

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

4th June 2014

DECISIONS

Item No:	01		
Application No:	14/01510/FUL		
Site Location:	Parcel 0074, Flatts Lane, Farmborough, Bath		
Ward: Farmborough	Parish: Farmborough	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Construction of a solar park to include associated equipment and works (Resubmission of 13/02527/FUL).		
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines,		
Applicant:	Camborne Energy Investments (10) Ltd		
Expiry Date:	23rd June 2014		
Case Officer:	Daniel Stone		

DECISION REFUSE

1 The proposed solar farm, by virtue of its size and location would unacceptably dominate the residential outlook from surrounding properties at Clutton Hill, Zion Place and Cuckoo Lane, and thereby significantly harm the amenity of the residents of these properties, the majority of whom oppose the proposed development. As such, the proposed development is contrary to policy D.2 (f) of the Bath & North East Somerset Local Plan, adopted 2007, the guidance in the National Planning Policy Framework, the National Planning Policy Guidance, the UK Solar PV Strategy Part 1: Roadmap to a Brighter Future and the speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013.

2 The proposed solar farm would introduce a substantial amount of man-made infrastructure in a location that due to its geographical extent, alien form, visibility from public vantage points (including public footpaths) and proximity to surrounding dwellings would unacceptably harm the rural character of the landscape. As such, the proposed development is contrary to policies NE.1 and ES.1 of the Bath & North East Somerset Local Plan, adopted 2007, policies CP3 and CP6 of the Bath and North East Somerset Draft Core Strategy (publication version 2010) and the guidance in the National Planning Policy Framework, the National Planning Policy Guidance, the UK Solar PV Strategy Part 1: Roadmap to a Brighter Future and the speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013.

3 The proposals represent inappropriate development in the Green Belt that would be harmful to the openness of the Green Belt and encroach into the countryside. The arguments made fail to demonstrate very special circumstances which would clearly outweigh the identified harm to the Green Belt and other sources of harm, including to the character of the landscape, residential outlook and loss of agricultural land. The proposal is therefore considered contrary to policies GB.1 and GB.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007, policies CP8 of the Draft Core Strategy (Publication Version, December 2010) and the provisions of the National Planning Policy Framework and the National Planning Policy Guidance.

4 The development would result in the inappropriate loss of the best and most versatile agricultural land from arable production. As such the proposals would be contrary to policy ET.7 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007, and the guidance in the National Planning Policy Framework, the National Planning Policy Guidance and the UK Solar PV Strategy Part 1: Roadmap to a Brighter Future.

PLANS LIST:

This decision relates to drawing nos.

C.0442_01-B site location plan
C.0442_06-B deer fence
C.0442_07-A solar panel details
C.0442_05_1 block plan - indicative site layout and planting proposals
C.0442_16-C sheet 1 of 3 strategic landscape proposals operational phase
C.0442_16-C sheet 2 of 3 strategic landscape proposals operational phase
C.0442_16-C sheet 3 of 3 strategic landscape proposals operational phase
C.0442_19-A revised indicative sections 1 of 2
C.0442_19-A revised indicative sections 2 of 2
C.0442_14-F strategic landscape proposals construction phase
C.0442_17 - C strategic landscape proposals operational phase
GSC0015-1 proposed elevation based on 33kv ws schneider switchgear sheet 1 of 6
GSC0015-2 G and A sections based on 33kv ws schneider switchgear sheet 2 of 6
GSC0015-3 typical details based on 33kv ws schneider switchgear sheet 3 of 6
GSC0015-4 steelwork setting out based on 33kv ws schneider switchgear sheet 4 of 6
GSC0015-5 external works drawing GA and typical section - sheet 5 of 6
GSC0015-6 electrical and earthing layouts 6 of 6
Agricultural assessment
Construction method statement - March 2014 CIR.C0434
Site selection within Green Belt - reference ASM/CIR/C.0442
Construction traffic management plan
Decommissioning statement
Ecological appraisal - March 2014
Environmental enhancement plan
Environmental reports compendium
Flood risk assessment
Glint and glare assessment
Heritage statement
Landscape and visual impact assessment including photomontages

Infra-red lighting details - PIR Redwall_SIP-3020-5_SIP-4010-5_SIP-404/5
 Planning statement
 Transformer station - solar farm model CTIN PS 1500 KVA
 Construction traffic management plan - C669-DOC03 CTMP_REV C full report
 Transport statement
 Brochure three phase transformerless inverter details
 Brochure infra-red camera - AIR45/50 HGE range
 Transformer photos

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 Council did engage positively with the applicant to attempt to resolve and overcome problems, but the at pre-application stage and during the processing of the application. The Council's Development Control committee concluded that Very Special Circumstances weren't demonstrated to outweigh the harm to the Green Belt and other identified sources of harm, and therefore the application was refused.

Item No:	02	
Application No:	14/00324/REG03	
Site Location:	Parcel 7540, Lower Bristol Road, Twerton, Bath	
Ward: Twerton	Parish: N/A	LB Grade: N/A
Application Type:	Regulation 3 Application	
Proposal:	Change of use of land as a gypsy site to provide 8no. residential pitches and 5no. transit pitches .	
Constraints:	Agric Land Class 1,2,3a, Article 4, British Waterways Major and EIA, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Imp (SN), World Heritage Site,	
Applicant:	Bath And North East Somerset Council	
Expiry Date:	6th June 2014	
Case Officer:	Daniel Stone	

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 No development shall be commenced until a landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall

include a planting specification to include numbers, density, size, species and positions of all new trees and shrubs. The landscaping scheme shall take account of the new alignment of the relocated water main and shall include full details of the reconstruction of the stone wall along the site frontage onto Lower Bristol Road. The stone wall shall be made good or re-constructed in accordance with the agreed details prior to the first occupation of the development.

Reason: To ensure the provision of an appropriate landscape setting to the development, minimise the impact of the development on the setting of the World Heritage Site, listed tunnel portal and openness of the Green Belt.

3 Prior to the commencement of development, full details shall be submitted to and approved in writing of the acoustic fence, comprising its construction, materials, surface finish and noise attenuation performance. The acoustic fence shall be installed in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained and maintained in accordance with the agreed details.

Reason: To minimise the impact of the development on the setting of the World Heritage Site and ensure that the acoustic fence achieves the required level of noise attenuation for residential occupation.

4 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.

5 The development hereby permitted shall not be commenced until a scheme for the relocation of the Water Main that passes through the site has been submitted to and approved in writing by the Local Planning Authority and until the water main has been relocated in accordance with the approved details.

Reason: In the interests of the health and safety of the residents of the site and to ensure the continuity of water supplies in the public interest.

6 No development shall take place until calculations are submitted to and approved in writing of the required storage volumes and discharge rates for surface water for both greenfield and post-development. These should be supplied as electronic MicroDrainage files. The development shall be implemented in accordance with the agreed details.

Reason: In the interests of Flood Risk management

7 Prior to the first occupation of the development, the applicant should provide details of how the on-going maintenance of the cellular storage will be managed. The applicant

should provide the name of the organisation that will manage and service the cellular storage tanks. The development shall thereafter be managed in accordance with the approved details.

Reason: In the interests of Flood Risk management

8 Prior to the installation of any external lighting, full details shall be submitted to and agreed in writing of the following:

- a) A detailed lighting scheme including finalised lux contours and full details of all external lighting fittings, fixtures and baffles.
- b) Full details of the lighting controls for all external lights, which shall include the use of motion sensors and timer switches, the proposed hours within which lighting shall be operable and the location of motion sensors.

Notwithstanding the lighting strategy drawing 4256 ESK01 dated 9th May 2014 the lighting scheme shall be commissioned to achieve an average light level not exceeding 3 Lux within the acoustic fence. The night-time light levels immediately adjacent to the acoustic fence (north-west and south-west elevations) shall not exceed 0 Lux as a result of the operation of the lighting system. There shall be no fixed external lights other than those agreed through this condition and shown on drawing 4256 ESK01

The lighting shall be installed in full accordance with the approved details and the approved lighting control mechanisms shall be made operable prior to the first use of the lights and shall thereafter be maintained and used.

Within 4 months of the first operation of the external lighting, a technical review of the floodlights shall be carried out by a competent person to confirm compliance of the installed scheme with the approved lighting details. The review and report shall include an assessment of light levels within the site, the installation of individual lights including baffles and any overspill light beyond the acoustic fence.

Should the review conclude that the lighting scheme is not in compliance with the agreed lighting strategy, the report shall detail the modifications required to the lighting scheme or landscaping scheme to achieve compliance. Where modifications are required to secure compliance, these shall be carried out within 6 months of the first operation of the completed floodlights and the technical review shall be updated to confirm compliance and submitted to and approved in writing by the Local Planning Authority.

Reason: In order to minimise the effect of the lighting on adjoining habitat and the Bath and Bathampton Special Area of Conservation, protected species (including Horseshoe bats) maximise the amenity of future residents and minimise the impact of the development on the landscape, the character of the night sky and the Green Belt setting.

9 No development shall take place until full details of a Wildlife Protection and Habitat Management Plan, has been submitted to and approved in writing by the local planning authority. The plan shall include at a minimum, the habitat features set out on drawing 001 Revision K and the mitigation features and procedures recommended in the Ecology

Appraisal, dated 21st August 2013 and shall set out a timetable for implementation. Unless specifically agreed otherwise, the works shall be carried out prior to the occupation of any part of the development. All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: To safeguard protected species and mitigate for the ecological impact of the development by incorporating compensatory habitat provision.

10 The development shall not be occupied until a Landscape and Ecology Management Plan covering the whole of the site has been submitted to and approved by the Local Planning Authority. The management plan shall contain objectives for the long-term habitat management of each part of the site, shall set out operations that will be carried out to achieve the objectives, the management specification for each area, the monitoring and review procedures, and the programme for implementation. The management plan shall be implemented, monitored and reviewed in accordance with the programmes included within the approved document.

Reason: To ensure the ecological mitigation and additional habitat shown on drawing 001 Revision K provides effective long-term mitigation for the ecological harm caused by the development.

11 Prior to the commencement of 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 prior to the first occupation of the site in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority.

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.

12 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.

13 The access road and turning areas shall be properly bound and compacted (not loose stone or gravel). Prior to the commencement of these works, full details shall be submitted to and approved in writing by the Local Planning Authority of the surfacing materials for these areas. The development shall then be carried out in accordance with the details approved.

Reason: In the interests of highway safety.

14 Prior to the commencement of development, detailed plans of the proposed off-site highway works, generally in accordance with the details shown on Drawing No.TP5330-001 Rev F, shall be submitted to and approved in writing by the Local Planning Authority before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The development hereby permitted shall not be occupied until the approved works have been completed.

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

15 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted Drawing No.TP5330-001 Rev F have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

16 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 and traffic management.

Reason: To ensure the safe operation of the highway.

17 The development hereby permitted shall only be occupied by persons who are gypsies or travellers as defined in "Planning Policy for Travellers Sites" DCLG, March 2012, or any adopted government guidance which supercedes this guidance.

Reason: To protect the openness of the Green Belt.

18 Notwithstanding the provisions Part 12 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no free standing buildings shall be erected other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: To protect the openness of the Green Belt.

19 No development shall take place until an annotated tree protection plan identifying measures to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during erection of the acoustic fence, construction and hard and soft landscaping operations. The plan should also take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery. The development shall then take place in full accordance with the details agreed.

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

20 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

- amended off-site highway works - drawing TP5330_001_REV F received 20th May 2014.
- amended light strategy - drawing 4256 ESK01 received 9th May 2014
- amended landscape plan - drawing 629_001 rev K received 9th May 2014
- revised drainage strategy - drawing 934-D001-B - received 12th May 2014
- revised plant schedules received 13th May 2014
- revised planting plan - drawing 629_002 rev B received 13th May 2014
- ground investigation report - B&NES/BTS/101 - March 2014
- Bristol road sketches received 3rd April 2014
- Speed survey data and assessment - 360420 BATH ATC (3)
- Noise assessment
- Transport statement
- Arboricultural impact assessment and tree protection plan
- Ecological appraisal
- Location plan
- Amenity building details and indicative plot layout - drawing LPC 3225 13.05
- 10983-SU-01 topographic survey
- Green belt report received 4th April 2014

External Lighting

Notwithstanding condition 9 which sets a maximum average light level of 3 Lux within the site, the Council would wish to pursue a lower light level than this if possible and consistent with the practical management of the site. The review following the completion of the lighting should review the potential to reduce lighting levels below 3 Lux if possible.

Flood Defence Consent

The drainage strategy proposes an outfall into the Newton Brook. This is a Main River and as such Flood Defence Consent will be required from the Environment Agency for the construction of the outfall.

Technical Approval Needed for Highway Works

The applicant should be advised that the highway works will require full technical approval, prior to the commencement of any works, and the development will be subject to Road Safety Audits. A fee for the technical approval and supervision of the works will be payable.

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 the case officer's report, a positive view of the revised proposals was taken and consent was granted.

Item No:	03	
Application No:	14/01667/REG03	
Site Location:	Weston All Saints Ce Vc Primary School, Broadmoor Lane, Upper Weston, Bath	
Ward: Weston	Parish: N/A	LB Grade: N/A
Application Type:	Regulation 3 Application	
Proposal:	Provision of a new 6 classroom teaching block and associated external works. (Resubmission)	
Constraints:	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Tree Preservation Order, World Heritage Site,	
Applicant:	Bath And North East Somerset Council	
Expiry Date:	4th July 2014	
Case Officer:	Chris Griggs-Trevarthen	

DECISION Defer consideration awaiting site visit to assess traffic.

Item No:	04
Application No:	14/00862/OUT
Site Location:	W T Burden Ltd, Bath Road, Farmborough, Bath

Ward: Farmborough	Parish: Farmborough	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Demolition of existing building and redevelopment of site with up to 14 dwellings with associated means of access, access roads, car parking, boundary treatments and landscaping; conversion (including re-cladding) of retained building to provide office/workshop accommodation (Class B1) with associated car parking.	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines,	
Applicant:	Boystown Ltd	
Expiry Date:	23rd May 2014	
Case Officer:	Alice Barnes	

DECISION Defer consideration awaiting site visit to assess visual impact.

Item No:	05	
Application No:	14/00544/RES	
Site Location:	Parcel 3567, Stitchings Shord Lane, Bishop Sutton, Bristol	
Ward: Chew Valley South	Parish: Stowey Sutton	LB Grade: N/A
Application Type:	PI Permission (ApprovalReserved Matters)	
Proposal:	Approval of reserved matters with regard to outline application 12/04238/OUT for Erection of 35no. dwellings and associated infrastructure.	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Referral Area, Forest of Avon, Greenfield site, Water Source Areas,	
Applicant:	Charles Church Severn Valley	
Expiry Date:	7th May 2014	
Case Officer:	Daniel Stone	

DECISION PERMIT

A. Subject to the receipt of satisfactorily revised drawings showing:

- a: render colour scheme for the development
- b: revised landscaping scheme to include a natural stone boundary wall treatment for the development

B. authorise the Group Manager to PERMIT subject to the following conditions and other appropriate conditions to reflect the revised drawings.

1 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 and details within the approved document implemented as appropriate. 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, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that trees to be retained on and adjacent to the site are not adversely affected by the development proposals.

2 The dwellings hereby approved 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: To ensure the completed appearance of the development is satisfactory.

3 Prior to the commencement of development a sample panel of the natural stone boundary walls, demonstrating jointing, coursing and pointing shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

Reason: To ensure the appearance of the development is satisfactory.

4 Notwithstanding the submitted landscape plan (drawing 101 Revision C) no development shall be commenced until an amended landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include a planting specification to include numbers, density, size, species and positions of all new trees and shrubs. The amended landscape plan shall maximise the size of tree stock to be planted.

Reason: To ensure that the development is properly landscaped in a manner appropriate to its location on the boundary of the village with the open countryside.

5 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.

6 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:

Plans:

- wall and fence details - drawing 54 Rev B
- garages - drawing 56
- planning layout - drawing 100 -Rev E
- landscaping layout - drawing 101 - Rev C
- site location plan - drawing 1141_102 Revision A (issued 14.05.14)
- planning layout - (coloured) - drawing 100-1 Rev E
- external works layout - drawing 110 rev C
- site survey - drawing 200
- swept path analysis of a large refuse vehicle - drawing SP02 B
- B swept path analysis of a fire appliance - drawing SP03 Rev B
- location of raised table 1:500 - drawing SK02
- car parking schedule Rev B
- sustainability statement
- street scenes - drawing 1141 51 Rev B
- house type A - trafalgar (699) - drawing HT-A
- house type B - downing (1190) - drawing HT-B Rev A
- house type C - knightsbridge (1202) - drawing HT-C Rev A
- house type D - strand (1350) elevations - drawing HT-D1-1
- house type D - strand (1350) floor plans - drawing HT-D1-2
- house type F - harley (1350) elevations - drawing HT-F1-1
- house type F - harley (1350) floor plans - drawing HT-F1-2
- house type G - marylebone (1623) elevations - drawing 1141_HT-G1-1 Revision A
- house type G - marylebone (1623) floor plan - drawing HT-G1-2 Rev A
- house type H - compton (1995) elevations - drawing HT-H1-1 Rev A
- house type H - compton (1995) floor plans - drawing HT-H1-2 Rev A
- house type J - apartment (484) - drawing HT-J
- house type K1 - lifetime home (823) - drawing HT-K1
- house type L1 - lifetime home (964) - drawing HT-L1 Rev A
- house type L2 - lifetime home (964) - drawing HT-L2 Rev A
- house type M - wheelchair unit (1262) - drawing HT-M1-1
- house type N - whitehall (1013) elevations - drawing HT-N1-1 Rev A
- house type N - whitehall (1013) floor plans - drawing HT-N1-2 Rev A

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. Officers have sought to negotiate and resolve issues through the planning process. For the reasons given, and expanded upon in the case officer's report, a positive view of the revised proposals was taken and consent was granted.

Impact on Public Right of Way

The development proposal affects the line of a public right of way and wherever possible the integrity of the way should be retained. In circumstances where there is no alternative other than to stop up or divert the way to enable the development to be carried out, early negotiations with the Authority to secure an order is advised. The route should be safeguarded throughout the whole of the order making process, which can be lengthy and the outcome of this is not guaranteed.

Drainage and Riparian Water Rights

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected. Applicants or developers should be made aware of their responsibilities to ensure that the operations do not interfere with riparian owners common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licenses, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.

Item No:	06		
Application No:	14/00892/OUT		
Site Location:	Land Opposite Tunley Farm House, Wood Lane, Priston, Bath		
Ward: Bathavon West	Parish: Camerton	LB Grade: N/A	
Application Type:	Outline Application		
Proposal:	Outline application for the erection of two live/work buildings and re-alignment of the highway.		
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,		
Applicant:	Woodstone Construction SW LTD		
Expiry Date:	5th June 2014		
Case Officer:	Heather Faulkner		

DECISION Delegate to PERMIT subject to

Authorise the Development Manager to permit subject to a Section 106 agreement and conditions to be worded at a later date.

Item No:	07	
Application No:	14/01397/FUL	
Site Location:	Victory Gardens, Bannerdown Drive, Batheaston, Bath	
Ward: Bathavon North	Parish: Batheaston	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of two storey side extension to existing dwelling, detached garage/workshop and four holiday let units	
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, Housing Development Boundary, MOD Safeguarded Areas, Tree Preservation Order,	
Applicant:	Mr M Veal	
Expiry Date:	21st May 2014	
Case Officer:	Chris Griggs-Trevarthen	

DECISION PERMIT subject to

A. Authorise the Development Manager to permit the application subject to the applicant entering into a legal agreement to secure:

Formal Open Space Contributions of £10,396.80 to fund the provision of formal open space off-site to serve the population. The amount of the contribution has been calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the occupation of the development.

B. Subject to the prior completion of the above agreement, authorise the Development Manager to PERMIT subject to the following conditions (or such conditions as he may determine):

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 take place within the site 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 been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered.

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

Reason: To ensure the safe operation of the highway.

4 No development shall commence, except site clearance and preparation works, until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. Thereafter the development shall be completed in accordance with the approved details.

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

5 No development shall commence, except site clearance and preparation works, until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

6 No part of the development hereby approved shall be occupied until until a soft landscape scheme has been first 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.

7 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.

8 Before the holiday let accommodation hereby permitted is first occupied the visibility splays shown on drawing no. 483-01D and 483-09 shall be provided and the stone boundary wall rebuilt along the line shown. Thereafter the visibility splays shall be kept

clear of obstruction to visibility at and above a height of 600mm above the nearside carriageway level.

Reason: In the interests of highway safety and the character and appearance of the area.

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

Reason: In the interests of amenity and highway safety.

10 The development hereby approved as for holiday lets shall be used for holiday let accommodation only and for no other purpose (including Class C of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The building form is unsuitable to accommodate a permanent residential use by reason of its size, tight form and lack of adequate amenity areas.

11 The development hereby approved for holiday lets shall not be occupied other than for purposes of holiday accommodation and shall not be let to the same person(s) for more than 56 days in any calendar year, or such other period as may be first approved in writing by the Local Planning Authority, in accordance with written records of letting and occupier's home address details to be available for inspection by the Local Planning Authority if required.

Reason: The building form is unsuitable to accommodate a permanent residential use by reason of its size, tight form and lack of adequate amenity areas.

12 The rooflights in the north elevation of units 1 and 2 and the east facing glazing on the upper ground floor of unit 3 of the holiday let accommodation hereby approved shall be obscurely glazed and shall be retained as such thereafter.

Reason: To prevent overlooking and to protect the amenities of adjoining occupiers.

13 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:

- (i) Findings of pre-commencement walkover survey and checks for protected species, including reptiles and nesting birds
- (ii) Method statement for all necessary precautionary wildlife protection measures
- (iii) Details of specifications and measures to ensure any proposed new external lighting is "wildlife friendly" and does not harm wildlife or bat activity
- (iv) Proposals for features to benefit wildlife for example bat and bird boxes and habitat creation, to be shown on plans as applicable
- (v) All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: to avoid harm to wildlife and protected species

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

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

PLANS LIST:

483-001
483-002
483-003
483-004
483-005
483-01D
483-02B
483-03B
483-04C
483-05C
483-06C
483-07A
483-08A
483-09

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

This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

Item No:	08
Application No:	14/00406/FUL
Site Location:	61 Lorne Road, Westmoreland, Bath, Bath And North East Somerset
Ward: Widcombe	Parish: N/A LB Grade: N/A

Application Type:	Full Application
Proposal:	Change of use from dwelling (Use Class C3) to HMO (Use Class C4) house of multiple occupation.
Constraints:	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
Applicant:	Mr Johnny Kidney
Expiry Date:	26th March 2014
Case Officer:	Jonathan Fletcher

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 relates to the existing ground and first floor plan, proposed ground and first floor plan and site location plan all received 28th January 2014.

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 Policy Framework. For the reasons set out in the minutes of the committee meeting, a positive view of the submitted proposals was taken and planning permission was granted.

Item No:	09		
Application No:	13/04847/FUL		
Site Location:	Court Farm, The Street, Compton Martin, Bristol		
Ward: Chew Valley South	Parish: Compton Martin	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Retention of existing building for use as ancillary accommodation (extension) to Court Farmhouse and retention of access track and alterations to car parking to serve adjacent holiday lets (part retrospective)		

Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Housing Development Boundary, Water Source Areas,
Applicant:	Mr Richard Curry
Expiry Date:	18th March 2014
Case Officer:	Rebecca Roberts

DECISION Defer consideration awaiting site visit to look at context of site and understand the planning history.

Item No:	10		
Application No:	14/01403/FUL		
Site Location:	The Old Rectory, Anchor Lane, Combe Hay, Bath		
Ward: Bathavon West	Parish: Combe Hay	LB Grade: II	
Application Type:	Full Application		
Proposal:	Erection of garage with staff accommodation and extension of the curtilage of the Old Rectory. (Resubmission)		
Constraints:	Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building,		
Applicant:	Mr Trevor Osborne		
Expiry Date:	20th May 2014		
Case Officer:	Sasha Coombs		

DECISION Defer consideration awaiting site visit to look at context of site.

Item No:	11	
Application No:	12/00107/FUL	
Site Location:	Designer Composites, Fosseway, Westfield, Midsomer Norton	
Ward: Westfield	Parish: Westfield	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 4no. four bed detached dwellings, 2no. two bed detached dwellings and 1no. three bedroom detached dwelling following demolition of existing industrial buildings.	

Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, General Development Site, Housing Development Boundary, Tree Preservation Order,
Applicant:	Oval Estates (Bath) Limited
Expiry Date:	7th March 2012
Case Officer:	Rebecca Roberts

DECISION PERMIT subject to

A. Authorise the Planning and Environmental Law Manager to prepare an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £9,923.72 for education.

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

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

Reason: To ensure the provision of an appropriate landscape setting to the development.

4 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.

5 No site works or clearance shall be commenced until protective fences which conform to British Standard 5837:2005 have been erected around any existing trees and other existing or proposed landscape areas in positions which have previously been approved in writing by the Local Planning Authority. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area.

8 The garage(s) hereby approved shall be retained for the purpose of parking a motor vehicle(s) associated with the dwelling.

Reason: To retain adequate off-street parking provision.

9 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:

PLANS LIST

This decision relates to drawing no's ORD-002, ORD-008, ORD-009, ORD-001 and the design and access statement date stamped 21st December 2011. Drawing no. ORD-006 date stamped 11th January 2012 and ORD-002 Rev D, RD00007A, RD00007A, RD00008A and RD00012A date stamped 28th May 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 Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

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.

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

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

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