

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

10th April 2013

DECISIONS

| | |
|--------------------------|--|
| Item No: | 1 |
| Application No: | 12/04076/FUL |
| Site Location: | Gibbs Mews, Walcot Street, Bath, |
| Ward: Abbey | Parish: N/A LB Grade: N/A |
| Application Type: | Full Application |
| Proposal: | Erection of 4no. dwellings (retrospective amendments to application 08/00591/FUL amended by 11/03532/NMA). |
| Constraints: | Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Sites of Nature Conservation Imp (SN), World Heritage Site, |
| Applicant: | Thameside Property Company Ltd |
| Expiry Date: | 21st November 2012 |
| Case Officer: | Rachel Tadman |

DECISION REFUSE

1 The development, due to the use of reconstituted Bath stone and block size, is out of character with the surrounding area and has an incongruous appearance which fails to preserve or enhance the character and appearance of this part of the Bath Conservation Area. The development would also have a harmful impact on the setting of the surrounding listed buildings. This is contrary to Policy D2, BH2 and BH6 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

PLANS LIST:

The application relates to drawing nos 875.location, PL 13, PL 14, PL 15 Rev C, PL 16 Rev C, 876.block, 876/10/1 Rev A, 876/10.02.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The submitted application has been found to be unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

| | |
|-----------------------------|--|
| Item No: | 2 |
| Application No: | 12/05579/FUL |
| Site Location: | Charmydown Lodge, Charmydown Lane, Swainswick, Bath |
| Ward: Bathavon North | Parish: St. Catherine LB Grade: II |
| Application Type: | Full Application |
| Proposal: | Conversion of Charmydown Barn to a 5no. bed dwelling, alteration and reinstatement of Charmydown Lodge to a 3no. bed dwelling, retention of new detached garage block, minor works to the walls of the former pigsties and associated soft and hard landscaping following demolition of modern barns, stables and lean-to (revisions to permitted scheme 08/04768/FUL and 08/04769/LBA). |
| Constraints: | Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Public Right of Way, Water Source Areas, |
| Applicant: | Dormie Holdings Ltd. |
| Expiry Date: | 18th February 2013 |
| Case Officer: | Rebecca Roberts |

DECISION Authorise the Development Manager to Permit with appropriate conditions and Section 106 Agreement

| | |
|-----------------------------|--|
| Item No: | 3 |
| Application No: | 12/05580/LBA |
| Site Location: | Charmydown Lodge, Charmydown Lane, Swainswick, Bath |
| Ward: Bathavon North | Parish: St. Catherine LB Grade: II |
| Application Type: | Listed Building Consent (Alts/exts) |
| Proposal: | Internal and external alterations for the conversion of Charmydown Barn to a 5no. bed dwelling, alteration and reinstatement of Charmydown Lodge to a 3no. bed dwelling, retention of new detached garage block, minor works to the walls of the former pigsties, stables and lean-to (revisions to permitted scheme 08/04768/FUL and 08/04769/LBA). |
| Constraints: | Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Public Right of Way, Water Source Areas, |
| Applicant: | Dormie Holdings Ltd. |
| Expiry Date: | 14th February 2013 |
| Case Officer: | Ian Lund |

DECISION CONSENT

1 The additional works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 With regard to the main barns and proposed attached structures, prior to the commencement of works, details of all new external joinery and glazing design shall be approved in writing by the Local Planning Authority. These details shall include depth of reveal, materials and full working drawings including both horizontal and vertical sections, to a scale of not less than 1:10. At no time shall the approved joinery be altered without the prior approval, in writing, of the Local Planning Authority.

Reason: To enable the Local Planning Authority to be satisfied with the completed appearance of the buildings.

3 At no time shall any flues, vents, meter boxes or other fixtures be attached to the exterior of the buildings other than those approved as part of this consent, without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to be satisfied with the completed appearance of the buildings.

4 Full details of the treatment to be given to the eaves, soffits and verges shall be submitted to and approved by the Local Planning Authority prior to the commencement of the works. Such details shall include precise construction information and materials shall be implemented in strict accordance with these details.

Reason: In the interests of protecting the character of the Listed Buildings.

5 Full details of all chimneys, flues and vents shall be submitted to and approved by the Local Planning Authority prior to the commencement of the works. Such details shall include precise size, and where appropriate, samples and shall, once agreed, be strictly complied with.

Reason: In the interests of protecting the character of the Listed Buildings.

6 With respect to the main barns a full schedule of the details of the roof repairs and any structural repairs (or other such schedule as may be deemed to be appropriate) shall be submitted to and approved by the Local Planning Authority. Such schedule shall, once agreed, be strictly complied with.

Reason: In the interests of protecting the character of the building.

7 With respect to the main barns the method and manner of the removal and replacement of the flagstone floors shall be agreed by the Local Planning Authority. Their removal and reinstatement shall be in strict accordance with these details.

Reason: In order to protect the character of the buildings.

8 With regard to the main barns full details of all joinery, including windows, doors, screens and internal railings, shall be submitted to and agreed by the Local Planning Authority prior to the commencement of the works. Such details shall include horizontal

and vertical cross-sections at a scale of not less than 1:20 and shall be implemented and thereafter maintained in strict accordance with these agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to protect the character of this Listed Building.

9 With regard to the main barns full details of the design and means of fixing of the proposed plywood baffles shall be submitted to and approved by the Local Planning Authority prior to the commencement of the works. The works shall be then implemented in strict accordance with the approved details.

Reason: In the interests of protecting the character of the Listed Building.

10 With regard to the main barn no works shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include (but shall not be limited to):

(i) a method statement for the retention of all bat roosts on the site including the maintenance of the bats' existing accesses or the provision of alternative new accesses and the proposed timing of all works affecting the bat roosts and details of a monitoring scheme

(ii) details of any lighting scheme to prevent harm to bats and retention of dark areas and corridors for bats

(iii) details of monitoring schemes, aftercare and/or management proposals as applicable for the above.

All the proposed methodologies shall be in accordance with current published best practice guidance.

Reason: to ensure that the conservation status of the various protected species present on the site is maintained and/or enhanced in accordance with national and European legislation and current policy.

11 The main barns shall not be occupied until all of the works detailed in the approved Wildlife Protection and Enhancement Scheme have been implemented on the land to the written satisfaction of the local planning authority.

Reason: to ensure that the conservation status of the various protected species present on the site is maintained and/or enhanced in accordance with national and European legislation and current policy.

12 Following implementation of the works detailed in the approved Wildlife Protection and Enhancement Scheme pursuant to condition 10 above, the development shall thereafter be managed, maintained and monitored in accordance with the provisions of the approved Wildlife Protection and Enhancement Scheme (or such variations of the same as may be approved in writing by the Council from time to time).

Reason: to ensure that the protected species present on the site are properly managed

13 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:

Existing Plans: 1743a-s101, 1743a-e-02, 1743a-e-03, 1743a-e-05, 1743a-e-010, and 1743a-e-011 all date stamped 20 December 2012.

Proposal Plans:

Main barn and garage - 1743a-p-03, 1743a-p-04, 1743a-p-05, 1743a-p-06 date stamped 20 December 2012, and revised drawing 1743-p-05b date stamped 28 February 2013.

The Lodge - 1743a-p-010, 282/001c, date stamped 20 December 2012 and revised drawing 1743a-p-011a date stamped 28 February 2013,

Overall Site Plan 1743a-p-02 date stamped 20 December 2012.

Fenestration schedules / plans for The Lodge : Window schedule, Door schedule, 1743a-p-221, 1743a-p-222, 1743-a-p-223, 1743a-p-224, 1743a-p-231, and 1743a-p-232 all date stamped 20 December 2012.

Additional documents: Lime mortar mix, schedule of rainwater goods, schedule of materials, lime render specification, photographs of material samples, and draft S106 agreement all date stamped 20 December 2012, and email dated 28 February 2013 from Watson, Bertram and Fell.

Design and Access Statement, GL Hearn Planning Statement, Mann Williams Main and Cross Barns Structural Report, Mann Williams The Lodge Structural Commentary, J R Sutcliffe Charmydown Lodge Statement of Architectural and Historical Assessment, Tyler Grange Update Ecological Assessment, S J Stephens Associates Arboricultural Report and Tree Protection Plan all date stamped 20 December 2012.

REASONS FOR GRANTING CONSENT

The decision to grant consent subject to conditions has been made in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation of the protected buildings and the setting of a nearby principal building. The decision is also generally consistent with the part 12 of the National Planning Policy Framework and accompanying practice guidance and has taken into account the views of third parties.

Whilst the works have the potential to impact upon protected species, these impacts have been identified, assessed and a suitable mitigation scheme designed. The amended proposals are considered to meet the requirements of the E U Habitats Directive. Although the bat roost situated in the barn will be preserved, the development has the potential to cause deterioration of the roost. However, it is considered that the derogation tests in Article 16 of the Habitats Directive are satisfied as there are considered to be imperative reasons of overriding public interest in restoring the historic barn structure to a beneficial use, there is no satisfactory alternative and the development would not have a detrimental effect upon the conservation status of the bats. The impacts of the development on protected species have been identified, assessed and a suitable mitigation scheme

designed. The development is therefore considered to meet the requirements of the Habitats Directive.

Decision-making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related committee report, a positive view of the revised proposals was taken and consent was granted.

Informative

Please note the grant of listed building consent for the proposed works does not authorise development requiring separate planning permission.

| | | |
|--------------------------------|--|----------------------|
| Item No: | 4 | |
| Application No: | 13/00376/FUL | |
| Site Location: | The Chase, Rectory Lane, Compton Martin, Bristol | |
| Ward: Chew Valley South | Parish: Compton Martin | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Erection of extensions including a first floor extension to create a 1.5 storey dwelling (Revised proposal) | |
| Constraints: | Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Housing Development Boundary, Water Source Areas, | |
| Applicant: | Mr and Mrs C & J Linegar | |
| Expiry Date: | 26th March 2013 | |
| Case Officer: | Heather Faulkner | |

DECISION Defer consideration to allow Members to visit the site to see its relationship with the adjoining property.