

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**5th June 2013**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	12/04654/CA	
<b>Site Location:</b>	Church Hall, School Lane, Batheaston, Bath	
<b>Ward:</b> Bathavon North	<b>Parish:</b> Batheaston	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Conservation Area Consent	
<b>Proposal:</b>	Demolition of the existing Church Hall	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Conservation Area, Forest of Avon, Hotspring Protection,	
<b>Applicant:</b>	Batheaston New Village Hall	
<b>Expiry Date:</b>	4th January 2013	
<b>Case Officer:</b>	Rachel Tadman	

**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 No demolition shall take place until (a) a contract for the carrying out of redevelopment of the site has been made; and (b) planning permission has been granted for the redevelopment for which that contract provides.

Reason: To safeguard the character of the Conservation Area and the World Heritage Site

3 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 drawing nos, 6186 D 0001 A, 6186 D 0101 A, 6186 D 0104 F, 6186 D 0105 A, 6186 D 0102 D, 6186 D 0301 E, 6186 D 0302 E, 6186 D 0201 A, 6186 D 0303.

**Reasons for Granting Approval:**

The decision to grant approval has taken account of the Development Plan and approved Supplementary Planning Guidance.

The proposed development is in accordance with Policies BH.7 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

Bath and North East Somerset Submission Core Strategy (May 2011). At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

The existing Church Hall is in a very poor condition which is unsightly and prominent building within the Batheaston Conservation Area. Its demolition and replacement with a good quality Village Hall will result in significant improvement to local built character and appearance and an enhancement to this part of the Batheaston Conservation Area.

**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 revised proposals was taken and consent was granted.

<b>Item No:</b>	02	
<b>Application No:</b>	12/04653/FUL	
<b>Site Location:</b>	Church Hall, School Lane, Batheaston, Bath	
<b>Ward:</b> Bathavon North	<b>Parish:</b> Batheaston	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a new single storey village hall building including multi-use main hall, activity rooms, kitchen, toilets and stores and associated external works to provide accessible access to the hall and fields following demolition of the existing Church Hall	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Conservation Area, Forest of Avon, Hotspring Protection,	
<b>Applicant:</b>	Batheaston New Village Hall	
<b>Expiry Date:</b>	4th January 2013	
<b>Case Officer:</b>	Rachel Tadman	

**DECISION** Permit subject to conditions with an amendment to condition 7 to require a written log of events ending by 12pm.

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 and external hard surfacing, 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 ground preparation, demolition or construction activities shall take place until a Detailed Arboricultural Method Statement with scaled Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. It should include the following details:

- Provisional programme of works;
- Supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion.
- Details of the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning,
- Location of any site office
- Service run locations including soakaway locations and movement of people and machinery.
- Details of the method of tree removal to avoid the use of herbicides on tree stumps to avoid any transfer to adjacent trees
- Construction details to ensure that no ground works extend beyond the position of the tree root trial trenches.

The development shall thereafter be carried out in strict accordance with the approved details.

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

4 The local planning authority is to be notified in writing 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.

5 The area allocated for disabled parking on the submitted plan shall be provided in accordance with the approved details and provided to the building being first brought into use. The disabled parking shall thereafter be kept clear of obstruction and shall not be used for any other purpose.

Reason: In the interests of amenity and highway safety.

6 The cycle parking on the submitted plan shall be provided prior to the building being first brought into use, in accordance with details of the cycle hoops which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable travel.

7 The development shall operate only in accordance with the submitted Operating Policy dated 27.09.2012 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

8 The development shall operate only in accordance with the submitted Green Travel Plan dated 10.09.2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of sustainable development.

9 The high level windows to the main hall on the north elevation shall be obscure glazed and fixed shut and shall remain so in perpetuity.

Reason: In the interests of residential amenity.

10 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: To prevent flood risk to the site and to third parties.

11 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 drawing nos 6186 D 0001 A, 6186 D 0101 A, 6186 D 0303, 130307-BVH-TPP-Rev B-LI&AM, 6186 D 0102 D, 6186 D 0105 A, 6186 D 0201 A, 6168 D 0104 F, 6168 D 0301 E, 6168 D 0302 E.

#### **INFORMATIVE:**

Information regarding Condition 10: Surface water from the proposed redevelopment should be discharged via SUDS features. Due to the close proximity of an ordinary watercourse, we would encourage surface water discharge into that watercourse. Applicant would need to apply for a Land Drainage Consent from this office in order to do this .

The applicant has indicated that surface water will be disposed of via soakaways. Infiltration testing to BRE Digest 365 should be carried out to ensure a suitable soakaway design is possible (the test results should be submitted to support the discharge of the above condition).

Discharge to the main sewer is the least favourable method of surface water discharge and should be considered as the last resort. A confirmation from Wessex Water would be required to confirm that they are happy with the applicant proposal and that there is a sufficient capacity within their network to accept the additional flows.

### Reasons for Granting Approval:

The decision to grant approval has taken account of the Development Plan and approved Supplementary Planning Guidance.

The proposed development is in accordance with Policies D2, D4, BH.2, BH.6, BH7, BH.15, CF.2, ES.2, ES.5, ES.9, ES12, NE.1, NE12, T1, T5, T6, T24, T25, T26 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

Bath and North East Somerset Submission Core Strategy (May 2011). At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

The proposed development would replace an existing building within Use Class D1 which offers a community facility to the village of Batheaston. The replacement building, although larger than the existing, would not trigger a material change of use as its use would remain the same. The proposal is not considered to, despite the increase in capacity, have a significant detrimental impact on the residential amenity of the neighbouring occupiers or have an unacceptable impact on highway safety. The proposed building is considered to be of a good quality contemporary design which would not have a detrimental impact on the street scene and, in comparison with the existing building, would represent an enhancement to this part of the Batheaston Conservation Area. The development is also not considered to have a detrimental impact on the setting of any adjacent listed buildings.

### 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 revised proposals was taken and consent was granted.

<b>Item No:</b>	03	
<b>Application No:</b>	13/01529/FUL	
<b>Site Location:</b>	169 Newbridge Hill, Newbridge, Bath, BA1 3PX	
<b>Ward:</b> Newbridge	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a 11 bed care home to the rear of the existing care home and associated works	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Tree Preservation Order, World Heritage Site,	
<b>Applicant:</b>	Mr Mehmet Iltas	
<b>Expiry Date:</b>	12th June 2013	
<b>Case Officer:</b>	Sarah James	

**DECISION** Withdrawn from Committee

<b>Item No:</b>	04, 5 and 6		
<b>Application No:</b>	05/00723/VAR, 05/01993/FUL and 11/00022/VAR		
<b>Site Location:</b>	Hinton Organics Ltd, Charlton Field Lane, Queen Charlton, BS31 2TN		
<b>Ward:</b>	<b>Parish:</b>	<b>LB Grade:</b>	
Farmborough	Compton Dando	N/A	
<b>Application Type:</b>	Application for Variation of Condition		
<b>Proposals:</b>	<b>05/00723/VAR</b> - Variation of condition 13 and 16 of Planning Permission: 97/02626/MINW dated 02/12/1998 to allow permanent recycling of cardboard waste and increase in truck movements.		
	<b>05/01993/FUL</b> - Increase size of concrete storage area and variation of condition 13 of planning permission 97/02626/MINW to accept wood waste.		
	<b>11/00022/VAR</b> - Variation of conditions 13, 16 and 19 of permission no. 97/02626/MINW to extend composting operations, increase vehicle movements and permit cardboard and wood recycling (Temporary use of land for 10 years for manufacture of organic green compost as amended by revised drawings received 14th April 1998 at land formerly Queen Charlton Quarry)		
<b>Constraints:</b>	Greenbelt,		
<b>Applicant:</b>	Hinton Organics (Wessex) Limited		
<b>Case Officer:</b>	Anthea Hoey		

**DECISION** Permit for a period of 18 months further subject to the same conditions as were proposed when the 05 applications were last considered (in February 2010) together with additional conditions suggested by consultees.

1 Composting operations shall have ceased and all material removed from the site by 31 December 2014 and the site restored in accordance with the scheme required under condition 11 by 31 July 2015.

Reason: The development is of a type not considered suitable for permanent retention in the Green Belt.

2 No material other than green garden and parks waste, wood and cardboard shall be imported on to the site.

Reason: Waste materials outside these categories raise environmental and amenity issues which would need to be assessed.

3 All operations on site shall take place in accordance with the Working Plan dated September 2012, and the Odour Management Plan dated September 2012.

Reason: To ensure the development does not have an unacceptable impact on the local community.

4 No operations shall be carried out at the site except between the following hours:

0800 to 1800 Monday to Friday

0800 to 1300 Saturdays

No operations shall take place on Sundays or public holidays.

Reason: To prevent an unacceptable impact on local amenity.

5 No material shall be stockpiled, deposited or windrowed to a height exceeding 3 metres.

Reason: To prevent an unacceptable impact on local amenity.

6. Vehicles carrying material to or from the site shall not exceed in size an eight wheel tipper lorry and be restricted in number to a maximum of 100 vehicles (200 movements) per seven day week.

Reason: To control the size and movement of vehicles in the interests of highway safety.

7. Each vehicle attending the site shall be properly logged with the load recorded in cubic metres (for preference). A certified summary of the records shall be submitted in writing to the Local Planning Authority on a bi-monthly basis within 10 working days of the end of each second month.

Reason: To maintain and overview of the traffic conditioned above.

8. All vehicles leaving the site shall be inspected to ensure that they are in a condition not to emit dust or deposit mud, slurry or other debris on the highway, and wheel cleaning facilities shall be installed within 3 months of the date of this permission, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the wheel wash facilities shall be maintained in operation at all times during the life of the planning permission.

Reason: In the interests of highway safety.

9. The deposit of materials or slurry from the site on the public highway shall be treated as an emergency and will be cleared regularly by a vacuum/road sweeper and/or hand picked in the case of litter. Visual inspections of the site access road will be carried out daily and staff will report any problems with mud on the site surface immediately to the site manager. Vehicles will be visually inspected before exit to check that loads are safe and that no mud is carried on the wheels or body of the vehicle.

Reason: In the interests of highway safety.

10. Full details of the following measures must be submitted to and approved in writing by the local planning authority within 1 month of the date of this decision. These details shall include:

(i) a programme of ongoing screening, control, eradication and monitoring procedures for Japanese Knotweed in accordance with current best practice guidance

- (ii) details of proposed ongoing water quality monitoring programme
- (iii) details of proposed marker for the edge of the concrete pad and remedial action to be taken if necessary

Following approval the schemes shall be carried out with immediate effect for the duration of this permission in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: In the interests of nature conservation.

11. The rating of noise emitted from plant and equipment in use on the site shall be 3BA below the existing background noise level, determined to be 38dBA LA90, at the boundary of the nearest noise sensitive premises (Charlton Fields). Measurements and assessments shall be in accordance with BS 4142, 1997.

Reason: To prevent an unacceptable impact on the amenities of the local area.

12. All plant and machinery used on site which requires a reversing warning system shall be fitted with a bbs-tek backalarm system or another similarly specified product.

Reason: To safeguard the amenity of local residents.

13 No retail sale of any treated or processed material shall take place from the site.

Reason: To prevent unnecessary traffic visiting the site.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no buildings, fixed plant, fixed machinery or other structures, (except those already on the site), shall be erected or placed on the site without the prior written approval of the Local Planning Authority. Within one month of the date of this permission, the container presently placed on top of another container shall be removed from its current position and placed at ground level in a position that has been previously approved by the Local Planning Authority. In the absence of an agreed alternative position, the said container shall be removed from the site.

Reason: To prevent an unacceptable impact on the visual amenities of the local area.

15. The site shall be restored in accordance with a scheme to be submitted for the written approval of the Local Planning Authority within 3 months of the date of this permission.

The scheme of restoration shall include details of:

- the removal of all plant, machinery, buildings, structures, concrete and other hardstandings, lagoons and haul roads;
- the nature of the intended after use, including plans and details of the habitats to be created;
- the re-spreading of material to a depth of at least 1m of final cover consisting of soil or other cover material suitable as a rooting medium, free of stones or other obstructions to cultivation. This final cover shall be placed in layers.

Any suitable cover material previously stripped from the site being placed first as a base layer, then subsoil as an intermediate layer, then top soil as the uppermost layer to a depth of 300mm and seeded with a suitable herbage mix;



- the ripping of any compacted layers of cover to ensure adequate drainage and aeration. Such ripping to take place before the placement of topsoil;
- the machinery to be used in soil spreading operations;
- the drainage of the restored land including the formation of suitably graded contours to promote natural drainage or the installation of artificial drainage if required;
- a scheme for the aftercare of the restored land to cover a period of five years from the completion of placement of topsoil on the site; and
- a timetable for the implementation of the scheme as approved.

Reason: To ensure the site is restored to an acceptable standard.

## **FOOTNOTE**

This decision relates to the following drawings:-

### **05/00723:-**

503/01B and 503/04B date stamped 14 April 1998.

503/02B and 503/03B dated June 1997, received on 3 April 2013

### **05/01193**

503/01B and 503/04B date stamped 14 April 1998.

503/02B and 503/03B dated June 1997, received on 3 April 2013

### **11/00022**

Site location map 2159/1093/01, Site location plan 2159/1093/02 rev A, Site layout plan 2159/1093/03

## **REASONS FOR GRANTING APPROVAL:**

The proposed development is a temporary extension of time to a temporary planning permission for open windrow composting and involves changes of condition regarding the importation of wood and cardboard, and the control of lorry numbers. The original permission was approved for a temporary period because the site is in the Green Belt. The temporary further extension of time is considered acceptable within this context, especially in the light of the acknowledged need for additional composting facilities in the West of England Joint Waste Core Strategy adopted in March 2011.

Having considered the content of the Environmental Statement accompanying the applications, it is considered that the Site Management Plan and Odour Management Plan and other features of the proposal provide sufficient mitigation to the likely environmental impacts of the composting process in this location. The permission seeks key impacts to be monitored and information to be submitted to the Council in future. The Council is aware that similar controls on these and other aspects of the composting operation are undertaken by the Environment Agency.

The proposed development also seeks retrospective permission for the extension of the hardstanding. Having considered the information in the Environmental Statement about water balance of the hardstanding and the lagoon into which it drains, and the management of the site the Council is satisfied that there is adequate mitigation to keep likely environmental impacts within acceptable levels.

The decision is subject to conditions requiring the implementation of the Site Management Plan and the Odour Management Plan and other conditions.

This decision has been made having particular regard to policies GB1, GB.2, NE.5, NE.9, ES.9 ES.10 and M.9 of the Bath and North East Somerset Local Plan (including Minerals and Waste policies) 2007, and Policies 3 and 11 of the West of England Joint Waste Core Strategy (March 2011).

<b>Item No:</b>	07	
<b>Application No:</b>	13/00533/FUL	
<b>Site Location:</b>	Yard Adjoining 2 The Bungalows, Durcott Lane, Camerton, Bath	
<b>Ward:</b> Bathavon West	<b>Parish:</b> Camerton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 2no work/live units	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon,	
<b>Applicant:</b>	Mr Kevin Tranter	
<b>Expiry Date:</b>	16th May 2013	
<b>Case Officer:</b>	Daniel Stone	

**DECISION** Overturn to authorise the Development Manager to Permit with conditions.

<b>Item No:</b>	08	
<b>Application No:</b>	13/00846/FUL	
<b>Site Location:</b>	Whiteways, White Cross, Hallatrow, Bristol	
<b>Ward:</b> High Littleton	<b>Parish:</b> High Littleton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 2no. holiday cottages to expand existing B&B business following the demolition of existing residential outbuildings	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Hazards & Pipelines,	
<b>Applicant:</b>	Mr Nick Pollett	
<b>Expiry Date:</b>	16th May 2013	
<b>Case Officer:</b>	Daniel Stone	

**DECISION** REFUSE

1 The proposed holiday cottages, being in an open countryside location and poorly related to services would constitute an unsustainable, dispersed pattern of development which would not facilitate the use of sustainable modes of transport and would constitute the creeping urbanisation of this rural location, harmful to the character of the open countryside. As such the development is contrary to Policy ET.4 of the Bath & North East Somerset Local Plan adopted 2007, policy DW1 and RA1 of the draft Bath and North-East Council Core Strategy and the guidance in the National Planning Policy Framework.

## PLANS LIST:

This decision relates to drawing nos:

- 51467/03/101 REV B - combined proposals drawing
- 51467/03/001 - combined existing drawing
- Planning Statement
- Protected Species Survey
- traffic assessment letter

### Decision Taking 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. The submitted application was considered to be unacceptable in principle for the reasons outlined above and the applicant was advised that the application was to be recommended for refusal but choose not to withdraw the application. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	09	
<b>Application No:</b>	13/00483/FUL	
<b>Site Location:</b>	Parcel 5900, Hunstrete, Marksbury, Bristol	
<b>Ward:</b> Farmborough	<b>Parish:</b> Marksbury	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of educational facility, store and office (Resubmission)	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Listed Building, Public Right of Way, Sites of Nature Conservation Imp (SN), Tree Preservation Order,	
<b>Applicant:</b>	Bathampton Anglers Association	
<b>Expiry Date:</b>	17th May 2013	
<b>Case Officer:</b>	Rachel Tadman	

**DECISION** Overturn to authorise the Development Manager to Permit with conditions.

<b>Item No:</b>	10	
<b>Application No:</b>	13/01569/FUL	
<b>Site Location:</b>	1 Sycamore Road, Radstock, Bath And North East Somerset, BA3 3NJ	
<b>Ward:</b> Radstock	<b>Parish:</b> Radstock	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of attached, two storey dwelling	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,	
<b>Applicant:</b>	Mr S Bolton	

<b>Expiry Date:</b>	24th June 2013
<b>Case Officer:</b>	Tessa Hampden

## **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 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interest of flood risk management

3 Before the dwelling hereby approved is first occupied, a properly bound and compacted parking area (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority. This area shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

4 All external roofing materials to be used shall match those of the adjoining terrace in respect of size, material, colour, texture and profile.

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

5 Areas of the external walls shown on the submitted drawings to be rendered shall be rendered [and painted] a colour and texture which has been submitted to and approved in writing by the Local Planning Authority before any work commences.

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

6 No development shall commence until details of proposed screening including the block wall as illustrated on drawing 008 has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied or brought into use until the approved screening details have been fully implemented on site and thereafter retained.

Reason: In the interests of safeguarding the privacy and visual amenity of adjoining residents.

7 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:**

001 date stamped 16th April 2013, 006,007,008 date stamped 15th April 2013, and 002,003,004,005,009 date stamped 18th April 2013

**Reasons for approval:**

1 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.

2 The proposed development is considered to be of an acceptable scale, siting and design that will ensure that the character and appearance of the terrace, and the visual amenities of the area is retained. Further, the development is not considered to result in significant harm to the residential amenity of the neighbouring occupiers or upon highway safety.

A Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007:

Policy D.2 - General Design and public realm considerations

Policy D.4 - Townscape considerations

Policy HG.4 - Residential development in the urban areas and R.1 settlements

Policy T.24 - General development control and access policy

Bath & North East Somerset Draft Core Strategy December 2010

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

National Planning Policy Framework - March 2012

The NPPF guidance in respect of the issues which this particular application raises does not conflict with the Local Plan policies set out above.

**DECISION TAKING 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 permission 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, 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](http://www.planningportal.gov.uk).

<b>Item No:</b>	11
<b>Application No:</b>	13/00903/FUL
<b>Site Location:</b>	15 Livingstone Road, Oldfield Park, Bath, BA2 3PQ
<b>Ward:</b> Oldfield	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Change of use from mixed use comprising retail (A1) to ground floor and residential (C3) above, to solely a C4 use and the erection of a small stone boundary wall to the front
<b>Constraints:</b>	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
<b>Applicant:</b>	Kathan Ltd
<b>Expiry Date:</b>	29th April 2013
<b>Case Officer:</b>	Chris Griggs-Trevarthen

## **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 hereby permitted shall not be occupied until a new residents welcome pack has been submitted to and agreed in writing by the Local Planning Authority and, thereafter, supplied to all new residents/tenants. Such a welcome pack should include full information of walking and cycling routes, location of local facilities and bus travel information (routes and timetables).

Reason: In the interests of sustainability and local amenity.

3 Prior to the occupation of the development hereby approved, all advertisements on the building shall be removed.

Reason: In the interests of visual amenity.

4 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:**

Drawing No. 001, Drawing No.002, Drawing No.003, Drawing No.004, Drawing No.005, Drawing No.006

## **REASON FOR APPROVAL**

The existing retail unit lies outside of the defined district shopping centre and does not provide a key retail service to the local area. The proposed use as a 5 bedroom HMO is in keeping with the character and amenities of the area and the removal of the existing signage will benefit the visual amenity of the area. Furthermore, the proposal is not detrimental to highways safety and therefore accords with D.2, D.4, BH.1, HG.4, HG.12, S.1, S.9, ES.12, T.24 and T.26 of the Bath and North East Somerset Local Plan (2007) and guidance in the National Planning Policy Framework (2010).

#### **ADVICE NOTES:**

1. 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](http://www.planningportal.gov.uk).

2. It is strongly recommended that, as part of any advertising of the property and tenancy agreement, the shortage of parking and the desirability for tenants not to have cars with them, should be emphasised.

#### **Decision Taking 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, a positive view of the submitted proposals was taken and permission was granted.

<b>Item No:</b>	12	
<b>Application No:</b>	13/01380/FUL	
<b>Site Location:</b>	39 Grove Wood Road, Haydon, Radstock, Bath And North East Somerset	
<b>Ward:</b> Radstock	<b>Parish:</b> Radstock	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a PVCu conservatory to the rear of the property	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,	
<b>Applicant:</b>	Mr De Beer	
<b>Expiry Date:</b>	29th May 2013	
<b>Case Officer:</b>	Tessa Hampden	

#### **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 side panels on the east elevation of the development hereby approved shall be constructed from solid white panels, as illustrated on plan ref 'proposed elevations' and permanently retained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of the neighbouring occupiers.

3 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:**

Block plan, site location plan, existing elevations, proposed elevations date stamped 3rd April 2013

**REASONS FOR GRANTING APPROVAL:**

1. The proposed development will preserve the character and appearance of the property and the visual amenities of the wider area. The development is not considered to cause any undue harm to the amenity of neighbouring occupiers. No other significant issues have arisen as a result of this planning application.

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) Bath and North East Somerset Local Plan (2007)  
D.2 General Design and Public Realm Consideration  
D.4 Townscape Consideration

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

National Planning Policy Framework 2012

**DECISION TAKING 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 permission was granted

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although



such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

<b>Item No:</b>	13	
<b>Application No:</b>	13/00357/FUL	
<b>Site Location:</b>	25 Pulteney Gardens, Widcombe, Bath, Bath And North East Somerset	
<b>Ward:</b> Widcombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use from B&B (C1) to holiday let (C3) (Retrospective).	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Flood Zone 2, Forest of Avon, Hotspring Protection, World Heritage Site,	
<b>Applicant:</b>	Mrs Catherine McCabe And Mr Richard McCabe	
<b>Expiry Date:</b>	25th April 2013	
<b>Case Officer:</b>	Sasha Coombs	

## DECISION PERMIT

1 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 and Floor Plans received 23 January 2013

The principle of the change of use is acceptable. The design of the proposal would preserve the character and appearance of the conservation area and the World Heritage Site. Sufficient information has been provided to address the flood risk of the site. The proposed change of use in itself is not considered to be harmful to the residential amenity of adjacent occupiers. The proposal has sufficient parking and is close to public transport, thus not being harmful to highways safety. Therefore the proposal is consistent with the requirements of Policies D.2, D.4, HG.4, BH.1, BH.6, T.24, T.26 and NE.14 of the Bath and North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.

### Decision Taking 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, a positive view of the submitted proposals was taken and permission was granted.

<b>Item No:</b>	14	
<b>Application No:</b>	13/01157/FUL	
<b>Site Location:</b>	6 Fairfield View, Ragland Lane, Fairfield Park, Bath	
<b>Ward:</b> Lambridge	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Provision of a loft conversion to include 1no. rear dormer and front rooflights.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,	
<b>Applicant:</b>	Mr Cole	
<b>Expiry Date:</b>	13th May 2013	
<b>Case Officer:</b>	Sasha Coombs	

## 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 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

3 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

**PLANS LIST:**

This decision relates to the following plans and documents:

Design and Access Statement and Drawing No 01 received 18 March 2013

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the NPPF. The Development Control Committee considered that the development complied with the Development Plan and permission was granted.