

BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

12th February 2020

DECISIONS

Item No:	01	
Application No:	20/00111/TCA	
Site Location:	67 Englishcombe Lane, Southdown, Bath, Bath And North East Somerset	
Ward: Moorlands	Parish: N/A	LB Grade: N/A
Application Type:	Tree Works Notification in Con Area	
Proposal:	Leyland Cypress 13m (T1) - Fell	
Constraints:	Conservation Area,	
Applicant:	GT Tree Services	
Expiry Date:	21st February 2020	
Case Officer:	Jane Brewer	

DECISION NO OBJECTION

PLANS LIST:

Leyland Cypress 13m (T1) - Fell

While this letter refers to planning controls, your attention is drawn to the Wildlife and Countryside Act 1981 as amended and the Countryside and Rights of Way Act 2000. Under these Acts all species of wild birds, their eggs, nests and chicks, are legally protected until the young have fledged. Tree work is best carried out outside the bird nesting season, which typically extends from March until September, although it may begin earlier than this. If work must be carried out within the bird nesting season, a qualified ecological consultant should carry out a detailed inspection to ensure that birds are not nesting in the trees that you are proposing to work on. If nesting birds are present the work must not proceed.

All bats in England are protected under the Wildlife and Countryside Act 1981 as amended and the Conservation of Habitats and Species Regulations 2010. It is an offence to kill, injure or take a bat, and damage, destroy or obstruct access to any place that a bat uses for shelter or protection (including trees). This includes bat roosts whether bats are present or not. It is also illegal to disturb a bat whilst it is occupying a structure or place that it uses for shelter or protection.

Trees provide numerous benefits towards our health and wellbeing so replacement planting when trees are removed is vitally important, particularly in our urban environments. Please contact the tree officer if you would like some advice regarding

replacement planting. A comprehensive list of tree species for green infrastructure is available on line from the Trees and Design Action Group at <http://www.tdag.org.uk/>

Item No:	02	
Application No:	19/04914/FUL	
Site Location:	Rosemere, Homefield Road, Saltford, Bristol	
Ward: Saltford	Parish: Saltford	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a new dwelling and gate house following the demolition of existing dwelling.	
Constraints:	Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, British Waterways Major and EIA, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Public Right of Way, Railway, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, Tree Preservation Order,	
Applicant:	Mrs Helen Franklin	
Expiry Date:	14th February 2020	
Case Officer:	Rae Mepham	

DECISION REFUSE

1 The proposed development due to its design, scale, and massing will cause harm to the setting the Saltford conservation area and will have an unacceptable detrimental impact on the landscape. There are no clear and convincing justifications nor will any public benefits accrue in relation to the proposed development. The proposal is therefore contrary to policy CP6 of the council's Core Strategy adopted 2014, policies HE1, NE2 and NE2A of its Placemaking Plan adopted 2017, Section 12, 15 and 16 of the National Planning Policy Framework 2019.

2 The proposed gatehouse is considered to result in an incongruous addition to an established street scene in which there are no similar forms of development. The proposed replacement dwelling due to its design, scale, and massing will result in the overdevelopment of the site with a consequent adverse effect on the character and appearance of the area and an adverse effect on the amenity of residents due to overlooking. The proposal is therefore contrary to policies D1, D2, D3, D5, D6 and D7 of the Bath and North East Somerset Placemaking Plan and section 12 of the National Planning Policy Framework 2019.

3 The proposed development fails to provide sufficient details regarding impacts to protected species and habitats. In particular the submitted application fails to provide sufficient details to demonstrate that bat mitigation has been incorporated into the scheme and how it will be achieved and as such there is considered to be potential harm to bats

and their roosts. The proposal is therefore contrary to policy NE3, NE5, D8 and section 15 of the National Planning Policy Framework.

PLANS LIST:

This decision relates to:

12 Nov 2019	700-004	PROPOSED ELEVATIONS
12 Nov 2019	700-1-000	LOCATION PLAN
12 Nov 2019	700-1-001	PROPOSED SITE PLAN
12 Nov 2019	700-1-002-	PROPOSED GROUND FLOOR PLAN
12 Nov 2019	700-1-003-	PROPOSED FIRST FLOOR PLAN
12 Nov 2019	700-1-006	PROPOSED SECTION AA
12 Nov 2019	700-1-007	PROPOSED NORTH ELEVATION
12 Nov 2019	700-1-008	PROPOSED SOUTH ELEVATION
12 Nov 2019	700-1-009	PROPOSED WEST ELEVATION
12 Nov 2019	700-1-010	PROPOSED EAST ELEVATION
12 Nov 2019	700-1-011	PROPOSED EAST ELEVATION FROM FOOTPATH
12 Nov 2019	700-1-012	PROPOSED NORTH ELEVATION FROM FOOTPATH
12 Nov 2019	700-1-013	PROPOSED SOUTH ELEVATION FROM THE ROAD
12 Nov 2019	700-1-014	PROPOSED SITE ELEVATION WEST
12 Nov 2019	700-A-90-1	TREE CONSERVATION METHODOLOGY SECTIONS AA AND BB
12 Nov 2019	700-A-90-2	TREE CONSERVATION METHODOLOGY SECTIONS CC AND DD
18 Nov 2019	700-01-016	ANNEX ELEVATIONS
18 Nov 2019	700-01-017	ANNEX PLANS
18 Nov 2019	700-01-018	WASTE MANAGEMENT PLAN

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

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.

Item No:	03	
Application No:	19/04598/FUL	
Site Location:	Amenity Green, Glebe Walk, Keynsham,	
Ward: Keynsham North	Parish: Keynsham Town Council	LB Grade: N/A

Application Type:	Full Application
Proposal:	Erection of two semi-detached dwellings.
Constraints:	Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Mr M Davies
Expiry Date:	14th February 2020
Case Officer:	Samantha Mason

DECISION REFUSE

1 The proposal by reason of its design, siting, scale, massing and layout results in overdevelopment of the site. The proposal is therefore considered contrary to policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

2 Given the design, scale, massing and siting of the proposed development the proposal would cause harm to the amenities of any occupiers and adjacent occupiers through loss of light, overshadowing, overbearing impact, and overlooking. The proposal is therefore contrary to policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

3 The proposal will result in the loss of an open green space within the densely developed estate that is characterised by pockets of green space. As such the proposal will result in harm to the urban design and character of the estate contrary to Policy D1, D2 and D4 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

4 The site contributes to the Green Infrastructure Network in this area, its loss with undermine the GI network. As such the proposal is considered to be contrary to policy CP7 of the adopted Core Strategy (2014) and the NPPF.

PLANS LIST:

This decision relates to:

22 Oct 2019	250/PA/02 C	PROPOSED SITE PLAN
22 Oct 2019	250/PA/03 A	PROPOSED FLOOR AND ROOF PLANS
22 Oct 2019	250/PA/04 B	PROPOSED ELEVATIONS
22 Oct 2019	250/PA/06	PROPOSED PARKING
22 Oct 2019	250/PA/01	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:	04	
Application No:	19/05107/FUL	
Site Location:	4 Audley Avenue, Lower Weston, Bath, Bath And North East Somerset	
Ward: Kingsmead	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of two-storey side and rear and single-storey rear extension following removal of existing rear extension and garage together with removal of part of front garden wall and increase in width of driveway	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,	
Applicant:	Mr Richard Hardy	
Expiry Date:	14th February 2020	
Case Officer:	Christopher Masters	

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 Parking (Compliance)

The area allocated for parking, as indicated on submitted plan reference 1870-CMS-XX-ZZ-DR-A-0002, 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 Policy ST7 of the Bath and North East Somerset Placemaking Plan.

3 Bound/Compacted Vehicle Access (Compliance)

The vehicular access shall be constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

4 Drainage (Compliance)

Provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, so as to prevent its discharge onto the public highway.

Reason: To ensure that an appropriate method of surface water drainage is provided and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

5 Materials - Render (Compliance)

The external walls of the development hereby approved shall be rendered in accordance with the details provided by email on the 27th January 2020 unless otherwise approved in writing by the Local Planning Authority.

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.

6 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:

Received 22nd November 2019.

1870-CMS-XX-ZZ-DR-A-0001 EXISTING PLANS
1870-CMS-XX-ZZ-DR-A-0002 PROPOSED PLANS
1870-CMS-00 -XX-DR-A-LOC01 SITE LOCATION PLAN

Received 27th January 2020

CONFIRMATION OF MATERIAL DETAILS

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

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

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.

Item No:	05
Application No:	19/04452/FUL
Site Location:	Poole Farm, Sunnymead Lane, Bishop Sutton, Bristol
Ward: Chew Valley	Parish: Stowey Sutton LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a triple garage for domestic use.
Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
Applicant:	Mr Campbell Gregg
Expiry Date:	30th January 2020
Case Officer:	Hayden Foster

DECISION REFUSE

1 The proposed garage by virtue of its design, scale, massing and use of external materials would adversely affect the natural beauty of the landscape of the designated Mendip Hills Area of Outstanding Natural Beauty as well as the character and appearance of its immediate surroundings. The proposal is therefore contrary to policy CP6 of the council's Core Strategy adopted 2014, policies D1, D2, D3, D5, NE2 and NE2A of the Bath Placemaking Plan and policy SSHP03 of the Stowey Sutton Neighbourhood Plan Section 12 and 15 of the National Planning Policy Framework 2019.

2 The proposed development fails to provide sufficient details regarding impacts to protected species and habitats. The proposal is therefore contrary to policy NE3, NE5, D8 of the Bath and North East Somerset Placemaking Plan, policy SSHP06 of the Stowey Sutton Neighbourhood Plan and section 15 of the National Planning Policy Framework.

PLANS LIST:

This decision relates to the following plans received 4th December 2019:

Drawing Number: PF-004-3 - Proposed Block Plan

Plans received 5th December 2019:

Drawing Number: PF-001-2 - Proposed Elevations
Drawing Number: PF-005-1 - Proposed Floor Plans

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.

Item No:	06	
Application No:	19/04486/FUL	
Site Location:	9 Partis Way, Lower Weston, Bath, Bath And North East Somerset	
Ward: Newbridge	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of new 4 bedroom detached dwelling, garage and associated hard and soft landscape works on land adjacent to No. 9 Partis Way.	
Proposed variations to consented scheme Ref: 17/03603/FUL		
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, SSSI - Impact Risk Zones,	
Applicant:	Karina Klein & Robert Causon	
Expiry Date:	14th February 2020	
Case Officer:	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 Surface Water Management (pre-commencement)

No development shall commence, except ground investigations and remediation, until plans have been submitted to the Local Planning Authority and given written approval demonstrating that that surface water will be managed within the site so as to prevent its discharge onto the highway. The development shall proceed in accordance with the details so approved.

Reason: In the interests of highway safety and flood risk management.

3 Compliance with Arb Method Statement (Pre-occupation)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan provided by Hillside Trees Ltd dated May 2019. No occupation of the approved development shall commence until a signed certificate of compliance by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

4 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.

5 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.

6 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 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.

7 Garages (Compliance)

The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

8 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

9 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.

10 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:

- 15 Oct 2019 1376 001 A Site Location Plan
- 19 Dec 2019 1376 022 E First Floor Plan - As Proposed
- 19 Dec 2019 1376 023 E Roof Plan - As Proposed
- 19 Dec 2019 1376 025 D Elevations - As Proposed - Sheet 1 Of 2
- 19 Dec 2019 1376 026 D Elevations - As Proposed - Sheet 2 Of 2
- 15 Oct 2019 1376 029 A Landscape Plan - Overall Site

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

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

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.

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.