

**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.