

BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
18th December 2019
DECISIONS

Item No:	01	
Application No:	19/01163/FUL	
Site Location:	Police Station, Bath Hill, Keynsham, BS31 1HJ	
Ward: Keynsham East	Parish: Keynsham Town Council	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of two buildings to provide 26 apartments, together with associated works, following demolition of existing buildings.	
Constraints:	Bristol Airport Safeguarding, Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	Hawkfield Homes Ltd	
Expiry Date:	20th December 2019	
Case Officer:	Tessa Hampden	

DECISION REFUSE

1 The development, due to the siting of block 2 close to the boundary with Dragons Hill Court, combined with the number of windows on the rear elevation of this block, would result in unacceptable loss of privacy to the communal garden of Dragons Hill Court. The loss of privacy would result in significant harm to the residential amenity of the users of this space, and is contrary to policy D6 of the Bath and North East Somerset Placemaking Plan.

2 The proposed development would not provide an appropriate level of on-site parking spaces; this would exacerbate highway safety associated with additional on-street parking, and is therefore contrary to policy ST7 of the Bath and North East Somerset Placemaking Plan.

3 The proposed development, primarily due to the inappropriate height of block 2 and its relationship with the neighbouring boundary is considered to be of an unacceptable design and results in the overdevelopment of the site. The development has a resultant detrimental impact upon the character and appearance of the Keynsham Conservation Area. The harm is considered to be less than substantial but there are no public benefits which outweigh this harm. The development is therefore considered to be contrary to Bath and North East Somerset Placemaking Plan policies HE1, D1,D2, D5 and Core Strategy Policy CP6.

PLANS LIST:

03 Nov 2019 903-05 REV L PROPOSED SITE AND GROUND FLOOR PLAN
03 Nov 2019 7828-051A SITE PLAN SHOWING PROPOSED IMPERMEABLE AREA
03 Nov 2019 7828-052A SITE PLAN SHOWING PROPOSED SURFACE WATER
03 Nov 2019 903-03 REV D PROPOSED SITE BLOCK PLAN
03 Nov 2019 903-10 REV H PROPOSED GROUND FLOOR PLANS
03 Nov 2019 903-15 REV J PROPOSED ELEVATIONS SHEET 1
03 Nov 2019 903-16 REV G PROPOSED ELEVATIONS SHEET 2
19 Mar 2019 06 B EXISTING POLICE STATION ELEVATIONS
19 Mar 2019 07B EXISTING BATH HILL STREET ELEVATION
19 Mar 2019 01 C SITE LOCATION PLAN

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Whilst the application was recommended for permission by Officers the Development Management Committee considered the proposal to be unacceptable for the stated reasons.

Community Infrastructure Levy

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

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works.

Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

Item No:	02
Application No:	19/00786/FUL
Site Location:	Field Between City Farm And Cotswold View, The Hollow, Southdown, Bath
Ward: Twerton	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 9 dwellings with associated access, parking, drainage and landscaping.
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Freemantle Capital Partners Ltd
Expiry Date:	20th December 2019
Case Officer:	Chris Griggs-Trevarthen

DECISION REFUSE

1 The proposed development would lead to the erosion of an important hillside and would harm the landscape setting of Bath. The proposal would therefore cause less than substantial harm to the Outstanding Universal Value of the Bath World Heritage Site and this harm is not outweighed by public benefits. The proposal is therefore contrary to the development plan, in particular policies B4 and CP6 of the Bath and North East Somerset Core Strategy and policies NE2, NE2A and HE1 of the Bath and North East Somerset Placemaking Plan.

2 The design of the proposed dwellings, in particular the terrace form, is out of keeping with the local context and would be harmful to local character and distinctiveness. The proposals are therefore contrary to the development plan, in particular policy CP6 of the Bath and North East Somerset Core Strategy and policy D2 of the Bath and North East Somerset Placemaking Plan.

3 The proposed development would adversely affect the Twerton Farm Site of Nature Conservation Interest. Material considerations are insufficient to outweigh the local biological value of the affected species and habitats. The proposals are therefore contrary to policy CP6 of the Bath and North East Somerset Core Strategy and NE3 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

1380-02-P5 SOFT LANDSCAPE PLAN
072 B PROPOSED ELEVATIONS
073 B PROPOSED ELEVATIONS SHEET 2
074 B PROPOSED ELEVATIONS SHEET 3

070A PROPOSED SITE PLAN
071A PROPOSED FLOOR PLANS
072A PROPOSED ELEVATIONS
073A PROPOSED ELEVATIONS SHEET 2
074A PROPOSED ELEVATIONS SHEET 3
1856 02 PROPOSED TRAFFIC CALMING - BOUND - SHEET 1 OF 2
1856 02 PROPOSED TRAFFIC CALMING - SHEET 2 OF 2
1856 08A VISIBILITY SPLAYS

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Whilst the application was recommended for permission by Officers the Development Management Committee considered the proposal to be unacceptable for the stated reasons.

Community Infrastructure Levy

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Item No:	03
Application No:	19/04633/FUL
Site Location:	18 Rowacres, Southdown, Bath, Bath And North East Somerset
Ward: Southdown	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of Use from a 4 Bedroom residential property (Use Class C3) to a 8 bedroom House of Multiple Occupation (HMO) (Use Class Sui Generis) including installation of ground floor front bay window.
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Mr M Ashton
Expiry Date:	19th December 2019
Case Officer:	Anna Jotcham

DECISION REFUSE

1 The proposed use of the property as an eight bedroom HMO combined with the loss of one off-street parking space is likely to give rise to additional on-street parking in an area where on-street parking is in high demand. An increase in on-street parking in this location will affect highway safety and residential amenity. The proposal would therefore be contrary to policy ST7 of the Bath and North East Somerset Placemaking Plan (July 2017).

2 The proposed development would result in over-intensification of the property to the detriment of the amenities of neighbours. The proposal would therefore be contrary to policies H2 and D6 of the Bath and North East Somerset Placemaking Plan (July 2017).

PLANS LIST:

This decision relates to the following plans:

- 23 Oct 2019 - TQRQM19296105853768- LOCATION PLAN
- 24 Oct 2019 - EXISTING PLANS
- 24 Oct 2019 - PROPOSED PLANS
- 15 Nov 2019 - EXISTING AND PROPOSED FRONT ELEVATION

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Whilst the application was recommended for permission by Officers the Development Management Committee considered the proposal to be unacceptable for the stated reasons.

Community Infrastructure Levy

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

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Item No:	04	
Application No:	19/03733/FUL	
Site Location:	Combe Grove, Brassknocker Hill, Monkton Combe, Bath	
Ward: Bathavon South	Parish: Monkton Combe	LB Grade: II
Application Type:	Full Application	
Proposal:	Erection of 2 no. temporary portacabins for office use by apprentices.	
Constraints:	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,	
Applicant:	Elmhurst Foundation	
Expiry Date:	17th October 2019	
Case Officer:	Sasha Berezina	

DECISION Delegate to PERMIT subject to applicant entering into S106 agreement and relevant conditions.

Item No:	05
Application No:	19/00772/FUL
Site Location:	Land At Entrance To Manor Farm, Bath Hill, Wellow, Bath
Ward: Bathavon South	Parish: Wellow LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of two storey detached dwelling
Constraints:	White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE2 AONB, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Mr Graham Wilkins
Expiry Date:	20th December 2019
Case Officer:	Christine Moorfield

Withdrawn from Committee Agenda

Item No:	06
Application No:	19/04187/FUL
Site Location:	Parcel 3573, Bath Hill, Wellow, Bath
Ward: Bathavon South	Parish: Wellow LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a Farmhouse (with agricultural tie).
Constraints:	White Ox Mead Air Strip 3km buffer, Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant:	Rex & Jean Horler
Expiry Date:	24th December 2019
Case Officer:	Chloe Buckingham

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Highway Works (Pre-occupation)

No occupation of the development shall commence until the access amendments shown on drawing number L5789 / 104 have been provided.

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

3 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include all necessary measures to avoid harm to wildlife and protected species including reptiles and nesting birds; and for provision of wildlife habitat, bird and bat boxes, wildlife friendly planting and sensitive lighting.

All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

4 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, implementation of the recommendations of the Wildlife Protection and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

5 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights, details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby vegetation and adjacent land, and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

6 Hard and Soft Landscaping (Pre-occupation)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained, a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

7 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

8 Contaminated Land - Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

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

9 Materials - Submission of Schedule and Samples (Bespoke Trigger)

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

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

10 Agricultural Occupancy (Compliance)

The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: To accord with the Policies in the Development Plan and to ensure an adequate availability of dwellings to meet agricultural or forestry needs in the locality.

11 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

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

12 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

13 Bespoke condition - Sustainable Construction (Compliance)

The development hereby approved shall be built in accordance with the details of the Sustainable Construction Checklist submitted to the Local Planning Authority on 24 September 2019.

Reason: To ensure that energy efficiency has been maximised through a 19% reduction in regulated emissions in accordance with Policy CP2 of the Bath & North East Somerset Core Strategy.

14 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to plan references;

L5 789 103A and L5 789 104 received 24th September 2019.

Permit/Consent Decision Making Statement

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

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any

development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil