

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **MINUTES OF PLANNING COMMITTEE MEETING**

Wednesday, 5th June, 2019

Present:- **Councillors** Rob Appleyard (in place of Hal MacFie), Vic Clarke, Sue Craig, Sally Davis, Lucy Hodge, Duncan Hounsell, Eleanor Jackson, Matt McCabe, Manda Rigby and Brian Simmons

### **1 ELECTION OF CHAIRMAN**

RESOLVED: That Cllr Matt McCabe be elected Chairman.

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

A Vice-Chairman was not required on this occasion.

### **3 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

### **4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Cllr Hal MacFie – substitute Cllr Rob Appleyard.

### **5 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

There was no urgent business.

### **7 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.

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

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

### **9 MINUTES OF THE PREVIOUS MEETING**

The minutes of the Development Management Committee meeting held on 24 April 2019 were confirmed and signed as a correct record.

## 10 **SITE VISIT 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 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

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

### **Item No. 1**

#### **Application No. 18/04535/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. He reported that a further representation had been received relating to the ownership of the boundary fence.

The applicant spoke in favour of the application.

Cllr Hounsell stated that the work carried out by the applicant facilitated the use of the garden and noted that efforts had been made to reduce overlooking. He felt that the lighting was not too bright and noted that there were no drainage issues. He then moved the officer recommendation to permit.

Cllr Jackson seconded the motion.

Cllr Hodge stated that the lighting was extensive and also asked whether a condition could be included to ensure that the fencing retained a natural wood finish. This suggestion was supported by Cllr Rigby.

Cllr Jackson felt that it would be too prescriptive to include a condition relating to the fencing.

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 subject to the conditions set out in the report.

**Item No. 2**

**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.

Cllr Derek Greener spoke on behalf of Batheaston Parish Council against the application.

Two local residents spoke against the application.

The Agent spoke in favour of the application.

Cllr Sarah Warren, local ward member, spoke against the application. She considered the development to be out of character with the design and layout of the estate. She also felt that the application would adversely affect the amenity of neighbouring properties.

The Team Manager, Development Management, then responded to questions as follows:

- There is no specific policy regarding the retention of bungalows per se.
- As the local Neighbourhood Plan is currently only in draft form this should be given little weight.
- No mature trees were considered to be under threat as a result of the development.
- The policy to protect mixed use developments generally relates to new developments. The issue to consider in this case was the effect of the development on the character and residential amenity of the area.

Cllr Davis understood the concerns of the local residents but felt, on balance, that the application was acceptable. She moved the officer recommendation to permit.

Cllr Jackson seconded the motion. She noted that there was no Neighbourhood Plan in place at this stage.

Cllr Craig supported the motion but stated that there should be a policy on the conversion of bungalows to houses.

Cllr Hounsell stated that there would be some overlooking of gardens due to the property being at a higher level than neighbouring dwellings, however, it would not be possible to look into neighbouring properties. He did not feel that the proposal would change the street scene.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 2 votes against and 2 abstentions to PERMIT the application subject to the conditions set out in the report.

## 11 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 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 4* to these minutes.

### Item No. 1

#### Application No. 18/02543/FUL

**Site Location: Chew Valley Lake Walking and Cycle Trail, Walley Lane, Chew Magna – Creation of a leisure trail for walkers and cyclists around Chew Valley Lake (including associated engineering works). NOW AMENDED SUCH THAT THE EASTERN SECTION AND THE SOUTHERN SECTION ARE NOW EXCLUDED FROM THE APPLICATION, PERMISSION NOW SOUGHT FOR NORTH-WEST SECTION ONLY (overview as shown in document entitled “Chew Valley Lake Recreational Trail North West Section”, May 2018, Sustrans/Bristol Water)**

The Case Officer reported on the application and his recommendation to permit. There were two verbal updates to the report:

- Condition no. 3 – Highway Matters – to include an additional bullet point to cover details about signage.
- There would also be an additional landscaping condition requesting the submission of details of the new hedgerow planting including implementation and maintenance.

A representative from Sustrans Ltd (the applicant) spoke in favour of the application.

Cllr Vic Pritchard, local ward member, spoke regarding the application. He noted that the application had been fundamentally amended and now only sought permission for the north-western section of the cycle path/recreational trail. The Chew Valley area was already popular with cyclists and this proposal would create a shared space between pedestrians and cyclists around the narrow part of the dam. The path would be located adjacent to the A37 which was a principal route to Bristol Airport. He also raised concerns regarding the stability of the area around the dam and requested that periodic checks take place.

The Case Officer responded to questions as follows:

- The Highways Team has investigated traffic flows around the dam area.
- It would be difficult to include a condition relating to club cycling/racing as this could not be enforced.
- The total length of the path would be approximately 2km.
- Conditions to provided appropriate signage would be required if the application were permitted.

Cllr Appleyard noted the benefits of encouraging walking and cycling and welcomed this application. He asked officers to ensure that the concerns raised by the local member regarding the stability of the dam were taken into account and that appropriate signage was put in place. Cllr Hounsell seconded the motion.

Cllr Davis acknowledged the concerns regarding the shared space but felt that the faster cyclists were likely to continue to use the road.

Cllr Jackson suggested that the Committee should delegate to permit the application to enable officers to fine-tune the conditions to ensure that all concerns were taken into account including those relating to ecological and construction matters.

Cllr Appleyard agreed to amend his proposal to delegate to permit the application and this was also agreed by the seconder of the motion.

Cllr Rigby felt that signage should not be too intrusive.

Cllr Clarke stated that some risks and natural hazards in a rural area were inevitable and cautioned against unnecessary signage.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 abstentions to DELEGATE TO PERMIT the application subject to conditions.

## **Item No. 2**

### **Application No. 19/00810/FUL**

#### **Site Location: Pond House, Rosemary Lane, Freshford, Bath – Extension and alterations to Pond House (Revised Application)**

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

The Chair of Hinton Charterhouse Parish Council spoke in favour of the application.

The Agent spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke in favour of the application. He stated that the design was exemplary and sustainable and pointed out that there had been no objections and that both Parish Councils were supportive. He explained that the dwelling could be extended using its permitted development rights and as an even larger addition. The Green Belt SPD referred to a volume increase of “around 1/3” but this was only guidance.

The Case Officer responded to questions as follows:

- There is a certificate of lawfulness in place for a proposed rear extension to the property. The current application is for a side extension.
- The contemporary design was not a specific reason for the recommendation for refusal; the key issues were the scale and massing of the proposal and the harm to the Green Belt.
- The current proposal along with the previous extensions results in a cumulative increase of 81% (excluding the outbuildings). Guidelines suggest an increase of 33% would be acceptable.

Cllr Hodge felt that the design was too dominant and detracted from the existing dwelling. Whilst she supported the zero carbon nature of the development she noted the large volume increase to the dwelling and highlighted the importance of protecting the Green Belt.

Cllr Jackson moved the officer recommendation to refuse as she felt the proposed extension was too large and the design was too dominant in this Green Belt location. Cllr Hodge seconded the motion.

Cllr Craig stated that the design was excellent and noted the sustainability of the proposal. She felt that the cumulative volume increase measure was too blunt an instrument to use in this case.

Cllr Appleyard did not support the proposal to refuse this application. He noted that the volume increase figure was for guidance only and supported the environmentally friendly and sustainable nature of the development.

Cllr Davis supported the proposal to refuse and, whilst liking the design, felt that the development would not be in line with current policies.

The Team Manager, Development Management, explained that whilst the SPD referred to “about a third” volume increase being acceptable, officers concluded that an 80% volume increase was far in excess of what should be permitted. Officers would not recommend the removal of permitted development rights. Any removal of these rights would not come into effect until the application is implemented and so they could be used prior to any subsequent extension being built.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to REFUSE the application for the reasons set out in the report.

### **Item Nos. 3 and 4**

#### **Application Nos. 19/00457/FUL and 19/00297/LBA**

**Site Location: Freedom House, Lower Bristol Road, Westmoreland, Bath, BA2 1EP – The addition of metal fencing/railings fixed to the top of the existing rubble stone wall to western, northern and eastern boundaries of the Freedom House site perimeter. Erection of a metal fence to the existing rubble stone boundary wall to western, northern and eastern boundaries**

This application was withdrawn from the agenda.

**Item No. 5**

**Application No. 19/00902/LBA**

**Site Location: 11 Quarry Vale, Combe Down, Bath, BA2 5JZ – Internal and external alterations to include installation of 1<sup>st</sup> and 2<sup>nd</sup> floor staircase.**

**Installation of 2 conservation roof windows on rear roof slope. Board up roof void over joists. Install plaster board under rafters with skim finish. Convert bathroom to bedroom.**

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

Cllr Jackson moved that the Committee defer consideration of the application pending a site visit. This was seconded by Cllr Craig.

The motion was put to the vote and it was RESOLVED by 4 votes in favour, 3 votes against and 3 abstentions to DEFER consideration of the application pending a site visit.

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

The Committee considered the appeals report. Cllr Jackson congratulated officers on the outcome of recent appeals.

RESOLVED to NOTE the report.

The meeting ended at 4.10 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 5<sup>th</sup> June 2019**

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

**ITEM**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
Site Visit 1	18/04535/FUL	49 - 50 Meadow Park Bathford Bath BA1 7PY

It is proposed to amend the wording of condition 1 and add an additional condition in regard to the sections of the boundary fence that are shown as being raised.

Condition 1 is proposed to be amended to:

Within 1 month of the date of the decision, a written schedule of works (including drawings) shall be submitted to the local planning authority detailing the methods by which the additional boundary fencing and planters shown on drawing MPB49 101A and MPB49 102A dated as received 20th March 2019 shall be installed and secured.

Reason: In the interests of residential amenity.

Condition 2:

The additional boundary fencing and planters identified within the agreed written schedule of works and shown on drawings MPB49 101A and MPB49 102A dated as received 20th March 2019 shall be installed within 2 months of receipt by the applicant of written confirmation of the agreed schedule from the local planning authority and thereafter shall be permanently retained on site.

Reason: In the interests of residential amenity.

Written comment dated 27<sup>th</sup> May 2019 has been received from Cllr Sarah Warren stating:

“Kevin Guy and I, newly elected ward councillors, are clearly new to Mr Khan’s planning application for decking to the rear of his home, but having visited the property last week, I can confirm that we endorse the planning

officers' recommendations to install planters on the middle level of the decking adjacent to the fence, and to raise the height of the same section of fence, and Mr Khan's plan to implement these".

Written comments dated 27<sup>th</sup> May 2019 have been received from the applicant since the last committee meeting detailing the reasons why and how the work was carried out.

The comments also respond to the objection comments received by the local planning authority during the course of the application. This document is available on-line.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
Site Visit 2	18/05561/FUL	31 High Bannerdown Batheaston Bath BA1 7JZ

Written comments dated 27<sup>th</sup> May 2019 have been received from Cllr Sarah Warren and backed by Cllr Kevin Guy on 31<sup>st</sup> May 2019 as new ward councillors for the Bathavon North Ward.

"As new ward councillors for Bathavon North Ward, I am writing to register the objections of Councillor Kevin Guy and myself to the proposed 2nd floor extension of the bungalow at 31 High Bannerdown. Since being elected earlier this month, we have already heard from residents of five of the neighbouring properties regarding their grave concerns at the precedent that will be set by converting one of the bungalows at the high point of the estate into a two storey house. As this dwelling is the first of the group of bungalows in the estate, they believe that it will be only a matter of time before the bungalows are all converted to two storeys. They are also concerned by the extent to which the proposed dwelling will overlook several neighbouring properties and gardens, by the overall scale of the extension, and by the architectural style that has been chosen, felt to be out of keeping with the rest of the estate.

In the parish as a whole, there is undoubtedly a shortage of bungalows in the housing stock - better suited to older and disabled residents - and it is also important to retain accommodation that is more affordable.

We hope you will take our objection into account when reaching your decision."

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
No 2	19/00810/FUL	Pond House Rosemary Lane Freshford Bath Bath and North East Somerset BA2 7UD

Errors have been made in regards to the volume calculations for the above application. These should be as follows:

Previously extended should be  $214/775 = 27\%$  not the 31 % stated in the report.

Previously extended plus the proposed addition should be  $214 + 419 / 775 = 81\%$  not the 90 % as stated in the report.

Previously extended plus proposed addition, plus PD  $214 + 419 + 479/775 = 143\%$  not the 152% as stated in the report.

This does not alter the outcome of the recommendation.

The relevant sections of the report have been updated in full below for your information.

#### *Volume Assessment*

It is noted in the submission that the applicant considers the original volume to be 1455.7m<sup>3</sup> - under the previous application the applicant considered the original volume to be 1503.64m<sup>3</sup>; it is unclear what the change is - however this includes the volume of all of the detached outbuildings which should be disregarded as outlined above. As such the volume of the original building that the addition must be proportionate to would be 775m<sup>3</sup>. This is consistent with what was advised in the previous refusal.

Pond House was previously extended in 1989 through a two storey extension to the north east of the property. Under the previous refusal volume calculations were provided showing this extension to be 319m<sup>3</sup>. Under this application the previous extension is shown to be 214m<sup>3</sup>; it appears this change is because a lean-to was removed. The volume of 214m<sup>3</sup> is taken as correct. This equates to a 27% increase in volume of the original dwelling.

The proposed addition under this application results in a 419m<sup>3</sup> volume increase. The current proposal along with the previous extensions results in a cumulative volume increase of 81%. This is significantly greater than the guidance within the Council's SPD that states that extensions of about a third of the original volume are more likely to be acceptable. The extension is therefore regarded as disproportionate and, by definition inappropriate development within the Green Belt.

### *Certificate of Lawfulness*

The planning statement refers to a recently approved Certificate of Lawfulness as proposed, stating that the proposal allowed under permitted development exceeds the scale of the scheme proposed under this application. The planning statement, whilst not entirely clear, appears to show that the extension approved under the certificate of lawfulness equates to 479m<sup>3</sup>.

It appears the agent is implying that a larger scheme could be achieved under permitted development as a 'fall back' position. However the approved certificate of lawfulness could, if not all at least in the most part, still be implemented alongside the proposed scheme. Also, given that the location of the current proposal is to the side of the existing building and the extension that could be constructed is to the rear, and in a less prominent location, this situation is not an 'either/or' situation and is not considered to be a fall-back position. It is unclear if the applicants do actually intend to build what is approved under the Certificate of Lawfulness, but as an application was approved this is assumed to be the case, and this would result in an even greater cumulative volume increase of 143%.

**BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A STATEMENT AT THE MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 5 JUNE 2019**

<b>SITE VISIT LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>SPEAKER</b>	<b>FOR/AGAINST</b>
1	49-50 Meadow Park, Bathford, Bath, BA1 7PY	Mohammed Khan (Applicant)	For
2	31 High Bannerdown, Batheaston, Bath, BA1 7JZ	Cllr Derek Greener (Batheaston Parish Council)	Against
		John Bostock James Harvey	Against (To share 3 minutes)
		Sam McGuire (Agent)	For
		Cllr Sarah Warren (Local Ward Member)	Against

<b>MAIN PLANS LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>SPEAKER</b>	<b>FOR/AGAINST</b>
1	Chew Valley Lake Walking and Cycling Trail, Walley Lane, Chew Magna	Iain Stewart (Sustrans Ltd – Applicant)	For
		Cllr Vic Pritchard (Local Ward Member)	N/A

2	Pond House, Rosemary Lane, Freshford, Bath	Cllr David Turvey (Chair of Hinton Charterhouse Parish Council)	For
		Simon Chambers (Agent)	For
		Cllr Neil Butters (Local Ward Member)	For
5	11 Quarry Vale, Combe Down, Bath, BA2 5JZ	Simon Hand (Applicant)	For

**BATH AND NORTH EAST SOMERSET COUNCIL**  
**PLANNING COMMITTEE**  
**5th June 2019**  
**SITE VISIT DECISIONS**

<b>Item No:</b>	001	
<b>Application No:</b>	18/04535/FUL	
<b>Site Location:</b>	49 - 50 Meadow Park, Bathford, Bath, Bath And North East Somerset	
<b>Ward:</b> Bathavon North	<b>Parish:</b> Bathford	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Installation of timber decking and paved areas at rear of house with new decking and paving, including isolated raising of perimeter fences (retrospective).	
<b>Constraints:</b>	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 & Aerodrome, Tree Preservation Order,	
<b>Applicant:</b>	Mr Mujib Khan	
<b>Expiry Date:</b>	7th June 2019	
<b>Case Officer:</b>	Martin Almond	

**DECISION PERMIT**

**1 Boundary Fencing (Bespoke)**

Within 1 month of the date of the decision, a written schedule of works (including drawings) shall be submitted to the local planning authority detailing the methods by which the additional boundary fencing and planters shown on drawing MPB49 101A and MPB49 102A dated as received 20th March 2019 shall be installed and secured.

Reason: In the interests of residential amenity.

**2 Boundary fencing and planters (Bespoke)**

The additional boundary fencing and planters identified within the agreed written schedule of works and shown on drawings MPB49 101A and MPB49 102A dated as received 20th March 2019 shall be installed within 2 months of receipt by the applicant of written confirmation of the agreed schedule from the local planning authority and thereafter shall be permanently retained on site.

Reason: In the interests of residential amenity.

**3 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 drawings MPB49 1000 dated as received 10th October 2018, MPB49/100 Rev B dated as received 28th November 2018 and drawings MPB49/101A and MPB49 102A dated as received 20th March 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](http://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](http://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.

<b>Item No:</b>	002
<b>Application No:</b>	18/05561/FUL
<b>Site Location:</b>	31 High Bannerdown, Batheaston, Bath, Bath And North East Somerset
<b>Ward:</b>	Bathavon North
<b>Parish:</b>	Batheaston
<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Alterations and extension to bungalow.
<b>Constraints:</b>	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,
<b>Applicant:</b>	Clementine and Stephanie Gent
<b>Expiry Date:</b>	6th June 2019
<b>Case Officer:</b>	Dominic Battrick

## DECISION PERMIT

### 1 Standard Time Limit (Compliance)

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

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

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

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

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

### 3 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:

Survey Ground Floor Plan - 720 S 02, Survey Roof Plan - 720 S 03, Survey Elevations - 720 S 04, all received 20/12/2018; Location and Site Plan - 720 P 01B, Ground Floor Plan - 720 P 02A, First Floor Plan and Section AA - 720 P 03A, Roof Plan - 720 P 04A, Elevations - 720 P 05B, Elevations - 720 P 06A, all received 22/02/2019.

### 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](http://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](http://www.bathnes.gov.uk/cil)

### Protected Species

Bats are protected species under EU and national law. If bats are found during the construction phase, works must cease the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker must be contacted for advice before proceeding.

**Decision Making Statement**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted/revised proposals was taken and consent was granted.

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**PLANNING COMMITTEE**

**5th June 2019**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	18/02543/FUL	
<b>Site Location:</b>	Chew Valley Lake Walking And Cycle Trail, Walley Lane, Chew Magna, Bristol	
<b>Ward:</b> Chew Valley	<b>Parish:</b> Chew Magna	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Creation of a leisure trail for walkers and cyclists around Chew Valley Lake (including associated engineering works). NOW AMENDED SUCH THAT THE EASTERN SECTION AND SOUTHERN SECTION ARE NOW EXCLUDED FROM THE APPLICATION. PERMISSION NOW SOUGHT FOR NORTH-WEST SECTION ONLY (overview as shown in document entitled 'Chew Valley Lake Recreational Trail North West Section', May 2018, Sustrans/Bristol Water).	
<b>Constraints:</b>	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Cycle Route, Flood Zone 2, Flood Zone 3, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SAC and SPA, Policy NE3 SNCI, Policy NE3 SSSI, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, Neighbourhood Plan, Public Right of Way, SSSI - Impact Risk Zones, Policy ST2A Recreational Routes-Cycle Ro, Policy ST8 Safeguarded Airport & Aerodro,	
<b>Applicant:</b>	Sustrans Ltd	
<b>Expiry Date:</b>	12th June 2019	
<b>Case Officer:</b>	Chris Gomm	

**Defer and delegate to issue with amended conditions.**

<b>Item No:</b>	02		
<b>Application No:</b>	19/00810/FUL		
<b>Site Location:</b>	Pond House, Rosemary Lane, Freshford, Bath		
<b>Ward:</b>	Bathavon South	<b>Parish:</b>	Hinton Charterhouse
		<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Extension and alterations to Pond House (Revised Application)		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Conservation Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE3 SNCI, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, All Public Rights of Way Records, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Mr B Walters		
<b>Expiry Date:</b>	6th June 2019		
<b>Case Officer:</b>	Samantha Mason		

## DECISION REFUSE

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

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

## PLANS LIST:

This decision relates to the following plans:

- 26 Feb 2019 Lpc4469 Location Plan
- 26 Feb 2019 1815 L2 Proposed Landscaping Plan
- 26 Feb 2019 1815 L4 Proposed Ground Floor Plan and Sections
- 26 Feb 2019 1815 L5 Proposed First Floor Plan Elevations and Section

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning

Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

<b>Item No:</b>	03	
<b>Application No:</b>	19/00457/FUL	
<b>Site Location:</b>	Freedom House, Lower Bristol Road, Westmoreland, Bath	
<b>Ward:</b> Twerton	<b>Parish:</b> N/A	<b>LB Grade:</b> II
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	The addition of metal fencing/ railings fixed to the top of the existing rubble stone wall to western, northern and eastern boundaries of the Freedom House site perimeter.	
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Water Source Areas,	
<b>Applicant:</b>	Mr Andrew De Thierry	
<b>Expiry Date:</b>	10th May 2019	
<b>Case Officer:</b>	Caroline Power	

**DECISION** Withdrawn from Committee Agenda

<b>Item No:</b>	04
<b>Application No:</b>	19/00297/LBA
<b>Site Location:</b>	Freedom House, Lower Bristol Road, Westmoreland, Bath
<b>Ward:</b> Twerton	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Erection of a metal fence to the existing rubble stone boundary wall to western, northern and eastern boundaries.
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr Andrew De Thierry
<b>Expiry Date:</b>	10th May 2019
<b>Case Officer:</b>	Caroline Power

**DECISION**    Withdrawn from Committee Agenda

<b>Item No:</b>	05
<b>Application No:</b>	19/00902/LBA
<b>Site Location:</b>	11 Quarry Vale, Combe Down, Bath, Bath And North East Somerset
<b>Ward:</b> Combe Down	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Internal & external alterations to include installation of 1st to 2nd floor staircase. Installation of 2 conservation roof windows on rear roof slope. Board up roof void over joists. Install plaster board under rafters with skim finish. Covert bathroom to bedroom.
<b>Constraints:</b>	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, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr Simon Hand
<b>Expiry Date:</b>	19th June 2019
<b>Case Officer:</b>	Caroline Waldron

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

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