

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 18th December, 2019, 2.00 pm

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

68 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

69 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Vic Clarke – substitute Cllr Vic Pritchard.

70 DECLARATIONS OF INTEREST

There were no declarations of interest.

71 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

72 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.

73 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 20 November 2019 were confirmed and signed as a correct record.

74 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. 19/03846/FUL

Site Location: Arlington House, Bath Street, City Centre, Bath – Change of use of Flat 4, Flat 5, Flat 15, Flat 16 and Flat 27 from dwelling houses (Use Class C3) to Houses in Multiple Occupation (Use Class C4)

The Case Officer reported on the application and her recommendation to permit. She clarified that section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 did not apply.

Cllr Craig suggested that the Council should have a policy regarding “stacking” in respect of HMO properties.

The Chair stated that he had found the site visit very helpful but noted that no demographic information for the properties was available.

Cllr Pritchard moved the officer recommendation to permit. This was seconded by Cllr Davis.

The motion was put to the vote and it was **RESOLVED** by 9 votes in favour and 1 abstention to **PERMIT** the application subject to conditions as set out in the report.

75 **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 2, 4, 5 and 6 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. 19/01163/FUL

Site Location: Police Station, Bath Hill, Keynsham, BS31 1HJ – Erection of two buildings to provide 26 apartments, together with associated works, following demolition of existing buildings.

The Case Officer reported on the application and her recommendation to permit subject to a legal agreement to secure affordable housing and targeted training as set out in the main report. She clarified that delegated authority to enter into the s106 agreement should be delegated to the Director of Legal and Democratic Services. She pointed out amendments to Conditions 15 and 16 to include the implementation of the landscaping scheme.

A representative from the Dragons Hill Court Management Company spoke against the application.

The agent spoke in favour of the application.

Cllr Hal MacFie, local ward member, stated that he felt the three-storey block is too large and represents overdevelopment. He also raised concerns regarding overlooking of Dragons Hill Court and the lack of car parking.

The Case Officer then responded to questions as follows:

- The development can viably support 23% affordable housing. However, the Council will explore the possibility of increasing this to 30% if funding is available.
- A condition to require charging points for electric vehicles could be included if this was the wish of the Committee.
- There are no concerns regarding the amenity of the nearby Kingdom Hall.
- There is mature landscaping at the rear of the development and a boundary could be added to improve security if required.
- The arboricultural officers have not raised concerns about the trees on the site. Some mature trees will be retained.
- The large garden of Dragons Hill Court is communal and is already overlooked by several different properties. It is therefore considered that the development would not lead to a reduction in privacy for these residents.
- The parking provided takes account of the accessibility assessment submitted and the scheme is compliant with the findings and parking is considered to comply with the policy which allows a reduction.

Cllr Hodge felt that the privacy of the communal garden is important, and that the development would have a negative impact on residents.

Cllr MacFie moved that the application be refused due to over-development and lack of parking facilities. This was seconded by Cllr Rigby who stated that there would be a detrimental impact on the amenity of residents in Dragons Hill Court.

Cllr Jackson expressed ecological concerns about the trees on the site. She also felt that the proposed building was too high.

Cllr Hounsell pointed out the importance of good design and felt that the current design is “functional”. He pointed out that policy SD7 requires 53 parking spaces whereas only 43 spaces would be provided. This would create additional stress for on-street parking in the area. He was also concerned about overlooking, in particular, from the 3-storey block which would cause significant harm to residents.

Cllr Pritchard felt that the design enhanced the locality and welcomed the opportunity to provide 30% affordable housing in this area. He did not think that the communal garden would be adversely affected and did not believe that the building would be too dominant.

Cllr Davis stated that a great deal of work had taken place to address the concerns raised and she felt that the proposal offers an excellent opportunity to provide more affordable housing.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to REFUSE the application for the following reasons:

- Loss of residential amenity due to overlooking because of the height of the proposed building.
- Overdevelopment of the site.
- The development will not enhance or improve the setting of the Conservation Area.
- Lack of car parking due to the number of spaces not meeting the existing policy requirement.

Item No. 2

Application No. 19/00786/FUL

Site Location: Field between City Farm and Cotswold View, The Hollow, Southdown, Bath – Erection of 9 dwellings with associated access, parking, drainage and landscaping.

The Case Officer reported on the application and his recommendation to permit. He informed the Committee that there were two additional conditions to secure final details of the highways and drainage work. He also clarified that authority to enter into the s106 agreement was to be delegated to the Director of Legal and Democratic Services, and authority to issue the permission was to be delegated to the Head of Planning.

A local resident spoke against the application.

The agent spoke in favour of the application.

Cllr Sarah Moore, local ward member, spoke against the application. She expressed concerns regarding highway safety, in particular, at the Kelston View junction. She was also concerned about possible ecological damage stating that the site is close to areas containing great crested newts and a badger sett. It was important to retain the green space in this area especially as it is located next to the Bath City Farm.

Cllr Dine Romero, local ward member, spoke against the application. She expressed concerns regarding road safety and harm to the World Heritage Site. She

pointed out that this would result in poor visibility from Langdon Road. She also had concerns that this application would ultimately lead to the development of the whole site.

Cllr Paul Crossley, local ward member, spoke against the application. He pointed out that the area is listed as being an “important hillside” in the setting of Bath in the Core Strategy. Therefore, he concluded that any building on the site would cause harm. He also stated that the development was out of context as there are no other terraced properties in the area. It would also lead to the loss of on-street parking which was already highly in demand.

The Case Officer responded to questions as follows:

- The parking allocation represents a 10% reduction to the parking standards and no visitor spaces will be provided and this was justified by the accessibility assessment submitted. Any visitors would have to use on-street parking.
- There would be some loss of on street parking due to the changes to traffic calming measures. However, many properties on The Hollow have off street parking.
- Under the previous Local Plan the site was described as an “important hillside” and under the current Local Plan it is described as being “an important part of the landscape setting”.
- The majority of buildings in the area are semi-detached but there are some terraced properties in Cotswold View.
- Previous decisions by the Planning Inspector are a material consideration and should be given weight where relevant. Each case must be determined on its merits.
- The on-street parking spaces would not be specifically marked but parked cars can act as traffic calming causing vehicles to slow down.
- The Highways Officer explained that there had originally been a Highways objection to the scheme. However, an amended scheme was now considered to be acceptable.

Cllr Jackson noted that in the adopted local plan there is an emphasis on significant hillsides and green space. The loss of this area could have a negative impact on the World Heritage Site and also on Bath City Farm. She did not feel that the terraced housing was appropriate in this location. She also did not think that the mix of oak and cherry trees was appropriate.

Cllr Pritchard felt that it was difficult to identify clear reasons to refuse this application other than opposing any development per se. He moved the officer recommendation to permit subject to conditions as set out in the report. This was seconded by Cllr Davis.

Cllr Hounsell stated that he objected in principle to the proposal to develop this hillside. He felt that it is a valuable green asset which is highly visible in Bath and should be protected.

Cllr Rigby felt that the proposed development would harm the World Heritage Site Setting.

Cllr Hodge felt that the harm to the World Heritage Site setting would not be outweighed by the benefits of the development. The loss of the Site of Nature Conservation Interest is not acceptable. It is important to protect green space and this proposal would cause harm.

Cllr Pritchard stated that the site is not visible from many vantage points.

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

Cllr Rigby then moved that the application be refused for the following reasons:

- It would cause harm to the World Heritage Site Setting due to the loss of a green hillside.
- The terrace design is out of keeping with the character of the area in this location.
- The detrimental ecological impact of the development on a Site of Nature Conservation Interest.

Cllr Jackson seconded the motion.

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 above.

Item No.3

Application No. 19/04633/FUL

Site Location: 18 Rowacres, Southdown, Bath, BA2 2LH – Change of use from a 4-bedroom residential property (Use Class C3) to an 8-bedroom House of Multiple Occupation (HMO) (Use Class Sui Generis) including installation of ground floor front bay window

The Case Officer reported on the application and her recommendation to permit. She explained that the area was below the HMO policy threshold of 10% of HMO properties within a 100m radius of the application property.

A neighbour spoke against the application.

Cllr Dine Romero, local ward member, spoke against the application. She expressed concern at the loss of a family home in the area. She also had concerns about the loss of privacy for the family living next door to the property and highlighted the pressure that 8 residents would place on parking in the area. She asked that, if necessary, members consider a site visit to view this for themselves.

Cllr Paul Crossley, local ward member, spoke against the application. He also pointed out the additional pressure on car parking that this development would cause. Residents of an HMO property would be likely to spend more time in their bedrooms increasing the chances of overlooking. The development would cause substantial loss of amenity to local residents.

The Case Officer then responded to questions as follows:

- The current policy requires a minimum of 3 parking spaces for an 8- bedroom property. However, it is generally considered that people living in HMO properties are less likely to have cars.
- There is a proposed condition that requires storage space for at least 2 bicycles.
- No external alterations are proposed.

Cllr Rigby stated that an increase in the number of people living in a family property such as this is harmful to the area due to pressure on car parking and the detrimental impact on residential amenity. She then moved that the application be refused. This was seconded by Cllr Hounsell.

Cllr Pritchard pointed out that the application is policy compliant but acknowledged that the proposed use would be intense. The parking in this area appears to be at saturation point and the property only contains one off-street parking space. Additional vehicles would be a concern.

Cllr Jackson felt that the individual rooms are very small. The Case Officer stated that this would be considered as part of the HMO licence application.

The Deputy Head of Planning stated that the scheme was policy compliant and, of the matters that were discussed, these were difficult to evidence as previous unsuccessful appeals on these grounds have shown.

Cllr Hounsell stated that the potential for overlooking is an issue and that this is contrary to Policy D6 of the Placemaking Plan due to loss of residential amenity and overdevelopment.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 abstentions to REFUSE the application for the following reasons:

- Overdevelopment
- Adverse effect on residential amenity
- Detrimental impact on parking in the area

Item No. 4

Application No. 19/03733/FUL

Site Location: Combe Grove, Brassknocker Hill, Monkton Combe, Bath, BA2 7HS – Erection of 2 temporary portacabins for office use by apprentices.

The Case Officer reported on the application and her recommendation to refuse. She explained that the second reason for refusal should refer to Policy HE1 and the NPPF and that the reference to Policy HE3 should be removed.

The agent spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke in favour of the application. He explained that the aims of the organisation are to enhance the setting of the listed building, create a thriving rural business which produces its own food, employs local staff and trains young people. He stated that this is a low risk, temporary application

which helps the applicant to begin making the positive changes required for this site to ensure that the final result is something to be proud of.

Councillor Hounsell felt that there are special circumstances which would enable the Committee to approve this application for a temporary period.

Cllr Davis noted that there are proposals for the site but was disappointed that no masterplan has been submitted. She felt that it would be helpful for the Committee to see the overall plan before making a decision.

Cllr Jackson queried whether this was a sustainable location. The Case Officer explained that there were some bus stops within walking distance.

Cllr Hounsell moved that the Committee permit the application for a temporary period of 3 years. This was seconded by Cllr Rigby.

The Deputy Head of Planning queried whether members wished to specify the arrangements for the removal of the temporary buildings at the end of the 3-year period. This could be either by condition or the completion of a Section 106 Agreement. The Committee were minded to request a Section 106 Agreement in this case.

Cllr Jackson then queried whether it was possible to restrict the use of the portacabins to office use by apprentices. Cllrs Hounsell and Rigby accepted this amendment to the motion.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 abstention to DELEGATE TO PERMIT the application for a temporary period of three years subject to conditions to include a requirement that the portacabins must be for office use by apprentices. A Section 106 Agreement should also be completed requiring the removal of the portacabins by the applicant at the end of the three-year period.

Item No. 5

Application No. 19/00772/FUL

Site Location: Land at entrance to Manor Farm, Bath Hill, Wellow, Bath – Erection of two storey detached dwelling.

This application was withdrawn from the agenda.

Item No. 6

Application No. 19/04187/FUL

Site Location: Parcel 3573, Bath Hill, Wellow, Bath – Erection of a farmhouse (with agricultural tie).

The Case Officer reported on the application and her recommendation to refuse. She gave an update explaining that the Independent Rural Consultant had been appointed for a previous application on this site in 2017/18.

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

The agent spoke in favour of the application.

Cllr Neil Butters spoke in favour of the application. He pointed out that the applicants are multi-generation farmers who have farmed around Wellow since 1936. He informed the Committee that this application was for a much smaller dwelling than one that has previously been approved. The application was necessary due to both animal welfare and security purposes. He stated that the application was supported by the Parish Council and there have been no objections from local residents.

The Deputy Head of Planning responded to questions as follows:

- If members did not like the design of the building, they should give a clear steer to officers as to what they would expect any negotiations to achieve and defer consideration of the application pending further negotiations.
- It is quite common for new businesses to apply for temporary planning permission for a temporary dwelling in cases such as this which would then require the need for an agricultural dwelling to be reassessed at the end of the temporary period.

Cllr Jackson noted that security was an issue for the farm and felt that the location is so isolated that it would not be harmful to the Green Belt. She moved that the Committee delegate to permit the application due to the particular circumstances in this case relating to security. Cllr MacFie seconded the motion.

The Deputy Head of Planning advised that there were no identified very special circumstances relating to the security of the site put forward and similar security needs could be repeated on other sites. Noting the discussion that members considered there was a functional need for the dwelling in this case the Committee could, if minded to permit the application, do so due to the essential functional need for a farmhouse to support the business which would be more site specific. This was accepted by Cllrs Jackson and MacFie.

Cllr Hodge queried whether there were other dwellings which would give easy access to the herd. Officers confirmed that two dwellings were adjacent to areas that could be used as calving paddocks.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 3 votes against and 1 abstention to DELEGATE TO PERMIT the application subject to conditions including an agricultural tie.

76 **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 5.10 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 18th December 2019

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
02	19/00786/FUL	Field Between City Farm And Cotswold, View, The Hollow, Southdown, Bath

Ecology

Following the receipt of further advice from the ecologist, the officer recommendation is updated as below:

1.) *Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure:*

- a) the long term safeguarding and wildlife conservation management of the area of land to the north of the development site (as shown on the soft landscape plan 1380-02-P4) and the long term management of any other ecological measures approved / required by condition (off site or within the development site)*
- b) production of an Ecological Management Plan for the above land, and its implementation thereafter*
- c) legal and financial / resourcing responsibilities for the land and its maintenance, and long term retention and enhancement of its ecological value*

2.) *Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the following conditions (or such conditions as may be appropriate):*

A number of the conditions have also been added to the recommendation:

13. Construction and Environmental Management Plan (Pre-commencement)

No development shall commence (including ground works, vegetation clearance, drainage installation or other excavations) until a Construction

Environmental management plan for Ecology (CEMP: Ecology) has been submitted to and approved in writing by the local planning authority. The CEMP (Ecology) shall include:

1. a plan showing exclusion zones within which there shall be no excavation, vehicle or heavy machinery access, storage of materials, vegetation removal, or disposal of earth or other materials, and specifications for fencing of exclusion zones;
2. proposed update surveys and pre-commencement checks of the site for protected species, and proposed pre-commencement reporting of the findings of these to the LPA Ecologist, along with proposals to address further mitigation requirements arising, as applicable;
3. details of proposed ecological supervision and precautionary working methods
4. findings of completed reptile surveys
5. Method statement/s as applicable for avoidance of harm to badger, reptiles, hedgehog, nesting birds and all other wildlife as applicable
6. method statement for avoidance of harm to great crested newt and its habitat
7. details and specifications of all necessary measures to avoid or reduce ecological impacts of excavation and during site clearance and construction;

The approved CEMP shall be adhered to and implemented throughout site preparation and construction phases and works shall be implemented only in strict accordance with the approved details, unless otherwise agreed in writing by the local planning authority and the LPA Ecologist.

Reason: To avoid harm to wildlife including protected species (badger, great crested newt and reptiles) and retained habitats, before and during construction in accordance with policy NE3 of the Placemaking Plan.

N.B The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

14. Wildlife Mitigation, Compensation and Enhancement Scheme (Pre-commencement)

No development shall take place until full details of a Wildlife Mitigation, Compensation and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details and proposed landscaping shall be broadly in accordance with but not limited to

the proposals described in the approved Ecological Appraisal dated November 2019 (Ethos Ltd) and shall include:

1. detailed proposals for ecological measures to compensate to at least equivalent ecological value, for the area of SNCI to be removed, to include provision of new and enhanced habitat for amphibians including great crested newt and details of proposed pond design and specifications to include dimensions, profile and materials, to be shown to scale on all relevant plans and drawings
2. specifications and details of design of a proposed new pond which shall provide suitable aquatic conditions for great crested newt, or, in the event that this is not achievable for technical or engineering reasons, alternative measures of at least equivalent ecological value
3. Detailed proposals for ecological mitigation including a badger mitigation scheme, and implementation of the wildlife mitigation measures and recommendations of the approved ecological report, including wildlife-friendly planting and soft landscape details; provision of bat and bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife;
4. Objectives and outline proposals for long term maintenance and conservation management of retained and new habitats and wildlife features

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Local Plan.

N.B The above condition is required to be pre-commencement to demonstrate substantive ecological measures that compensate to at least equivalent ecological value to that being harmed has been designed into the scheme and net loss of ecological value within the SNCI will be avoided, prior to irreversible habitat removal

15. Follow-up report - Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist (licensed bat worker) confirming and demonstrating, using photographs, implementation and completion of all approved measures within the Construction and Environmental Management Plan and the Wildlife Mitigation, Compensation and Enhancement Scheme, and light spill avoidance measures, in

accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the compliance with all approved ecological mitigation and compensation and light spill containment requirements to prevent ecological harm and to provide biodiversity gain in accordance with National Planning Policy Framework and policies NE3, NE5 and D5e of the Bath and North East Somerset Placemaking Plan.

In addition to the above new conditions, condition 13 is renumbered to become condition 16 as below:

16. 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.

Item No.	Application No.	Address
04	19/03733/FUL	Combe Grove Hotel, Monkton Combe

An updated drawing was received to indicate elevations/plans for both portacabins (as opposed to just showing a typical elevation/plan).

Drawing 20 Aug 2019 3951_010 PROPOSED LOWER TIER TEMPORARY OFFICES

Is replaced with:

Revised Drawing 05 Dec 2019 3951_LOW_012 PROPOSED LOWER TIER TEMPORARY OFFICES

Item No.	05	Application No.	19/00772/FUL
Address	Land At Entrance To Manor Farm, Bath Hill, Wellow, Bath		

Officers draw attention to the main agenda report and references to the HELAA which is the Councils housing and economic land availability assessment. Members are advised that the purpose of the HELAA is to inform the local plan and assessments within it do not determine in themselves whether a site is suitable for development. Therefore notwithstanding that the HELAA assessment concluded that it may be possible to develop a small portion of the western end of the site in the form of a single detached dwelling

or a terrace of smaller dwellings that assessment is not the determinative factor. For clarification the proposal falls to be considered with reference to adopted local plan policy. In this case the development is considered to be infill for the reasons described in the main report.

Recommendation

No change to the Officer recommendation.

Item No.	Application No.	Address
06	19/04187/FUL	Parcel 3573, Bath Hill, Wellow

As the rural consultant has concluded that there is no functional requirement for a worker to live permanently on the site, the building cannot be described as being for agriculture and as such the proposal amounts to inappropriate development in the Green Belt. Paragraph 143 of the NPPF (2019) explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The applicant has explained that there needs to be a dwelling on site due to security issues. However, this is not seen to amount to very special circumstance as there are considered to be other ways of increasing the security of the site.

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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 18 DECEMBER 2019

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Police Station, Bath Hill, Keynsham, BS31 1HJ	Hazel Powe (Dragons Hill Court Management Company)	Against
		Christopher Dance (Agent)	For
2	Field between City Farm and Cotswold View, The Hollow, Southdown, Bath	Mark Reynolds	Against
		Nick Warfield (Applicant)	For
		Cllr Sarah Moore (Local Ward Member)	Against
		Cllr Dine Romero (Local Ward Member)	Against
		Cllr Paul Crossley (Local Ward Member)	Against
3	18 Rowacres, Southdown, Bath, BA2 2LH	Karen Bowen	Against
		Cllr Dine Romero (Local Ward Member)	Against
		Cllr Paul Crossley (Local Ward Member)	Against

4	Combe Grove, Brassknocker Hill, Monkton Combe, Bath, BA2 7HS	Chris Beaver (Agent)	For
		Cllr Neil Butters (Local Ward Member)	For
6	Parcel 3573, Bath Hill, Wellow, Bath	Cllr Deborah Clarkson (Wellow Parish Council)	For
		Lee Wright (Agent)	For
		Cllr Neil Butters (Local Ward Member)	For

BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
18th December 2019
SITE VISIT DECISIONS

Item No:	001	
Application No:	19/03846/FUL	
Site Location:	Arlington House, Bath Street, City Centre, Bath	
Ward: Kingsmead	Parish: N/A	LB Grade: I
Application Type:	Full Application	
Proposal:	Change of use of Flat 4, Flat 5, Flat 15, Flat 16 and Flat 27 from dwellinghouses (Use Class C3) to Houses in Multiple Occupation (Use Class C4).	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Policy CR3 Primary Shopping Areas, Policy HE1 Scheduled Ancient Monuments, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones,	
Applicant:	Hamways Limited	
Expiry Date:	23rd November 2019	
Case Officer:	Christine Moorfield	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Bicycle Storage (Pre-occupation)

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

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

PLANS LIST:

Location Plan 30/08/2019

A (03) 01-002-03 Proposed first floor 3/12/2019

A(03) 03-001-03 Proposed third floor 3/12/2019

A(03) 02-001-03 Proposed second floor 3/12/2019

A (02)00-001-01 Block plan 02/09/2019

A (01)01-001, Existing first floor 02/09/2019

A(01)02-001, Existing second floor plan 2/09/2019

A(01)03-001 Existing third floor plan 02/09/2019

The applicant shall note that future residents will not be entitled to residents parking permits in accordance with Single Executive Member Decision E2911, dated 14th November 2016. This is due to the number of existing permits exceeding the supply of parking spaces within the Controlled Parking Zone. This, however, is considered to be at the developer's risk given the sustainable location of this development proposal.

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.

This permission does not convey or imply any civil or legal consents required to undertake the works.

Permit/Consent 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 Policy Framework.

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BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
18th December 2019
DECISIONS

Item No:	01	
Application No:	19/01163/FUL	
Site Location:	Police Station, Bath Hill, Keynsham, BS31 1HJ	
Ward: Keynsham East	Parish: Keynsham Town Council	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of two buildings to provide 26 apartments, together with associated works, following demolition of existing buildings.	
Constraints:	Bristol Airport Safeguarding, Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	Hawkfield Homes Ltd	
Expiry Date:	20th December 2019	
Case Officer:	Tessa Hampden	

DECISION REFUSE

1 The development, due to the siting of block 2 close to the boundary with Dragons Hill Court, combined with the number of windows on the rear elevation of this block, would result in unacceptable loss of privacy to the communal garden of Dragons Hill Court. The loss of privacy would result in significant harm to the residential amenity of the users of this space, and is contrary to policy D6 of the Bath and North East Somerset Placemaking Plan.

2 The proposed development would not provide an appropriate level of on-site parking spaces; this would exacerbate highway safety associated with additional on-street parking, and is therefore contrary to policy ST7 of the Bath and North East Somerset Placemaking Plan.

3 The proposed development, primarily due to the inappropriate height of block 2 and its relationship with the neighbouring boundary is considered to be of an unacceptable design and results in the overdevelopment of the site. The development has a resultant detrimental impact upon the character and appearance of the Keynsham Conservation Area. The harm is considered to be less than substantial but there are no public benefits which outweigh this harm. The development is therefore considered to be contrary to Bath and North East Somerset Placemaking Plan policies HE1, D1,D2, D5 and Core Strategy Policy CP6.

PLANS LIST:

03 Nov 2019 903-05 REV L PROPOSED SITE AND GROUND FLOOR PLAN
03 Nov 2019 7828-051A SITE PLAN SHOWING PROPOSED IMPERMEABLE AREA
03 Nov 2019 7828-052A SITE PLAN SHOWING PROPOSED SURFACE WATER
03 Nov 2019 903-03 REV D PROPOSED SITE BLOCK PLAN
03 Nov 2019 903-10 REV H PROPOSED GROUND FLOOR PLANS
03 Nov 2019 903-15 REV J PROPOSED ELEVATIONS SHEET 1
03 Nov 2019 903-16 REV G PROPOSED ELEVATIONS SHEET 2
19 Mar 2019 06 B EXISTING POLICE STATION ELEVATIONS
19 Mar 2019 07B EXISTING BATH HILL STREET ELEVATION
19 Mar 2019 01 C SITE LOCATION PLAN

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Whilst the application was recommended for permission by Officers the Development Management Committee considered the proposal to be unacceptable for the stated reasons.

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

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works.

Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

Item No:	02
Application No:	19/00786/FUL
Site Location:	Field Between City Farm And Cotswold View, The Hollow, Southdown, Bath
Ward: Twerton	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 9 dwellings with associated access, parking, drainage and landscaping.
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Freemantle Capital Partners Ltd
Expiry Date:	20th December 2019
Case Officer:	Chris Griggs-Trevarthen

DECISION REFUSE

1 The proposed development would lead to the erosion of an important hillside and would harm the landscape setting of Bath. The proposal would therefore cause less than substantial harm to the Outstanding Universal Value of the Bath World Heritage Site and this harm is not outweighed by public benefits. The proposal is therefore contrary to the development plan, in particular policies B4 and CP6 of the Bath and North East Somerset Core Strategy and policies NE2, NE2A and HE1 of the Bath and North East Somerset Placemaking Plan.

2 The design of the proposed dwellings, in particular the terrace form, is out of keeping with the local context and would be harmful to local character and distinctiveness. The proposals are therefore contrary to the development plan, in particular policy CP6 of the Bath and North East Somerset Core Strategy and policy D2 of the Bath and North East Somerset Placemaking Plan.

3 The proposed development would adversely affect the Twerton Farm Site of Nature Conservation Interest. Material considerations are insufficient to outweigh the local biological value of the affected species and habitats. The proposals are therefore contrary to policy CP6 of the Bath and North East Somerset Core Strategy and NE3 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

1380-02-P5 SOFT LANDSCAPE PLAN
072 B PROPOSED ELEVATIONS
073 B PROPOSED ELEVATIONS SHEET 2
074 B PROPOSED ELEVATIONS SHEET 3

070A PROPOSED SITE PLAN
071A PROPOSED FLOOR PLANS
072A PROPOSED ELEVATIONS
073A PROPOSED ELEVATIONS SHEET 2
074A PROPOSED ELEVATIONS SHEET 3
1856 02 PROPOSED TRAFFIC CALMING - BOUND - SHEET 1 OF 2
1856 02 PROPOSED TRAFFIC CALMING - SHEET 2 OF 2
1856 08A VISIBILITY SPLAYS

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Whilst the application was recommended for permission by Officers the Development Management Committee considered the proposal to be unacceptable for the stated reasons.

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:	03
Application No:	19/04633/FUL
Site Location:	18 Rowacres, Southdown, Bath, Bath And North East Somerset
Ward: Southdown	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of Use from a 4 Bedroom residential property (Use Class C3) to a 8 bedroom House of Multiple Occupation (HMO) (Use Class Sui Generis) including installation of ground floor front bay window.
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 M Ashton
Expiry Date:	19th December 2019
Case Officer:	Anna Jotcham

DECISION REFUSE

1 The proposed use of the property as an eight bedroom HMO combined with the loss of one off-street parking space is likely to give rise to additional on-street parking in an area where on-street parking is in high demand. An increase in on-street parking in this location will affect highway safety and residential amenity. The proposal would therefore be contrary to policy ST7 of the Bath and North East Somerset Placemaking Plan (July 2017).

2 The proposed development would result in over-intensification of the property to the detriment of the amenities of neighbours. The proposal would therefore be contrary to policies H2 and D6 of the Bath and North East Somerset Placemaking Plan (July 2017).

PLANS LIST:

This decision relates to the following plans:

- 23 Oct 2019 - TQRQM19296105853768- LOCATION PLAN
- 24 Oct 2019 - EXISTING PLANS
- 24 Oct 2019 - PROPOSED PLANS
- 15 Nov 2019 - EXISTING AND PROPOSED FRONT ELEVATION

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Whilst the application was recommended for permission by Officers the Development Management Committee considered the proposal to be unacceptable for the stated reasons.

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

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Item No:	04	
Application No:	19/03733/FUL	
Site Location:	Combe Grove, Brassknocker Hill, Monkton Combe, Bath	
Ward: Bathavon South	Parish: Monkton Combe	LB Grade: II
Application Type:	Full Application	
Proposal:	Erection of 2 no. temporary portacabins for office use by apprentices.	
Constraints:	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,	
Applicant:	Elmhurst Foundation	
Expiry Date:	17th October 2019	
Case Officer:	Sasha Berezina	

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

Item No:	05
Application No:	19/00772/FUL
Site Location:	Land At Entrance To Manor Farm, Bath Hill, Wellow, Bath
Ward: Bathavon South	Parish: Wellow LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of two storey detached dwelling
Constraints:	White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE2 AONB, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Mr Graham Wilkins
Expiry Date:	20th December 2019
Case Officer:	Christine Moorfield

Withdrawn from Committee Agenda

Item No:	06
Application No:	19/04187/FUL
Site Location:	Parcel 3573, Bath Hill, Wellow, Bath
Ward: Bathavon South	Parish: Wellow LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a Farmhouse (with agricultural tie).
Constraints:	White Ox Mead Air Strip 3km buffer, Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant:	Rex & Jean Horler
Expiry Date:	24th December 2019
Case Officer:	Chloe Buckingham

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 Highway Works (Pre-occupation)

No occupation of the development shall commence until the access amendments shown on drawing number L5789 / 104 have been provided.

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

3 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include all necessary measures to avoid harm to wildlife and protected species including reptiles and nesting birds; and for provision of wildlife habitat, bird and bat boxes, wildlife friendly planting and sensitive lighting.

All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

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

4 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, implementation of the recommendations of the Wildlife Protection and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

5 External Lighting (Bespoke Trigger)

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

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

6 Hard and Soft Landscaping (Pre-occupation)

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

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

7 Hard and Soft Landscaping (Compliance)

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

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

8 Contaminated Land - Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

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

9 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.

10 Agricultural Occupancy (Compliance)

The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: To accord with the Policies in the Development Plan and to ensure an adequate availability of dwellings to meet agricultural or forestry needs in the locality.

11 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

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

12 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

13 Bespoke condition - Sustainable Construction (Compliance)

The development hereby approved shall be built in accordance with the details of the Sustainable Construction Checklist submitted to the Local Planning Authority on 24 September 2019.

Reason: To ensure that energy efficiency has been maximised through a 19% reduction in regulated emissions in accordance with Policy CP2 of the Bath & North East Somerset Core Strategy.

14 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 plan references;

L5 789 103A and L5 789 104 received 24th September 2019.

Permit/Consent 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 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

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