

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 9th February, 2022, 11.00 am

Councillors: Sue Craig (Chair), Sally Davis (Vice-Chair), Shelley Bromley, Vic Clarke, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, Hal MacFie and Rob Appleyard (in place of Paul Crossley)

92 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

93 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Paul Crossley. Councillor Rob Appleyard attended as substitute.

94 DECLARATIONS OF INTEREST

There were no declarations of interest.

95 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

96 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.

97 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on Wednesday 12th January 2022 were confirmed and signed as a correct record.

98 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered:

A report by the Head of Planning on various planning applications.

An update report by the Head of Planning is attached as Appendix 1 to these minutes.

Oral statements by members of the public and representatives on items. A copy of the speakers' list is attached as Appendix 2 to these minutes.

RESOLVED that in accordance with the Committee's 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. 21/03907/FUL

Site Location: 61 Warminster Road, Bathampton, Bath, Bath And North East Somerset, BA2 6RX Installation of roof extension with lift to provide first floor accommodation.

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

There were no registered speakers for this application.

The Case Officer responded to questions as follows:

- The roof will be raised in line with the neighbouring property.
- The case officer showed on the map the possible public right of way in relation to the application but could not confirm the exact location.
- Officer opinion was that the walkway will only have transient movement and would cause no significant harm.

Cllr Hounsell stated that the reasons for the site visit given at the last meeting, were to look at the design and street scene - after completing the site visit, he would support the officer's recommendation.

Cllr Jackson thanked the Chair for arranging the site visit as it helped to provide context.

Cllr Hounsell moved the officer recommendation to permit, and this was seconded by Cllr Bromley.

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.

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

The Committee considered:

A report by the Head of Planning on various planning applications.

An update report by the Head of Planning 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. 21/04147/FUL

**Site Location: Frome House, Lower Bristol Road, Westmoreland, Bath
Enlargement of Frome House and associated change of use from office (Use class E(g)) (Excluding existing ground floor tyre repair centre) to 66 student bedspaces and associated works**

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

A representative from the Bath Preservation Trust spoke against the application.

The applicant spoke in favour of the application.

Councillor June Player, local ward member, spoke against the application, she felt that office space is needed in this location and not more student accommodation. Student accommodation has just been built only 35 paces away, so even since the application, the neighborhood has changed and now put into context would have a more detrimental effect, especially as this application is built right up to the pavement. With narrow pavements in this area this will add to the hemmed in feeling already now present. Councillor Player requests the committee complete a site visit if this application is not rejected.

Councillor Dine Romero, local ward member, spoke against the application with concerns that the lack of parking on the site will cause a negative impact in neighboring roads. The proposed five story building will tower over people, and this will cause a loss of amenity in Albany Road. The constant noise from Bathwick Tyres and particulates coming from the business does not fit well with this development above. She supported Councillor Player in asking for a site visit if this is application is not rejected.

The Case Officer then responded to questions as follows:

- No marketing evidence of viability as office development has been provided by the applicant, but the officer assessment is that in principle the application complies with Policy E1B.
- The Local Plan Partial Update topic paper for student accommodation shows a shortfall of 648 Purpose Built Student Accommodation places, and is a material consideration, but given limited weight in the officer's report.
- The Local Plan partial update has not yet been adopted so can only be given limited weight.
- The principle of student accommodation is assessed against policy B5, for

this application it is only part of the overall consideration when assessing the planning balance.

- The scheme was considered by Officered to be acceptable in terms of building height policy; the Committee would have to make its own conclusion on appropriateness.
- The student management plan has been included as a condition in the update report to address parking and refuse issues. If the committee permit the application, it would need to resolve to delegate to permit to add these conditions to the application.

Cllr Appleyard does not believe this application will free up any HMOs as he feels they make their own market, so no reduction will be seen. He is disappointed that the applicant, being a local business, is not aware of the domination of HMOs within the area. He feels that this application is opportunistic and is an application too far, putting student accommodation where no real need has been shown.

Cllr Jackson agrees with Cllr Appleyard, but would add poor quality design, loss of amenity for residents, loss of commercial job generation space, overdevelopment of the site, impact on the listed buildings, and harm to the world heritage site.

Cllr Appleyard proposed a motion to refuse the application seconded by Cllr Jackson for the following reasons:

- Overdevelopment of the site.
- Size and Impact.
- Poor quality design.
- Loss of amenity for residents.
- Impact on listed buildings.
- Harm to the world heritage site.
- Loss of commercial job generating space.
- Overprovision of student housing resulting in an inappropriate housing mix.

Cllr Clarke is not persuaded and agrees with officers' professional judgement on the application. Students should be encouraged to come to the area. He has personal experience in other cities, where student accommodation can be used outside of term time, so would not necessarily have any fallow time, as it can be used for other uses outside of term time.

Cllr Bromley believes this site is not suitable for student accommodation, as particulates from the Lower Bristol Road and commercial operation below are not suitable for the accommodation above.

Cllr Hodge believes that the Georgian design is not right in this location. She also questioned if the policy around student accommodation (Policy B5) could be challenged if this application were refused as being contrary to policy (in principle) as she does not feel that student accommodation is required in this location.

Cllr MacFie has listened and agrees with the points raised by the speakers,

especially Cllr Player and Cllr Romero and agrees that if this is not rejected a site visit would be needed.

Cllr Jackson felt that this is the wrong type of accommodation, Bath is hemorrhaging graduates as there is not the correct type of accommodation available for them.

Cllr Hounsell supported the motion to refuse as the build is completely incongruous in the street scene, as the design, overdevelopment and block look just does not fit here.

The motion to overturn the officer recommendation and refuse the application was put to the vote and it was RESOLVED by 8 votes in favour, 1 Against and 1 Abstention to REFUSE the application for the reasons set out above.

Item No. 2

Application No. 21/04507/FUL

Site Location: Proposed Cafe, 223 Trajectus Way, Keynsham, Bath And North East Somerset. Erection of no. 4 dwellings (Use Class C3) and associated works.

The Case Officer reported on the application and her recommendation to permit. She clarified that the recommendation was to delegate to permit subject to conditions and the prior completion of a planning obligation (which could be a unilateral undertaking or an agreement depending upon the view of the legal team).

The agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The original masterplan earmarked the site for mixed use, anticipated as a riverside cafe, but there is nothing to preclude this site from coming forward as another use in terms of planning policy.
- The 1.3 pupil yield figure only considers primary age children.
- No viability report was provided by the applicant for change of use of the site, but the application falls within policy.
- Policy KE2a allowed for at least 700 dwellings at this site, 625 have been delivered so far and there are a further 135 under construction. In total the development has provided over 700 units (in excess of the policy requirement) however there is no cap restricting additional development.
- This is a new application within the housing development area.

Cllr Clarke, as ward Councillor, stated that he has a lot of sympathy with residents as they feel promises from the developer regarding the riverside café have not been met. However, he could see no grounds for overturning the officer recommendation, as they have applied planning policies and there is no planning reason for refusing this application.

Cllr Appleyard feels it is not in our sphere of influence as to where the developer chooses to build the mixed use/retail units, as long as the overall requirements are met.

Cllr Hounsell believes there is a moral obligation for the developer to provide what they have advertised, even if not a planning consideration. He feels the developer need to take note of what the residents are saying but, as Cllr Clarke stated, there are no planning objections that apply in this case.

Cllr MacFie feels that profit has been put before residents, as the developer has not done what they committed to do under KE2a. Not to do so would tarnish them as a developer. He cannot support this application as it is a loss of an important community facility.

Cllr Davis stated that the committee need to look at the application and not what the committee would like the developer to have put in front of the committee. This application must be taken on its merits only, and not on promises made outside of the planning process.

Cllr Davis moved the recommendation to delegate to permit and this was seconded by Cllr Clarke.

Cllr Jackson feels it is most regrettable that the developer has not done what was expected but does not feel the committee has sufficient grounds to refuse. A slight positive note is the increase in housing provision by the four properties.

Cllr Hughes asked how we can guarantee for any of our residents that the developers will provide what they have advertised, we need to hold them to account. Lessons need to be learnt going forward to make sure the wording of applications ensures that this cannot happen in the future, especially as in this case they have provided no justification for this change.

Cllr Craig feels it's very regrettable there is no recourse in losing this community asset and agrees with Cllr Hughes that we need to find a way to stop this occurrence in the future.

Cllr Jackson asked for a condition regarding the lighting as highlighted by Natural England, and an arboricultural condition regarding tree planting.

The Planning Officer stated these restrictions are covered by conditions 12, 13, 14, 8 and 9.

The motion was put to the vote, and it was RESOLVED by 5 votes in favour, 4 Against, and 1 Abstention to delegate to PERMIT the application subject to the conditions set out in the report and the prior completion of the Section 106 agreement.

Item No. 3
Application No. 221/04626/FUL

Site Location: Ashfield, Stockwood Vale, Keynsham, Bristol, Bath And North East Somerset. Proposed ridge height increase and dormer extension to provide further accommodation in roof. Installation of side balcony to master bedroom.

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

The agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The previous extension created a 43% increase, with this application adding 50sq m it takes it over a 50% increase from the original size. What is currently proposed is around a 5-7% increase on the building size that is there now. The cumulative impact is over 50% and is based upon the size equivalent to the size of the property on the 1st of July 1948 as per current green belt policy.
- The property has neighbours beside and behind and has fields across the road from the property. The road becomes less dense and more open and more sporadic as you travel west.
- There are no objections from neighbours and the application is supported by the Town Council.
- The previous application which increased it to the current 43% over the original property size was recommended for refusal by officers, as disproportionate development in the green belt, but was overturned at committee.

Cllr Clarke as ward Councillor stated he always finds it hard to go against officer recommendations, especially as this application falls within the greenbelt. He feels this application is quite marginal but would like to hear other members' views.

Cllr Jackson asked about how this is treated under the NPPF - does this strengthen the officer's recommendation?

The officer responded that the NPPF states development in the green belt is to be considered inappropriate. There are exceptions to what may be deemed inappropriate set out in the NPPF however where a proposal does not meet these exceptions the applicant is required to demonstrate very special circumstances. This application also needs to be assessed in relation to the Council's SPD which states that extension in the green belt of about 1/3 the volume of the original dwelling may be acceptable.

Cllr Hughes stated that taken on its own specific merits, there is no change in the footprint, no change in height, it is not a historic building and there are no objections from neighbours or the town council. He felt that this application is only a small increase in size, so he has no real issue with this small alteration.

Cllr Hounsell disagrees with Cllr Hughes, as if we treat this application as an individual case, it weakens our policies overall, and even though he has sympathy with applicant he is still minded to agree with the officer recommendation.

Cllr Hodge agrees with Cllr Hounsell as the committee needs to be consistent with policy and this is an increase over what is acceptable, she felt that there were no special circumstances in this case.

Cllr Appleyard can't see any special circumstances in this this case and thinks the officer has got it right, as the property has already been increased in size, to do so again would weaken the green belt policy.

Cllr Jackson moved to accept the officer recommendation and this was seconded by Cllr Appleyard.

The motion was put to the vote, and it was RESOLVED unanimously to REFUSE the application for the reasons set out in the report.

Item No. 4

Application No. 21/05004/FUL

Site Location: Clarkson House, 5 Great Stanhope Street, Kingsmead, Bath, Bath And North East Somerset Replacement of front windows from timber to uPVC.

The Case Officer gave a verbal update on information provided by the applicant regarding the three curved corner windows. The applicant has stated that these could not be constructed using upvc, the corner curved windows would have to be constructed with timber frames.

The officer stated that this building already has permission for replacement timber double glazed slim line windows.

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

A representative from the Bath Preservation Trust spoke against the application.

The agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The Case Officer felt that the pattern and fenestration of the windows is important, as it matches the listed buildings close to the location. It is felt that this change within the existing setting of the conservation area would be very noticeable as the materials would be brighter, bulkier, and brasher. The application frames are thicker and have enclosed bars.
- The officer agreed that the ventilation of listed buildings is very important but cannot comment on the difference between upvc or timber as she is not an expert. The site does have planning permission for timber slim line double glazed windows which would offer the same sort of energy efficiency.

- According to the officer it is widely accepted that the upvc lifespan would be between 15-20 years. Normally with upvc the units would then have to be replaced in their entirety. In contrast a timber window can last more than 100 years. Both construction materials require maintenance but with regards to maintaining a timber window you can patch the window or repair in a more sustainable way without replacing the whole unit.
- There is no specification in the current application, but there appears to be no real difference between the energy efficiency of the upvc windows and the slim line double glazed timber units. You do have to factor in the lifespan of the upvc as even though these may be cheaper initially to replace, they may require wholesale replacement, so over the whole lifetime the timber windows would appear to be more sustainable and at face value the energy efficiency of upvc is no better than the timber alternative already approved.
- The corner curved windows would have to be wooden, and this in the officer's opinion would highlight the difference in the materials.

Cllr Craig, ward Councillor, stated that the residents just want a better residential property to live in, that is warm and dry with potentially reduced cost. The current windows are in a poor state of disrepair. Cllr Craig feels this will probably be the first of many applications with the government asking for all landlords of residential accommodation to have increased energy efficiency in buildings.

Cllr Jackson proposed to accept the officer recommendation as stated in the report and this was seconded by Cllr Hodge.

Cllr Appleyard would vote against the proposal as he feels residents should have the best opportunity to heat their house as best as possible. The industry has stated that all upvc can be recycled and re-used up to ten times. He commented that wood needs continual maintenance whilst upvc does not. The industry also states that the corner windows can be created, but it may be that there is an increased cost element so that might be why this is not proposed in this application. There is a run of windows in this case and he feels that the average person would not notice the difference if there were inconsistency. He acknowledged that new regulations require triple vents to be fitted to upvc windows, this overcomes the issues highlighted by Cllr Jackson regarding issues caused due to poor ventilation.

Cllr Hodge felt that the need to replace upvc earlier and the associated costs may not help the residents in the future. The property due to its size and location does dominate the location and with the bright upvc it may look very striking and out of place.

Cllr Hounsell felt that on balance there is no proper science or figures either way for the different approaches, so based on the heritage aspect, he would support the officer recommendation.

Cllr Jackson felt that Cllr Appleyard has missed the point regarding the contrast that will be created as the corner windows would have to be different to the upvc.

The motion was put to the vote, and it was RESOLVED by 9 votes in favour and 1 Against to REFUSE the application for the reasons set out in the report.

100 QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2021

The Committee noted the quarterly performance report from October to December 2021.

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

The Committee considered the appeals report.

RESOLVED to NOTE the report.

The meeting ended at 3.12 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date: 9th February 2022

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

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	21/04147/FUL	Frome House Lower Bristol Road Westmoreland Bath Bath And North East Somerset BA2 1EY

COMMENTS:

Bath Heritage Watch Dog made a further comment on the scheme on 31st Oct 2021 which has not be explicitly recorded in the report. They raise concerns with the revised plans not being reconsulted on, and the lack of amendments made to address previous heritage and design concerns. They concur with the Conservation and archaeology officers. They strongly object.

For clarity in their original consultation response on the 21st September 2021, the Bath Heritage Watch Dog objected on the impact to the World Heritage Site, poor design, the use a student accommodation, the adverse impact to the highways network and lack of adequate public consultation.

HERITAGE BALANCE:

So that members are aware the heritage planning balance is a tilted balance giving great weight to heritage significance. This balance has been undertaken in the planning report as outlined in the planning balance section.

CONSERVATION:

For clarity, whilst S72 P(LBCA)A 1990 has been referred to in the report the site is not within the Conservation Area so the S72 duty to not directly apply, nevertheless the impact on the setting of the conservation area is a material consideration as discussed in the report.

EIA:

It is concluded, having regard to the characteristics of the development and its location, that whilst the development will have a number of local impacts that will need to be carefully considered, none of these impacts (individually or taken together as a whole) will be significant in EIA terms. The proposed development is NOT therefore EIA development and an Environmental Statement is not required to accompany any subsequent planning application.

PUBLIC SECTOR EQUALITIES DUTY:

The Public Sector Equalities Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposal does not raise any particular concern in respect of those people with protected characteristics.

Item No.	Application No.	Address
02	21/04507/FUL	Proposed Cafe 223 Trajectus Way Keynsham Bath And North East Somerset

The recommendation for this application PERMIT. However, an additional condition has been added to the Committee report which means the recommendation is permission subject to the completion of the Unilateral Undertaking referred to in the officer's report which secures an education contribution and one affordable dwelling. This is as follows:

- A.) Authorise the Head of Legal and Democratic Services to complete an Unilateral Undertaking to secure:
 - 1. a financial contribution of £24, 964.16 towards the creation of additional primary school capacity in the Keynsham and Saltford Primary School Planning Area and
 - 2. 1no. 3-bedroom shared ownership affordable dwelling
- B.) Subject to the prior completion of the above agreement, authorise the Head of Planning to PERMIT subject to the following conditions:

Item No.	Application No.	Address
04	21/05004/FUL	Clarkson House 5 Great Stanhope Street Kingsmead Bath

With regard to the impact of the proposal upon nearby listed buildings, Members are reminded of the statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Members are also reminded of paragraph 199 of the NPPF which states that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

A full analysis of the impacts upon designated heritage assets including listed buildings is contained in the report and there are no changes to the analysis or conclusions.

The reason for refusal has been updated to list the harm to specific heritage assets (e.g. the conservation area, the World Heritage Site and listed buildings). The updated reason for refusal is as follows:

The application would not preserve or enhance the appearance or character of the conservation area and would be harmful to the setting of the World Heritage Site and multiple listed buildings in this part of the city centre. Public benefits would not outweigh the harm caused. The proposal is contrary to policy B4 and CP6 of the Core Strategy, HE1, D1 and D5 of the Placemaking Plan, the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and relevant advice from Historic England.

BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT THE MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 9 FEBRUARY 2022

SITE VISIT LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	61 Warminster Road, Bathampton, Bath	NO SPEAKERS	

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	Frome House, Lower Bristol Road, Westmoreland, Bath	Alex Sherman (CEO Bath Preservation Trust)	Against
		Matthew Halstead (Applicant)	For
		Councillor June Player (Ward Councillor)	N/A
		Councillor Dine Romero (Ward Councillor (Cllr Crossley))	N/A
2	Proposed Cafe, 223 Trajectus Way, Keynsham	Stephan Siaw (Agent)	For
3	Ashfield, Stockwood Vale, Keynsham	Samuel Fitzgerald (Agent)	For
4	Clarkson House, 5 Great Stanhope Street, Kingsmead, Bath	Alexandra Best (Bath Preservation Trust)	Against
		Leonie Storate (Agent)	For

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BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
9th February 2022
DECISIONS

Item No:	01	
Application No:	21/04147/FUL	
Site Location:	Frome House, Lower Bristol Road, Westmoreland, Bath	
Ward: Westmoreland	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Enlargement of Frome House and associated change of use from office (Use class E(g)) (Excluding existing ground floor tyre repair centre) to 66 student bedspaces and associated works.	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Contaminated Land, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Railway, SSSI - Impact Risk Zones, Water Source Areas,	
Applicant:	Mr Matthew Halstead	
Expiry Date:	10th February 2022	
Case Officer:	Samantha Mason	

DECISION REFUSE

1 The proposal by reason of its height, massing and architectural style is unacceptable, and fails to respond to the local context, failing to maintain the character and appearance of the surrounding area and resulting in over development of the site. The proposal fails to accord with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, 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 significant harm to the amenities of adjacent occupiers through its overbearing impact and loss of privacy. The proposal fails to accord with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

3 The proposed development fails to preserve the setting to the nearby listed buildings of Avon House and the Former Cabinet Factory due to its height, massing and design. The proposal would result in less than substantial harm to the significance of these heritage assets. The public benefits associated with the scheme are not considered to outweigh the harm. The proposal fails to accord with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

4 The proposed development will result in harm to the outstanding universal values of the wider World Heritage Site due to its height, massing and design. The proposal would result in less than substantial harm to the significance of these heritage assets. The public benefits associated with the scheme are not considered to outweigh the harm. The proposal fails to accord with policy B4 of the adopted Core Strategy (2014), policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

5 The proposed development results in the loss of commercial office space contrary to policy ED1B of the Placemaking Plan.

6 The proposed development will result in an overprovision of student housing resulting in an inappropriate housing mix in the locality. The proposal fails to accord with policy CP10 or the Core Strategy.

PLANS LIST:

This decision relates to the following plans:

07 Sep 2021	W0653-0100a	Existing Site And Roof Plan
07 Sep 2021	W0653-0111a	Existing Ground Floor Plan
07 Sep 2021	W0653-0112a	Existing First Floor Plan
07 Sep 2021	W0653-0113a	Existing Elevations Page 1
07 Sep 2021	W0653-0114a	Existing Elevations Page 2
07 Sep 2021	W0653-0201c	Proposed First Floor
07 Sep 2021	W0653-0204d	Proposed Fourth Floor
07 Sep 2021	W0653-0000a	Site Location Plan
25 Oct 2021	W0653-0150c	Proposed Site And Roof Plan
25 Oct 2021	W0653-0202d	Proposed Second Floor
25 Oct 2021	W0653-0203d	Proposed Third Floor
25 Oct 2021	W0653-0300d	Proposed North West Elevation
25 Oct 2021	W0653-0301d	Proposed East Elevation
25 Oct 2021	W0653-0302e	Proposed South East Elevation
25 Oct 2021	W0653-0303e	Proposed South West Elevation
25 Oct 2021	W0653-0400d	Proposed Sections
22 Nov 2021	W0653-0200f	Proposed Ground Floor

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.

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 - 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 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:	02
Application No:	21/04507/FUL
Site Location:	Proposed Cafe, 223 Trajectus Way, Keynsham, Bath And North East Somerset
Ward: Keynsham North	Parish: Keynsham Town Council LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of no. 4 dwellings (Use Class C3) and associated works
Constraints:	Agricultural Land Classification, British Waterways Major and EIA, British Waterways Minor and Householders, Coal - Standing Advice Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Taylor Wimpy
Expiry Date:	18th February 2022
Case Officer:	Isabel Daone

DECISION Delegate to permit subject to Section 106 Agreement

Item No:	03
Application No:	21/04626/FUL
Site Location:	Ashfield, Stockwood Vale, Keynsham, Bristol
Ward: Keynsham North	Parish: Keynsham Town Council
	LB Grade: N/A
Application Type:	Full Application
Proposal:	Proposed ridge height increase and dormer extension to provide further accommodation in roof. Installation of side balcony to master bedroom.
Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Mr Mike Bullock
Expiry Date:	11th February 2022
Case Officer:	Christine Moorfield

DECISION REFUSE

1 The proposed development will result in a cumulative volume enlargement of the dwelling which is disproportionate to the size and scale of the original dwelling. The proposal will therefore, result in inappropriate development in the Green Belt and it would be harmful to openness or the purposes of including land within the Green Belt. No very special circumstances have been presented to outweigh the identified harm. The proposal is therefore contrary to policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

PLANS LIST:

0475 Block A, 001 and 101A all dated 15/10/2021

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. 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.

Item No:	04
Application No:	21/05004/FUL
Site Location:	Clarkson House, 5 Great Stanhope Street, Kingsmead, Bath
Ward: Kingsmead	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Replacement of front windows from timber to uPVC.
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Conservation Area, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	LiveWest
Expiry Date:	10th February 2022
Case Officer:	Anna Jotcham

DECISION REFUSE

1 The application would not preserve or enhance the appearance or character of the conservation area and would be harmful to the setting of the World Heritage Site and multiple listed buildings in this part of the city centre. Public benefits would not outweigh the harm caused. The proposal is contrary to policy B4 and CP6 of the Core Strategy, HE1, D1 and D5 of the Placemaking Plan, the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and relevant advice from Historic England.

PLANS LIST:

This decision relates to the following plans received 8 November 2021:

20111_P1 - EXISTING ELEVATIONS AND PLANS

20111_P2 - PROPOSED ELEVATIONS, DETAILS AND 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. 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

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