tracy Wilkins	Against (To share 3 minutes)
		Mathew Pearson (Agent)	For
		Cllr Steve Hedges (Local Ward Member)	Against

4	6 Mount Road, Southdown, Bath, BA2 1LD	Tom Williams	Against
		Martin Farrell (Agent)	For
		Cllr Dine Romero (Local Ward Member)	Against
5	Cherry Cottage, Mead Lane, Saltford	Ben Ponting (Agent)	For
		Cllr Francine Haeberling (Local Ward Member)	For
6	31 High Bannerdown, Batheaston, Bath, BA1 7JZ	Cllr Derek Greener (Batheaston Parish Council)	Against
		James Harvey John Bostock	Against (To share 3 minutes)
		Sam McGuire (Agent)	For
		Cllr Geoff Ward (Local Ward Member)	Against
7	49-50 Meadow Park, Bathford, Bath, BA1 7PY	Kay Mann	Against
		Mark Harris (Agent)	For
		Cllr Geoff Ward (Local Ward Member)	Against

8 & 9	Richmond House, Weston Park, Upper Weston, Bath	Elaine Robinson	Against (6 mins)
		John White (Agent)	For (6 mins)

TREE PRESERVATION ORDER LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Land to West of Weston All Saints Primary School, Osbournes Hill, Upper Weston, Bath	Stewart Chorley (Chair of Charlcombe Parish Council)	For
		John White	Against
		Rachel Jarai (Friends of The Orchard)	For
		Cllr Geoff Ward (Local Ward Member)	For

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

24th April 2019

SITE VISIT DECISIONS

Item No:	001	
Application No:	18/05706/FUL	
Site Location:	Rookehill Farmhouse, 34 Wellsway, Keynsham, Bristol	
Ward: Keynsham East	Parish: Keynsham Town Council	LB Grade: II
Application Type:	Full Application	
Proposal:	Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store (Resubmission).	
Constraints:	Bristol Airport Safeguarding, Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	Mr David Westgate	
Expiry Date:	21st February 2019	
Case Officer:	Helen Ellison	

DECISION REFUSE

1 The proposed two storey building is of a size, design, scale and massing that would result in an obtrusive and dominant structure. In addition, the proposed vehicular access, due to its extent, location and associated side retaining walls and rear boundary layout/means of landscaping would appear inappropriate, intrusive and out of place. As such the proposal would fail to maintain or enhance the local character, distinctiveness or landscape. This would be contrary to Policies CP6 and CP7 of the adopted Core Strategy (2014), Policies D1, D2, D3, D4 D5, NE2 and NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions of the NPPF (2019).

2 The proposed two storey building and associated works, due to their size, scale, massing, location and design would result in an obtrusive, dominant and discordant addition to the site that would harm the significance of the designated heritage assets and fail to preserve or enhance the character or appearance of the conservation area and the special interest of the listed building and its setting. There are no public benefits to the proposal that would outweigh the harm. This would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CP6 of the adopted Core Strategy (2014), Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017), the provisions of the NPPF (2019) and guidance from Historic England.

3 The proposed development which is located within the green belt would introduce a disproportionately large two storey building to an area that is essentially open and rural in character. As such the development would appear materially larger than the existing building and therefore represent inappropriate development in the green belt that would harm its openness. 'Very special circumstances' in support of the application have not been submitted for consideration. The proposal would, therefore, be contrary to Policy CP8 of the adopted Core Strategy (2014), Policy GB1 of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions of the NPPF (2019).

PLANS LIST:

This decision relates to the following drawings and document;

Date: 27.12.2018 Drwg. No. D163 02E Drwg. title: Existing site plan
Date: 27.12.2018 Drwg. No. D163 12E Drwg. title: Proposed site plan
Date: 27.12.2018 Drwg. No. D163 120A Drwg. title: Tree Survey
Date: 27.12.2018 Drwg. No. D163 122A Drwg. title: Tree protection measures
Date: 27.12.2018 Drwg. No. D163 13D Drwg. title: Proposed site sections
Date: 27.12.2018 Drwg. No. D163 14F Drwg. title: Proposed floor plans
Date: 27.12.2018 Drwg. No. D163 15C Drwg. title: Proposed elevations and section DD
Date: 27.12.2018 Drwg. No. D163 3C Drwg. title: Existing site sections
Date: 27.12.2018 Drwg. No. D163 4A Drwg. title: Existing garden building floor plan and elevations
Date: 27.12.2018 Drwg. No. D163 01 REV B Drwg. title: Location and site plan

Date: 27.12.2018 Document title: Bat Surveys Report
Date: 27.12.2018 Document title: Tree Survey

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. 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.

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

24th April 2019

DECISIONS

Item No:	01	
Application No:	18/05696/OUT	
Site Location:	Lays Farm Business Centre, Lays Farm Trading Estate, Keynsham, BS31 2SE	
Ward: Keynsham North	Parish: Keynsham Town Council	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Outline planning application for the demolition of existing industrial buildings and erection B1 Business buildings and 8 no. dwellings	
Constraints:	Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	Mr & Mrs Williams	
Expiry Date:	30th April 2019	
Case Officer:	Tessa Hampden	

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

Item No:	02	
Application No:	19/00682/FUL	
Site Location:	Wellow House, High Street, Wellow, Bath	
Ward: Bathavon South	Parish: Wellow	LB Grade: IISTAR
Application Type:	Full Application	
Proposal:	Erection of 1 No. residential dwelling and associated landscaping and access.	
Constraints:	White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Conservation Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE2 AONB, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Mrs Susan Chivers	
Expiry Date:	1st April 2019	
Case Officer:	Samantha Mason	

DECISION PERMIT Subject to conditions.

Item No:	03
Application No:	19/00492/FUL
Site Location:	27 Georgian View, Southdown, Bath, Bath And North East Somerset
Ward: Odd Down	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of use from 4 bed dwelling (use class C3) to 6 bed HMO (use class C4) with works to convert garden store to living space
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 NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Mr Adam Bailey
Expiry Date:	29th April 2019
Case Officer:	Anna Jotcham

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the Site Location Plan and Existing and Proposed Floor Plans received on 5 February 2019.

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

HMO Licensing

Please note that you may also require a HMO Licence for your property to operate as an HMO. Planning and HMO licensing are two separate requirements and it is essential that an HMO licence is obtained, if applicable, after receiving planning permission. Although Planning Permission may be granted without an HMO licence, you may legally not be able to use the property as an HMO. If you have any queries, please contact Housing Services by email at hmo_licensing@bathnes.gov.uk or telephone 01225 396269.

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

Item No:	04
Application No:	18/04922/OUT
Site Location:	6 Mount Road, Southdown, Bath, Bath And North East Somerset
Ward: Southdown	Parish: N/A LB Grade: N/A
Application Type:	Outline Application
Proposal:	Outline application for the erection of 1 no dwelling in rear garden (Access, layout and scale to be determined and all other matters reserved).
Constraints:	Agric Land Class 3b,4,5, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Mr Kevin Liang
Expiry Date:	5th April 2019
Case Officer:	Anna Jotcham

Resolution to APPROVE. However applicant has submitted an appeal for non-determination and the jurisdiction to decide the application is now with the Planning Inspectorate.

Item No:	05
Application No:	19/00803/FUL
Site Location:	Cherry Cottage, Mead Lane, Saltford, Bristol
Ward: Saltford	Parish: Saltford LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of front gables, front balcony, and external alterations (resubmission of 18/05702/FUL).
Constraints:	Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, British Waterways Major and EIA, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 Regionally Important Geologic, Policy NE3 SNCI, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	Mr Seymour
Expiry Date:	24th May 2019
Case Officer:	Rae Mephram

DECISION Delegate to permit subject to advertising as a Departure.

Item No:	06
Application No:	18/05561/FUL
Site Location:	31 High Bannerdown, Batheaston, Bath, Bath And North East Somerset
Ward:	Bathavon North
Parish:	Batheaston
LB Grade:	N/A
Application Type:	Full Application
Proposal:	Alterations and extension to bungalow.
Constraints:	Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Clementine and Stephanie Gent
Expiry Date:	14th February 2019
Case Officer:	Dominic Battrick

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

Item No:	07
Application No:	18/04535/FUL
Site Location:	49 - 50 Meadow Park, Bathford, Bath, Bath And North East Somerset
Ward:	Bathavon North
Parish:	Bathford
LB Grade:	N/A
Application Type:	Full Application
Proposal:	Installation of timber decking and paved areas at rear of house with new decking and paving, including isolated raising of perimeter fences (retrospective).
Constraints:	Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro, Tree Preservation Order,
Applicant:	Mr Mujib Khan
Expiry Date:	26th April 2019
Case Officer:	Martin Almond

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

Item No:	08
Application No:	18/05670/FUL
Site Location:	Richmond House, Weston Park, Upper Weston, Bath
Ward: Weston	Parish: N/A LB Grade: II
Application Type:	Full Application
Proposal:	Erection of a rear kitchen & garden room extension.
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Mr Matthew Davies
Expiry Date:	26th April 2019
Case Officer:	Adrian Neilson

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 Zinc and Glazing Samples (Bespoke Trigger)

No installation of the zinc cladding or glazing shall commence until samples have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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:

1847 AP(0)10, 1847 AP(0)20, 1847 AP(0)40, 1847 AS(0)10, 1847 AS(0)20, 1847 AS(0)01
date stamped 21 December 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. **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.

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:	09
Application No:	18/05671/LBA
Site Location:	Richmond House, Weston Park, Upper Weston, Bath
Ward: Weston	Parish: N/A LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	External and internal alterations to include erection of a rear kitchen & garden room extension.
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Mr Matthew Davies
Expiry Date:	26th April 2019
Case Officer:	Adrian Neilson

DECISION CONSENT

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Timber Cladding Joinery Details (Bespoke Trigger)

No installation of the external timber cladding of the rear canted oriel bay shall commence until full details comprising 1:5 elevations and 1:1 or 1:2 horizontal and vertical sections and proposed paint colour have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

4 Reuse of Door Architrave (Compliance)

The existing architrave of the door opening that is proposed for infilling shall be reused for the proposed new door opening on the first floor shown on drawing: 1847 AP(0) 10.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

5 Installation of Skirting (Compliance)

The installation of new skirting as a result of the blocking of the internal door shall exactly replicate the detail of existing adjacent historic skirting including height, depth and mouldings.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

1847 AP(0)10, 1847 AP(0)20, 1847 AP(0)40, 1847 AS(0)10, 1847 AS(0)20, 1847 AS(0)01
date stamped 21 December 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. **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.

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.