

BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
3rd July 2019
DECISIONS

Item No:	01	
Application No:	17/01542/FUL	
Site Location:	Cedar Park Care Centre, 27 - 28 Oldfield Road, Oldfield Park, Bath	
Ward: Oldfield Park	Parish: N/A	LB Grade: II
Application Type:	Full Application	
Proposal:	Erection of replacement two storey block and additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building.	
Constraints:	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,	
Applicant:	Cedar Care Homes	
Expiry Date:	25th April 2019	
Case Officer:	Samantha Mason	

DECISION REFUSE

1 The proposed development due to its scale, design and location is considered to result in the overdevelopment of the site to the detriment of the character and setting of the listed building and the character and appearance of this part of the Conservation Area. The proposal is contrary to policy CP6 of the Bath and North East Somerset Core Strategy (adopted July 2014), policies HE1, D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan (adopted July 2017) and guidance in the National Planning Policy Framework.

2 The proposed development will harm the existing landscape setting of the building and result in the loss of trees which make an important contribution to the character of this part of the Conservation Area. Additionally the proposal would reduce the green space resulting in inadequate access, and inadequate circulation of outdoor space. The proposal is therefore contrary to policies D1, D2, HE1, H1, NE2 and NE6 of the Bath and North East Somerset Placemaking Plan (adopted July 2017) and guidance in the National Planning Policy Framework.

PLANS LIST:

This decision relates to the following plans:

30 Mar 2017 3841_200_- Location Plan

30 Mar 2017 3841-212e- Proposed First Floor
30 Mar 2017 3841-213c- Proposed Second Floor
30 Mar 2017 3841-220g- Proposed Site Plan
18 Jul 2017 3841 220 Rev J Proposed Site Plan (With Parking)
01 Nov 2018 210 Rev N Proposed Lower Ground Floor Plan
01 Nov 2018 211 Rev N Proposed Upper Ground Floor Plan
01 Nov 2018 214 Rev F Proposed Roof Plan
01 Nov 2018 215 Rev G Proposed North Elevations
01 Nov 2018 216 Rev J Proposed East Elevations
01 Nov 2018 217 Rev J Proposed West Elevations
18 Jan 2019 973/Pa/01h Landscape Plan
24 Jun 2019 3841 230 A Upper Ground Floor Plan Details As Proposed
24 Jun 2019 3841 231 A Elevation A Details As Proposed
24 Jun 2019 3841 232 A Elevation B Details As Proposed

Condition Categories

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

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

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

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

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

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

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning

Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Item No:	02	
Application No:	17/01543/LBA	
Site Location:	Cedar Park Care Centre, 27 - 28 Oldfield Road, Oldfield Park, Bath	
Ward: Oldfield Park	Parish: N/A	LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	Internal and external alterations to erect 1no. replacement two storey block and 2no. additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building.	
Constraints:	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,	
Applicant:	Cedar Care Homes	
Expiry Date:	14th March 2019	
Case Officer:	Samantha Mason	

DECISION REFUSE

1 The proposed development due to its scale, design and location is considered to result in the overdevelopment of the site to the detriment of the character and setting of the listed building and the character and appearance of this part of the Conservation Area. The proposal is contrary to policy CP6 of the Bath and North East Somerset Core Strategy (adopted July 2014), policies HE1, D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan (adopted July 2017), the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and relevant advice from Historic England.

2 The proposed internal alterations to subdivide the original entrance hall would result in a loss of historic fabric and compromise the legibility of the historical planform in a way which harms the character and significance of the listed building contrary to policy HE1 of

the Bath and North East Somerset Placemaking Plan (adopted July 2017), the Planning (Listed Buildings and Conservation Areas) Act 1990, The National Planning Policy Framework and relevant advice from Historic England.

PLANS LIST:

This decision relates to the following plans:

30 Mar 2017 3841_200_ - Location Plan
30 Mar 2017 3841-212e- Proposed First Floor
30 Mar 2017 3841-213c- Proposed Second Floor
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01 Nov 2018 216 Rev J Proposed East Elevations
01 Nov 2018 217 Rev J Proposed West Elevations
18 Jan 2019 973/Pa/01h Landscape Plan
4 Jun 2019 3841 230 A Upper Ground Floor Plan Details As Proposed
24 Jun 2019 3841 231 A Elevation A Details As Proposed
24 Jun 2019 3841 232 A Elevation B Details As Proposed

Community Infrastructure Levy

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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.

Item No:	03
Application No:	19/00783/FUL
Site Location:	Tennis Court Farm, Wells Road, Hallatrow, Bristol
Ward: High Littleton	Parish: High Littleton LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of two storey dwelling following demolition of block build agricultural building
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy M1 Minerals Safeguarding Area, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs Stock
Expiry Date:	13th May 2019
Case Officer:	Hayden Foster

DECISION Delegate to PERMIT subject to appropriate conditions and a legal agreement to remain part of an agricultural holding

Item No:	04
Application No:	19/00457/FUL
Site Location:	Freedom House, Lower Bristol Road, Westmoreland, Bath
Ward: Twerton	Parish: N/A LB Grade: II
Application Type:	Full Application
Proposal:	The addition of metal fencing/ railings fixed to the top of the existing rubble stone wall to western, northern and eastern boundaries of the Freedom House site perimeter.
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Water Source Areas,
Applicant:	Mr Andrew De Thierry
Expiry Date:	10th May 2019
Case Officer:	Caroline Power

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 Arboricultural Method Statement and Tree Protection Plan (pre-commencement)

No development shall take place until an arboricultural method statement and/or annotated tree protection plan following the recommendations contained within BS 5837:2012, identifying measures to protect onsite and offsite trees has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The statement shall include the locations and method of excavation for the proposed railing supports and a tree works schedule.

Reason: To ensure that no excavation or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm protected trees. Therefore these details need to be agreed before work commences.

3 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:

Revised Drawing	01 Mar 2019	3051-087	BOUNDARY FENCE LOCATION PLAN
Revised Drawing	02 May 2019	3051-081B	EAST BOUNDARY WALL EAST ELEVATION
Revised Drawing	02 May 2019	3051-082B	EAST BOUNDARY WALL WEST ELEVATION
Revised Drawing	02 May 2019	3051-083B	NORTH BOUNDARY WALL - NORTH ELEVATION
Revised Drawing	02 May 2019	3051-084B	WEST BOUNDARY WALL - EAST ELEVATION
Revised Drawing	02 May 2019	3051-089A	TYPICAL PLAN, SECTIONS AND ELEVATIONS
Revised Drawing	02 May 2019	3051-090A	NORTH BOUNDARY WALL - VIEW FROM RIVERSID...
OS Extract	01 Feb 2019	3051 - 080	SITE 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:

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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 paragraph 38 of the National Planning Policy Framework.

Community Infrastructure Levy

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

Item No:	05	
Application No:	19/00297/LBA	
Site Location:	Freedom House, Lower Bristol Road, Westmoreland, Bath	
Ward: Twerton	Parish: N/A	LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	Erection of a metal fence to the existing rubble stone boundary wall to western, northern and eastern boundaries.	

Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	Mr Andrew De Thierry
Expiry Date:	10th May 2019
Case Officer:	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 Schedule of Repairs (Bespoke Trigger)

Prior to the installation of the railings; in accordance with the approved plans and prior to any further works being undertaken, a detailed schedule of any repair work to the existing walls, including methods and materials to be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

3 Mortar Mix (Bespoke Trigger)

No re-pointing shall be carried out until details of the specification for the mortar mix and a sample area of pointing demonstrating colour, texture, jointing and finish have been provided in situ for the inspection and approval in writing by the Local Planning Authority and retained for reference until the work has been completed. Once approved the works shall be completed in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

4 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:

Revised Drawing	01 Mar 2019	3051-087	BOUNDARY FENCE LOCATION PLAN
Revised Drawing	02 May 2019	3051-081B	EAST BOUNDARY WALL EAST ELEVATION
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Revised Drawing	02 May 2019	3051-083B	NORTH BOUNDARY WALL - NORTH ELEVATION
Revised Drawing	02 May 2019	3051-084B	WEST BOUNDARY WALL - EAST ELEVATION
Revised Drawing	02 May 2019	3051-089A	TYPICAL PLAN, SECTION & ELEVATION
Revised Drawing	02 May 2019	3051-090A	NORTHBOUNDARY WALL - VIEW FROM RIVERSIDE
OS Extract	23 Jan 2019	3051 - 080	SITE LOCATION PLAN

Condition Categories

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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 paragraph 38 of the National Planning Policy Framework.

Community Infrastructure Levy

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Item No:	06
Application No:	19/00383/FUL
Site Location:	2 Longhouse, The Hollow, Dunkerton, Bath
Ward: Bathavon South	Parish: Dunkerton & Tunley Parish Council
LB Grade:	N/A
Application Type:	Full Application
Proposal:	Erection of a detached double garage along side the house
Constraints:	White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Floodplain Protection, Policy HE2 Somersetshire Coal Canal & Wa, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	Mr Peter Woodrow
Expiry Date:	3rd July 2019
Case Officer:	Samantha Mason

DECISION Defer for applicant to submit further details for a garage under permitted development

Item No:	07	
Application No:	19/01177/FUL	
Site Location:	The Firs, Maggs Lane, Whitchurch, Bristol	
Ward: Publow And Whitchurch	Parish: Whitchurch	LB Grade: N/A
Application Type:	Full Application	

Proposal:	Provision of loft conversion. (Resubmission)
Constraints:	Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, LLFA - Flood Risk Management, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
Applicant:	Mr Ian Rideout
Expiry Date:	17th May 2019
Case Officer:	Dominic Battrick

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 walling and roofing materials to be used shall match those of the existing building 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.

3 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:

Location Plan, Existing Front and Rear Elevations, Existing Side Elevations, Existing Ground Floor Layout, Proposed Front and Rear Elevations, Proposed Left and Right Side Elevations, Proposed Ground Floor Layout, Proposed Loft Conversion Layout, all received 20/03/2019.

Protected Species

Bats are protected species under EU and national law. If bats are found during the construction phase, works must cease the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker must be contacted for advice before proceeding.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.