

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT CONTROL COMMITTEE

10th December 2014

DECISIONS

Item No:	01	
Application No:	14/03709/FUL	
Site Location:	Greenlands, Bath Road, Farmborough, Bath	
Ward: Farmborough	Parish: Farmborough	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of detached garage and creation of new driveway and provision of acoustic fence. Provision of additional patio doors and WC window to bungalow. (Resubmission)	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,	
Applicant:	Mr And Mrs S Gould	
Expiry Date:	12th December 2014	
Case Officer:	Alice Barnes	

DECISION PERMIT

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

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

2 Prior to the first occupation of the dwelling the proposed acoustic fence between Greenlands and Conkers Cottage shall be erected and retained in perpetuity and should it be replaced then it shall be to a height and design which has first been agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: In the interests of residential amenity.

3 The existing vegetation on the boundary between Conkers Cottage and Greenlands shall be retained and should it be removed it shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

4 Prior to the commencement of the development, details of the appearance, including proposed materials, of the acoustic fence shall be submitted and approved in writing by

the local planning authority. The development shall then be carried out in accordance with the details so approved.

Reason: In the interests of the appearance of the development.

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

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

PLANS LIST:

Site plan 14414-1 rev A

Floor plan elevation and section 14412-2

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

Item No:	02		
Application No:	14/03476/FUL		
Site Location:	1 Rockhall Cottages, Rock Hall Lane, Combe Down, Bath		
Ward: Combe Down	Parish: N/A	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of 1 no. new dwelling and associated landscaping . (Amendment of previously approved scheme 13/04130/FUL)		
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,		
Applicant:	LYME (Bath) Ltd		
Expiry Date:	16th December 2014		
Case Officer:	Heather Faulkner		

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 area allocated for parking on the submitted plan 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.

3 No development shall take place within the site until the applicant, or their agents or successors in title, has implemented the programme of archaeological work in accordance with the submitted written scheme of investigation prepared by Michael Heaton Heritage Consultants (April 2014).

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

4 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 interests of highway safety.

5 Reporting of Unexpected Contamination

In the event that 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: To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Reason: To ensure the provision of an appropriate landscape setting to the development and in the interests of Ecology.

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 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.

9 The relevant part of the works shall not commence until a sample of the roofing material has for the rear extension has been submitted to and approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

Reason: To safeguard the character and appearance of the Building and the surrounding Conservation Area.

10 All works shall be completed in accordance with the Materials Schedule received on 18th November 2014 and in accordance with the sample panel on site which shall remain in situ for reference until the development is complete.

Reason: To safeguard the character and appearance of the Building and the surrounding Conservation Area.

11 No external lighting shall be installed without the prior approval, in writing, from the local planning authority.

Reason: to prevent excessive light spill provide dark corridors for wildlife and avoid harm to bat activity

12 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.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or

without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in either of the side elevations of the approved dwelling at any time unless a further planning permission has been granted.

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

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:

This decision relates to the following drawings and documents:

Received 30th July 2014:

000 rev 00A Existing Site Layout
008 00A Site and Location Plan
Written Scheme of Archaeological Investigations for a Controlled Archaeological Watching
Brief prepared by Michael Heaton Heritage Consultants

Received 24th October 2014

Initial Pre-Planning Contamination Report, report no. 8698 October 2014

Received 30th October 2014:

001E Proposed Site Layout
003E Proposed Plans
007E Proposed Site elevation Rock Hall Lane (South West)

Received 11th November 2014:

009 Proposed Site Elevation
005E Proposed North -East South-West

Received 18th November 2014:

Materials Schedule

Received 24th November 2014:

002E rev 00E Proposed Site Layout with parking layout
004F Proposed South-East and North-West elevations
006 rev 00E Proposed Section

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 Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. The application was

submitted and the concerns with the application were raised with the applicant during the application process the applicant was given the opportunity to address the concerns raised. Amended drawings were submitted which overcame the concerns and approval was recommended.

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.

Environmental Health Advisory Notes:

There are residential premises in close proximity to this site whose amenity could be affected during any construction or site clearance. Accordingly the following should be considered as part of the construction process:

- o No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.
- o The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.
- o The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings.

Due to an increase in gull activity in Bath and North East Somerset we would suggest that consideration is given to the proofing of any roof/flat surfaces against gulls nests.

Item No:	03	
Application No:	14/02272/EFUL	
Site Location:	Ministry Of Defence, Warminster Road, Bathwick, Bath	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application with an EIA attached	
Proposal:	Demolition of existing buildings and erection of 206 no. dwellings; 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping (including tree removal); pumping station; and associated engineering works.	
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders. Conservation Area. Forest of Avon.	

	Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, World Heritage Site,
Applicant:	Square Bay (Bath) LLP
Expiry Date:	1st December 2014
Case Officer:	Daniel Stone

WITHDRAWN FROM AGENDA

Item No:	04		
Application No:	14/02619/FUL		
Site Location:	Pinesgate, Lower Bristol Road, Westmoreland, Bath		
Ward: Widcombe	Parish: N/A	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of an office building (use class B1) with basement parking, associated infrastructure and landscaping following the demolition of existing office building.		
Constraints:	Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, Flood Zone 2, Flood Zone 3, Forest of Avon, General Development Site, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,		
Applicant:	Pinesgate Investment Company Ltd		
Expiry Date:	17th December 2014		
Case Officer:	Rachel Tadman		

Deferred to allow the applicant to submit details and samples of facing materials and for Members to receive a technical briefing on viability

Item No:	05	
Application No:	14/02005/ERES	
Site Location:	Western Riverside Development Area, Midland Road, Twerton, Bath	
Ward: Westmoreland	Parish: N/A	LB Grade: N/A
Application Type:	Reserved Matters App with an EIA	
Proposal:	Approval of reserved matters with regard to outline application 06/01733/EOUT for the erection of 97 residential dwellings (blocks B5 and B16), 750m2 of ground floor commercial uses, erection of bin and cycle stores, plant, and associated landscaping works.	

Constraints:	Agric Land Class 3b,4,5, British Waterways Major and EIA, British Waterways Minor and Householders, Flood Zone 2, Flood Zone 3, Forest of Avon, General Development Site, Hazards & Pipelines, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, World Heritage Site,
Applicant:	Crest Nicholson Operations Ltd
Expiry Date:	12th December 2014
Case Officer:	Chris Griggs-Trevarthen

DECISION PERMIT

1 Unless otherwise agreed in writing with the Local Planning Authority, the lighting mitigation measures related to building B5 as set out within Scenario 4 of the Hoare Lea Illumination Impact Profile (reference 16-02229-110813-LG-CN IIP-01/P6, dated November 2014) shall be implemented prior to the occupation of any of the dwellings within building B5. Details of the proposed screen along the river edge shall be submitted to, and approved in written by, the Local Planning Authority prior to its construction. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of preventing excessive light spill onto the river and to protect the interests of ecology.

2 Unless otherwise agreed in writing with the Local Planning Authority, the lighting mitigation measures related to building B16 as set out within Scenario 4 of the Hoare Lea Illumination Impact Profile (reference 16-02229-110813-LG-CN IIP-01/P6, dated November 2014) shall be implemented prior to the occupation of any of the dwellings within building B16. Details of the proposed screen along the river edge shall be submitted to, and approved in written by, the Local Planning Authority prior to its construction. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of preventing excessive light spill onto the river and to protect the interests of ecology.

3 A schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, shall be submitted to and approved in writing by the Local Planning Authority, prior to the use of any such external material on site. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the appearance of the development and the character and appearance of this part of the World Heritage Site.

4 Prior to the construction of each of the elements set out below, detailed plans at a scale to be agreed in writing with the local planing authority (and/or written details where appropriate) shall be submitted to and approved by the Local Planning Authority, of each of those elements:-

fenestration,
balconies,
railings, including to external stairways
coursing and pointing of the stone
rainwater goods

Development shall then only take place in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, within the World Heritage Site.

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

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

PLANS LIST:

The following drawings and documents form part of the application:

0193_B16_0010
0193_B16_0010 REV4
0193_B16_0100 REV3
0193_B16_0101 REV3
0193_B16_0102 REV3
0193_B16_0103 REV3
0193_B16_0104 REV3
0193_B16_0105 REV3
0193_B16_0106 REV3
0193_B16_0107 REV3
0193_B16_0108 REV3
0193_B16_0109 REV3
0193_B16_0201 REV2
0193_B16_0202 REV2
0193_B16_0301 REV2
0193_B16_0302 REV2
0193_B16_0303 REV2
0193_B16_0304 REV2
0193_B5_0010 REV 3
0193_B5_0100 REV3
0193_B5_0101
0193_B5_0102 REV.3
0193_B5_0103 REV3
0193_B5_0104 REV3
0193_B5_0105 REV3
0193_B5_0106 REV 3
0193_B5_0108 REV3
0193_B5_0201 REV2
0193_B5_0202 REV2
0193_B5_0301 REV2
0193_B5_0302 REV2
0193_B5_0303 REV02

0193_B5_0304 REV2
0193_B5_1107 REV 3
0193_B5_B16_0001
Hoare Lea Lighting - Illumination Impact Profile - Nov 2014

Design and access statement - May 2014
Updated photomontages for B5 and B16 - EDP167_08a - April 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 Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

Item No:	06	
Application No:	14/03849/OUT	
Site Location:	Hazeldene, Hazel Terrace, Westfield, Midsomer Norton	
Ward: Westfield	Parish: Westfield	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Erection of 2no. semi-detached houses.	
Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,	
Applicant:	Flower & Hayes Ltd	
Expiry Date:	12th December 2014	
Case Officer:	Alice Barnes	

DECISION APPROVE

1 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3 Approval of the details of the appearance, landscaping, scale, access and layout of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Articles 1 and 3 of the General Development Procedure Order 1995 (as amended).

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

Reason: 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.

5 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.

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:

Site location plan PL_01
Proposed site plan PL_03

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

