

**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**3rd May 2017**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	16/05504/OUT	
<b>Site Location:</b>	34 - 35 Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset	
<b>Ward:</b> Widcombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Erection of two buildings to provide residential accommodation for students (up to 204 bedrooms) with ancillary accommodation and facilities and external courtyards, alterations to existing pedestrian and vehicular access, and associated infrastructure following demolition of existing building	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, British Waterways Major and EIA, Contaminated Land, Flood Zone 2, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Eagle One Estates Limited	
<b>Expiry Date:</b>	5th May 2017	
<b>Case Officer:</b>	Chris Gomm	

**DECISION REFUSE**

1 The proposed development by reasons of its height, bulk, massing and external appearance will have a dominating, oppressive and incongruous impact upon the character and appearance of this part of the Lower Bristol Road and the wider World Heritage Site. Accordingly the application is contrary to saved policies D2, D4 and BH1 of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted 2007, policies DW1, B1, B4 and CP6 of the adopted Bath & North East Somerset Core Strategy, and policies D1, D2, D3, D5, HE1 and BD1 of the draft Bath & North East Somerset Placemaking Plan.

2 The application site is currently occupied by a well-established storage use operating from purpose-built premises. The business has nine employees based at this site. It has not been demonstrated that there is a lack of business demand for the existing building or for the site itself. It is considered that the loss of this business site will have an unacceptable impact on the local economy and as such there are strong economic reasons why its redevelopment for non-business uses is inappropriate. Accordingly the application is contrary to policies DW1 and B1 of the adopted Bath & North East Somerset Core Strategy and policy ED2B of the draft Bath & North East Somerset Placemaking Plan

## PLANS LIST:

This decision has been taken on the basis of the following plans, drawings and documentation:

- o 3D Site View: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S1010
- o CGIs: Drawing No. S1100
- o Long site sections: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S3003
- o Front Block Elevations North & South: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02003 PL02
- o GA Sections - AA & BB: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S3001 PL02
- o Site Sections - AA& BB: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S3002 PL02
- o Site Elevations: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S2006
- o Photographs from the train: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-06007
- o Verifiable Visual Montages: Ref. 10910 EO (Feb 2017)
- o Design & Access Statement Job No. 80554 (1 Oct 2016)
- o Existing Site Plan: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-00002 PL01
- o Site Plan: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-00003 PL01
- o GA Plan Level-01: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01001 PL01
- o GA Plan Level 00: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01002 PL01
- o GA Plan Level 01: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01003 PL01
- o GA Plan Level 02: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01004 PL01
- o GA Plan Level 03: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01005 PL01
- o GA Plan Level 04: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01006 PL01
- o GA Plan Roof: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01007 PL01
- o GA Elevations North & East: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02001 PL01
- o GA Elevations South & West: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02002 PL01
- o Site Location Plan: 80554-STL-XX-ZZ-DR-A-ZZZZ-00001 PL01
- o W\_01\_Surface Water Drainage Strategy\_R3)
  
- o Air Quality Assessment Ref: 442356, RSK, August 2016
- o Archaeological Desk-Based Assessment, Avon Archaeology, September 2016
- o Bat & Protected Species Survey, Malford Environmental Consulting, June 2016
- o Phase 1 Desk Study, GeoConsulting Engineering Ltd, May 2016
- o Flood Risk Assessment, BuroHappold Engineering, November 2016
- o Flood Risk Sequential & Exception Test, Rocke Associates.
- o Noise Assessment Report, Kimber Acoustics, November 2016
- o Planning Statement, Rocke Associates
- o Sustainable Construction Checklist
- o Transport Statement, Transport Planning Associates, November 2016
- o Tree Survey, Aspect Tree Consultancy, July 2016

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule comes into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all 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)

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. Notwithstanding the officer's recommendation, the submitted application was unacceptable to the committee for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	02	
<b>Application No:</b>	17/00299/OUT	
<b>Site Location:</b>	Land Between Homelands And 10, Camerton Hill, Camerton, Bath	
<b>Ward:</b> Bathavon West	<b>Parish:</b> Camerton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Outline Planning Application for the erection of 1no. single storey dwelling (Resubmission).	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Primary School Purpose, Public Right of Way, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mrs Brenda Sandy-Miles	
<b>Expiry Date:</b>	7th April 2017	
<b>Case Officer:</b>	Victoria Griffin	

#### Withdrawn from agenda

<b>Item No:</b>	03	
<b>Application No:</b>	17/00265/FUL	
<b>Site Location:</b>	Techniglaze Ltd, Units 1-2, Fourth Avenue, Westfield	
<b>Ward:</b> Westfield	<b>Parish:</b> Westfield	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use from B1c to a Children's soft play area (D2) and cafe	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Contaminated Land, Core Business Area, Forest of Avon, Neighbourhood Plan, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr Craig Haskins	
<b>Expiry Date:</b>	4th May 2017	
<b>Case Officer:</b>	Tessa Hampden	

#### Application Withdrawn

<b>Item No:</b>	04
<b>Application No:</b>	17/00652/LBA
<b>Site Location:</b>	14 Union Street, City Centre, Bath, Bath And North East Somerset
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Conversion to 14 - 15 Union Street of existing ancillary retail upper floors to form 4 No. flats; erection of a roof extension to form 1 No. flat; associated internal and external works including a new shop front to No.14; replacement upper storey windows; and new external door and railings to the Union Passage elevation (re-submission)
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Bath Core Office Area, Adjoins City Boundary, Centres and Retailing, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Prime Shop Front, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	14 Union St Ltd & 15 Union St Ltd
<b>Expiry Date:</b>	2nd June 2017
<b>Case Officer:</b>	Victoria Griffin

**Withdrawn from agenda**

<b>Item No:</b>	05
<b>Application No:</b>	17/00651/FUL
<b>Site Location:</b>	14 Union Street, City Centre, Bath, Bath And North East Somerset
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Conversion to 14 - 15 Union Street of existing ancillary retail upper floors to form 4 No. flats; erection of a roof extension to form 1 No. flat; associated internal and external works including a new shop front to No.14; replacement upper storey windows; and new external door and railings to the Union Passage elevation (re-submission)
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Bath Core Office Area, Adjoins City Boundary, Centres and Retailing, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Prime Shop Front, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	14 Union St Ltd & 15 Union St Ltd
<b>Expiry Date:</b>	2nd June 2017
<b>Case Officer:</b>	Victoria Griffin

**Withdrawn from agenda**

<b>Item No:</b>	06
<b>Application No:</b>	17/00568/FUL
<b>Site Location:</b>	Hartley Farm Cottage , Hartley Lane, Swainswick, Bath
<b>Ward:</b> Bathavon North	<b>Parish:</b> Batheaston <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of side and rear extensions (Revised proposal)
<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas,
<b>Applicant:</b>	Mrs R Breach
<b>Expiry Date:</b>	5th May 2017
<b>Case Officer:</b>	Emma Hardy

**Defer for site visit – to allow members to understand the context of the site**

<b>Item No:</b>	07
<b>Application No:</b>	17/00944/FUL
<b>Site Location:</b>	Lansdown Golf Club, Lansdown Road, Charlcombe, Bath
<b>Ward:</b> Bathavon North	<b>Parish:</b> Charlcombe <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of tarmac hardstanding and timber post & rail fencing with native hedge and tree planting to perimeter for parking and storage of golf buggies (Regularisation).
<b>Constraints:</b>	Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas,
<b>Applicant:</b>	Lansdown Golf Club
<b>Expiry Date:</b>	26th April 2017
<b>Case Officer:</b>	Emma Hardy

**DECISION PERMIT**

**1 Standard Time Limit (Compliance)**

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

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

**2 Plans List (Compliance)**

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

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

### **3 Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details Potterton Associates Ltd Extended Buggy Storage Area Detail Layout drawing No. 582 P 05 Revision B dated 1/3/2017). 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 D.4, NE.1 and NE.2 of the Bath and North East Somerset Local Plan.

### **PLANS LIST:**

This decision relates to the following plans and information: Fig 02 Aerial photograph, Fig 03 Existing photographs, Fig 04 1:1250 Location plan and drawing No. P05 Rev B Detailed layout received 28/2/2017.

### **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 a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### 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.

<b>Item No:</b>	08	
<b>Application No:</b>	17/01029/LBA	
<b>Site Location:</b>	Ground Floor , 30 Grosvenor Place, Lambridge, Bath	
<b>Ward:</b> Walcot	<b>Parish:</b> N/A	<b>LB Grade:</b> I
<b>Application Type:</b>	Listed Building Consent (Alts/exts)	
<b>Proposal:</b>	Internal alterations to remove part of the modern timber partition walling between the kitchen and living room.	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Mr Borel Setten	
<b>Expiry Date:</b>	28th April 2017	
<b>Case Officer:</b>	Caroline Power	

### DECISION CONSENT

#### 1 Time Limit - Listed Building Consent (Compliance)

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

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

#### 2 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:

Drawing 03 Mar 2017 002 BLOCK PLAN  
Drawing 03 Mar 2017 100 EXISTING AND PROPOSED PLANS  
OS Extract 03 Mar 2017 003 LOCATION PLAN

### Condition Categories

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

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

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

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

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

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

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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.

<b>Item No:</b>	09
<b>Application No:</b>	17/00163/FUL
<b>Site Location:</b>	Stonedge Cottage, Stoneage Lane, Tunley, Bath
<b>Ward:</b> Bathavon West	<b>Parish:</b> Dunkerton & Tunley Parish Council
<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Alterations to raise the wall to the same level as the neighbour's wall, including the existing panel fence (Resubmission)



<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Flood Zone 2, Forest of Avon, Greenbelt, LLFA - Flood Risk Management, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr Christopher Bramwell-Pearson
<b>Expiry Date:</b>	2nd June 2017
<b>Case Officer:</b>	Chloe Buckingham

### Withdrawn from agenda

<b>Item No:</b>	10
<b>Application No:</b>	17/01459/FUL
<b>Site Location:</b>	53 Milton Avenue, Bear Flat, Bath, Bath And North East Somerset
<b>Ward:</b> Lyncombe	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Loft conversion with rear dormer, single storey rear and side extension, and conversion of existing garage (Revision)
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Mr Mark Shelford
<b>Expiry Date:</b>	22nd May 2017
<b>Case Officer:</b>	Samantha Mason

### DECISION PERMIT

#### 1 Standard Time Limit (Compliance)

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

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

#### 2 Materials (Compliance)

All external roofing materials to be used shall match those of the host dwelling in respect of size, material, and colour.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

#### 3 Materials (Compliance)

All external stone work to the front and side elevation of the proposed side extension projecting forward from the current garage shall match the host dwelling in respect of type, size, colour, and pointing.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

#### **4 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 D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

#### **5 Obscure Glazing and Non-opening Window(s) (Compliance)**

The proposed window in the side elevation of the proposed side extension serving the shower room as shown on drawing number 005 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 residential amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan

#### **6 Ancillary Use (Compliance)**

The development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 53 Milton Avenue and shall not be occupied as an independent dwelling unit.

Reason: The accommodation hereby approved is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers.

#### **7 Internal Links (Compliance)**

The internal links between the existing house, the proposed shower room, snug, and the lower ground floor annexe shall be retained in perpetuity.

Reason: In order to maintain ancillary use of the lower ground floor annexe which is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers.

#### **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 the following plans:

27 Mar 2017 004 Proposed Ground & First Floor Plans  
27 Mar 2017 005 Proposed Lower Ground Floor & Loft Floor Plans  
27 Mar 2017 006 Proposed Front Elevation  
27 Mar 2017 007 Proposed Side Elevations  
27 Mar 2017 008 Proposed Rear Elevation  
27 Mar 2017 009 Site Location & Proposed Block Plan  
27 Mar 2017 010 Site Location Plan

### **Condition Categories**

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**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.

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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.