

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

21st October 2015

MAIN AGENDA DECISIONS

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

DECISION Delegate to PERMIT

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

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

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

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

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

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

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

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

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

Reason: In the interest of amenity

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

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

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

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

PLANS LIST:

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

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

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

DECISION Delegate to PERMIT with appropriate conditions

PLANS LIST:

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

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

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

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

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

DECISION

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

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

B) Subject to the completion of (A) authorise the Group Manager - Development Management to PERMIT the development with the following conditions:

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

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

2 Prior to the construction of the external surfaces a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, shall be submitted to

and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

3 Prior to any installation of external lighting, full details of proposed lighting design and specification shall be submitted to the LPA for approval in writing. The scheme shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

8 All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of residential amenity.

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

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

PLANS LIST:

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

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

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

DECISION PERMIT

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

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

2 Prior to the construction of the external surfaces a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

3 The existing vehicular access shall be closed and its use permanently abandoned concurrently with the provision of the new access hereby approved being first brought into use, and the footway crossing reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

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

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

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

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

PLANS LIST:

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

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

Informative

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

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

DECISION PERMIT

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

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

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

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

PLANS LIST:

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

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