

## **DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING**

### **BATH AND NORTH EAST SOMERSET**

#### **MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

Wednesday, 12th February, 2014

**Present:-** Councillor Gerry Curran in the Chair

Councillors Ian Gilchrist, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, David Martin (In place of Nigel Roberts), Douglas Nicol, Bryan Organ, Manda Rigby, Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Patrick Anketell-Jones, Vic Pritchard and Tim Warren

#### **131 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

#### **132 ELECTION OF VICE CHAIR (IF DESIRED)**

A Vice Chair was not required

#### **133 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There was an apology for absence from Councillor Nigel Roberts whose substitute was Councillor David Martin

#### **134 DECLARATIONS OF INTEREST**

Councillor Liz Hardman declared a prejudicial interest in the planning application at Parcel 3300, Temple Inn Lane, Temple Cloud (Item 3, Report 9) as she knew the applicant and would leave the meeting for its consideration. Councillor Eleanor Jackson declared an interest in the application at Empty Radco Furniture Warehouse, Waterloo Road, Radstock (Item 6, Report 9) as a shareholder of the Co-op and also had predetermined the application. She would therefore make a statement and then leave the meeting for its consideration.

#### **135 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There were no items of urgent business

#### **136 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

The Senior Democratic Services Officer informed the meeting of the procedure for public speaking and that members of the public could make their statements on planning applications when reaching their respective items in Report 9.

## 137 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

Councillor Manda Rigby enquired about progress on the Gibbs Mews, Walcot Street development since the dismissal of 2 appeals. The Team Leader – Development Management responded that a constructive meeting had been held with the developers with a view to using natural stone.

## 138 MINUTES: 15TH JANUARY AND 29TH JANUARY 2014

The Minutes of the meeting held on 15<sup>th</sup> January 2014 were approved subject to the deletion of the words "...and an amendment to Condition 7" from the 1<sup>st</sup> paragraph of Item 3 of Minute 119. The Minutes of the Special meeting held on 29<sup>th</sup> January were also approved and the Chair signed both sets of Minutes as correct records.

## 139 PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- A report by the Development Manager on applications for planning permission etc
- An Update Report by the Development Manager on Item Nos. 1-3 and 6-9, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Item Nos. 1-10, the Speakers List being attached as *Appendix 2* 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 3* to these Minutes.

**Item 1 Parcel 3567, Stitchings Shord Lane, Bishop Sutton – Outline planning application for a residential development of up to 32 dwellings and associated infrastructure** – The Case Officer reported on this application and his recommendation to authorise the Development Manager of Planning and Transport Development to grant permission subject to (A) the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various issues relating to Transport, Affordable Housing, Open Space and Recreational Facilities, and Education; and (B) subject to the prior completion of the above Agreement, authorise the Development Manager to grant permission subject to conditions (and such additional ecology conditions as she may determine).

The public speakers made their statements against and in favour of the proposals. The Ward Councillor Vic Pritchard made a statement expressing concerns about the proposals.

Councillor Les Kew opened the debate and referred to the cumulative effect of developments in the village. He felt that a site visit should be made on this important development proposal and moved that consideration be deferred accordingly. This was seconded by Councillor Martin Veal.

After a short debate, the motion was put to the vote and was carried, 11 voting in favour and 0 against with 2 abstentions.

**Item 2 Milford Head, Stitchings Shord Lane, Bishop Sutton – Demolition of existing buildings and redevelopment of the site to provide 9 dwellings (Outline with all matters reserved except access)(Resubmission of 12/05599/OUT)**

– The Case Officer reported on this application and his recommendation to authorise the Development Manager of Planning and Transport Development to grant permission subject to (A) the applicant entering into a legal agreement to secure various issues relating to Education, Open Space and Recreational Facilities, Transport, and Protection of Boundary Hedgerows; and (B) subject to the prior completion of the above Agreement, authorise the Development Manager to grant permission subject to conditions (or such conditions as he may determine).

The public speakers made their statements against and in favour of the proposal. This was followed by statements by the adjoining Ward Councillor Tim Warren and the Ward Councillor Vic Pritchard expressing concerns about the development.

Councillor Les Kew opened the debate. He felt that this proposal warranted a site visit and moved that consideration be deferred accordingly. The motion was seconded by Councillor Martin Veal. After a short discussion about the benefits of a site visit, the motion was put to the vote. Voting: 10 in favour and 0 against with 3 abstentions. Motion carried.

**Item 3 Parcel 3300, Temple Inn Lane, Temple Cloud – Development of the site for residential purposes (approximately 70 dwellings) with associated public open space, landscaping and parking, primary vehicular access from temple Inn Lane to be determined (internal access, layout, scale, appearance and landscaping reserved for subsequent approval)** – The Case Officer reported on this application and his recommendation to authorise the Development Manager of Planning and Transport Development to grant permission subject to (A) the Planning and Environmental Law Manager being authorised to enter into a S106 Agreement to secure various issues relating to Transport and Accessibility, Affordable Housing, Education and Community Facilities; and (B) subject to the prior completion of the above Agreement, authorise the Development Manager to grant permission subject to conditions. He stated that item 4 of the S106 Agreement wording would need to be amended. The Update Report gave further representations received from Highways Development Control.

The public speakers made their statements against and in favour of the proposals. The Ward Councillor Tim Warren made a statement who referred to various issues and felt that a site visit was needed.

After advice from the Senior Legal Adviser, Councillor Les Kew declared an interest in the application as traffic may use this road leading to his property a little distance away but this was not prejudicial. He considered that this was a dangerous road junction and that Members should visit the site to assess this with regard to this new development. The motion was seconded by Councillor Martin Veal.

Members debated the motion. It was generally felt that a site visit would be useful in view of the highway safety issues

The motion was put to the vote which was carried 11 in favour and 0 against with 1 abstention

(Notes: (1) Councillor Liz Hardman was not present for consideration of this application in view of her interest declared earlier in the meeting; (2) there then followed an adjournment for 10 minutes until 3.43pm; and (3) Councillor Martin Veal left the meeting after this item).

**Items 4&5 Temple Inn, Main Road, Temple Cloud – Mixed use development comprising a 10 bed letting rooms building, 9 residential dwellings and renovation of the existing public house (Ref Nos. 13/04456/FUL and 13/04457/LBA)** – The Case Officer reported on these applications and her recommendations to (1) authorise the Development Manager of Planning and Transport Development to grant permission subject to (A) the Planning and Environmental Law Manager being authorised to enter into a S106 Agreement to secure various issues relating to Education, Open Space and Recreational Facilities, Transport, and Affordable Housing; and (B) subject to the prior completion of the above Agreement, authorise the Development Manager to grant permission subject to conditions; and (2) grant consent subject to conditions. She referred to some changes required to conditions in the Recommendation and that the requirements of Condition 6 of application Ref No. 13/04456/FUL would now be part of the S106 Agreement.

The public speakers made their statements against and in favour of the proposal which was followed by a statement by the Ward Councillor Tim Warren who supported the principle of the development but felt that a site visit would be useful.

Councillor Bryan Organ felt that this was a good development but that the highway safety issues need to be assessed. He therefore moved that consideration of these applications be deferred for a site visit which was seconded by Councillor Les Kew. After a short debate about whether a site visit was needed, the motion was put to the vote. Voting: 8 in favour and 1 against with 3 abstentions. Motion carried

**Item 6 Empty Radco Furniture Warehouse, Waterloo Road, Radstock – Demolition of former Co-op Homemaker store to facilitate the erection of 13 dwellings with associated works** – The Case Officer reported on this application and his recommendation to authorise the Development Manager of Planning and Transport Development to grant permission subject to (A) the Planning and Environmental Law Manager being authorised to enter into a S106 Agreement to secure the provision on-site of 100% affordable housing, the housing mix to be agreed in writing with the Council; and (B) subject to the prior completion of the above Agreement, authorise the Development Manager to grant permission subject to conditions. He referred to an amendment required to the wording of Condition 6 in the Recommendation. The Officer reported the receipt of a late objection and referred to the Update Report which comprised further representations and an amendment to Condition 17.

The public speakers made their statements against and in favour of the proposal. Councillor Eleanor Jackson made a statement against the proposal and then left the meeting for its consideration in view of her interest declared earlier in the meeting.

Members asked questions about the application to which the Case Officer responded. Councillor Bryan Organ moved the Officer's recommendation as he felt that this was a good scheme and there would not be a significant loss to the heritage of the area from demolition of the Old Bakery building. The motion was seconded by Councillor Malcolm Lees.

Members debated the motion. Some Members considered that the Old Bakery building should be preserved as it was an important part of the town's heritage. There was dismay expressed regarding the absence of financial contributions under a S106 Agreement as this was a 100% affordable housing development by a social housing landlord and the additional costs would allegedly make the scheme unviable. A private developer would not provide as much affordable housing and would need to make some contributions to community benefits. There was discussion on materials and it was felt that a good quality reconstructed stone should be used to a standard of that of the adjoining terrace. After advice by the Team Leader – Development Management, the mover and seconder agreed that a further condition be added regarding the submission of external materials for approval by Officers. Discussion continued on the loss of the building and lack of financial contributions. Some Members still supported the proposal as it was considered that it would enhance the character and appearance of the area and the benefits of the scheme outweighed the lack of contributions and the loss of the Old Bakery building.

The Chair gave his reasons why he would be supporting the proposal. He then put the revised motion to the vote. Voting: 5 in favour and 5 against with 1 abstention. The Chair then used his second and casting vote in favour of the motion which was therefore carried, 6 voting in favour and 5 against.

(Notes: (1) After this item at 5pm, there was an adjournment until 5.07pm; and (2) Councillor Eleanor Jackson returned to the meeting)

**Item 7 Empty Co-op Premises, High Street, High Littleton – Erection of 9 residential units together with associated car parking, highway works and landscaping following demolition of former Co-op store building** – The Case Officer reported on this application and his recommendation to authorise the Development Manager of Planning and Transport Development to grant permission subject to (A) the Planning and Environmental Law Manager entering into a S106 Agreement to secure the provision on-site of 100% affordable housing, the housing mix to be agreed in writing and the Council; and (B) subject to the prior completion of the above Agreement, grant permission subject to conditions. He referred to an amendment to the wording of Condition 3 in the Recommendation and to the Update Report which amended the wording of Condition 11 and added a further Condition regarding an Arboricultural Method Statement.

The public speaker made his statement in support of the application.

Councillor Les Kew opened the debate as Ward Member on the Committee. He was delighted that a scheme had come forward for this site in the centre of the village but felt that there were a number of deficiencies such as the lack of a rear access and a bus lay by and financial contributions to education. More work was required to this application. Councillor Bryan Organ moved the Officer's recommendation as he considered that this was a good scheme although he felt that some discussions should take place between leading Members and Officers regarding financial

contributions by the applicant. The motion was seconded by Councillor Malcolm Lees.

Members debated the motion. The issue of a lack of financial contributions was raised as well as adoption of the road by the Council, the provision of a bus lay by and the pedestrian crossing that would need to be relocated. The Case Officer responded to some of these matters. Some Members felt that the scheme could still be supported despite these drawbacks.

The Chair stated his support for the proposal and put the motion to the vote. Voting: 6 in favour and 6 against. The Chair used his second and casting vote in support and therefore the motion was carried, 7 voting in favour and 6 against.

**Items 8&9 Car Park, Sawclose, Bath – (1) Erection of hotel (C1), 2 restaurants (A3) and casino (Sui Generis), alteration works to listed buildings (Gala Bingo Club, Market and Bluecoat House boundary walls), and associated hard landscaping works following the demolition of unlisted buildings (former clinic, former weighbridge kiosk, Regency garage and Nos. 1-2 Bridewell Lane)(Ref 13/04234/EFUL); and (2) alterations to Gala Bingo Club comprising demolition of north and east extensions, removal of internal balcony/gallery, paybox, toilets and platform lift, internal structural alterations including construction of new concrete floors at first floor level supported on new columns, associated works. Alterations to the Market comprising removal of rear walls, lobby, bar and canopy, partition walls and staircases, structural alterations including new walls, timber floors at first and second floor, stairs and lift, fire protection works, associated works. Alterations to Bluecoat House boundary walls, comprising substantial removal of west and east walls and removal of north wall (Ref 13/04218/LBA) –** The Case Officer reported on these applications and her recommendations to (1) authorise the Development Manager of Planning and Transport Development subject to (A) the Planning and Environmental Law Manager being authorised to enter into a S106 Agreement to secure works comprising the construction of a transition zone to the Sawclose boundary of the site and alterations to the footway abutting the site on Upper Borough Walls in accordance with details submitted with the planning application; and (B) subject to no new matters arising from outstanding consultations, grant permission subject to conditions; and (2) authorise the Development Manager of Planning and Transport Development to grant consent subject to (A) referral to the Secretary of State; and (B) subject to no new matters arising from outstanding consultations, grant consent subject to conditions. She reported the receipt of further representations and comments by the Bath Preservation Trust. She also referred to the Update Report and an amendment to the Recommendation on Item 8 to delete the referral to the Secretary of State in view of English Heritage not objecting to the application. There would also be revisions to the drawing numbers on both Items.

The public speakers made their statements against and in favour of the proposals.

Councillor Eleanor Jackson considered that she should have declared an interest in this application as she was a shareholder of the Big Issue which occupied No 1 Bridewell Lane on this site but considered that this was not prejudicial to her consideration of the matter.

Councillor Patrick Anketell-Jones made a statement expressing concerns about the design.

The Chair invited the Ward Members on the Committee to comment on the applications. Councillor Brian Webber, as one of the Ward Members on the Committee, stated that he had not received any comments from local residents on the scheme. He considered that the mix of styles of architecture was not out of character and the massing and shape of the buildings were appropriate. The scheme was very nearly acceptable but it was a bit sharp-edged. He therefore moved that consideration be deferred for 1 month for revisions to the design. Councillor Manda Rigby, the other Ward Member on the Committee, agreed that the scheme was nearly acceptable but that more time was required to make the scheme more iconic. She therefore seconded the motion.

Members debated the motion. The discussion centred on the design with Members expressing various comments and concerns. These included a more dramatic statement being required, overbearing and unsympathetic to the Theatre Royal, the scheme needed to be seen in the context of the whole of the Sawclose, too angular and needed to be softened with more detail on copings and windows, and a more balanced design and public realm scheme was needed. It was pointed out that disabled parking needed to be given some consideration.

After a full debate, the Chair stated that he was inclined to be in favour of the proposed use but felt that the casino should be more discreet, the design should have more interest and consideration should be given to not having a flat roof. He put the motion to the vote. Voting: 10 in favour and 1 against. Motion carried. The same motion was put to the vote for the application for listed building consent and was carried, 10 in favour and 1 against.

(Notes: (1) Councillor Liz Hardman left the meeting during consideration of this item; and (2) Councillor David Martin left the meeting after this item)

**Item 10 No 22 Rotcombe Vale, High Littleton – Erection of a two storey 3 bedroom house in front garden** – The Case Officer reported on this application and his recommendation to grant permission with conditions. A further condition would need to be added regarding removal of permitted development rights.

The public speaker made a statement against the proposal.

Councillor Les Kew as Ward Member opened the debate. He referred to the comments of the Parish Council who objected to the proposal and considered that there were various issues such as location and car parking that could only be assessed by holding a site visit. He moved that consideration be deferred accordingly which was seconded by Councillor Eleanor Jackson.

The motion was put to the vote and was carried unanimously.

## **140 QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2013**

The Development Manager submitted a report on performance information across a range of activities within the Development Management function for the period 1<sup>st</sup> October to 31<sup>st</sup> December 2013.

The Team Leader – Development Management responded to a query about outstanding funds balance in Table 12 of the report.

The Chair on behalf of the Committee thanked the Officers for their hard work and the report was noted.

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

The report was noted

The meeting ended at 7.00 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**



**BATH AND NORTH EAST SOMERSET COUNCIL****Development Control Committee****12<sup>th</sup> February 2014****OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA****ITEM****ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
1.	13/04975/OUT	Parcel 3567 Stitchings Shord Lane Bishop Sutton

**REPRESENTATIONS**

Stowey Sutton Parish Council raised concerns about an apparent difference in approach between their comments on this application, where they raised no objections (referencing the NPPF presumption in favour of Sustainable Development), and their approach to application 13/05272/OUT (19 dwellings in Hinton Blewett), where they recommend the refusal of the application, in that it would prejudice the Parish Council's involvement in the B&NES Placemaking Plan and would cause unacceptable landscape harm to the setting of the village.

**OFFICER ASSESSMENT**

Officers consider that the correct approach has been taken to the determination of this application. Whilst the Core Strategy Inspector has indicated that the Core Strategy housing allocation is unlikely to exceed 13,000 dwellings, the 5-year housing land supply has yet to be independently assessed. Therefore whilst the Council considers it has a 5-year housing supply this can only be given limited weight as a consideration at this stage. Consequently the presumption in favour of sustainable development still remains for the time being, with the test being whether the adverse impacts of development substantially and demonstrably outweigh the benefits.

Adverse landscape impacts are capable of outweighing the benefits of housing deliver in certain situations, but in this case, our assessment is that the landscape impact of the development would not outweigh the benefits of housing provision.

**RECOMMENDATION**

As per committee report.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
2.	13/02728/OUT	Milford Head Stitching Shord Lane Bishop Sutton

## **REPRESENTATIONS**

Stowey Sutton Parish Council raised concerns about information revealed in the Flood Risk Assessment submitted for the adjoining site, land to the East of Chew Valley Caravan Park 14/00336/OUT. This FRA comments that a surface water infiltration system (soakaway) will not work in our area due to impermeable ground conditions, but the drainage strategy for the Milford Head development relies on maximising on-site infiltration for drainage.

## **INTERNAL CONSULTATIONS**

### **HIGHWAYS DRAINAGE**

The Council's Drainage Team made the following additional comments in response to the Parish Council's comments.

The Flood Risk Assessment states:

#### **Off-site issues**

"It has been reported that the end of the Stitchings Shord Lane at the junction of Ham Lane the road has experienced some localised flooding. This is reported to be due to highways drainage over spilling at this location and possibly due to surface runoff.

The general levels of the land in this area fall from Ham lane along Stitchings Shord Lane down towards Chew Valley Lake. The localised flooding in this flat spot, whilst this may be causing localised issues is unlikely to be of significant depth due to the general fall of the land. It is likely that when this localised flooding occurs it overflows along Stitchings Shord Lane towards the lake. It is therefore unlikely to reach such a depth that would prevent vehicles from passing into and along the Lane.

The application site is lower than this area and therefore cannot contribute to any flooding in this location. The only possible impact on the application site is regarding access. It is unlikely that vehicles (including emergency vehicles) will be prevented from passing through this area. In addition there is alternative pedestrian access from the application site across Stitchings Shord Lane, along the public footpath leading to the Cappards Road development. There is therefore unlikely to be any unacceptable safety risks to life or property, arising from the development of this site, in the event of flooding in the locality."

This is a general/ observational statement and it would be preferable to get some quantitative values for depths of water and risk of occurrence.

Surface water depths can be obtained from the Environment Agency. This would provide more robust data in order to make an assessment of emergency access requirements.

A complete Drainage Strategy should be supplied with any full application.

The Drainage Strategy should include:

- Details of pre- and post-development discharge rates. The proposed surface water system should seek the betterment of existing surface water discharge rates.
- Discharge points will need to be agreed with the relevant authorities.
- A drawing showing the size, type and location of drainage features (SuDS and attenuation) with their connection points and discharge rates. In particular, details of how the proposed hydrobrake and connection with the existing drainage ditch will be constructed.
- Simulations of the performance of the system up to the 1 in 100 year (+30% for climate change) return period event showing that no flood water will leave the site and there will be no unsafe flood depths on site.

Also to note

The proposals indicate discharging flows to an existing drainage ditch at the west end of the site. Any discharges to this watercourse will require Ordinary Watercourse Consent from this office. Details about how to apply for Ordinary Watercourse Consent can be obtained by emailing [engineering\\_design\\_land\\_drainage@bathnes.go.uk](mailto:engineering_design_land_drainage@bathnes.go.uk)

Also to note that the developer should be aware that the Council's Highway Authority does not adopt roads that include permeable paving.

### **Officer Assessment**

The additional comments made by the Parish Council are taken into account but do not alter the recommendation to approve the application, but the conditions and informatives on the consent should be changed as per the a

### **Recommendation**

#### **Update 1.**

Condition 10 should be amended to read (additional text in **Bold**)

The Drainage Strategy should include:

- Details of pre- and post-development discharge rates. The proposed surface water system should seek the betterment of existing surface water discharge rates.

- Discharge points will need to be agreed with the relevant authorities.
- A drawing showing the size, type and location of drainage features **(SuDS and attenuation)** with their connection points and discharge rates. **In particular, details of how the proposed hydrobrake and connection with the existing drainage ditch will be constructed.**
- Simulations of the performance of the system up to the 1 in 100 year (+30% for climate change) return period event showing that no flood water will leave the site and there will be no unsafe flood depths on site.
- details of the Finished Floor Levels in relation to the 1 in 100 year (+ climate change) flood event.

Reason: In the interests of flood risk management.

Condition information: The applicant has indicated that surface water will be disposed of via SuDS. Prior to construction, a drainage strategy indicating the size, type and location of the proposed SuDS should be submitted.

Update 2

Additional Informative on consent to read:

**The proposals indicate discharging flows to an existing drainage ditch at the west end of the site. Any discharges to this watercourse will require Ordinary Watercourse Consent from this office. Details about how to apply for Ordinary Watercourse Consent can be obtained by emailing [engineering\\_design\\_land\\_drainage@bathnes.go.uk](mailto:engineering_design_land_drainage@bathnes.go.uk)**

**The developer should also be aware that the Council's Highway Authority does not adopt roads that include permeable paving.**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
3.	13/03562/OUT	Parcel 3300, Temple Inn Lane, Temple Cloud

### **Highways Development Control**

The Councils Highways Team clarified in response to a query from the Parish Council that guidance put in place by the Labour Government restricted the emplacement of fixed speed cameras to locations where there was evidence of accidents. Additionally the Coalition Government withdrew funding for Camera Safety Partnership in 2010/11, and consequently there is no mechanism currently in place for operating fixed road safety cameras.

There is no evidence of a significant speed related accident issue on the A37 in Temple Cloud which would be needed to justify a new fixed camera in this area. Indeed the accident casualty record in Temple Cloud is comparatively low.

Funding is being sought through the Planning Obligation to improve the A37 junction at Temple Inn Lane, by reducing clutter caused by signage. We are also seeking S106 funding for other road safety measures in Temple Cloud, which will be discussed with Ward Members and the Parish Council.

### **RECOMMENDATION**

As per Officer Report.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
6.	13/04515/FUL	Empty Radco Furniture, Warehouse Waterloo Road Radstock

### ***Consultation response from Education***

Seek contributions as follows:

Early Years age 0-2 places – 0.360 places at a cost of £6,746.26

Early Years age 3-4 places – 1.140 places at a cost of £0 (sufficient provision in the area)

Total for Early Years provision £6,746.26

Primary age pupil places – 1.604 places at a cost of £20,845.04

Secondary age pupil places – 0.653 places at a cost of £0 (sufficient provision in the area projected)

Post 16 places – 0.168 places at a cost of £0 (sufficient provision in the area projected)

Total for school places £20,845.04

Youth Services provision places – 1.65 places at a cost of £2,201.10

Total for Youth provision £2,201.10

**Total contribution sought of £29,792.40**

(Note that in line with the viability assessment and recommendation before Committee, this contribution is not being sought).

### ***Consultation response from English Heritage***

English Heritage advises that the Radco Warehouse is a building of local townscape merit that makes a positive contribution towards the character and appearance of Radstock Conservation Area. It also contributes towards the setting of other designated assets within the vicinity adding more meaning to their historic origins. Its proposed demolition is, therefore, a serious matter that does need to be fully justified under the guidelines inherent in the NPPF and Conservation Principles

Without a greater depth of justification allowing a more transparent view of the marketing that has been undertaken, we are unconvinced that this exercise has been robust enough. We are also concerned that the marketing has not been undertaken recently enough to reflect the recent upturn in the property market. Its loss will, in our view, be of substantial harm to the Conservation Area due to the significance of the original structure both historically and in terms of community value, despite various alterations and additions over the years.

We believe that the demolition of the Radco Warehouse will cause substantial harm to the character and appearance of the Radstock conservation area. We recommend that an alternative solution for this site is considered that will allow the warehouse to remain and be converted for reuse, whilst allowing further development to take place in order to create a viable scheme that will be beneficial to the historic environment and future success of Radstock's town centre.

### ***Further consultation response from Arboricultural Officer***

Following receipt of further/revised information, no objection to works proposed. Conditions should be applied to ensure precautionary measures are in place during demolition as well as construction.

***Amended condition 17 (as a consequence of the above consultation response from Arboricultural Officer), to read***

17 Prior to the commencement of development, other than the internal demolition of existing on site structures, a method statement shall be submitted to and approved by the local planning authority detailing:

1 the containment, control and removal of Himalayan Balsam from the site  
2 measures to ensure no harm to adjacent trees and watercourse including prevention of pollution or waste from entering the watercourse  
The measures shall be carried out strictly in accordance with the approved scheme.

Reason: to protect retained habitats and eradicate non-native invasive specie

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
7.	13/04514/FUL	Empty Co-op Premises High Street High Littleton

***Further consultation response from Wessex Water***

Satisfied that arrangements for surface water disposal has been clarified and will not lead to increased risk of sewer of sewer flooding. Further discussions will be required between the applicants and Wessex Water on a number of issues (outside the planning process).

***Change to recommended condition 11 (as a consequence of the above consultation response from Wessex Water), to read***

“The development shall be constructed in accordance with the foul and surface water drainage strategy shown on drawing WB03354/C/500, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that proper provision is made for foul water disposal in the interests of public health and ensure that development proposals do not increase the risk of sewer flooding to downstream property.”

***Further consultation response from Arboricultural Officer***

Following receipt of further/revised information, no objection to the loss of T2 but the tree protection plan does not reflect activities within the exclusion zone which relate to repair and building of a rubble wall. The tree protection plan and arboricultural method statement will require revision to accommodate this activity which can be conditioned. A condition is suggested.

***Additional condition 11 (as a consequence of the above consultation response from Arboricultural Officer), to read***

No development, other than demolition work not affecting trees, shall take place until a revised arboricultural method statement with tree protection plan identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority and the details within the approved document implemented as appropriate. The statement shall include proposed tree protection measures during construction of the new rubble wall and making good the existing wall; site preparation (including clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

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

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>8.</b>	<b>13/04234/EFUL</b>	<b>Car Park Sawclose Car Park Bath</b>

## **REPRESENTATIONS**

### **Consultees**

**Historic Buildings Officer comments made 3<sup>rd</sup> February 2014** - I strongly support this opportunity to stitch together the fabric of this part of the conservation area and to create significant visual enhancement and improvement in an area currently dominated by traffic and parking.

**Development and Regeneration comments made 4<sup>th</sup> February 2014** – Support the proposals.

The Development & Regeneration team supports the planning application for the redevelopment of Sawclose, which accords with Core Strategy policy objectives and will deliver significant new employment opportunities within Bath city centre, subject to:

- The applicant agreeing a local training, skills and employment package with the Council as part of a Section 106 Agreement which reflects the undertakings provided in the Schedule 9 Agreement under the Gambling Act 2005 as part of the licencing process for the Casino.
- Agreeing an overall scheme for a new public square at Sawclose which is capable of being delivered in phases in conjunction with the proposed redevelopment scheme.



### **Third Party Representations**

Bath Heritage Watchdog maintain an objection to the development.

1 resident has written to object to the design

### **OTHER MATTERS**

The drawings list on the application has been updated and the drawings listed in the main agenda report will be revised accordingly.

### **Officer Assessment**

The proposal is supported in terms of policy and design. Considerations of the merits of the design are made within the main agenda and the additional representations received do not revise the assessment made.

The planning application which would have had to be referred to the Secretary of State had English Heritage objected does not need to be referred as English Heritage have confirmed their support of the scheme.

The applicant has asked to confirm in response to the Regeneration Officers comments their willingness to participate in local skills initiative and to make provision for power, water and communications.

### **Recommendation**

Delete Part A Referral to the Secretary of State.

Then as per the main agenda with revisions to drawing numbers as per the updated drawing list.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
9.	13/04218/LBA	Car Park Sawclose Car Park City Centre Bath

### **REPRESENTATIONS**

#### **Consultees**

**Historic Buildings Officer comments made 3<sup>rd</sup> February 2014** - I strongly support this opportunity to stitch together the fabric of this part of the

conservation area and to create significant visual enhancement and improvement in an area currently dominated by traffic and parking.

## **OTHER MATTERS**

The drawings list on the application has been updated and the drawings listed in the main agenda report will be revised accordingly.

### **Officer Assessment**

The additional support for the design is acknowledged. The comments are in line with the main agenda report

### **Recommendation**

#### **As per the main agenda**

As per the main agenda with revisions to drawing numbers as per the updated drawing list.

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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE  
MEETING OF THE DEVELOPMENT CONTROL COMMITTEE ON  
WEDNESDAY 12<sup>TH</sup> FEBRUARY 2014**

**SITE/REPORT                      NAME/REPRESENTING                      FOR/AGAINST**

<b>PLANS LIST/REPORT 9</b>		
Parcel 3567, Stinchings Shord Lane, Bishop Sutton (Item 1, Pages 79-102)	Cllr Vic Pritchard on behalf of Heather Clewett, Stowey Sutton Parish Council	Against
	Bob Phillips	Against
	Mark Avery on behalf of Wayne Pickford <u>AND</u> Ian Jewson (Applicants' Agent)	For – To share 3 minutes
Milford Head, Stinchings Shord Lane, Bishop Sutton (Item 2, Pages 103-124)	Cllr Vic Pritchard on behalf of Heather Clewett, Stowey Sutton Parish Council	Against
	Richard Mooney (on behalf of Bath Chew Valley Caravan Park)	Against
	Chris Dance, LPC (Applicants' Agents)	For
Parcel 3300, Temple Inn Lane, Temple Cloud (Item 3, Pages 125-150)	Thomas Hemmings, Cameley Parish Council	Against
	Maria Musins, Chair, Temple Cloud Residents Association <u>AND</u> John Cockeram	Against – To share 3 minutes
	Edmund Bruegger (Applicant)	For
Temple Inn, Main Road, Temple Cloud (Items 4&5, Pages 151-182)	Michael Dean	Against - Up to 6 minutes
	Adam Rabone, Plainview Planning (Applicants' Agents)	For – Up to 6 minutes
Empty Radco Furniture Warehouse, Waterloo Road, Radstock (Item 6, Pages 183- 198)	Jonathan Binns, Radstock Museum Trustees	Against
	Mark Davies, Curo (Applicants)	For

Empty Co-op Premises, High Street, High Littleton (Item 7, Pages 199–214)	Mark Davies, Curo (Applicants)	For
Sawclose Car Park, Bath (Items 8&9, Pages 215- 242)	Neil Harvey  Chris Hays, WYG (Applicants' Agents)	Against  For – Up to 6 minutes
22 Rotcombe Vale, High Littleton (Item 10, Pages 243- 249)	Jim Thomas	Against

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**12th February 2014**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	13/04975/OUT	
<b>Site Location:</b>	Parcel 3567, Stitchings Shord Lane, Bishop Sutton, Bristol	
<b>Ward:</b> Chew Valley South	<b>Parish:</b> Stowey Sutton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Outline planning application for a residential development of up to 32 dwellings and associated infrastructure.	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Greenfield site, Water Source Areas,	
<b>Applicant:</b>	Charles Church Severn Valley & Edward Ware Homes Ltd	
<b>Expiry Date:</b>	19th February 2014	
<b>Case Officer:</b>	Daniel Stone	

**DECISION** Defer consideration to allow members to visit the site and surrounding area, and to view the nearby access roads and footpaths.

<b>Item No:</b>	02	
<b>Application No:</b>	13/02728/OUT	
<b>Site Location:</b>	Milford Head, Stitchings Shord Lane, Bishop Sutton, Bristol	
<b>Ward:</b> Chew Valley South	<b>Parish:</b> Stowey Sutton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Demolition of existing buildings and redevelopment of the site to provide 9no. dwellings (Outline with all matters reserved except access). (Resubmission of 12/05599/OUT)	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Coal - Referral Area, Forest of Avon, Greenbelt, Public Right of Way, Water Source Areas,	
<b>Applicant:</b>	Keynsham Property Developments Ltd	
<b>Expiry Date:</b>	21st August 2013	
<b>Case Officer:</b>	Daniel Stone	

**DECISION** Defer consideration to allow members to visit site and surrounding area, and to view site from caravan park.

<b>Item No:</b>	03
<b>Application No:</b>	13/03562/OUT
<b>Site Location:</b>	Parcel 3300, Temple Inn Lane, Temple Cloud, Bristol
<b>Ward:</b> Mendip	<b>Parish:</b> Cameley <b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application
<b>Proposal:</b>	Development of the site for residential purposes (approximately 70 dwellings), with associated public open space, landscaping and parking. Primary vehicular access from Temple Inn Lane to be determined, (internal access, layout, scale, appearance and landscaping reserved for subsequent approval).
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site, Public Right of Way, Tree Preservation Order,
<b>Applicant:</b>	Mr E Bruegger
<b>Expiry Date:</b>	29th November 2013
<b>Case Officer:</b>	Daniel Stone

**DECISION** Defer consideration to allow members to visit site and nearby road junction.

<b>Item No:</b>	04
<b>Application No:</b>	13/04456/FUL
<b>Site Location:</b>	Temple Inn, Main Road, Temple Cloud, Bristol
<b>Ward:</b> Mendip	<b>Parish:</b> Cameley <b>LB Grade:</b> II
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Mixed use development comprising a 10 bed letting rooms building, 9 residential dwellings, and renovation of the existing public house
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Listed Building,
<b>Applicant:</b>	Red Oak Taverns Limited
<b>Expiry Date:</b>	30th December 2013
<b>Case Officer:</b>	Heather Faulkner

**DECISION** Defer consideration to allow members to visit site and nearby road junction.

<b>Item No:</b>	05
<b>Application No:</b>	13/04457/LBA
<b>Site Location:</b>	Temple Inn, Main Road, Temple Cloud, Bristol
<b>Ward:</b> Mendip	<b>Parish:</b> Cameley <b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Mixed use development comprising a 10 bed letting rooms building, 9 residential dwellings, and renovation of the existing public house
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Listed Building,
<b>Applicant:</b>	Red Oak Taverns Limited
<b>Expiry Date:</b>	30th December 2013
<b>Case Officer:</b>	Heather Faulkner

**DECISION** Defer consideration to allow members to visit site and nearby road junction.

<b>Item No:</b>	06
<b>Application No:</b>	13/04515/FUL
<b>Site Location:</b>	Empty Radco Furniture Warehouse, Waterloo Road, Radstock, BA3 3EP
<b>Ward:</b> Radstock	<b>Parish:</b> Radstock <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Demolition of former Co-op Homemaker store to facilitate the erection of 13no. dwellings with associated works.
<b>Constraints:</b>	Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Coal - Standing Advice Area, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Housing Development Boundary,
<b>Applicant:</b>	Curo
<b>Expiry Date:</b>	30th January 2014
<b>Case Officer:</b>	Mike Muston

**DECISION** Delegate to PERMIT subject to

Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure:

The provision, on site, of 100% Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council

Subject to the prior completion of the above agreement, authorise the Development Manager to PERMIT subject to 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 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dBLAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: In the interest of residential amenity

3 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.

Reason: In the interests of the living conditions of nearby residents.

4 No development shall take place, other than site clearance not involving the demolition of the building, 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 Bristol and Region Archaeological Services (Project No. 3006, December 2013).

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

5 No development shall take place, other than site clearance not involving the demolition of the building, within the site until the applicant, or their agents or successors in title, has implemented the programme of historic building recording in accordance with the submitted written scheme of investigation prepared by Bristol and Region Archaeological Services (Project No. 3005, December 2013).

Reason: The building is of significant historic interest and the Council will wish to examine and record features of architectural interest.

6 The development of the site shall take place in accordance with the recommendations set out within the geo-technical and geo-environmental report prepared by Terra Firma (South) and dated October 2013. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in this report are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be submitted to and approved in writing by



the Local Planning Authority, prior to the occupation of any of the dwellings hereby permitted..

Reason : To protect controlled waters.

7 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect controlled waters.

8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters.

9 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: In some cases the infiltration of surface water through contaminated ground can present an unacceptable risk to controlled waters.

10 No development hereby permitted shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

1. Site security.
  2. Fuel oil storage, bunding, delivery and use.
  3. How both minor and major spillage will be dealt with.
  4. Containment of silt/soil contaminated run-off.
  5. Disposal of contaminated drainage, including water pumped from excavations.
  6. Site induction for workforce highlighting pollution prevention and awareness.
- Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

Reason: To prevent pollution of the water environment.

11 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment by Clarke Bond dated September 2013 and the following mitigation measures detailed within: Finished floor levels are set no lower than 68.50m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants.

12 The scheme for surface water drainage contained in Appendix H to the submitted Flood Risk Assessment shall be implemented in accordance with the submitted 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.

13 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.

14 No dwelling hereby permitted shall be occupied until the parking space(s) shown on the approved plans as serving that unit has been provided and the roads connecting that space to the public highway completed to an adoptable standard. The parking spaces shall thereafter be retained as such and not used for any other purpose.

Reason; In the interests of highway safety.

15 Works for the demolition of part or all of the building(s) shall not commence until a valid contract for the redevelopment of the site, if necessary in accordance with a valid planning permission, has been let, or details of temporary treatment of the site or building(s) have been approved in writing by the Local Planning Authority and such details to include a programme for carrying out such treatment, which shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of this part of the Conservation Area.

16 Prior to the installation of any lighting on site, details of a proposed lighting scheme shall be submitted to the Local Planning Authority for approval in writing. The scheme shall provide locations, plans and details of measures to minimise potential effects on bats through lighting design and specification and shall define the areas that shall be completely unlit, and demonstrate that the watercourse and tree line alongside will not be

affected by light spillage from the site. Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: to avoid harm to bat activity and other wildlife arising from light spill

17 Prior to the commencement of development, other than the internal demolition of existing on site structures, a method statement shall be submitted to and approved by the local planning authority detailing:

1 the containment, control and removal of Himalayan Balsam from the site

2 measures to ensure no harm to adjacent trees and watercourse including prevention of pollution or waste from entering the watercourse

The measures shall be carried out strictly in accordance with the approved scheme.

Reason: to protect retained habitats and eradicate non-native invasive species

18 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 any construction involving those materials or finishes. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To preserve the character and appearance of the Conservation Area.

19 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 31918\_P006/A, P010/D, P011/D, P 012/E, LP(90)104/C, received 17 December 2013.

Drawings 31918\_P001, P002, P004, P005/A, P007/A, P008/A, P009, P013, P014, LP(90)100/B, 102/B, 103/B, 300, received 18 October 2013.

#### **INFORMATIVE**

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

#### **DECISION TAKING STATEMENT**

In determining this application, the Local Planning Authority has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Pre-application advice was sought and provided and amendments made to the proposals. For the reasons given, a positive view of the revised submitted proposals was taken and permission was granted subject to a legal agreement.

<b>Item No:</b>	07
<b>Application No:</b>	13/04514/FUL
<b>Site Location:</b>	Empty Co-op Premises, High Street, High Littleton, Bristol
<b>Ward:</b> High Littleton	<b>Parish:</b> High Littleton <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of 9 no. residential units, together with associated car parking, highway works and landscaping following demolition of former Co-op store building
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
<b>Applicant:</b>	Curo Group
<b>Expiry Date:</b>	25th December 2013
<b>Case Officer:</b>	Mike Muston

**DECISION** Delegate to PERMIT subject to

Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure:

The provision, on site, of 100% Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council

Subject to the prior completion of the above agreement, authorise the Development Manager to PERMIT subject to 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 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: In the interest of residential amenity

3 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 any construction involving those materials or finishes. The development shall thereafter be carried out only in accordance with the samples so approved.

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

4 No dwelling shall be occupied 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.

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

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

6 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

7 Before the access hereby permitted is first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access and points on the carriageway edge 33m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

8 The area allocated for parking and turning on the submitted plan shall be properly bound and compacted (not loose stone or gravel) and shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and amenity

9 Before the dwellings are first occupied, new residents' welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., together with complimentary bus tickets for each household to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

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 details of deliveries (including storage arrangements and timings), contractor parking, traffic management.

Reason: To ensure the safe operation of the highway.

11 The development shall be constructed in accordance with the foul and surface water drainage strategy shown on drawing WB03354/C/500, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that proper provision is made for foul water disposal in the interests of public health and ensure that development proposals do not increase the risk of sewer flooding to downstream property.

12 No development, other than above ground site clearance and above ground demolition, shall commence until the applicant, or their agents or successors in title, has implemented the programme of archaeological work (archaeological evaluation) in accordance with the submitted written scheme of investigation prepared by Bristol and Region Archaeological Services (Project No. 3016, December 2013).

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

13 No development, other than above ground site clearance and above ground demolition, 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 to record and protect any archaeological remains.

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 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, and above ground demolition and site clearance works, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18 The development hereby permitted shall be carried out only in accordance with the recommendations of the approved Ecological Appraisal of Former Co-operative Store,

High Littleton dated 3rd May 2013 or in accordance with any amendment to the recommendations as approved in writing by the Local Planning Authority. This shall include use of precautionary working methods and an Ecological Clerk of Works during vegetation clearance and provision of bird and bat boxes at suitable locations throughout the site.

Reason: To secure adequate ecological protection during the course of development.

19 No development, other than demolition work not affecting trees, shall take place until a revised arboricultural method statement with tree protection plan identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority and the details within the approved document implemented as appropriate. The statement shall include proposed tree protection measures during construction of the new rubble wall and making good the existing wall; site preparation (including clearance and level changes ), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

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

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

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

#### **PLANS LIST:**

Drawings 31970\_LP(90)001/F, 002/D, 003/E, 004/B, 31970\_P004/A, P005/B, P006/B, P014/B, P015/A, received 27 January 2014.

Drawings 31970\_P010/D, P011/E, P012/C, received 17 December 2013.

Drawings 31970\_P002, P003, P007, P008, P009, P013, received 18 October 2013.

#### **INFORMATIVE**

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

#### **DECISION TAKING STATEMENT**

In determining this application, the Local Planning Authority has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Pre-application advice was sought and provided and amendments made to the proposals. For the reasons given, a positive view of the revised submitted proposals was taken and permission was granted subject to a legal agreement.

<b>Item No:</b>	08
<b>Application No:</b>	13/04234/EFUL



<b>Site Location:</b>	Car Park, Sawclose Car Park, City Centre, Bath
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application with an EIA attached
<b>Proposal:</b>	Erection of hotel (C1), 2no restaurants (A3) and casino (Sui Generis), alteration works to listed buildings (Gala Bingo Club, Market and Bluecoat House boundary walls) and associated hard landscaping works following the demolition of unlisted buildings (former clinic, former weighbridge kiosk, Regency Garage and 1-2 Bridewell Lane)
<b>Constraints:</b>	Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
<b>Applicant:</b>	Deeley Freed (Penhalt) Ltd
<b>Expiry Date:</b>	12th March 2014
<b>Case Officer:</b>	Sarah James

**DECISION** Defer consideration to allow opportunity for applicant to revise design and appearance of Saw Close elevations with Officers over the next month.

<b>Item No:</b>	09
<b>Application No:</b>	13/04218/LBA
<b>Site Location:</b>	Car Park, Sawclose Car Park, City Centre, Bath
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Alterations to Gala Bingo Club comprising: demolition of north and east extensions; removal of internal balcony/gallery, paybox, toilets and platform lift; internal structural alterations including construction of new concrete floors at first floor level supported on new columns; associated works. Alterations to the Market comprising: removal of rear walls, lobby, bar and canopy, partition walls and staircases; structural alterations including new walls, timber floors at first and second floor, stairs and lift; fire protection works; associated works. Alterations to Bluecoat House boundary walls comprising: substantial removal of west and east walls, removal of north wall.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
<b>Applicant:</b>	Deeley Freed (Penhalt) Ltd
<b>Expiry Date:</b>	27th November 2013
<b>Case Officer:</b>	Sarah James

**DECISION** Defer consideration to allow opportunity for applicant to revise design and appearance of Saw Close elevations with Officers over the next month.

<b>Item No:</b>	10	
<b>Application No:</b>	13/04303/FUL	
<b>Site Location:</b>	22 Rotcombe Vale, High Littleton, Bristol, Bath And North East Somerset	
<b>Ward:</b> High Littleton	<b>Parish:</b> High Littleton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a two storey 3no. bedroom house in front garden.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,	
<b>Applicant:</b>	Mr Jonathan Cowley	
<b>Expiry Date:</b>	13th December 2013	
<b>Case Officer:</b>	Daniel Stone	

**DECISION** Defer consideration to allow members to view site in context with surroundings.