

# Planning Committee

**Date: Wednesday, 12th February, 2020**

**Time: 2.00 pm**

**Venue: Brunswick Room - Guildhall, Bath**

## Agenda

To: All Members of the Planning Committee

**Councillors:-** Matt McCabe, Sally Davis, 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.

The Council will broadcast the images and sounds live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast). The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

## 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**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

## 6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

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

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, ie 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 - 22)

To confirm the minutes of the meeting held on 15 January 2020.

### 7. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 23 - 78)

### 8. QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2019 (Pages 79 - 88)

The Committee is asked to note the report.

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 89 - 92)

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, 15th January, 2020, 2.00 pm

**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

#### 77 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 78 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

#### 79 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 80 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

#### 81 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.

#### 82 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 18 December 2019 were confirmed and signed as a correct record.

#### 83 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 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 3* to these minutes.

#### **Item No. 1**

##### **Application No. 19/04462/FUL**

**Site Location: 4-5 Railway Place, City Centre, Bath, 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)**

The Case Officer reported on the application and the recommendation to refuse.

The Agent spoke in favour of the application.

Officers responded to questions as follows:

- The conclusion of the Case Officer was that the proposal would cause less than substantial harm to the setting of the listed buildings and character and appearance of this part of the Conservation Area and World Heritage Site.
- The Legal Advisor explained that the effect of sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and how they relate to the policies in the NPPF regarding consideration of impacts upon heritage assets. Members were advised that when weighing the identified harm to heritage assets against any public benefits, members should give great weight to the conservation of the heritage assets. As such, it was not a case of simply balancing harm against public benefits, but was a “tilted balance” in favour of conserving the heritage assets.
- The Case Officer confirmed that there is a Bath Building Lines Strategy which covers roofscape issues. However, the strategy is not a Supplementary Planning Document. The concern of officers in this case was the local impact of the development rather than the roofscape.
- The development would provide an additional 925 square metres of office space in Bath in addition to the 25,000 square metres to be provided at Bath Quays North and the 8,000 square metres at Bath Quays South.
- The planning permission for office development at Pinesgate has now expired. The position regarding office space in Bath is a material consideration.

Cllr Craig expressed concern regarding the adverse effect on the views of Bath from Beechen Cliff.

Cllr Jackson moved the officer recommendation to refuse. She felt that the design detracts from the Conservation Area and noted that there was no tangible evidence of a need for more office space in this location.

Cllr Rigby seconded the motion.

The motion was then put to the vote and it was RESOLVED unanimously to REFUSE the application for the reasons set out in the report.

## **Item No. 2**

### **Application No. 19/00772/FUL**

#### **Site Location: Land at Entrance to Manor Farm, Bath Hill, Wellow, Bath – Erection of two storey detached dwelling**

The Case Officer reported on the application and her recommendation to permit. She clarified the purpose of the HELAA (Housing and Economic Land Availability Assessment) Call for Sites in 2018. A further letter had been received expressing concern about drainage issues on the site. She proposed an amendment to condition No. 4 and added two further conditions to ensure that parking provision was provided prior to occupation and to restrict permitted development rights. She also gave details of two amendments to the relevant planning history.

A representative from Wellow Parish Council spoke against the application.

The Agent and Applicant spoke in favour of the application.

A statement from Cllr Neil Butters, local ward member, was read out at the meeting. He supported the position taken by Wellow Parish council who objected to the application. He was concerned that the new property would be overbearing as it was on higher ground than the bungalows at Manor Close. He also expressed concerns about flooding and land stability at the site. He was not convinced that the development amounted to infill and felt that there had been a lack of consistency about this.

Officers then responded to questions as follows:

- There is no specified distance regarding spacing between neighbouring properties. It is generally considered that 21-23 metres between properties is acceptable and any closer than this is based on the judgement of the planning officer having regard to amenity.
- The Case Officer clarified the position of the gate and footpath in relation to the proposed property.
- There is no definition of “limited infilling” in the NPPF and this is down to the judgement of the Case Officer. It was explained by the Case Officer that the example stated in the Placemaking Plan was indicative only and not an exhaustive list of what might qualify as “limited infilling”. There is development in the form of houses and roads, be they at a short distance away, on at least three sides of the site.
- Part of the existing public footpath would be located in the car parking area of the development site. However, this would not interfere with the public right of way. The Legal Advisor explained that an informative was proposed

which would address this issue. He confirmed that any effect on a public right of way is a material consideration.

- There is no Wellow Neighbourhood Plan.

Cllr Clarke stated that the development was on Green Belt land and that he did not feel that the proposal amounted to infill development. The new property would overlook the bungalows in Manor Close. He also expressed concern about the potential flood risk and land instability as the site sits on Fullers Earth.

Cllr Jackson moved that the application be refused for the following reasons:

- The proposal does not constitute infill development and therefore amounts to inappropriate development in the Green Belt.
- The design is inappropriate and does not reflect the context of the surrounding area.
- Overdevelopment of the site.
- The detrimental impact on the amenity of both the residents of Manor Close and any occupant of the new property.

She stated that the proposal would change the rural character of the area and expressed concern about the detrimental impact of the footpath crossing the development site.

Cllr Rigby seconded the motion. She explained that, while she sympathised with the applicant and their reasons for wishing to build the property, she felt that there were clear planning reasons to refuse the application.

The motion was put to the vote and it was RESOLVED by 8 votes in favour, 1 vote against and 1 abstention to REFUSE the application for the reasons set out above.

#### **84 PLANNING ENFORCEMENT REPORT - 76 LEIGHTON ROAD, UPPER WESTON, BATH, BA1 4NG**

The Committee considered a report regarding a failure to comply with a Notice under Section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land at 76 Leighton Road, Upper Weston, Bath.

The Section 215 Notice (set out in Appendix A to the report) requires 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.



The Team Manager, Planning and Enforcement, confirmed that the Council Parks Team would carry out the work and that funding is available for this. He also confirmed that a public sector equality duty assessment had been carried out and that the Council's Empty Property Team was aware of the situation. Officers had tried to engage with the property owner without success.

Cllr Davis moved the officer recommendation to authorise the works. This was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED unanimously to authorise the carrying out of works in default (including the recovery of 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.

85 **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 3.15 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Planning Committee**

**Date 15<sup>th</sup> January 2020**

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

**ITEM**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01	19/04462/FUL	4 - 5 Railway Place City Centre Bath Bath And North East Somerset BA1 1TH

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. In this instance the additional height and massing of the proposed fourth floor extension would slice right through the centre of the views from South Parade, partly obscuring the green hillside and creating a severe horizontal division. This will not preserve nor enhance this part of the Bath Conservation Area and as such this proposal fails to meet this requirement.

There is also 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. In this instance the additional height and massing of the proposed fourth floor extension would slice right through the centre of the views from South Parade, partly obscuring the green hillside and creating a severe horizontal division. Furthermore, 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. As such the scheme does not preserve the setting of the listed buildings and the scheme also fails to meet this requirement.

Members are reminded of the advice in Paragraph 193 of the NPPF which states:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Members are advised that, when weighing the identified harm to the heritage assets against the public benefits of the proposal, considerable importance and weight must be given to the conservation of the heritage assets.

02	19/00772/FUL	Land at entrance to Manor Farm Bath Hill Wellow
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14 letters of objection have been received.

Additional issues raised are as follows:

Detailed plans have been submitted in respect of the housing development boundary indicating part of the development is outside the housing development boundary.

Further comments in respect of the level of the development and loss of privacy were also raised.

Concerns have been raised in respect of the notification of neighbours.

#### Officer comments

The issue of the housing development boundary has been addressed by the applicant's agent. A plan has been submitted indicating the location of the housing development boundary and the development.

Part of the dwelling as originally submitted did extend outside the development boundary and therefore, the footprint of the dwelling has been further amended to indicate the house footprint is within the housing development boundary. The amendment has reduced marginally the footprint of the proposed dwelling.

There are two minor elements of the development which fall outside the development boundary as shown on the additional plans submitted. The steps down to the entrance of the property and a small access strip in front of the car parking spaces are shown to be sited outside the housing development

boundary. These elements are considered to be minimal and the fact that these small elements are outside the housing development boundary is not considered to justify refusal of this application.

The impact of the development on neighbour's privacy and the levels of the site are addressed within the committee report.

However the amendments to the dwelling have resulted in the measurements stated in the report being marginally reduced. (See amendments to 'Impact on amenity' below).

Neighbour re-notifications were carried out when the design of the dwelling was amended. Further neighbour notifications would not be carried out in respect of these latest minor alterations as they seek to address the concerns raised and do not substantially impact on the nature of the development as proposed.

The following section within the committee report are amended to read as follows:

#### Impact on amenity-

The proposed built form will start 5m within the site, the dwelling elevation being 12m from the rear elevation of number 32 Manor Close, the proposed dwellings closest neighbour. The adjacent properties have garden areas that are 5m in depth. The built form closest to the properties in Manor Close will be a small amenity area on the south side of the dwelling set down below ground level. The roof form slopes away from the properties in Manor Close. The maximum height of the proposed dwelling will be approximately 5m high. Given that the dwelling is set down in the site the ridgeline of the proposed dwelling will be approximately 2m higher than the properties in Manor Close and the ridge line will be at a distance of 14m 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 14m. The impact that this built form will have on the amenity of these properties it not considered to result in a loss of light or be excessively overbearing given the existing relations ship between the properties. The existing hedge is to be retained along the southern boundary between the properties in Manor Close and the site. At present the boundary to the site is vegetated with a mature hedge.

The proposed dwelling will therefore be visible beyond the hedge but at a distance that is not considered to result in the development having an overbearing impact on the neighbours. The hedge to be retained retains a distance between the properties. The gardens of the properties in Manor

Close are relatively limited in size with a footpath running along the back of the properties and adjacent to the site boundary.

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. The western end of the property is set down by 1.5m whilst the eastern end is set down by 900mm.

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 to the south. There is a small dormer and roof light on the northern roof slope and windows in both gable ends. The westerly facing windows looks down along the entrance track whilst the easterly facing window is to be glazed with obscure glass and non-opening. Given the distance to the adjacent property and the nature of the window in the eastern elevation loss of privacy is not considered to be an issue in respect of this window.

Whilst it is recognized that the proposed dwelling is in close proximity to the neighbours in Manor Close and given concerns that there will be a loss of privacy due to the garden level of the new dwelling it is considered that the hedge provides a barrier and as the land slopes marginally down towards Manor Close the two elements combine so that the level of lost privacy would be limited and therefore, it is not considered that loss of privacy would warrant refusal of this application.

The new dwelling is shown to be constructed of Dark Grey Rubble stone with a brown double roman tiled roof. These materials are considered appropriate in this location.

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.

Other matters drainage/ecology/trees/Conservation Area.

The site is adjacent to the Conservation Area but not within it. 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.

The Plans list is amended as follows:

PL01 dated 24/02/2019 and PL02 Rev C, PL03 Rev E, PL04 Rev E, PL05 Rev E, PL07 Rev E, PL08 Rev D,

PL10 Rev Q and PL11 all dated 5/01/2020

Informative 5 is amended to read

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

Additional condition

15-{\b Obscure Glazing and Non-opening Window(s) (Compliance)}

The proposed window in the eastern elevation as indicated on the submitted plans shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

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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 15 JANUARY 2020**

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	4-5 Railway Place, Bath, BA1 1TH	Jo Davis (Agent)	For
2	Land at Entrance to Manor Farm, Bath Hill, Wellow, Bath	Cllr Pat Caudle (Wellow Parish Council)	N/A
		Nick Morley (Agent)	For (To share 3 minutes)
		Graham Wilkins (Applicant)	

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**PLANNING COMMITTEE**

**15th January 2020**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	19/04462/FUL	
<b>Site Location:</b>	4 - 5 Railway Place, City Centre, Bath, Bath And North East Somerset	
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of extension at the fourth floor level, front and rear infill extensions, external alterations and revisions to existing entrance onto Railway Place (Resubmission).	
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B1 Bath Enterprise Zone, Policy 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,	
<b>Applicant:</b>	BEGG Nominees Limited	
<b>Expiry Date:</b>	10th December 2019	
<b>Case Officer:</b>	Chloe Buckingham	

**DECISION REFUSE**

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

<b>Item No:</b>	02		
<b>Application No:</b>	19/00772/FUL		
<b>Site Location:</b>	Land At Entrance To Manor Farm, Bath Hill, Wellow, Bath		
<b>Ward:</b> Bathavon South	<b>Parish:</b> Wellow	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of two storey detached dwelling		
<b>Constraints:</b>	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,		
<b>Applicant:</b>	Mr Graham Wilkins		
<b>Expiry Date:</b>	17th January 2020		
<b>Case Officer:</b>	Christine Moorfield		

### DECISION REFUSE

1 The proposed development site is not an infill site within the housing development boundary and therefore amounts to inappropriate development within the Green Belt

thereby failing to comply with any of the exceptions for new buildings outlined within paragraph 145 of the National Planning Policy Framework, 2019. The proposed development is therefore inappropriate development in the Green Belt in principle, being contrary to policies GB1 and GB2 of the Placemaking Plan, Policy CP8 of the Core Strategy and Section 13 of the NPPF.

2 The proposal will result in the overdevelopment of the site within close proximity to neighbouring properties to the detriment of the residential amenity of occupiers through its overbearing nature and harm to outlook. The proposal will result in overlooking to the detriment of appropriate levels of amenity of habitable rooms and private garden spaces to neighbouring properties. In addition the existence of the adjacent public foot path in relation to the proposed property located at a lower level will be likely to result in a significant loss of privacy for the residents of the proposed new dwelling. Therefore, the proposal is considered contrary to Part 12 of the NPPF and contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan (2017)

3 The proposal represents over-development of this restricted site and does not respond to the local context in terms of siting, mass, bulk, design, spacing and layout. The setting down of the property within the site in conjunction with the scale of the development results in a form of development which does not reflect the surrounding context and is therefore, considered contrary to Policies D1, D2, D3, D4, D5 and D7 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2019).

## **PLANS LIST:**

This decision relates to the following drawings:

PL01 Rev A - 22 September 2019  
PL02 Rev C - 5 January 2020  
PL03 Rev E - 5 January 2020  
PL04 Rev E - 5 January 2020  
PL05 Rev E - 5 January 2020  
PL07 Rev E - 5 January 2020  
PL08 Rev D - 5 January 2020  
PL10 Rev A - 5 January 2020  
PL11 - 5 January 2020

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.

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<b>Bath &amp; North East Somerset Council</b>		
MEETING:	<b>Planning Committee</b>	<div>AGENDA ITEM NUMBER</div> <div></div>
MEETING DATE:	<b>12th February 2020</b>	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	<b>APPLICATIONS FOR PLANNING PERMISSION</b>	
WARDS:	ALL	
BACKGROUND PAPERS:		
<b>AN OPEN PUBLIC ITEM</b>		

## 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

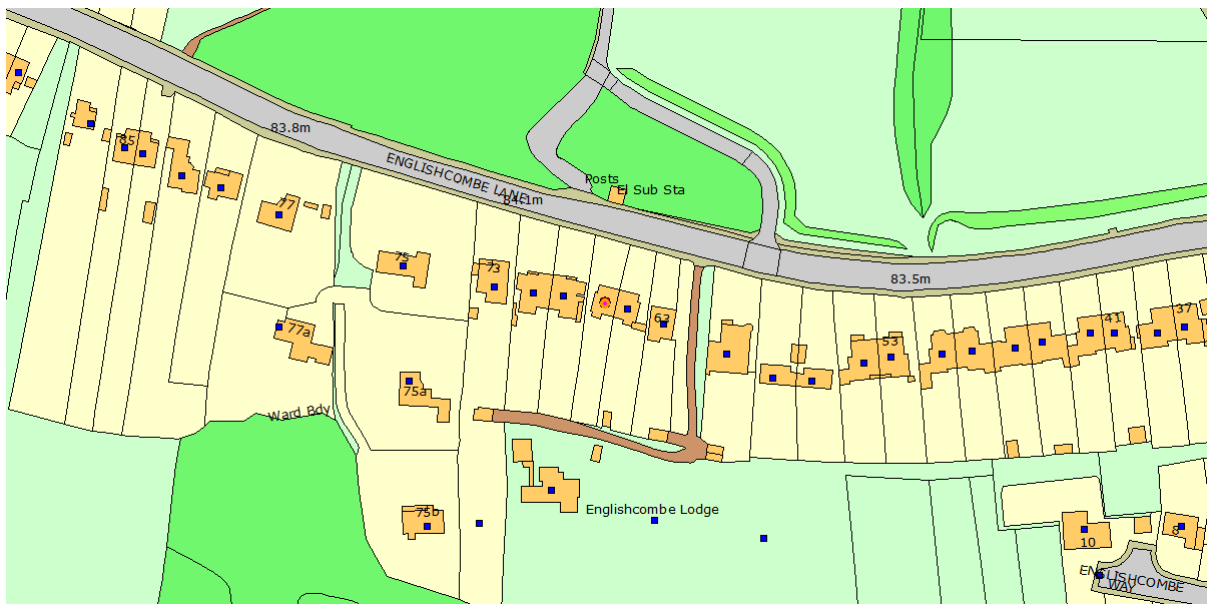
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	20/00111/TCA 21 February 2020	GT Tree Services 67 Englishcombe Lane, Southdown, Bath, Bath And North East Somerset, BA2 2EE Leyland Cypress 13m (T1) - Fell	Moorlands	Jane Brewer	NO OBJECTION
02	19/04914/FUL 13 January 2020	Mrs Helen Franklin Rosemere, Homefield Road, Saltford, Bristol, Bath And North East Somerset Erection of a new dwelling and gate house following the demolition of existing dwelling.	Saltford	Rae Mepham	PERMIT
03	19/04598/FUL 14 February 2020	Mr M Davies Amenity Green, Glebe Walk, Keynsham, , Erection of two semi-detached dwellings.	Keynsham North	Rae Mepham	PERMIT
04	19/05107/FUL 14 February 2020	Mr Richard Hardy 4 Audley Avenue, Lower Weston, Bath, Bath And North East Somerset, BA1 3BL Erection of two-storey side and rear and single-storey rear extension following removal of existing rear extension and garage together with removal of part of front garden wall and increase in width of driveway	Kingsmead	Christopher Masters	PERMIT
05	19/04452/FUL 30 January 2020	Mr Campbell Gregg Poole Farm, Sunnymead Lane, Bishop Sutton, Bristol, Bath And North East Somerset Erection of a triple garage for domestic use.	Chew Valley	Hayden Foster	PERMIT



06	19/04486/FUL 16 January 2020	Karina Klein & Robert Causon 9 Partis Way, Lower Weston, Bath, Bath And North East Somerset, BA1 3QG Erection of new 4 bedroom detached dwelling, garage and associated hard and soft landscape works on land adjacent to No. 9 Partis Way. Proposed variations to consented scheme Ref: 17/03603/FUL	Newbridge	Samantha Mason	PERMIT
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## REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

**Item No:** 01  
**Application No:** 20/00111/TCA  
**Site Location:** 67 Englishcombe Lane Southdown Bath Bath And North East Somerset BA2 2EE



**Ward:** Moorlands      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Jess David  
**Application Type:** Tree Works Notification in Con Area  
**Proposal:** Leyland Cypress 13m (T1) - Fell  
**Constraints:** Conservation Area,  
**Applicant:** GT Tree Services  
**Expiry Date:** 21st February 2020  
**Case Officer:** Jane Brewer  
 To view the case click on the link [here](#).

### REPORT

REASON FOR REPORTING NOTIFICATION TO COMMITTEE:

The notification relates to a Councillor's tree.

It is relevant to note that a previous notification was submitted to planning. In that submission the agent had not identified that it related to a Councillor and so the response was issued on that basis. Upon becoming aware of this the Councillor requested that the notification be reconsidered at Committee to meet the Councillors Code of Conduct and Scheme of Delegation.

## **DESCRIPTION:**

This notification relates to a tree located within the Bath Conservation Area.

The proposal is to remove a Leyland Cypress which is growing within the rear garden of the property.

Six weeks notice must be given to the Council for tree works or tree felling within a conservation area if the tree has a trunk diameter of 7.5cm or over (when measured 1.5m above ground level) and where exceptions do not apply.

The purpose of a tree notification is to give the Council the opportunity to consider whether a Tree Preservation Order should be made to protect the tree.

The following criteria are used to assess whether trees are worthy of a Tree Preservation Order:

1. visibility to the general public
2. overall health, vigour and appearance
3. suitability of their location and anticipated future management
4. special factors such as contribution to the character of a conservation area, World Heritage Site setting or overall green infrastructure; their rarity; their ecological contribution and whether they have historical significance such as in the case of veteran trees.

Further information regarding trees in conservation areas can be found on the Council's website at:

<https://www.bathnes.gov.uk/services/environment/trees-and-woodlands/trees-conservation-areas>

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

No public comments have been received.

## **POLICIES/LEGISLATION**

Town and Country Planning Act 1990 (in particular sections 197-214 as amended)

Town and Country Planning (Tree Preservation)(England) Regulations 2012

## **OFFICER ASSESSMENT**

The tree is located centrally within the rear garden of the property.

The tree can be viewed between properties but is not considered to be a significant feature from the public domain.

The tree appears to be in average health and vigour.

The tree is not considered to be a good representative of the variety or contribute sufficiently towards the local character of the area.

An aerial view of the property indicates that the canopy spread of the tree may be considered to dominate the garden so is likely to require regular management if retained.

## **CONCLUSION:**

The tree is not considered to be a suitable candidate for a Tree Preservation Order.

## **RECOMMENDATION**

No objection

Advisory notes:

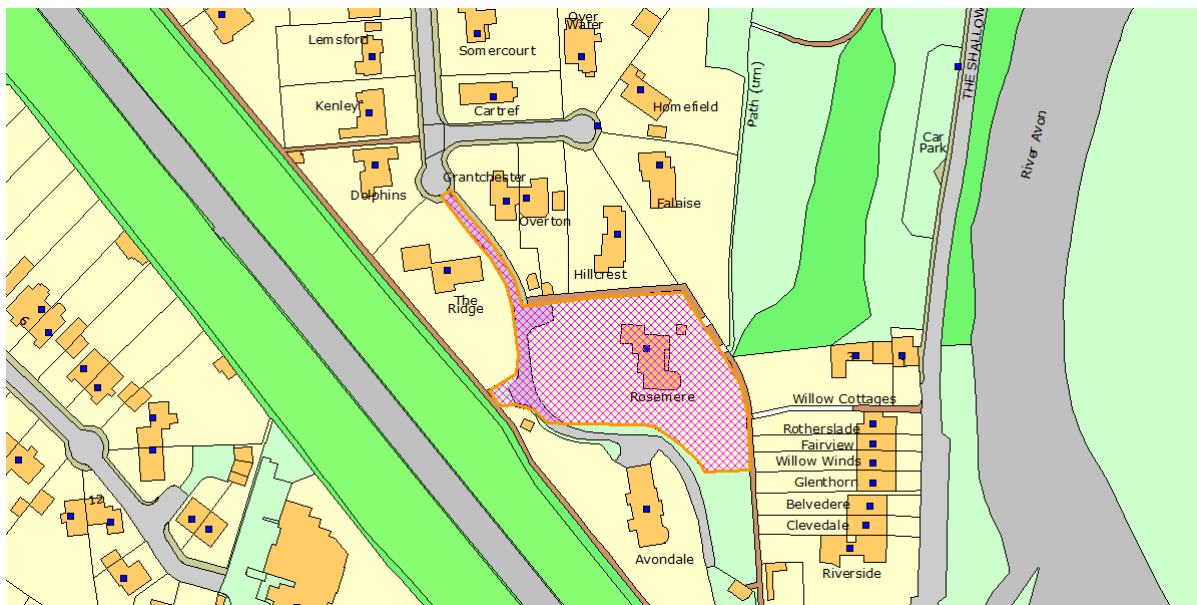
While this letter refers to planning controls, your attention is drawn to the Wildlife and Countryside Act 1981 as amended and the Countryside and Rights of Way Act 2000. Under these Acts all species of wild birds, their eggs, nests and chicks, are legally protected until the young have fledged. Tree work is best carried out outside the bird nesting season, which typically extends from March until September, although it may begin earlier than this. If work must be carried out within the bird nesting season, a qualified ecological consultant should carry out a detailed inspection to ensure that birds are not nesting in the trees that you are proposing to work on. If nesting birds are present the work must not proceed.

Trees provide numerous benefits towards our health and wellbeing so replacement planting when trees are removed is vitally important, particularly in our urban environments. Please contact the tree officer if you would like some advice regarding replacement planting. A comprehensive list of tree species for green infrastructure is available on line from the Trees and Design Action Group at <http://www.tdag.org.uk/>

## **RECOMMENDATION**

NO OBJECTION

**Item No:** 02  
**Application No:** 19/04914/FUL  
**Site Location:** Rosemere Homefield Road Saltford Bristol Bath And North East Somerset



**Ward:** Saltford                      **Parish:** Saltford                      **LB Grade:** N/A  
**Ward Members:** Councillor Duncan Hounsell                      Councillor Alastair Singleton  
**Application Type:** Full Application  
**Proposal:** Erection of a new dwelling and gate house following the demolition of existing dwelling.  
**Constraints:** Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, British Waterways Major and EIA, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Public Right of Way, Railway, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, Tree Preservation Order,  
**Applicant:** Mrs Helen Franklin  
**Expiry Date:** 13th January 2020  
**Case Officer:** Rae Mepham  
To view the case click on the link [here](#).

## REPORT

### Reason application going to committee

The application was referred to the Vice Chairman and Chairman following an objection from Saltford Parish Council. The Chair decided that the application should be heard by the Planning Committee for the following reason:

*I have looked at this application and noted the officer's comments regarding the objections raised. However, given the prominence of this site I feel that the decision should be taken in the public domain at Committee.*

## Site and description of proposal

This application relates to a property within the Saltford Housing Development Boundary, adjacent to the Saltford Conservation Area. This application is for the erection of a detached dwelling and gatehouse following the demolition of the existing dwelling.

## Relevant history

DC - 17/03084/FUL - RF - 6 December 2017 - Construction of a new dwelling & gate house following the demolition of an existing dwelling

DC - 18/02326/FUL - RF - 23 July 2018 - Erection of a dwelling and gate house following the demolition of an existing dwelling.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

### Consultation responses

Saltford Parish Council - Objection - *Compared to the existing dwelling, the plans represent a substantial increase in width making such a large and wide dwelling visually intrusive in this elevated position overlooking dwellings in and being seen from Saltford's Conservation Area and also when viewed from the Cotswold AONB; the resulting over-development of the skyline at this sensitive location therefore remains a strong concern. Saltford Parish Council asks B&NES Council to pay careful regard to this aspect as well as to (i) the impact of the proposed Gate House on the street scene of Homefield Road, (ii) the impact of the proposed demolition and construction works on trees protected by tree preservation orders, and (iii) any adverse effect on the structural integrity of the adjacent narrow and sloping access lane due south of the proposed re-positioned swimming pool.*

*If this application is permitted the construction management plan (pre commencement), as requested by the B&NES Senior Highways Development Control Engineer, should take account of the need to protect access and highway safety for neighbouring properties at all times.*

*However, if the case officer is minded to approve this planning application, Saltford Parish Council requests that it be referred to the Planning Committee for determination for the planning policy reasons given in this response including but not exclusively contravention of B&NES Placemaking Plan policies D2 (Local Character and Distinctiveness), D6 (Amenity), HE1 (Historic Environment), NE2 (Landscape and Landscape Setting), and NE6 (Trees and Woodland Conservation).*

Highways - No objection subject to conditions relating to retention of garaging and parking, provision of bicycle storage, submission of a construction management plan and ancillary use of the annexe.

Arboriculture - No objection subject to a pre-commencement meeting, compliance with the submitted arb method statement and submission of a landscape scheme.

## Third party representations

21 objections have been submitted, summarised as:

- Previous applications have been refused
- Gatehouse is not in character with the area
- Gatehouse is inappropriate
- Proposed property is double the original footprint
- Property will be visible within the hillside
- Reflected light from glazing will make property more prominent
- Property will be visible from the Conservation Area
- Lights and noise from swimming pool would be detrimental to residential amenity
- Proposal has potential to cause slippage and subsidence
- Access to property is shared access and not adopted highway
- Access includes Public Right of Way
- Any vehicles parked in the cul-de-sac can cause access issues
- Proposal must not impact on visibility
- Access for heavy machinery is a concern
- Disturbance to roots or draining water can cause soil migration
- Proposal is not sympathetic to surrounding properties
- Habitats may be destroyed
- Property may be let on Air B&B if permission is given
- Loss of privacy to properties in the Shallows
- Scheme is a poor, weak attempt a modern idiom of architecture
- Existing damage to trees
- Gatehouse is a dwelling
- Disruption and pollution issues from traffic
- Out of keeping with Conservation Area
- Plans fail to overcome previous reasons for refusal
- No guarantee trees will survive
- Overdevelopment
- Owner is frequently away
- Enforcement of ancillary use would require considerable enforcement action
- Gatehouse and house could be enlarged using permitted development rights
- Inaccuracies on drawings
- Flat roof could be used as terrace

### **Cllr request**

Cllr Singleton:

*I refer to the above referenced Planning Application at Rosemere, Homefield Road, Saltford, BS31 3EQ.*

*Should the Case Officer be minded to recommend approval, I request that the application is referred to the Planning Committee for determination.*

*This is a highly controversial application in a conservation area and in a visually prominent elevated position overlooking an area of significant beauty. The application may be considered to be in contravention of policies D2, D6, HE1, NE2 and NE6 among others in the BANES place-making plan.*

Officer note - the request from Cllr Singleton was not included within the referral to the Vice Chair and Chair. As the Chair determined that the application should be decided by the Planning Committee, as per Cllr Singleton's request, it was not considered necessary to re-refer the application.

## **POLICIES/LEGISLATION**

On 13th July 2017 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:

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

The following Core Strategy policies are applicable:

DW1 - District Wide Spatial Strategy  
CP2 - Sustainability  
CP5 - Flood Risk Management  
CP7 - Green Infrastructure

The following B&NES Placemaking Plan policies have been considered:

D1 General Urban Design Principles  
D2 Local Character & Distinctiveness  
D3 Urban Fabric  
D4 Streets and Spaces  
D5 Building Design  
D6 Amenity  
D10 Public Realm  
HE1 Historic Environment  
H7 - Housing Accessibility  
LCR9 Increasing the Provision of Local Food Growing  
NE3 Sites, species and habitats  
NE5 Ecological networks  
NE6 Trees and woodland conservation  
SCR5 Water Efficiency  
ST7 Transport requirements for managing development

Consideration has been given to the National Planning Policy Framework and the National Planning Practice Guidance.

## **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 development**

The proposal is sited within the Housing Development Boundary of Keynsham. A replacement dwelling in this location is considered to be acceptable, subject to other material considerations.

### **Character, appearance and impact on landscape**

The proposal is similar in size and design terms to that applied for under previously refused application ref. 18/02326/FUL. Whilst the proposal is larger than the existing property, the proposal does not fill the plot and leaves a large amenity area around the dwelling, and would not be considered overdevelopment.

The surrounding area is characterised by a variety of dwelling styles the buildings are of a traditional aesthetic and include pitched roofs of one to two stories. The proposed dwelling has been designed with a contemporary built form. The proposed materials are characteristic of the surrounding area, including a tiled roof with stone and rendered walls. The proposed built form being only a two storey property will not appear visually prominent within the streetscene.

The proposed dwelling will sit adjacent to the Conservation Area. The existing property is visible from The Shallows which sits below the site. Whilst the proposal has not been significantly altered in terms of size and design the revised scheme sits further back within the site than both the existing and previously submitted dwellings. The property will therefore not appear overly prominent within the hillside.

The proposed gatehouse includes living space, 2 bedrooms, a bathroom and a kitchen. It is noted that the previous application considered this to be a dwelling in its own right, and the application was refused on this basis amongst other things. Since the previous application appeal decisions have clarified the position regarding annexes situated within the curtilages of dwellinghouses. Following these appeal decisions, it is considered in this instance that the size and location of the gatehouse could be considered as an ancillary building, providing a condition was attached to any permission given ensuring that it is used only in an ancillary nature. The provision of a residential outbuilding in this location would not appear out of character or incongruous within the local area, and as such this part of the development is now considered to be acceptable.

### **Highways**

Currently vehicular access to the application site is taken via a narrow private drive, part of which highway records identify as being existing Public Right of Way BA27/46 (PRoW BA27/46). PRoW BA27/46 must remain clear at all times during and post-construction of the new dwelling and gate house.



The proposed three-bed dwelling and one-bed gate house require the combined provision of four off-street car parking spaces and the applicant proposes to provide six off-street car parking spaces, which is acceptable. HDC also acknowledges that the applicant proposes to provide on-plot turning facilities allowing cars to be manoeuvred such that they are able to enter the adopted public highway in a forward gear.

Highways development have no objection to the scheme, subject to conditions relating to parking, bicycle storage, the submission of a construction management plan and a condition requiring the annexe to remain ancillary to the main dwelling. A condition has been requested to retain the garaging on site however the property benefits from a substantial on-site parking area and as such this condition would not be reasonable in this case.

### **Residential amenity**

Concerns have been made by nearby residents in regards to residential amenity, particularly noise. The proposal is a replacement dwelling and as such the same use class as what is currently on site. Statements regarding the property being let on Air B&B are unsubstantiated, and in any case many properties let on Air B&B are still within C3 use. Should the property be used as a large scale commercial holiday let this would be investigated by the Planning Enforcement Team. The fact that the owner is frequently away is not a material planning consideration.

The proposal sits within a large plot and is set down lower than neighbouring properties. The proposal is closer to the boundaries of the plot than the existing however not to an extent that would cause an overbearing impact on neighbouring properties.

There are some side windows within the proposal but these are located at a substantial distance away from neighbouring boundaries, around 15m and 16m, and as such this would not cause significant harm due to overlooking.

Concern has been raised that the provision of an outdoor pool will result in unwanted noise. The use of a pool is considered to result in noise typical of an existing garden use and therefore is not considered to warrant refusal of the application.

### **Arboriculture**

The site has been the subject of two previous applications (references 17/03084/FUL and 18/02326/FUL), as well as discussions. As mentioned, the previous application was refused due to concerns regarding the potential impact of the proposed demolition and construction on the adjacent trees; of particular concern was the lack of any tree survey or arboricultural impact assessment dealing with issue.

The current application incorporates significant alterations to address previous arboricultural issues relating to the protection of the protected trees and their future relationship with the occupants and their reasonable use of the property.

The application is supported by an Arboricultural report incorporating an Arboricultural Method Statement and Tree Protection Plans for both demolition and construction phases.

No objection is raised to the removal of the Cherry to the front of the property subject to replacement planting.

There is no Arboricultural objection to the scheme subject to conditions relating to a pre-commencement meeting, compliance with the submitted arboricultural method statement, and submission of a landscape plan.

## **Ecology**

Concerns have been raised that heavy construction vehicles within this site would prevent wildlife from returning, however construction or works of any kind, including renovation etc would have the same impact. In terms of habitats the proposals relate to the existing dwelling and immediate areas around which comprise of lawn or patio. The areas to the north of the proposal which are more heavily vegetated are largely within the root protection zones of protected trees and as such development would be prevented in these areas in any case. Concerns regarding lightspill are noted however the site does contain an existing dwelling within a residential area, where some light spill is to be expected.

There is not considered to be impact upon protected species caused by this proposal.

## **Increasing the provision of local food growing**

Policy LCR9 states that all residential development will be expected to incorporate opportunities for informal food growing where possible. The proposal site benefits from garden areas where future occupiers could grow food if they wished.

## **Water efficiency**

All dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. water butts) will be required for all residential development, where technically feasible.

## **Sustainable Construction**

A Sustainable Construction Checklist has been submitted, confirming the CO2 reduction to be 21.6%. The application also proposes to use Structural Insulated Panels manufactured from industry waste, flat roof mounted photovoltaic panels, underfloor heating and cooling and triple glazing, amongst other energy saving measures. The proposal is considered to be inline with policy CP2.

## **Other matters**

There have been comments submitted during the application process relating to deliberate damage to protected trees on site. An enforcement investigation was carried out prior to the submission of the application, and has been closed with no further action taken. Whilst damaging a protected tree is an offence this is a separate matter in this case and is not a material consideration for the overall determination of this application.

Where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. It is not apparent that the existing site suffers from stability issues.

During assessment of the application the submitted drawings have been found to be correctly scaled.

## **Conclusion**

The proposal is considered to be in compliance with the current Development Plan. The application is therefore recommended for approval.

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

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

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

### **3 Ancillary Use (Compliance)**

The "gatehouse" shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling and shall not be occupied as an independent dwelling unit.

Reason: The accommodation hereby approved is not capable of independent occupation without further consideration by the Local Planning Authority.

### **4 Bicycle Storage (Pre-occupation)**

No occupation of the development shall commence until bicycle storage for at least four bicycles has been provided 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 T.6 of the Bath and North East Somerset Local Plan.

#### **5 Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

#### **6 No Terrace/Balcony Use (Compliance)**

The flat roof area of the development hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area, other than the specified "patio" areas on submitted plan 700:003.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

#### **7 Arboricultural meeting (Pre-commencement)**

No demolition or development or other operations shall take place prior to a pre-commencement meeting has taken place between the Appointed Contractor/Site Manager, Architect, Client, Local Planning Authority Senior Arboricultural Officer and Project Arboriculturalist to discuss and agree site operations programme and tree protection.

Reason: To ensure that the approved method statement is understood and 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.

#### **8 Arboricultural method statement (Bespoke trigger)**

No demolition or development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. Site visit records and certificates of completion for each phase of the works ( demolition and construction activities ) shall be provided to the local planning authority.

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.

#### **9 Soft landscape scheme (Bespoke trigger)**

Within six month of the date of this decision or within two months of the commencement of development (whichever occurs first) a soft landscape scheme with plan and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority showing the species, planting size and location of six replacement trees.

Reason: to secure replacement tree planting on site in accordance with Policy NE6 of the Placemaking Plan and the fixed number tree replacement policy within the Planning Obligations Supplementary Planning Document.

#### **10 Replacement tree works (Compliance)**

All replacement tree planting works shall be carried out in accordance with the approved details contained within the submitted arboricultural documents. The works shall be carried out during the next available planting season following completion. 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 submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure replacement trees are provided and to provide an appropriate landscape setting for the development in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan.

#### **11 Water Efficiency - Rainwater Harvesting (Pre-occupation)**

No occupation of the approved dwellings shall commence until rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. Water butts) has been provided.

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 Sustainable Construction (Pre-occupation)**

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted to the local planning authority together with the further documentation listed below:

- Table 2.4 (Calculations);
- Building Regulations Part L post-completion documents

Reason: To ensure that the approved development complies with Policy CP2 of the Core Strategy (sustainable construction).

#### 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.

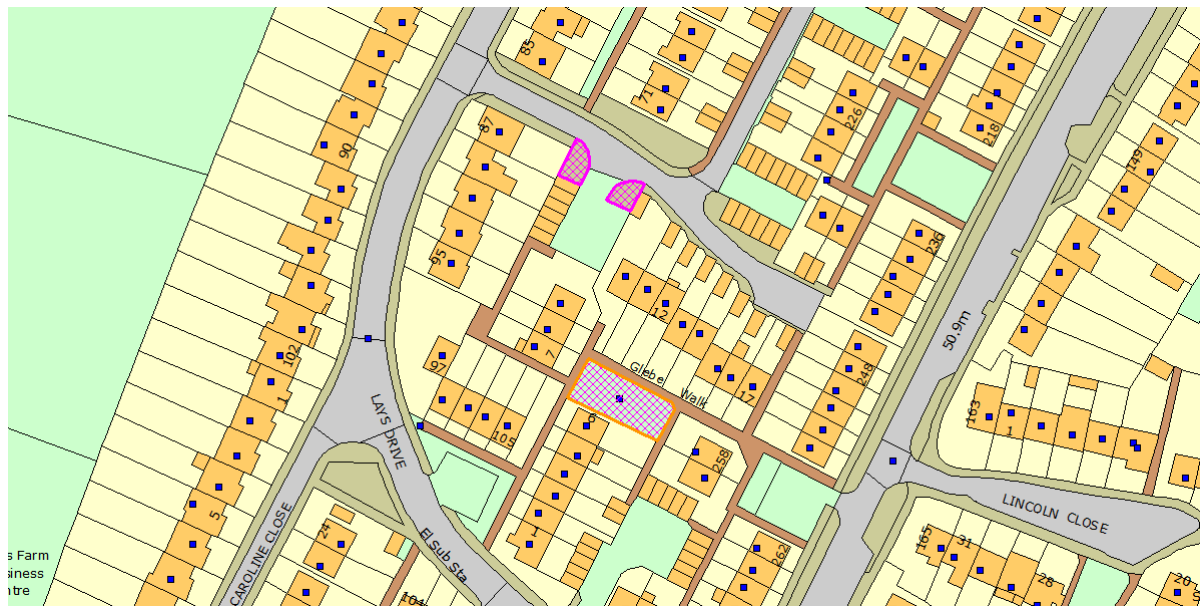
Reason: To define the terms and extent of the permission.

#### PLANS LIST:

This decision relates to:

12 Nov 2019	700-004	PROPOSED ELEVATIONS
12 Nov 2019	700-1-000	LOCATION PLAN
12 Nov 2019	700-1-001	PROPOSED SITE PLAN
12 Nov 2019	700-1-002-	PROPOSED GROUND FLOOR PLAN
12 Nov 2019	700-1-003-	PROPOSED FIRST FLOOR PLAN
12 Nov 2019	700-1-006	PROPOSED SECTION AA
12 Nov 2019	700-1-007	PROPOSED NORTH ELEVATION
12 Nov 2019	700-1-008	PROPOSED SOUTH ELEVATION
12 Nov 2019	700-1-009	PROPOSED WEST ELEVATION
12 Nov 2019	700-1-010	PROPOSED EAST ELEVATION
12 Nov 2019	700-1-011	PROPOSED EAST ELEVATION FROM FOOTPATH
12 Nov 2019	700-1-012	PROPOSED NORTH ELEVATION FROM FOOTPATH
12 Nov 2019	700-1-013	PROPOSED SOUTH ELEVATION FROM THE ROAD
12 Nov 2019	700-1-014	PROPOSED SITE ELEVATION WEST
12 Nov 2019	700-A-90-1	TREE CONSERVATION METHODOLOGY SECTIONS AA AND BB
12 Nov 2019	700-A-90-2	TREE CONSERVATION METHODOLOGY SECTIONS CC AND DD
18 Nov 2019	700-01-016	ANNEX ELEVATIONS
18 Nov 2019	700-01-017	ANNEX PLANS
18 Nov 2019	700-01-018	WASTE MANAGEMENT PLAN

**Item No:** 03  
**Application No:** 19/04598/FUL  
**Site Location:** Amenity Green Glebe Walk Keynsham



**Ward:** Keynsham North      **Parish:** Keynsham Town Council      **LB Grade:** N/A  
**Ward Members:** Councillor Brian Simmons Councillor Vic Clarke  
**Application Type:** Full Application  
**Proposal:** Erection of two semi-detached dwellings.  
**Constraints:** Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,  
**Applicant:** Mr M Davies  
**Expiry Date:** 14th February 2020  
**Case Officer:** Rae Mephram  
To view the case click on the link [here](#).

## REPORT

### Reason application going to committee

The application was referred to the Vice Chairman and Chairman following an objection from Keynsham Town Council and Cllr Alan Hale. Both decided that the application should be heard by the Planning Committee for the following reasons:

Vice Chair: *I have studied the application & all comments, many of which are concerned about the loss of the space as used now & in the past, KTC has objected as has a nearby Ward Cllr however other statutory consultees have not raised objections.*

*The proposal has been assessed against relevant planning policies as the report explains however I recommend due the impact on the area the proposal be debated in the public arena due to the concerns raised so a clear understanding of the position of the land as it is now is known.*

Chair: *Given the loss of amenity, I feel that this decision should be made at Committee*

## **Site and description of proposal**

This application relates to an area of grassed land within Glebe Walk, Keynsham. This application is for the erection of 2no. semi-detached dwellings and the provision of parking spaces.

## **Relevant history**

None.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **Consultation responses**

Keynsham Town Council - Objection - *The proposed two bed semi-detached dwelling is an over development of the site. The space has been historically used as a green space and should remain available for use of local residents in this densely populated area of Keynsham. This application would therefore fail to respond to the local context. The proposal is therefore contrary to B&NES Placemaking Plan 2017 Policy D2.*

## **Third party representations**

28 objections have been received, summarised as:

- Loss of children's play area
- Loss of open space
- Loss of original builders foresight for good outlook for residents
- Sell out for profit
- Land cared for by BaNES for 53 years until it was discovered land was never adopted
- Owner put up land for auction when maintenance ceased
- Overdevelopment
- Loss of light to adjacent properties
- Construction over main drain
- No access for builders
- Impact on privacy
- Proposal not environmentally friendly
- Damaging to health and wellbeing
- Loss of grass to parking area
- Water will be unable to drain
- Council should compulsory purchase the site to prevent development
- Children will be forced to cross roads to access green space
- Street lights may need removing to facilitate construction
- Concerns regarding construction vehicles outside of houses
- Views from adjacent houses will be compromised
- Lays Drive already overcrowded with vehicles
- May set precedent for other green spaces
- No road access to green
- Plans are not in-keeping with other houses



- Parking is too far away
- Proposed parking will obscure view from a dangerous junction
- Detrimental to property values
- Area should be designated as Village Green
- Proposal could cause blockages in sewers, rats etc
- Noise and pollution from overdevelopment

### **Cllr request**

Cllr Alan Hale - Objection - *The title of the location would seem to indicate why so many people are objecting to this development. This parcel of land known as the 'amenity green' would immediately be removed as an amenity should the application be granted.*

*This amenity has been available to residents ever since the overall development known as Queens Acre was established. As a previous resident of 6 Glebe Walk I can say that children frequently played on the green.*

*I believe that the proposal is an over development of the land and would adversely affect the street scene in this part of Glebe Walk completely removing the amenity and closing down the open aspect for all of the houses from 6 Glebe Walk through to where Glebe Walk abuts the rear of houses on Charlton Road.*

*It is not clear how access will be gained to the proposed development site for the purpose of building the two houses. The parcel of land is 'land locked' with no vehicular access to the site only pedestrian ways.*

*Within my deeds it specifically grants me right of way together with others subject to their original deeds to use the pedestrian lane to the rear of my property in Lays Drive and to the rear of 7, 8 and 9 Glebe Walk. This raises the question as to whether the purchaser of the amenity green has legal right of way through that footpath to access the proposed parking spaces or vice versa the proposed houses from the parking spaces and this would I suggest prevent the use of the lane for access for building. It would also, I suggest prevent the use of the parking spaces at the commencement of the lane opposite the garages to the north of 9 Glebe Walk. Further the deeds extend to me the right to park on the parking area off of Lays Drive just east of Caroline Close and fronting 1 to 3 or 4 Glebe Walk. This parking area is already fully used and the likelihood is that should the development be permitted the new residents are likely to also try to make use of the area contrary to the deeds held by the current house owners whose deeds extend permission.*

*In making reference to parking spaces that are proposed I believe that the creation of the two parking areas would detract from the street scene which currently is softened by the presence of the two parcels of grass land at the northern end of the garage block. What is proposed would deliver an area of tarmacadam thus hardening and detracting from the street scene.*

*There would also be additional vehicular traffic added to an already busy Lays Drive.*

*I strongly object and would ask that this development is brought before the planning committee and not dealt with by delegated authority.*

## **POLICIES/LEGISLATION**

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:

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

The following Core Strategy policies would be applicable:

CP2 - Sustainable Construction  
DW1 - District Wide Spatial Strategy  
KE1 - Keynsham Spatial Strategy

The following B&NES Placemaking Plan policies should be considered:

D1 - General Urban Design Principles  
D2 - Local Character & Distinctiveness  
D3 - Urban Fabric  
D4 - Streets and Spaces  
D5 - Building Design  
D6 - Amenity  
D10 - Public Realm  
H7 - Housing Accessibility  
LCR9 - Increasing the Provision of Local Food Growing  
SCR5 - Water Efficiency  
ST1 - Promoting sustainable travel  
ST7 - Transport requirements for managing development

Consideration has been given to the National Planning Policy Framework and the National Planning Practice Guidance.

## **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 development**

The proposal is sited within the Keynsham Housing Development Boundary, and as such the principle of residential development is accepted subject to other material considerations.

## **Character and appearance**

The existing site is located within Glebe Walk and presents as an open grassed area. Whilst other similar areas of land nearby have been designated as amenity areas this is not the case here, and a search of the planning history reveals that the area has not been protected via condition or legal agreement. As such, there are no constraints upon the land that would necessarily prevent development. It should be noted that the word "amenity" in the site address is a name chosen by the Council's mapping team, and does not denote a designation or constraint. The area of land is privately owned, and as such any users would require the owner's consent to enter or use the land. The land could also be fenced off without requiring permission.

The surrounding area is formed of 2no. storey terraced properties, typically of a tight grain and mostly accessed from pedestrian footpaths. Most properties are constructed with external materials of pebbledash render, cladding or red and yellow bricks.

The proposal is for the erection of a pair of semi-detached dwellings. The plot is larger than many neighbouring properties and as such 2no dwellings have been proposed. These are slightly narrower than their neighbours but not so such an extent that would appear out of context when the properties had been completed. The defined building line across the frontages of 1-6 Glebe Walk has been retained.

The proposal emulates its neighbours in design and appearance, using a mixture of reconstituted stone, yellow brick, render and cedar, and would not appear incongruous.

Suitable amenity areas have been supplied to each property, and the application does not constitute overdevelopment of the plot.

## **Highways**

The application includes the provision of 2no. spaces per dwelling and 1no. additional visitors space. This complies with the minimum parking standards set out in Placemaking Plan policy ST7.

Some concern has been raised regarding the distance the spaces are from the dwellings. Given that the proposal can only be accessed by footway there is no other option for the provision of parking. The existing dwellings surrounding the site are similarly landlocked, with parking situated at parking areas at a similar distance away to the one proposed. Parking in other areas, i.e. Lays Drive, is not considered to be more convenient for prospective owner/occupiers and as such the proposal is unlikely to cause significant harm to the surrounding highway network.

Both properties have cycle parking proposed within the rear gardens.

A Construction Management Plan will be required prior to the commencement of development, given the relatively restricted access to the site

## **Residential amenity**

Concerns have been raised in relation to residential amenity. The front of the dwelling is approximately 9m away from the dwelling to the west, 16m away from the dwelling to the north, 18m away from the dwelling to the east and immediately adjacent to the dwelling to the south.

The most harm to residential amenity is likely to be caused by overlooking between dwelling 1 and the existing property to the west. The front of each dwelling would face the other, and some observation between each dwelling would be possible. The front of a property is generally the most active area and some overlooking would be expected. The area is very tightly knit in terms of residential density and overlooking is over and above what would normally be expected. As such, although the proposed dwellings will introduce some overlooking, it is not considered that this would be over and above that already experienced in this area, and would not cause significant harm to residential amenity.

### **Arboriculture**

The proposal includes the removal of a tree to provide part of the parking area. The tree is not high quality, is not protected, and could be removed by the owner of the land at any point. There is therefore no objection to its removal.

### **Drainage and flooding**

Concerns have been raised in regards to the proposal causing issues with the existing drainage system under the land. The applicant will need to ensure that all appropriate consents are in place, including consent from the water board if drains are required to be moved for access etc. The proposal will be required to provide suitable drainage in accordance with Building Regulations.

### Increasing the provision of local food growing

Policy LCR9 states that all residential development will be expected to incorporate opportunities for informal food growing where possible. The proposal site benefits from garden areas where future occupiers could grow food if they wished.

### Water efficiency

All dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. water butts) will be required for all residential development, where technically feasible.

### Sustainable Construction

A Sustainable Construction Checklist has been submitted, confirming the CO2 reduction to be 20.28%. The proposal also proposes to use solar PV, thermal fabric standards, thermal bridging, insulated lintels and smart measures will be used, amongst other energy saving measures. The proposal is considered to be inline with policy CP2.

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

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

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

#### **3 Parking (Compliance)**

The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. The parking areas shall be provided prior to the occupation of the development using a bound and compacted surfacing material (not loose stone or gravel) and permanently retained thereafter.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

#### **4 Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

#### **5 Water Efficiency - Rainwater Harvesting (Pre-occupation)**

No occupation of the approved dwellings shall commence until rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. Water butts) has been provided.

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

#### **6 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.

#### **7 Sustainable Construction (Pre-occupation)**

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted to the local planning authority together with the further documentation listed below:

- Table 2.4 (Calculations);
- Building Regulations Part L post-completion documents

Reason: To ensure that the approved development complies with Policy CP2 of the Core Strategy (sustainable construction).

#### **8 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.

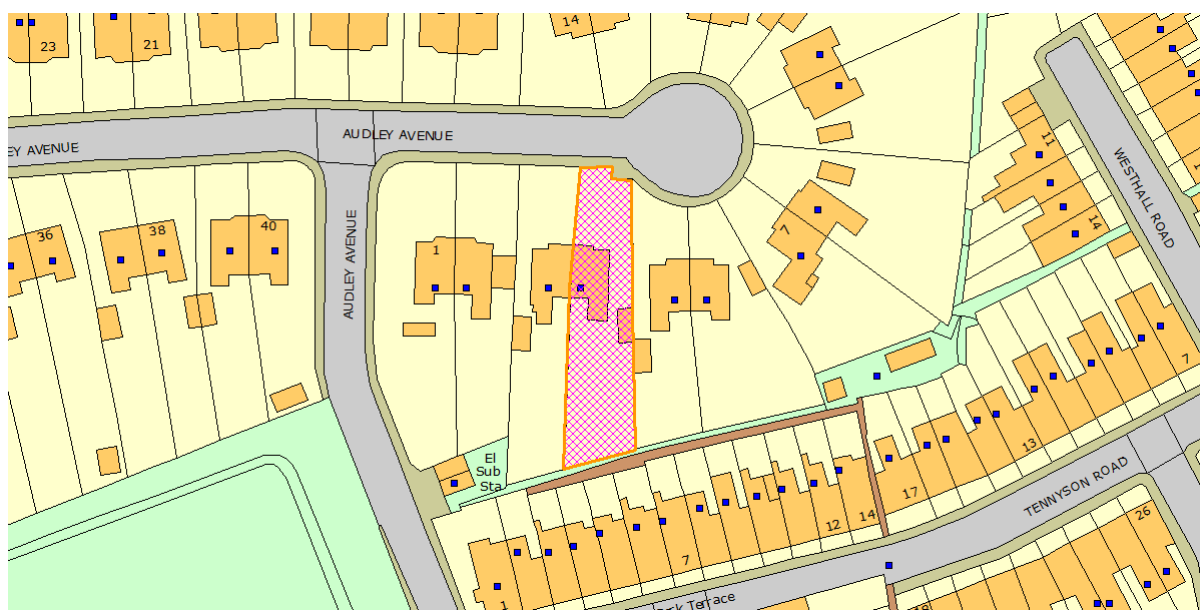
#### **PLANS LIST:**

This decision relates to:

22 Oct 2019	250/PA/02 C	PROPOSED SITE PLAN
22 Oct 2019	250/PA/03 A	PROPOSED FLOOR AND ROOF PLANS
22 Oct 2019	250/PA/04 B	PROPOSED ELEVATIONS
22 Oct 2019	250/PA/06	PROPOSED PARKING
22 Oct 2019	250/PA/01	SITE LOCATION PLAN

<b>Item No:</b>	04
<b>Application No:</b>	19/05107/FUL

**Site Location:** 4 Audley Avenue Lower Weston Bath Bath And North East Somerset BA1 3BL



**Ward:** Kingsmead

**Parish:** N/A

**LB Grade:** N/A

**Ward Members:** Councillor Sue Craig

Councillor Andrew Furse

**Application Type:** Full Application

**Proposal:** Erection of two-storey side and rear and single-storey rear extension following removal of existing rear extension and garage together with removal of part of front garden wall and increase in width of driveway

**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

**Applicant:** Mr Richard Hardy

**Expiry Date:** 14th February 2020

**Case Officer:** Christopher Masters

To view the case click on the link [here](#).

## REPORT

Reason for referring to Committee:

The applicant has direct links with an employee within the Planning Service. According to the scheme of delegation the application should therefore be referred to the Development Management Committee.

The application refers to a semi-detached dwelling within the residential area of Lower Weston. The site is located within a cul-de-sac which forms part of the City of Bath Conservation Area and World Heritage Site.

Planning permission is sought for the erection of a two-storey side and rear and single-storey rear extension following removal of existing rear extension and garage together with removal of part of front garden wall and increase in width of driveway.

#### Relevant Planning History:

There is no relevant planning history on this site. However there have been a number of similar schemes in the immediate area as listed below.

19/03257/FUL 31 Audley Avenue, Lower Weston, Bath BA1 3BL Erection of two storey side extension and single storey rear and side extension following demolition of garage and single storey lean-to rear extension Permitted

18/05141/NMA 34 Audley Avenue, Lower Weston, Bath BA1 3BL Non-Material Amendment (Erection of two storey side & rear extension and single storey rear infill extension, and provision of side and rear dormers following removal of existing detached garage and lean-to rear extension) Permitted

18/01093/FUL 34 Audley Avenue, Lower Weston, Bath BA1 3BL Erection of two storey side and rear extension and single storey rear infill extension and provision of side and rear dormers following removal of existing detached garage and leanto rear extension Permitted

16/05615/FUL 5 Audley Avenue, Lower Weston, Bath BA1 3BL Erection of two-storey side extension and single-storey rear extension Permitted

15/04932/FUL 6 Audley Avenue, Lower Weston, Bath BA1 3BL Erection of two-storey side/rear extension following the demolition of existing rear conservatory and single storey garage Permitted

17/00818/FUL 22 Audley Avenue, Lower Weston, Bath BA1 3BL Erection of two storey side and single storey rear extension. Conversion of loft space to form new bedroom. Permitted

17/05613/FUL 1 Audley Avenue, Lower Weston, Bath BA1 3BL Removal of front boundary low wall and fence and formation of off-street parking (Resubmission) Refused (Allowed at Appeal)

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

##### Consultation Responses :

Highways - No objection subject to standard conditions. Drawing 1870-CMS-XX-ZZ-DR-A-0002 indicates the existing access will be widened and sufficient off street parking provided.

##### Representations Received :

None received

#### **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

#### Core Strategy:

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:

B1: Bath Spatial Strategy  
B4: The World Heritage Site and its Setting  
CP6: Environmental Quality  
CP2: Sustainable Construction

#### Placemaking Plan:

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

HE1: Historic environment

ST7: Transport requirements for managing development

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

#### Conservation Areas

In addition, 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 the surrounding Conservation Area.

## SPD's

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

## 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 to consider are:

- o The impact on the character and appearance of the site and its surroundings.
- o The impact on the setting of the Conservation Area.
- o The impact on the setting of the World Heritage Site.
- o The impacts on the residential amenity of surrounding properties.
- o The impact on the development on highways safety

## Principle of Development:

The site is within the built up area of Bath where the principle of development is acceptable subject to other material planning considerations discussed below.

## Character, Appearance and Conservation Area:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host dwelling and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building. Furthermore, Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

Audley close is a Cul-De-Sac which is accessed off Upper Bristol Road. The dwelling is situated within a residential area and is in close proximity to public open space, services

and facilities. The houses in Audley Avenue appear to have been built during the 1940s and 1950s. They are largely uniform in character being primarily two storey and semi-detached. As evidenced by the relevant planning history above, it is clear many of the properties have undergone extensions and alterations, numerous of which are similar to that proposed herein. It is noted the appearance of the existing property is very simple with few design details. The existing property has a render finish, concrete roof tiles on a hipped roof and white UPVC windows. The existing rear extension comprises a flat felt roof and walls clad with concrete tiles. The existing garage directly adjoins the neighbouring property's extension (number 5), currently resulting in no gap between the properties. It is proposed to remove the existing rear extension and garage which are both of little architectural significance. The removal of these elements and the erection of the two storey side extension is considered to redefine the semi-detached character of the property, as a gap of approximately 0.9m will be created between the dwelling and the adjacent property. Consequently, this will enhance the character of the street. Furthermore, the proposed extension is stepped back from the principal elevation in a manner similar to that of other properties in Audley Avenue. Subsequently, the proposal is considered to positively reflect the existing character of surrounding dwellings. With regards to the appearance of the property, it is noted the exterior is proposed to be clad in painted render with Grey UPVC windows and grey rainwater goods. There are examples of these materials being used on other properties within Audley Avenue and therefore their use is considered acceptable. Subsequently it is considered that the proposal makes a positive contribution to the character and appearance of the property, street scene and wider Conservation Area.

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 the surrounding Conservation Area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development, it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4, D5 and HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Parts, 7, 12 and paragraph 17 of the NPPF.

#### Impact on the World Heritage Site:

Policy B4 of the Placemaking Plan states there is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity.

The proposed development is within the World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

#### Residential Amenity:

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

With regards to the impact on neighbouring properties, it is noted that the extensions do not protrude beyond the front or rear elevations of adjacent properties. To the rear, the single storey element mirrors the scale and massing of no. 3's single storey rear projection. It is noted that the proposed single storey extension is slightly set back from the boundary which is demarcated by a timber fence abutting the neighbour's conservatory. Given the existing situation and the southern orientation of the elevation, it is therefore considered that the siting and scale of the proposed extension does not significantly harm the amenity of occupiers at no.3 Audley Avenue. Given there are no windows located in the western elevation of no. 5 Audley Avenue, the proposal is not considered to have a harmful impact on the amenity of adjacent properties as it will not constitute a loss of light or privacy, or have an impact with regards to being overbearing.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

#### Highways Safety and Parking:

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

Whilst the existing garage is of an insufficient size to accommodate a motor vehicle, given the proposed siting of the extensions, it is noted that there will be some loss of off-street parking provision alongside the dwelling where the side extension is proposed. This has been mitigated in part by proposing to remove part of front garden wall and increase in width of driveway which is to be surfaced with permeable paving and gravel. Two spaces are shown on drawing 1870-CMS-XX-ZZ-DR-A-0002 and it is noted that there is sufficient hardstanding proposed on which additional vehicles could be parked if necessary. Subsequently it is considered that the level of proposed parking provision is sufficient and the means of access acceptable.

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 4 of the NPPF.

#### Other Matters:

##### 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.

Conclusion:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

## **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 Parking (Compliance)**

The area allocated for parking, as indicated on submitted plan reference 1870-CMS-XX-ZZ-DR-A-0002, shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

### **3 Bound/Compacted Vehicle Access (Compliance)**

The vehicular access shall be constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

### **4 Drainage (Compliance)**

Provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, so as to prevent its discharge onto the public highway.

Reason: To ensure that an appropriate method of surface water drainage is provided and in the interests of flood risk management in accordance with Policy CP5 of the Bath and

North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

### **5 Materials - Render (Compliance)**

The external walls of the development hereby approved shall be rendered in accordance with the details provided by email on the 27th January 2020 unless otherwise approved in writing by the Local Planning Authority.

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.

### **6 Plans List (Compliance)**

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

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

### **PLANS LIST:**

This decision relates to the following plans:

Received 22nd November 2019.

1870-CMS-XX-ZZ-DR-A-0001   EXISTING PLANS  
1870-CMS-XX-ZZ-DR-A-0002   PROPOSED PLANS  
1870-CMS-00 -XX-DR-A-LOC01   SITE LOCATION PLAN

Received 27th January 2020

### **CONFIRMATION OF MATERIAL DETAILS**

#### **Condition Categories**

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

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

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

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

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

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

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

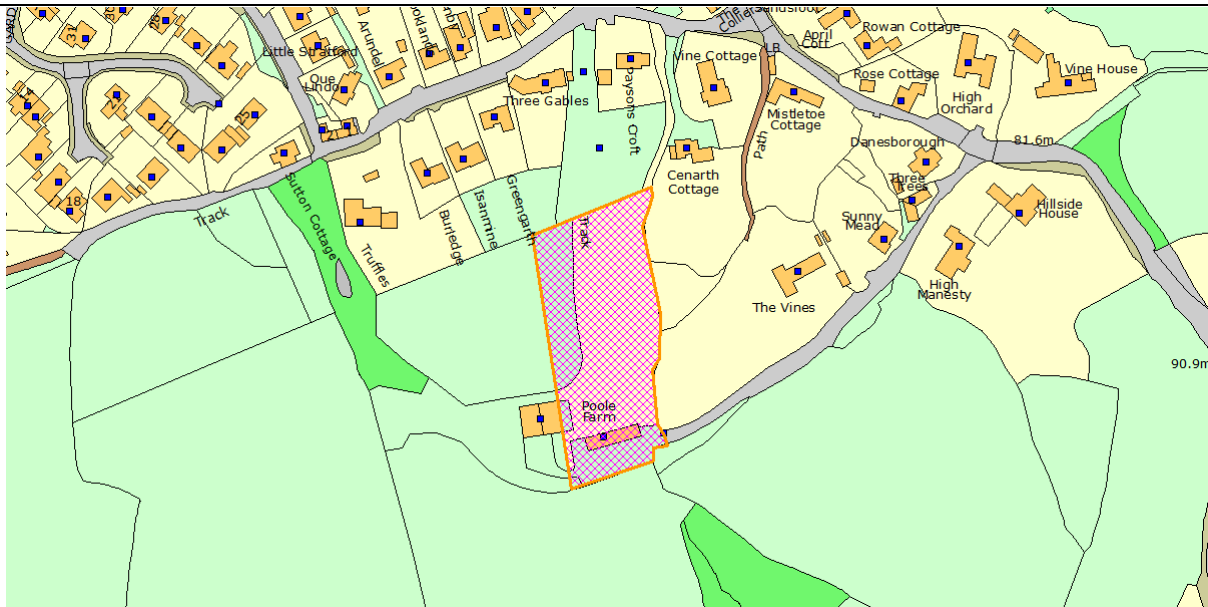
### **Community Infrastructure Levy**

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

### **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.

<b>Item No:</b>	05
<b>Application No:</b>	19/04452/FUL
<b>Site Location:</b>	Poole Farm Sunnymead Lane Bishop Sutton Bristol Bath And North East Somerset



## REPORT

Objections have been received from the parish council and a local councillor. The application has been referred to the chair and vice chair of the development management planning committee in line with the planning scheme of delegation.

I have studied the application including the comments from both statutory & third party consultees & the Ward Cllr planning committee request. The application has been assessed against relevant planning policies but the impact of appearance & size of the proposed garage on the Mendip AONB is controversial & should be debated in the public arena therefore I recommend the application be determined by the planning committee.



The chair has made the following comments:

'I consider that given the size and appearance of this proposed building, this application should be referred to committee.'

#### Site Description and Proposal:

The application relates to a detached building situated off Sunnymead Lane. The site is located within the parish of Stowey Sutton but falls outside of a defined housing development boundary. The site is situated within the Mendip Hills Area of Outstanding Natural Beauty (AONB).

Planning permission is sought for the erection of a triple garage for domestic use.

#### Relevant Planning History:

DC - 00/00322/FUL - PERMIT - 31 May 2000 - Repairs and renovation of derelict farmhouse and erection of front porch, as amended by revised plans received 8.5.00 and 22.5.00

DC - 01/01017/FUL - WITHDRAWN - 13 September 2001 - Detached stable block and additional dormers in south elevation of house

DC - 01/02660/FUL - REFUSE - 13 June 2002 - Detached stable block, installation of 2 no. dormers in south

elevation of house and installation of 3 no. rooflights in the north elevation

DC - 07/01855/FUL - WITHDRAWN - 5 September 2007 - Conversion of barn to holiday accommodation.

DC - 08/03290/FUL - REFUSE - 28 October 2008 - Conversion of barn to holiday accommodation (Resubmission).

DC - 16/01408/NACOU - REFUSE - 22 April 2016 - Change of use from agricultural use to provide 3no self-contained holiday rental flats.

DC - 16/02554/QUASH - APPROVE - 21 July 2016 - Prior approval for the re-development and conversion of existing barn comprising workshop and garage to provide 3no. self-contained holiday rental flats (Use Class C3).

DC - 18/02323/FUL - PERMIT - 10 September 2018 - Conversion of existing agricultural barn into single residential dwelling.

DC - 19/02567/COND - DISCHG - 4 July 2019 - Discharge of conditions 4 & 7 of application 18/02323/FUL (Conversion of existing agricultural barn into single residential dwelling.)

DC - 19/03568/VAR - PERMIT - 1 October 2019 - Variation of condition 11 of application 18/02323/FUL.

(Conversion of existing agricultural barn into single residential dwelling.)

DC - 19/03994/COND - DISCHG - 3 December 2019 - Discharge of conditions 2 and 8 of application

19/03568/VAR (Conversion of existing agricultural barn into single residential dwelling.).

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **Highways**

No objection subject to conditions.

## **Stowey Sutton parish Council**

Objection - The application does not meet the aims of policies SSHP01, SSHP02, SSHP03, SSHP04 and SSHP06 of the adopted Stowey Sutton Neighbourhood Plan, fails to address concerns over access and offer no mitigation to address concerns over wildlife such as the bats identified in a survey for application 18/02323/FUL previously permitted at this property.

### **Local Councillor**

'The proposed garage development is particularly extravagant in design to include loft space, dormer and Velux windows and Juliette balcony which far exceed garaging requirements.

It is located in the ANOB and its siting would lead to the removal of a considerable number of newly grant aided planted trees.'

### **Representations Received:**

Six objections have been received. A summary of the comments received are as follows:

#### **Character**

- o Applications such as these are small steps which set precedents that allow further developments which then undermine the very character of the AONB.
- o The site is located within Mendip AONB and as such would have a negative impact particularly when viewed from footpaths to the south of the property.
- o It is an over development of the site which should only have the original farmhouse and the barn conversion.
- o The building materials are not in keeping with the character of the farmhouse.

#### **Highways**

- o There is an unsuitable access road for vehicles. The lane is not made up and is unadopted and is less than 2 metres wide.

#### **Ecology/ Arboriculture**

- o Any additional building at this site would have a detrimental impact on wildlife, in particular for foraging bats and owls.
- o There is no reference to this being a bat foraging area in the application.

#### **Other matters**

- o The 'triple garage', appears to be designed to include living accommodation.
- o The proposal is not within the Housing development boundary and the proposed development is well beyond the original footprint of the farmhouse.

## **POLICIES/LEGISLATION**

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

#### Core Strategy:

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  
 CP6 Environmental Quality  
 CP7 Green Infrastructure

#### Placemaking Plan:

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  
 D3: Urban Fabric  
 D4: Streets and Spaces  
 D5: Building design  
 D6: Amenity  
 NE2: Conserving and Enhancing the Landscape and Landscape Character  
 NE2A: Landscape Setting of Settlements  
 NE3: Sites, Species and Habitats  
 NE5: Ecological Networks  
 NE6: Trees and Woodland Conservation  
 ST7: Transport access and development management

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

#### Stowey Sutton Neighbourhood Plan:

The following policies of the Stowey Sutton Neighbourhood Plan are relevant to the determination of this application:

SSHP01- Housing Boundary  
 SSHP02- Development Scale  
 SSHP03- Development Character  
 SSHP04- Property Size  
 SSHP05- Sustainability Impact

## 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 Development**

The site is located within the parish of Stowey Sutton but falls outside of a defined housing development boundary. The site is situated within the Mendip Hills Area of Outstanding Natural Beauty (AONB).

A number of comments received have cited concerns the proposal will be used as a residential dwelling. Given the proposal is for a garage with ancillary space set above it would not be justifiable to refuse the application for being set outside of a defined housing development boundary.

#### **Character and Appearance**

The proposed garage measures 9.75m by 6.57m with a height of 6.09m to the ridge. With regards to materials the garage is set to incorporate roof tiles to match the existing dwelling. While the walls will incorporate stone on the eastern elevation to match the farmhouse with horizontal cedar cladding on the south, west and northern elevations.

A number of comments received have cited concern regarding the appearance and size/scale of the proposed garage. The garage is set to be placed within the front garden area of an existing detached dwelling. It is noted that with the placement of the dwelling the front garden area will have a significant amount of space remaining, as indicated by the submitted block plan. In addition to this space the site has further open land to the rear of the dwelling as indicated by the submitted site location plan. Given the site has sufficient space to accommodate the garage it is considered that the site will not result in overdevelopment.

Regarding the appearance of the building the use of the suggested materials would not appear out of character. The adjacent redevelopment of the barn (Reference: 18/02323/FUL) allowed for the use of cedar cladding (Reference: 19/03994/COND). The use of stone to the front elevation will also reflect that of the existing dwelling. The use of the suggested materials can be conditioned.

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.

## **AONB**

As indicated above it is considered that the proposed garage will not result in the overdevelopment of the site. A number of comments received have indicated concern regarding a negative impact to the wider AONB.

Following a site visit it is noted that the site is set down with an open field set on higher ground. A Public Right of Way (Prow) is set within this field (Reference: CL20/19). The siting of the garage will allow for it to be viewed within the context of the existing dwelling.

The proposed development by virtue of its design, scale, massing, position and use of external materials 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.

## **Residential Amenity**

Comments received have indicated that given the size/ scale of the garage the proposal would be used to incorporate a form of residential accommodation.

Conversations with the agent have confirmed that the first floor element of the garage will act as a games/ ancillary playroom to be associated with the dwelling. It is noted that a planning condition can be attached to any permission granted to ensure the use of the garage remains ancillary in nature to the associated dwelling.

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

## **Highways**

A number of comments received have cited concerns with regards to access. As such the Bath Highways Development Control Team (HDC) has been consulted.

Within the response received it is noted that HDC have no objection to the proposal subject to the condition of the garage remaining in ancillary use to the associated dwelling.

Given the comments made above 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.

## **Ecology and Arboriculture**

The proposed garage is set to be placed gravel or hardstanding which is currently undeveloped. Comments received have cited concerns to protected species and habitats. This is specifically following the approval of the barn conversion situated adjacent to the

site (Reference: 18/02323/FUL). It is noted that as this submission had been for the conversion of a disused agricultural building surveys and measures had been required to ensure protected species/ habitats would not be negatively impacted.

The proposed development is a new build garage not requiring the redevelopment of a redundant building. The site location is hardstanding or gravel, with no substantial forms of vegetation within close proximity.

Given the above the proposed development will not have an adverse impact on protected species, habitats or tree which have a significant visual or amenity value.

### **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.

### **Stowey Sutton Neighbourhood Plan**

The proposal is for a garage and ancillary space policy SSHP01 and SSHP04 of the Stowey Sutton Neighbourhood Plan which relate to the development of dwellings are therefore not considered applicable.

The development is of an individual character which is in keeping with the Parish Character Assessment and is not deemed to be harmful to the AONB in accordance with Housing and Development Policy SSHP02 and SSHP03 of the Stowey Sutton Neighbourhood Plan.

No external lighting is proposed as part of the development. Therefore the proposal does not conflict Housing and Development Policy SSHP06 Lighting of the Stowey Sutton Neighbourhood Plan.

### **Conclusion**

Based on the comments raised above the application is recommended for approval subject to conditions.

### **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 (Compliance)**

The external walling materials to be used shall be of timber and stone cladding. The roofing materials to be used shall match those of the existing house in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

## **4 Garages (Compliance)**

The garage hereby approved shall only be used for the garaging of private motor vehicles associated with the residential use of the dwelling known as Poole Farm and/or ancillary domestic storage and for no other purpose. The upper floor of the garage hereby approved shall only be used for purposes ancillary to the residential use of the aforementioned dwelling.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

## **PLANS LIST:**

This decision relates to the following plans received 4th December 2019:

Drawing Number: PF-004-3 - Proposed Block Plan

Plans received 5th December 2019:

Drawing Number: PF-001-2 - Proposed Elevations

Drawing Number: PF-005-1 - Proposed Floor Plans

## **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.

## **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.

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### **Community Infrastructure Levy**

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

### **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.

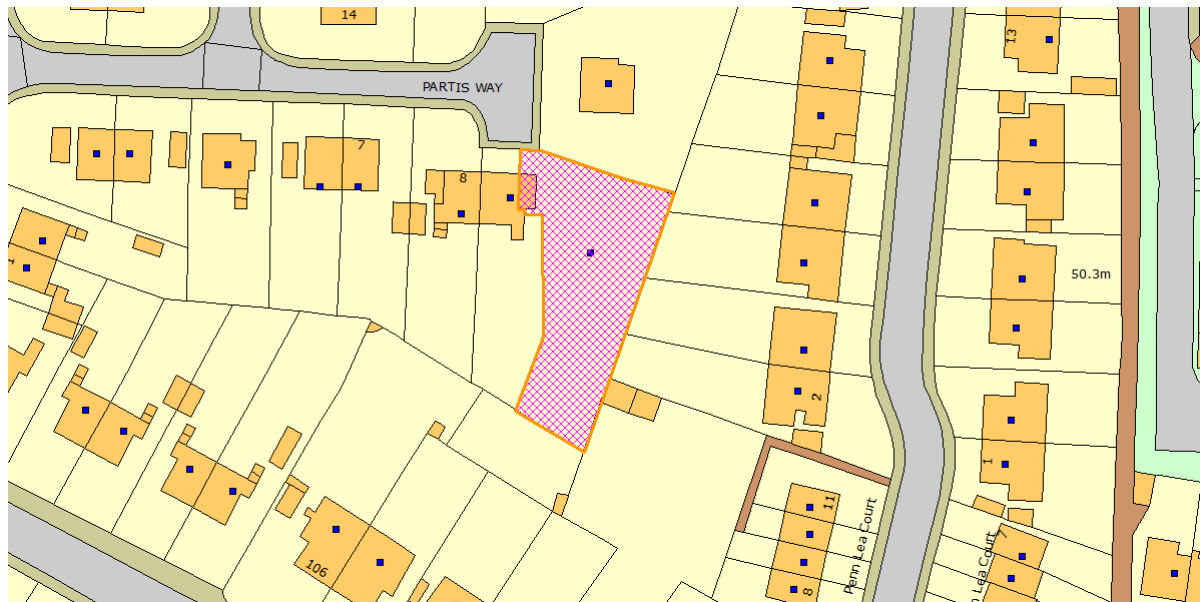
### **Coal Mining - Low Risk Area (but within coalfield)**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)



**Item No:** 06  
**Application No:** 19/04486/FUL  
**Site Location:** 9 Partis Way Lower Weston Bath Bath And North East Somerset BA1 3QG



**Ward:** Newbridge      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Michelle O'Doherty      Councillor Mark Roper  
**Application Type:** Full Application  
**Proposal:** Erection of new 4 bedroom detached dwelling, garage and associated hard and soft landscape works on land adjacent to No. 9 Partis Way.  
**Proposed variations to consented scheme Ref:** 17/03603/FUL  
**Constraints:** Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, SSSI - Impact Risk Zones,  
**Applicant:** Karina Klein & Robert Causon  
**Expiry Date:** 16th January 2020  
**Case Officer:** Samantha Mason  
To view the case click on the link [here](#).

## REPORT

The application refers to a two storey semi-detached dwelling located in the Lower Weston residential area of Bath. The Bath Conservation Area boundary is adjacent to the eastern edge of the site. The property is within the World Heritage Site.

Planning permission is sought for the erection of a new 4 bedroom detached dwelling, garage and associated hard and soft landscape works on garden land adjacent to No. 9 Partis Way. This application is similar to consented scheme Ref: 17/03603/FUL.

Reason for going to committee:

The application was referred to the Chair of the Committee following a request from the ward councillor should the officer be minded to permit. The Chair decided that the application should be heard at committee, stating in his decision 'I concur that it would be appropriate to make this decision in the public domain'.

Relevant Planning History:

DC - 13/03993/FUL - WD - 15 November 2013 - Erection of a two storey side extension and detached double garage.

DC - 14/00860/FUL - PERMIT - 17 April 2014 - Erection of two storey side extension, loft conversion and detached double garage. (Resubmission).

DC - 17/03603/FUL - PERMIT - 16 November 2017 - Erection of single garage and detached 4 bed house with garage following demolition of existing rear conservatory and side extension (accommodating garage) to existing dwelling

DC - 19/00498/NMA - APP - 4 March 2019 - Non-Material Amendment to application 17/03603/FUL

(Erection of single garage and detached 4 bed house with garage following demolition of existing rear conservatory and side extension (accommodating garage) to existing dwelling)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses:

Highways: No objection subject to conditions

Drainage and Flooding Team: No objection

Archaeology Officer: No objection

Arboriculture: No objection subject to conditions

Representations Received:

Cllr Michelle O'Doherty - Please can I request that this application is called into committee regardless of whether you will recommend approval or refusal? There are some concerns from neighbours about the scale of the extension at the side, which will make the 4th bedroom, and also the pitched roof on the garage. I note that the footprint of the building is the same as the original permission granted in 2017 and the applicant's attention to sustainability is also important here.

Given that this application was very controversial in 2017, I think it would be preferable for this to be heard by committee, rather than via delegation.

4 comments of support have been received from neighbours, summary as follows;

- environmental benefits
- house in keeping with local character, well designed
- garage matches local vernacular
- no concerns over parking
- minimal alterations in comparison to the previous application

35 objections have been received, summary as follows;

- Concerns that the proposal is overdevelopment of the site
- Will result in loss of privacy
- Will result in overshadowing
- Sunlight analysis is lacking/ incorrect
- Proposal will set a precedent
- Eco plant located in the roof space is unnecessary, could be relocated
- Proposal will be overbearing
- Out of keeping with the conservation area
- Impact on outlook and views
- Incongruous within the street, impacts character
- Highways safety and parking concerns
- 28% increase in size of property, 50% increase in garage
- Height is unacceptable
- Roof lights unnecessary
- Reduce property values

## **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

Core Strategy:

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:

B1: Bath Spatial Strategy

B4: The World Heritage Site and its Setting  
CP6: Environmental Quality  
CP2: Sustainable construction  
CP10: Housing Mix  
SD1: Presumption in favour of sustainable development

#### Placemaking Plan:

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  
D4: Streets and Spaces  
D.5: Building Design  
D.6: Amenity  
ST7: Transport requirements for managing development  
HE1: Historic Environment  
Policy H7: Housing Accessibility  
Policy SCR1: On-site Renewable Energy Requirement  
Policy STR5: Water Efficiency  
Policy SU1: Sustainable Drainage Policy  
Policy LCR7B: Broadband

The National Planning Policy Framework (NPPF) was published in March 2012 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

#### Conservation Areas

In addition, 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 the surrounding Conservation Area.

#### SPD's

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

#### 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 to consider are:

- The principle of development
- Character and appearance
- Conservation Area impact
- Residential amenity
- Arboriculture
- Highways safety and parking
- Drainage
- Sustainable construction
- Other matters

### **BACKGROUND:**

In 2017 permission was sought for the erection of a 4 bed dwelling and garage within the garden of 9 Partis Way, following the demolition of an existing conservatory and side extension. 31 objections were raised by neighbours at the time on various grounds and the application was recommended to committee. The committee went on to permit the scheme. It is understood that the plot has since been sold and the current applicants wish to make some amendments to the original scheme.

Additionally a Non-material amendment application was granted in March 2019 (19/00498/NMA) allowing the following amendments to the original scheme;

- Increase in width of the garage by 1.5m
- Minor changes to fenestration

This application seeks the following changes from the original scheme;

- Change garage roof from flat to pitched
- Remove dormer window on rear roof slope and replace with solar panels
- Roof lights
- Omit office/ bed 4 from roof space and replace with plant room
- Provide first floor 'extension' above approved single storey 'extension' to accommodate bed 4

According to the design and access statement the key driver for the changes has been the desire to accommodate a sustainable, energy efficient home.

### **PRINCIPLE OF DEVELOPMENT:**

The primary issue to consider is the principle of a new residential dwelling within this location. The site lies within the built up area of Bath where housing development is acceptable in principle, this is subject to consideration of the relevant planning policies; these are outlined below. In addition, as mentioned above, the site benefits from an extant planning permission for a very similar scheme.

### **CHARACTER AND APPEARANCE AND IMPACT ON CONSERVATION AREA:**

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host dwelling and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

The site is not within but abuts the Bath Conservation Area. Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to preserve or enhance its significance and setting.

Partis Way is a mixture of detached and semi-detached dwellings. Under the original application initial concerns were raised by the officer in regards to the scale of the proposal. At the time the agent provided figures to show that the gross external footprint of the proposed property was nearly identical to that of number 10 and 14, and less than number 5 - the other detached properties within the street. Additionally the width and height of the property were found to be comparable.

A large number of objections were received in regards to the previous scheme from neighbours on various grounds, during the planning process revised plans were submitted to address the perceived harm, this included removal of the second storey 'extension' element. The harm was considered to be perceived rather than material.

This application seeks to include a second storey 'extension/ projection' above the already approved single storey element of the house. Once again a high number of objections have been received in regards to this application. The applicants have sought to mitigate neighbours' concerns during the application process and have submitted revised plans with the following changes;

- Rear elevation of garage has been amended to hip roof to reduce impact on gardens of Penn Lead road
- Ridge line and eaves of second storey projection accommodating bed 4 has been dropped by approx. 700mm
- The roof lights have been removed to ensure the attic can no longer be considered a habitable room

In regards to the scale of the development the proposed footprint of the scheme remains the same as that approved under the previous scheme and NMA. The agent has provided calculations to show that the increase in total gross internal floor area is approx. 11%. The proposed dwelling will appear visually wider from the street scene, but is not considered to be out of context, the depth of the dwelling remains the same. The proposed 'new;' two storey element will read as a smaller extension style element rather than as forming the main element. The height of the two storey remains subservient to the height of the main dwelling and has been lowered by 700mm as described above. Additionally It is noted that a number of dwellings in the street benefit from side extensions (number 11, 14, etc.).

Overall 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 paragraph 17 and part 7 of the NPPF.

The proposal site is not within the conservation area but it is directly adjacent to the boundary, therefore the impact of the proposal on the setting of the conservation area has been considered. The prevailing character of the conservation area is of semi-detached and detached residential properties set within generous plots, it is not considered that the proposal conflicts with the character or the views of the dwelling from the conservation area are a concern. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is not considered that the development would cause harm to the character and appearance of this part setting of the adjacent Conservation Area.

The proposed development is within the World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

#### RESIDENTIAL AMENITY:

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

The proposed siting of the dwelling has not changed in regards to the extant permission and NMA, the impact of the main dwelling was assessed under the previous extant permission and was found to be acceptable in regards to neighbours amenity. This report addresses the alterations only.

In regards to the garage, the pitched roof will be introduced above the single storey garage; it will now be hipped at the rear. It is set away from the boundary with the neighbours by 2.7m and additionally there is vegetation screening along the boundary. The impact on neighbours as a result of the garage will be minimal.

The removal of roof lights has taken place at neighbour's requests. The introduction of solar panels is not considered to impact residential amenity.

A further two storey element has been proposed above the extant single storey element. Neighbours have raised concerns in regards to overlooking, however there are no additional windows proposed in the side elevation facing neighbours gardens of Penn Lea Road. a small roof light in the front elevation will be set at an oblique angle, overlooking will be minimal and facing towards the side elevation of number 10. The additional second storey window at the rear elevation will look down the length of the garden of the proposed dwelling. There is already a level of overlooking in residential areas and this proposal is not considered to exacerbate the existing situation to a level that would warrant refusal.

Given the distance the proposal is set from neighbours at Penn Lea Road by 29.6m to the rear elevation of the properties and 3.5m from the boundary fence, it is not considered that the proposal will be overbearing.

Concern has been raised in regards to overshadowing. The agent submitted a sun path analysis with the proposal and has provided updates in line with the revised plans that lower the two storey element. The proposed sun paths show that there will be a minimal difference between the level of overshadowing caused by the extant scheme (previously deemed to be acceptable) and the revised scheme. Neighbours benefits from large gardens and officers are satisfied that the levels of overshadowing are not substantial to warrant refusal.

A neighbour has raised concerns in regards to the loss of their view, as described above the proposal is not considered overbearing and the right to long ranging views in not a material planning consideration.

Overall given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

#### HIGHWAYS SAFETY AND PARKING:

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

The existing dwelling, 9 Partis way benefits from a garage and off street parking spaces. There are currently 3 spaces on site. Under the previously permitted application, 17/03603/FUL, the driveway arrangements were altered so that 9 Partis Way and the new dwelling would have a shared access, a new garage was also permitted for the 9 Partis Way. Three spaces, including one in a garage, were permitted for the proposed dwelling. Under application 19/00498/NMA, the garage was amended to a double garage for the new dwelling, this was approved.

The proposed parking and access arrangement remain the same as those approved under the previous two applications.

Highways Development Control was consulted as part of the previous application on the site. They raised no objections to the original scheme.

The proposal provides for 3/4 parking spaces for the new dwelling. This is an appropriate level of parking for a 4 bedroom house in line with policy.

The means of access from the turning head will be maintained as a shared access to the two dwellings, and whilst it is only of single width, it is considered acceptable to serve the development. Adequate space is also maintained to enable on site manoeuvring.



Overall 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 4 of the NPPF.

#### DRAINAGE AND FLOODING:

As part of this application the Drainage and Flooding Team were consulted.

Following site investigations the applicant has confirmed that disposal of surface water to soakaway is not viable. The proposed alternative is to discharge surface water to the dedicated public surface water sewer located in Partis Way, this is acceptable. It is noted that Wessex Water has indicated that connection of separated flows would be accepted.

It is noted that the site is slightly elevated above the adjacent highway which is shown as being at risk of surface water flooding. Measures are required to ensure that surface water is not allowed to discharge from the site onto the highway. As such conditions have been recommended and no objection has been raised by the Flooding and Drainage Team.

#### ARBORICULTURE:

No arboricultural objection was raised in respect of the previous consented application 17/03603/FUL.

The increase to the garage footprint was considered under 19/00498/NMA.

In respect to implications on trees and vegetation, the revised proposal seeks to introduce a rainwater harvesting tank in the front parking area and associated trenching.

The proposal also now intends to retain the trees and hedging along the northern boundary and an arboricultural method statement has been submitted which provides details of the measures intended to protect the northern vegetation.

The details within the Landscape Plan are not sufficient to address condition 3 attached to 17/03603/FUL as such this condition will be re-imposed. The species, planting size and numbers of each and a programme of implementation would be expected.

There is insufficient space to accommodate the proposed birch between the eastern elevation and indicative hard surfacing and the boundary to allow for future growth, however this tree is outside of the Conservation Area and not considered worthy of a TPO as such no objection has been raised from the Arboricultural Officer. Conditions have been recommended to ensure compliance with the Arboricultural method statement.

#### ARCHAEOLOGY:

The proposed new house lies within a known area of Roman occupation, buildings and burials, discovered when the housing in this area was being constructed. An archaeological assessment has been submitted with the scheme. Despite the archaeological potential of the proposed development site no features or deposits of archaeological significance were identified during the course of the evaluation. No objection has been raised by the council's archaeology consultants.

## SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy CP2 of the Placemaking Plan has regard to Sustainable construction. The policy requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

For minor new build development a 19% reduction in CO2 emissions is required by sustainable construction. In this case the submitted SCC shows that a 49.13% CO2 emissions reduction has been achieved from energy efficiency and/or renewables, including solar panels. Therefore the proposed development is compliant with policy CP2 in this instance.

It is noted that some neighbours raised concerns that the proposal could be made more sustainable still or that the plant room did not need to be located within the roof. The officers have made an assessment of the plans before them which are considered acceptable and go well beyond the policy requirements in regards to sustainable construction.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). A rain water harvesting tank is proposed below the driveway. This policy is satisfied.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g. border planting, window boxes, vertical planting, raised beds etc.). The proposed dwelling will have a large garden space that can fulfil this policy.

## COMMUNITY INFRASTRUCTURE LEVY:

The site would generate additional residential floor space within the Bath city area and is subject to contributions via the infrastructure Levy in line with the Council's adopted Planning Obligations SPD.

## OTHER MATTERS:

A neighbour raised concerns that the proposal would impact on property values, this however is not considered to be a material planning consideration.

## PLANNING BALANCE:

The proposal is a revised scheme, the site benefits from extant planning permission for a dwelling. Concern has been raised locally in regards to character and appearance and impact on residential amenity to name a few. The proposal is considered policy compliant for the reasons set out in the report above and it is not considered that there are any

material considerations to indicate otherwise. As such the proposal 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 Surface Water Management (pre-commencement)**

No development shall commence, except ground investigations and remediation, until plans have been submitted to the Local Planning Authority and given written approval demonstrating that that surface water will be managed within the site so as to prevent its discharge onto the highway. The development shall proceed in accordance with the details so approved.

Reason: In the interests of highway safety and flood risk management.

### **3 Compliance with Arb Method Statement (Pre-occupation)**

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan provided by Hillside Trees Ltd dated May 2019. No occupation of the approved development shall commence until a signed certificate of compliance by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

### **4 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.

### **5 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.

#### **6 Materials - Sample of Render (Bespoke Trigger)**

No external walls of the development shall be rendered until a sample of the colour and texture of the render to be used 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 materials.

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.

#### **7 Garages (Compliance)**

The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

#### **8 Bound/Compacted Vehicle Access (Pre-occupation)**

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

#### **9 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.

#### **10 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

This decision relates to the following plans:

15 Oct 2019 1376 001 A Site Location Plan  
19 Dec 2019 1376 022 E First Floor Plan - As Proposed  
19 Dec 2019 1376 023 E Roof Plan - As Proposed  
19 Dec 2019 1376 025 D Elevations - As Proposed - Sheet 1 Of 2  
19 Dec 2019 1376 026 D Elevations - As Proposed - Sheet 2 Of 2  
15 Oct 2019 1376 029 A Landscape Plan - Overall Site

### **Condition Categories**

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

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

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

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

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

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

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

### **Community Infrastructure Levy**

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

### **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.

**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.

<b>Bath &amp; North East Somerset Council</b>		
<b>MEETING:</b>	Planning Committee	
<b>MEETING DATE:</b>	12 February 2020	
<b>TITLE:</b>	Quarterly Performance Report October – December 2019	
<b>WARD:</b>	ALL	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b></p> <p>Analysis of Chair referral cases</p>		

## 1 THE ISSUE

*At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across a range of activities within the Development Management function.*

*This report covers the period from 1 Oct – 31 Dec 2019.*

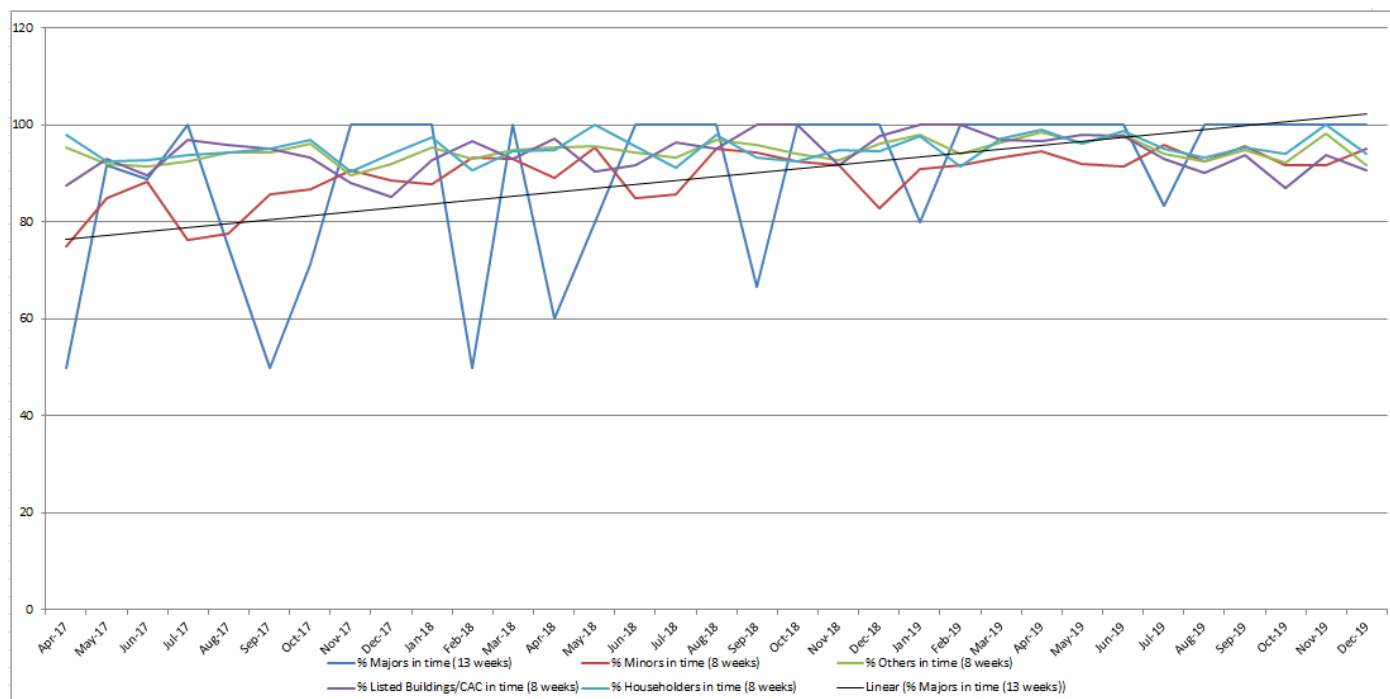
## 2 RECOMMENDATION

Members are asked to note the contents of the performance report.

## 3 THE REPORT

Tables, charts and commentary

## 1 - Comparison of Applications Determined Within Target Times



% of planning applications in time	2018/19				2019/20			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
% Majors in time	(10/13) 77%	(8/9) 89%	(10/10) 100%	(11/12) 92%	(11/11) 100%	(11/12) 92%	(8/8) 100%	
% Minors in time	(127/142) 89%	(127/138) 92%	(100/112) 89%	(91/99) 92%	(125/135) 93%	(142/150) 95%	(115/124) 93%	
% Others in time	(485/510) 95%	(433/453) 96%	(391/414) 94%	(361/374) 97%	(485/497) 98%	(421/449) 94%	(373/397) 94%	

### Highlights:

- All three categories have been above target consistently every quarter for 4 years.

*Note: Major (10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over); Minor (1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare); Other (changes of use, householder development, adverts, listed building consents, lawful development certificates, notifications, etc).*

## 2 - Recent Planning Application Performance

Application nos.	2018/19				2019/20			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	684	673	610	621	689	635	647	
Withdrawn	51	52	65	76	45	50	51	
Delegated no. and %	647 (97%)	579 (97%)	530 (98%)	470 (97%)	630 (98%)	587 (96%)	518 (97%)	
Refused no. and %	54 (8%)	45 (8%)	48 (9%)	37 (8%)	31 (5%)	37 (6%)	30 (6%)	

### Highlights:

- A 3% fall in planning application numbers compared to the previous 12 months – more or less in line with the national trend (4% decrease year ending Sep 2019).



- The current delegation rate is marginally above the last published England average of 95% (Year to Sep 2019).
- Percentage of refusals on planning applications remains very low compared to the last published England average of 12% (Year ending Sep 2019).

### **3 – Dwelling Numbers**

Dwelling numbers	2018/19				2019/20			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Major residential ( <i>10 or more dwellings</i> ) decisions	7	6	3	6	3	4	1	
Major residential decisions granted	6	6	1	4	3	4	1	
Number of dwellings applied for on Major schemes	297	255	64	390	158	140	201	
Number of dwelling units permitted on schemes	123	631	179	182	264	420	93	

#### Highlights:

- There was 1 major residential planning decision last quarter, which was granted.

### **4 - Planning Appeals**

	Jan – Mar 2019	Apr – Jun 2019	Jul – Sep 2019	Oct – Dec 2019
Appeals lodged	27	11	18	16
Appeals decided	28	20	25	15
Appeals allowed	9 (32%)	5 (25%)	9 (36%)	2 (13%)
Appeals dismissed	19 (68%)	15 (75%)	16 (64%)	13 (87%)

#### Highlights:

- Over the last 12 months performance on Appeals Allowed (28%) is just under the national average of approx. 32%
- Planning Appeal costs awarded against council in last quarter: nil
- Planning Appeal costs awarded against the council in this financial year so far: £5,000

### **5 - Enforcement Investigations**

	Jan – Mar 2019	Apr – Jun 2019	Jul – Sep 2019	Oct – Dec 2019
Investigations launched	181	156	181	147
Investigations in hand	213	219	214	184
Investigations closed	152	156	178	194
Enforcement Notices issued	1	1	5	1
Planning Contravention Notices served	0	5	3	5
Breach of Condition Notices served	0	0	0	0

## **6 – Other Work (applications handled but not included in national returns)**

The service also processes other statutory applications (discharging conditions, prior approvals, prior notifications, non-material amendments etc) and discretionary services like pre-application advice. The table below shows the number of these applications received

	Jan – Mar 2019	Apr – Jun 2019	Jul – Sep 2019	Oct – Dec 2019
Other types of work	444	609	409	308

## **7 – Works to Trees**

	Jan – Mar 2019	Apr – Jun 2019	Jul – Sep 2019	Oct - Dec 2019
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	25	14	29	24
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	100%	100%	100%	100%
Number of notifications for works to trees within a Conservation Area (CA)	166	163	185	241
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	100%	99%	99%	99%

Highlights:

- Performance on works to trees remains excellent.

## **8 – Corporate Customer Feedback**

The latest quarterly report available is published here:

<http://www.bathnes.gov.uk/services/your-council-and-democracy/complaints-and-customer-feedback/complaints-reports>

## **9 - Ombudsman Complaints**

When a customer remains dissatisfied with the outcome of the Corporate Complaints investigation they can take their complaint to the **Local Government Ombudsman** for an independent view.

Ombudsman Complaints	Jan – Mar 19	Apr – Jun 19	Jul – Sep 19	Oct – Dec 19
Complaints upheld	1	0	0	0
Complaints Not upheld	1	3	0	0

Highlights:

- No Planning cases considered/closed this quarter. There has been one upheld complaint over the last year.

## **10 – Latest News**

For all the latest stories and updates from Development Management, Building Control and Policy teams

<http://www.bathnes.gov.uk/services/planning-and-building-control/latest-news>

In the last quarter officers have delivered training sessions for Members on Enforcement and Design and Heritage.

## **11 – Section 106 Agreements and Community Infrastructure Levy (CIL)**

Members will be aware of the Planning Obligations SPD first published in 2009. Planning Services have spent the last few years compiling a database of Section 106 Agreements. This is still in progress but does enable the S106/CIL Monitoring Officer to actively monitor the delivery of agreed obligations. S106 and CIL financial overview sums below will be refreshed for every quarterly report. A CIL annual report is also published on our website: <http://www.bathnes.gov.uk/services/planning-and-building-control/planning/planning-advice-and-guidance/community>

(Note: figures are for guidance only and could be subject to change due to further updates with regards to monitoring S106 funds)

S106 Funds received (2019/20)	<b>£119,175.71</b>
CIL sums overview - Potential (April 2015 to date)	<b>£10,534,185.29</b>
CIL sums overview - Collected (April 2015 to date)	<b>£14,983,882.07</b>

## **12 – Chair Referrals**

**Table 12** below shows the numbers of planning applications where Chair decision has been sought to either decide the application under delegated authority or refer to Planning Committee. ***A further analysis of Chair referral cases is attached as an Appendix item to this report.***

	<b>Jan – Mar 2019</b>	<b>Apr – Jun 2019</b>	<b>Jul – Sep 2019</b>	<b>Oct – Dec 2019</b>
Chair referral delegated	10	20	16	21
Chair referral to Planning Committee	4	8	9	11

## 13 – 5 Year Housing Land Supply

A	Total planned housing 2011-2029		13,000
B	Completions 2011-2019	2011-2019	6,157
C	Plan requirement	2011-2024	9,386
D	5 year supply requirement (100%)	2019-2024	3,229
E	5 year supply requirement (with 5% buffer)	2019-2024	3,390
G	Deliverable supply (#)	2019-2024	4,528
H	Deliverable supply buffer (%)	2019-2024	40%
I	Deliverable supply (#) over 100% requirement	2019-2024	1,299
J	Deliverable supply (#) over 105% requirement	2019-2024	1,138

A	Alternative Calculation Method		
B	5 year supply requirement (722x5)		3,610
C	Surplus/deficit		381
D	Deliverable supply		4,528
E	5 year requirement + backlog/surplus		3,229
F	5 year requirement + backlog/surplus +5% buffer		3,390
Supply as a % of requirement			134%
Supply in years			6.68

The Council has identified a supply of deliverable housing land for **4,528** homes between 1 April 2019 and 31 March 2024. This compares to a five-year housing land supply requirement (including 5% buffer) of 3,390 (Core Strategy requirement, calculated using the 'Sedgefield Method'). **This amounts to a housing land supply of 6.68 years.**

<b>Contact person</b>	John Theobald, Project/Technical and Management Support Officer, Planning 01225 477519
<b>Background papers</b>	CLG General Development Management statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: <a href="https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics">https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics</a>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
19/03138/FUL	Land Rear Of 7 And 8Staunton WayWhitchurchBristol	Erection of 6no 2 bed dwellings and 1no 4 bed dwelling	COMMDC	21-Nov-19	PERMIT	Application was referred to the Vice Chairman and Chairman following an objection from Whitchurch Village Council.
19/03485/VAR	7 Uplands DriveSaltfordBristolBath And North East SomersetBS31 3JH	Variation of condition 6 (plans list) of application 18/01187/FUL (Erection of new dwelling following demolition of existing dwelling)	CHAIR	03-Oct-19	PERMIT	Chair referral delegated decision
19/03637/FUL	18 Lytton GardensSouthdownBathBath And North East SomersetBA2 1LW	Change of use from 4 bed dwelling (use class C3) to 5 bed house in multiple occupation (use class C4)	CHAIR	07-Oct-19	PERMIT	Chair referral delegated decision
19/03781/FUL	27 James Street WestCity CentreBathBA1 2BT	Change of use from 4 bed dwelling house (use class C3) to 4 bed HMO (use class C4)	CHAIR	08-Oct-19	PERMIT	Chair referral delegated decision
19/03632/FUL	Plot Adjacent To 77Somerset WayPaultonBristol	Erection of 2 storey dwelling with associated single storey garage.	CHAIR	08-Oct-19	PERMIT	Chair referral delegated decision
19/00809/FUL	Pack Horse Farm Old Midford RoadMidfordBathBA2 7DQ	Conversion of existing barn into site manager's accommodation and site facilities serving existing equestrian DIY livery business.	CHAIR	17-Oct-19	PERMIT	Chair referral delegated decision
19/03449/FUL	Holly Barn Norman RoadSaltfordBS31 3BQ	Erection of a detached garage and change of use of B8 (Storage or Distribution) land to residential	CHAIR	17-Oct-19	PERMIT	Chair referral delegated decision
19/03010/FUL	Part Of Parcel 5520Coley NarrowColeyBristol	Change of use from agriculture to mixed use of agriculture and equestrian and the proposed erection of a building for storage of agricultural machinery and equipment and stabling (proposed) and the construction of an all-weather menage (retrospective).	CHAIR	30-Oct-19	PERMIT	Chair referral delegated decision
19/01437/VAR	Glenavon Farm331 Bath RoadSaltfordBristolBath And North East SomersetBS31 3TJ	Variation of condition 18 for application 12/05167/FUL (Renovation, extension and conversion of existing farm buildings to a farm shop and cafe/restaurant with car parking and associated access arrangements).	CHAIR	31-Oct-19	PERMIT	Chair referral delegated decision
19/01018/FUL	27 Highmead GardensBishop SuttonBristolBath And North East SomersetBS39 5XB	Erection of rear extension, loft conversion and front porch	CHAIR	12-Nov-19	PERMIT	Chair referral delegated decision
19/00797/FUL	2 Rockhall CottagesRock Hall LaneCombe DownBathBath And North East SomersetBA2 5JF	Erection of two storey rear extension	CHAIR	14-Nov-19	PERMIT	Chair referral delegated decision
19/04300/FUL	47 Lymore AvenueTwertonBathBath And North East SomersetBA2 1BB	Erection of a single storey back and side extension.	CHAIR	25-Nov-19	PERMIT	Chair referral delegated decision
19/03742/FUL	34 Balmoral RoadKeynshamBristolBath And North East SomersetBS31 1AN	Erection of double storey side and single storey rear extensions.	CHAIR	26-Nov-19	PERMIT	Chair referral delegated decision
19/04480/FUL	19 Devonshire RoadBathamptonBathBath And North East SomersetBA2 6UB	Loft conversion with wrap around dormer	CHAIR	02-Dec-19	PERMIT	Chair referral delegated decision
19/03689/FUL	Pony & TrapNewtownMoorledge RoadChew MagnaBristolBS40 8TQ	Installation of 4 Holiday Let Cabins	CHAIR	02-Dec-19	RF	Chair referral delegated decision
19/02105/FUL	Parcel 2727Kingshill LaneChew StokeBristol	Erection of Temporary Agricultural Workers Dwelling and the Installation of Stables within the Existing Barn (Retrospective).	CHAIR	06-Dec-19	PERMIT	Chair referral delegated decision
19/04398/FUL	HighbanksThe StreetStoweyBristolBath And North East SomersetBS39 5TH	Erection of single storey residential annex	CHAIR	06-Dec-19	PERMIT	Chair referral delegated decision
19/01818/FUL	Breaches Farm HouseCherwell RoadKeynshamBristolBath And North East SomersetBS31 1QU	Erection of two storey extension.	CHAIR	12-Dec-19	PERMIT	Chair referral delegated decision
19/03044/FUL	3 The OrchardLower Farm LaneCorstonBathBath And North East SomersetBA2 9AQ	Erection of an agricultural barn and associated works.	CHAIR	17-Dec-19	PERMIT	Chair referral delegated decision

19/04579/FUL	5 Squire LaneUbleyBristolBath And North East SomersetBS40 6PP	Creation of hardstanding and associated works (Resubmission)	CHAIR	20-Dec-19	RF	Chair referral delegated decision
19/05034/FUL	Elm CottageThe StreetCompton MartinBristolBath And North East SomersetBS40 6JE	Erection of 1no. 4 bed dwelling with double garage and driveway.	CHAIR	23-Dec-19	PERMIT	Chair referral delegated decision
19/04413/LBA	Flat 3 First Floor 5 Portland PlaceLansdownBathBath And North East SomersetBA1 2RU	Internal alterations to remove section of modern stud partition to open up kitchen and forming of a small ensuite bathroom to rear bedroom.	CHAIR	30-Dec-19	CON	Chair referral delegated decision
19/04187/FUL	Parcel 3573Bath HillWellowBath	Erection of a Farmhouse (with agricultural tie).	COMMDC	19-Dec-19	PERMIT	Chair referral to committee. I feel that this decision should be taken by the committee as approval for a building has been granted in the past and the applicant should be given the opportunity to put their case in the public domain.
19/03698/FUL	10 Torridge RoadKeynshamBristolBath And North East SomersetBS31 1QG	Erection of a two storey dwelling with parking and associated works following demolition of garage.	COMMDC	25-Nov-19	PERMIT	Chair referral to committee. I note the work the officer has carried out to ensure that the building materials and design blend in to the surrounding area, however, there are still a number of issues that the committee should explore more fully.
19/03733/FUL	Combe GroveBrassknocker HillMonkton CombeBathBA2 7HS	Erection of 2 no. temporary portacabins for office use by apprentices.	COMMDC	19-Dec-19	PDE	Chair referral to committee. I think there is room for the applicant to put its case to the committee, to explain how this development will eventually lead to the enhancement of the setting of the listed building, but they must also respond to the serious concerns of officers.
19/04123/FUL	19 Gladstone StreetWeltonMidsomer NortonRadstockBath And North East SomersetBA3 2BR	Erection of a terrace of 4no dwellings adjoining 19 Gladstone Street.	COMMDC	25-Nov-19	RF	Chair referral to committee. I think there is room for the committee to further explore the potential impact on the conservation area.
19/04633/FUL	18 RowacresSouthdownBathBath And North East SomersetBA2 2LH	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.	COMMDC	19-Dec-19	RF	Chair referral to committee. The size of this HMO will have a significant impact on this small cul-de-sac of family homes, I think the committee will want to assess this application further.
19/00786/FUL	Field Between City Farm And Cotswold ViewThe HollowSouthdownBathBath And North East Somerset	Erection of 9 dwellings with associated access, parking, drainage and landscaping.	COMMDC	19-Dec-19	RF	Chair referral to committee. As the remaining green spaces are so important to the setting of the World Heritage Site, this decision should be made in the public domain.
19/03937/FUL	Swans WayFossewayDunkertonBathBath And North East SomersetBA2 8BW	Erection of first floor extension and reinstatement of front bay window stone mullions and hipped slate roof.	COMMDC	21-Nov-19	PERMIT	Chair referral to committee. As this application comes down to volume, I think the committee should further consider any impact on the green belt.
18/04958/OUT	Midsomer Norton South Railway StationSilver StreetMidsomer NortonBA3 2EY	Outline application with all matters reserved for:1.New Maintenance Shed (up to 700 m2).2.Extension to existing maintenance shed to provide ancillary café, retail facilities and meeting space (up to 90 m2) 3.Extension and refurbishment to existing W	COMMDC	21-Nov-19	PERMIT	Chair referral to committee. I am minded to support the officer, but I feel that there are significant issues that need to be fully aired before the committee.

19/04017/FUL	36 Tennis Court AvenuePaultonBristolBath And North East SomersetBS39 7LZ	Erection of two storey three-bed detached house in garden.	COMMDC	21-Nov-19	RF	Chair referral to committee. I think there is room for the committee to consider the objections, particularly around character and street scene.
19/03747/FUL	31 Third AvenueOldfield ParkBathBath And North East SomersetBA2 3NY	Change of use from a 5-bed House in Multiple Occupation (HMO) (Use Class C4) to a 7-bed HMO (Use Class Sui Generis).	COMMDC	24-Oct-19	RF	Chair referral to committee. There is currently a condition in place to restrict to 6 residents. The committee need to determine if this should be over-ruled.
19/03846/FUL	Arlington HouseBath StreetCity CentreBath	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).	COMMDC	19-Dec-19	PERMIT	Chair referral to committee. This application is unusual and falls slightly outside the normal definitions of HMOs, so I agree this decision needs to be taken in the public domain.
18/05696/OUT	Lays Farm Business CentreLays Farm Trading EstateKeynshamBS31 2SE	Outline planning application for the demolition of existing industrial buildings and erection B1 Business buildings and 8 no. dwellings	COMMDC	17-Oct-19	PERMIT	The application has been referred to committee following the comments of Cllr Gerrish, Cllr Hale and the Town Council.
19/01163/FUL	Police StationBath HillKeynshamBS31 1HJ	Erection of two buildings to provide 26 apartments, together with associated works, following demolition of existing buildings.	COMMDC	19-Dec-19	RF	This application is subject to a viability assessment. In line with the adopted Scheme of Delegation, any applications which challenge planning obligations will be referred to Planning Committee for a decision.

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<b>Bath &amp; North East Somerset Council</b>		
MEETING:	<b>Planning Committee</b>	<div>AGENDA ITEM NUMBER</div> <div></div>
MEETING DATE:	<b>12 February 2020</b>	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>	
WARD:	ALL	
BACKGROUND PAPERS:	None	
<b>AN OPEN PUBLIC ITEM</b>		

## APPEALS LODGED

**Case Ref:** 19/00201/UNDEV

**Location:** Beechwood Farm, 2 Kelston Road, Kelston, Bath, BA1 9AF

**Breach:** Without planning permission the erection of 2 no. outbuildings.

**Notice Issued Date:** 30 September 2019

**Appeal Lodged:** 6 January 2020

**App. Ref:** 19/04017/FUL

**Location:** 36 Tennis Court Avenue Paulton Bristol Bath And North East Somerset BS39 7LZ

**Proposal:** Erection of two storey three-bed detached house in garden.

**Decision:** REFUSE

**Decision Date:** 21 November 2019

**Decision Level:** Planning Committee

**Appeal Lodged:** 9 January 2020

**App. Ref:** 19/00126/FUL

**Location:** Land Between 1-7 Horseshoe Walk And 49-59 Sydney Buildings Horseshoe Walk Widcombe Bath

**Proposal:** Erection of four-bedroom dwelling within current residential garden, minor alterations to vehicular access, repurposed existing timber sheds, as bin store,

bike store and garden store, plus associated landscape alterations.

**Decision:**

**Decision Date:**

**Decision Level:** Delegated

**Appeal Lodged:** 15 January 2020

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**App. Ref:** 19/01596/FUL

**Location:** The Cottage Northfields Lansdown Bath Bath And North East

Somerset

**Proposal:** Erection of 3no dwellings following removal of existing properties

**Decision:** REFUSE

**Decision Date:** 26 September 2019

**Decision Level:** Planning Committee

**Appeal Lodged:** 17 January 2020

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**App. Ref:** 19/02188/FUL

**Location:** Overwater 6 Homefield Road Saltford Bristol Bath And North East

Somerset

**Proposal:** Erection of 2 no. bedroom bungalow in the rear garden.

**Decision:** REFUSE

**Decision Date:** 27 September 2019

**Decision Level:** Delegated

**Appeal Lodged:** 20 January 2020

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## APPEALS DECIDED

**App. Ref:** 19/01064/VAR

**Location:** 34 Bristol Road Corston Bath Bath And North East Somerset BA2 9AA

**Proposal:** Variation of condition 2 (plans list) of application 18/00418/FUL granted on 11.06.18

**Decision:** REFUSE

**Decision Date:** 7 May 2019

**Decision Level:** Delegated

**Appeal Lodged:** 26 July 2019

**Appeal Decision:** Appeal Allowed

**Appeal Decided Date:** 17 January 2020

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**App. Ref:** 19/00540/FUL  
**Location:** Land North Of West Barn Uplands Lane Chewton Keynsham  
Keynsham  
**Proposal:** Erection of 1no dwelling.  
**Decision:** REFUSE  
**Decision Date:** 4 July 2019  
**Decision Level:** Delegated  
**Appeal Lodged:** 7 October 2019  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 20 January 2020

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**App. Ref:** 18/04618/CLPU  
**Location:** Moret Hursley Hill Publow Bristol Bath And North East Somerset  
**Proposal:** Erection of a single storey double garage (Certificate of Lawfulness for a Proposed Development)  
**Decision:** REFUSE  
**Decision Date:** 15 January 2019  
**Decision Level:** Delegated  
**Appeal Lodged:** 23 October 2019  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 23 January 2020

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**App. Ref:** 19/00467/LBA  
**Location:** Garfunkels Orange Grove City Centre Bath Bath And North East Somerset  
**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  
**Appeal Decision:** Appeal Allowed  
**Appeal Decided Date:** 23 January 2020

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**Case ref:** 18/00440/UNAUTH

**Location:** Manor Farm, Farm Lane, Wellow, Bath, Bath And North East Somerset, BA2 8QU

**Breach:** Without planning permission, the erection of an area of raised decking and an outbuilding.

**Notice Date:** 15 August 2019

**Appeal Lodged:** 24 October 2019

**Appeal Decision:** Appeal Dismissed

**Appeal Decided Date:** 23 January 2020