

## **DEVELOPMENT MANAGEMENT COMMITTEE**

### **Minutes of the Meeting held**

Wednesday, 19th December, 2018, 2.00 pm

**Councillors:** Sally Davis (Chair), Rob Appleyard, Paul Crossley, Ian Gilchrist (Reserve) (in place of Caroline Roberts), Eleanor Jackson, Les Kew, Bryan Organ, Brian Simmons (Reserve) (in place of Matthew Davies) and Martin Veal (Reserve) (in place of Jasper Becker)

#### **76 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

#### **77 ELECTION OF VICE CHAIRMAN (IF DESIRED)**

A Vice Chairman was not required on this occasion.

#### **78 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from:

Cllr Jasper Becker – substitute Cllr Martin Veal  
Cllr Matthew Davies – substitute Cllr Brian Simmons  
Cllr Caroline Roberts – substitute Cllr Ian Gilchrist  
Cllr David Veale

#### **79 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **80 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was no urgent business.

The Committee noted that it was the last meeting that Mark Reynolds (Group Manager, Development Management) would be attending as he was leaving the Council. Members thanked him for all his work and wished him well for the future.

#### **81 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

## 82 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors or Co-Opted Members.

## 83 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 21 November 2018 were confirmed and signed as a correct record.

## 84 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- An update report by the Group Manager (Development Management) on items 1 and 2 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

**RESOLVED** that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

### Item No. 1

#### Application No. 18/02911/FUL

**Site Location: 1 Ivy Court Cottage, Tennis Court Road, Paulton, BS39 7LU –  
Erection of two 3 bed dwellings with associated garages**

The Case Officer reported on the application and her recommendation to permit. She reported that an update had been received from the solicitor acting for the neighbours and there was now no dispute regarding the ownership of the boundary wall.

A statement from local ward members Cllrs John Bull and Liz Hardman was read out at the meeting.

Cllr Crossley noted that this was an infill site with good access. He also welcomed the building of smaller houses on the site and moved the officer recommendation to permit.

Cllr Kew seconded the motion stating that the proposal was a good use of this land.

In response to a question from Cllr Jackson the Case Officer confirmed that there was adequate space for two houses on the plot and that the dwellings would be taller than the existing garage. She also confirmed that the issues raised by Paulton Parish Council had now been successfully addressed.

The motion was put to the vote and it was **RESOLVED** unanimously to **PERMIT** the

application subject to the conditions set out in the report.

**Item No. 2**

**Application No. 18/03674/FUL**

**Site Location: Lake View, Stoke Hill, Chew Stoke – Change of use from existing garage with office above into holiday let accommodation**

This application was WITHDRAWN from the agenda.

**Item Nos 3 and 4**

**Application Nos 18/04158/LBA and 18/04157/FUL**

**Site Location: The Priory, Old School Hill, South Stoke, Bath – Exterior alterations to include rebuild and partly relocate and extend dry and mortared rubble bath stone wall. Erection of low rubble stone retaining wall in south east corner. Installation of gates, erection of a wooden fence. Installation of limestone path and garden seat platform and forming of bin/log store (Retrospective). Change of use from pub garden to private garden including the addition of a fence and wall and erection of a shed. (Retrospective)**

The Case Officer reported on the application and her recommendation to refuse.

A representative from the Parish Council and the applicant spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke in favour of the application. He pointed out that the local community had worked hard to bring the Packhorse Pub back into use and that the kitchen extension to the pub included timber cladding. There had been no objections to the development from local people.

The Case Officer then responded to questions as follows:

- The purchase of land to assist the community pub facility did not represent special circumstances which would allow the Committee to permit the application. Any benefits relating to the fence were private benefits rather than public.
- A planning permission could include a condition that planting should take place on the applicant's side of the fence but not the external side as this was not within the applicant's control.
- A new or replacement boundary within this location could be a stone wall.
- No planning permission would be required to plant a hedge along the boundary.

Cllr Jackson felt that the fence looked incongruous in this location and that the visual impact was unacceptable. A stone wall or hedge would be more appropriate. She moved the officer recommendation to refuse both applications.

Cllr Veal noted that there had been no objections from neighbours or the Parish Council and felt that the fence was acceptable.

Cllr Appleyard felt that the fence was very prominent in this location and that the policy should be followed to protect the character and appearance of the

Conservation Area. He stated that there were no very special circumstances which would allow this application to be permitted and seconded the motion to refuse.

Cllr Crossley pointed out that derelict buildings had been brought back into use in this area and he welcomed the fence which would be improved with some appropriate planting. The local community did not have any issues with the fence and he did not feel that it adversely affected the openness of the greenbelt or the listed buildings. Any harm caused by the enclosure was outweighed by an unoccupied dwelling being brought back into use.

Cllr Gilchrist did not feel that the fence caused an excessive impact.

Cllr Kew stated that the fence did have an adverse impact on this very special village and that the setting must be protected.

The motion was put to the vote and it was RESOLVED by 5 votes in favour and 4 votes against to REFUSE both applications for the reasons set out in the reports.

#### **Item No. 5**

##### **Application No. 18/03359/FUL**

##### **Site Location: 6 Richmond Road, Beacon Hill, Bath, BA1 5TU – Erection of replacement split level four bedroom dwelling and attached garage following demolition of existing two bedroom bungalow and garage**

The Case Officer reported on the application and her recommendation to permit. She pointed out that condition 5 should read “shall not be occupied” rather than “shall be occupied”.

A neighbour spoke against the application and the agent spoke in favour of the application.

Cllr Tony Clarke, local ward member, spoke against the application stating that he was concerned about the mass of the proposed building and its proximity to number 5 Richmond Road.

Cllr Jackson was concerned at the loss of openness in this area and felt that the rural aspect could be compromised. She felt that the design was not right for the location. She moved that the application be refused for the following reasons:

- Massing and bulk of the proposed building.
- Loss of amenity and privacy to the neighbouring property.

Cllr Kew understood the concern regarding the bulk of the proposed building. He also felt that the design could be improved.

Cllr Appleyard seconded the motion to refuse due to the size and massing of the proposed building. He also expressed concern about the space between the neighbouring properties.

Cllr Crossley highlighted the change to the building line along Richmond Road. The Case Officer explained that there was no specific planning policy regarding building lines as there were often different features in suburban areas such as this.

The Case Officer confirmed that the garage was not visible from the road.

The motion was put to the vote and there were 3 votes in favour and 6 votes against. The motion to refuse was therefore LOST.

Cllr Kew then moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 1 vote against to DEFER consideration of the application pending a site visit.

**Item No. 6**

**Application No. 18/04168/FUL**

**Site Location: Long Byre, Barn Lane, Chelwood – Erection of detached double garage**

The Case Officer reported on the application and his recommendation to refuse.

The agent spoke in favour of the application.

The Case Officer confirmed that stone and render had been the materials specified in the original application but that this had been changed to timber cladding at the suggestion of the Conservation Officer.

The Team Manager, Planning and Enforcement, explained that the main issue for consideration in the case was the inappropriate development in the greenbelt.

Cllr Organ moved that the Committee delegate to permit the application as the Parish Council had raised no objections and there were no objections from Highways. He felt that the development would be acceptable in this location.

Cllr Kew seconded the motion stating that he felt there would be no adverse effect on the greenbelt. He stated, however, that the timber cladding was out of keeping in the area and felt that a stone finish would be more in keeping with the Chelwood area.

Cllr Jackson agreed that the garage was acceptable but suggested that the Case Officer be requested to negotiate with the applicant to enable the building to be stone rather than timber cladding.

The Team Manager, Planning and Enforcement, advised the Committee that if the application were permitted then the applicant could not be required to change the materials. If members were keen for stone to be used then they should defer consideration of the application for further discussions with the applicant.

Cllr Organ then withdrew his motion with the consent of the seconder, Cllr Kew. Cllr Crossley then moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Organ.

The motion was put to the vote and it was RESOLVED unanimously to DEFER consideration of the application pending a site visit.

85 **CONCURRENT CREATION AND EXTINGUISHMENT ORDERS AFFECTING PUBLIC FOOTPATHS BA5/35, BA5/37, BA5/43, BA5/45 AND BA5/46 AT BATH RACECOURSE**

The Committee considered an application to divert sections of Public Footpaths (FP) BA5/35, BA5/46 and BA5/45 at Bath Racecourse in the Parish of Charlcombe. The intention was to divert the footpaths away from the Racetrack and provide routes which do not cross the Racetrack surface.

The Case Officer reported on the application and her recommendation to grant authorisation.

A representative from Charlcombe Parish Council spoke in favour of the application and a local Farm Manager spoke against.

Cllr Veal, local ward member, spoke against the application. He stated that if footpath 4(c) was created then this would have an adverse effect on walkers, dogs and livestock. Sheep worrying was an issue in this area and chemicals were sometimes used on crops in the adjoining field which could be hazardous to walkers and their dogs.

The Team Manager, Planning and Enforcement advised that it was not possible to amend the proposals which had been submitted as this was the scheme that had been consulted on. The Committee could either agree the application in its entirety or reject it.

The Case Officer confirmed that there was already a right of way in the field and that if possible discussions could take place with the applicant and landowner regarding the provision of fencing in this area. It was noted that the Cotswold Way already looped around the field. It was also confirmed that to officers' knowledge there had been no injuries caused to any members of the public walking across the racecourse.

Cllr Kew acknowledged the concerns expressed but felt that the proposals were well thought through. He then moved the officer recommendation to grant authorisation. This was seconded by Cllr Organ.

Cllr Crossley felt that there was no problem with extinguishing the paths as set out in the report. He pointed out that if footpath 4(c) were not created then this would meet the need of the adjoining landowner and the racecourse. He asked whether officers could renegotiate with the racecourse to amend the plans accordingly. This would then meet the needs of the farmer, the racecourse and walkers.

The Legal Advisor stated that any substantial changes to the scheme could cause an issue in terms of a lack of consultation because the public had been consulted about this particular scheme.

Cllr Kew agreed that if footpath 4(c) was not required then this would remove the

concerns.

Cllr Veal agreed with the suggestion but noted that the Committee was required to consider the application before it.

The Case Officer explained that by removing footpath 4(c) the required tests may not be met.

The motion was put to the vote and there were 3 votes in favour, 5 votes against and 1 abstention. The motion was therefore LOST.

Cllr Veal then moved that consideration of the application be deferred pending a site visit. Cllr Appleyard seconded the motion.

The motion was then put to the vote and it was RESOLVED by 6 votes in favour, 1 vote against and 2 abstentions to DEFER consideration of the application pending a site visit.

**86 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The Committee considered the appeals report. It was noted that the successful appeal relating to 108 Ivy Avenue related to the definition of “vertical sandwiching” of HMO properties. Officers would review the policies as necessary in the light of this finding.

Cllr Jackson congratulated the officers on their excellent record of winning enforcement appeals.

RESOLVED to NOTE the report.

The meeting ended at 4.20 pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 19<sup>th</sup> December 2018**

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN  
AGENDA**

**ITEM**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>1</b>	<b>18/02911/FUL</b>	<b>1 Ivy Court Cottage Tennis Court Road Paulton</b>

The plans list is amended to 01F, 02, 03, 04A, 05A, 06 and 07A.

Details have been submitted in respect of the Construction Management Plan and therefore the wording of condition number 16 is changed to the following:

16-{\b Construction Management Plan (Compliance)}

The development hereby approved shall be carried out strictly in accordance with the Construction Management Plan that has been submitted. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

Site layout plan 01F indicates a scheme for rainwater harvesting through the provision of Water butts and therefore condition 14 is not necessary.

<b>2</b>	<b>18/03674/FUL</b>	<b>Lake View Stoke Hill Chew Stoke</b>
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The agent has confirmed that the applicant is willing to sign a Section "106 Agreement" to tie the, if approved, 2no holiday units to the main house so that it is not classed as an independent unit.

Officer comment: A S106 agreement would not overcome the conflict with policy and could not be justified from a planning point of view.



**BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A STATEMENT AT THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON WEDNESDAY 19 DECEMBER 2018**

<b>MAIN PLANS LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>SPEAKER</b>	<b>FOR/AGAINST</b>
3 & 4	The Priory, Old School Hill, South Stoke, Bath	Cllr Christopher Winpenny (Chair of South Stoke Parish Council)	For (6 minutes)
		Dominic Brooks (Applicant)	For (6 minutes)
		Cllr Neil Butters (Local Ward Member)	For (10 minutes)
5	6 Richmond Road, Beacon Hill, Bath, BA1 5TU	Samantha Jennings	Against (To share 3 minutes)
		Rachel Siglow	
		Esmond Murray (Agent)	For
6	Long Byre, Barn Lane, Chelwood,	Cllr Tony Clarke (Local Ward Member)	Against
		Nigel Clark (Agent)	For

<b>PUBLIC FOOTPATHS LIST</b>			
1	Bath Racecourse	Cllr Alastair MacKichan (Charlcombe Parish Council)	For
		Kevin Harrison	Against

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**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**19th December 2018**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	18/02911/FUL	
<b>Site Location:</b>	1 Ivy Court Cottage, Tennis Court Road, Paulton, Bristol	
<b>Ward:</b> Paulton	<b>Parish:</b> Paulton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 2 no. 3 bed dwellings with associated garages.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr Erwin Davis	
<b>Expiry Date:</b>	21st December 2018	
<b>Case Officer:</b>	Christine Moorfield	

**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 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.

**3 Ground investigations (Precommencement)**

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and

North East Somerset Core Strategy. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

#### **4 Reporting of Unexpected Contamination (Compliance)**

In the event that unexpected contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by unusual colour, odour, texture or containing unexpected foreign material.

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 and 15 of the National Planning Policy Framework.

#### **5 In accordance with the method statement (Pre commencement)**

No development or other operations shall take place except in complete accordance with the Detailed Arboricultural Method Statement dated November 2018. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwellings.

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

#### **6 Desk Study and Walkover (Compliance)**

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for determining whether land is suitable for a particular development.

A Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. The Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. Should the Phase 1 investigation identify potential pollutant linkages then further investigation and assessment will be required.

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 and 15 of the National Planning Policy Framework.

#### **7 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.

### **8 Use of garages (Compliance)**

The garages hereby approved, as indicated on submitted plan reference SMH/45/18/16-01 Revision E, 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

### **9 Arboriculture - 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. 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 trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. To ensure that the approved method statement is complied with for the duration of the development.

### **10 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

### **11 Storage (Pre-occupation)**

No occupation of the development shall commence until bicycle storage for at least four bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy T.6 of the Bath and North East Somerset Local Plan.

### **12 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.

### **13 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.

### **14 Obscure Glazing and Non-opening Window(s) (Compliance)**

The proposed first floor ensuite bathroom windows in the south and north elevations 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.

### **15 16-Construction Management Plan (Compliance)**

The development hereby approved shall be carried out strictly in accordance with the Construction Management Plan that has been submitted. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

### **16 Sample Panel - Walling (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a sample panel of the natural coursed rubble stone external walling to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken 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.

## **PLANS LIST:**

PLANS 01F, 02, 03, 04A, 05A, 06 and 07A dated 29.11.2018

The applicant should be advised to contact the Highways Maintenance Team at [Highways@bathnes.gov.uk](mailto:Highways@bathnes.gov.uk) with regards to securing a license under Section 184 of the Highways Act 1980 for the construction/widening of a vehicular access. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification

### **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](http://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.

### **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](http://www.bathnes.gov.uk/cil)

<b>Item No:</b>	02	
<b>Application No:</b>	18/03674/FUL	
<b>Site Location:</b>	Lake View, Stoke Hill, Chew Stoke, Bristol	
<b>Ward:</b> Chew Valley North	<b>Parish:</b> Chew Stoke	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use from existing garage with office above into holiday let accommodation.	
<b>Constraints:</b>	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
<b>Applicant:</b>	KP	
<b>Expiry Date:</b>	28th February 2019	
<b>Case Officer:</b>	Christine Moorfield	

#### Withdrawn from agenda

<b>Item No:</b>	03	
<b>Application No:</b>	18/04158/LBA	
<b>Site Location:</b>	The Priory, Old School Hill, South Stoke, Bath	
<b>Ward:</b> Bathavon South	<b>Parish:</b> South Stoke	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Listed Building Consent (Alts/exts)	
<b>Proposal:</b>	Exterior alterations to include rebuild & partly relocate & extend dry & mortared rubble bath stone wall. Erection of low rubble stone retaining wall in south east corner. Installation of gates, erection of a wooden fence. Installation of limestone path & garden seat platform & forming of bin/log store. (Retrospective)	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Conservation Area, Conservation Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, Housing Development Boundary, 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, Neighbourhood Plan, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr & Mrs John Dominic & Elizabeth Jane Brooks	
<b>Expiry Date:</b>	21st December 2018	
<b>Case Officer:</b>	Laura Batham	

## **DECISION REFUSE**

1 The fence, as a result of its strident and inappropriate character is fails to preserve the setting of the adjacent listed buildings. As such the proposal would be contrary to policy CP6 of the adopted Core Strategy (2014), policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF

### **PLANS LIST:**

This decision relates to drawings P20 2, P21, P22 and P23 received on 19th September 2018.

### **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)

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 39-43 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given 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.

<b>Item No:</b>	04
<b>Application No:</b>	18/04157/FUL
<b>Site Location:</b>	The Priory, Old School Hill, South Stoke, Bath
<b>Ward:</b> Bathavon South	<b>Parish:</b> South Stoke <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Change of use from pub garden to private garden including the addition of a fence and wall and erection of a shed. (Retrospective)
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, Housing Development Boundary, 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,
<b>Applicant:</b>	Mr & Mrs John Dominic & Elizabeth Jane Brooks
<b>Expiry Date:</b>	21st December 2018
<b>Case Officer:</b>	Laura Batham

## DECISION REFUSE

1 The fence, as a result of its strident and inappropriate character, fails to preserve the setting of the adjacent listed buildings and this part of the South Stoke Conservation Area and is contrary to policy CP6 of the adopted Core Strategy (2014), policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF

2 The fence amounts to inappropriate development in the Green Belt, which is harmful by definition. In the absence of very special circumstances to outweigh this harm, the proposed development is contrary to Policy CP8 of the Core Strategy (2014) and part 13 of the National Planning Policy Framework 2018.

## PLANS LIST:

This decision relates to drawings P20 2, P21, P22 and P23 received on 19th September 2018.

## 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. The Local Planning

Authority acknowledges the approach outlined in paragraphs 39-43 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given 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.

<b>Item No:</b>	05
<b>Application No:</b>	18/03359/FUL
<b>Site Location:</b>	6 Richmond Road, Beacon Hill, Bath, Bath And North East Somerset
<b>Ward:</b> Lansdown	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of replacement split level four bedroom dwelling and attached garage following demolition of existing two bedroom bungalow and garage.
<b>Constraints:</b>	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 NE2A Landscapes and the green set, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr Robert McLuhan
<b>Expiry Date:</b>	21st December 2018
<b>Case Officer:</b>	Rae Mepham

**Defer for site visit - to allow Members to understand the context of the site.**

<b>Item No:</b>	06
<b>Application No:</b>	18/04168/FUL
<b>Site Location:</b>	Long Byre, Barn Lane, Chelwood, Bristol
<b>Ward:</b> Clutton	<b>Parish:</b> Chelwood <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of detached double garage
<b>Constraints:</b>	Bristol Airport Safeguarding, Clutton Airfield, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, Policy M1 Minerals Safeguarding Area, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
<b>Applicant:</b>	Mr P Harrison
<b>Expiry Date:</b>	20th December 2018
<b>Case Officer:</b>	Hayden Foster

**Defer for site visit - to allow Members to understand the context of the site.**

## **07 – Bath Racecourse – Changes to public footpaths**

Deferred for Site visit