

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 9th May, 2012

Present:- Councillor Gerry Curran in the Chair
Councillors Neil Butters, Nicholas Coombes, Liz Hardman, Eleanor Jackson, Les Kew, David Martin, Douglas Nicol, Bryan Organ, Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Patrick Anketell-Jones and Malcolm Lees

165 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

166 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

167 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was none

168 DECLARATIONS OF INTEREST

The Chair declared a personal but non-prejudicial interest in the planning application at 40 Audley Park Road, Bath (Item 3, Report 12) as he was previously acquainted with the objector. He would therefore still speak and vote on the matter.

Later in the meeting and immediately before the Committee considered the application at 40 Audley Park Road, Councillors Nicholas Coombes and Doug Nicol declared personal but non-prejudicial interests on this item for similar reasons and they would therefore speak and vote on the application.

169 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

170 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Senior Democratic Services Officer informed the meeting that there were members of the public etc wishing to make statements on the Tree Preservation Orders and former Fullers Earthworks reports and that they would be able to do so when reaching those items on the Agenda. There were also various people wishing to speak on the planning applications in Report 12 and they would be able to do so when reaching their respective items in that Report.

171 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

172 MINUTES: 30TH MARCH AND 11TH APRIL 2012

The Minutes of the meetings held on Friday 30th March and 11th April 2012 were approved by Members as correct records and were signed by the Chair (Note: Councillor Martin Veal abstained from voting)

173 MAJOR DEVELOPMENTS

The Senior Professional – Major Development updated the Committee on developments at (i) the University of Bath by stating that a revised Master Plan was anticipated to be made public later this month; and (ii) the former Cadbury's site, Somerdale, Keynsham, informing that the developers, Taylor Wimpey, were holding stakeholder workshops and that a Master Plan would be drafted before the end of this month when he would advise Members accordingly.

Members asked questions about the Bath University development to which the Officer responded.

The Committee noted the update report.

174 TREE PRESERVATION ORDER - GAIA, WIDCOMBE HILL, WIDCOMBE, BATH

Referring to the Site Visit made on 30th April 2012, the Committee considered the report of the Senior Arboricultural Officer which (1) referred to a Tree Preservation Order provisionally made on 15th December 2011 to protect a group of trees on land at Gaia, Widcombe Hill, Bath, as they made a significant contribution to the landscape and amenity of the area; (2) advised that an objection to the Order had been made by the owners of the property; (3) informed that a number of local residents supported the Tree Preservation Order; and (4) considered the objection and recommended that the Order be confirmed without modification.

The Senior Arboricultural Officer reported on the matter by means of a power point presentation. She emphasised that the amenity value of the trees was on the basis that they were a group. Members asked questions about the matter to which the Officer responded. In particular, some Members queried whether the Committee could modify the Order so that it only applied to 2 of the 3 trees. The Senior Legal Advisor advised that, whilst it was possible for the Committee to do that, Members should bear in mind that the amenity value of the trees had been assessed on the basis of their value as a group. The owner of the property made a statement against the Order being confirmed (see *Appendix 1 Speakers List*)

On the basis of the significance of the trees on the streetscene, Councillor Eleanor Jackson moved that the Officer recommendation be approved which was seconded by Councillor Les Kew. Members asked further questions to which the Senior Arboricultural Officer responded accordingly. She informed the Committee that, even with the Order being confirmed, work could still be undertaken to the trees in the future by applying for the necessary consent.

RESOLVED to confirm the Tree Preservation Order entitled “Bath and North East Somerset Council (Gaia, Widcombe Hill, Bath No 268) Tree Preservation Order 2011” without modification.

(Voting: 7 in favour and 3 against with 2 abstentions)

175 TREE PRESERVATION ORDER - 108 BLOOMFIELD ROAD, LYNCOMBE, BATH

The Committee considered the report of the Senior Arboricultural Officer which (1) referred to a Tree Preservation Order provisionally made on 5th January 2012 to protect a Pine tree in the garden of 108 Bloomfield Road, Bath, as it made a significant contribution to the landscape and amenity of the area; (2) advised that an objection to the Order had been made by the owner of the property; and (3) considered the objection and recommended that the Order be confirmed without modification.

The Senior Arboricultural Officer reported on the matter by means of a power point presentation. The owner of the property made a statement against the Order being confirmed (see *Appendix 1* Speakers List). Members asked questions about the tree to which the Officer responded accordingly.

On the basis that the tree was not considered worthy of preservation as it did not add to the amenity of the area, Councillor Bryan Organ moved that the Order not be confirmed which was seconded by Councillor Martin Veal. Members debated the motion. The Committee were divided on the matter with some Members considering that the tree added to the landscape and amenity of the area and others considering that it was not significant enough to warrant retention. The motion was put to the vote. Voting: 5 in favour and 7 against. Motion lost.

It was therefore moved by Councillor Nicholas Coombes and seconded by Councillor Doug Nicol and **RESOLVED** to confirm the Tree Preservation Order entitled “Bath and North East Somerset Council (108 Bloomfield Road, Bath No 269) Tree Preservation Order 2012” without modification.

(Voting: 7 in favour and 5 against)

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

The Committee considered

- A report by the Development Manager on various applications for planning permission etc
- Oral statements by members of the public etc on Item Nos 1-6, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Development Manager on Item Nos. 1, 2, 4 and 5, a copy of which report is attached as *Appendix 2* to these Minutes

RESOLVED that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 3* to these Minutes

Items 1&2 Cranwell House, Weston Park East, Upper Weston, Bath – Erection of a building adjacent to listed building following demolition of classroom units and outbuildings and refurbishment and alterations to listed building with associated landscape and engineering works including new retaining wall (Ref 12/00277/FUL & 12/00278/LBA) – The Planning Officer and the Senior Conservation Officer reported on these applications for planning permission and listed building consent respectively and their recommendations to (1) Authorise the Development Manager to Permit subject to conditions and the securing of the £10,000 contribution through a legal agreement; and (2) Delegate to Consent subject to appropriate conditions. The Update Report (i) provided further information on the planning application and revised the highway conditions numbered 2) – 7) in the Main Agenda; and (ii) recommended conditions on the listed building application. The Planning Officer reported the receipt of a letter of support from the Ward Councillor Colin Barrett on the proposals. He also advised Members that a signed Unilateral Undertaking had recently been received from the applicants and his recommendation was accordingly modified to Delegate to Permit subject to the Council approving the Unilateral Undertaking.

Various members of the public etc made statements on the applications which were followed by a statement by the Ward Councillor Malcolm Lees who raised concerns about the proposals. The Chair read out a letter of support received from the other Ward Councillor Colin Barrett. The Ward Member for the adjoining Ward of Lansdown, Councillor Patrick Anketell-Jones, made a statement supporting the proposals. The Chair made some general comments about the proposals for Members to bear in mind when considering the applications.

Councillor Les Kew fully supported the proposals and moved the Officers' recommendations to Delegate to Permit/Consent with conditions etc. This was seconded by Councillor Eleanor Jackson. Members debated the motions. Most Members were supportive of the proposals. The Team Leader – Development Management drew Members' attention to the revised highway conditions in the Update Report. The motions were put to the vote. Voting on planning application (Ref 12/00277/FUL): Unanimously in favour. Voting on listed building application (Ref 12/00278/LBA): 11 in favour and 0 against with 1 abstention.

Item 3 No 40 Audley Park Road, Lower Weston, Bath – Erection of balcony, rendering of garage and utility and alterations to 2 storey side extension (Retrospective)(Ref 12/00488/FUL) – The Case Officer reported on this application and her recommendation to Permit with conditions. (Councillors Coombes and Nicol declared personal interests at this point). The applicant then made a statement in support of the application.

Councillor Doug Nicol supported the application and therefore moved that the Officer recommendation to Permit with conditions be approved. This was seconded by Councillor Bryan Organ. The motion was briefly debated after which it was put to the vote. Voting: Unanimously in favour.

(Note: Following this decision at 4.12pm, the Committee adjourned for a comfort break for approximately 15 minutes)

Item 4 Summerfield School, Lime Grove Gardens, Bathwick, Bath – Erection of 13 dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission)(Ref 12/00980/FUL) – The Case Officer reported on this application and her recommendation to (A) Authorise the Planning and Environmental Law Manager to prepare a Section 106 Agreement to secure contributions of £68,357.20 for school places and youth provision, £18,000 for improvements to pedestrian facilities; and for the Developers to fund a Traffic Regulation Order to prevent parking on the new access road; and (B) authorise the Development Manager to Permit subject to conditions. The Update Report reported on further consultation responses and provided an Officer assessment. It also varied the Recommendation to Delegate to Permit (A) subject to the satisfactory completion of a Unilateral Undertaking to secure a contribution of £78,433.80 for parks and open space provision in addition to the contributions referred to above, and added a further condition regarding implementation of the mitigation measures detailed in the Acoustic Report. The public speaker then made a statement raising concerns about the proposal.

Councillor Nicholas Coombes opened the debate. He considered that the proposals were flawed and were contrary to numerous policies in the Local Plan. He outlined the policies and the reasons why the proposals were contrary to them. He added that the adjoining Kennet and Avon Canal was found to be leaking and therefore any housing built on the land would need to be fully waterproofed. The motion was seconded by Councillor David Martin.

Members debated the motion and asked questions to which the Case Officer responded. Most Members considered that the proposal was acceptable despite the reduction in the area of the site which brought it below that where provision of affordable housing could be requested. A Member pointed out that, in the Officer's report, there were numerous references to "no objections" by consultees against the proposals. It was also stated by a Member that, should permission be granted, it should be subject to a Construction Management Plan and must ensure that contractor's vehicles were only parked on site. The Case Officer stated that the recommended Condition 12 covered these issues. The Team Leader – Development Management advised Members that a similar application for 18 houses had been refused permission last October and that the reasons at that time did not include those raised in the motion. If the applicants appealed against a refusal on these grounds, costs may be awarded to the applicants. The motion was then put to the vote. Voting: 3 in favour and a substantial majority against. Motion lost.

It was therefore moved by Councillor Les Kew and seconded by Councillor Bryan Organ to approve the Officer recommendation to Delegate to Permit etc but with adequate conditions to prevent contractors' vehicles parking on-street. Councillor Nicholas Coombes felt that a condition should be added regarding noise attenuation for habitable rooms. This was not accepted by Councillor Kew. The motion was then put to the vote. Voting: 9 in favour and 3 against. Motion carried.

Item 5 No 53 Minster Way, Bathwick, Bath – Erection of new detached dwelling in the grounds of the existing house and associated new vehicular access and hardstanding (Ref 12/00292/FUL) – The Case Officer reported on this application and her recommendation to Permit with conditions. The Update Report referred to a

further letter of objection being received which did not affect the recommendation. The public speakers made their statements on the proposal.

Councillor Nicholas Coombes did not support the application and therefore moved Refusal as it was contrary to numerous policies in the Local Plan, namely: D.2(b) not of high quality design; D.2(f) would cause harm to the amenities of residential properties by overlooking to the gardens of No 53 and increase enclosure to the garden of No 55; D.4(a) does not respond to local context in terms of appearance, siting, spacing and layout; GB.2 would be visually detrimental to the adjacent Green Belt; NE.9 may be of harm to the adjacent area of nature conservation (no consideration had been submitted); BH.1 would be harmful to the World Heritage site; BH.6 does not preserve or enhance the character and appearance of the Conservation Area in terms of size, form or position; BH.6(i) does not retain existing street patterns, historic grain or building lines; and BH.6(iv) does not retain the relationship of buildings to open space. The motion was seconded by Councillor David Martin.

Members debated the motion. Some Members supported the motion considering that the proposal would be detrimental to the amenities of local residents and impact on the appearance of the estate. Other Members felt that the proposal was acceptable and would complement the streetscene and preserve the character of this part of the Conservation Area. The motion was put to the vote. Voting: 6 in favour and 6 against. The Chair decided to exercise his casting vote in favour of the motion to Refuse and therefore voting was 7 in favour and 6 against. Motion carried.

Item 6 Leaning Pines, Thrubwell Lane, Nempnett Thrubwell – Erection of single storey dwelling following demolition of existing dwelling and associated outbuildings (Ref 11/05320/FUL) – The Planning Officer reported on this application and the recommendation to Refuse permission. She reported that the Arboricultural Officer would like to see conditions added regarding trees if the Committee decided to grant permission. The report also set out highway conditions to be added should permission be granted. The applicant made a statement in support of her application.

Councillor Les Kew considered that this was a huge improvement on the design of the previous proposal. With regard to Green Belt policy, he queried whether the basement area, which was not habitable accommodation but housed equipment/installations for renewable energy, should be included in the volume calculation. He felt that the proposal was sustainable because it incorporated renewable energy features and it would not affect the openness of the Green Belt. Councillor Kew therefore moved that permission be granted. The motion was seconded by Councillor Martin Veal.

The Senior Legal Adviser gave advice regarding Green Belt policy. He stated that it was correct for Officers to take account of the basement because the proposal had to be assessed on the basis of its volume - as such, it was inappropriate development in the Green Belt. However, there were a number of factors which Members should consider when deciding whether there were very special circumstances. In particular, he drew Members' attention to an extract from the National Planning Policy Framework regarding renewable energy proposals in the Green Belt. If Members were minded to grant permission, he recommended that the motion be Delegate to Permit subject to appropriate conditions, including a condition

to secure the implementation of the renewable energy measures detailed in the application.

Members generally supported the proposal due to the fact that it did not affect residential amenity, it provided a package of renewable energy and was supported by the Parish Council. The Chair pointed out that the basement area was included in the Green Belt calculation and therefore it was still inappropriate development even though it could not be seen. Councillor Les Kew, with the seconder's agreement, amended his motion to Delegate to Permit with appropriate conditions on the grounds that there were very special circumstances which outweighed any potential harm to the Green Belt, namely, there was already an extant permission for a similar proposal and the current proposal was of a superior design, there would no adverse effect on the openness of the Green Belt as the increase in volume was largely due to a bigger basement, there were benefits to replacing the current derelict building, and the basement would contain renewable energy plant which Members considered was in line with Government policy on renewable energy. The Team Leader – Development Management stated that conditions should include the removal of permitted development rights and establishing a new hedgerow on the boundary as well as conditions recommended by Highways and Arboricultural Officers.

The motion was put to the vote. Voting: 11 in favour and 1 against. Motion carried.

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

Councillor Eleanor Jackson congratulated the Officers on the success rate in appeals being dismissed.

The Committee noted the report.

178 LAND AT FORMER FULLERS EARTHWORKS, FOSSEWAY, COMBE HAY, BATH

The Committee considered a joint report by the Divisional Director of Planning and Transport Development and the Planning and Environmental Law Manager regarding this site and which (1) referred to the decision of the Special meeting of this Committee held on 30th March 2012 at which it was requested that a further report be submitted to this meeting. The March Committee resolved:

- (i) To note that material progress had been made in relation to the Committee's resolution of 5th January 2012 and that Officers were making progress in negotiations with the site owner's Agent with a view to bringing forward a Residual Waste Facility on the site;
- (ii) That Officers continue to work with the site owner's Agent to secure the delivery of a Residual Waste Facility on the land;
- (iii) That, in the light of progress on negotiations, it was not considered to be expedient to take enforcement action today (30th March 2012) against the breaches of planning control currently identified at the site as set out in the previous report to the Committee;
- (iv) That an update report be submitted to the Committee in May to ensure that no immunity from enforcement action occurs in respect of the alleged breaches of planning control; and

(v) That enforcement action be considered and appropriate weight be given to the issue of the expediency in the light of the update report.

An update report provided further information on the matter and slightly amended the recommendation. The Chair introduced this item. Councillor Martin Veal stated that a formal complaint had been lodged against him in respect of this item on the Agenda regarding the land at the former Fullers Earthworks. In light of this, he had been advised that it would be inappropriate for him to take part in the discussions or decision with regard to this matter. He would therefore withdraw from the Committee when this item was being considered which he proceeded to do.

Mr Harwood, the Council's Planning Consultant, reported on the matter by means of a power point presentation and took the Committee through aerial photographs taken over recent years and some taken at the recent Site Visit attended by Members on 19th March this year. He drew the Committee's attention to the Update Report and late representations received and advised that Local Plan policies were consistent with the National Planning Policy Framework (NPPF).

Mr Herbert, the Council's Waste and Minerals Consultant, reported by means of a power point presentation on the pre-application proposals that had been submitted by the owner. These had been considered by the Development Team who found them to be unacceptable for various reasons but that, with revisions, they could be satisfactory.

The public speakers made their statements on the matter. The Chair then stated that there were 3 issues for consideration, namely, whether or not they accept the Officers' findings that there were breaches of planning control on the land; if they accept that there were breaches, then the Committee needed to consider the expediency of taking enforcement action; and, if so, the period of compliance with the enforcement notice. He then opened the matter up for debate.

Councillor Les Kew stated that the activities on the site needed to be regularised and that enforcement action could be taken at the same time as negotiations were continuing on the proposal for a Residual Waste Facility on the site. He considered therefore that enforcement action should be taken immediately and before the end of this month to avoid possible immunity from enforcement action. Councillor Bryan Organ also considered that enforcement action should not be delayed and moved the Officer recommendation to authorise enforcement action but that such action be taken immediately and before 31st May 2012. This was seconded by Councillor Neil Butters. The Planning and Environmental Law Manager considered that there was a conflict of wording in the motion by including both "immediately" and "before 31st May 2012". Councillor Organ therefore altered his motion by removing the word "immediately".

The Planning and Environmental Law Manager gave advice to Members regarding taking enforcement action and the expediency of doing so, advising Members that enforcement action was discretionary and that their decision had to be proportionate to the breaches of planning control. Such action would interfere with the owners' and occupiers' Convention rights under the European Convention of Human Rights and consideration therefore needed to be given as to whether such interference would be justified and proportionate in the wider public interest. She stated that Members have had the benefit of a number of reports which set out Officers' view as to the harm caused by the alleged breaches of planning control and also pointed out the

progress that had been made in the pre-application discussions, albeit that more work had to be done. This was also a material consideration. She advised Members that the only reason the Officer recommendation had changed was due to the need to protect the Council against the possibility of the alleged breaches of planning control becoming immune from enforcement and therefore outside the control of the Council. The aim, as set out in the Council's JWCS, was still to deliver a Residual Waste Facility.

Members debated the motion as amended. The issue of the period of compliance with the Enforcement Notice was raised. Some Members felt that 12 months was sufficient whereas other Members considered that 18 months was better. The Planning and Environmental Law Manager responded to questions raised by Members and reminded Members of the Committee of the 3 questions they had to address: 1) is there a breach of planning control; 2) if there is, is it expedient to take enforcement action; and 3) what, in the circumstances of this case, would be a reasonable time for compliance with any enforcement notice. She also drew their attention to the representations that had been received from the owner's Solicitor as to why they took a contrary view to the Officers on the alleged breaches of planning control and their concern over the Council's change in position. The Planning and Environmental Law Manager advised the Committee that the previous position was based on the information available at that time and that the owners and their representatives had been advised in the past that the Council had changed its view. She advised Members that, as set out in the report, the information currently available shows good evidence that the changes had not occurred until 2003 but that there was stronger evidence for June 2002 which had led to the Officer recommendation. Councillors Eleanor Jackson and Doug Nicol were concerned that small businesses should be protected and that they should be given sufficient time to relocate. Councillor Nicholas Coombes confirmed that he had considered the 3 questions but thought that 12 months was sufficient time for compliance. A question was raised regarding the boundary of the JWCS allocation and whether this went beyond Area A. The Committee's attention was drawn to the map showing the boundary of area allocated in the JWCS, Annex C of the Report, from which it was clear that the allocation went beyond Area A shown on Annex E. There was some debate regarding the reasons why 18 months was recommended as a period of compliance and the Committee was advised that this was to allow sufficient time for negotiations to continue with the aim of delivering an acceptable Residual Waste Facility on the land and also to enable businesses to relocate and clear the site. Councillor Bryan Organ considered that 18 months compliance was a reasonable amount of time in the circumstances and, with the seconder's agreement, included this in his motion. The motion was then put to the vote which was agreed unanimously.

RESOLVED that (1) the Divisional Director of Planning and Transport Development, in consultation with the Planning and Environmental Law Manager, serve the necessary enforcement notice(s) on behalf of the Local Planning Authority before 31st May 2012 in respect of the alleged planning contraventions outlined in the report by exercising the powers and duties (as applicable) under Parts VII and VIII of the Town and Country Planning Act 1990 (including any amendments to or re-enactments of the Act or Regulations or Orders made under the Act) in respect of the above land; (2) give an 18 month period of compliance with such Enforcement Notice(s).

General Note

This specific delegated authority will, in addition to being the subject of subsequent report back to Members in the event of enforcement action being taken, not being taken or subsequently proving unnecessary as appropriate, be subject to:

- (a) all action being taken on behalf of the Council and in the Council's name;*
- (b) all action being subject to statutory requirements and any aspects of the Council's strategy and programme;*
- (c) consultation with the appropriate professional or technical Officer of the Council in respect of matters not within the competence of the Divisional Director of Planning and Transport Development; and*
- (d) maintenance of a proper record of action taken.*

The meeting ended at 6.45 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

**SPEAKERS LIST
BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE MEETING
OF THE DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY 9TH MAY
2012**

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
TREE PRESERVATION ORDERS (REPORTS 11 & 12)		
Gaia, Widcombe Hill, Bath (Pages 39-76)	Adrienne Percival (Owner)	Statement
108 Bloomfield Road, Lyncombe, Bath (Pages 77-87)	Jim Pearson (Owner)	Statement
PLANS LIST (REPORT 12)		
Cranwell House, Weston Park East, Weston (Items 1&2, Pages 92- 121)	Diana Wood <u>AND</u> Robin Lewis <u>AND</u> Nick Kuhn Rebecca Dougall (Head of Royal High School) <u>AND</u> Ian Monachino-Ayres (IMA Transport Planning)	Against – To share 6 minutes For – To share 6 minutes
40 Audley Park Road, Weston (Item 3, Pages 122-127)	Celia Downey Julia Shefras (Applicant)	Against For
Summerfield School, Lime Grove Gardens, Bathwick (Item 4, Pages 128-148)	Nick Madden	Against
53 Minster Way, Warminster Road, Bathwick (Item 5, Pages 149-156)	Judith Wade Graham Date (Applicant's Agent)	Against For
Leaning Pines, Thrubwell Lane, Nempnett Thrubwell (Item 6, Pages 157-165)	Victoria Withers (Applicant)	For
LAND AT FORMER FULLERS EARTHWORKS, COMBE HAY (REPORT 14)		
	Peter Duppa Miller (Clerk to Combe Hay Parish Council) Robert Hellard (Vice Chairman, South Stoke Parish Council) Trevor Osborne Philip Harrison	Statements

	<p>Alan Langton (Trustee, Bath Preservation Trust)</p> <p>Kate Harrison, Harrison Grant (Solicitors for Protect Bath and Victims of Fullers Earth)</p> <p>Matthew Kendrick (Owner's Agent)</p>	
--	--	--

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

May 9th 2012

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

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	12/00277/FUL	Cranwell House Weston Park East Upper Weston Bath

Since the publication of the Officer's Committee report the applicant has submitted a draft Unilateral Undertaking in respect of the financial contributions sought to improve the parking problems along Weston Park East. An Operational Statement has also been submitted confirming how traffic will be managed on site; this is accompanied by revisions to the submitted plans in respect of the main access gates at the southern entrance. Finally, in response to continued concern about the access arrangements, working with the applicants, the Planning Officer, Highway Officer and Arboricultural Officer have again been exploring the potential improvements and use of the northern access as the primary route into the site.

This update report is intended to provide comment in respect of the additional material and clarity relating to outstanding issues.

ADDITIONAL COMMENTS RECEIVED

Cllr Colin Barret (Weston) has submitted comments in support of this application. He has endorsed the submitted travel plan and reiterated the point that the site has an existing use as a school with two existing entrances. It has been requested that the full statement is presented to Members at the Committee meeting.

CLARIFICATION REGARDING THE ACCESS ARRANGEMENTS

For clarification this application is not seeking consent for the access arrangements to the site as the entrance and access road already exists; the improvements shown on the submitted plans are purely for the benefit of facilitating a better flow of traffic in and out of the site and are designed to mitigate concerns relating to vehicles using the site. It is the view of Officer's that this shows a level of commitment by the applicant to seek improvements to a situation that the Council could not readily insist upon.

This application seeks planning permission for the new multipurpose hall and teaching area to the rear of the existing school building following the demolition of the existing outbuildings, not the access arrangements to the site. The proposed building works represent a net reduction in gross internal floorspace when compared to the amount of useable space currently offered on site. As the Highway Officer has confirmed, given there is no net increase in floorspace and the site has an established use as an education facility, there is no justification to insist upon upgrading the current arrangements or the entrances to the site. Ultimately it would be very difficult for the Council to defend refusing this application at appeal on the basis of the improvements to the access arrangements alone, and could be at risk of a costs award for acting unreasonably, especially given the maintenance and

improvements to the existing access road could be carried out as permitted development under Schedule 2, Part 9, Class A of the Town and Country Planning (General Permitted Development) Order, 1995.

UNILATERAL UNDERTAKING

The applicants have drafted a Unilateral Undertaking confirming the payment of the £10000 contribution requested in respect of improvements to the highway network. Some or all of this money could be used to apply parking restrictions through a Traffic Regulation Order along Weston Park East to remove the pressure caused by on-street parking and mitigate the problem of congestion. This agreement will need to be agreed by the Council and is subject to the granting of planning permission.

OPERATIONAL STATEMENT

The applicant has submitted a detailed Operational Statement setting out how the school intends to manage and operate vehicle movements in and out of the site, paying particular attention to the management of vehicles at the main gates. The statement covers:

- Staff arrivals and departures
- Pupil drop-off and pick-up
- Visitors
- Deliveries
- Weekend, holiday and special events
- The shuttle-bus service
- The walking bus
- Notification process for any significant events
- Review and monitoring of the situation.

The statement confirms that the main drive would be used to provide 9 staff parking spaces, 2 disabled parking spaces and drop-off/pick-up for all pupils. The northern entrance would be used for pedestrian and cycle access, minibus access, access for the “walking bus” and school deliveries which will occur outside the normal drop-off/collection times.

The walking bus will be managed as an escorted walk from the main school site on Lansdown Road to Cranwell House as an alternative to the minibus service.

The minibus service will consist of 2 minibuses moving pupils from the Lansdown Road senior school site to Cranwell House, with the two buses there is capacity to transport 32 pupils, reducing the number of private vehicles needing to drop off at Cranwell House. This service offers convenience to parents (particularly those with pupils at both schools and those dropping off from the areas to the north and east of Bath as they would not have to detour to Weston).

Both entrances to the site are to be manned by staff during the morning drop off period (0800-0845) to ensure pupils are supervised and vehicle circulation is managed in an appropriate manner. A minimum of three staff are to be used, and there is capacity to upload up to 5 cars at any one time. Efficient management will ensure a smooth operation and reduce the pressure of vehicles stopping and blocking the flow of traffic into the site. (Note, there are up to four residual bays allocated adjacent to the main drop-off area to allow parents who need to stop for any length of time to do so in a manner that does not impede the flow of traffic circulating through the site).

A member of staff will be on the main gate to ensure entrance and egress is not impeded, holding exiting traffic to allow traffic to enter in an effort to reduce the risk of congestion on Weston Park East.

During the afternoon period, based on current trends of pupils attending afterschool clubs, around 60% of the collection will occur between 1515 and 1545, the remaining 40% spread across the period 1545-1800. Staff will manage the collection of pupils at the main entrance to the school to ensure the steady flow of traffic is unimpeded. As with the morning, a maximum of five cars can be loaded at any one time.

Events (fetes, parents' evenings etc.) and weekend access will be limited during term times but will use the northern access and park on the multi-use games area. There is capacity on this area to park c.50 cars. Staff will be used to direct vehicles. Unlike the daily drop-off and collection periods, as vehicles will not be entering and exiting the site at the same time, it is possible to use the northern entrance without requiring additional widening which would be prejudicial to the trees in this area.

The school have made a commitment to notifying surrounding residents well in advance of any events so as to reduce/minimise the impact of sporadic increases in traffic volume as much as possible.

Holiday use access is restricted largely to the northern entrance however will be for short periods of time (1-3 weeks) depending on the length of the holiday involved. Summer holiday clubs will involve c.24 pupils and as such the numbers of vehicles involved with drop-off/collection will be far lower than the usual term time day to day operation.

The operation of the site will be constantly monitored and if the proposed methodology does not adequately mitigate or limit the impact of vehicle movements on the local highway network it will be reviewed in consultation with the highway authority.

It should be noted that the school currently operates from a site with far worse access arrangements than Cranwell House, situated on Lansdown Road, close to the entrance to Lansdown Crescent. Whilst it can never be 100% guaranteed that problems will not arise from time to time, for the majority of the time the operational management of pupil delivery and collection has been proven to work in the current location. As set out in the main Committee report, given that the school has a proven record at successfully managing and mitigating problems associated with traffic, there is little reason to doubt that the management of traffic at Cranwell House can be successfully achieved.

Having considered the operational statement, the Highway Officer has again reiterated that there is no objection on the grounds of highway safety to this application and has confirmed that the operational statement is acceptable. For clarification, the Highway Officer has stated that the parking arrangements for 11 cars at the front of the school are not acceptable but can be revised through an amended plan secured by a condition. It would be impossible to substantiate the refusal of the whole scheme on this point alone.

FURTHER CONSIDERATION OF NORTHERN ACCESS

Following on-going concerns about why the northern access has not been chosen as the primary pupil drop-off and collection point, discussions have been on-going with the applicants to re-look at the issues surrounding the northern entrance. This access was considered at pre-application and dismissed as being largely unfeasible and impractical for the school; the reasons for not pursuing it have been set out in the Committee report. Notwithstanding, the applicant has provided additional modelling of how this entrance could be used and what works would be required to achieve it as well as looking at the implications for wider issues such as landscape, ecology, historic environment and residential amenity.

Clearly the northern entrance has a wider opening and can facilitate two vehicles passing at the same time, beyond this benefit, Officer' maintain that there are a significant number of objections that would preclude this entrance as offering a suitable means of access.

In terms of physically laying out a suitable drop-off/collection area adjacent to the new building to allow supervision of children arriving on site, five cars unloading at the same time can physically be achieved but will require an expansion of the existing hardstanding area c.20m into the grassland area adjacent to the new building and the existing orangery. This raises serious concerns about the impact on the trees and the prominence adjacent to the listed building.

In terms of the implications for the highway, the southern entrance has a driveway length of 240m. By comparison, the northern access is only 65m long. The implications of the respective driveway lengths means that if for whatever reason a vehicle stops and blocks the flow of traffic, there is only room available to "stack" 14 cars off the public highway on the northern access road, by comparison the southern (main) drive can accommodate 42 stacked vehicles. Comparing the scenario of a car

blocking the flow to the northern entrance, it would mean that the equivalent number of cars that can be stacked on the southern entrance would extend c.160m back down Weston Park East, resulting in significant congestion on the public highway. Clearly this is a worse-case scenario however it does highlight the fundamental limitation of the northern access and demonstrates that the issues surrounding congestion, as raised by the majority of objectors, could be far worse if the northern access were to be adopted as the primary route into the site. The highway officer has confirmed that the use of the northern entrance is far more likely to result in congestion on Weston Park East, and when compared to the use of the southern entrance does not offer an adequate solution that could outweigh the objections raised.

Not only does the northern access as the primary route into the site pose a greater risk of congestion occurring, but it does not offer any room for designated waiting bays in the event that parents need to stop as the land available is restricted by the constraints of the trees, the topography and the historic building. Disabled parking cannot be accommodated at the northern entrance due to the local topography, and in order to create a level drop-off area, it will require substantial levelling of the land.

In terms of the impact on trees, the area available for the expanded turning area falls within the root protection zones of two category A cedars and a category A giant sequoia. In order to achieve the proposed turning head the works will compromise the setting of these trees and will see the removal of two category B2 trees and impact on the root zones of an additional category B trees.

Having considered the impact on the trees, (which add significant value to the heritage setting of the listed building and the surrounding parkland) in order to provide a layout that would provide a working access, the arboricultural officer has stated that the impact and removal of the trees is unacceptable and the proposal would be contrary to Policy NE.4. The officer has also stated that the retaining structures required to implement the access arrangements are too intrusive and visually unacceptable and that any level changes required to accommodate a graded bank would have a greater impact on a wider range of trees. Ultimately, the works to facilitate the access arrangements at the northern entrance are likely to increase the risk of root asphyxiation and death.

In terms of the impact on ecology, the loss of trees and additional lighting associated with the northern access will impact on the flight path of horseshoe bats exiting the roosts in the basements. Such a significant change to the bat flight lines could result in the abandonment of the roost which would be unacceptable. Detrimentially affecting a roost will make it harder for the applicant to obtain a Natural England bat license and in terms of addressing the three tests of the Habitats Directive, it would be almost impossible for the Council to argue that there is no alternative solution available to preserve the favourable conservation status of the bats given that there is already a significantly better access arrangement at the south of the site.

Having considered the implications of making the northern entrance the primary route into the site it is considered that had this option been presented it would have conflicted with Policy NE.10 and could be open to challenge in terms of failing to meet the second of the three tests of the Habitats Directive.

In respect of the landscape setting and Historic Environment, as stated above, in order to make the northern access arrangements work it will require the re-grading the land and the installation of a retaining wall. Due to the localised site levels this will result in the retaining wall siting at a height of c.2.5m above ground level at its highest point. Due to the proximity of the access arrangements to the listed orangery, this would significantly compromise the setting and appearance of this asset and would harm the visual integrity of the new building. The size and siting of the access arrangements required to make the northern entrance work would not be accepted in terms of the impact on the Historic Environment.

Finally, in respect of the impact on residential amenity, as is noted in the Committee report the southern driveway passes close to the rear of 23 and 24 Cranwells Park however the conclusion is made that the overall benefits to the site, the active management, the improvements to the landscape and the restoration of the protected building outweigh the limited harm to residential amenity resulting from the sporadic (rather than persistent) passing of vehicles. The use of the northern access is situated immediately adjacent to Hengist House which directly overlooks the northern entrance and access road, there is a closed board timber fence offering screening from the ground floor windows however the upper floor windows and the conservatory both look up the track. Given this property is

situated in an elevated position directly above the entrance, the occupiers will be affected to a degree by traffic entering the site and due to the potential for congestion and stacking occurring as a result of the use of this entrance the residents of Hengist House are likely to be disturbed to a greater degree than the residents adjacent to the southern entrance. Under the current arrangements traffic is to use both entrances as per the Operational Statement meaning that the level of disturbance to residents is distributed and thus minimised. Given there is not capacity to accommodate weekend, holiday or special event traffic parking via the southern entrance, if the northern entrance was to be the primary route into the site the impact on the residents of Hengist House would on balance be worse.

In conclusion it is felt that the use of the northern access will not reduce the impact on residential amenity, it would merely shift the problem away from the residents of Cranwells Park and concentrate it outside Hengist House. This is considered unacceptable, particularly given the impact can be distributed across both entrance roads.

REVISED HIGHWAY CONDITIONS

Plans showing parking areas (providing for 20 vehicles) served off the northern and southern accesses shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. This area shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and constructed to the satisfaction of the Local Planning Authority before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

Prior to the occupation of the development a revised Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

Reason: In the interests of sustainable development.

Within 6 months of the first occupation of the development, a review of the Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

Reason: In the interests of sustainable development.

Prior to the occupation of the development, details of the provision for 20 cycles within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

The accesses and car parking areas shall operate in accordance with the Operational Statement dated April 2012.

Reason: To ensure the safe operation of the highway.

Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management.

Reason: To ensure the safe operation of the highway.

PLANS LIST:

1592/P/001B,10B, 11, 12B, 50B, 51C, 52D, 53B, 60B, 61 G,62 G, 63F, 110 , 111, 112A, 113A, 114A, 115, 116,120 ,121, 122A, 123A, 124B, 125A, 126, 199, 200G, 201E, 202, 203A, 204A, 205, 206A, 207, 208, 209A, 210A, 210, 211A, 212A, 213, 300E, 310E, 302 E, 303A, 304, 305 , 310A, 311A, 312A, 313 ,314A, 320A, 321, 331A, 322A, 323, 324A, 325A,

326A, 327A, 328A, 330A, 333A, 334A, 335, 336A, 337. P 400A, 401, 402A, 403, 404A, 405, 406A, 407, 408A, 409A, 410, 411, 412, 413, 414, 415, 416A, 417, 418, 420A, 419, 421, 422A, 423, 424, 425, 426, 427, 428 A, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438A, 439, 440, 441, 442, 443, 444A, 456B, 445, 446, 447, 448, 449, 450, 451, 452A, 453, 454, 455, 456, 457, 458 B, 459A, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 500, 501A, 502, 503, 504.

1592/SU 50A, 51, 52, 53, 110, 111, 112, 113, 114, 115, 116, 200, 300A, 301, 310A, 311, 312A, 313, 314, 315, 316, 317, 503.

5091/05/P2, 201 P4, 202 P3, 203 P2, 06 P2, 07 P2.

Building and Archaeological Report, Design and Access Statement, Heritage Impact Statement, Historic Landscape Appraisal, Landscape Statement ,Planning Statement Ecological Appraisal, .Engineering Services Report. Cranwell House Transport Assessment Statement . Arboricultural Implications Assessment /Method statement /Tree Protection Plan. Flood Risk Assessment date stamped the 9th February, 23rd January , 16th , 17th and 19th April 2012 .

Item No.	Application No.	Address
02	12/00278/LBA	Cranwell House Weston Park East Upper Weston Bath

The report recommends that the application be delegated for consent subject to appropriate conditions. The following conditions are appropriate:-

1 The works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Notwithstanding proposals for the South Entrance Gate, drawing number 1592/P/503, prior to the commencement of works to the entrance large scale details of the new gates to note their appearance, operating mechanism, method of fixing to the stone gate piers, and the location/appearance of the key/pad call point shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building and setting of listed buildings.

3 No works shall take place until all outstanding bat mitigation details have been submitted and agreed in writing by the local planning authority. These details can be provided in the form of an EP license application method statement.

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to occupation of any part of the development unless any different timing is specifically agreed as part of the approved scheme.

Reason: To safeguard and provide the long term ecological features and protected species on the site.

4 Prior to the cleaning of the external stone work of Cranwell's House:-

a) A specification of works /method statement shall be submitted to and agreed in writing by the local planning authority.

b) A sample panel of cleaned stone work shall be provided on site and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: To safeguard the character and appearance of the listed building.

5 Repairs to the stonework shall be in natural stone to match existing or in a lime putty based mortar mix to match the existing stonework.

Reason: To safeguard the character and appearance of the listed building.

6 Prior to the re - roofing of the former conservatory a sample of the natural slate shall be submitted to and approved in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

7 Notwithstanding the proposals for the former conservatory, and Palm house, when the lowered modern ceilings are removed a specification of works to the existing roof structure shall be submitted to and agreed in writing by the local planning authority. This specification shall include such details as the location and type of new drainage runs, and the detail/location of any future ceilings to be put back into these sections of the building.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

8 Notwithstanding the proposed drawings, and prior to the works being undertaken, the details of any new doors /windows to the former Palm house shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason. To safeguard the character and appearance of the listed building.

9 The mosaic floor in the former Palm house shall be retained in situ and clarification on works to it, and how it will be incorporated into proposals shall be submitted and agreed in writing by the local planning authority .

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

10 Notwithstanding proposals for tanking the north wall of the former Palm house, and prior to works being undertaken on the north wall, a specification of works for the north wall shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building

11 Prior to works commencing on the installation of the new door/ screen on the northern elevation of the proposed nursery, former conservatory, large scale details of the works proposed shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

12 The new external windows for the proposed nursery, former conservatory, shall be a replica of the existing traditional detailed six over six timber paned timber sash windows .The windows shall also be recessed back from the face of the wall as existing.

Reason: To safeguard the character and appearance of the listed building.

13 The new windows proposed on the first floor (proposed year 4 room) of Cranwell House, south elevation, shall be a replica of the existing traditional detailed sash windows on the west elevation of this room. The windows shall also be recessed back from the face of the wall as existing.

Reason: To safeguard the character and appearance of the listed building.

14 Prior to the installation of external flues or vents their appearance and location shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

15 Prior to the lifting and relaying of the uneven historic stone paving on the raised terrace a detailed specification of works shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building

16 Any re pointing works to the main house, or walls to the stone balustrade to the raised terrace, shall be under in a lime putty mortar mix.

Reason: To safeguard the character and appearance of the listed building.

17 Repairs to the stone balustrade shall be undertaken in natural stone to replicate existing detail.

Reason: To safeguard the character and appearance of the listed building.

18 Prior to the installation of the replacement roof light, which will light the rear stairs, large scale drawings of the roof light to note its appearance, materials to be used in its construction and finish, shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

19 The stone surrounds for the new rear door entrance /disabled access shall be in natural stone to match existing.

Reason. To safeguard the character and appearance of the listed building/setting of listed building.

20 All external and internal joinery shall be painted unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the character and appearance of the listed building

22 Lath and plaster ceilings where present shall be retained as lath and plaster, where requiring repair this shall also be undertaken in lath and plaster. Repairs to existing cornices shall be undertaken in plaster to replicate existing. Any new sections of cornice shall be a constructed in plaster to replicate existing details.

Reason: To safeguard the character and appearance of the listed building

23 Prior to the installation of any external alarm boxes as part of the new security system for the property details of their location and appearance shall be submitted and agreed in writing by the local planning authority .

The works shall be undertaken in accordance with the approved details .

Reason. to safeguard the character and appearance of the listed building.

24 Prior to the upgrading of the building for fire protection details of the works to be undertaken shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building

25 The existing recessed alcoves/partitions on the western internal wall of the ground floor room 102, job drawing 1592/P/051 C, shall be carefully removed by hand to avoid undue damage to existing historic fabric. A detailed specification of works, to clarify the works to be undertaken to the existing windows and the internal wall at this point in order to reinstate the window openings, shall then be submitted to and agreed by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

26 Any localized repairs to historic features shall match existing details and historic materials /finishes unless otherwise agreed in writing by the local planning authority

Reason: To safeguard the character and appearance of the listed building.

27 Prior to the reinstatement of the fireplace in room 104 , job drawing 1592/P/051C, large scale drawings to clarify the appearance and materials used in its construction shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

30 Prior to the works :-

a) To install new doors in the building a detailed door schedule for the erection of new doors, together with large scale drawings to confirm their appearance, including sections through panels as appropriate, shall be submitted and agreed in writing with the local planning authority.

b) To replace ironmongery on the existing doors, and the fitting of new ironmongery to doors, a detailed specification of works shall be submitted to and agreed in writing by the local planning authority

The works shall be undertaken in accordance with the above approved details.

Reason. To safeguard the character and appearance of the listed building.

31 Notwithstanding proposals the natural stone flagstone floor shall be retained in the basement.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building

32 Prior to the cleaning of the stonework to the basement walls and ceilings to remove the modern paint finishes :-

a) A specification of works /method statement shall be submitted to and agreed in writing by the local planning authority.

b) A sample panel of cleaned stone work shall be provided on site and agreed in writing by the local planning authority.

The stones walls and the stone vaulted ceilings shall be left exposed to view unless otherwise agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

33 Prior to the cleaning works proposed to the marble floor, stone pilasters, and staircase, in the main hall/landing a detailed specification of works shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: To safeguard the character and appearance of the listed building.

34 Notwithstanding proposals prior to the installation of the new radiators, and the new ventilation strategy, details of the locations of the radiators, their appearance, service pipe runs, and the impact of the new ventilation strategy on the fabric/appearance of the building shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

35 Notwithstanding the works proposed to room 2001, in Drawing 1592/P/436, the works shall not include proposals for a new door to replace the existing window as confirmed by the agent in his email dated the 2nd May 2012.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

36 Prior to the installation of the contiguous piled retaining wall, a method statement to clarify its installation shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved method statement.

Reason: To safeguard the character/fabric of the adjacent listed buildings from damage caused by vibration.

37 Prior to the facing of the new retaining wall, to the rear and side of the new build, a sample panel of the wall to show both the natural stone work, and rendered sections, shall be constructed on site and inspected /agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: To safeguard the character and appearance of the listed building/setting of listed building.

38 The pointing of the stonework in the above wall shall be undertaken in a lime based mortar mix with the aggregate tamped to expose the aggregate. The stone copings for the wall shall be in natural limestone.

Reason: To safeguard the character and appearance of the listed building/setting of listed building.

39 Prior to the installation of the handrail, on the top of the stone coping to the above retaining wall, large scale details of the handrail to confirm its appearance, materials used and finish shall be submitted to and agreed in writing by the local planning authority.

Reason: To safeguard the character and appearance of the listed building/setting of listed building.

40 Prior to the repair and restoration of the listed fountain a specification of works shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: To safeguard the character and appearance of the listed building, and the setting of a listed building.

41 The new cupboards and associated sinks to serve the classrooms shall not cut into or otherwise damage historic features such as skirting's, panelling, and architrave surrounds to doors.

Prior to the installation of the pipe runs to serve the sinks their location shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

PLANS LIST:

1592/P/001B,10B, 11, 12B, 50B, 51C, 52D, 53B, 60B, 61 G,62 G, 63F, 110 , 111, 112A, 113A, 114A, 115, 116,120 ,121, 122A, 123A, 124B, 125A, 126, 199, 200G, 201E, 202, 203A, 204A, 205, 206A, 207, 208, 209A, 210A, 210, 211A, 212A, 213, 300E, 310E, 302 E, 303A, 304, 305 , 310A, 311A, 312A, 313 ,314A, 320A, 321, 331A, 322A, 323, 324A, 325A, 326A, 327A, 328A, 330A, 333A, 334A, 335, 336A, 337. P 400A, 401, 402A, 403, 404A, 405, 406A, 407, 408A, 409A, 410, 411, 412, 413,414, 415, 416A, 417, 418, 420A, 419, 421, 422A, 423, 424, 425, 426, 427, 428 A, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438A, 439, 440, 441, 442, 443, 444A, 456B, 445, 446, 447, 448, 449, 450, 451, 452A, 453, 454, 455, 456, 457, 458 B, 459A, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 500, 501A,502, 503, 504.

1592/SU 50A, 51, 52, 53, 110, 111, 112, 113, 114, 115, 116, 200, 300A, 301, 310A, 311, 312A, 313, 314, 315,316, 317, 503.

5091/05/P2, 201 P4, 202 P3, 203 P2, 06 P2, 07 P2.

Building and Archaeological Report, Design and Access Statement, Heritage Impact Statement, Historic Landscape Appraisal, Landscape Statement ,Planning Statement Ecological Appraisal, .Engineering Services Report. Cranwell House Transport Assessment Statement . Arboricultural Implications Assessment /Method statement /Tree Protection Plan. Flood Risk Assessment date stamped the 9th February, 23rd January , 16th , 17th and 19th April 2012 .

Item No.	Application No.	Address
04	12/00980/FUL	Summerfield School Lime Grove Site Lime Grove Gardens Bathwick Bath

Consultation Responses

Parks – Contributions of £78,433.80 are sought for open spaces.

English Heritage: Comment that the application should be determined in accordance with national and local policy and your specialist conservation advice

Representations: 2 letters of objection received, raising the following points;

- Acknowledge the latest proposal has taken into account some of the previous objections
- Recognise the need for housing in Bath
- Concerned the proposal does not sufficiently minimise the impact
- The area where is it proposed to build units 12 and 13 should be free from buildings
- Building heights should be restricted to 2 storeys
- As many of the trees as possible should be retained to maintain screening
- Minimise lighting pollution by a carefully designed low level lighting
- Pleased that the proposals include bath stone ashlar
- Pleased that the new turning head and the apparent integration with Lime Grove Gardens is included
- Pleased the Transport Statement provides assurances residents will not be able to apply for parking permits
- Pleased there is provision for secure bicycle parking
- 3 storey buildings at the front of the site will reduce the view of Lansdown from Lime Grove Gardens
- Reduction of property value (Officer's note: This is not a material planning consideration)
- Properties in Lime Grove Gardens are only 2 storey
- Design and Heritage Statement is misleading in terms of the context of the surrounding development
- Properties will not reflect the surrounding neighbourhood
- No heights shown on the plans so cannot determine whether the 3 storey dwellings will be the same height as those in Lime Grove Gardens
- Plot 1 will overlook 11 Lime Grove Gardens
- The whole street should be public access and there should be provision for roadside parking
- May lead to additional parking on Lime Grove Gardens
- Lack of community engagement
- Disappointed that PV panels are no longer included

1 letter of comment received, raising the following points;

- The upgrading of the footpath should be a high priority and form part of a s106 Agreement
- Bath stone and slate should not be substituted with poorer materials
- Traffic calming measures should be installed at the entrance to the new development
- Residents should be reassured over who will maintain the green spaces
- Arrangements need to be made for temporary parking and a reduction in Council Tax (or some other form of compensation) for the duration of the construction for Lime Grove Gardens residents due to inconvenience caused by construction traffic and noise.

Officer Assessment

Many of these points have been addressed in the main Committee report and no significant new issues are raised.

It should be noted that the suggested condition by the Environmental Health Officer to mitigate the impact of noise on future occupiers was omitted from the main report and should be included on the permission, should Members be minded to permit the application.

A contribution of £78,433.80 is sought for Parks and Open Spaces and the applicants have agreed to pay this.

Following the drafting of the Committee Report, the Applicants have submitted a Unilateral Undertaking to the Council for the payment of the requested contributions. In view of this, the recommendation is updated to reflect this.

A representation makes reference to a reduction in Council Tax for residents during the construction. This is not a planning consideration as it falls outside of Planning Legislation.

Recommendation

Delegate to PERMIT

A Subject to the satisfactory completion of a Unilateral Undertaking to secure the following;
£68,357.20 for school places and youth provision
£18,000 for improvements to pedestrian facilities
£78,433.80 for parks and open spaces provision
The Developers to fund a Traffic Regulation Order to prevent parking on the new access road.

B

Conditions as the report plus

21. Prior to the occupation of the development hereby approved, the mitigation measures detailed in Section 7.0 of the submitted Acoustic Report shall be implemented and retained in perpetuity.

Reason: To protect the amenity of future occupiers.

Item No.	Application No.	Address
05	12/00292/FUL	53 Minster Way Bathwick Bath

One further representation has been received objecting to the application for the following reasons:

The access to Trossachs Drive is made dangerous from the hill and sharp bend by number 4.

Increased traffic from a recent development at the far end of Trossachs Drive means traffic approaches the blind bend too fast to see traffic entering and leaving the driveway of No. 2. The original planning permission in 1970 did not allow for further development in Trossachs Drive.

This may result in the alteration of access from 2 Trossachs Drive

Increased traffic from a recent development at the far end of Trossachs Drive means traffic approaches the blind bend too fast to see traffic entering and leaving the driveway of No. 2.

OFFICERS REPORT

The highways officer has not raised an objection with regards to highway safety. The proposed development has provided on site parking for two cars and is not considered to significantly increase traffic movements within Trossachs Drive.

The above comments do not alter the officer's recommendation and the application is still recommended for permission.

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

9th May 2012

DECISIONS

Item No:	01	
Application No:	12/00277/FUL	
Site Location:	Cranwell House, Weston Park East, Upper Weston, Bath	
Ward: Weston	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a building adjacent to listed building following demolition of classroom units and outbuildings and refurbishment and alterations to listed building with associated landscape and engineering works including new retaining wall.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,	
Applicant:	Girl's Day School Trust	
Expiry Date:	10th May 2012	
Case Officer:	Richard Stott	

DECISION

Delegate to PERMIT

For the reasons set out in this report, it is recommended that Committee Authorises the Development Manager to grant full planning permission, subject to conditions and the securing of the £10,000 contribution through a legal agreement.

1 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 permissions.

2 Plans showing parking areas (providing for 20 vehicles) served off the northern and southern accesses shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. This area shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and constructed to the satisfaction of the Local Planning Authority before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

3 Prior to the occupation of the development a revised Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

Reason: In the interests of sustainable development.

4 Within 6 months of the first occupation of the development, a review of the Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

Reason: In the interests of sustainable development.

5 Prior to the occupation of the development, details of the provision for 20 cycles within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

6 The accesses and car parking areas shall operate in accordance with the Operational Statement dated April 2012.

Reason: To ensure the safe operation of the highway.

7 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management.

Reason: To ensure the safe operation of the highway.

8 All works and subsequent operational activities must comply with the recommendations and proposed ecological mitigation measures set out in the submitted Ecological Appraisal Land Use Consultants January 2012 V4.0, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard ecological features and protected species at the site

9 No development shall take place until full details of a Wildlife Management and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- a) Details for protection of badgers and their setts, including updated checks on sett locations; details of any necessary exclusion zones around setts; and any further necessary mitigation and licence application
- b) All outstanding bat mitigation details. These details can be provided in the form of an EPS licence application method statement if appropriate.
- c) Details of enhancement measures for the benefit of reptiles and amphibians
- d) Details of additional habitat provision and enhancement, and long term management specifications for the benefit of wildlife. These details can be incorporated within landscape and planting plans if appropriate.

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development, unless any different timing is specifically agreed as part of the approved Scheme.

Reason: to safeguard and provide long term for ecological features and protected species at the site

10 No development shall take place until a Detailed Arboricultural Method Statement, with revised Tree Protection Plan, has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The final method statement shall incorporate details of the type and number of machines and plant to be used on site and the location of site compound, temporary services and movement of people and machinery. Development shall then only take place in accordance with the approved Statement and Protection Plan.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals

11 No development activity shall commence until the site preparation protective measures as stated in the approved Detailed Arboricultural Method Statement are implemented. Thereafter, the protective measures shall be maintained in strict accordance with the approved Detailed Arboricultural Method Statement. The local planning authority is to be advised two weeks prior to the site preparation stage of the development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees are protected from potentially damaging activities.

12 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, 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 details so approved.

Reason: In the interests of the appearance of the development and the character and appearance of this part of the Conservation Area.

13 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.

Advice Note:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO

Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

This decision relates to the following drawings and documents dated 23rd January 2012, 9th February 2012, 16th April 2012 and 27th April 2012:

PLANS LIST:

Drawings Titled:

1592/P/001 Rev B, 1592/P/010 Rev B, 1592/P/011 Rev A, 1592/P/012 Rev B, 1592/P/050 Rev B, 1592/P/051 Rev C, 1592/P/052 Rev D, 1592/P/053 Rev B, 1592/P/060 Rev B, 1592/P/061 Rev F, 1592/P/062 Rev G, 1592/P/063 Rev F, 1592/P/110, 1592/P/111, 1592/P/112 Rev A, 1592/P/113 Rev A, 1592/P/114 Rev A, 1592/P/115, 1592/P/116, 1592/P/120, 1592/P/121, 1592/P/122 Rev A, 1592/P/123 Rev A, 1592/P/124 Rev A, 1592/P/125 Rev A, 1592/P/126, 1592/P/199, 1592/P/200 Rev G, 1592/P/201 Rev E, 1592/P/202, 1592/P/203 Rev A, 1592/P/204 Rev A, 1592/P/205, 1592/P/206 Rev A, 1592/P/207, 1592/P/208, 1592/P/209 Rev A, 1592/P/210 Rev A, 1592/P/211 Rev A, 1592/P/212 Rev A, 1592/P/213, 1592/P/220, 1592/P/221, 1592/P/222, 1592/P/223, 1592/P/224, 1592/P/300 Rev E, 1592/P/301 Rev E, 1592/P/302 Rev E, 1592/P/303 Rev A, 1592/P/304, 1592/P/305, 1592/P/310 Rev A, 1592/P/311 Rev A, 1592/P/312 Rev A, 1592/P/313 Rev A, 1592/P/314 Rev A, 1592/P/320 Rev A, 1592/P/321, 1592/P/322 Rev A, 1592/P/323, 1592/P/324 Rev A, 1592/P/325 Rev A, 1592/P/326 Rev A, 1592/P/327 Rev A, 1592/P/328 Rev A, 1592/P/330 Rev A, 1592/P/331, 1592/P/332, 1592/P/333 Rev A, 1592/P/334 Rev A, 1592/P/335, 1592/P/336 Rev A, 1592/P/337, 1592/P/400 Rev A, 1592/P/401, 1592/P/402 Rev A, 1592/P/403, 1592/P/404 Rev A, 1592/P/405, 1592/P/406 Rev A, 1592/P/407, 1592/P/408 Rev A, 1592/P/409 Rev A, 1592/P/410, 1592/P/411 Rev A, 1592/P/412, 1592/P/413, 1592/P/414, 1592/P/415, 1592/P/416 Rev A, 1592/P/417, 1592/P/418, 1592/P/419, 1592/P/420 Rev A, 1592/P/421, 1592/P/422, 1592/P/423, 1592/P/424, 1592/P/425, 1592/P/426, 1592/P/427 Rev A, 1592/P/428 Rev A, 1592/P/429, 1592/P/430, 1592/P/431, 1592/P/432, 1592/P/433, 1592/P/434, 1592/P/435, 1592/P/436, 1592/P/437, 1592/P/438 Rev A, 1592/P/439, 1592/P/440, 1592/P/441, 1592/P/442, 1592/P/443, 1592/P/444 Rev A, 1592/P/445, 1592/P/446, 1592/P/447, 1592/P/448, 1592/P/449, 1592/P/450, 1592/P/451, 1592/P/452 Rev A, 1592/P/453, 1592/P/454 Rev A, 1592/P/455, 1592/P/456 Rev B, 1592/P/457, 1592/P/458 Rev B, 1592/P/459 Rev A, 1592/P/460, 1592/P/461, 1592/P/462, 1592/P/463, 1592/P/464, 1592/P/465, 1592/P/466, 1592/P/467, 1592/P/468, 1592/P/469, 1592/P/470, 1592/P/471, 1592/P/472, 1592/P/500, 1592/P/501 Rev A, 1592/P/502, 1592/P/503, 1592/P/504, 1592/SU/050, 1592/SU/051, 1592/SU/052, 1592/SU/053, 1592/SU/110, 1592/SU/111, 1592/SU/112, 1592/SU/113, 1592/SU/114, 1592/SU/115, 1592/SU/116, 1592/SU/200, 1592/SU/300 Rev A, 1592/SU/301, 1592/SU/310 Rev A, 1592/SU/311, 1592/SU/312 Rev A, 1592/SU/313, 1592/SU/314, 1592/SU/315, 1592/SU/316, 1592/SU/317, 1592/SU/503, 4648 03.21 ISSUE H, IMA 016 0815, IMA-11-016 PLAN 6A REV 1, IMA-11-016 PLAN 6B REV 1, 03.19, 03.20 ISSUE G, 03.21 ISSUE G, 20112-CRANWELLHOUSE-TPP-WG-1.1, 090902_CRANWELLHOUSE-SITE1_TCP_HPS_2.0, QD2500/M0101 P2, QD2500/MO103 P2, QD2500/MO201 P2, QD2500/MO203 P2, QD2500/MO301 P2, QD2500/PLAN/EO0001 P2, 201 REV P4, 202 REV P3, 203 REV P2, 5091 05 P2, 5091 06 P2, 5091 07 P2, 5091 201 P4, 5091 202 P3, 5091 203 P2

Documents Titled:

A HISTORIC LANDSCAPE APPRAISAL, ARBORICULTURAL IMPLICATIONS ASSESSMENT, DESIGN AND ACCESS STATEMENT, ECOLOGICAL APPRAISAL,

HERITAGE IMPACT STATEMENT, LANDSCAPE STATEMENT, DESCRIPTION OF ENGINEERING, PLANNING STATEMENT, SUSTAINABLE CONSTRUCTION CHECKLIST, TRANSPORT ASSESSMENT, FLOOD RISK ASSESSMENT, OPERATIONAL STATEMENT, ACCESS CONSIDERATIONS, PHOTOS & SKETCHES

REASONS FOR GRANTING APPROVAL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance and Documents. This is in accordance with the policies set out below at A.
2. All other material considerations, including the views of third parties, have been considered and they do not outweigh the reasons for approving the proposed development.
3. The size, scale, mass, design and siting of the new teaching facilities are proportionate to the scale of the existing building and will not adversely harm the historic and architectural significance of the Grade II listed house.
4. The proposed preserves the character and appearance of the Conservation Area and will not adversely harm the setting of the wider World Heritage Site.
5. The proposed works preserve the ecological assets noted on the site and the associated landscaping will sensitively enhance the wider setting of the site.
6. The proposed building, by reason of its siting will not adversely harm the amenities of adjacent residential dwellings.

A

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

BH.1 World Heritage Site

BH.2 Listed Buildings and Their Settings

BH.6 Conservation Area

NE.4 Trees and Woodland

NE.10 Nationally Important Species and Habitats

T.1 Overarching Access Policy

T.24 Development and Access

T.26 Parking

SUBMISSION CORE STRATEGY, MAY 2011 (The submission core strategy is a key material consideration but at this stage it has limited weight)

B4 World Heritage Site

Policies D.2, D.4, BH.2, BH.6, NE.4, NE.10, T.1, T.24 and T.26 of the adopted Local Plan are saved policies.

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF came into immediate effect on the 27th March 2012 however confirms that existing Local Plan Policies will remain extant for a period of 12 months. Due consideration has been given to the NPPF however it does not raise any issues that conflict with the existing Local Plan policies.

Item No:	02	
Application No:	12/00278/LBA	
Site Location:	Cranwell House, Weston Park East, Upper Weston, Bath	
Ward: Weston	Parish: N/A	LB Grade: N/A
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	Erection of a building adjacent to listed building following demolition of classroom units and outbuildings and refurbishment and alterations to listed building with associated landscape and engineering works including new retaining wall.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,	
Applicant:	Girl's Day School Trust	
Expiry Date:	5th April 2012	
Case Officer:	Varian Tye	

DECISION CONSENT

1 The works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Notwithstanding proposals for the South Entrance Gate, drawing number 1592/P/503, prior to the commencement of works to the entrance large scale details of the new gates to note their appearance, operating mechanism, method of fixing to the stone gate piers, and the location/appearance of the key/pad call point shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building and setting of listed buildings.

3 No works shall take place until all outstanding bat mitigation details have been submitted and agreed in writing by the local planning authority. These details can be provided in the form of an EP license application method statement.

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to occupation of any part of the development unless any different timing is specifically agreed as part of the approved scheme.

Reason: To safeguard and provide the long term ecological features and protected species on the site.

4 Prior to the cleaning of the external stone work of Cranwell's House:-

a) A specification of works /method statement shall be submitted to and agreed in writing by the local planning authority.

b) A sample panel of cleaned stone work shall be provided on site and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: To safeguard the character and appearance of the listed building.

5 Repairs to the stonework shall be in natural stone to match existing or in a lime putty based mortar mix to match the existing stonework.

Reason: To safeguard the character and appearance of the listed building.

6 Prior to the re - roofing of the former conservatory a sample of the natural slate shall be submitted to and approved in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

7 Notwithstanding the proposals for the former conservatory, and Palm house, when the lowered modern ceilings are removed a specification of works to the existing roof structure shall be submitted to and agreed in writing by the local planning authority. This specification shall include such details as the location and type of new drainage runs, and the detail/location of any future ceilings to be put back into these sections of the building.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

8 Notwithstanding the proposed drawings, and prior to the works being undertaken, the details of any new doors /windows to the former Palm house shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason. To safeguard the character and appearance of the listed building.

9 The mosaic floor in the former Palm house shall be retained in situ and clarification on works to it, and how it will be incorporated into proposals shall be submitted and agreed in writing by the local planning authority .

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

10 Notwithstanding proposals for tanking the north wall of the former Palm house, and prior to works being undertaken on the north wall, a specification of works for the north wall shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building

11 Prior to works commencing on the installation of the new door/ screen on the northern elevation of the proposed nursery, former conservatory, large scale details of the works proposed shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

12 The new external windows for the proposed nursery, former conservatory, shall be a replica of the existing traditional detailed six over six timber paned timber sash windows .The windows shall also be recessed back from the face of the wall as existing.

Reason: To safeguard the character and appearance of the listed building.

13 The new windows proposed on the first floor (proposed year 4 room) of Cranwell House, south elevation, shall be a replica of the existing traditional detailed sash windows on the west elevation of this room. The windows shall also be recessed back from the face of the wall as existing.

Reason: To safeguard the character and appearance of the listed building.

14 Prior to the installation of external flues or vents their appearance and location shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

15 Prior to the lifting and relaying of the uneven historic stone paving on the raised terrace a detailed specification of works shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building

16 Any re pointing works to the main house, or walls to the stone balustrade to the raised terrace, shall be under in a lime putty mortar mix.

Reason: To safeguard the character and appearance of the listed building.

17 Repairs to the stone balustrade shall be undertaken in natural stone to replicate existing detail.

Reason: To safeguard the character and appearance of the listed building.

18 Prior to the installation of the replacement roof light, which will light the rear stairs, large scale drawings of the roof light to note its appearance, materials to be used in its construction and finish, shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

19 The stone surrounds for the new rear door entrance /disabled access shall be in natural stone to match existing.

Reason. To safeguard the character and appearance of the listed building/setting of listed building.

20 All external and internal joinery shall be painted unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the character and appearance of the listed building

22 Lath and plaster ceilings where present shall be retained as lath and plaster, where requiring repair this shall also be undertaken in lath and plaster. Repairs to existing cornices shall be undertaken in plaster to replicate existing. Any new sections of cornice shall be a constructed in plaster to replicate existing details.

Reason: To safeguard the character and appearance of the listed building

23 Prior to the installation of any external alarm boxes as part of the new security system for the property details of their location and appearance shall be submitted and agreed in writing by the local planning authority .

The works shall be undertaken in accordance with the approved details .

Reason. to safeguard the character and appearance of the listed building.

24 Prior to the upgrading of the building for fire protection details of the works to be undertaken shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building

25 The existing recessed alcoves/partitions on the western internal wall of the ground floor room 102, job drawing 1592/P/051 C, shall be carefully removed by hand to avoid undue damage to existing historic fabric. A detailed specification of works, to clarify the works to be undertaken to the existing windows and the internal wall at this point in order to reinstate the window openings, shall then be submitted to and agreed by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

26 Any localized repairs to historic features shall match existing details and historic materials /finishes unless otherwise agreed in writing by the local planning authority

Reason: To safeguard the character and appearance of the listed building.

27 Prior to the reinstatement of the fireplace in room 104 , job drawing 1592/P/051C, large scale drawings to clarify the appearance and materials used in its construction shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

30 Prior to the works :-

a) To install new doors in the building a detailed door schedule for the erection of new doors, together with large scale drawings to confirm their appearance, including sections through panels as appropriate, shall be submitted and agreed in writing with the local planning authority.

b) To replace ironmongery on the existing doors, and the fitting of new ironmongery to doors, a detailed specification of works shall be submitted to and agreed in writing by the local planning authority

The works shall be undertaken in accordance with the above approved details.

Reason. To safeguard the character and appearance of the listed building.

31 Notwithstanding proposals the natural stone flagstone floor shall be retained in the basement.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building

32 Prior to the cleaning of the stonework to the basement walls and ceilings to remove the modern paint finishes :-

a) A specification of works /method statement shall be submitted to and agreed in writing by the local planning authority.

b) A sample panel of cleaned stone work shall be provided on site and agreed in writing by the local planning authority.

The stones walls and the stone vaulted ceilings shall be left exposed to view unless otherwise agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

33 Prior to the cleaning works proposed to the marble floor, stone pilasters, and staircase, in the main hall/landing a detailed specification of works shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: To safeguard the character and appearance of the listed building.

34 Notwithstanding proposals prior to the installation of the new radiators, and the new ventilation strategy, details of the locations of the radiators, their appearance, service pipe runs, and the impact of the new ventilation strategy on the fabric/appearance of the building shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

35 Notwithstanding the works proposed to room 2001, in Drawing 1592/P/436, the works shall not include proposals for a new door to replace the existing window as confirmed by the agent in his email dated the 2nd May 2012.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

36 Prior to the installation of the contiguous piled retaining wall, a method statement to clarify its installation shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved method statement.

Reason: To safeguard the character/fabric of the adjacent listed buildings from damage caused by vibration.

37 Prior to the facing of the new retaining wall, to the rear and side of the new build, a sample panel of the wall to show both the natural stone work, and rendered sections, shall be constructed on site and inspected /agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: To safeguard the character and appearance of the listed building/setting of listed building.

38 The pointing of the stonework in the above wall shall be undertaken in a lime based mortar mix with the aggregate tamped to expose the aggregate. The stone copings for the wall shall be in natural limestone.

Reason: To safeguard the character and appearance of the listed building/setting of listed building.

39 Prior to the installation of the handrail, on the top of the stone coping to the above retaining wall, large scale details of the handrail to confirm its appearance, materials used and finish shall be submitted to and agreed in writing by the local planning authority.

Reason: To safeguard the character and appearance of the listed building/setting of listed building.

40 Prior to the repair and restoration of the listed fountain a specification of works shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the above approved details.

Reason: To safeguard the character and appearance of the listed building, and the setting of a listed building.

41 The new cupboards and associated sinks to serve the classrooms shall not cut into or otherwise damage historic features such as skirting's, panelling, and architrave surrounds to doors.

Prior to the installation of the pipe runs to serve the sinks their location shall be submitted and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building.

42 The works hereby permitted shall be implemented in accordance with the plans set out in the plan list below.

Reason: To define the consent.

PLANS LIST:

1592/P/001 Rev B, 1592/P/010 Rev B, 1592/P/011 Rev A, 1592/P/012 Rev B, 1592/P/050 Rev B, 1592/P/051 Rev C, 1592/P/052 Rev D, 1592/P/053 Rev B, 1592/P/060 Rev B, 1592/P/061 Rev F, 1592/P/062 Rev G, 1592/P/063 Rev F, 1592/P/110, 1592/P/111, 1592/P/112 Rev A, 1592/P/113 Rev A, 1592/P/114 Rev A, 1592/P/115, 1592/P/116, 1592/P/120, 1592/P/121, 1592/P/122 Rev A, 1592/P/123 Rev A, 1592/P/124 Rev A, 1592/P/125 Rev A, 1592/P/126, 1592/P/199, 1592/P/200 Rev G, 1592/P/201 Rev E, 1592/P/202, 1592/P/203 Rev A, 1592/P/204 Rev A, 1592/P/205, 1592/P/206 Rev A, 1592/P/207, 1592/P/208, 1592/P/209 Rev A, 1592/P/210 Rev A, 1592/P/211 Rev A, 1592/P/212 Rev A, 1592/P/213, 1592/P/220, 1592/P/221, 1592/P/222, 1592/P/223, 1592/P/224, 1592/P/300 Rev E, 1592/P/301 Rev E, 1592/P/302 Rev E, 1592/P/303 Rev A, 1592/P/304, 1592/P/305, 1592/P/310 Rev A, 1592/P/311 Rev A, 1592/P/312 Rev A, 1592/P/313 Rev A, 1592/P/314 Rev A, 1592/P/320 Rev A, 1592/P/321, 1592/P/322 Rev A, 1592/P/323, 1592/P/324 Rev A, 1592/P/325 Rev A, 1592/P/326 Rev A, 1592/P/327 Rev A, 1592/P/328 Rev A, 1592/P/330 Rev A, 1592/P/331, 1592/P/332, 1592/P/333 Rev A, 1592/P/334 Rev A, 1592/P/335, 1592/P/336 Rev A, 1592/P/337, 1592/P/400 Rev A, 1592/P/401, 1592/P/402 Rev A, 1592/P/403, 1592/P/404 Rev A, 1592/P/405, 1592/P/406 Rev A, 1592/P/407, 1592/P/408 Rev A, 1592/P/409 Rev A, 1592/P/410, 1592/P/411 Rev A, 1592/P/412, 1592/P/413, 1592/P/414, 1592/P/415, 1592/P/416 Rev A, 1592/P/417, 1592/P/418, 1592/P/419, 1592/P/420 Rev A, 1592/P/421, 1592/P/422A, 1592/P/423, 1592/P/424, 1592/P/425, 1592/P/426, 1592/P/427 Rev A, 1592/P/428 Rev A, 1592/P/429, 1592/P/430, 1592/P/431, 1592/P/432, 1592/P/433, 1592/P/434, 1592/P/435, 1592/P/436, 1592/P/437, 1592/P/438 Rev A, 1592/P/439, 1592/P/440, 1592/P/441, 1592/P/442, 1592/P/443, 1592/P/444 Rev A, 1592/P/445 A, 1592/P/446, 1592/P/447, 1592/P/448, 1592/P/449, 1592/P/450, 1592/P/451, 1592/P/452 Rev A, 1592/P/453, 1592/P/454 Rev A, 1592/P/455A, 1592/P/456 Rev B, 1592/P/457, 1592/P/458 Rev B, 1592/P/459 Rev A, 1592/P/460, 1592/P/461, 1592/P/462, 1592/P/463, 1592/P/464, 1592/P/465, 1592/P/466, 1592/P/467, 1592/P/468, 1592/P/469, 1592/P/470, 1592/P/471, 1592/P/472, 1592/P/500, 1592/P/501 Rev A, 1592/P/502, 1592/P/503, 1592/P/504, 1592/SU/050 A, 1592/SU/051, 1592/SU/052, 1592/SU/053, 1592/SU/110, 1592/SU/111, 1592/SU/112, 1592/SU/113, 1592/SU/114, 1592/SU/115, 1592/SU/116, 1592/SU/200, 1592/SU/300 Rev A, 1592/SU/301, 1592/SU/310 Rev A, 1592/SU/311, 1592/SU/312 Rev A, 1592/SU/313, 1592/SU/314, 1592/SU/315, 1592/SU/316, 1592/SU/317, 1592/SU/503, 4648 03.21 ISSUE H, IMA 016 0815, IMA-11-016 PLAN 6A REV 1, IMA-11-016 PLAN 6B REV 1, 03.19, 03.20 ISSUE G, 03.21 ISSUE G, 20112-CRANWELLHOUSE-TPP-WG-1.1, 090902_CRANWELLHOUSE-SITE1_TCP_HPS_2.0, QD2500/M0101 P2, QD2500/MO103 P2, QD2500/MO201 P2, QD2500/MO203 P2, QD2500/MO301 P2,

QD2500/PLAN/EO0001 P2, 201 REV P4, 202 REV P3, 203 REV P2, 5091 05 P2, 5091 06 P2, 5091 07 P2, 5091 201 P4, 5091 202 P3, 5091 203 P2

Documents Titled:

A HISTORIC LANDSCAPE APPRAISAL, BUILDING AND ARCHAEOLOGICAL REPORT. ARBORICULTURAL IMPLICATIONS ASSESSMENT, DESIGN AND ACCESS STATEMENT, ECOLOGICAL APPRAISAL, HERITAGE IMPACT STATEMENT, LANDSCAPE STATEMENT, DESCRIPTION OF ENGINEERING, PLANNING STATEMENT, SUSTAINABLE CONSTRUCTION CHECKLIST, TRANSPORT ASSESSMENT, FLOOD RISK ASSESSMENT, OPERATIONAL STATEMENT, ACCESS CONSIDERATIONS, PHOTOS & SKETCH DATE STAMPED THE , 23rd JANUARY, 9th FEBRUARY, 16th ,17th 19th APRIL and 27th April 2012 .

FOOTNOTE: For the avoidance of doubt this consent does not grant permission for the erection of the new build hall/classrooms in the rear courtyard.

If the works of the proposal contained within the application require access scaffolding to be erected it is incumbent on all interested parties to ensure that it is undertaken adopting conservation best practice. Methods of erection which entail bolting scaffolding to the building using anchor ties will require listed building consent and are unlikely to be acceptable.

REASON FOR GRANTING CONSENT

The Council acknowledges that there are works which may be argued to cause harm to the special and architectural and historic interest of the listed building, such as the subdivision of the room on the ground floor to create a First Aid room and disabled WC. However, these are not regarded as substantial harm and the works are outweighed by the overall heritage benefits associated with the proposals. The other works by virtue of their location, design, detailing and use of materials, will preserve the building, its setting, and its features of special architectural and historic interest, and will preserve the character and appearance of the historic garden, Conservation Area and World Heritage Site.

Item No:	03	
Application No:	12/00488/FUL	
Site Location:	40 Audley Park Road, Lower Weston, Bath, Bath And North East Somerset	
Ward: Kingsmead	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of balcony, rendering of garage and utility and alterations to two storey side extension (Retrospective).	

Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Dr Stephen Hill
Expiry Date:	18th April 2012
Case Officer:	Rebecca Roberts

DECISION PERMIT

1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the east and south elevations at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

PLANS LIST:

This decision relates to drawing's titled site location plan, approved plan view, approved front elevation, approved south elevation, accepted rear elevation, accepted north elevation, proposed front elevation, proposed rear elevation, proposed south elevation date stamped 31st January 2012 and the proposed north elevation and proposed plan view date stamped 22nd February 2012.

REASONS FOR GRANTING APPROVAL

1. The proposed development is considered acceptable in terms of design, size, scale, siting and use of materials. The proposed development would preserve the existing built environment without detriment to the character and appearance of the streetscene and this part of the Conservation Area and setting of the World Heritage Site.

The proposed development is not considered to cause significant harm in terms of an overbearing presence, loss of privacy or overlooking to the detriment of neighbouring occupiers.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

At the meeting of the Council on the 18th October 2007, the Bath and North East Somerset Local Plan (including minerals and waste policies) was adopted. The following policies are material considerations

D2 - General Design and public realm considerations

D4 - Townscape considerations

BH1 - Impact of development on World Heritage Site of Bath or its setting

BH6 - Development within or affecting Conservation Areas

of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

B4 - The World heritage Site and its setting (will replace BH.1)

D.2, D.4 and BH.6 of the local plan are proposed as saved policies within the submission core strategy.

National Planning Policy Framework (March 2012) can be awarded significant weight however this proposes little change to the aspects of local policy that are relevant to this decision.

Item No:	04	
Application No:	12/00980/FUL	
Site Location:	Summerfield School Lime Grove Site, Lime Grove Gardens, Bathwick, Bath	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 13no. dwellings with associated parking and landscaping following demolition of existing school buildings (Resubmission).	
Constraints:	Agric Land Class 3b,4,5, Article 4, British Waterways, Conservation Area, Flood Zone 2, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Bloor Homes	
Expiry Date:	19th June 2012	
Case Officer:	Suzanne D'Arcy	

DECISION

Delegate to PERMIT

A Subject to the satisfactory completion of a Unilateral Undertaking to secure the following;

£68,357.20 for school places and youth provision

£18,000 for improvements to pedestrian facilities

£78,433.80 for parks and open spaces provision

The Developers to fund a Traffic Regulation Order to prevent parking on the new access road.

B Authorise the Development Manager to PERMIT subject to the prior completion of the above Unilateral Undertaking and with the following conditions:

1 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 permissions.

2 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, 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 details so approved.

Reason: In the interests of the appearance of the development and the surrounding area.

3 No development shall commence until a sample panel of all external walling materials 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.

Reason: In the interests of the appearance of the development and the surrounding area.

4 Finished Floor Levels for the proposed development shall be set no lower than 21.86 m AOD.

Reason: To reduce the risk of flooding to the development and future occupants.

5 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent an increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

6 Prior to the commencement of development approved by this planning permission (or such other date or stage in the development as may be first agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the proposed development does not cause pollution of controlled waters.

7 The proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

8 The garages hereby approved shall be retained for the garaging of private motor vehicles associated with the dwellings and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

9 The areas allocated for parking and turning on the submitted plan shall be laid out and kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

10 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11 Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Better publication, car share, car club information etc. The content of such packs shall have been first approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

12 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management and hours of working.

Reason: To ensure the safe operation of the highway.

13 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and a planting specification to include species and positions of all new trees and shrubs; details of the 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.

14 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 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.

15 No development shall take place until full details of a Wildlife Protection and Enhancement Scheme has been submitted to and approved in writing by the local planning authority. These details shall include

(i) Implementation of the submitted Precautionary Working Method and plans showing location of protective fencing and confirmation that this is in place before works begin; all necessary measures for the protection of bats, badger and nesting birds

(ii) implementation of all recommendations of the submitted ecological reports: Extended Phase 1 Habitat Survey and Daytime Bat Assessment and Survey Of Land Ecosulis April 2010; Phase 2 Ecological Surveys Ecosulis October 2010; Update Bat Surveys Ecosulis August & September 2011; Badger Mitigation Strategy Ecosulis January 2012; Mitigation Strategy Ecosulis January 2012.

(iii) Implementation of the submitted plan showing proposed bat and bird features (Ecosulis January 2012), including incorporation of bat bricks into buildings

(iv) Further incorporation of wildlife habitat and native planting into the landscape and planting scheme, to include management specifications for habitat areas

(v) Details of the proposed bat friendly lighting scheme, including details of any proposed new lighting to adjoining footpaths. These details must clearly demonstrate, using lux level contour plans if appropriate, that there will be no harm to bat foraging activity and commuting routes, and that habitats on site and on adjoining land, including the old railway line, will not be affected by light spill from the development.

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: To safeguard existing wildlife on the site

16 The development shall be constructed in accordance with the noise mitigation measures detailed in Section 7.0 of the submitted acoustic report.

Reason: To safeguard the amenity of future occupiers.

17 No development activity shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees are protected from potentially damaging activities.

18 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

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

19 No development shall take place, except for site clearance and levelling works, until final details of the building heights have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the area.

20 Prior to the occupation of the development hereby approved, the mitigation measures detailed in Section 7.0 of the submitted Acoustic Report shall be implemented and retained in perpetuity.

Reason: To protect the amenity of future occupiers.

21 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 drawings numbered BHS_91-101 Rev A, -A1, -A2, -B, -C-D1, -D2, -G1, NPA/10488 P 501 Rev G, and Topographical Survey, and related Planning Statement, Design and Access Statement and Heritage Statement, Sequential Test, Construction Method Statement, Arboricultural Method Statement, Extended Phase 1 Habitat Survey, Phase 2 Ecological Survey, Update Bat Surveys, Badger Mitigation Strategy, Mitigation Strategy, Precautionary Method Of Working, Environmental Noise Report Revision B, Landscape Report and Strategy, Transport Statement, Statement of Community Engagement, Archaeological Evaluation, Flood Risk Assessment and Desk Study and Ground Investigation, received by the Council on 2nd March 2012 and drawings numbered BHS_91-102 Rev A, _91-103 Rev A, _00-104 rev A, _91-105 Rev A, _91-106, _91-106.2, _91-108 A, _91-109 A, _91-110 A, _91-111 A, _91-112 A and _91-113 A, received by the Council on 20th March 2012.

REASONS FOR GRANTING APPROVAL

1. The proposed development would represent an improvement on the existing derelict condition of the site, which is harmful to the Conservation Area. The scale, massing, siting, appearance and amount of development is considered to be acceptable and appropriate on the site and will not have an adverse impact on the surrounding Conservation Area. The relationship between the existing dwellings and the proposed dwellings will not result in a significant adverse impact on residential amenity. The siting of the dwellings will not lead to significant pressure for the loss of trees which are important features of the Conservation Area. There is sufficient access and parking for the development so there will not be an adverse impact on highway safety. Conditions can be used to mitigate the impact of the construction. The Sequential test includes evidence of that other sites have been assessed and are not available so is considered to be passed. The badger sett will not be disturbed on site and conditions can mitigate against other potential impacts on wildlife.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

IMP.1, D.2, D.4, BH.1, BH.6, BH.7, HG.1, HG.4, HG.7, HG.8, ES.12, NE.1, NE.4m NE.10, NE.14, T.1, T.24, T.25, T.26 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Planning Obligations Supplementary Planning Document - adopted July 2009

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

This permission is accompanied by a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990.

Item No:	05	
Application No:	12/00292/FUL	
Site Location:	53 Minster Way, Bathwick, Bath, Bath And North East Somerset	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of new detached dwelling in the grounds of the existing house and associated new vehicular access and hardstanding	
Constraints:	Agric Land Class 1,2,3a, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Mr Jon Avent	
Expiry Date:	3rd April 2012	
Case Officer:	Alice Barnes	

DECISION REFUSE

1 The proposed dwelling by reason of its siting close to the boundary of the Green Belt will detract from the openness and visual amenity of the Green Belt and is therefore contrary to Policy GB.2 of the Bath & North East Somerset Local Plan including Minerals and Waste policies - adopted October 2007.

2 The proposed development by reasons of its siting will result in overlooking and consequent loss of privacy to the neighbouring dwelling of number 53 Minster Way. The siting and height of the proposed dwelling will result in the development having a dominant and overbearing impact to the neighbouring property of number 55 Minster Way. The proposed development is therefore contrary to Policy D.2 of the Bath & North East Somerset Local Plan including Minerals and Waste policies - adopted October 2007.

3 The proposed development by reason of its siting scale and design is not of a high quality design and does not respond to the local context in terms of appearance, siting, spacing and layout. The proposal therefore fails to preserve the character and appearance of this part of the Conservation Area and would harm the setting of the World Heritage Site. The proposed development is therefore contrary to Policies D.2, D.4. BH.1 and BH.6 of the Bath & North East Somerset Local Plan including Minerals and Waste policies - adopted October 2007.

PLANS LIST:

Site location plan
Proposed plans 01C
Proposed elevations 02C
Existing site plan and section 03

Proposed site plan and section and roof plan 04C
Existing elevations 100A

Item No:	06	
Application No:	11/05320/FUL	
Site Location:	Leaning Pines, Thrubwell Lane, Nempnett Thrubwell, Bristol	
Ward: Chew Valley South	Parish: Nempnett Thrubwell	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a single storey dwelling following demolition of existing dwelling and associated outbuildings.	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Water Source Areas,	
Applicant:	Miss V. K. Withers	
Expiry Date:	13th March 2012	
Case Officer:	Victoria Griffin	

DECISION PERMIT

1 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 permissions.

2 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, or any order revoking or re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1, Classes A-E of the order shall be carried out at the dwelling hereby permitted.

Reason: The implementation of permitted development rights may harm the openness of the green belt and the appearance of the area.

3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 the verandah and car port shall not be enclosed and shall remain open as shown on the approved drawings.

Reason: To safeguard the appearance of the building and to protect this part of the Green Belt from inappropriate development.

4 Notwithstanding the approved plans the basement area shall not be used other than for rainwater storage, storage of the ground source heat pump, boiler, hot and cold water storage system and domestic storage.

Reason: To safeguard the appearance of the building and to protect this part of the Green Belt from inappropriate development.

5 Details of the finished floor levels of the suspended floor and basement floor in relation to ground levels shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work.

Reason: To safeguard the appearance of the building and to protect this part of the Green Belt from inappropriate development.

6 Prior to the commencement of development details of the installation of the Ground Source Heat Pump System (pipework) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the existing rural landscape of the Green Belt and the existing trees and planting to be retained within the site.

7 The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

8 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway and to accord with the requirements of the Flood and Water Management Act 2010, details of which shall have been first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

9 Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5m from the carriageway edge. The area between the edge of the carriageway and the gates shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

10 No demolition or construction activities shall take place until an arboricultural method statement with tree protection plan identifying measures to protect the trees and hedging to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained.

11 No demolition or construction activity shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees are protected from potentially damaging activities.

12 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the 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, and to define the limits of the residential curtilage.

13 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 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.

14 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: The decision relates to the following documents: Location plan, Site photos dated December 2011, 1208.102B, 1208.501B, 1208.103B, 1208.104B, 1208.105B, 1208.106A, 1208.107A, 1208.201B, Flood Risk Statement, Water colour sketch, Sustainable Construction Checklist, Design and Access Statement.

REASONS FOR GRANTING APPROVAL:

1. The proposed development will not have an adverse impact upon the streetscene, the amenity of the surrounding residential occupiers.

There is an extant planning permission on the site for a replacement dwelling; the proposed development is of a higher quality design than that previously approved.

The proposed replacement dwelling is not considered to harm the openness of the Green Belt. The environmental benefits of the renewable and sustainability systems including,

solar panels, ground source heat pump and rainwater harvesting are considered very special circumstances.

Due to the materials, siting and scale the proposal is considered to enhance the character of this rural locality.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

D2 - General Design and public realm considerations

D4 - Townscape considerations

HG14 - Replacement dwellings

GB1 - Control of development in the Green Belt

GB2 - Visual amenities of the Green Belt

T24 - General development control and access policy

T26 - On-site parking provision

of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

CP6 - Environmental quality

CP8 - Green Belt

DW1 - District-wide spatial Strategy

D.2, D.4, HG.14, GB.2, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

The National Planning Policy Framework (March 2012) has been considered and does not conflict with the above policies. Paragraph 214 states that for a period of 12 months decision-takers can continue to give full weight to relevant local plan policies adopted since 2004, even if there is a limited degree of conflict with the NPPF. The relevant policies within the NPPF and those of the adopted Local Plan are referred to below in this report

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

DEVELOPMENT CONTROL COMMITTEE 9 MAY 2012

Committee update report for item 14 Land at Former Fullers Earthworks, Fosseyway, Combe Hay, Bath

1.0 It is necessary to report late representations to the Committee as well as additional information related to some of the detail of a representation from Ashfords, Solicitors acting on behalf of Gazelle Properties Limited, which is referred to within the main Report and further advice on the consideration of the period for compliance in the event that the Committee resolve to authorise the issue of enforcement notices in relation to the activities on this site.

2.0 Additional representations:

A representation has been made by Cllr Nigel Roberts, Ward Member for Odd Down. He is unable to attend the Development Control Committee Meeting but makes the following points:

- The development is not in Odd Down ward but does affect a lot of residents in particular those living in Sulis Meadows;
- Burning material has caused black smoke to go over the estate;
- Endless noise from beeping lorries reversing and to other noise associated with the site;
- Issues with scrambler motorcycles;
- Increased traffic from this and other developments causing problems along Wellsway and other roads;
- Most of the Sulis Meadows estate were built before this site started;
- The development has gone on too long doesn't fit with the green belt and should be enforced against.

It is not considered that the above representations raise issues that have not already been covered in previous Reports or the Report before you today..

3.0 The main Report at paragraphs 3.3 - 3.7 refers to the letter from Ashfords. This was received very close to the deadline for the writing of the report and contained a statement from Mr. Upshall upon which it was not possible to set out a considered view in the main Report. Mr. Upshall is a former employee who has had knowledge of the site for many years. The sworn statement is dated 2008, is not something that has been put to the Council previously, and is therefore additional to a previous statement by Mr. Upshall that had been submitted to the Council in 2006 as part of the Certificate of Lawful Existing Use (CLEU) application and referred to throughout the reports on this case.

In paragraph 1 of the 2006 Statement Mr Upshall records that he was given a plan showing the whole of the Fullers Earth site edged in red to assist him in making the statutory declaration. Mr Upshall commented that he was familiar with the site having been employed there in 1943 aged 17, and until the site closed in 1981. The Council have now been provided with a second statutory declaration dated 2008. Mr Upshall at that time, in addition to the red line plan, was shown a bundle of plans and photographs - the plan labeled A-E with which members will be familiar, and 2 aerial photographs of the site that he was told were taken in 1968 and in 1975.

Mr Upshall was employed as foreman and responsible for the day to day operation of the works

4.0 Mr Upshall' s Evidence

It is clear that the Fullers Earth site was in use in 1943, but the extent of that use is unclear. The evidence of Mr. Upshall is that during his time;

“ the works buildings were occupied solely for industrial processes comprising the processing and refinement of Fullers Earth and the manufacture of finished products.”

He also comments in the 2008 declaration that there was no need for fencing around the site and consequently;

“As there was no fence or any other form of boundary separating the industrial building their associated hard-standings and the surrounding land, the land to the south west, the south and the

northeast could be, and was, used freely for purposes connected with the industrial uses. Laportes did not allow any other uses to take place upon the surrounding land to the north east to the land surrounding the old addit to the South .”

Mr. Upshall goes on to say that the land to the north east was used from time to time for storage of various items connected with the industrial use including;

- Unprocessed earth;
- Finished palletized bagged products (kept under tarpaulins);
- Pit props; and
- Miscellaneous materials and machinery.

This supports what was said in Mr. Upshall’ s 2006 declaration that;

If miners were particularly productive at Under Sow Hill there was not enough room within the site to store all of the material waiting to be processed. At such times the “green clay” would be stored outside on the area between the site and what is now know as the Odd Down Park and Ride. These storage piles could be extensive depending on how quickly the clay was processed. These stockpiles could be particularly large when ships from Avonmouth required emptying.

At the height of production the site was often full of material for use. Occasionally pressure on covered space meant that finished products were also stored on pallets outside and covered with tarpaulins until dispatch.”

A few matters arise. First, Mr. Upshall seems to address the buildings as ‘the site.’ Mr. Upshall describes stockpiles on land between ‘the site’ and ‘the Odd Down Park and Ride’ which correlates to part of Area E. It can be inferred from this description that the site at that time was viewed even by those who worked there to comprise those buildings and hardstandings at A, and not the whole of the area outlined in red. Storing material outside of area A it would seem was not the usual modus operandi, i.e. When miners were working normally, or when ships from Avonmouth did not require emptying. There is no other evidence about the extent or duration of this use, and so it is difficult to say on balance that there was any change of use at area E - even if those activities were undertaken.

The nature of those storage activities in area E as described by Mr. Upshall, and the photograph taken in 1968 led to the following conclusions in the January report;-

Clearly there was some overspill from the buildings at the height of production, but Mr Upshall is not specific about the length of time ‘the height of production’ continued, or how frequently products would have to be stored outside of the buildings. It would appear that this was only ‘occasionally.’ Furthermore, he doesn’t comment on the extent to which, if any, the products were stored other than in the immediate vicinity of the buildings and doesn’t specifically mention moving them onto the grassed area at E. Accordingly, it cannot be concluded that any area other than A was at that time in use for industrial purposes and storage on the basis of that evidence. The aerial photograph from 1968 does appear to show some encroachment on the neighbouring grassland, but it is not extensive, and there is nothing to suggest this use was anything other than temporary or that there was a change of the use of the neighbouring land which is now immune from enforcement action.

The later declaration however goes further that that made in 2006;

“10. We also used the land from time to time on which to deposit excess and waste fullers earth. The uses on the adjacent land varied in extent and intensity throughout my time at the site from 1943 right though to the 1970’s. The 1971 photo shows clearly our extensive use of the land to the north east all the way to the ancient hedgerow.”

Again, a distinction is drawn between the hardstanding and buildings and the ‘adjacent land,’ although it should be noted that in paragraph 9, Mr. Upshall states that he regarded the buildings and land as one site.

Dealing then with the assertion that the 1971 photo shows an extensive use of the land to the north east, interestingly, Mr. Upshall states the land to the north east of the buildings (predominately area E) was:-

“never used for any agricultural purpose at all from the end of the war until the plant closed in 1981. Indeed this land was not treated at all until the early 70’s when waste fullers earth was used to partially level the ground.”

Mr. Upshall then points to the 1975 photograph (although elsewhere he describes the photo as being from 1971) to demonstrate that the land was used extensively:-

“all the way to the ancient hedgerow”.

It seems however from Mr. Upshall’s comments, and because the photograph which is over exposed does not demonstrate stockpiling, that if anything, the image probably shows the leveling of the ground with waste Fullers Earth as explained in the Statutory Declaration. That would not be, or be ancillary to a B2 industrial use.

Certainly the 1968 photograph doesn’t show any stockpiling, or any signs that there had been recent use of the land for industrial purposes other than on area A. Any use of E for extensive stockpiling, if it had happened previously could be expected to have left a mark on the ground - particularly as the land at area E was untreated for decades.

Mr. Upshall also comments that excess clinker and fullers earth was tipped on land labelled B and C on the plan until 1981 when operations ceased. This however, is not supported by the photographic evidence that is available. If Mr. Upshall is right and that was the case, then the tipping must have been in small quantities, that would not have amounted to a change of use . Again, the land would be expected to bear the mark of recent industrial activity - the photographs show it does not.

Accordingly, the photographic evidence, and even the evidence of Mr. Upshall does not suggest activity sufficient to amount to a change of use, or indeed, continuous use of the whole of the area for industrial purposes, either before July 1948, December 31 1963, or for a period of 10 years at any point until the works closed in 1981. On balance, the new evidence does not suggest a different approach should be taken to the questions of immunity and expediency than have been recommended in the most recent report to Committee.

HUMAN RIGHTS ACT 1998

In order to be compatible with the European Convention of Human Rights (the Convention) regard must be had to Convention rights in the decision making process. Therefore the Council must strike a fair balance between the competing interests of individuals and the community as a whole.

5.0. CONCLUSIONS

In reaching a decision Members of the Committee need to take into account all the information set out in the previous reports, the main Report and this Update, all relevant representations made to the Committee and in light of these consider the following three questions:-

- Is what is there now lawful?
- Is it expedient to issue enforcement Notices at this time? And
- If it is considered to be expedient to take enforcement action, what is considered a reasonable time for compliance with any notices issued?

6.0 Period for compliance

If it is resolved by the Committee to authorise the issue of enforcement notices the period for compliance the Owner and occupiers will need to be given a sufficient period in which to comply, whilst enabling the negotiations to continue towards the delivery of an acceptable Residual Waste Facility on the site..

The Committee therefore needs to consider the time required for:-

- The continuation of negotiations towards the submission of a planning application ;
- The processing of an application as well as submission of reserved matters, the discharging conditions relating to other details;

Bearing this in mind, it is considered by Officers that it would be reasonable to allow an 18 month period to complete this process..

However if negotiations do not continue and a planning application is not submitted, there will be a need to relocate the businesses on the site that cannot be accommodated within 'Area A' and/or are not within the same use class as historic lawful use of that part of the site (B2). This would require the finding of alternative sites, the removal of all materials and other works required by the enforcement notice or notices as well as the carrying out of all other measures required by the notice or notices. It is considered that a reasonable period to comply with these requirements would also be 18 months.

7.0 Revised recommendation

Having taken into account all of the above delegate authority to the Divisional Director for Planning and Transport Development in consultation with the Planning and Environmental Law Manager to take any necessary enforcement action on behalf of the Local Planning Authority in respect of the alleged planning contraventions outlined above, by exercising the powers and duties of the Authority (as applicable) under Parts VII and VIII of the Town and Country Planning Act 1990 (including any amendments to or re-enactments of the Act or Regulations or Orders made under the Act) in respect of the above land.

The period for compliance if enforcement action is taken in accordance with the first recommendation is – 18 months.

General Note

This specific delegated authority will, in addition to being the subject of subsequent report back to Members in the event of Enforcement Action either being taken, not being taken or subsequently proving unnecessary as appropriate, be subject to:

- (a) all action being taken on behalf of the Council and in the Council's name;*
- (b) all action being subject to statutory requirements and any aspects of the Council's strategy and programme;*
- (c) consultation with the appropriate professional or technical officer of the Council in respect of matters not within the competence of the Head of Planning Services, and*
- (d) maintenance of a proper record of action taken.*