

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 21st October, 2015, 2.00 pm

Councillor Rob Appleyard - Bath & North East Somerset Council
Councillor Jasper Martin Becker- Bath & North East Somerset Council
Councillor Paul Crossley - Bath & North East Somerset Council
Councillor Donal Hassett (In - Bath & North East Somerset
place of Councillor Matthew
Davies)
Councillor Eleanor Jackson - Bath & North East Somerset Council
Councillor Les Kew - Bath & North East Somerset Council
Councillor Bryan Organ - Bath & North East Somerset Council
Councillor Caroline Roberts - Bath & North East Somerset Council
Councillor David Veale - Bath & North East Somerset Council
Councillor Karen Warrington (In - Bath & North East Somerset Council
place of Councillor Sally Davis)

58 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

59 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required

60 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Matthew Davies and Sally Davis and their respective substitutes were Councillors Donal Hassett and Karen Warrington

61 DECLARATIONS OF INTEREST

With regard to the application concerning the Former GWR Railway Line, Frome Road, Radstock, Councillor Rob Appleyard stated that he is a Director of Curo and that as the application might impact upon Curo's property interests he felt he should withdraw from the meeting for its consideration. Councillor Eleanor Jackson declared a disclosable pecuniary interest in the same application, as she could view the site from her house and she would also leave the meeting for its consideration. During the consideration of that item, Councillor Paul Crossley clarified that whilst he had had previous involvement with the project when he was the Leader of the Council, he was entirely open-minded about this planning application.

62 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business

63 **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 wishing to make statements on the Enforcement Items (Report 11) and on various planning applications (Reports 9 and 10) who would be able to do so when reaching those items on the Agenda.

64 **ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There was none

65 **MINUTES: 23RD SEPTEMBER 2015**

The Minutes of the previous meeting held on Wednesday 23rd September 2015 were approved as a correct record and signed by the Chairman

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

The Committee considered

- The report of the Group Manager – Development Management on 2 planning applications
- An Update report by the Group Manager on Item 1, a copy of the Report being appended as *Appendix 1* to these Minutes
- Oral statements by members of the public on Items 1 and 2, a copy of the Speakers List being appended 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

Item 1 No 10 Entry Hill, Bath – Erection of 1 two bed dwelling – The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The Update Report corrected some aspects of the Report. He stated that the words “.. and retained thereafter” needed to be added to Condition 11 of the Recommendation and ‘in the interest of residential amenity’ should be added to the reason for Condition 4.

The public speakers made their statements against and in favour of the application which was followed by a statement by the Ward Councillor Mark Shelford against the proposal.

Councillor Caroline Roberts raised concerns about parking to which the Officer responded. Councillor Paul Crossley considered that location was the main issue for consideration. He considered that this was inappropriate development for this location and would cause harm to the amenities of adjoining residents. In addition, there would be problems with construction due to its location which would have a detrimental impact on neighbours. He therefore moved that the recommendation be overturned and permission refused which was seconded by Councillor Caroline

Roberts.

Members debated the motion with opposing views being discussed. Councillor Les Kew considered that the site was suitable for development and any construction issues could be overcome.

The motion was put to the vote. Voting: 4 in favour and 6 against. Motion lost.

Councillor Les Kew therefore moved the Officer recommendation to grant permission with conditions which was seconded by Councillor Bryan Organ. The motion was put to the vote and was carried, 6 voting in favour and 4 against.

Item 2 Rosebank, Common Lane, Compton Dando – Erection of two storey extension following the removal of existing conservatory – The Case Officer reported on this application and her recommendation to refuse permission.

The applicants' agent made a statement in favour of the proposal.

Members asked questions about the proposal to which the Officer responded. Councillor Paul Crossley considered that this development would affect the openness of the Green Belt and therefore moved the Officer recommendation which was seconded by Councillor Eleanor Jackson.

Members debated the motion and discussed the Green Belt policy of allowing an increase of up to 30% of the volume of existing buildings. The Team Manager stated that the Council's SPD with regard to extensions to dwellings within the Green Belt was in accordance with the NPPF, and this application applied for a 186% increase which was significantly greater than the guidance within the SPD. This represented inappropriate development which by definition was harmful to the Green Belt.

The motion was put to the vote and was carried, 7 voting in favour and 2 against with 1 abstention.

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

The Committee considered

- The report of the Group Manager – Development Management on various planning applications etc.
- An Update Report by the Group Manager on Item Nos. 1, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public on Item Nos. 1-3, a copy of the Speakers List being 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 4* to these Minutes

Item 1 Former GWR Railway Line, Frome Road, Radstock – Approval of reserved matters with regard to outline application 13/02436/EOUT for access, appearance, layout, scale and landscaping for Area 3 (Phase 2) of the

development – The Planning Officer reported on this application and the recommendation to grant permission subject to conditions. The Update Report provided an officer assessment on further representations received. Consideration would need to be given to the imposition of a S106 Agreement or a Condition to secure the management of the structural Kilmersdon Brook bank retaining wall.

The public speakers made their statements on the application.

Councillor Bryan Organ considered that the details of the Reserved Matters were acceptable and that the applicants had a proven track record in their consideration of such developments. He therefore moved the Officer recommendation which was seconded by Councillor Karen Warrington.

Members debated the motion. Councillor Paul Crossley referred to his previous involvement in the regeneration of Radstock which he felt did not prejudice his consideration of the scheme and he still had an open mind. He considered that the scheme had now moved forward and would provide numerous benefits to the community and the area in general. He supported the motion.

Members discussed the S106 Agreement and it was considered that the retaining wall to the bank of the brook could be left to Officers to decide if it should be managed under a S106 Agreement or controlled by an appropriate condition.

The motion was put to the vote and was carried unanimously.

(Note: Councillors Rob Appleyard and Eleanor Jackson were not present for the consideration of this application in view of their interests declared earlier in the meeting)

Item 2 No 2 Hermitage Road, Lansdown, Bath – Erection of detached dwelling with associated car parking and landscaping following demolition of existing dwelling (Resubmission) – The Senior Planning Officer reported on this application and the recommendation to refuse permission. She reported that agents for the objectors had requested that, if the Committee was minded to allow this development, a condition be added to restrict permitted development rights so that there could be no extensions or enclosures.

The public speakers made their statements against and in favour of the application which was followed by a statement from the Ward Councillor Patrick Anketell-Jones.

Councillor Donal Hassett considered that permission should be granted as recommended by Officers on the previous application. The development was partially below the hedge line and there would be no detriment to the area. He therefore moved that the Officer recommendation be overturned and permission granted which was seconded by Councillor Rob Appleyard who felt that the amended design was an improvement and the development sat well within the existing site.

Members debated the motion. Councillor Eleanor Jackson considered that the design was ugly, over square with a poor rear elevation. Councillor Les Kew disagreed and felt it was more in keeping with adjoining properties than the existing building and was not overbearing being on split-level. The Team Manager –

Development Management referred to the recent planning history of the site and stated that Officers considered that the revised plans did not overcome the reasons for refusal for the previous application. There had been no planning policy change since the decision of the Council to refuse the previous application and this refusal was a material consideration to be taken into account. He advised that the motion would need to be amended to Delegate to Permit with appropriate conditions which would include the request by the objectors' agent that permitted development rights be removed for extensions (this would not include outbuildings), the ridge height of the proposed house would be controlled as would be the use of the flat roof and other appropriate conditions would be imposed. The Team Manager, Development Management also advised Members that if they voted in favour of the proposal they should first be satisfied that it overcame the reasons for refusing the previous application. The mover and seconder agreed.

The motion was put to the vote and was carried, 7 voting in favour and 2 against with 1 abstention.

Item 3 Norwood Dene, The Avenue, Claverton Down, Bath – Erection of 7 apartments and associated works – The Planning Officer reported on this application and the recommendation to grant permission subject to conditions. He stated that additional wording would need to be added to Recommendation (A) (i), namely, “in accordance with Policy CP9 of the Core Strategy”.

The public speakers made their statements against and in favour of the application.

Councillor Jasper Becker considered that this was an acceptable development which would provide housing near the University. The development was set well back from the road and would be screened by existing trees. He therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members asked questions about the proposed management of this development, the size of the flats and parking to which the Officer responded. Members debated the motion. Councillor Caroline Roberts expressed concerns about the size and design of the balconies but the Officer replied that these issues had been taken into account and it was considered that they did not warrant refusal. The Team Manager, Development Management pointed out that, with regard to the paragraph at the top of page 97 of the Report concerning section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the statutory duty did not apply as the site was just outside the Conservation Area, but the setting of the Conservation Area would still need to be considered.

The motion was then put to the vote. Voting: 8 in favour and 1 against with 1 abstention. Motion carried.

Item 4 Richmond House, Weston Park, Upper Weston, Bath – Erection of 1 four bed detached dwelling and creation of new access following demolition of 2 existing garages – The Planning Officer reported on this application and the recommendation to grant permission subject to conditions.

Councillor Karen Warrington considered that the application was acceptable. There were no objections and it was in accordance with national planning policies. She moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members agreed and therefore the motion was put to the vote and was carried unanimously.

Item 5 Space Fitness, 7 Hayesfield Park, Bath – Installation of 2 Velux roof lights to inner slope of roof – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

Councillor Bryan Organ considered that this application was satisfactory and therefore moved the Officer recommendation which was seconded by Councillor Eleanor Jackson.

Members agreed and therefore the motion was put to the vote which was carried unanimously.

68 ENFORCEMENT REPORTS

1. Rough ground and buildings, Queen Charlton Lane, Queen Charlton

The Committee considered

- The report of the Group Manager – Development Management (i) on the unauthorised use of this land for residential purposes which was in breach of planning control; and (ii) which recommended that having considered the relevant enforcement options available, the Local Planning authority should seek an Injunction from the Court under S187B of the 1990 Act to restrain the breach of planning control and that it was expedient to do so
- The Update Report of the Group Manager which provided further information on the matter
- Oral statements by members of the public against and in favour of the recommendation

The Enforcement Officer provided a power point presentation on the matter and informed Members that the word “proposed” should be deleted from the words “The proposed development ...” in paragraphs 1-4 under the heading of Expediency of Enforcement Action in the Report.

Councillor Karen Warrington expressed sympathy for the occupiers of the site but considered that this was a breach of planning control. The nearby housing sites had been dealt with in accordance with the Core Strategy and had followed proper process. She therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members debated the motion. Councillor Paul Crossley considered that the matter needed careful consideration. The land was not always used for residential purposes as this was a touring family and therefore would not cause any lasting harm – there were also health issues and the education of the children to be considered. He felt that the matter should be delayed until the Appeal Inspector’s decision had been received. Councillor Eleanor Jackson referred to the inconsistency on the Committee’s decisions with other similar sites involving travellers. She could not support the motion which she considered to be premature. Councillor Rob Appleyard

considered that this was a non-aggressive occupation and felt that the matter should be delayed until the outcome of the appeal. The Team Manager referred to the Update Report and the Government's policy for traveller sites. He stated that this was inappropriate development in the Green Belt and emphasised that it needed to be protected, hence the Officer's approach and recommended course of action.

The Chairman referred to the long history of the situation at this site and the duty to local residents and the Green Belt. He put the motion to the vote.

RESOLVED that, having considered the relevant enforcement options available, the Local Planning Authority should seek an Injunction from the Court under S187B of the 1990 Act to restrain the breach of planning control and that it is expedient to do so.

2. No 43 Upper Oldfield Park, Bath

The Committee considered

- The report of the Group Manager – Development Management (i) on the position regarding the extant Enforcement Notice in the light of the Committee's decision at its last meeting to grant planning permission for a revised scheme; and (ii) which recommended that, after planning permission was granted, the Enforcement Notice dated 8th May 2015 be withdrawn
- The Update Report of the Group Manager which provided further information in the light of a recent decision of the High Court and now recommended consideration of 2 options
- An oral statement by the owner/developer

The Case Officer reported on the matter and on further representations received. The Principal Solicitor reported on the legal position as regards the extant Enforcement notice, the recent decision of the High Court and the options available to the Committee.

Members asked questions for clarification to which Officers responded. Members discussed the matter. Councillor Les Kew considered that the work needed to be finished and done properly. A further Enforcement Notice could be served at a later date, if necessary. He therefore moved Option 1 as set out in the Update Report which was seconded by Councillor Jasper Becker.

Members debated the motion and generally considered that it would be better to give the developer the opportunity to complete the development as now approved.

The motion was put to the vote and was carried 9 votes in favour and 1 against.

RESOLVED to withdraw the current Enforcement Notice.

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

The report was noted.

The meeting ended at Time Not Specified

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 21st October 2015

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE SITE VISIT AGENDA, MAIN AGENDA AND ENFORCEMENT REPORTS

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE SITE VISIT AGENDA

ITEMS

ITEMS FOR PLANNING PERMISSION

Site Visit Agenda Item

Item No.	Application No.	Address
001	15/00453/FUL	10 Entry Hill, Bath

Correction:

1. The consultation responses are incorreced listed below the policies/legislation section of the report and the planning policies are missing from the report. The policies/legislation section should read as below:

Policies/Legislation

At the meeting of the full Council on the 10th July 2014, the Bath and North East Somerset Core Strategy was adopted. Please note that from the 10th July 2014 the Development Plan for Bath and North East Somerset comprises:

- Bath and North East Somerset Core Strategy (July 2014);
- Saved policies from the Bath and North East Somerset Local Plan (2007);
- West of England Joint Waste Core Strategy (2011).

CORE STRATEGY

DW1	District Wide Spatial Strategy
B1	Bath Spatial Strategy
B4	World Heritage Site
CP6	Environmental Quality

LOCAL PLAN

D.2	General Design and public realm considerations
D.4	Townscape considerations

BH.2	Listed buildings and their setting
BH.6	Conservation Areas
GB.2	Visual amenity of the Green Belt
NE.1	Landscape character
NE.2	Areas of Outstanding Natural Beauty
NE.9	Locally important wildlife species
NE.10	Nationally important species and habitats
NE.11	Locally important species and habitats
T.1	Overarching access policy
T.24	General development control and access policy
T.26	On-site parking

The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations. The following sections of the NPPF are of particular relevance:

Section 6: Delivery a wide choice of high quality homes

Section 7: Requiring good design

Section 9: Protecting Green Belt land

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

There is also a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

2. Within the officer assessment section of 'Character and appearance' reference is made to s16 of the Listed Buildings Act. This should be a reference to S66 of Planning (Listed Buildings and Conservation Areas) Act 1990 which states that

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Representations:

One additional letter of objection has been received. It requests that the existing access lane is re-surfaced. It also discusses concerns about possible damage to adjoining properties and states that there is a water pipe buried under the bank alongside the track.

Officer notes on additional comments: As the proposed dwelling is has no associated parking, it is considered that there is insufficient justification for requiring the access lane to be re-surfaced.

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

ITEMS

ITEMS FOR PLANNING PERMISSION

Main Agenda Item

Item No.	Application No.	Address
01	15/01965/RES	Former Gwr Railway Line Frome Road Radstock

Planning reference - Approval of reserved matters with regard to outline application 13/02436/EOUT for access, appearance, layout, scale and landscaping for area 3 (phase 2) of the development.

REPRESENTATIONS

Urban Design comments have been received. In line with the officers report these identify outstanding concerns with the Brook treatment but advise the scheme as a whole is on balance acceptable.

Third Party Representations

Radstock Town Council have objected on the basis that ground conditions are uncertain and have not been surveyed, provision for drainage has not been made, the position regarding the railway is unclear and clarification of the status of Policy T9 is sought.

A further objection has been received on the basis of the relationship of houses to adjoining properties and suggests that boundaries have been altered and historical footpaths not considered.

Officer Assessment

In response to the points raised above:-

The applicant has provided additional clarifications in relation to ground stability as follows:-

“The Planning Officer’s report (page 80) makes reference to current surveys being undertaken on site in relation to ground conditions. The further ground investigation works have been completed to inform the foundation designs and retaining solutions on the Fox Hill’s area of the proposed development. They are limited to Fox Hills and have been undertaken by the relevant technical consultants. As stated in the officer’s report the proposed development is based on expected ground levels and there is no reason to dispute these can be achieved.”

With regard to boundary’s this concern has been clarified and the boundary’s as shown have been clarified by the applicant as correct.

Public Rights of Way have not been compromised by the development.

The relationship of properties existing and proposed has been assessed and this is confirmed in the main report.

Saved Policy T9 is identified in the officer report as a Saved Policy and it carries full weight. The text says that Development will not be permitted which would prejudice: 1) the efficient functioning and acceptable development of the railway network; or 2) the use of former railway land shown on the Proposals Map for Sustainable Transport purposes.

In the case of the proposals the scheme does provide for a sustainable transport link through the site i.e. the cycleway and therefore does comply with the terms of the policy. With regard to a railway route no proposals to develop the site to include a rail link have been made and there is no policy requirement to provide a railway link through the site.

Other Clarification

The concluding paragraph which advises that the scheme overall is an enhancement to the character of the Conservation Area should read preserves the character of the Conservation Area consistent to the assessment above. The application does not impact adversely on Heritage assets and the restoration of the Brunel shed is considered a Heritage benefit.

The drainage will be offered to Wessex water for adoption and discussions to that end have been underway. Conditions 10 and 11 of the outline approval required drainage details to be agreed and implemented.

Recommendation

As per the main report

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF
ENFORCEMENT REPORT

ITEM

ITEMS FOR ENFORCEMENT REPORTS

Item No.	Reference No.	Address
1	09/00168/UNAUTH	Rough Ground and Buildings Queen Charlton

Personal Circumstances Questionnaire

Updated personal circumstance questionnaires dated 9th October 2015 have been received since the publication of the report.

The information provided within the completed questionnaires identifies that changes have occurred to one of the occupant's employment status and medical needs and some of the occupants now receive health visitor support and an outreach worker.

No changes have occurred to the educational status of the children.

Gypsy and Traveller status

Supplemental information has been received dated 9th October 2015 in respect of the Gypsy and Traveller status of the occupants of the site in line with the updated Planning Policy for Traveller Sites (PPfTS) published August 2015.

The information requested by the Council was to gather information regarding the occupant's nomadic habit of life and in particular:

- a) Whether they previously led a nomadic habit of life
- b) The reasons for ceasing their nomadic habit of life
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

From the information dated 9th October 2015 received by the Council it is considered that there is no change to the status of the site occupants and therefore the occupants qualify as gypsies and travellers for the purposes of planning policy.

Additional representations received

Three additional representations have been received since the publication of the report from the occupants GPs and health visitor, summarised as follows:

- The occupants have established positive relationships with the local health care and children's services.
- Supporting positive engagement within local health care services is vital within traveller communities.
- The occupants of the site are within a local GP practice boundary and receive correspondence by post for health care services. If the family were evicted from the site they would have no postcode and therefore could not receive vital information about health care.
- Evicted families experience high levels of uncertainty, instability and anxiety caused by displacement and separation which is relevant to a family who have established themselves within the local community.
- Roadside living could lead to health risks for the children and lack of basic amenities for the family.
- Local authorities have a responsibility to provide space for travellers to camp on permanent sites.
- The family would like to send the children to local school and nursery which would improve educational attainment within the traveller community.
- The occupants require access to primary care services for their medical needs and require a postcode to be registered with a GP practice.

Appeal of 14/01379/FUL

The Council has received notification from the Planning Inspectorate that an appeal has been lodged in regard of planning application 14/01379/FUL (change of use of land to private gypsy and traveller caravan site (Retrospective) (Resubmission of 13/02781/FUL)) that was refused planning permission on 3rd September 2015. The appeal was received by the Planning Inspectorate on 19th September 2015.

Conclusion

The additional information received from the occupiers of the site and the additional representations received have been taken into account however they do not alter the recommendation given in the report.

Item No.	Reference No.	Address
2	14/00681/UNDEV	43 Upper Oldfield Park Oldfield Park Bath

Enforcement Report Update:

Site Address: 43 Upper Oldfield Park, Oldfield Park, Bath

Planning Reference: 14/00681/UNDEV

In the main report, members were advised to withdraw the enforcement notice because the Council retained the option of taking further enforcement action at a later date. That is still correct.

However, since the publication of the main report, a recent decision of the High Court has come to light which suggests that keeping the enforcement notice in place is also an option.

In Goremsandu v Secretary of State for Communities and Local Government [2015] EWHC 2194 (Admin) the High Court held that where an enforcement notice required that all of a building should be demolished and (as here) planning permission was subsequently granted to retain part of the building, the enforcement notice would still 'bite' upon that part of the building which remained unauthorised and would require demolition of those unauthorised elements. The Court's reasoning was that otherwise a landowner could circumvent the effect of an enforcement notice requiring complete demolition of an unauthorised building by obtaining planning permission for a smaller and less intrusive building which it did not then implement.

Applying the principle of Goremsandu to 43 Oldfield Park (and assuming that the partly retrospective planning permission has been granted), if members were to resolve to keep the enforcement notice in place then the notice would require the unauthorised elements of the building which remain (essentially the fourth floor balconies and elements of the roof) to be demolished. In theory this approach could leave the building in an unsatisfactory state. However, if the developer were to lose its appeal for full retrospective permission, then the enforcement notice would continue to be a blight on the property and the obvious solution would be for the developer to then modify

the building in accordance with the recently granted part retrospective planning permission.

Members are therefore advised that in the light of Goremsandu there are two options.

1. Withdraw the notice and serve a further notice later on if need be. That further notice could require that the building is modified to make it comply with the terms of the part retrospective planning permission. A reason for suggesting this course of action is because there is a risk that if the developer complies with the terms of the notice (if left in place) this could leave an unfinished building which would potentially be harmful to the character and appearance of the conservation area.
2. Keep the notice in place which would simply require that the unauthorised elements of the building are demolished. It could be argued that it is unlikely that the developer would elect to carry out the demolition works required by the notice and then leave the building unfinished and that leaving the notice in place is more likely to compel the developer to regularise the unauthorised building.

Officer Recommendation:

In light of the decision in Goremsandu, it is necessary to review the officer recommendation.

It is now recommended that Members should decide between withdrawing the enforcement notice, or keeping it in place.

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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE
MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON
WEDNESDAY 21ST OCTOBER 2015**

SITE/REPORT NAME/REPRESENTING FOR/AGAINST

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
SITE VISITS LIST – REPORT 9		
10 Entry Hill, Bath (Item 1, Pages 47-58)	Linda Laurenson Lynsay Lucas, David Brain Partnership (Applicant's Architects)	Against For
Rosebank, Common Lane, Compton Dando (Item 2, Pages 59-63)	Tony Phillips, Thurdleigh Planning (Applicants' Agents)	For
MAIN PLANS LIST – REPORT 10		
Former GWR Railway Line, Frome Road, Radstock (Item 1, Pages 67-82)	Councillor Colin Currie (Radstock Town Council) <u>AND</u> Councillor Eleanor Jackson (Westfield Parish Council) Gary Dando <u>AND</u> Eleanor Jackson Kate Le Grice Mack, Norton Radstock Regeneration Co <u>AND</u> Lydia Whittaker, Linden Homes (Applicants)	Against – To share 3 minutes Against – To share 3 minutes For – To share 3 minutes
2 Hermitage Road, Lansdown, Bath (Item 2, Pages 83-91)	Graham <u>AND</u> Annie Meharg Tom Roche, Roche Associates (Applicants Agents)	Against – To share 3 minutes For
Norwood Dene, The Avenue, Claverton Down, Bath (Item 3, Pages 92-104)	Kath Oram Chris Beaver, PlanningSphere (Applicants' Agents)	Against For

ENFORCEMENT ITEMS – REPORT 11		
Rough ground and buildings, Queen Charlton Lane, Queen Charlton (Pages 116-124)	Jeremy Furber Sam Worrall, Gypsy Traveller and Boater Outreach and Engagement Officer (Julian House)	Statement Statement
43 Upper Oldfield Park, Bath (Pages 125-128)	Margaret Favager (Owner/developer)	Statement

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

21st October 2015
SITE VISIT DECISIONS

Item No:	001	
Application No:	15/00453/FUL	
Site Location:	10 Entry Hill, Combe Down, Bath, Bath And North East Somerset	
Ward: Lyncombe	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 1no two bed dwelling.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Mr Brian Harwood	
Expiry Date:	23rd October 2015	
Case Officer:	Chris Griggs-Trevarthen	

DECISION PERMIT with 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 Prior to the construction of the external surfaces of the dwelling hereby approved, a sample panel of a sample panel of all external walling and roofing materials to be used has shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall thereafter be undertaken in accordance with the approved sample panel.

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

3 Prior to the occupation of development, the boundary treatment to prevent vehicular access and parking on the site shall have been constructed in accordance with details first submitted to and approved, in writing, by the Local Planning Authority. The approved measures shall be retained thereafter to prevent vehicular access at all times.

Reason: In the interests of highways safety.

4 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, hours of working, wheel washing facilities and any need for cranes for construction.

Reason: In the interests of highways safety and residential amenity.

5 No development or ground preparation shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, above and below ground service run locations and movement of people and machinery.

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals. This condition needs to be prior to the commencement of development to ensure that retain trees are not harmed by any initial site works.

6 No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement unless agreed in writing by the local planning authority. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwelling.

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

7 The dwelling hereby approved shall not be occupied 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.

8 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.

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

- o method statement for pre-construction and construction phases to provide full details of all necessary measures for the protection of reptiles, nesting birds and other wildlife, including pre-commencement checks of the site as necessary in particular for badger activity, and proposed reporting of findings to the LPA prior to commencement of works;
- o detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report, including wildlife-friendly planting / landscape details; provision of bat and bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife;
- o details of sensitive lighting design to ensure avoidance of light spill onto boundary vegetation and trees.

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. All post construction ecological measures shall be in place prior to the occupation of any part of the development.

Reason: To avoid harm to wildlife and protected species including badger and bats. This condition needs to be prior to the commencement of development to ensure that wildlife is not harmed by any initial site works.

10 Prior to the construction of the development infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) shall be undertaken to verify that soakaways will be suitable for the development. The soakaways shall be installed prior to the occupation of the development unless the infiltration test results demonstrate that soakaways are not appropriate in accordance with Building regulations Part H, section 3 (3.30). If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

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

11 The balcony privacy screen on the ground floor of the dwelling hereby approved shall be completed prior to the occupation of the dwelling and retained thereafter.

Reason: To prevent overlooking into adjoining properties and in the interest of residential amenities.

12 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:

873/PA/01A Tree Constraints Plan
873/PA/02C Tree Constraints and Landscape Proposals
A100C Site and Location Plan
A101C Site Plan and Tree Survey
A102C Lower Ground Floor
A103C Ground Floor
A104C First Floor
A105C Roof Block Plan
A106C Elevations
A108C South Elevation and Section
A111A Existing Site Survey
A112A Existing Elevations
A100B Site Location and Block Plan

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

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

INFORMATIVE

If the roof area of the proposed building is larger than 100m²...Building regulations Part H, section 3 (3.30) specifies that soakaways serving an area of this size or greater should be built in accordance with BS EN 752-4 (paragraph 3.36) or BRE Digest 365 soakaway design.

Item No:	002	
Application No:	15/02801/FUL	
Site Location:	Rosebank, Common Lane, Compton Dando, Bristol	
Ward: Farmborough	Parish: Compton Dando	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of two storey side extension following the removal of existing conservatory	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,	
Applicant:	Mr And Mrs John Boyce	
Expiry Date:	23rd October 2015	
Case Officer:	Nikki Honan	

DECISION REFUSE

1 The proposed development, due to the size, scale and siting of the extension would result in a disproportionate addition over and above the size of the original dwelling, which represents inappropriate development within the Green Belt, which is, by definition, harmful. No very special circumstances have been submitted which would be sufficient to outweigh the presumption against inappropriate development in the Green Belt. The proposal is contrary to Policy CP8 of the Bath and North East Somerset Core Strategy (adopted 2014) and saved policy HG.15 of the Bath and North East Somerset Local Plan including minerals and waste policies (adopted 2007).

PLANS LIST:

The application relates to the following plans/documents, all of which were received on 19 June 2015:

LOCATION PLAN

EXISTING AND PROPOSED SITE PLANS - 14.244/10

EXISTING ELEVATIONS - 14.224/14

EXISTING GROUND FLOOR PLAN - 14.224/11

EXISTING FIRST FLOOR PLAN - 14.224/12

EXISTING ROOF PLAN - 14.224/13
PROPOSED ELEVATIONS - 14.224/18
PROPOSED GROUND FLOOR PLAN - 14.224/15
PROPOSED FIRST FLOOR PLAN - 14.224/16
PROPOSED ROOF PLAN - 14.224/17

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. A pre application suggested such an application was unlikely to receive officer support. Nevertheless, a planning application was submitted by the applicant. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

21st October 2015

MAIN AGENDA DECISIONS

Item No:	01	
Application No:	15/01965/RES	
Site Location:	Former Gwr Railway Line, Frome Road, Radstock,	
Ward: Radstock	Parish: Radstock	LB Grade: N/A
Application Type:	PI Permission (Approval Reserved Matters)	
Proposal:	Approval of reserved matters with regard to outline application 13/02436/EOUT for access, appearance, layout, scale and landscaping for area 3 (phase 2) of the development.	
Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Sites with Planning Permission, Land of recreational value, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, Sustainable Transport,	
Applicant:	Linden Limited	
Expiry Date:	24th September 2015	
Case Officer:	Sarah James	

DECISION Delegate to PERMIT

A) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure the following:

i) The ongoing management of the structural Kilmersdon Brook bank retaining wall to be passed to a management company.

B) Subject to the completion of (A) or the imposition of an appropriate condition to control ongoing management of the retaining wall authorise the Group Manager to Permit the Development with the following conditions:

1 Prior to the commencement of development a strategy for the investigation and repair works to the Brook retaining wall as set out in supporting documentation by Hydrock dated 26th August 2015 shall be submitted to and agreed by the Local Planning Authority. The

works shall be carried out in accordance with the agreed details prior to occupation of any dwellings adjacent to the Brook.

Reason In the interests of residential amenity and the protection of wildlife. The information is required pre-commencement as it is necessary to understand how the works will impact on trees and consequently wildlife including bats.

2 Prior to the Brunel shed being brought into use details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with the approved details.

Reason: To promote sustainable forms of transport in the interest of the environment.

3 Detail of measures to be taken to render the existing bridge within the site (which will be retained in situ) safe and inaccessible to the public shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the agreed details prior to the occupation of any part of this permission.

Reason: In the interest of amenity

4 Prior to occupation of the development hereby approved, a programme shall be submitted to and agreed in writing by the Local Planning Authority, for implementation, during the establishment phase of any planting to be provided or re-provided on the site, of annual ecological inspections to be undertaken by a suitably experienced ecologist, with the aim of checking the condition, establishment and ecological functionality of: ecological mitigation features; new planting; retained planting; translocated habitats; and habitat boundaries, and should include inspection of bat flight corridors and of the vegetated buffer zone alongside the Kilmersdon Brook. The programme should include a process of identifying and briefly reporting to the LPA on any ecological issues arising or of concern, and a process of agreeing and implementing appropriate remedial measures and responsibility for this as applicable.

Reason: to ensure appropriate ongoing establishment and maintenance of ecological habitat and features within the site

5 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:

14096 (05) 003B, 004, 005, 006, 006B, 100A, 101B, 103B, 104B, 106A, 108, 111, 114A, 115, 118, 119, 121A, 122A, 123A, 124A, 125A, 126A, 127A, 128A, 129A, 130, 131A, 132A, 133, 134, 135, 136, 137, 002L, 007G, 009H, 010B, 012D.
4467 303E, 302E, 301D, 300F, 203E, 202E, 200D

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and consent was granted.

Item No:	02
Application No:	15/03366/FUL
Site Location:	2 Hermitage Road, Lansdown, Bath, Bath And North East Somerset
Ward: Lansdown	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of detached dwelling with associated car parking and landscaping following demolition of existing dwelling (Resubmission)
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	Nitor Investments Ltd
Expiry Date:	25th September 2015
Case Officer:	Richard Stott

DECISION Delegate to PERMIT with appropriate conditions

PLANS LIST:

- Drawing 24 Jul 2015 140919-2HR-TPP-AM TREE PROTECTION PLAN
- Drawing 24 Jul 2015 P 02 EXISTING NORTH AND SOUTH ELEVATIONS
- Drawing 24 Jul 2015 P 03 EXISTING SITE SECTION AA
- Drawing 24 Jul 2015 P 04 EXISTING SITE SECTION BB
- Drawing 24 Jul 2015 P 05B PROPOSED SITE PLAN
- Drawing 24 Jul 2015 P 06A PROPOSED LOWER GROUND AND GROUND FLOORS
- Drawing 24 Jul 2015 P 07A PROPOSED FIRST AND SECOND FLOOR PLANS
- Drawing 24 Jul 2015 P 10C PROPOSED WEST ELEVATION
- Drawing 24 Jul 2015 P 11C PROPOSED EAST ELEVATION
- Drawing 24 Jul 2015 P 12C PROPOSED SITE SECTION AA
- Drawing 24 Jul 2015 P 13B PROPOSED SITE SECTION BB
- Drawing 24 Jul 2015 P 15A PROPOSED SWEEP PATH ANALYSIS
- Drawing 31 Jul 2015 WS51_01 LANDSCAPE LAYOUT PLAN

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the

application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule comes into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Item No:	03	
Application No:	15/02616/FUL	
Site Location:	Norwood Dene, The Avenue, Claverton Down, Bath	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 7 No. apartments and associated works.	
Constraints:	Agric Land Class 1,2,3a, Article 4, Article 4, Article 4, Forest of Avon, Sites with Planning Permission, Hotspring Protection, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order, World Heritage Site,	
Applicant:	Ashford Homes (SW) Ltd	
Expiry Date:	23rd October 2015	
Case Officer:	Alice Barnes	

DECISION

A) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure the following:

(i) Provision of affordable housing in accordance with Policy CP9 of the Core Strategy.

B) Subject to the completion of (A) authorise the Group Manager - Development Management to PERMIT the development 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 Prior to the construction of the external surfaces a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, shall be 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 Prior to any installation of external lighting, full details of proposed lighting design and specification shall be submitted to the LPA for approval in writing. The scheme shall:

1. provide a plan showing dark zones to enable the woodland to be completely unlit, and demonstrate, through lux level modelling which shall take account of predicted light spill from both external lighting and from the building itself, that the designated dark zones shall achieve levels of 0 lux and providing a buffer zone adjacent where light levels are between 0 and 1 lux.

2. The lighting scheme will provide details and plans of external lighting design showing numbers, specifications, positions and heights of lamps; details of all necessary measures that shall be incorporated into the scheme to minimise impacts of light spill on bats and other wildlife and achieve the necessary levels of darkness within the dark zones and onto adjacent habitats and boundary vegetation; for example, use of warm white led; directional lighting, use of baffles and screening, times of use and dimming regimes.

Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: To provide a sensitive lighting scheme that avoids harm to bat activity and other wildlife

4 No development shall take place until full details of a Woodland Conservation and Ecological Management Plan have been submitted to and approved in writing by the local planning authority. These details shall include a list of long term ecological and habitat Management Objectives, and prescriptions for management operations to achieve the objectives, to include: details of methods, personnel, timing, frequency, duration, funding and long term monitoring and reporting to determine the success of management operations in provision of woodland habitat of ecological value. All works within the scheme shall thereafter be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: The proposed development has the potential to result in harm to the wildlife residing within the surrounding woodland. The management plan is required to compensate for impacts of the proposal on the existing woodland habitat during construction and to provide long term habitat and ecological enhancements once the development is occupied.

5 No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the local planning authority. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, service run locations, archaeological works where excavations may enter the root

protection areas of retained trees; details of no dig construction methods and movement of people and machinery.

Reason: The proposed development has the potential to harm the surrounding woodland during its construction therefore to ensure that the protected trees and woodland to be retained are not adversely affected by the development proposals a method statement is required.

6 No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed Arboriculturalist to the local planning authority prior to the first occupation of the dwelling.

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

7 Prior to the occupation of the development a hard and soft landscape scheme incorporating a scaled drawing shall be submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

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

8 All 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.

Reason: To ensure that the landscape scheme is implemented and maintained.

9 Prior to the commencement of the development a Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment of the site. The desk study shall include an assessment of the risks in relation to potential contaminants. The Desk Study shall be submitted to and approved in writing by the Local Planning Authority. Should the Desk Study identify the likely presence of contamination on the site, whether or not it originates on the site, then full characterisation (site investigation) shall be undertaken in accordance with a methodology which shall previously have been agreed in writing by the Local Planning Authority. Where remediation is necessary, it shall be undertaken in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority.

Reason: Details are required prior to the commencement of the development in order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

offsite receptors and in accordance with section 11 of the National Planning Policy Framework and to ensure that a remediation strategy is not necessary.

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

11 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) hours of operation, contractor parking, traffic management and any need for cranes for construction.

Reason: Details are required prior to the commencement of the development to ensure the safe operation of the highway and to ensure that the construction of the development does not cause disruption to the highway. To ensure that the development does not occur during anti-social hours in the interests of residential amenity.

12 No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains. This information is required prior to the commencement of the development to ensure that any potential damage to archaeological features does not occur during the construction of the development.

13 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains. This information is required prior to the commencement of the development to ensure that any potential damage to archaeological features does not occur during the construction of the development.

14 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

15 Prior to the occupation of the development, the proposed obscure glazed screens at first floor level shown on plan 303 rev D on the side elevations shall be installed and permanently retained as such.

Reason: In the interests of residential amenity.

16 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:

Location plan 101 rev A
Proposed wider site plan 330 rev D
Proposed plans 302 rev C
Proposed elevations 303 rev D
Proposed bin and bike store 304 rev B
Car Port 309
No dig construction details 310
Materials schedule 307

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

Item No:	04
Application No:	15/03636/FUL
Site Location:	Richmond House, Weston Park, Upper Weston, Bath
Ward: Weston	Parish: N/A LB Grade: II
Application Type:	Full Application
Proposal:	Erection of 1no four bed detached dwelling and creation of new access following demolition of 2no existing garages.
Constraints:	Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	Mr Matthew Davies
Expiry Date:	12th October 2015
Case Officer:	Alice Barnes

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 Prior to the construction of the external surfaces a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, shall be 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 The existing vehicular access shall be closed and its use permanently abandoned concurrently with the provision of the new access hereby approved being first brought into use, and the footway crossing reinstated 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

4 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) hours of operation, contractor parking, traffic management and any need for cranes for construction.

Reason: To ensure the safe operation of the highway and in the interests of residential amenity. This condition is required precommencement to control works throughout the development and from the outset of it.

5 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:

Site location plan
Existing site and block plan RH1a/B
Proposed elevations LODGE15/A
Proposed streetscene elevations RLODGE14/c
Proposed block plan No.rlodge1L
Proposed floor plans RLODGE8/E

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

Informative

The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of the new vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification. As vehicular access to Richmond Lodge via the existing access will need to be maintained until such time as the new access is constructed and open, the construction of the dividing wall will need to be delayed to allow through access to be maintained.

Item No:	05	
Application No:	15/03772/FUL	
Site Location:	Space Fitness, 7 Hayesfield Park, Lyncombe, Bath	
Ward: Widcombe	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Installation of 2 no. Velux roof lights to inner slope of roof.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Space Fitness	
Expiry Date:	20th October 2015	
Case Officer:	Suzanne D'Arcy	

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 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 is based on drawings numbered 5642-2015-01, -02, -08, -09, -10 and -11, received by the Council on 20th August 2015.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted/revised proposals was taken and consent was granted.

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