

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 3rd July, 2019, 2.00 pm

Councillors: Matt McCabe (Chair), Vic Clarke, Sue Craig, Sally Davis, Duncan Hounsell, Eleanor Jackson, Hal MacFie, Ruth Malloy (Reserve) (in place of Lucy Hodge), Manda Rigby and Brian Simmons

13 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

14 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Lucy Hodge – substitute Cllr Ruth Malloy.

16 DECLARATIONS OF INTEREST

Cllr Vic Clarke declared a non-pecuniary interest in application no. 19/00783/FUL – Tennis Court Farm, Wells Road, Hallatrow. Cllr Clarke was a friend of the agent and stated that he would not speak or vote on this item and would leave the meeting when it was discussed.

17 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

18 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.

19 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 5 June 2019 were confirmed and signed as a correct record.

20 **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. 19/00902/LBA

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

The applicant spoke in favour of the application.

In response to a question the Case Officer explained that the purpose of the proposed roof lights was to light a bedroom. She confirmed that there was one roof light in a similar property at the other end of the terrace. She also stated that the relocation of the bathroom would have a negative impact on the listed cottage.

Cllr Craig felt that the impact on the property would be minimal and that the proposals would improve the dwelling.

Cllr Jackson agreed with the Case Officer's assessment regarding the harm to a heritage asset. She moved the officer recommendation for refusal. The motion was not seconded.

Cllr Hounsell noted that the alcoves would still be visible following the completion of the works.

Cllr Craig moved that the Committee delegate to permit the application as, on balance, the improvements to the family home would not cause harm to the property. Cllr Hounsell seconded the motion.

In response to a question the Team Manager, Development Management, explained that personal circumstances were rarely a material planning consideration.

Cllr Davis understood the reasons for the application but felt that the Committee should consider the potential harm to a heritage asset.

The motion was put to the vote and there were 5 votes in favour and 5 votes against. The Chair then used his casting vote in favour of the motion. It was therefore **RESOLVED** to **DELEGATE TO PERMIT** the application subject to conditions.

21 **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 items 1 and 4 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

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

Item Nos. 1 and 2

Application Nos. 17/01542/FUL and 17/01543/LBA

Site Location: Cedar Park Care Centre, 27-28 Oldfield Road, Oldfield Park, Bath – Erection of replacement two storey block and additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building. Internal and external alterations to erect one replacement two storey block and 2 additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building.

The Case Officer reported on the applications and her recommendations for refusal. She informed the Committee that two further objections had been received regarding overdevelopment of the site and landscaping. She also explained that the plans for the care home to specialise in services for residents with dementia would not require an application for change of use.

A solicitor spoke on behalf of local residents against the applications.

The applicant and agent spoke in favour of the applications.

Cllr Shaun Stephenson-McGall spoke against the applications. He stated that there had been little dialogue between Cedar Care and local residents. He pointed out that the proposals would create an oversupply of beds and also highlighted the adverse effect on neighbouring properties. Whilst he recognised the need for care home facilities he felt that the applications represented overdevelopment, would be detrimental to the local area and would be contrary to policy.

The Case Officer then responded to questions as follows:

- The replacement link and extension would be overly dominant.
- There would be a parking shortfall of 19 spaces according to the requirements set out in the Placemaking Plan.

Cllr Jackson moved the officer recommendations for refusal (for both applications), in particular, due to the bulk and scale of the proposal.

Cllr Davis did not feel that these applications represented the right option for providing additional care home spaces due to issues of landscaping and mass.

Cllr Rigby agreed with the reasons for refusal set out in the officer reports. She was concerned at the potential damage to a listed building and, in particular, to the entrance hall. She then seconded the motion (in respect of both applications).

The motion was put to the vote and it was RESOLVED:

- (a) By 9 votes in favour and 1 abstention to REFUSE planning permission for the reasons set out in the report.
- (b) Unanimously to REFUSE listed building consent for the reasons set out in the report.

(Note: Cllr Vic Clarke left the meeting at this point having declared a non-pecuniary interest in the following application).

Item No. 3

Application No. 19/00783/FUL

Site Location: Tennis Court Farm, Wells Road, Hallatrow – Erection of two storey dwelling following demolition of block build agricultural building

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

The agent and applicant spoke in favour of the application.

In response to a question the Team Manager, Development Management, explained that whilst the site was within the housing development boundary the dwelling would be located within an active farm yard. When considering adding an agricultural tie to a planning permission, evidence of need would be required and in this case no such evidence had been provided with the application. If the Committee wished to include such a tie then this would have to be secured by condition and, in this particular case, as the proposed house was very close to the buildings of a working farm, the house should also stay within the ownership of the farm and this could be secured through a legal agreement.

Cllr Davis felt that this was a sensible use of the buildings but understood the concerns regarding the amenities. She felt that the Committee should consider delegating to permit the application with an agricultural tie to the farmhouse. She also expressed the view that the materials should be in keeping with the existing dwelling.

The Team Manager, Development Management, stated that the Committee should be satisfied that the relationship between the farm buildings and the proposed dwelling was suitable. He also pointed out that the applicants could subsequently apply for the tie to be removed.

Cllr Davis then moved that the Committee delegate to permit the application subject to conditions and a legal agreement to restrict occupation and to tie the new dwelling to the existing farmstead. The motion was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application subject to conditions and the provision of a legal agreement to restrict occupation to an agricultural worker or retired agricultural worker and to require that the property remains in the same ownership as the agricultural holding.

(Note: At this point Cllr Vic Clarke returned to the meeting).

Item Nos. 4 and 5

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.

The Case Officer reported on the applications and her recommendation to grant permission and listed building consent. She explained that the applications had originally been recommended for refusal but that further information had subsequently been provided which had led to a review of the recommendations. She also explained that an additional condition was recommended to require an arboricultural method statement to be submitted prior to any development taking place.

A representative of the applicant spoke in favour of the applications.

Cllr Jackson moved the officer recommendation to permit the planning application and to grant listed building consent. She felt that no further harm to the area would be caused by the addition of the fence which would enhance the security of the vulnerable people using the building. This was seconded by Cllr Davis.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the planning application and to GRANT listed building consent subject to the conditions set out in the reports.

Item No. 6

Application No. 19/00383/FUL

Site Location: 2 Longhouse, The Hollow, Dunkerton, Bath – Erection of a detached double garage alongside the house.

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

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

A representative of the applicant spoke in favour of the application.

Cllr Neil Butters spoke in favour of the application. He stated that parking was currently difficult at the property which was a four bedroom house with only one parking space. The proposed garage would be 2m further back from the road than the existing hedge and would also be lower.

Cllr Jackson noted that for development within the green belt very special circumstances had to be proven and she did not feel that improved parking met this requirement.

In response to a question the Team Manager, Development Management, stated that there was potential for a garage to be built elsewhere on the property using permitted development rights. However, without having further details it was difficult to ascertain whether the fallback position of building a garage using these rights would be a worse option than the application currently under consideration. Permitted development rights could be a material consideration for comparison purposes. He also pointed out that no special circumstances had been identified with the application.

Cllr Davis stated that the Committee should consider the application before it and did not feel that the situation was unique to this particular application and therefore did not amount to very special circumstances. She then moved the officer recommendation to refuse. This was seconded by Cllr Jackson.

Cllr Hounsell supported the application as he felt it would open up the area within this green belt location. He stated that the current hedge was too high and also that it would be advantageous to remove the need for on street parking.

Members then discussed whether it would be helpful to request further information from the applicant to enable the Committee to make an informed comparison between the existing permitted development rights and the application before it.

In the light of this discussion Cllrs Davis and Jackson agreed to withdraw their motion for refusal.

Cllr Craig then moved that the Committee defer the application pending further information from the applicant regarding the potential permitted development rights he would wish to exercise. Cllr Rigby seconded the motion.

The motion was then put to the vote and it was RESOLVED by 8 votes in favour, 1 vote against and 1 abstention to DEFER consideration of the application pending the submission of further information from the applicant regarding the permitted development rights for construction of a garage. The application should be reconsidered within 8 weeks to avoid undue delay.

Item No. 7

Application No. 19/01177/FUL

Site Location: The Firs, Maggs Lane, Whitchurch – Provision of loft conversion (Resubmission)

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

The applicant spoke in favour of the application.

Cllr Paul May, local ward member, spoke in favour of the application. He asked the Committee to judge the proportionality of the application as this was a marginal case with only a 2.6% volume increase over the previous extensions.

Cllr Rigby moved that the Committee delegate to permit the application as she felt the volume increase was clearly very marginal and no harm would be caused to the green belt. This was seconded by Cllr Davis who felt there would be only a minimal impact.

Cllr Jackson was concerned at the threat to the green belt and asked what weight should be given to proposals to develop the surrounding area. The Team Manager, Development Management, stated that little weight should be given to the wider development proposals as a decision on this matter had not yet been made.

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

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

The Committee considered the appeals report and congratulated officers on the positive performance at appeal.

RESOLVED to NOTE the report.

23 CHAIR FOR NEXT MEETING

The Chair explained that he would be unable to attend the next meeting and proposed that Cllr Davis chair the meeting in his absence. This was seconded by Cllr Jackson.

RESOLVED: To agree that Cllr Sally Davis be elected chair for the next Planning Committee meeting to be held on 31 July 2019.

The meeting ended at 4.10 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 3rd July 2019

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
1	17/01542/FUL	Cedar Park Care Centre 27 - 28 Oldfield Road Oldfield Park Bath Bath And North East Somerset BA2 3NG

Five additional objections have been received from neighbours. The areas of objection have previously been raised and are covered in the officer's report; no new areas of objection have been raised. The following is a summary of the points; overdevelopment; adversely impact conservation area; adversely impact listed building; adversely impact residential amenity; adversely impact on traffic and parking; adversely impact trees and landscaping.

One further objection was received from a third party stating that there are now plans for a further purpose built care home on the Homebase site in Bath. It is understood that some public consultation has taken place in regards to this site but at present no planning application of such has been submitted to the Council.

An additional letter of correspondence has been received from Wales and West utilities reminding the applicant that they have gas pipes in the area.

Following the site visit it was noted that there was some discrepancies on the plans. As such revised detail plans/elevations which correct a drafting error on the previous version of the internal elevations have been submitted. The elevations now correctly correlate with the proposed Plan detail. This has not impacted on the thrust of the report or officer recommendation. The plans list has been updated accordingly.

Item No.	Application No.	Address
4	19/0497/FUL	Freedom House, Lower Bristol Road, Twerton, Bath

There are three Sycamore trees that are situated in the rear carpark of Freedom House bordering the Curo Headquarters site. In addition there are a number of shrubs and Sycamore trees that overhang the boundary wall on land to the east and north of the site. Earlier access to inspect the site had been difficult to achieve due to the development of the church taking place.

The Arboricultural Officer has consequently been consulted on the proposals and does not raise any concerns. As a result of this the following Condition has been recommended;

No development shall take place until an arboricultural method statement and/or annotated tree protection plan following the recommendations contained within BS 5837:2012 , identifying measures to protect onsite and offsite trees has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The statement shall include the locations and method of excavation for the proposed railing supports and a tree works schedule.

Reason: To ensure that no excavation or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm protected trees. Therefore these details need to be agreed before work commences.

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 3 JULY 2019

SITE VISIT LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	11 Quarry Vale, Combe Down, Bath, BA2 5JZ	Simon Hand (Applicant)	For

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1 & 2	Cedar Park Care Centre, 27-28 Oldfield Park, Bath	Rosalyn Trotman (Trings Solicitors - on behalf of local residents)	Against (6 minutes)
		Minal Desai (On behalf of Applicant)	For (To share 6 minutes)
		Dale Evans (Agent)	
		Cllr Shaun Stephenson-McGall (Local Ward Member)	Against
3	Tennis Court Farm, Wells Road, Hallatrow	Richard Curtis (Agent)	For (To share 3 minutes)
		Ben Stokes (Applicant)	
4 & 5	Freedom House, Lower Bristol Road, Westmoreland, Bath, BA2 1EP	Betsy de Thierry (On behalf of Applicant)	For (6 minutes)

6	2 Longhouse, The Hollow, Dunkerton	Cllr Martin Robinson (Dunkerton & Tunley Parish Council)	For
		David Woodrow	For
		Cllr Neil Butters (Local Ward Member)	For
7	The Firs, Maggs Lane, Whitchurch	Ian Rideout (Applicant)	For
		Cllr Paul May (Local Ward Member)	For

BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

3rd July 2019

SITE VISIT DECISIONS

Item No:	001	
Application No:	19/00902/LBA	
Site Location:	11 Quarry Vale, Combe Down, Bath, Bath And North East Somerset	
Ward: Combe Down	Parish: N/A	LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	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.	
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, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Mr Simon Hand	
Expiry Date:	19th June 2019	
Case Officer:	Caroline Waldron	

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 Removal of existing bathroom (Bespoke Trigger)

Within three months of the staircase between the first floor and proposed bedroom being installed the bathroom fittings and partitioning forming the existing front room bathroom shall be dismantled and permanently removed from the listed building and the space returned to a single room as shown on the approved plans.

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

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:

Drawings

- 01 EXISTING FLOOR PLANS
- 02 EXISTING AND PROPOSED ROOF VOID
- 03 RELOCATION OF BATHROOM AND FIRST FLOOR S...
- 04 EXISTING ROOF VOID SECTION
- 05 EXISTING REAR ELEVATION
- 06 PROPOSED 1ST TO 2ND FLOOR STAIRCASE
- 07 3D SHOWING NEW STAIRCASE
- SITE LOCATION PLAN

Date stamped: 5th March 2019

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

BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

3rd July 2019

DECISIONS

Item No:	01	
Application No:	17/01542/FUL	
Site Location:	Cedar Park Care Centre, 27 - 28 Oldfield Road, Oldfield Park, Bath	
Ward: Oldfield Park	Parish: N/A	LB Grade: II
Application Type:	Full Application	
Proposal:	Erection of replacement two storey block and additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building.	
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Cedar Care Homes	
Expiry Date:	25th April 2019	
Case Officer:	Samantha Mason	

DECISION REFUSE

1 The proposed development due to its scale, design and location is considered to result in the overdevelopment of the site to the detriment of the character and setting of the listed building and the character and appearance of this part of the Conservation Area. The proposal is contrary to policy CP6 of the Bath and North East Somerset Core Strategy (adopted July 2014), policies HE1, D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan (adopted July 2017) and guidance in the National Planning Policy Framework.

2 The proposed development will harm the existing landscape setting of the building and result in the loss of trees which make an important contribution to the character of this part of the Conservation Area. Additionally the proposal would reduce the green space resulting in inadequate access, and inadequate circulation of outdoor space. The proposal is therefore contrary to policies D1, D2, HE1, H1, NE2 and NE6 of the Bath and North East Somerset Placemaking Plan (adopted July 2017) and guidance in the National Planning Policy Framework.

PLANS LIST:

This decision relates to the following plans:

30 Mar 2017 3841_200_ - Location Plan

30 Mar 2017 3841-212e- Proposed First Floor
30 Mar 2017 3841-213c- Proposed Second Floor
30 Mar 2017 3841-220g- Proposed Site Plan
18 Jul 2017 3841 220 Rev J Proposed Site Plan (With Parking)
01 Nov 2018 210 Rev N Proposed Lower Ground Floor Plan
01 Nov 2018 211 Rev N Proposed Upper Ground Floor Plan
01 Nov 2018 214 Rev F Proposed Roof Plan
01 Nov 2018 215 Rev G Proposed North Elevations
01 Nov 2018 216 Rev J Proposed East Elevations
01 Nov 2018 217 Rev J Proposed West Elevations
18 Jan 2019 973/Pa/01h Landscape Plan
24 Jun 2019 3841 230 A Upper Ground Floor Plan Details As Proposed
24 Jun 2019 3841 231 A Elevation A Details As Proposed
24 Jun 2019 3841 232 A Elevation B Details As Proposed

Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

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

Community Infrastructure Levy

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

Item No:	02	
Application No:	17/01543/LBA	
Site Location:	Cedar Park Care Centre, 27 - 28 Oldfield Road, Oldfield Park, Bath	
Ward: Oldfield Park	Parish: N/A	LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	Internal and external alterations to erect 1no. replacement two storey block and 2no. additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building.	
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Cedar Care Homes	
Expiry Date:	14th March 2019	
Case Officer:	Samantha Mason	

DECISION REFUSE

1 The proposed development due to its scale, design and location is considered to result in the overdevelopment of the site to the detriment of the character and setting of the listed building and the character and appearance of this part of the Conservation Area. The proposal is contrary to policy CP6 of the Bath and North East Somerset Core Strategy (adopted July 2014), policies HE1, D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan (adopted July 2017), the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and relevant advice from Historic England.

2 The proposed internal alterations to subdivide the original entrance hall would result in a loss of historic fabric and compromise the legibility of the historical planform in a way which harms the character and significance of the listed building contrary to policy HE1 of

the Bath and North East Somerset Placemaking Plan (adopted July 2017), the Planning (Listed Buildings and Conservation Areas) Act 1990, The National Planning Policy Framework and relevant advice from Historic England.

PLANS LIST:

This decision relates to the following plans:

30 Mar 2017 3841_200_ - Location Plan
30 Mar 2017 3841-212e- Proposed First Floor
30 Mar 2017 3841-213c- Proposed Second Floor
30 Mar 2017 3841-220g- Proposed Site Plan
18 Jul 2017 3841 220 Rev J Proposed Site Plan
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01 Nov 2018 211 Rev N Proposed Upper Ground Floor Plan
01 Nov 2018 214 Rev F Proposed Roof Plan
01 Nov 2018 215 Rev G Proposed North Elevations
01 Nov 2018 216 Rev J Proposed East Elevations
01 Nov 2018 217 Rev J Proposed West Elevations
18 Jan 2019 973/Pa/01h Landscape Plan
4 Jun 2019 3841 230 A Upper Ground Floor Plan Details As Proposed
24 Jun 2019 3841 231 A Elevation A Details As Proposed
24 Jun 2019 3841 232 A Elevation B Details As Proposed

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.

Item No:	03	
Application No:	19/00783/FUL	
Site Location:	Tennis Court Farm, Wells Road, Hallatrow, Bristol	
Ward: High Littleton	Parish: High Littleton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of two storey dwelling following demolition of block build agricultural building	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy M1 Minerals Safeguarding Area, SSSI - Impact Risk Zones,	
Applicant:	Mr & Mrs Stock	
Expiry Date:	13th May 2019	
Case Officer:	Hayden Foster	

DECISION Delegate to PERMIT subject to appropriate conditions and a legal agreement to remain part of an agricultural holding

Item No:	04	
Application No:	19/00457/FUL	
Site Location:	Freedom House, Lower Bristol Road, Westmoreland, Bath	
Ward: Twerton	Parish: N/A	LB Grade: II
Application Type:	Full Application	
Proposal:	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.	
Constraints:	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,	
Applicant:	Mr Andrew De Thierry	
Expiry Date:	10th May 2019	
Case Officer:	Caroline Power	

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 Arboricultural Method Statement and Tree Protection Plan (pre-commencement)

No development shall take place until an arboricultural method statement and/or annotated tree protection plan following the recommendations contained within BS 5837:2012, identifying measures to protect onsite and offsite trees has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The statement shall include the locations and method of excavation for the proposed railing supports and a tree works schedule.

Reason: To ensure that no excavation or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm protected trees. Therefore these details need to be agreed before work commences.

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:

Revised Drawing	01 Mar 2019	3051-087	BOUNDARY FENCE LOCATION PLAN
Revised Drawing	02 May 2019	3051-081B	EAST BOUNDARY WALL EAST ELEVATION
Revised Drawing	02 May 2019	3051-082B	EAST BOUNDARY WALL WEST ELEVATION
Revised Drawing	02 May 2019	3051-083B	NORTH BOUNDARY WALL - NORTH ELEVATION
Revised Drawing	02 May 2019	3051-084B	WEST BOUNDARY WALL - EAST ELEVATION
Revised Drawing	02 May 2019	3051-089A	TYPICAL PLAN, SECTIONS AND ELEVATIONS
Revised Drawing	02 May 2019	3051-090A	NORTH BOUNDARY WALL - VIEW FROM RIVERSID...
OS Extract	01 Feb 2019	3051 - 080	SITE LOCATION PLAN

Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

Community Infrastructure Levy

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

Item No:	05	
Application No:	19/00297/LBA	
Site Location:	Freedom House, Lower Bristol Road, Westmoreland, Bath	
Ward: Twerton	Parish: N/A	LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	Erection of a metal fence to the existing rubble stone boundary wall to western, northern and eastern boundaries.	

Constraints:	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,
Applicant:	Mr Andrew De Thierry
Expiry Date:	10th May 2019
Case Officer:	Caroline Power

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 Schedule of Repairs (Bespoke Trigger)

Prior to the installation of the railings; in accordance with the approved plans and prior to any further works being undertaken, a detailed schedule of any repair work to the existing walls, including methods and materials to be 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 features of special architectural and historical interest and preserve 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.

3 Mortar Mix (Bespoke Trigger)

No re-pointing shall be carried out until details of the specification for the mortar mix and a sample area of pointing demonstrating colour, texture, jointing and finish have been provided in situ for the inspection and approval in writing by the Local Planning Authority and retained for reference until the work has been completed. Once approved the works shall be completed in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve 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 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:

Revised Drawing	01 Mar 2019	3051-087	BOUNDARY FENCE LOCATION PLAN
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Revised Drawing	02 May 2019	3051-084B	WEST BOUNDARY WALL - EAST ELEVATION
Revised Drawing	02 May 2019	3051-089A	TYPICAL PLAN, SECTION & ELEVATION
Revised Drawing	02 May 2019	3051-090A	NORTHBOUNDARY WALL - VIEW FROM RIVERSIDE
OS Extract	23 Jan 2019	3051 - 080	SITE LOCATION PLAN

Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

Community Infrastructure Levy

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

Item No:	06
Application No:	19/00383/FUL
Site Location:	2 Longhouse, The Hollow, Dunkerton, Bath
Ward: Bathavon South	Parish: Dunkerton & Tunley Parish Council
LB Grade:	N/A
Application Type:	Full Application
Proposal:	Erection of a detached double garage along side the house
Constraints:	White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Floodplain Protection, Policy HE2 Somersetshire Coal Canal & Wa, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	Mr Peter Woodrow
Expiry Date:	3rd July 2019
Case Officer:	Samantha Mason

DECISION Defer for applicant to submit further details for a garage under permitted development

Item No:	07		
Application No:	19/01177/FUL		
Site Location:	The Firs, Maggs Lane, Whitchurch, Bristol		
Ward: Publow And Whitchurch	Parish: Whitchurch	LB Grade: N/A	
Application Type:	Full Application		

Proposal:	Provision of loft conversion. (Resubmission)
Constraints:	Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, LLFA - Flood Risk Management, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
Applicant:	Mr Ian Rideout
Expiry Date:	17th May 2019
Case Officer:	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 (Compliance)

All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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:

Location Plan, Existing Front and Rear Elevations, Existing Side Elevations, Existing Ground Floor Layout, Proposed Front and Rear Elevations, Proposed Left and Right Side Elevations, Proposed Ground Floor Layout, Proposed Loft Conversion Layout, all received 20/03/2019.

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.

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