

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 24th October, 2012

Present:- Councillor Gerry Curran in the Chair
Councillors Neil Butters, Nicholas Coombes, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, David Martin, Bryan Organ, Manda Rigby (In place of Doug Nicol), Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Rob Appleyard, Colin Barrett, David Bellotti, Paul Crossley and Charles Gerrish

66 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

67 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

68 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Doug Nicol whose substitute was Councillor Manda Rigby

69 DECLARATIONS OF INTEREST

The Chair reminded Members of the need to declare any interests in matters before the Committee.

Councillor Bryan Organ declared an interest in the Tree Preservation Order at 35 West Hill Gardens, Radstock, as he knew the owner of the property through his Golf Club and said that he would leave the meeting for its consideration. Councillor Malcolm Lees declared an interest in the planning application at 12 High Street, Weston, Bath (Item 2, Report 11) as he had been involved in arranging a public meeting to discuss the application. Although he had been careful not to express any views and had maintained an open mind, he was concerned that there might be a perception that he had predetermined the matter. He would therefore make a statement as Ward Member and leave the meeting for its consideration. Councillor Manda Rigby declared an interest in the applications at Roman Candles, Terrace Walk, Bath, as she had predetermined the matter. She would therefore make a statement as Ward Member and then leave the meeting for its consideration.

70 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

71 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Senior Democratic Services Officer informed the meeting that there was a speaker wishing to make a statement on the Tree Preservation Order at Hillscroft, Bulls Hill, Wellow (Report 12) and that he would be able to do so when reaching that Item on the Agenda. There were also various members of the public etc wishing to make statements on planning applications in Reports 10 and 11 and they would be able to do so when reaching their respective items in those Reports.

72 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

73 MINUTES: 26TH SEPTEMBER 2012

The Chair referred to an e-mail received by Officers shortly before the meeting from the Applicant's Agents in respect of Minute 61 Item 4 relating to Parcel 0006, Maynard Terrace, Clutton, requesting additions to that Minute. After due consideration, Members resolved that the Minutes of the previous meeting held on Wednesday 26th September 2012 be approved without amendment and they were signed by the Chair as a correct record

74 MAJOR DEVELOPMENTS

The Senior Professional – Major Developments updated Members on major developments as follows:

- University of Bath - The S106 Agreement had been agreed in principle and would be signed shortly
- Southgate – The vaults were progressing and interest had been expressed by retailers for these units
- Former Cadbury's, Somerdale, Keynsham – An archaeological investigation had been undertaken and had revealed evidence of significant Roman remain on the lower lying land west of the factory buildings. An application from the developers, Taylor Wimpey, was anticipated in the near future

In response to Members' queries regarding other sites, he responded regarding:

- Norton Radstock Regeneration – He would inform Councillor Eleanor Jackson if there were any updates
- MOD Bath sites – There appear to be prospective purchasers for all 3 sites. Land south of Granville Road, Lansdown, had been sold and a scheme would be submitted but no timescale had been fixed
- Former Bath Press site, Lower Bristol Road, Bath – A revised scheme was in its later stages and should be reported to Committee in the next few months
- Network Rail Electrification – Liaison meetings had been held but no details were available at present. Detailed drawings were required which would not be available until next year.

The Committee noted the report.

75 SITE VISIT LIST - APPLICATION FOR PLANNING PERMISSION FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- A report by the Development Manager on a planning application at 41 Elliston Drive, Southdown, Bath
- An oral statement by the applicant's agent speaking in support of the proposal, the Speakers List being attached as *Appendix 1* to these Minutes

RESOLVED that, in accordance with their delegated powers, the application be determined as set out in the Decision List attached as *Appendix 2* to these Minutes.

41 Elliston Drive, Southdown, Bath – Erection of dormer window – The applicant's agent made his statement in support of the proposal. The Team Leader, Development Management, reported on the application and the recommendation to refuse permission. The Ward Councillor Paul Crossley read out a statement by his fellow Ward Councillor Dine Romero supporting the application. He then made his own statement supporting the proposal.

Councillor Brian Webber agreed with the comments made by the Ward Members and felt that the design and visual impact of the proposed dormer was acceptable. Accordingly, he moved that the recommendation be overturned and that permission be granted with the conditions cited, namely, obscured glass and fixed windows. The motion was seconded by Councillor Liz Hardman who referred to the Appeal Inspector's decisions. She felt that the proposal was acceptable because it was smaller than the previous dormer and the materials were in keeping with the area.

Members debated the motion. Councillor Neil Butters considered that the case was marginal but that he supported it on balance. Councillor Les Kew felt that it spoilt the roof scape and supported the Officer recommendation. The Officer responded to queries by Councillor Eleanor Jackson regarding how much weight should be given to the fact that the site was not in a Conservation Area but within a World Heritage Site, and the number of extensions already on the rear of the houses in Elliston Drive. Councillor David Veale supported the proposal but felt that there should be some dormer design guidance to process such applications more speedily.

The motion was put to the vote. Voting: 10 in favour and 3 against. Motion carried.

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

The Committee considered

- A report by the Development Manager on various applications for planning permission etc
- Oral statements by members of the public etc on Item Nos 1-5, the Speakers List being attached as *Appendix 1* to these Minutes

- An Update Report by the Development Manager on Items Nos 1-3, a copy of which is attached as *Appendix 3* to these Minutes

RESOLVED that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 4* to these Minutes.

Item 1 Town Hall, The Centre, Keynsham – Erection of new buildings to provide offices, library, one stop shop, retail with associated highway works, new public realm works and landscaping following the demolition of all the buildings currently on site (excluding the multi storey car park which will be extended) – The Case Officer reported on this application and his recommendation to Permit subject to £700,000 being put aside for off-site improvement works in terms of highway improvements, public access/public realm improvements, and to various conditions. He referred to the Update Report which comprised consultation responses from various bodies and referred to additional letters of representation. He stated that a further letter of representation had subsequently been received. The Officer stated that there was some harm to the historic environment but that, in his view, this was outweighed by the substantial public benefits of the scheme. The Chair stated that Members had received two technical briefings on the scheme in the presence of Planning Officers and that a petition had been received objecting to the design.

The public speakers made their statements on the application. Councillor David Bellotti, as Cabinet Member for Community Resources, made a statement in support of the scheme which was followed by a statement by Councillor Charles Gerrish as adjoining Ward Member also in support.

Councillor Bryan Organ opened the debate. He referred to the reasons for the earlier deferral of the application and observed that many of the historic buildings in the Conservation Area were no longer there. He felt that a different design would mean that the building could not fulfil its various functions. In his view, the objectors who had signed the petition objecting to the design only represented a very small percentage of the local population. He supported the proposal and accordingly moved the Officer recommendation. This was seconded by Councillor Les Kew.

Members asked questions to which the Officer responded. The Chair felt that the trees/greenery in the application should be maximised. Councillor Nicholas Coombes was still opposed to the scheme for various reasons and agreed with the views of English Heritage. There should be a scheme that created less harm to the environment/conservation area but with the same public benefits. Councillor Les Kew felt that there had been a lot of improvements to the design and the development would provide a nucleus for further developments and increase the footfall in the town. It was important to ensure that there was quality of workmanship with sample panels being provided. Councillor Neil Butters considered that there had been improvements and that the Focus Groups etc had worked well together. The historic character of this area in Keynsham had gone. There were various benefits of the scheme which was supported by the Town Council and local Councillors. He therefore supported the proposal. Councillor David Martin appreciated the improved design, the benefits of regeneration and sustainability aspects of the proposal and therefore supported it. Members generally were supportive of the scheme. The mover and seconder revised the motion to include the monies of £700,000 for off-site

improvements etc being index-linked. The Chair summed up the debate and put the motion to the vote. Voting: 12 in favour and 1 against. Motion carried.
(Note: After this Item at 3.35pm, there was a 10 minute natural break.)

Item 2 No 12 High Street, Weston, Bath – Erection of rear ground floor extension (totalling approximately 206 sq m) to create an enlarged retail unit together with rear first and second floor extensions to create 6 two bed apartments and alterations to existing shop fronts at Nos 12-20 High Street, Weston – The Case Officer reported on this application and her recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure £18,000 for the improvement of local public transport infrastructure; and (B) subject to the prior completion of the above Agreement, authorise the Development Manager to Permit subject to conditions. The Update Report gave details of a further objection having been received.

The public speakers made their statements on the application which was followed by a statement by the Ward Councillor Colin Barrett against the proposal. Ward Councillor Malcolm Lees made a statement and informed the Committee of the planning background as regards shops in the area, the lack of footfall since Tesco had occupied the premises as they sold fewer product lines, the problems of parking/deliveries, and the similarity to the Co-op in Larkhall which had 10 parking spaces. The car park here would become a private car park for Tesco only and he was concerned that additional residential accommodation would create more demand for parking. The Development Manager advised that Development Plan policies needed to be adhered to unless the policies were outweighed by other material considerations. Car parking was a material consideration but evidence should be provided in support. The number of product lines or future occupiers of the site was not material. Councillor Lees then left the meeting in view of his interest declared earlier in the meeting. The Senior Development Control Engineer gave advice on the parking situation. Members asked various questions to which Officers responded. Councillor Les Kew had some concerns about the development and moved that consideration be deferred for a Site Visit to view the site in the context of its surroundings and the potential impact of increased residential accommodation and parking provision. The motion was seconded by Councillor Bryan Organ. The motion was put to the vote, 7 voting in favour and 2 against with 3 abstentions. Motion carried. (Note: Councillor Malcolm Lees was absent and therefore did not vote).

Items 3&4 Roman Candles, 5 Terrace Walk, Bath – (1) Display of external fascia and hanging signs (regularisation) and removal of existing light fittings and associated works (Ref No 12/03082/AR); (2) external alterations for the display of external fascia and hanging signs (regularisation) and removal of existing light fittings and associated works (Ref No 12/03095/LBA) – The Case Officer reported on these applications and his recommendations to Refuse advertisement and listed building consent. The Update Report contained an amended reason for refusal of advertisement consent. The applicant made a statement in support of his applications. This was followed by a statement by the Ward Councillor Manda Rigby who supported the proposal and stated that the applicants would remove the light fittings and were willing to alter the gloss finish to a matt finish. She then left the meeting in view of the interest she had declared earlier in the meeting.

Councillor Brian Webber, as the other Ward Member on the Committee, supported the proposal and moved that the Officer's recommendations be overturned and that advertisement and listed building consent be granted. The motions were seconded by Councillor Martin Veal. They considered that the size, materials and design were not detrimental to the appearance of the building, the adjacent listed buildings, the Conservation Area or the World Heritage Site.

Members debated the motions. It was generally felt that the hanging sign was fairly inconspicuous and the typeface of the fascia sign was of classic design, whether gloss or matt finish. The Development Manager reminded the Committee that the building, being listed and in the Conservation Area and the World Heritage Site, required the use of traditional materials. She sympathised with the applicants but the materials would have a harmful impact on the building and the area as a whole. Members felt, in the circumstances, that there could be some compromise, perhaps a temporary consent for 2 or 3 years. Councillor Martin Veal considered that, on the basis that the light fittings would be removed and the fascia sign given a matt finish, moved that temporary consents be granted for a period of 3 years. This was seconded by Councillor Neil Butters. It was considered that Officers could negotiate with the applicants for appropriate materials to be used in any replacement signs during that time period. Councillor Brian Webber agreed the amendment.

The motions were put to the vote separately. The voting was unanimously in favour of both motions.

Item 5 Parcel 1100, Compton Martin Road, West Harptree – Change of use of land from agricultural (sui generis) to the keeping of horses (sui generis) and erection of stables and formation of replacement access and track (Resubmission) – The Case Officer reported on this application and her recommendation to Permit with conditions. The applicant made a statement in favour of his application.

The Chair queried whether trees would be protected. The Officer stated that a condition regarding tree protection could be added. Councillor Les Kew queried why the track was located in the middle of the field and the materials. The Officer replied that a track down the side of the field would affect the bungalow on adjoining land; the track would be made of scalplings. Councillor Eleanor Jackson moved the Officer's recommendation with an additional condition on Tree Protection. This was seconded by Councillor Neil Butters. The motion was put to the vote and was carried, 12 voting in favour and 0 against with 1 abstention.

Item 6 Site of Alcan Factory, Nightingale Way, Midsomer Norton – Application for a Deed of Variation to a S106 Agreement relating to a residential-led mixed use redevelopment comprising the erection of 169 dwellings, community facilities, offices, town centre link, formal green space and associated works (Agreement signed and permission granted 29th June 2012) – The Case Officer reported on this application seeking a variation to the S106 Agreement to require that the community and office building is available for occupation prior to the occupation of more than 100 residential dwellings - the Agreement would remain unchanged in all other respects. He recommended that the Committee agree to the request for the variation of the planning obligations entered into in respect of this development and, if the Committee accepted this recommendation, to resolve that the Council enter into a supplemental S106 Agreement with the current owners of

the land to vary the terms of the S106 Agreement made between the Council, Linden Homes Ltd and HSBC Bank Plc in respect of the former Alcan factory site, Nightingale Way, Midsomer Norton ("the original S106 Agreement") to provide in respect of the community and office building that 1) construction to commence before occupation of 65 dwellings; and 2) the building to be available for occupation prior to occupation of more than 100 residential dwellings. The Ward Councillor Rob Appleyard made a statement in support of the variation.

Councillor Eleanor Jackson supported the application for the variation and moved the Officer recommendation. This was seconded by Councillor Les Kew.

The motion was put to the vote and was carried, 11 voting in favour and 1 against (Note: Councillor Brian Webber had left the meeting before consideration of this application).

77 TREE PRESERVATION ORDER: HILLSCROFT, BULLS HILL, WELLOW

The Committee considered

- A report by the Senior Arboricultural Officer which 1) informed the Committee that an objection had been received to the making of a Tree Preservation Order at Hillscroft, Bulls Hill, Wellow, which was provisionally made on 26th May 2102 to protect a Silver Birch and a Poplar which make a contribution to the landscape and amenity of the Conservation Area; and 2) recommended after considering the objection that the Order be confirmed without modification
- An oral statement by a representative of Wild Wood Tree Surgeons objecting to the Order

Councillor Neil Butters moved that a Site Visit be held to fully appreciate whether the trees made a contribution to the amenity of the area. This was seconded by Councillor Les Kew.

RESOLVED that a Site Visit be made on Monday 12th November and the matter be resubmitted to the Committee at its meeting on Wednesday 21st November 2012

78 TREE PRESERVATION ORDER: 35 WEST HILL GARDENS, RADSTOCK

The Committee considered a report by the Senior Arboricultural Officer which 1) informed that two objections had been received following the making of a Tree Preservation Order which had been provisionally made on 2nd May to protect a Sycamore which made a contribution to the landscape and amenity of the Conservation Area; and 2) recommended after considering the objections that the Order be confirmed without modification.

Councillor Eleanor Jackson considered that, although the tree needed some work, it was worthy of retention and therefore moved that the Officer recommendation be approved. The motion was seconded by Councillor Liz Hardman. Councillor Les Kew moved an amendment that the matter be deferred for a Site Visit to assess the significance of the tree. This was seconded by Councillor David Veale.

RESOLVED that the matter be deferred for a Site Visit on Monday 12th November and be resubmitted to the Committee on Wednesday 21st November 2012 and that, as this Order would lapse after 7th November, a new Order be made to run either before this date or consecutively in order that the tree can be preserved before the Committee makes its decision
(Note: Councillors Bryan Organ, Manda Rigby and Brian Webber had left the meeting before consideration of this Item).

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

Members commended the Officers on the success rate of appeals that had been dismissed.

The report was noted.

80 MONTHLY UPDATE ON FORMER FULLERS EARTHWORKS, COMBE HAY, BATH

The Development Manager stated that there was nothing further on which to update Members at this time.

The meeting ended at 6.05 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE
DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY 24TH OCTOBER 2012**

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
SITE VISIT – REPORT 10		
41 Elliston Drive, Bath (Pages 49-53)	Tony Phillips, Thurdleigh Planning (Applicant's Agents)	For
MAIN PLANS LIST – REPORT 11		
Keynsham Town Hall (Item 1, Pages 58-88)	Councillor Gill Hellier (Chair, Keynsham Town Council)	For
	Roger Busby (Keynsham Civic Society)	Against
	Derek Quilter (representing the applicants)	For
12 High Street, Upper Weston, Bath (Item 2, Pages 89-102)	Georgina Clampett Dix (on behalf of residents of Church Street) <u>AND</u> David Vernalls	Against – To share 3 minutes
	Jeff Richards, WYG Planning (Applicants' Agents)	For
Roman Candles, 5 Terrace Walk, Bath (Items 3&4, Pages 103- 114)	Mr Bennett (Applicant)	For – Up to 6 minutes
Parcel 1100, Compton Martin Road, West Harptree (Item 5, Pages 115-122)	Richard Curry (Applicant)	For
TREE PRESERVATION ORDER – REPORT 12		
Hillscroft, Bulls Hill, Wellow	Scott Watson, Wildwood Tree Surgeons	Statement against the TPO

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

24th October 2012

SITE INSPECTION DECISION

Item No:	01	
Application No:	12/02970/FUL	
Site Location:	41 Elliston Drive, Southdown, Bath, Bath And North East Somerset	
Ward: Southdown	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of dormer window	
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Mr Graham Bradley	
Expiry Date:	3rd September 2012	
Case Officer:	Andy Pegler	

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 dormer shall not be brought into use until the window to the dormer shown on the approved drawing has been glazed with obscure glass and fixed shut, and thereafter permanently retained as such.

REASON: In the interest of safeguarding the privacy of nearby residents.

PLANS LIST:

Reasons For Granting Approval

1. The proposed development would maintain the character and appearance of the dwelling and the surrounding area and, with appropriate conditions, would maintain the amenity of nearby residents.

2. The decision to grant permission has taken account of the Development Plan, relevant emerging Local Plans and approved supplementary Planning Guidance. This is in accordance with the Policies set out below:-

A. Policies D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007

The National Planning Policy Framework, March 2012

Draft Core Strategy, May 2011

Plans List:

This decision relates to drawings no. 003 and 005, received 9th July 2012.

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

24th October 2012

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	12/00972/REG04	Keynsham Town Hall

Consultation response from Keynsham Town Council

At a special Town Council meeting, it was resolved that the recommendation from the Community Focus Group regarding changes to the design of the proposals for the re-development of the Town Hall site be approved.

Consultation response from English Heritage

Do not consider that the amendments materially address areas of concern previously identified and that therefore comments made in earlier correspondence remain extant. But additionally, and in specific terms, the roof forms now promoted are contextually incongruous and serve to accentuate the harmful impact which the development will cause. Further, in the nature of their design and the discrete and somewhat subjective manner in which it has been formulated, they run the risk of compromising whatever holistic integrity the original concept may have possessed.

Consultation Response from Council's Historic Environment Team:

Considers that nothing in the amended scheme overcomes the difficulties and original objections remain. Considers that the amended roof design will appear unwieldy and dominant features within the Conservation Area. Considers there to be a complete dislocation between the analysis of the site's context and the revised designs, that the scheme lacks any local distinctiveness, will be out of keeping with its strategic position within a market town, and will damage the character of the Conservation Area. Would recommend a radical re-think of the design approach.

Additional Letters of Representation

5 letters received objecting to the revised application, making the following main points:-

- Difficult to see any meaningful changes
- No improvement on the existing 1960s buildings on site
- Does not fit in with a historic market town
- Buildings are still too massive for the proposed site
- Gold cladding, although reduced, is still too much
- Design is a throwback to 1960s/70s architecture
- Landscaped gardens will be replaced by dominant retaining wall
- Wishes to see the design sent back to the drawing board
- Changes are only a marginal improvement
- Feels the alterations constrained by the wording of Committee's last resolution
- Agrees with the Historic Environment Team's response (see above)
- Revised design is little better and still looks like communist block apartments

Item No	Application No:	Address:
02	12/02848/FUL	12 High Street

One further objection has been received objecting to the application for the following reasons;

The expansion of the retail use would result in a reduction of the number of parking spaces.

The expansion of the store will lead to an increase in on street parking.

It is a matter of concern that small businesses have to give way to large supermarkets.

OFFICERS REPORT

The above comments do not alter the officer's recommendation and the application is still recommended for permission.

Item No	Application No:	Address:
03	12/03082/AR	Roman Candles, 5 Terrace Walk

In terms of the legal approach, members are advised that the duty under Section 16 of the Listed Building Act (to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which

it possesses) applies only to the application for listed building consent (12/03095/LBA), not to the advertisement application. However, the duty under Section 72 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area is a general duty which applies to both applications.

Members are also reminded of regulation 3 of the Advertisement Regulations which states that a local planning authority shall exercise its powers under the Regulations in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed. Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

Updated Reason for Refusal

The signage by reason of its poor design and use of inappropriate materials is detrimental to the visual amenities of the street scene and the appearance of the building and fails to preserve or enhance this part of the Conservation Area. The works are contrary to Section 12 of the NPPF, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, Regulation 3 of the Control of Advertisements Regulations 2007 and contrary to Policies D.4, BH.2, BH.6 and BH.17 of the Bath and North East Somerset Local Plan, including minerals and waste policies, October 2007.

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

24th October 2012

DECISIONS

Item No:	01	
Application No:	12/00972/REG04	
Site Location:	Town Hall, The Centre, Keynsham, Bristol	
Ward: Keynsham South	Parish: Keynsham Town Council	LB Grade: N/A
Application Type:	Regulation 4 Application	
Proposal:	Erection of new buildings to provide offices, library, one stop shop, retail with associated highway works; new public realm works and landscaping following the demolition of all the buildings currently on site (excluding the multi storey car park, which will be extended)	
Constraints:	Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Housing Development Boundary,	
Applicant:	Bath & North East Somerset Council	
Expiry Date:	7th June 2012	
Case Officer:	Mike Muston	

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 commence apart from demolition, until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of how the drainage shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

3 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks

associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority.

The scheme shall be implemented as approved.

REASON: To prevent pollution of controlled waters.

4 The development shall not be commenced until

1) a scheme of works for the diversion of foul and surface water sewers is submitted and approved in writing by the local Planning Authority

2) a drainage scheme shall include appropriate arrangements for any temporary works needed to accommodate live flows and works to seal off any redundant connections

3) the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To ensure that the development does not increase the risk of sewer flooding to property and reduce the impact of maintenance access upon residents amenity.

5 Prior to the opening of the premises an operational statement prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority in relation to the kitchen extract system. This statement should make reference to Guidance on the control of Odour and Noise from Commercial Kitchen Exhaust Systems produced by DEFRA and in particular Annex B; Information required to support planning application for commercial kitchen. In this regard, the statement should include information on the following points:

1. Plans and drawings showing the dimensions/location of the ventilating system including the

2. location of all filters and fan(s).

3. Details of pre-filters to include manufacture's product data sheet.

4. Details of carbon filters or electrostatic precipitators as appropriate.

5. Details of cooker hood and system operation including air flow rates.

6. Details of flue design bearing in mind the discharge of air should be at a minimum of 1m above

7. the roof ridge.

8. Maintenance schedule to include details of washing/replacement of filters; frequency of inspection

9. servicing; provision of record keeping.

Reason: To protect residential amenity.

6 Ground gas monitoring shall be completed in accordance with CIRIA C665 and as outlined in the Hydrock Ground Investigation report to include a minimum of 6 gas monitoring visits over a minimum period of 2 months with at least two sets of readings at low or falling atmospheric pressure (known as worst case conditions). A gas risk assessment shall be completed to determine the gas characteristic situation and make recommendations where appropriate. The gas monitoring and risk assessment shall be subject to the approval in writing of the Local Planning Authority. Should remedial measures be required, details shall be provided to the Local Planning Authority for review and validation of any such remedial works shall be provided to the Local Planning Authority for their review and approval.

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.

7 In the event that contamination is found at any time when carrying out the further investigation works to further assess geotechnical ground conditions on site or during the approved development, work must be ceased and it must be reported immediately to the Local Planning Authority. The Local Planning Authority shall be consulted to provide advice regarding any further works required. Contamination may be indicated by soils that have unusual characteristics such as: 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.

8 A schedule of materials and finishes, sample panels, and samples of the materials to be used in the construction of the external surfaces, including walls, facades and paving materials, shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the works are commenced. 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 the Conservation Area.

9 Notwithstanding the submitted information, no development shall be commenced, apart from demolition, (unless another date or stage in development has first been agreed in writing with the Local Planning Authority) 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.

10 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.

11 No building shall be occupied or otherwise used for any purpose until the highways works on Bath Hill and Temple Street are complete to the satisfaction of the local planning authority, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety.

12 No building shall be occupied or otherwise used for any purpose until the extended Civic Centre car park extension is complete and fully open to the public, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of amenity and highway safety.

13 No building shall be occupied or otherwise used for any purpose until provision has been made within the site for the loading and unloading of goods vehicles in relation to that building, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and highway safety.

14 The development shall be operated in accordance with the submitted and approved Travel Plan.

Reason: In the interests of sustainable development.

15 Details of cycle parking area(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking area(s) shall be installed before the buildings to which they relate are first occupied and shall not be used other than for the parking of cycles in connection with the development hereby permitted.

Reason: In the interests of sustainable development.

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, traffic management. Construction shall then only take place in accordance with the approved Construction Management Plan.

Reason: To ensure the safe operation of the highway.

17 Prior to the occupation of any part of the development, a Delivery Management Plan relating to that part shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries, restricted delivery periods, supervision and traffic management. Deliveries shall then only take place in accordance with the approved Delivery Management Plan.

Reason: To ensure the safe operation of the highway.

18 On occupation of the development, and in accordance with a programme to be agreed by the local planning authority, a programme of review of on and off-street parking shall be identified together with any measures considered appropriate to address issues arising, to be funded by the developer.

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

19 No development shall take place within the site (including any site clearance or demolition works) until the applicant, or their agents or successors in title, has produced detailed drawings of all underground works, including foundations, drainage and those of statutory undertakers, which shall then have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with the details as approved.

Reason: The site is within an area of major archaeological interest and the Council will wish to protect the archaeological remains.

20 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 shall have been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features, which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major archaeological interest and the Council will wish record and protect the archaeological remains.

21 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 has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

22 Prior to the commencement of development, details of a dust management plan (which shall comply with the guidance contained in the BRE Code of Practice on the control of dust from construction and demolition activities) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only take place in full compliance with the approved dust management plan.

Reason: To protect the amenities of the occupants of adjacent residential properties.

23 At least 420 square metres gross of the floorspace set aside for town centre uses on the ground floor of the northern-most fronting Bath Hill shall be first occupied as Class A1 retail, as set out in the Town and Country Planning(Use Classes) Order 1987 (as amended)

Reason: In the interests of the vitality and viability of the town centre

24 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:

Drawings received 28/09/12 - 100/P03, NT_625_C_D_107, P-020/B, P-021/B, P-022/B, P-030/B, P-031/B, P-032/B, P-033/B, P-034/A, P-035/B, P-050/B, P-051/A.

Drawings received 27/06/12 - 101/P01, 102/P01, 105/P01, 107/P01, 200/P01, 300/P01, A(10)001/B, 11004-C001/E.

Drawing received 22/06/12 - P-023/A

Drawing received 25/04/12 - EKV0015

Drawings received 28/02/12 - 106/P00, 201/P00, 210/P00, 301/P00, 302/P00, 303/P00, 304/P00, 307/P00, 308/P00, C1104-G003, P-001, P-002, P-010, P-011, P-012, P-015, P-016, P-017, P-023.

REASONS FOR GRANTING APPROVAL:

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Development Plan Documents and approved Supplementary Planning Guidance and Documents. This is in accordance with the Policies set out below at A.

2. The proposed development is not fully in accordance with the Policies set out below at B, but the planning merits of the proposed development outweigh the conflict with these Policies.

3. It is considered that the proposal would result in substantial benefits, primarily in relation to the regeneration of Keynsham. The principle of the development is as set out in Policies KE1 and KE2 of the Council's draft Core Strategy. The proposal would not give rise to any unacceptable highway impacts. On the other hand, it is considered that the proposal would have an adverse impact on the character and appearance of the Conservation Area and the setting of listed buildings. It is considered that the substantial benefits that would arise from the proposal outweigh the harm that has been identified.

A

Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted October 2007

D.2	General Design and public realm considerations
D.4	Townscape considerations
ET.2	Office development
CF.2	New community facilities
ES.1	Renewable energy
ES.2	Energy conservation
S.1	Shopping centres
S.2	Retail development in town centres
T.3	Promotion of walking and use of public transport
T.24	General development control and access policy
T.26	On-site parking and servicing provision
NE.5	Forest of Avon
NE.9	Adjoins Nature Conservation site
NE.12	Natural Features
BH.12	Archaeology

B

Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted October 2007

BH.2	Listed buildings and their settings
BH.6	Development within or affecting Conservation Areas

ADVICE NOTES:

1) There is a need for separate approvals and licences under the provisions of the Highways Act 1980 to undertake works within, or immediately adjacent to, the public highway.

2) Public Right of Way BA27/20 runs in close proximity to the proposals. All rights shall be safeguarded, in that their line and width must not be affected by the development or during its installation.

INFORMATIVE:

The permission is issued subject to the sum of £700,000 (indexed linked), being put aside and made available when required for off-site improvement works in terms of highway improvements, public access/public realm improvements.

Item No:	02
Application No:	12/02848/FUL
Site Location:	12 High Street, Upper Weston, Bath, Bath And North East Somerset
Ward: Weston	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of rear ground floor extension (totalling approximately 206 sq metres) to create an enlarged retail unit together with rear first and second floor extensions to create 6no 2-bed apartments and alterations to existing shop fronts at 12-20 High Street, Weston
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Local Shops, World Heritage Site,
Applicant:	Bathweston One Limited & Bathweston Two Limited
Expiry Date:	28th August 2012
Case Officer:	Alice Barnes

DECISION: Defer for a site visit to allow the site to be viewed within its context and to view the existing and proposed parking arrangements.

Item No:	03
Application No:	12/03082/AR
Site Location:	Roman Candles, 5 Terrace Walk, City Centre, Bath
Ward: Abbey	Parish: N/A LB Grade: II
Application Type:	Advertisement Consent
Proposal:	Display of external fascia and hanging signs (regularisation) and removal of existing light fittings and associated works.
Constraints:	Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
Applicant:	Roman Candles Of Bath Ltd
Expiry Date:	10th September 2012

DECISION CONSENT

1 a. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

b. No advertisement shall be sited or displayed so as to -

(i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

c. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

d. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

e. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: These conditions are specified in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2 2. This consent shall expire after 3 years from the date of its grant. Upon expiry of this consent, the fascia and hanging sign shall be immediately removed.

Reason: The fascia and hanging sign are acceptable on a temporary basis. However, having regard to the impact of the signs on the amenity of the historic environment, it is considered that they are not of sufficient quality to be permitted on a permanent basis.

PLANS LIST: This decision relates to the Covering Letter, Supporting Photographs and to drawings 01, 02, 03, 04, 05 and 06 dated 16th July 2012

REASONS FOR GRANTING APPROVAL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the policies set out below at A.

2. All other material considerations, including the views of third parties, have been considered and they do not outweigh the reasons for approving the proposed development.

3. The fascia and hanging sign are acceptable on a temporary basis however, with regard to their impact upon the visual amenities of the historic environment, they are not of sufficient quality to be permitted on a permanent basis.

A

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

BH.1 World Heritage Site

BH.2 Listed Building

BH.6 Conservation Area

BH.17 Advertisement Control

DRAFT CORE STRATEGY, MAY 2011

The Draft Core Strategy is a material consideration but at this stage it has limited weight

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

There is also a duty under S 72 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF came into force on the 27th March 2012 replacing all previous Planning Policy Statements (PPS's) and Guidance Notes (PPG's), the following chapter is relevant to this decision:

12 Conserving and enhancing the historic environment

Informative:

Please refer to the accompanying Listed Building Consent 12/03095/LBA which contains further conditions.

Item No:	04
Application No:	12/03095/LBA
Site Location:	Roman Candles, 5 Terrace Walk, City Centre, Bath
Ward: Abbey	Parish: N/A LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	External alterations for the display of external fascia and hanging signs (regularisation) and removal of existing light fittings and associated works.

Constraints:	Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
Applicant:	Roman Candles Of Bath Ltd
Expiry Date:	10th September 2012
Case Officer:	Richard Stott

DECISION CONSENT

1 This consent shall expire after 3 years from the date of its grant. Upon expiry of this consent, the fascia and hanging sign shall be immediately removed.

Reason: The fascia and hanging sign are acceptable on a temporary basis. However, with regard to their impact upon the character and appearance of the listed building, they are not of sufficient quality to be permitted on a permanent basis.

2 Within 3 months of the date of this consent, the four spot lights above the fascia and the two spot lights above the hanging sign shall be removed.

Reason: In the interest of the character and appearance of the listed building.

3 Within six months of the date of this consent, a matt finish shall be applied to the fascia in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved matt finish shall then be retained until the fascia is removed.

Reason: In the interest of the character and appearance of the listed building.

PLANS LIST: This decision relates to the Covering Letter, Statement of Significance, Supporting Photographs and to drawings 01, 02, 03, 04, 05 and 06 dated 16th July 2012

REASONS FOR GRANTING APPROVAL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the policies set out below at A.

2. All other material considerations, including the views of third parties, have been considered and they do not outweigh the reasons for approving the proposed development.

3. The fascia and hanging sign are acceptable on a temporary basis however, with regard to their impact upon the character and appearance of the listed building and the character and appearance of the Conservation Area, they are not of sufficient quality to be permitted on a permanent basis. The fascia and hanging sign do not adversely harm the setting of the World Heritage Site.

A

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

BH.1 World Heritage Site

BH.2 Listed Building

BH.6 Conservation Area

BH.17 Advertisement Control

DRAFT CORE STRATEGY, MAY 2011

The Draft Core Strategy is a material consideration but at this stage it has limited weight

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

There is also a duty under S 72 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF came into force on the 27th March 2012 replacing all previous Planning Policy Statements (PPS's) and Guidance Notes (PPG's), the following chapter is relevant to this decision:

12 Conserving and enhancing the historic environment

Item No:	05	
Application No:	12/03731/FUL	
Site Location:	Parcel 1100, Compton Martin Road, West Harptree, Bristol	
Ward: Mendip	Parish: West Harptree	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Change of use of land from agricultural (Sui Generis) to the keeping of horses (Sui Generis) and erection of stables and formation of replacement access and track (resubmission).	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,	
Applicant:	Mr Richard Curry	
Expiry Date:	23rd November 2012	
Case Officer:	Tessa Hampden	

DECISION PERMIT

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

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

2 No external lighting shall be installed on the site unless details are first submitted to and approved in writing by the Local Planning Authority. Any lighting shall thereafter only be installed and retained in accordance with these approved details.

Reason: In the interest of the rural character and appearance of the area.

3 Any jumps or associated paraphernalia should be removed when not in use and stored on site.

Reason: To safeguard the character and appearance of the Area of Outstanding Natural Beauty

4 No development shall commence until details of the limestone scalplings to be used in the construction of the track have been submitted to and approved in writing by the Local Planning Authority. The development shall then only be carried out in accordance with these approved details.

Reason: To safeguard the character and appearance of the Area of Outstanding Natural Beauty

5 The development hereby permitted shall not be occupied until the proposed access has been constructed in full accordance with the requirements of and details approved in writing by the Local Planning Authority. The access shall then be maintained in accordance with these approved details thereafter.

Reason: In the interests of highway safety

6 The access, between the carriageway and the gates, shall be properly bound and compacted (not loose stone or gravel) 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

7 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

8 The access hereby permitted shall not be brought into use until the visibility splays shown on the submitted plan 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.

9 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 verge and other highway features reinstated, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

10 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 a programme of the works, together with details of appropriate traffic management. The development shall then only be constructed in accordance with that approved plan.

Reason: To ensure the safe operation of the highway.

11 The use of the proposed development and site shall be limited to non-commercial equine uses for the benefit of the individual site owner, or individual tenant, and their immediate family.

Reason: In the interests of highway safety

12 No development shall take place until measures identifying how the neighbouring Oak tree is to be protected have been submitted to and approved in writing by the Local Planning Authority. The proposals shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations.

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

13 No development activity shall commence until the protective measures as stated in the approved measures are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the tree is protected from potentially damaging activities.

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: Plans date stamped PL2995/1B,2A,3A,3B,4,5 24th August 2012

REASONS FOR GRANTING APPROVAL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A Bath and North East Somerset Local Plan (including minerals and wastes) adopted October 2007 D2, D4, NE4, T24, ET7

The change of use of the land is considered to be acceptable in principle, with the appropriate siting, scale and design ensuring that there is no resultant harm on the Area of Outstanding Natural Beauty in which the site is set. Subject to conditions, the development is not considered to result in significant harm to highway safety or the residential amenity of the neighbouring occupiers. No other significant issues have arisen as a result of this planning application.

The applicant should 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 a 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.

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.

Item No:	06	
Application No:	11/01772/FUL	
Site Location:	Site Of Alcan Factory, Nightingale Way, Midsomer Norton, BA3 4AA	
Ward: Westfield	Parish: Westfield	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Application for a Deed of Variation to S106 Agreement	
Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Core Employment Area, Forest of Avon, Housing Development Boundary, Public Right of Way, Sites of Nature Conservation Imp (SN), Tree Preservation Order,	
Applicant:	Linden Homes Western Ltd	
Expiry Date:	16th August 2011	
Case Officer:	Gwilym Jones	

DECISION The Development Control Committee resolved that the Council enter into a supplemental Section 106 Agreement with the current owners of the land to vary the terms of the Section 106 Agreement dated 29th June 2012 made between the Council, Linden Limited and HSBC Bank Plc in respect of the former Alcan Site, Nightingale Way,

Midsomer Norton (“the Original Section 106 Agreement”) to provide in respect of the Community and Office Building that:

- construction to commence before occupation of 65 dwellings
- the building to be available for occupation prior to the occupation of more than 100 residential dwellings.