

Planning Committee

Date: Wednesday, 15th January, 2020

Time: 2.00 pm

Venue: Brunswick Room - Guildhall, Bath

Agenda

To: All Members of the Planning Committee

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

Permanent Substitutes:- Councillors: Rob Appleyard, Alison Born, Gerry Curran, Michael Evans, Andrew Furse, Liz Hardman, Ruth Malloy, Vic Pritchard and Ryan Wills

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Marie Todd

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NOTES:

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

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

Paper copies are available for inspection at the Guildhall - Bath.

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

3. **Recording at Meetings:-**

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

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4. **Public Speaking at Meetings**

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

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

5. **Emergency Evacuation Procedure**

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Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Planning Committee- Wednesday, 15th January, 2020

at 2.00 pm in the Brunswick Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

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

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

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

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

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

6. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 38)

To confirm the minutes of the meeting held on 18 December 2019.

7. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 39 - 68)

8. PLANNING ENFORCEMENT REPORT - 76 LEIGHTON ROAD, UPPER WESTON, BATH, BA1 4NG (Pages 69 - 78)

The Committee is asked to authorise the carrying out of works in default (including the recovery of its costs from the owner) under the powers conferred by Section 219 of the Town and Country Planning Act 1990 in respect of the failure to comply with the requirements of the Section 125 Notice served on the land.

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 79 - 82)

The Committee is asked to note the report.

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

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

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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Bath & North East Somerset Council		
MEETING:	Planning Committee	AGENDA ITEM NUMBER <div></div>
MEETING DATE:	15th January 2020	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE: APPLICATIONS FOR PLANNING PERMISSION		
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

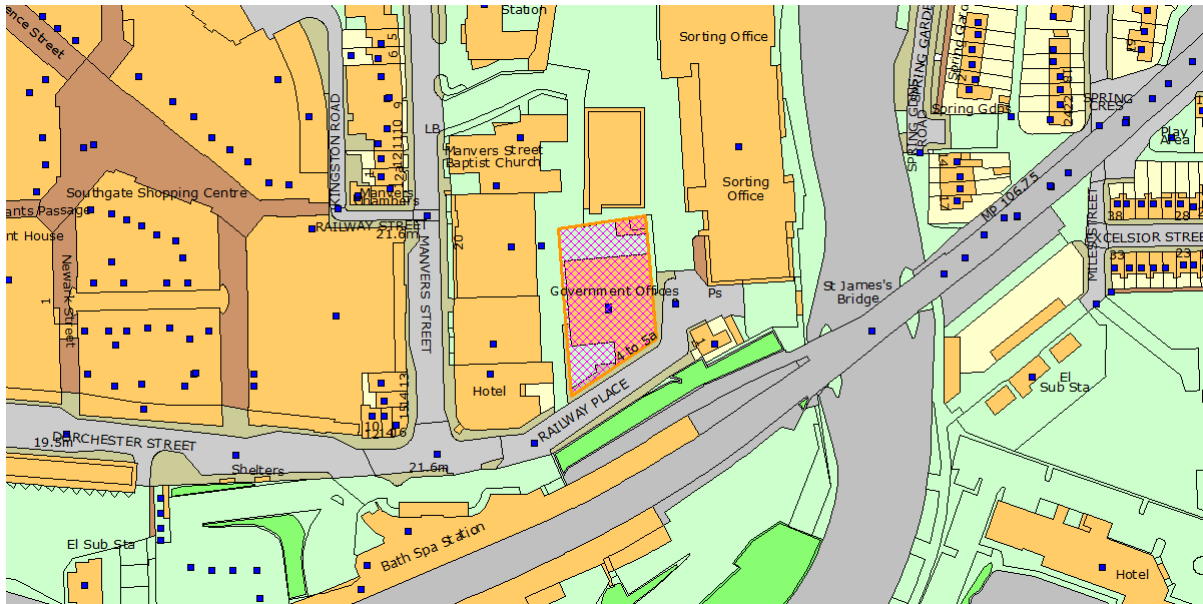
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	19/04462/FUL 10 December 2019	BEGG Nominees Limited 4 - 5 Railway Place, City Centre, Bath, Bath And North East Somerset, BA1 1TH Erection of extension at the fourth floor level, front and rear infill extensions, external alterations and revisions to existing entrance onto Railway Place (Resubmission).	Kingsmead	Chloe Buckingham	REFUSE
02	19/00772/FUL 20 December 2019	Mr Graham Wilkins Land At Entrance To Manor Farm, Bath Hill, Wellow, Bath, Erection of two storey detached dwelling	Bathavon South	Christine Moorfield	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 19/04462/FUL
Site Location: 4 - 5 Railway Place City Centre Bath Bath And North East Somerset BA1 1TH



Ward: Kingsmead **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Sue Craig Councillor Andrew Furse
Application Type: Full Application
Proposal: Erection of extension at the fourth floor level, front and rear infill extensions, external alterations and revisions to existing entrance onto Railway Place (Resubmission).
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 B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Conservation Area, Contaminated Land, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant: BEGG Nominees Limited
Expiry Date: 10th December 2019
Case Officer: Chloe Buckingham
 To view the case click on the link [here](#).

REPORT
REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllr Andrew Furse has made a formal request that if the officer is minded to refuse this application it is determined in public by committee. The chair of committee has decided to take the application to committee for the following reason:

I have looked carefully at this application and have noted the actions taken by the applicant to try to accommodate the requirements of officers. I also note the strategic location of this site and the comments of the ward councillor. My view is that this decision should be taken at committee.

DESCRIPTION OF SITE AND APPLICATION:

This application relates to a building located close to the grade II* listed railway station within the centre of Bath which is within both the World Heritage Site and Conservation Area.

The application is a resubmission of a previously refused application and seeks planning permission for the erection of an extension at fourth floor level, front and rear infill extensions, external alterations and revisions to the existing entrance onto Railway Place.

Relevant Planning History:

DC - 05/01894/FUL - Planning permission not required - 8 September 2005 - Provision of air conditioning condenser on flat roof at third floor (part) of rear of building.

DC - 18/04248/FUL - REFUSE - 20 March 2019 - Erection of extension at the fourth floor level, front and rear infill extensions, external alterations and revisions to existing entrance onto Railway Place.

DC - 19/00018/ODCOU - APPROVE - 28 February 2019 - Prior approval request for change of use from office (Use Class B1a) to 21 apartments (Use Class C3).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS:

Cllr Andrew Furse: Call in request if the Officer is minded to refuse this application. Reasons for doing so are:

There is an existing approval for an alternative "use" to residential units, which the applicant could enact. This office space is vital to continue as employment use, it is in a highly sustainable location (next to the train and bus station) and also would go against the Council's objectives for this area of increasing and retaining employment space, also the economic benefit of businesses within the city is vital. In refusing the initial planning permission, I do not consider the officers gave due consideration to the public and economic benefits of the proposal.

The applicant has reduced the size of the extension from the previous application and I believe this is wholly acceptable.

Highways: further information requested.

Arboriculture: no objection subject to four conditions.

Economic Development: comments on previous scheme- no objection.

Ecology: no objection subject to one condition.

Drainage and Flooding: no objection subject to one condition.

Conservation Officer: objection.

Historic England: no official objection but have expressed concern with the scheme.

Landscape: not acceptable in current form.

Third party representations: 2 objection comments received. The main points are:

The reduction in height and changes proposed still do not overcome the harmful impact on heritage assets and their setting and should be refused.

The previous comments made are still generally valid to this application. The building still has a monolithic appearance, its height, mass and form, is still inappropriate for this sensitive location.

The claimed benefits of the scheme do not outweigh the harm caused by proposals to heritage assets. Harm which should be given special weight in the assessment of this application.

Bath Preservation Trust: 4-5 Railway Place is an unlisted, late 20th century office building situated within the core of the Bath conservation area and WHS. It is located opposite the Grade II* Bath Spa Station, and adjacent to numerous Grade II buildings including the Ralph Allen House, the Royal Hotel, Bayntun's Bookshop, and the Argyle Hotel. Therefore, the visual impact on both the conservation area and setting of listed buildings must be considered with any proposed changes to this sensitively-situated site.

The Trust maintains its objection to this proposal on the basis of harm to the setting of multiple significant listed buildings, to the conservation area and the WHS. Whilst we support the sustainable principle of refurbishing buildings rather than demolition and rebuilding, in this case the proposed result of refurbishment will introduce a building of unacceptable height, scale, design and materiality into this part of the cityscape.

Whilst there is certainly scope to upgrade this building, the visual contribution it currently makes to the conservation area is neutral in effect. Therefore, whilst we appreciate changes have been made to this scheme with the intention to reduce the building's height and lessen its aesthetic impact, we maintain that this proposal will detract from the character and appearance of the conservation area and have a negative effect on the special qualities of the WHS. Therefore, this design is contrary to Policies B4 and HE1 of the Core Strategy and Placemaking Plan for the following reasons:

The addition of an extra storey to the building results in a scale of building that dominates and visually intrudes upon the setting of multiple heritage assets, including the Grade II* Bath Spa Station and Grade II assets including the Royal Hotel, the Argyle Hotel,

Bayntun's Bookshop and the Ralph Allen House. These assets form a historic grouping around the station and part of their significance derives from their association with it. Any intervention into this grouping should be sensitively scaled and designed to assimilate and complement, not to overpower, the historic context. Despite the reduction of the proposed roof height by 1.5m, this still entails a significant visual increase in the building's massing that conflicts with the low and varied roof height of the surrounding historic landscape.

Furthermore, the 'boxing in' of elevations creates a lack of roofscape articulation that results in a bland, monolithic design which does not add interest to the cityscape either at street level or at long views level. In particular the proposed flat roof results in an intrusive, expansive form in long views; the current building roofscape is broken down which reduces its impact and helps it assimilate with the overall roofscape character of the conservation area and WHS. The existing, variegated height of the roofline is more in keeping with lower-level historic streetscape in this region of Bath; therefore, the planned roofline uniformity of this application remains a direct detriment to the architectural diversity of the Bath conservation area and WHS.

The continued use of extensive glazing with intrusively lit internal space is harmful both in long and short views, especially as this level would be visible from many vantage points across the city. The visual harm caused by the glazed top floor of 20 Manvers Street is now apparent to all, and is especially exacerbated when brightly lit at night in an historic city where low light levels are the norm. We appreciate that attempts have been made to reduce glazing through the insertion of stone panels between the panes of glass, and the setback of the fourth storey from the parapet to limit the dominant, top-heavy impact of the glazing as negatively seen at 20 Manvers Street. However, the lack of proposed night-time CGIs provided within the application demonstrates a continued lack of understanding as to the potential light pollution affects the setting of listed buildings, potentially Bath Abbey in some views, the character and appearance and views of the conservation area, and the authenticity, integrity, and value of the WHS.

We uphold the belief that the LVIAs show the level of harm this building will have on important long views into and out of the city. In particular it risks intruding into the important green views of Beechen Cliff when viewed from points such as South Parade. Views into the city from Beechen Cliff show the impact of the building, dominating the sensitive historic context, neither visually contextual nor respectful but over-domineering and therefore harmful.

Therefore, whilst we appreciate that changes to the proposal have been made on the basis of our previous concerns, the similarity of design, the infill of the roofline, the over-dominating use of glazing, and increased roof height will continue to harm the special interest of the adjacent listed buildings and their setting, would neither preserve nor enhance the character and appearance of the conservation area and would detract from the special qualities of the WHS. The scheme would be contrary to Section 16 (Conserving and Enhancing the Historic Environment) of the NPPF, and Policies B1, B2, B4, CP6, D2, D5, HE1, D8, and BD1 of the Core Strategy and Placemaking Plan. We would therefore recommend this application be withdrawn or refused.

POLICIES/LEGISLATION

POLICIES:

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

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

Relevant Core Strategy Policies:

- o CP6 - Environmental Quality
- o CP2 - Sustainable construction
- o B4 - World Heritage Site

Relevant Placemaking Plan Policies:

- o D1 General urban design principles
- o D2 Local character and distinctiveness
- o D3 Urban Fabric
- o D4 Streets and spaces
- o D5 Building Design
- o D6 Amenity
- o ST1 Promoting sustainable travel
- o ST7 Transport Access and Development Management
- o NE2 and NE2A Landscape character and setting
- o HE1 Historic Environment
- o ED1A Office Development
- o NE3 Sites, Species and Habitats
- o NE5 Ecological Network
- o NE6 Trees and Woodland

LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, February 2019

NATIONAL PLANNING PRACTICE GUIDANCE

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE:

Policy ED1A of the Placemaking Plan (2017) states that proposals for office development within city and town centre boundaries, or on sites specifically allocated for this purpose are acceptable in principle subject to compliance with all other policies.

CHARACTER AND APPEARANCE:

The proposal is to create a fourth floor extension to the existing building, along with the infilling of existing outdoor terraces at third floor level and a new double height entrance and reception along with the infilling of the atrium. New mechanical and electrical plant equipment is proposed throughout and will be located in the basement along with the complete replacement of external glazing. The materials proposed are Bath stone cladding to match the existing building with light bronze curtain wall frames with clear untinted solar control glass with a low reflective value and a bronze finished canopy. Clear frameless glass balustrading is proposed as well as a slate grey Sarnafil or a similar material for the roof.

The previous application was refused for the following reason:

The proposed increased height and massing of the office building would neither preserve nor enhance the special interest of the adjacent listed buildings nor their setting; it would harm the character and appearance of the Bath Conservation Area and would detract from the special qualities of the World Heritage Site. The scheme would be contrary to policy B4 of the Bath and North East Somerset Core Strategy, policies D2, D3, D4 and HE1 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (NPPF) 2019.

The application proposes to overcome these issues by reducing the height of the proposed roof extension by a further 1050mm and there has been an indent in the centre of proposed the fourth floor. The quantity of glazing and the height of the glazing panels have been reduced and the expanse of curtain walling has been reduced and replaced with natural stone panels to match the existing façade.

The existing building is currently considered to have a neutral impact on the setting and significance of the identified heritage assets - the exception being The Royal Hotel, where it is considered that the building already has a minor negative impact.

It is considered that the current lack of harmful impact is due to the modifying effect of the way in which the overall scale and mass of 4/5 Railway Place is broken down allowing a degree of assimilation into the wider townscape, which is particularly noticeable from elevated views such as Beechen Cliff. Therefore, it is considered that even with the reduction in height of the roof extension and the slight indent, the revised roof extension and infilling around the current building elements will still produce a much more prominent building that is visually intrusive in the townscape. The changes proposed are not seen to overcome the previous concerns

It must be noted that at the time the glass extension on the neighbouring building on 20 Manvers Street was granted permission the building was considered to have a negative impact on this part of the Bath conservation area. However, since the glass roof on 20 Manvers Street has been constructed there have been many comments received to explain that the glass roof extension increases this harmful impact. The building on Manvers Street is therefore not considered to set precedence and is considered to be a less than sympathetic presence in the streetscene and elevated views and the glazed roof top extension exacerbates its intrusive impact.

The revised proposed extension at 4/5 Railway Place will again slice right through the centre of the views from South Parade, partly obscuring the green hillside and creating a severe horizontal division. This will cause harm to the character of the Bath Conservation Area and World Heritage Site as well as the wider setting of the grade I listed South Parade as well as the grade II* listed Catholic Church of St John.

The railway station, circa 1840 by Brunel is a grade II* listed building and is described in the list entry as forming an important episode on the outstandingly important GWR line to Bristol. The railway lines run through the station in a curve. The elegant sweep of the railway line as it enters the city is most dramatic from elevated views. Increasing the overall mass of 4/5 Railway Place will also have a harmful impact the setting of the grade II* listed railway line and station.

The Manvers Street entrance to the city centre is flanked by the Argyll and Royal which have been designed as a pair of similar style and scale. The scale of 20 Manvers Street also leads to a visual disconnect between the two hotels that were intended to frame a planned architectural entrance to the city. Therefore, the increased height and massing of 4/5 Railway Place would reinforce and add to the harmful impact by having a dwarfing effect on the Royal Hotel which would end up being clasped between the two taller buildings.

The changes proposed in this re-submission are not considered to overcome the negative impact on the setting of the listed buildings, the World Heritage Site and the Conservation Area.

Overall the addition of a further glazed roof extension and other alterations will be harmful both to the character and significance of the conservation area and the universal value of the World Heritage Site as well as the setting and significance of several individual

heritage assets. The proposed development will also amplify the harm already caused by the rooftop extension at 20 Manvers Street. Therefore, the proposal is not considered to be compliant with policy B4 of the Core Strategy (2013) or policies D2, D3, D4 and HE1 of the Placemaking Plan (2017).

Whilst it is considered that the proposal causes harm to the setting of the listed buildings and character and appearance of this part of the Conservation Area and World Heritage Site this harm is considered to be less than substantial. Therefore in accordance with paragraph 196 of the NPPF this harm should be weighed against the public benefits of the proposal. The applicant has suggested that there is an overriding public benefit in terms of the increased office space. The scheme proposes to increase the amount of office floorspace (Use Class B1) by circa 925 square metres, which according to the guidance within the Homes and Communities Agency's 'Employment Density Guidance' (2015), has the potential to accommodate circa 65 - 75 full time equivalent (FTE) members of staff. The applicant has also explained that in addition to the job opportunities created at the operational stage, the proposed scheme would also give rise to employment opportunities at the construction stage. However, the delivery of up to 25,000sqm of grade A office space at Bath Quays North, inline with planning consent, and 8,000sqm at Bath Quays South will be a huge boost to economic activity within B&NES. It is noted that this will not fulfil the entirety of the office space replacement and growth requirements for the area as a whole and so the additional 925sqm of office accommodation created within this application would positively affect the Council's aim, set out within the Placemaking Plan of delivering 7,000 jobs in Bath between 2011-2025. The applicant has stated that the proposal would facilitate the delivery of circa 925 square metres of additional office floorspace (Use Class B1) and has the potential to accommodate circa 65 - 75 full time equivalent (FTE) members of staff, in a key location adjacent to the railway station. It is appreciated that the delivery of a project which would increase office space within B&NES, in a key location adjacent to the railway station would positively affect this aim. However, taking account of the comments above, due to the harmful impact of the extension it is still not considered that the increase of provision in office space overcomes the level of harm to the setting of the listed buildings and this part of the Conservation Area and World Heritage Site. The reduction in the level of harm as a result of this most recent revision compared to the refused application is considered to be small.

The fall-back position:

As stated in the 'Relevant Planning History' section of this report a prior approval request to confirm that it was permitted development to change the use of the application premises to 21 apartments was approved in February 2019. It should be noted that this approval is valid for three years and could be implemented irrespective of a decision to permit or refuse the current planning application.

RESIDENTIAL AMENITY:

Whilst the proposal is not considered to have any significant negative residential amenity impacts due to the distances residential dwellings are away from the site, this is not considered to overcome the issues regarding the harm to the setting of the listed buildings and this part of the Bath World Heritage Site and Conservation Area.

PLANNING OFFICER'S ASSESSMENT OF HIGHWAY IMPACTS:

The highways officer has explained that the application site is located within the 'Bath City Centre Zone' within which B1(a) use requires the maximum provision of one off-street car parking space per 400m². Based on this ratio the existing floor area of 3,691m² requires the provision of nine off-street car parking spaces and the proposed floor area of 4,616m² requires 12 spaces. Whilst the applicant proposes to reduce the existing number of 38 off-street car parking spaces by eight, the proposed number of 30 spaces represents an overprovision of 18 spaces in the central area of Bath which is not acceptable. However, as the spaces are existing it is considered unreasonable and unnecessary to reduce the number of parking spaces.

The adopted parking standards require that B1(a) provide one cycle stand per 100m² meaning that the proposed floor area of 4,616m² requires 46 stands providing parking for 92 cycles and as such the scheme has a shortfall of 54 secure cycle parking spaces. If the scheme were acceptable the applicant would have been approached to amend the plans or this could have been dealt with by attaching an appropriate condition.

The scheme is considered to be compliant with policy ST7 of the Placemaking Plan (2017), however, this is not seen to overcome the significant negative impacts that the increase in height and massing of the building will have in terms of character and appearance.

ARBORICULTURE:

The footprint of the building does not alter from that submitted under 18/04248/FUL.

The proposal implicates a London Plane which is protected by virtue of the Bath Conservation Area. This tree is considered to enhance the locality and provides a focal point at the front of the building.

The submissions include an arboricultural report dated July 2018. However, the Arboricultural Method Statement has not been updated to include an agreed timetable of arboricultural site visits and to ensure that site visit reports are submitted to the LPA and as such it has been requested that a condition is attached to the permission to ensure that this is included.

Any changes to the hard landscaping around the tree should introduce more favourable materials to allow for water percolation and gaseous exchange in the rooting area and as such landscape conditions have also been recommended to ensure that there is suitable landscaping within the area. However, as the scheme is not acceptable for the reasons as explained within the report, such conditions are not considered necessary.

ECOLOGY:

The submitted ecological report includes full inspection of the building by a licenced bat worker and concludes that they support negligible bat roosting potential. The findings of the report have been accepted by the Council's ecologist.

The site is located within an area of Bath that offers significant scope for ecological enhancement, due to the proximity of the site to the River Avon which is a designated Site

of Nature Conservation Interest (SNCI) and the proximity of trees and the railway line with associated vegetation. There are also records for breeding swift colonies within the area. This is an extremely vulnerable species and is a current priority for conservation effort in the city. The proposal offers suitable conditions for this species which could be accommodated via swift boxes on the building. The proposal is requested to incorporate additional measures to benefit wildlife, with the objective of achieving "net gain" for biodiversity. Provision for swift is recommended onto the proposed new build in accordance with current guidance. It has been requested that details of appropriate measures (to be produced by a professional ecologist, and incorporated into the scheme), and their implementation, should be secured by condition. However, as the scheme is not acceptable for the reasons as identified within the report, such condition is not considered necessary.

CONCLUSION:

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Full consideration of these duties has been given when reaching the decision to refuse the application.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed increased height and massing of the office building would neither preserve nor enhance the special interest of the adjacent listed buildings nor their setting; it would harm the character and appearance of the Bath Conservation Area and would detract from the special qualities of the World Heritage Site. The scheme would be contrary to policy B4 of the Bath and North East Somerset Core Strategy, policies D2, D3, D4 and HE1 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (NPPF) 2019.

PLANS LIST:

This decision relates to plan references;

1716-ST-XX-XX-DR-A-1001 A5, 1716-ST-XX-ZZ-DR-A-4252 A5, 1716-ST-XX-ZZ-DR-A-1201 A5, 1716-ST-XX-ZZ-DR-A-1101 A5, 1716-ST-XX-XX-DR-A-4251 A5, 1716-ST-XX-XX-DR-A-4052 A5, 1716-ST-XX-XX-DR-A-4051 A5, 1716-ST-XX-XX-DR-A-3254 A5,

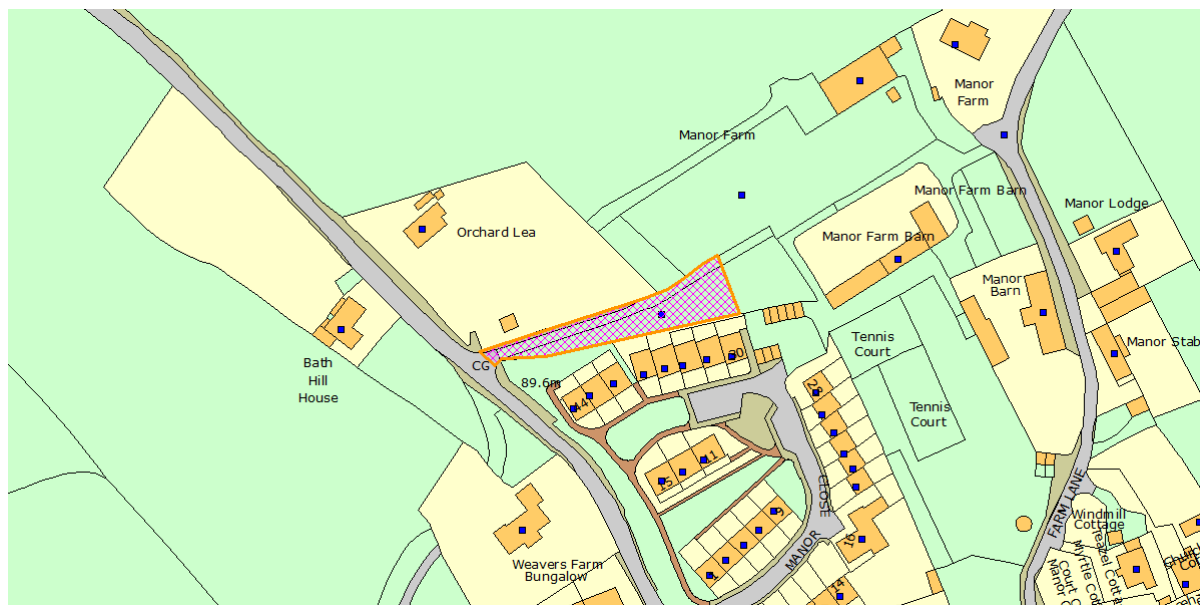
1716-ST-XX-XX-DR-A-3253 A5, 1716-ST-XX-XX-DR-A-3252 A5, 1716-ST-XX-XX-DR-A-3251 A5, 1716-ST-XX-XX-DR-A-3054 A5, 1716-ST-XX-XX-DR-A-3053 A5, 1716-ST-XX-XX-DR-A-3052 A5, 1716-ST-XX-XX-DR-A-3051 A5, 1716-ST-XX-GF-DR-A-2252 A5, 1716-ST-XX-GF-DR-A-2002 A5, 1716-ST-XX-B1-DR-A-2251 A5, 1716-ST-XX-B1-DR-A-2001 A5, 1716-ST-XX-06-DR-A-2258 A5, 1716-ST-XX-04-DR-A-2256 A5, 1716-ST-XX-04-DR-A-2006 A5, 1716-ST-XX-03-DR-A-2255 A5, 1716-ST-XX-03-DR-A-2005 A5, 1716-ST-XX-02-DR-A-2254 A5, 1716-ST-XX-02-DR-A-2004 A5, 1716-ST-XX-01-DR-A-2253 A5 and 1716-ST-XX-01-DR-A-2003 A5 received 11th October 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. 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: 19/00772/FUL
Site Location: Land At Entrance To Manor Farm Bath Hill Wellow Bath



Ward: Bathavon South **Parish:** Wellow **LB Grade:** N/A
Ward Members: Councillor Neil Butters Councillor Matt McCabe
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
To view the case click on the link [here](#).

REPORT

REASON FOR COMMITTEE

This application is brought to committee by the Chair of the Planning Committee. The Chair considers that as this is a new build in the green belt it needs to be assessed by the committee. It is noted that the applicant has gone a long way to meeting the requirements of the officer but the impact needs to be thoroughly considered.

BACKGROUND

This application is for the erection of a detached dwelling on a site adjacent to a former farm yard to the north of Manor Close on the northern edge of Wellow.

Wellow is a settlement washed over by the Green Belt. Policy GB2 in the adopted Placemaking Plan allows residential development in the villages washed over by the Green Belt provided the scheme lies within the Housing Development Boundary (HDB) and is limited to infilling. This site lies just within the HDB.

RELEVANT PLANNING HISTORY

17/01807/FUL - WD - 21 June 2017 - Erection of 5 no. dwellings and associated works.
17/05256/PA02- Unacceptable as submitted but more information required.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PARISH COUNCIL: OBJECTION

The proposed new dwelling lies within the Green Belt, the Cotswold AONB and the Wellow Housing Development Boundary. A previous application for this site 17/01807 was for a much larger development that extended outside the HDB and subsequently withdrawn. The HELAA Call for Sites in 2018 assessed this site but considered it to be unsuitable.

New buildings in the Green Belt are considered to be inappropriate. It is doubtful that an exception of 'limited infilling' could be considered as the proposal is not in an extensively built up frontage area nor is it surrounded on 3 sides by developed sites or roads. There do not appear to be any other 'very special circumstances' that would apply to this proposal.

The Design & Access statement mentions the fact that there had been development on this site but there appears to be no evidence to support this claim.

A site visit by the Case Officer is considered essential due to the fact that the submitted plans do not accurately show the close proximity of the new dwelling to the Manor Close properties, especially Nos. 30, 32, and 34. The approximate distance is estimated to be around 5 metres.

It is considered that the proposed dwelling would cause harm to the Manor Close residents in terms of loss of light, increased noise, smell and most importantly that of overlooking. Due to the fact that the Manor Close houses are situated at a lower level they would lose a great deal of privacy and that is considered to be unacceptable. (B&NES Placemaking Plan Adopted July 2017 - Policy D6 Amenity)

The proposal is considered to be too large for its plot and therefore conspicuous in the Green Belt (Policy GB1 Visual Amenity of the Green Belt). It is considered that even if a design of smaller proportions were to be submitted it would still constitute overdevelopment of the small site. The access is via a single track and certainly oil tankers and emergency vehicles would have difficulty accessing the property. The proposed stone wall could restrict the access of large vehicles as the track is fairly narrow.

B&NES Drainage Team: No objection subject to conditions

Applicant has indicated that surface water will be disposed of via soakaways. No further information has been provided.

The geology at this location is Fullers Earth (mudstone) which is unlikely to be suited for soakaways. Underlying the Fullers Earth is Limestone which is generally suitable for soakaways. The soakaway structure may need to be taken down to the limestone to be viable. Soakaway testing will be required at the location and depth of the proposed soakaway structure.

Therefore a condition in respect of ground investigations and as necessary remediation is necessary.

B&NES Public Rights of Way Team: Comments

The proposed dwelling is accessed along a public footpath our reference BA25/11. It is an offence against the landowner to drive a mechanically-propelled vehicle along a footpath without lawful authority. The Public Rights of Way Team requests that conditions be applied if the application is approved.

B&NES Highways: NO OBJECTION

Following my previous highway consultation response, dated 14th August 2019, the planning officer has confirmed that the site does lie within the adopted Housing Development Boundary. Given this, the earlier "in principle" highway objection to the scheme is overcome.

Given the scale of the proposed development, the presence of a 20mph speed limit on Bath Hill at this location and a lack of road traffic accidents (resulting in personal injury), on the road, the highway authority would not object to the use of the established farm access being used to serve a single residential dwelling.

In summary, the highway authority no longer objects to the planning application, although conditions in respect of Parking provision being attached to any approval given.

B&NES Landscape Officer: No objection subject to conditions

In response to the information submitted the Landscape officer commented as follows:

The development proposals would involve the construction of a two storey, three bedroomed detached house.

The site lies within the Green Belt and the Cotswolds Area of Outstanding Natural Beauty and in past landscape development management consultation responses I have objected to the development because of the materials proposed and the lack of screen planting.

However I consider that the proposed change in materials together with the proposed tree and hedge planting would provide adequate mitigation for the developments adverse landscape impact.

I therefore have no objection to the proposals subject to conditions being applied to any future planning permission for the development with regard to the submission, approval and implementation of detailed hard and soft landscape proposals.

The amended plans have not resulted in any further comments being made.

B&NES Contaminated Land Officer: No objection subject to condition

Taking account of the sensitive nature of the proposed development (residential), it is recommended that a condition in respect of reporting of unexpected contamination is attached to any permission granted.

In addition an advisory note in respect of a Desk Study and Walkover is necessary.

Wessex Water: Comment

There are currently no surface water drainage plans available to view. Surface water must be disposed of via the SuDS Hierarchy which is subject to Building Regulations.

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

B&NES Trees- The following comments are based on a desk top assessment.

The application is supported by an Arboricultural report dated 27th November 2018 which incorporates an arboricultural impact assessment and heads of terms for an arboricultural method statement based on the information available to the Arboriculturalist at the time.

In general the contents of the tree survey are agreed and no objection to the proposed removal of the Eucalyptus tree to accommodate the proposal is raised. The report also includes tree works to a Cherry identified as T13 within the tree schedule. Both trees are offsite so their retention or removal of the tree is not within the applicants' gift.

Whilst I have no objection to the works it highlights that the position of the building and occupants will be in conflict with these trees which is also referred to within the 11.7 of the Arboricultural report.

The applicant is advised that whilst they are able to abate the nuisance of overhanging branches or roots growing across the boundary, equally they also have a duty of care. The removal of roots or pruning of branches may shorten the life of the tree or lead to instability. The applicant may be liable for any consequences resulting from their actions. Therefore conditions in respect of the need for a Detailed Arboricultural Method Statement with Tree Protection Plan and compliance with the statement and plan are necessary.

B&NES Ecology: No objection subject to conditions

An updated Ecological Method Statement was submitted in response to concerns raised by the council's ecologist. In the light of this additional information no objection to the proposal has been raised although conditions in respect of Implementation of Ecological Method Statement, submission of an Ecological Mitigation Follow-up Report and Restricted External Lighting.

12 Letters objecting to the proposal have been received. The main issues raised are as follows:

- o No further housing needed in Wellow as adequate has been /is being built within 3 miles of the village.

- o This is green belt land
- o Site is next to the Conservation Area.
- o Extensive biodiversity exists; including protected and priority species. There are breeding slowworms, dormice, spotted and green woodpeckers, bumblebees, hedgehogs, badgers and bats using the area for feeding and as routes to roosts and nesting sites.
- o Extra light at night will adversely affect the bats.
- o This is not an infill site as it does not comply with the criteria stipulated for such plots.
- o The restrictive design of this two storey house, with a large number of access steps, makes it unsuitable for occupation by disabled or elderly people.
- o The design and materials are poor for this location.
- o The small garden space means it is unlikely to appeal to families.
- o The entrance at Bath Hill is not suitable for extra vehicle movement (in particular cars) given its proximity to another driveway, the 20mph pinch point and the lack of visibility due to the high banks and hedging there.
- o Impact on highway safety.
- o The proposed building will undoubtedly overlook a number of bungalows in Manor Close, impacting both light and privacy.
- o The building plot proximity to Manor Close bungalows is far too close.
- o Possible damage to adjacent trees.
- o No buildings on the site historically.
- o Historic permission restricted conversion of barns on adjacent site. The proposal is contrary to historic permission restrictions.
- o In addition in the draft HELAA 2018 document for BANES Council, on page 126 the retained land shown as WELL03 was assessed and deemed to be unsuitable for development as it is all located in Green Belt.
- o Providing drainage will be an issue as will dealing with run off
- o There is NO access road from Farm Lane to this proposed site
- o The track in from Bath Hill is also used by the Horler Family and their patrons to access their stabling facility. They have full right of way over this track from Bath Hill this must be protected.
- o The access from Bath Hill is only suitable for single lane traffic (as well as being over a footpath which runs along it).
- o Two parking spaces not enough the lane will get blocked.
- o Contrary to policy CP6 Environmental Policy.
- o Loss of hedgerow unacceptable
- o Details of the boundary treatment required.
- o Inadequate notification
- o Contrary to Policy D2. The proposed development does not respect local characteristic and architectural styles.
- o Site must be viewed by officers to appreciate the limitations of this site.

POLICIES/LEGISLATION

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

Development Plan for Bath and North East Somerset comprises:

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

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

CP2: Sustainable Construction
 CP3: Renewable Energy
 CP6: Environmental Quality
 CP8: Green Belt
 CP10: Housing Mix
 DW1: District Wide Spatial Strategy
 SD1: Presumption in favour of sustainable development

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

D1: General urban design principles
 D2: Local character and distinctiveness
 D.3: Urban fabric
 D.5: Building design
 D.6: Amenity
 GB1: Visual amenities of the Green Belt
 GB2: Development in Green Belt villages
 NE2A: Landscape setting of settlements
 NE3: Sites, species and habitats
 NE6: Trees and woodland conservation
 ST7: Transport requirements for managing development
 SCR1: On-site renewable energy requirement
 SCR5: Water efficiency
 SU1: Sustainable drainage policy
 LCR9: Increasing the provision of local food growing

National Policy:

The National Planning Policy Framework (NPPF) was published in 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues in respect of this proposal are as follows:

- o The principle of the development;
- o Impact on the green belt and rural setting;
- o Impact on amenity;
- o Highways and parking;
- o Other matters such as drainage ecology

The principle of the development

The site which is a small triangular shaped plot is located just within the Housing Development boundary for Wellow.

Housing Development Boundaries continue to be defined for those villages washed over Green Belt villages in which infilling for housing development would be acceptable in principle. However, given the findings of the Court of Appeal Judgment the principle of development on the application site also needs to be considered in the context of NPPF, para 89 (now para 145). The matter rests on whether the proposal constitutes limited infilling in a village i.e. irrespective of the defined HDB whether the site is in the village and the proposal represents limited infilling.

The assessment needs to be made as to whether the proposal represents limited infilling in the context of the NPPF.

There is no definition of 'limited infilling' in the NPPF, para 302 of the Placemaking Plan defines 'infilling' as: The filling of small gaps within existing development e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage. The plot will generally be surrounded on at least three sides by developed sites or roads.

This proposal for a single dwelling would undeniably fill a space between Manor Barn Farm and the development at Manor Close with Orchard Lea at a distance to the North West. Whilst the site is not within 'an otherwise extensively built up frontage' it does sit in a location with development in the form of houses and roads be they at a short distance away on at least three sides.

Therefore, in principle this site is appropriate for residential development. However, there are other considerations that need to be taken in to account in respect of this Proposal.

Design and impact on the green belt and rural setting

Wellow is a small linear village extending east-west along Bull's Hill, the High Street and West End, following the contours of the hillside. The village extends down Mill Hill to connect with the river. It enjoys a rural setting within the Cotswolds AONB.

The High Street comprises small cottages clustered around The Square and large buildings in generous plots. Many of the larger plots have been sub-divided. In the broad vicinity of the application site a modern scheme (Manor Close) has replaced former farm yards at the bottom of Bath Hill further contributing to the village's relatively dense grain.

The application site itself is on the north edge of the settlement with open agricultural land to its north. From the centre of the village the site is approached from Bath Hill. To the immediate south of the site is Manor Close which is a relatively densely developed small estate of bungalows. To the North and West are Orchard Lea, Bath Hill House and Weavers Farm Bungalow which are all residential properties set in large plots. The lane is rural in character edged by trees walls and high hedges once you have passed the entrance to Manor Close.

To the East of the site is Manor Farm Barn is a barn converted into a house and to the North East of the site are farm buildings associated with Manor Farm. The site is set away from Wellow village centre but has a road and residential development on three sides and at a distance on the north side (fourth side).

A Landscape and Visual Assessment was carried out, of this site and adjacent land by the council, as part of a larger proposed site and in association with a HELAA. This 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. This area being the area which now forms this application site. It was highlighted that any development must maintain the current line of the Public Rights of Way and avoids encroachment within the Root Protection Areas of the existing trees. It would also need to include substantial planting on the sites northern boundary in order to mitigate adverse impacts on the visual amenity of the Green Belt and the Natural Beauty of the AONB.

Therefore, no objection in principle to development in this specific section of the larger site was raised by this assessment (on landscape and visual grounds) providing that the proposal would not have an adverse impact on the landscape/townscape character of the area or on views.

When this scheme was first submitted concerns were raised by Officers in respect of the impact the proposal would have on the rural setting and in order to address these concerns additional information has been submitted. Further concerns were raised by Officers in respect of the design of the proposed dwelling and in order to address these concerns the design of the dwelling has been changed and amended. Information in respect of the character of the surrounding area and village of Wellow has been submitted. The proposed materials have been changed from those initially submitted to a schedule of materials which reflect the palette of materials used within the village. In order to address concerns in respect of the impact the development may have on views towards Wellow from the North East tree and hedge planting is proposed to the North East to provide adequate mitigation for the developments landscape impact. Subject to conditions being applied to any planning permission in respect of the need for the approval and

implementation of detailed hard and soft landscape proposals the scheme is seen to be acceptable.

The design of the proposed dwelling is relatively simple. The dwelling is modest in mass and bulk with a pitched roof form and due to the topography of the site the dwelling is set down thus keeping the overall height of the property low. The fenestration details are simple and the property is orientated so that it looks out primarily to the North East. Given the limited views of the development as a two storey dwelling the simple form and appearance is considered to be unobtrusive and appropriate in this rural setting.

The proposed development by virtue of its design, scale, massing, position use of external materials and the proposed associated landscaping would not adversely affect the natural beauty of the landscape of the designated AONB in accordance with policy NE2 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 15 of the NPPF.

The proposed development does not represent inappropriate development in the green belt and it would not be harmful to openness or the purposes of including land within the green belt. The proposal accords with policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

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

Impact on amenity

The proposed dwelling will be in close proximity to the bungalows in Manor Close and it is noted that these properties have small garden areas being close up to the boundary with the proposed site.

The site is at a slightly higher level than the bungalows and given the restricted size of the site the development has to sit in relatively close proximity to the bungalows in Manor Close.

The agent has addressed this relationship in the design of the proposal by setting the floor level of the property down.

The built form will start 5m within the site, the dwelling elevation being 7.25m from the rear southern boundary. The adjacent properties have garden areas that are 5m in depth. The built form closest to the site will be a small amenity area on the south side of the dwelling below ground level. The roof form slopes away from the properties in Manor Close. The maximum height of the proposed dwelling will be 6.5m high. Given that the dwelling is set down in the site the ridgeline of the proposed dwelling will be 2.7m higher than the properties in Manor Close and the ridge line will be at a distance of 16m from these adjacent properties.

Therefore the largest element of the scheme will be located on the North side of the bungalows in Manor Close at a distance of 16m. The impact that this built form will have on the amenity of these properties is not considered to result in a loss of light or be excessively overbearing given the existing relationship between the properties. A fence and hedge are proposed along the boundary between the properties in Manor Close and the site. A close board fence of 1.8m height is indicated. Behind this fence planting is indicated. At present the boundary to the site is heavily vegetated with a mature hedge. This hedge rises substantially at the rear of the gardens of the properties in Manor Close. It should be noted that the applicants are able to erect a fence of this height along this boundary without the need for planning permission. Whilst a fence in this location at a higher level than the gardens of the properties will have an impact on their outlook the existing hedge is seen to have a similar impact on the light at present enjoyed by these residents. This boundary treatment is not considered therefore to warrant refusal of this application.

The lower floor of the proposed dwelling has been created below the existing ground level and as such the two storey element of the scheme will only be readily visible from the northern/north eastern (open countryside) side.

Given the limited size of the site and the need for parking provision the proposed dwelling has limited amenity space. However in the absence of standards in respect of amenity space and given the open outlook from the site to the North East and West this limited amenity space is not seen to be a matter that would warrant refusal of this application.

There are no windows in the southern elevation of the proposed dwelling at first floor level which would result in the overlooking of adjacent properties. The roof lights to the side element closer to Manor Close are in the roof slope and therefore would not result in overlooking.

Whilst it is recognised that the proposed dwelling is in close proximity to the neighbours in Manor Close the impact that the proposal will have on the amenity of the adjacent residents is not seen to justify refusal of the proposal on this basis.

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

Highways and parking

Given the scale of the proposed development, the presence of a 20mph speed limit on Bath Hill at this location and a lack of road traffic accidents (resulting in personal injury), on the road, the highway authority would not object to the use of the established farm access being used to serve a single residential dwelling.

The highway engineer no longer objects to the planning application, although conditions in respect of parking provision are considered necessary and should be attached to any approval given.

There is no objection to the proposed parking levels that would serve the development, and information has been submitted with the application to demonstrate that the visibility splays at the access point are appropriate for the local speed limit of Bath Hill.

As a footpath is routed close to the site, the PROW officer has recommended an informative be attached to any permission to ensure the footpath is retained not damaged. The applicants have confirmed that they own the access to the site. The vehicular movements associated with this single dwelling are likely to be low and the PROW is of sufficient width for pedestrians not to be impacted on by vehicles. The access is straight and therefore, it is unlikely that there will be a conflict between pedestrians and vehicles as any approaching vehicle will be in clear sight of any pedestrians.

Concerns have been raised that the proposal will result in a conflict between users of the access. The proposal is of a modest scale and the Highway Engineer considers the use of this access by the occupiers of a single unit will not have a detrimental impact on highway safety.

In summary, whilst the highway engineer did object to the proposal, it is accepted that as a site within the HDB the scheme would not be refusable on the grounds of being in an isolated location remote from services, employment opportunities and being unlikely to be well served by public transport, which is the key aims of Policy ST.1 of the Bath & North East Somerset Placemaking Plan (adopted July 2017).

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

Other matters drainage /ecology/trees/Conservation Area

The site is adjacent to the Conservation Area but not within it. There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of conservation areas. Given the proximity of the Conservation Area it is necessary for the impact on the setting of the Conservation Area to be considered. In this location particularly given the nature of the development in Manor Close which is in close proximity to the site, the proposal as amended is seen by virtue of its design, scale, massing, position and materials to at least preserve the character and appearance of the setting of the Conservation Area. In this respect the proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

In the light of comments from Wessex water and the Councils drainage engineer conditions and informatives in respect of drainage needs must be attached to any permission and the applicant has agreed to a pre commencement condition in respect of this matter.

Concerns were raised in respect of the identification of the site and in the light of these concerns a new identification and address was allotted to the application as agreed with the agent and subsequently neighbours were re-notified.

An updated Ecological Method Statement was submitted in response to concerns raised by the council's ecologist. In the light of this additional information no objection to the proposal has been raised although conditions in respect of Implementation of Ecological Method Statement, submission of an Ecological Mitigation Follow-up Report and Restricted External Lighting.

The tree survey submitted is considered reasonable but in order to ensure the protection of trees adjacent to the site pre commencement conditions are considered necessary in respect of the need for a Detailed Arboricultural Method Statement with Tree Protection Plan and compliance with the statement and plan are necessary.

Sustainability check list-The details submitted indicate a Tracks 2 and 4: Percentage CO2 reduction from all measures of 19.08% the requirement being at least 19% $(A-B)/A \times 100$.

The unit has an amenity area and therefore, has provision for the storage of bins.

Where new dwellings are proposed rainwater harvesting facilities are required. A condition requiring the provision of rainwater butts for rainwater harvesting within the site is necessary.

Food growing provision is also required and given that the proposed dwelling will have a small garden space food growing is possible within the site.

In respect of the above the proposal is seen to comply with policies SCR5: Water Efficiency and LCR9: Increasing the Provision of Local Food Growing.

It should be noted that the agent has agreed to pre commencement conditions as considered necessary.

In summary the site is primarily just within the housing development boundary. The built form has been designed to minimize the impact on the adjacent neighbours through its orientation mass, bulk and scale and landscaping has been proposed to reduce the visual impact on this relatively modest building as seen from the open countryside to the north. The proposal subject to conditions is recommended for permission.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 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 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.

4 Ground investigations (precommencement)

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with BRE Digest 365 have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

5 Reporting of Unexpected Contamination (Compliance)

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

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

6 Landscaping scheme (Prior to first 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 NE2, NE6 and GB1 of the Bath and North East Somerset Local Plan.

7 Implementation of landscaping scheme (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 NE2, NE6 and GB1 of the Bath and North East Somerset Local Plan.

8 Implementation of Ecological Method Statement (compliance condition)

The development hereby approved shall be carried out only in accordance with the measures described in the Updated Ecological Method Statement v2 dated 8th August 2019. All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat.

Reason: to avoid harm to protected species including reptiles; avoid net loss of wildlife habitat, and to provide biodiversity gain in accordance with NPPF and Local Plan Policies NE3 and D5e.

9 Ecological Mitigation Follow-up Report (pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist and based on site visit/s and follow-up inspection, confirming and demonstrating with photographs, completion of all measures described in the Ecological Method Statement, has been submitted to and approved in writing by the Local Planning Authority. All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat.

Reason: to avoid harm to protected species, avoid net loss of wildlife habitat and to provide biodiversity gain in accordance with NPPF and Local Plan Policies NE3 and D5e.

10 External Lighting (Bespoke Trigger; remains in force)

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; and details of all necessary measures to limit use of lights when not required and to prevent upward light spill and light

spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

Reason: to avoid harm to bats and other wildlife and in accordance with policy D8

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 Arboricultural method statement (Pre commencement)

No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials 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 retained trees. Therefore these details need to be agreed before work commences.

14 Development in Compliance with Arboricultural Method statement.(bespoke trigger)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed certificate of compliance with the statement for the duration of the development shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion and prior to the first occupation of the dwelling.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan.

PLANS LIST:

010, PL01A, PL02B, PL03D, PL04D, PL05D, PL06B, PL07D PL08C and PL09

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.

Advisory Note - Desk Study and Walkover

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

It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase 1 investigation should provide a preliminary qualitative assessment of risk by gathering and interpreting readily available environmental, geological, hydrological and historical data regarding a site and considering the likelihood of pollutant linkages being present. The Phase 1 investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the

property or along the boundary of neighbouring properties. Should the Phase 1 investigation identify potential pollutant linkages then further investigation and assessment will be required.

The applicant is advised that should the proposals require new connections to the public foul sewer, notes and application forms can be found on the Wessex Water website.

There are currently no surface water drainage plans available to view. Surface water must be disposed of via the SuDS Hierarchy which is subject to Building Regulations. One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

The applicant is advised that it is an offence against the landowner to drive a mechanically-propelled vehicle along a footpath without lawful authority.

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

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.

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.

ENFORCEMENT COMMITTEE REPORT

ENFORCEMENT REFERENCE:

18/00380/S215



THE SITE

76 Leighton Road, Upper Weston, Bath, BA1 4NG

THE ISSUE

Failure to comply with a Notice under Section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land on land at 76 Leighton Road, Upper Weston, Bath, BA1 4NG (the “Land”).

RECOMMENDATION

The Planning Committee is asked to authorise the carrying out of works in default (including the recovery of its costs from the owner) under the powers conferred by Section 219 of the Town and Country Planning Act 1990 in respect of the failure to comply with the requirements of the Section 215 Notice served on the Land.

The Section 215 Notice (copy at appendix A) required both works to clear the front garden and works to maintain the garage door by stripping and repainting the door and replacing the fascia board. Upon recent inspection it was noted that the garage door is rotten and unlikely to be repaired to satisfy the terms of the Notice. As replacement of the garage door would be beyond the scope of the Notice, in execution of the terms of the Notice, Officers intend to carry out default works to the garden initially and will review whether default works to the garage door are possible.

RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

The works in default will have a cost implication to the Planning Department however we have obtained a quote from the Council's Parks Team who are able to execute the requirements of the Notice. This will be paid for via an internal transfer and so there will be no net external cost to the Council. Any costs incurred executing the requirements of the Notice which are not paid by the owner will form a local land charge on the Land and are recoverable together with any accrued interest upon sale of the Land.

The works will require supervision by a member of the Planning Enforcement Team however this is within the scope and remit of the job.

STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

The Council as the Local Planning Authority in issuing the notice under Section 215 considered that the amenity of a part of its area was adversely affected by the condition of the Land.

The Council has discretion whether or not to take further action if the Section 215 notice has not been complied with.

In deciding whether or not to take further action, the Council must pay due regard to the Human Rights Act and it will also need to have regard to its Equality Act duties.

THE REPORT

SITE DESCRIPTION

76 Leighton Road is a detached 3 bed dwelling situated above the highway and set back behind a terraced front garden. To the front of the site is a garage situated at road level.

The wider area is characterised by c.1950s detached dwellings forming a residential suburb to Bath.

The front garden is significantly overgrown with brambles, pampas grass and a mature tree. The vegetation during the summer months encroaches both neighbouring properties and the tree is overhanging the neighbour's access path.

BACKGROUND AND RELEVANT HISTORY

The Council first received complaints about the state of the land in July 2008. On investigation it was established that the property was vacant however the owner agreed to maintain the land and tidy the site. This was done and the case was closed.

In 2012 the Council received further reports concerning the condition of the land. The matter was investigated and the owner advised that failure to maintain the land could result in the issuing of a Notice under S.215.

In 2013 the owner took steps to again clear the land and sometime thereafter one of the two mature trees on site was removed.

In September 2018 the Council received a new complaint regarding the state of the land. On inspection it was noted that the windowsill masonry was falling onto a neighbouring property, brambles were encroaching both adjoining sites and the garden was detracting from the overall appearance of the streetscene.

The officer investigating the matter spoke to local residents who advised that whilst the owner previously attended site periodically to tidy the land, they had not visited for some time. It was also noted that there was a significant accumulation of post in the letterbox suggesting the property may be abandoned.

In October 2018 Officers wrote to the property owner at both the site address and also

the last known residential address. The letter was signed for as being received by the owner but went unanswered.

A further site visit was conducted in October 2018 to hand deliver a letter concerning the state of the property and advising that the Council may need to consider issuing a Notice under S.215 to require the proper maintenance of the land. This letter went unanswered.

In April 2019 the Council received complaints of rats at the site due to the condition of the land.

In May 2019 the Council issued a formal Notice under S.215 requiring the removal of all vegetation of the site, the re-seeding of the front garden to lawn, the regular maintenance of the land along with repairs to the garage door. The Notice was not appealed.

In November 2019 Officers re-visited the site and noted the condition of the site remained unchanged albeit some of the vegetation had died back for winter. It was noted that the garage door was beginning to rot.

In December 2019 Officers attended site with a member of the Council's Parks Department to obtain a quote to clear the site as per the requirements of the Notice.

RATIONALE

Section 215 of the Town & Country Planning Act 1990 (the Act) provides a local planning authority with the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of their area is being adversely affected by the condition of neighbouring land and buildings, notice may be served on the owner requiring that the situation be remedied. These notices set out the steps that need to be taken, and the time within which they must be carried out. The Local Planning Authority (LPA) also has powers under Section 219 to undertake the clean-up works themselves and to recover the costs from the landowner. The use of Section 215 by LPAs is discretionary and it is therefore up to the LPA to decide whether a notice under these provisions would be appropriate in a particular case, taking into account all the local circumstances.

Successful Section 215 action is one of a number of provisions available to the Council for maintaining and improving the quality of the environment, assisting in tackling dereliction and retaining land in productive use.

Section 215 is a relatively straightforward power that can deliver important, tangible and lasting improvements to amenity.

OTHER OPTIONS CONSIDERED

Consideration has been given to the following available options:

PROSECUTION

One option for further enforcement action is prosecution. Officers do not however believe it is in the public interest to prosecute the owners of the property for non-compliance with the Notice. Whilst successful prosecution could result in the owner being convicted and a fine levied, the level of any fine is capped at level 3 (£1000). Prosecution will not directly achieve the objective of bringing the garden back to an acceptable condition, it may motivate the owner to take steps to remedy the breach however as has been demonstrated previously, this issue has been investigated a number of times since 2008 and each time the garden has returned to its present overgrown state.

DO NOTHING

Doing nothing to enforce the Notice may be a valid outcome however this has to be weighed against the material circumstances of the case and the level of harm caused. In this instance the garden has been the subject of numerous complaints over the years and remains an eye-sore in the streetscene. The state of the property detracts from the character of the area and adversely impacts the amenities of all adjoining residents both in terms of its appearance and the encroachment onto adjoining land. Officers do not feel that the “do nothing” option would be appropriate in this instance as the adverse impact on amenity will only continue to worsen.

CONSULTATION

Internal consultation has taken place with the Parks Department who have provided a quote to undertake the works and with the Empty Properties Team who are keen to see this property back into habitable use.

No other consultations have taken place.

HUMAN RIGHTS AND EQUALITIES DUTIES

Article 8 and Article 1 of the first protocol to the Convention on Human Rights state that a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedom of others. In this case, the wider impact of the appearance of the land is considered to overrule the owner's convention rights.

The Council must have regard to its public sector equality duty under section 149 of the Equalities Act. The duty is to have regard to the need (in discharging its functions) to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are age, disability, gender, reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Officers have had regard to the Council's obligations and consider that the recommendation in this report to execute works in default would not have an adverse impact on any protected characteristic.

The protection of the public interest cannot be achieved by means that are less interfering with the occupants' rights. They are proportionate and necessary in the circumstances and would not, therefore, result in violation of the owner's rights under the European Convention on Human Rights or any other Convention article.

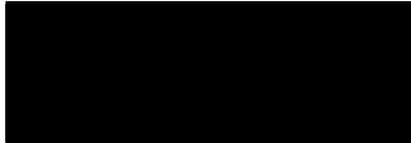
IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE
PLANNING COMPENSATION ACT 1991)**

SECTION 215 NOTICE

Issued by: Bath and North East Somerset Council (“the Council”)

Issued to:



1. THE NOTICE

This Notice is served by the Council under Section 215 of the above Act because it appears to them that the amenity of a part of their area is adversely affected by the condition of the land described below.

2. THE LAND TO WHICH THIS NOTICE RELATES

The land known as 76 Leighton Road, Bath, BA3 3LT, shown edged in red on the attached plan.

3. WHAT YOU ARE REQUIRED TO DO

The Council requires the following steps to be taken for remedying the condition of the land:

1. Remove all vegetation and shrubs from the front garden.
2. Re-seed front garden with lawn grass mix
3. Permanently maintain the front garden free of weeds.
4. Permanently ensure the lawn is maintained in a tidy manner - mown regularly (at least once every four weeks between April and October).
5. Repair and re-paint the garage door by stripping all existing paint from door and re-painting white. Replace existing fascia board with new white uPVC fascia or white painted timber fascia.

4. WHEN THIS NOTICE TAKES EFFECT


This notice takes effect on **29th June 2019** unless an appeal is made against it beforehand

5. TIME FOR COMPLIANCE

The above steps must be complied with within **3 month** of the date on which the Notice takes effect.

Dated: 30th May 2019

Designation:

Signed: 

Richard Stott
Team Manager – Planning & Enforcement
The Council’s authorised officer

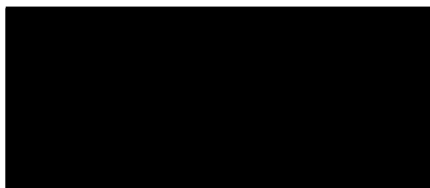
Address to which all communications should be sent:

Bath and North East Somerset Council
Planning Enforcement
Lewis House
Manvers Street
Bath
BA1 1JG
Tel: (01225) 394041

Issued to:



Copy to:



**RIGHT OF APPEAL AGAINST SECTION 215 NOTICE
SECTIONS 217-218 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

217-(1) A person on whom a notice under Section 215 is served, or any other person having an interest in the land to which the notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal against the notice on any of the following grounds:

- a) that the condition of the land to which the notice relates does not adversely affect the amenity of any part of the local planning authority who served the notice, or any adjoining are;
- b) that the condition of the land to which the notice relates is attributable to , and such as results in the ordinary course of events from the carrying on of operations or use of land which is not contravention of Part III;
- c) that the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the local planning authority, who served the notice, or of any adjoining area;
- d) that the period specified in the notice as the period in within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.

217-(2) Any appeal under this section shall be made to the Magistrates Court acting for the petty sessions in which the land in question is situated.

217-(3) Where such an appeal is brought, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.

217-(4) On such an appeal the Magistrates Court may correct any informality, defect or error in the notice if satisfied that the informality, defect or error is not material.

217-(5) On the determination of such an appeal the Magistrates Court shall give directions for giving effect to their determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.

217-(6) Where any person has appealed to a Magistrates Court under this section against a notice, neither that person nor any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

218 – Where an appeal has been brought under section 217, an appeal against the decision of the Magistrates Court on that appeal may be brought to the Crown Court by the appellant or by the local planning authority who served the notice in question under section 215.

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Bath & North East Somerset Council		
MEETING:	Planning Committee	<div>AGENDA ITEM NUMBER</div> <div></div>
MEETING DATE:	15th January 2020	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES	
WARD:	ALL	
BACKGROUND PAPERS:	None	
AN OPEN PUBLIC ITEM		

APPEALS LODGED

Case Ref: 19/00330/UNDEV
Location: Kite Lodge Sion Hill Lansdown Bath BA1 2UW
Breach: Without planning permission the demolition of a wall in a Conservation Area.
Notice Issued Date: 5 September 2019
Appeal Lodged: 27 November 2019

App. Ref: 19/00230/FUL
Location: 25 Upper East Hayes Walcot Bath Bath And North East Somerset BA1 6LP
Proposal: Demolition of existing dwelling and erection of 2 No. dwellings, new vehicular and pedestrian access, landscaping and associated works.
Decision: REFUSE
Decision Date: 28 August 2019
Decision Level: Delegated
Appeal Lodged: 29 November 2019

App. Ref: 19/03747/FUL
Location: 31 Third Avenue Oldfield Park Bath Bath And North East Somerset BA2 3NY
Proposal: Change of use from a 5-bed House in Multiple Occupation (HMO)

(Use Class C4) to a 7-bed HMO (Use Class Sui Generis).

Decision: REFUSE
Decision Date: 24 October 2019
Decision Level: Planning Committee
Appeal Lodged: 18 December 2019

APPEALS DECIDED

App. Ref: 18/05470/FUL
Location: 16 Coombend Radstock BA3 3AJ
Proposal: Change of use from office space (use class B1) to 2no one bed flats (use class C3) (Retrospective)
Decision: REFUSE
Decision Date: 25 January 2019
Decision Level: Delegated
Appeal Lodged: 8 August 2019
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 28 November 2019

App. Ref: 19/02002/FUL
Location: 92 Lays Drive Keynsham Bristol Bath And North East Somerset BS31 2LE
Proposal: Erection of two storey and single storey rear extensions. (Resubmission)
Decision: REFUSE
Decision Date: 20 August 2019
Decision Level: Chair Referral - Delegated
Appeal Lodged: 31 October 2019
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 28 November 2019

App. Ref: 19/00610/FUL
Location: Priory Nurseries Radstock Road Midsomer Norton Radstock Bath And North East Somerset
Proposal: Erection of 4no. single storey dwellings, associated car parking and garaging.
Decision: REFUSE
Decision Date: 12 April 2019

Decision Level: Delegated
Appeal Lodged: 8 August 2019
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 4 December 2019

App. Ref: 18/05706/FUL
Location: Rookehill Farmhouse 34 Wellsway Keynsham Bristol Bath And North East Somerset
Proposal: Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store (Resubmission).
Decision: REFUSE
Decision Date: 25 April 2019
Decision Level: Planning Committee
Appeal Lodged: 20 August 2019
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 13 December 2019

App. Ref: 19/03309/FUL
Location: 9 St Stephen's Close Lansdown Bath Bath And North East Somerset BA1 5PP
Proposal: Erection of a double storey side and single storey rear extension.
Decision: REFUSE
Decision Date: 17 September 2019
Decision Level: Delegated
Appeal Lodged: 8 November 2019
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 13 December 2019

App. Ref: 19/02117/FUL
Location: Broadlands Farm St Francis Road Keynsham BS31 2EB
Proposal: Erection of two storey rear extension above existing side building.
Decision: REFUSE
Decision Date: 21 August 2019
Decision Level: Delegated
Appeal Lodged: 11 November 2019
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 17 December 2019

App. Ref: 19/01666/OUT
Location: Land Between Somer Ridge And Monger Cottages Monger Lane
Welton Midsomer Norton
Proposal: Outline application for the erection of a detached house and garage
with all matters reserved.
Decision: REFUSE
Decision Date: 3 July 2019
Decision Level: Delegated
Appeal Lodged: 17 September 2019
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 19 December 2019

FORTHCOMING HEARINGS & INQUIRIES

App. Ref: 19/00467/LBA

Location: Garfunkels Orange Grove City Centre Bath Bath And North East Somerset
BA1 1LP

Proposal: Internal alterations to facilitate general refurbishment including installation of new bar, acoustic work to fireplaces and original opening between reception and staircase, decoration and lighting and replacement of sign writing on entrance canopy with leaded glass to match existing.

Decision: REFUSE

Decision Date: 14 June 2019

Decision Level: Delegated

Appeal Lodged: 11 November 2019

Hearing to be held on 15th January 2020 at The Guildhall, Bath.