

BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
19th October 2022
DECISIONS

Item No:	001	
Application No:	22/01753/FUL	
Site Location:	24 The Tynning, Widcombe, Bath, Bath And North East Somerset	
Ward: Widcombe And Lyncombe	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a single-storey rear extension, a first floor extension over garage, loft conversion with pitched rear dormer, replacement of windows and doors, widening of existing driveway.	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE3 SNCl, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Tim And Keren Elson	
Expiry Date:	21st October 2022	
Case Officer:	Angus Harris	

DECISION REFUSE

1 By virtue of the prominence, scale and massing of the proposed extensions, they would neither preserve nor enhance the character or appearance of the Conservation Area or the street scene. The proposal is contrary to policy CP6 of the adopted Core Strategy (2014), policies D2, D5 and HE1 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2021).

2 The proposed extensions, by virtue of their prominence, scale and massing, will result in overdevelopment of the plot to the detriment of the established grain of residential development and the suburban character of the street scene. The closing of the space between the semi-detached properties will contribute to this harm. The proposed development is therefore contrary to policies D1, D2, D4, D5 and D7 of the B&NES Placemaking Plan and policy CP6 of the B&NES Core Strategy.

PLANS LIST:

This decision relates to the following plans:

Drawing - 28 Apr 2022 - 2204 - PL00 A - EXISTING AND PROPOSED LOCATION PLANS

Drawing - 28 Apr 2022 - 2204 - PL02 - EXISTING FLOOR PLANS

Drawing - 28 Apr 2022 - 2204 - PL03 - EXISTING ELEVATIONS
Drawing - 28 Apr 2022 - 2204 - PL04 A - PROPOSED FLOOR PLANS
Drawing - 23 May 2022 - 2204 - PL01 B - EXISTING AND PROPOSED SITE PLANS
Drawing - 23 May 2022 - 2204 - PL05 B - PROPOSED ELEVATIONS
Drawing - 23 May 2022 - 2204 - PL06 B - EXISTING AND PROPOSED SECTION AA
OS Extract - 18 May 2022 - 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

Item No:	01
Application No:	21/05471/OUT
Site Location:	Parcel 5159, Minsmere Road, Keynsham, Bath And North East Somerset
Ward: Keynsham East	Parish: Keynsham Town Council LB Grade: N/A
Application Type:	Outline Application
Proposal:	Outline planning application for 70 homes (Use Class C3); new vehicular and pedestrian access on to Minsmere Road, public open space; tree planting and habitat creation; site drainage and associated infrastructure, with all matters reserved except for access.
Constraints:	Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy KEB3 Safeguarded Land East Keynsh, Policy LCR5 Safeguarded existg sport & R, Policy LR6A Local Green Spaces, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 Local Nature Reserve, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Taylor Wimpey UK Ltd
Expiry Date:	18th November 2022
Case Officer:	Chris Griggs-Trevarthen

DECISION Defer to allow officers to negotiate additional on-site BNG and clarify triggers for planning obligations

Item No:	02
Application No:	22/02171/FUL
Site Location:	Rose Lawn , The Street, Compton Martin, Bristol
Ward: Chew Valley	Parish: Compton Martin LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a two-storey side extension.
Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Mrs Annelie Smith
Expiry Date:	21st October 2022
Case Officer:	Angus Harris

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 Soft Landscaping Scheme (Bespoke Trigger)

Within two months of the commencement of works a soft landscape scheme with plan and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority showing the species, planting size and location of one replacement tree within the grounds of Rose Lawn.

Reason: To secure replacement tree planting on site in accordance with Policy NE6 of the Placemaking Plan and the fixed number tree replacement policy within the Planning Obligations Supplementary Planning Document.

3 Replacement Tree Planting (Compliance)

All replacement tree planting works shall be carried out in accordance with the approved details. The works shall be carried out during the next available planting season following completion.

Any trees 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 of a species and size to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure replacement trees are provided and to provide an appropriate landscape setting for the development in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan.

4 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust;
9. Temporary arrangements for householder refuse and recycling collection during construction.

The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

5 Parking (Compliance)

The areas allocated for parking shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan.

6 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed first floor rear window 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 amenities of adjoining occupiers from overlooking and loss of privacy in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

7 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 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.

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:

Drawing - 12 Sep 2022 - P09 - PARKING PLAN PROPOSED

Revised Drawing - 12 Sep 2022 - P01 D - EXISTING AND PROPOSED SITE LOCATION PLAN

Revised Drawing - 12 Sep 2022 - P02 D - EXISTING AND PROPOSED BLOCK PLANS

Revised Drawing - 12 Sep 2022 - P03 F - EXISTING AND PROPOSED GROUND FLOOR PLAN

Revised Drawing - 12 Sep 2022 - P04 F - EXISTING AND PROPOSED FIRST FLOOR PLAN

Revised Drawing - 12 Sep 2022 - P07 F - EXISTING AND PROPOSED REAR ELEVATION

Revised Drawing - 28 Sep 2022 - P05 G - EXISTING AND PROPOSED FRONT ELEVATION

Revised Drawing - 28 Sep 2022 - P06 J - EXISTING AND PROPOSED SIDE (NE) ELEVATION

Revised Drawing - 28 Sep 2022 - P08 D - EXISTING AND PROPOSED SIDE (SW) ELEVATION

OS Extract - 27 Jun 2022 - SITE LOCATION PLAN

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.

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.

Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **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 any development commences**.

Do not commence development until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

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:	03		
Application No:	22/03020/FUL		
Site Location:	Hillside Farm , Timsbury Road, Farmborough, Bath		
Ward:	Clutton And Farmborough	Parish:	Farmborough
		LB Grade:	N/A
Application Type:	Full Application		
Proposal:	Erection of detached double garage (Retrospective).		
Constraints:	Clutton Airfield, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
Applicant:	Mr Dave Gunter		
Expiry Date:	21st October 2022		
Case Officer:	Danielle Milsom		

DECISION REFUSE

1 The building is not considered to fall within a solely agricultural use. As such, the application fails to comply with exceptions (a) of paragraph 149 of the National Planning Policy Framework. As such, the erection of the building represents inappropriate development in the Green Belt and is, by definition, harmful and there are no very special circumstances. The application is therefore contrary to policy CP8 of the Bath and North East Somerset Core Strategy, GB1 of the Bath and North East Somerset Placemaking Plan and Part 13 of the National Planning Policy Framework.

PLANS LIST:

This decision relates to the following plans:

Drawing - 27 Jul 2022 - Proposed Floor Plans and Elevations

OS Extract - 27 Jul 2022 - 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:

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