

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

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

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

Wednesday, 12th March, 2014

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

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

Also in attendance: Councillors Nathan Hartley, Loraine Morgan-Brinkhurst, Vic Pritchard and Caroline Roberts

#### **142 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chair was not required

#### **144 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There was none

#### **145 DECLARATIONS OF INTEREST**

Councillor Liz Hardman declared an interest in the planning application at Parcel 3300, Temple Inn Lane, Temple Cloud (Item 2, Report 9) as she knew the applicant and therefore would leave the meeting and would not participate in its consideration.

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

There were no items of urgent business

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

The Senior Democratic Services Officer informed the meeting of the public speaking procedure and that members of the public could make their statements when reaching their respective items in Reports 9, 10 and 13 on the Agenda.

#### **148 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

Councillor Martin Veal informed the meeting that he would need to leave the meeting early. Councillor Manda Rigby enquired as to the current situation on the Gibbs Mews development in Walcot Street. The Team Manager – Development Management stated that there was nothing to add to the comments he made at the

last meeting of the Committee and that there should be further information available by the next meeting in April.

#### **149 MINUTES: 12TH FEBRUARY 2014**

Councillor Les Kew referred to Minute No 139 on page 13 of the Agenda relating to the former Radco Furniture Warehouse, Waterloo Road, Radstock. He clarified that natural stone would now be used instead of reconstructed stone as indicated in the Minute. The Minutes of the meeting held on 12<sup>th</sup> February 2014 were approved and signed by the Chair as a correct record.

#### **150 SITE VISITS 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.
- An Update Report on Item No 2, a copy of which report is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1-6, 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 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 subject to conditions.

The public speaker made a statement against the application.

Councillor Les Kew opened the debate. He considered that the design was alien to the street scene and was overdevelopment of the site. There was a covenant on the existing house restricting the garden to car parking. There was also an issue in that the pre-application advice that had been given indicating that the scheme could be approved had not been referred to in the Officer's report. He also noted that the application had originally been delegated by the Chair to the Officers for a decision. The Chair responded that it had been signed off for an approval but that he had allowed it to be referred to the Committee afterwards. He would write to the applicant regarding the procedure.

Councillor Bryan Organ could not support the application as it was out from the building line, it was overdevelopment of the site, the design was out of character with surrounding properties and there would be overlooking. On this basis, he moved that the Officer recommendation be overturned and permission be refused. The motion was seconded by Councillor Brian Webber.

Members debated the motion. A number of Members spoke in favour of the development as it was in a sustainable location, the number of cars that could be parked at this and surrounding properties was not an issue and a different design

made the street scene more interesting. Other Members supported the motion as they found the design to be unacceptable and would spoil the character of the area. The Chair stated that it was a finely balanced decision but that he would support the proposal.

He therefore put the motion to the vote. Voting: 5 in favour and 8 against. Motion lost.

Councillor Eleanor Jackson therefore moved the Officer's recommendation to grant permission, with conditions, which was seconded by Councillor Doug Nicol. The Chair put this motion to the vote and it was carried, 8 voting in favour and 5 against.

**Item 2 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 (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisions relating to Transport and accessibility, Affordable housing, Open space and recreational facilities, Education and Community facilities; and (B) subject to the prior completion of the Agreement, authorise the Development Manager to grant permission subject to conditions (or such conditions as she may determine). The Update Report referred to the Highways Team's comments on the Cumulative Transport Assessment submitted by the applicant. He stated that hard surfacing could be provided at the junction if approved.

The public speakers made their statements against and in favour of the applications. Councillor Les Kew read out a statement provided by the Ward Councillor Tim Warren who could not attend the meeting.

Councillor Doug Nicol queried the proposed hard surfacing platform in Temple Inn Lane and whether rumble strips would be better. Councillor Eleanor Jackson felt that this was a difficult application but on balance she supported the application and therefore moved the Officer's recommendation which was seconded by Councillor Doug Nicol.

Members debated the motion. Councillor Nigel Roberts queried whether the cumulative effect of housing developments had been considered. The Case Officer responded that whilst there were concerns regarding the number of houses being built above the suggested limit for a village, the Council could not demonstrate an agreed 5 year land supply for housing – the application would still need to be determined against the NPPF presumption in favour of sustainable development.

Councillor Les Kew stated that the speed restriction features were not very satisfactory. A lot of traffic would use the Lane which leads to an industrial estate and the Lane in which he lived (he declared an interest in this regard). If approved, the ransom strip for access to the school and community hall should be retained. There would be a big impact on the village but at least there were monies available via the S106 Agreement. Councillor Brian Webber could not support the motion as he felt that there were too many houses which were out of character with the village.

The Chair referred to increased vehicular movements at the junction but did not consider it was an unacceptable impact on the village. Some signage at the junction could be removed to assist in visibility. The Team Leader – Development Management stated that the Council could not demonstrate a 5 year housing land supply. New planning guidance had been produced recently which stated that this was a key material consideration. The NPPF advised that there was a presumption in favour of sustainable development. This was considered to be a sustainable location and there were financial benefits via the S106 Agreement. It was a balanced decision but approval was being recommended.

The Chair put the motion to the vote which was carried, 9 voting in favour and 2 against with 1 abstention.

(Note: Councillor Liz Hardman was absent for discussion on this item in view of her interest declared earlier in the meeting).

**Items 3&4 Temple Inn, Main Road, Temple Cloud – Mixed use development comprising a 10 bed letting rooms building, 9 residential dwellings and renovation of existing public house (Ref Nos. 13/04456/FUL and 13/04457/LBA)**

– The Case Officer reported on these applications and her recommendations to (1)(A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisions relating to Education, Open space and recreational facilities, Transport and Affordable housing; and (B) subject to the prior completion of the Agreement, authorise the Development Manager to grant permission subject to conditions; and (2) grant consent subject to conditions.

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

Councillor Les Kew relayed the comments of the Ward Councillor Tim Warren on these applications. Councillor Doug Nicol moved the Officer recommendations but conditions should be included so that the works to the listed building are completed before the development is fully occupied and that the letting rooms building be tied to the public house. The Officers stated that the S106 Agreement would secure the works to the listed building and that the letting rooms would not need to be tied to the public house as planning permission would be required for any change of use.

Councillor Bryan Organ moved the Officer recommendations which were seconded by Councillor Manda Rigby. Councillor Les Kew queried the width of the access onto the Lane as he considered that the old entrance could be closed off and the existing walls could be retained as much as possible. Also the materials would be important so sample panels should be supplied. The Officer stated that this was covered in Condition 17.

The Chair put the motions to the vote which were carried unanimously

**Item 5 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 Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisions relating to Transport, Affordable housing, Open space and recreational facilities and Education; and subject to the prior completion of the 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 application. The Ward Councillor Vic Pritchard made a statement against the proposal.

Councillor Les Kew opened the debate. He referred to the large number of permissions for residential development and the houses already built in the village and considered this to be a step too far. He would not support the proposal. This sentiment was echoed by Councillor Liz Hardman. Councillor Ian Gilchrist agreed and therefore moved that the recommendation be overturned and that permission be refused on the grounds that it was outside the housing boundary. He also had other concerns including the likely increased pressure on the local school. The motion was seconded by Councillor Martin Veal. Councillor Nigel Roberts queried whether the school could expand and considered that this development was not sustainable as it was car-based. In response, the Case Officer stated that a contribution could be made to education facilities and, whilst the school was currently full, the contributions would go towards a school extension for which there was room. There was a presumption in favour of sustainable development under the NPPF – the lack of a Core Strategy made it difficult to defend on appeal as was the case with housing development at Wick Road which was upheld on appeal.

Members continued to debate the motion. Councillor Les Kew felt that it was the cumulative effect that was the issue and the rural habitat needed to be protected. The Team Manager – Development Management stated that the Council was in a difficult position with regard to the 5 year land supply as this had not yet been approved and it would not be appropriate to refuse the application simply because the application site was outside the Housing Development Boundary. However, as it was apparent that the Members were minded to refuse the application, he suggested that the guidance within the recently published Planning Policy Guidance was relevant in this particular instance. This guidance stated that, if the cumulative effect of housing developments is so significant that to grant planning permission would undermine the plan-making process and the emerging Core Strategy was at an advanced stage, then this could be a reason to refuse the application. The mover and seconder agreed. There was some further discussion and the issue of flooding was raised but Officers considered that this could be overcome by engineering solutions.

The Chair put the amended motion to the vote which was carried, 8 voting in favour and 3 against with 2 abstentions.

**Item 6 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 (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisions relating to Education, Open space and recreational facilities, Transport and Protection of boundary hedges; and subject to the prior completion of the Agreement, authorise the Development Manager to grant permission subject to conditions (or such conditions as she may determine).

The public speakers made their statements against and in favour of the application. The Ward Councillor Vic Pritchard made a statement against the proposal.

Councillor Nigel Roberts raised various queries concerning the AONB and the loss of the tennis court and a brownfield site. The Case Officer responded that it was a private tennis court and this brownfield site included the access road. He indicated approximately where he thought the boundary of the AONB ran.

Councillor Les Kew considered that this was overdevelopment and on this basis moved refusal thus overturning the Officer's recommendation. However, he felt that some housing could be accommodated on the site. The motion was seconded by Councillor Nigel Roberts who considered that this was inappropriate development in the AONB and requested that this be included as a reason for refusal to which the mover agreed. There was some doubt cast regarding the extent of the AONB in this locality and therefore it was felt that it would be better if the application was deferred for clarification. Councillor Eleanor Jackson felt that drainage issues also needed further clarification. Councillor Les Kew therefore withdrew his motion to refuse permission and moved deferral for resolution of these issues which was seconded by Councillor Nigel Roberts.

The motion was put to the vote and was carried, 12 voting in favour and 0 against with 1 abstention.

(Note: After this Item at 5pm, there was a comfort break for 10 minutes).

## **151 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.
- An Update Report on Item Nos. 1-3 and 5, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1, 2 and 4, a copy of 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 4* to these Minutes.

**Items 1&2 Sawclose Car Park, Bath – (1) Erection of hotel (C1), 2 restaurants (A3) and casino (Sui Generis), alterations 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 No. 13/04234/EFUL); and (2) alterations to Gala Bingo Club comprising demolition of north and east extensions; removal of internal balcony/gallery, pay box, 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. Alterations to Bluecoat House boundary walls comprising substantial removal of west and east walls, removal of north wall (Ref No. 13/04231/LBA)** – The Case Officer reported on these applications and her recommendations to grant permission/consent. She referred to the Update Report which informed of the receipt of further representations, the Officer's assessment and revised conditions on Item 1. She stated that further representations had been received on the design and from disabled users and English Heritage supported the proposals. The application for planning permission would not need to be referred to the Secretary of State.

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

Councillor Manda Rigby opened the debate as one of the Ward Members on the Committee. She considered that the reasons for deferral on design grounds had been addressed and the scheme was now acceptable. She therefore moved the Officer recommendation which was seconded by Councillor Doug Nicol.

Councillor Brian Webber, as the other Ward Member on the Committee, stated that, despite the design not being individualistic, the scheme was very satisfactory and the Sawclose needed regeneration. He felt that the disabled users' observations needed to be taken up by Officers.

Members debated the motion. There was disappointment expressed by some Members regarding the design although the Bridewell Lane elevation was complimented. The scheme was lacking a main feature such as a fountain and some landscaping. It was commented that the adjoining Royal Mineral Water Hospital could be moving in a couple of years which would remove anxiety by disabled users relating to the loss of the existing car park.

Members continued to discuss the design which found favour with some Members. The Chair stated that he supported the casino use but not the design. The Condition limiting use of the terrace gave him concern and he felt that it should be removed as it was not enforceable. The mover and seconder agreed and the amended motion was put to the vote. Voting: 8 in favour and 4 against with 1 abstention. Motion carried.

**Item 3 Weston All Saints Ce Vc Primary School, Broadmoor Lane, Upper Weston, Bath – Provision of new 6 classroom teaching block and associated external works** – This application was withdrawn and was not considered.

**Item 4 No 153 Newbridge Hill, Bath – Erection of new dwelling on land at the rear of Nos. 153/155 Newbridge Hill (Resubmission)** – The Case Officer reported on this application and her recommendation to refuse permission.

The public speakers made their statements against and in favour of the application. The Ward Councillors Loraine Morgan-Brinkhurst and Caroline Roberts made their statements for and against the proposals respectively.

Councillor Bryan Organ could see no problem with the application and moved that the Officer recommendation be overturned and permission granted. In support, he stated that the site was big enough and had an existing access. There had been a

large extension approved at the rear of the Nursing Home a short distance along this side of the road. This proposal would not create any noise issues. The motion was seconded by Councillor Liz Hardman.

Members debated the motion. Councillor Nigel Roberts considered that the rear gardens provided an attractive open space and this proposal would destroy the setting of the substantial town houses on this side of Newbridge Hill. It would set a dangerous precedent to allow this development and would go against the Inspector's appeal decision to dismiss the appeal. Some of these comments were supported by other Members in their remarks.

The Chair summed up the debate and put the motion to the vote. Voting: 4 in favour and 7 against. Motion lost.

Councillor Eleanor Jackson therefore moved the Officer recommendation to refuse permission which was seconded by Councillor Nigel Roberts. The motion was put to the vote and was carried, 7 voting in favour and 4 against.

**Item 5 Patone, Huddox Hill, Peasedown – Erection of 2 single storey dwellings and garages** – The Planning Officer reported on this application and her recommendation to refuse permission. The Update Report contained comments on a further representation that had been received.

The Ward Councillor Nathan Hartley made a statement in support of the application.

Councillor Les Kew had requested that this application be referred to Committee and therefore opened the debate. He could see no reason to justify refusal of the application. The site was within the housing boundary, there was good access and there was no highways objection. He therefore moved that the application be delegated to grant permission subject to appropriate conditions which was seconded by Councillor Eleanor Jackson.

Members expressed their approval of the scheme and the Chair put the motion to the vote which was carried, 10 voting in favour and 0 against with 1 abstention.

**Items 6&7 Sunday Cottage, Access Road to Paglinch Farm, Shoscombe – (1) Alterations to an existing ancillary outbuilding to form an ancillary garden studio and store (Ref No. 14/00064/FUL); and (2) internal and external alterations to an existing ancillary outbuilding to form an ancillary garden studio and store (Ref No. 14/00065/LBA)** – The Case Officer reported on these applications and the recommendations to grant permission/consent.

Councillor Les Kew considered that these proposals were acceptable and therefore moved that the applications for planning permission and listed building consent be granted which was seconded by Councillor Bryan Organ.

The motions were put to the vote and were carried, unanimously.

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

The report was noted.



(Note: Councillor Ian Gilchrist left the meeting during this item)

**153 PLANNING ENFORCEMENT UPDATE**

The Committee considered an update report on enforcement action relating to the unauthorised erection of a straw bale house on land at Parcel 4324, Limeburn Hill, Chew Magna.

The report was noted.

**154 FORMER FULLERS EARTHWORKS UPDATE**

The Committee considered an update report relating to Court proceedings in relation to land at the former Fuller's Earthworks, Combe Hay.

The Principal Solicitor reported on the matter and then the public speakers made their statements (copies of which are included in the Minute Book).

The report was noted.

The meeting ended at 7.10 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

This page is intentionally left blank

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**12<sup>th</sup> March 2014**

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

**ITEM**

**ITEMS FOR PLANNING PERMISSION**

**Site Visit**

**Item No 2**

**Application No. 13/03562/OUT**

**Address. Parcel 3300, Temple Inn Lane, Temple Cloud, Bristol,**

The applicants submitted a Cumulative Transport Assessment, assessing the cumulative impact of traffic generated by their proposed development of 70 dwellings and by the development at Temple Inn, for the renovation of the public house, the erection of 9 dwellings and a building comprising 10 letting rooms.

The Councils Highways Development Management Team commented in response that the report did not change their advice or recommendation, in that the overall impacts of these developments were considered when providing their formal response.

**Item No 1**

**Planning reference 13/04234/EFUL - 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)**

The application was deferred from committee in February as members felt design revisions should be sought. Those revisions have been made and are considered satisfactory to Officers and are re-presented to members on that basis.

**REPRESENTATIONS**

Historic Buildings Officer

comments made 5<sup>th</sup> March 2014 - I continue my support for the architectural and urban design approach adopted which respects the local built context and will in my view both improve and enhance the appearance and character of

this part of the conservation area and the settings of the adjacent listed buildings.

The design revisions include architectural detailing in the form of a stone cornice and string bands, and ground floor rustication. At roof level structures have been added projecting above the originally proposed roof line. It is not clear from the drawings how this structure works in visual terms or the cladding materials proposed, but a condition could be included to cover this.

Although I consider the additional detailing to be unnecessary, I have no objections to its introduction and would recommend that the scheme is approved as revised. It continues to strongly reflect and reinterpret both the traditional and classical proportions of local built forms. The scheme will make a positive contribution to the local character and appearance of this part of the conservation area and World Heritage Site.

#### Theatre Trust

The theatre Trust has a statutory responsibility for theatres and that includes former theatres which in this case applies to the Gala Bingo Hall. The Trust has no in principle objections to the development. They advise that they regret the partial loss of the theatre's fabric and integrity, but recognise that the theatre auditorium has little architectural or historical significance and hasn't been used as a theatre for over 50 years. They support the design approach to retain and restore the entrance tower and the Market building, which are the key features of most historic importance, and the overall economic and social benefits of the proposal justify the demolition and redevelopment of the rest of the building. The investment will rejuvenate and enhance the area by introducing new and active uses that maintain public access across the site. Conditions are requested.

#### Highway Officer

In respect of the accessibility of the site for all users it is advised that In relation to the transition strip, this is required to effect the change in levels between the proposed finished levels of the application site and the existing public highway. The gradient of the transition zone would be a maximum of 1 in 32, which is an acceptable gradient for a footway cross fall. The kerb upstand adjoining the carriageway is proposed as 25mm which is less than the existing upstand on Upper Borough Walls. The kerbing to the rear of the transition zone defines the application site boundary, and mirrors a standard kerb upstand to many roads (125mm). The transition zone would provide a pedestrian route, where currently there is none, as an interim measure until such time as the public realm works are implemented to change the whole character of the area to a shared space, where there would be no vehicle dominance.

### **Third Party Representations**

Healthwatch Bath asks if the Local Authority has undertaken a wide enough consultation on the closure of Saw Close Car Park with local disabled groups and patients who use the Royal National Hospital for Rheumatic Diseases as it is this group of people who will be affected most by such a closure. Has an Equality Impact Assessment been undertaken on how the closure will affect people with protected characteristics?

Bath Heritage Watchdog maintain an objection and comment that though all of the revisions are of further benefit and soften the design a little, they are merely cosmetic and do not address the underlying flaws of the design.

Bath PreservationTrust welcome materials revisions but consider that the changes to the front elevation have left the scheme much more uncertain about its architectural identity This elevation is now neither truly contemporary nor a replica of Georgian architecture. Our comment on the first iteration of these proposals largely supported the principle of adopting a contemporary approach and centred on points of detail of that approach; it did not seek to discourage the contemporary.

Further representations have been received from a resident who has previously written concerned that disabled and equality issues have not been fully taken into account.

It is also noted that Guide Dogs for the blind have made representations to councillors and although these have not been submitted formally to planning those representations seeking further discussions with disabled user groups have been taken into account.

### **OTHER MATTERS**

The drawings list on the application will be revised to reflect the revised drawings submitted.

### **Officer Assessment**

#### Design

The applicant has revised the plans in line with previous committee discussions and these revisions are acceptable and are supported. Conditions have been subject to minor revision and additions and the updated list is set out below.

#### Equality Act considerations

Under s149 Equality Act 2010, the Council as LPA is subject to a public sector equality duty. In summary, this means that the Council must have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in respect of people who have a 'protected

characteristic'. There are a number of protected characteristics, one of which is disability.

In this case concerns have been raised by third parties regarding accessibility and loss of parking for disabled people, particularly for those accessing the Mineral Water Hospital. These matters are specifically considered below.

The buildings will be constructed to be fully accessible and consideration of accessibility of the buildings will be further assessed through the building control regulations.

The external public realm will be a significant improvement over the current situation as it will be a pedestrianised space with an improved surface and an acceptable and improved crossfall. The highway officer has made reference to this above.

The loss of the car park has been considered and commented upon by the highway officer and it is considered that the loss of the 2 allocated disabled spaces must be seen in the context of the wider parking strategy for Bath and is in that regard acceptable. In addition the applicant has provided a plan of potential parking for disabled users which includes on street and which shows that there would be in the region of 90 disabled parking spaces still available within the vicinity of the site.

Construction will minimise disruption for all users and a condition on the approval would require details of construction activities to be agreed and any disruptions to the highway would need highways approval.

The applicant has expanded the Design and access statement with specific details of these issues demonstrating how they have been considered throughout the development.

The Phase 2 works are not part of the current application and would be carried out by the highway authority. However consideration has been made to level accesses and appropriate levels and surfaces across the highway and the reduction in car movements can only be a benefit for all pedestrians.

As part of the consultation exercise carried out by the applicant, disabled user groups were included within that consultation and this is noted within the planning submission. There is no statutory requirement to consult specific disabled user groups as part of the planning process however comments received have been fully taken into account in the consideration of this application.

In conclusion, officers are of the view that there will still be adequate parking provision for disabled users and that the development will be accessible to all users, including those with disabilities.

## **Recommendation**

As per the main committee report with revised conditions as below and revisions to drawing numbers to reflect the revised plans submission.

## **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 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.

3 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.

4 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide: (a) monitoring of demolition works; (b) monitoring of enabling works including further archaeological investigations; and (c) a controlled watching brief during the main construction phase with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation or as otherwise agreed in writing with the Local Planning Authority..

Reason: The site is within an area of significant archaeological interest and the Council wish to ensure that any archaeological remains disturbed by the development are properly examined and recorded.

5 All ground works (including site clearance, demolition, foundations, drainage and those of statutory undertakers) and archaeological recording (including an Archaeological Management Plan) shall be carried out and completed in accordance with the Archaeology and Engineering Statement prepared by Cotswold Archaeology (CA Project 2312, Revision 4, January 2014), unless otherwise first agreed in writing with the Local Planning Authority.

Reason: The site is within an area of significant archaeological interest and the Council wish to ensure the future protection and preservation of the archaeological remains.

6 The cumulative plant noise level (as an equivalent noise level over 5 minutes, LAeq 5 minutes) should be designed not to exceed the following specified plant noise levels at the façade of the nearest noise sensitive dwellings.

Daytime	Evening
Night	
07:00 to 21:00 hrs	21:00 to 23:00 hrs
23:00 to 07:00 hrs	
LA eq 1hr dB	LA eq 1hr dB
LA eq 5min dB	
45	42
37	

Reason : In the interests of residential amenity

7 No site clearance or demolition works shall take place within the site until the applicant, or their agents or successors in title, has submitted to and had approved by the Local Planning Authority a written method statement providing for a careful manner of demolition that prevents any potential damage to below ground archaeological deposits. The method statement shall include the location, extent and depth of all excavations and these works shall be monitored by a suitably qualified archaeologist to ensure the demolition works are carried out and completed in accordance with the details as approved or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site is within an area of significant archaeological interest and the Council wishes to prevent any unnecessary damage to historic remains beneath the existing buildings.

8 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, confirmation from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dB LAmax.

Reason: To protect the amenity of the users of the development.

9 Prior to commencement of development (or within a timescale as agreed in writing with the Local Planning Authority) details relating to the type, extent and technical specifications of the proposed odour abatement (filtration) system as well as plans showing the proposed height and terminus of the



extract system duct-work shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details or as otherwise agreed in writing with the Local Planning Authority. .

Reason : In the interests of amenity.

10 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interests of flood risk management and highway safety.

11 No deliveries shall be taken at or dispatched from the commercial elements of the proposed development outside of the hours of 07.00-21.00 or at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby

12 No amplified or other music shall be played within the identified external performance area outside the following times: 10.00-23.00 Monday to Saturday

12.00 -22.30 Sundays and bank holidays (unless otherwise agreed in writing with the Local Planing Authority).

Reason : To protect the amenity of adjoining occupiers

13 Prior to commencement of development full details of the proposed roof-top structures on the projecting elements of the Saw Close elevation are submitted to the local planning authority for approval in writing.

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

14 Prior to the commencement of the development, a Construction Management Plan for the enabling works (comprising removal of the existing stone setts, works of demolition, archaeological investigations, site remediation, site levelling, development platform works, and asbestos removal works) 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. Development shall thereafter proceed in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in order to protect neighbouring amenity.

15 Prior to the commencement of the development (excluding the enabling works as defined in Condition 14), a Construction Management Plan for the main construction works 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. Development shall thereafter proceed in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in order to protect neighbouring amenity.

16 Prior to bringing into use any unit, an individual Operational Statement for the relevant unit shall be submitted to and approved in writing by the Local Planning Authority. Such an Operational statement shall include details of delivery management, waste storage and collections, recycling.

Reason: To ensure the safe operation of the highway.

17 Prior to the bringing into use of any part of the development a completed Framework Travel Plan for the site shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan or as otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of sustainable development

18 Prior to the bringing into use of any individual unit within the development a Travel Plan for the relevant unit shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan or as otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of sustainable development.

19 Prior to the development being brought into use, details of the proposed cycle stands shall have been submitted to and approved in writing by the Local Planning Authority. Such cycle stands shall be provided on the site prior to any occupation.

Reason: In the interests of sustainable development.

20 The commencement of development of the new buildings hereby approved shall not begin until samples of the materials to be used in the construction of the external surfaces, including roofs, and boundary walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

21 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with

a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (a) a survey of the extent, scale and nature of contamination;
- (b) an assessment of the potential risks to:
  - (c) human health,
  - (d) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - (e) adjoining land,
  - (f) groundwaters and surface waters,
  - (g) ecological systems,
  - (h) archaeological sites and ancient monuments;
- (i) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

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.

22 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.

23 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, 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.

24 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.

25 Prior to the commencement of development (excluding the enabling works as defined in Condition 14) details of an external lighting strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the agreed details or as otherwise agreed in writing with the Local Planning Authority.

Reason : In the interests of the visual appearance of the Conservation Area and to protect the setting of the World Heritage Site and nearby historic buildings.

26 Prior to the commencement of development (excluding the enabling works as defined in Condition 14) details of an outdoor seating strategy for the site

shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the agreed details or as otherwise agreed in writing with the Local Planning Authority.

Reason : In the interests of the visual appearance of the Conservation Area and to protect the setting of the World Heritage Site and nearby historic buildings.

27 Prior to the bringing into use of any individual unit within the development details of all external lighting for that unit shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the agreed details.

Reason : In the interests of the visual appearance of the Conservation Area and to protect the setting of the World Heritage Site and nearby historic buildings.

28 Prior to commencement of development (excluding the enabling works as defined in Condition 14) details of a scheme for installing Schweglerbat tubes (in accordance with the recommendations of the ecology report by Nicholas Pearsons Associates) into any new buildings to create potential roosting sites for bats shall be submitted to and approved in writing by the local Planning authority. Development shall thereafter take place in accordance with the approved scheme.

Reason : In the interests of ecology..

29 The A3 uses hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 0800 and 2330 hours Monday to Saturday and 0800 to 2300 hours on Sundays.

Reason : To safeguard the amenities of nearby occupiers.

30 The open external terraces associated with the casino use shall not be used between the hours of 12.00 pm to 6.00 am Monday to Saturday and 11.00 pm and 7.00 am on Sundays unless otherwise agreed in writing with the Local Planning Authority.

Reason : In the interests of residential amenity.

31 Prior to the commencement of development a scheme for the removal and storage of the existing stone setts shall be submitted to and approved in writing by the Local Planning Authority. The stored setts shall be made available for re-use by the Council within 14 days of request or within such time as agreed in writing by the Local Planning Authority.

Reason : In the interests of the historic environment.

32 Prior to the commencement of development (excluding the enabling works as defined in Condition 14) details for the provision of services for the external performance space shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the agreed details or as otherwise agreed in writing with the Local Planning Authority.

Reason : In the interests of amenity of the area.

33 No demolition within the site shall take place until the applicant has secured the implementation of a full photographic internal and external record (including later technical installations) of former Palace Theatre in accordance with a written scheme of investigation (English Heritage Level Three1) which shall be submitted by the applicant and approved in writing by the Local Planning Authority..

Reason: To ensure that a proper record is made of the building prior to its demolition

34 No demolition within the site shall take place until the applicant has agreed a list of items to be salvaged including the cornice/canopy situated within the Market bar, plasterwork, technical and electrical installations, fixtures and projection equipment. The salvaged items shall be placed in the care of the Local Planning Authority or an alternative statutory body (as agreed in writing with the Local Planning Authority). The list shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that architecturally significant fixtures, technical and electrical installations and projection equipment from the building will be set aside for reuse and made available to the appropriate statutory bodies for public benefit or display.

#### **Item No2**

**Application reference 13/04218/LBA - 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.**

## **REPRESENTATIONS**

Consultees

Historic Buildings Officer comments made 5<sup>th</sup> March 2014 - I continue my support for the architectural and urban design approach adopted which respects the local built context and will in my view both improve and enhance the appearance and character of this part of the conservation area and the settings of the adjacent listed buildings.

The design revisions include architectural detailing in the form of a stone cornice and string bands, and ground floor rustication. At roof level structures have been added projecting above the originally proposed roof line. It is not clear from the drawings how this structure works in visual terms or the cladding materials proposed, but a condition could be included to cover this.

Although I consider the additional detailing to be unnecessary, I have no objections to its introduction and would recommend that the scheme is approved as revised. It continues to strongly reflect and reinterpret both the traditional and classical proportions of local built forms. The scheme will make a positive contribution to the local character and appearance of this part of the conservation area and World Heritage Site.

#### Third Party Comments

Bath Heritage Watchdog maintain an objection and comment that though all of the revisions are of further benefit and soften the design a little, they are merely cosmetic and do not address the underlying flaws of the design.

Bath Preservation Trust welcome materials revisions but consider that the changes to the front elevation have left the scheme much more uncertain about its architectural identity. This elevation is now neither truly contemporary nor a replica of Georgian architecture. Our comment on the first iteration of these proposals largely supported the principle of adopting a contemporary approach and centred on points of detail of that approach; it did not seek to discourage the contemporary.

#### **OTHER MATTERS**

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

#### **Officer Assessment**

The applicant has made revisions to the design to address concerns raised by the planning committee. These revisions are considered acceptable.

#### **Recommendation**

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

As per the main agenda with revisions to drawing numbers to reflect the revised plans submitted.

### **Item No.3**

**Application No. 13/04851/REG03**

**Address. Weston All Saints Ce Vc Primary School, Broadmoor Lane,  
Bath**

### **Representations**

Sport England has provided updated comments in relation to the revised drawings. Their comment is one of NO OBJECTION.

The number of objections received prior to the receipt of the revised drawings has been recalculated as 24 (not 23 as previously stated).

In addition to the 4 representations already received regarding the revised drawings, a further 16 objection comments have been received, including a letter from the Broadmoor Lane Residents Association, alongside a petition with 23 signatures. The main additional points raised were:

- Some support of the drop-off proposals, but number of bays considered to be inadequate and concerns over operational statement and monitoring;
- Some concern that drop-off proposals will add to the traffic and pedestrian danger;
- Concern that drop-off will lead to queues backing onto Lansdown Lane;
- Further queries over the necessity of expanding WASPS;
- Pedestrian safety has been overlooked;
- Concerns about the clarity of the revised drawings;
- Expanded school will be detrimental to the children's sense of being part of a reasonable-sized community;
- Queries as to why school places cannot be provided on other sites;
- Concerns about siting and future use of school building;
- Increased use of playgrounds will increase noise;
- Concerns about how school will manage the increased numbers;
- Need for parking restrictions on Broadmoor Lane;
- Queries over footpath from Westbrook Cottages which no longer exists;
- Concerns about double parking and access for emergency vehicles;
- Fundamental opposition to the expansion of the school;
- Unconvinced by proposed permit scheme;
- Lack of pedestrian safety measures for the main gates;
- Drop-off is counter to aims to reduce reliance upon the car;
- Public funds better spent elsewhere;
- Lack of support from the school and Governing body;
- Proposal will increase the areas covered by hard-standing;
- Use of Broadmoor Lane as major pedestrian route overlooked;
- Pavements are extremely narrow on Broadmoor Lane;
- Over-provision of school places, with no limitation on how far a child may travel from, leads to unsustainable traffic patterns contrary to Local Plan;
- Claims about local population growth are not backed up by the data or evidence;



- Expansion of WASPS is not the only or best solution;
- Additional school places could be provided at Ensleigh MOD site;
- If expansion is proposed it should be temporary until the new Ensleigh school is built.

This brings the total number of representations received to 44 alongside a petition with 23 signatures.

### **Conclusion:**

A large number of the points raised have already been address in the main committee report. In regard to the comments raised about the proposed drop-off proposal, this has been brought forward as a recommendation of the Highways Officer and is considered to alleviate some of the impact of the increased pupil numbers upon Broadmoor Lane. The proper management of the drop-off area will be essential. Condition 11 of the recommendation requires the submission of a revised operational statement so that the management of the drop-off area can be adequately controlled.

The Primary and Secondary Schools Organisation Plan 2013 – 2017 does state the birth and resident population for the North West planning area. However, adjustments are made to allow for some movements between planning areas where this is thought to be reasonable i.e. within a reasonable distance, reflecting current patterns of movements of pupils that live in one planning area and attend school in another etc. and from this the pupil projections are calculated. The figures included in the Committee Report indicating a shortfall of 37 school places in 2015 and 38 school places in 2016 are therefore correct.

A typographical error has been noted in 2<sup>nd</sup> paragraph of the ‘Highways safety and sustainability’ section of the report. The last line of this paragraph should have read:

*“Further to the west, Broadmoor Lane does **not** have a pavement and pedestrians accessing the school are required to walk on the carriageway”*

### **Item No.5**

**Application No. 13/05340/FUL**

**Address. Patone, Huddox Hill, Peasedown St. John**

An additional representation has been received from an adjacent neighbour at Dovedale, Huddox Hill whom has questioned the accuracy of the proposed plans. Specifically, section 6. of the application form refers to any alterations to any right of way whereby "no" has been ticked. It is stated that this is incorrect as neighbouring properties have access across the access road and changes to it, included the parking of vehicles on the road would be illegal.

### **Conclusion:**

The query has been referred to the applicant and highways officer for clarification and any update will be reported to the Committee.

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

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

<b>SITE/REPORT</b>	<b>NAME/REPRESENTING</b>	<b>FOR/AGAINST</b>
<b>SITE VISITS REPORT 9</b>		
22 Rotcombe Vale, High Littleton (Item 1, Pages 46-53)	Jim Thomas	Against
Parcel 3300, Temple Inn Lane, Temple Cloud (Item 2, Pages 54-80)	Thomas Hemmings, Cameley Parish Council	Against
	John Cockeram	Against
	Edmund Bruegger (Applicant)	For
Temple Inn, Main Road, Temple Cloud (Items 3&4, Pages 81-113)	Michael Dean	Against – Up to 6 minutes
	Adam Rabone, Plainview Planning (Applicants' Agents)	For – Up to 6 minutes
Parcel 3567, Stitchings Shord Lane, Bishop Sutton (Item 5, Pages 114-138)	Councillor Keith Betton, Stowey Sutton Parish Council	Against
	Bob Phillips	Against
	Ian Jewson (Applicants' Agent)	For
Milford Head, Stitchings Shord Lane, Bishop Sutton (Item 6, Pages 139-161)	Councillor Heather Clewett, Stowey Sutton Parish Council	Against
	Keith Betton	Against
	Tony Doyle, LPC (Applicants' Agents)	For
<b>MAIN PLANS LIST REPORT 10</b>		
Sawclose Car Park, Bath (Items 1&2)	Neil Harvey	Against – Up to 6 minutes
	Kevin Murphy, Aaron Evans Architects (Applicants' Architects)	For – Up to 6 minutes
153 Newbridge Hill, Bath (Item 4)	Jason Daines	Against
	Bernardo Mori (Applicant's Agent) <u>AND</u> Paul Fry (representing the Applicant)	For – To share 3 minutes

<b>FORMER FULLERS EARTHWORKS UPDATE REPORT 13</b>		
	Peter Duppa Miller, Clerk to Combe Hay Parish Council	Statement
	Caroline Kay, Chief Executive, Bath Preservation Trust	Statement

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**12th March 2014**

**SITE VISIT DECISIONS**

<b>Item No:</b>	001	
<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 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the proposed first floor rear rooflights shall be glazed with obscure glass and shall be permanently maintained thereafter as such.

Reason: To safeguard the amenities of the future and residents of the adjoining property from overlooking and loss of privacy.

3 The gradient of the driveway shall not exceed 1 in 15.

Reason: In the interests of highway safety.

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

Reason: In the interests of amenity and highway safety.

5 Before the dwelling hereby permitted is first occupied the area between the nearside carriageway edge and a line drawn 2.0m parallel thereto over the entire frontage shall be cleared of any obstruction to visibility at and above a height of 1050mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

6 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interests of highway safety.

7 The tree protection shall be carried out strictly in accordance with the approved Tree Protection Method Statement prepared by B J Unwin Forestry Consultancy. A notification of completion shall be submitted to the Local Planning authority when the tree protection measures are in place.

Reason: To protect the mature oak tree adjacent to the development site.

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

Reason: As a result of the constained size of the application site and proximity to surrounding dwellings, any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

## DECISION TAKING STATEMENT

The Council has worked proactively and positively with the applicants by determining the application as submitted.

This decision relates to the Design and Access statement, tree protection method statement, topographical survey, site location plan and drawing nos DD/JC/PLN/001 A, DD/JC/PLN/002 A, DD/JC/PLN/003 A, DPD/JC/PROP\_SL/001 and DPD/JC/PROP\_SL/002 received 4th October 2013 and DPD/JC/PROP\_SL/003 building for life 12 assessment and DPD/JC/PROP\_SL/003 site cross section and proposed levels of new dwelling received 18th October 2013.

<b>Item No:</b>	002
<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

A. Authorise the Planning and Environmental Law Manager to permit subject to a Section 106 Agreement to secure:

### Transport and Accessibility

1. £75,000 towards the cost of speed restraint measures and safety schemes (including vehicle activated signs) on the A37 which will help improve the operation of the Temple Inn Lane junction;
2. £10,000 to fund the rationalisation of signage on the junction of Temple Inn Lane with the A37; or part thereof should planning application 13/04456/FUL be approved.
3. £50,000 towards the enhancement of public transport to serve the proposed development;
4. The provision of a direct public footpath link to Cameley Church of England Primary School (diverting Public Footpath CL 1/3) and contributions of £8,000 to fund any associated admin costs and construction costs, any unused funds to be returned to the developer.
5. The provision in perpetuity of a pedestrian link between the south-west corner of the site and footpath CL1/4 to provide a continuous and convenient legal route towards the southern edge of the village for residents of this part of the development. This link shall be available for public use at all times; and
6. The implementation of the site access works shown in drawing 12001/200 the works to be completed prior to the first occupation of the development.

## Affordable Housing

7. The provision, on site, of 35% Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council

## Open Space and Recreational Facilities

8. Contributions to fund the provision of formal open space and allotments off-site to serve the population, and fund the maintenance of any open space provided within the development, the amount of the contribution to be calculated prior to reserved matters consent being granted in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009, or any equivalent subsequently adopted Document. The agreed contributions shall be paid prior to the occupation of the development.

9. Details of the arrangements for the on-site maintenance of public open space, local food production area and existing/proposed trees, hedgerows and landscaping.

## Education

10. Contributions to fund the need for primary school places and Youth Services provision places arising from the development, the amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009, or any equivalent subsequently adopted Document. The agreed contributions shall be provided prior to the commencement of development.

## Community Facilities

11. Contribution of £80,000 towards the upgrading of Village Hall facilities (extensions and resurfacing of car park)

## Protection of northern Hedgerow

12. The applicant and subsequent house owners backing onto the north-eastern hedge boundary shall commit:

a. To not cut back the hedgerow on the north-eastern boundary of the site beyond the line of the post and wire fence forming the boundary of the Property and not to reduce the height of such hedgerow below [ x ] nor the width of it below [ x ].

b. To maintain the hedgerow [shown [ ] on the Plan] in so far as it forms the boundary of the Property and carry out such pruning or cutting as may be necessary (subject always to the covenants in clause [ ] above) and where within a period of five years from the date of the development being completed such hedgerow dies, is removed, becomes seriously damaged or diseased to replace the same within 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.



These commitments are to be written into covenants to be placed on each of the plots abutting the hedgerows.

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

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

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

2 Approval of the details of the (a) layout, (b) scale, (c) appearance, and (e) landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

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

3 The development hereby permitted shall be carried out only in accordance with the recommendations of the approved Ecological Survey dated August 2013 and the approved note entitled Protection of Hedgerow on North Eastern Boundary dated 26 November 2013.

For the avoidance of doubt, prior to the commencement of development a plan shall be submitted plotting the alignment of the hit and miss fence in relation to the hedgerow and northern site boundary. The fence shall be erection in accordance with this plan prior to the occupation prior to the first occupation of the development, and shall thereafter be retained.

Reason: to avoid harm to wildlife and the retained northern boundary hedgerow

4 No development shall take place until full details of a Wildlife Protection and Management Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Findings of all necessary update surveys including update survey for badgers
- (ii) Outstanding details of all necessary ecological mitigation including exclusion zones for the protection of retained habitats and fencing specifications for exclusion zones
- (iii) Details of all proposed external lighting including lux level contour plans demonstrating retention of dark corridors for wildlife and light spill of zero lux onto wildlife habitat and no greater than 1 lux on adjacent vegetation

- (iv) Specifications and planting schedule for all proposed habitat creation and specifications for long term wildlife-friendly management of all retained and created habitat areas
- (v) Additional information as applicable for all other ecological measures and details to be shown on plans and drawings as applicable

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: to avoid harm to wildlife and protected species including bats and for long term retention and management of ecological value and habitats at the site

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

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains.

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

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

7 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.

8 Details of the on-going maintenance of the underground rainwater storage tanks, including the body responsible for maintenance and a maintenance schedule shall be

submitted to and approved in writing by the Local Planning Authority prior to construction. Therefore maintenance shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory maintenance arrangements are made in the interests of flood risk and highway safety.

9 No development shall commence 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 (LPA). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

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.

10 Prior to the commencement of development a local employment and training scheme identifying measures to recruit local people during the construction process, together with an associated skills and training programme, shall be submitted to and approved in writing by the LPA. The approved scheme shall then be implemented and maintained unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of ensuring the development benefits local employment provision.

11 Prior to the commencement of works to form a breach in the northeastern hedgerow to form a pedestrian link to Meadway, details shall be submitted to and approved by the Local Planning Authority of the natural hedgerow arch or similar structure to be constructed over the breach. The hedgerow arch shall be completed prior to the occupation of the development and thereafter maintained in line with the hedgerow mitigation report submitted to the Council on 29th October 2013.

Reason: To provide a convenient link to the school whilst maintaining the continuity of this habitat, to facilitate continued use by bats, birds and mammals.

12 The proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

13 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.

14 No part of the development hereby permitted shall not be occupied until parking has been provided to serve that part of the development, in accordance with details submitted to and approved in writing by, and to the satisfaction of the Local Planning Authority.

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

15 Before the dwellings are first occupied, new resident's 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 member 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.

16 Prior to the occupation of the development a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with that Travel Plan.

Reason: In the interests of sustainable development.

17 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.

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

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

**PLANS LIST:** This decision relates to drawing nos

- Drawing 01 Nov 2013 TEMPLE CLOUD HEDGE MITIGATION
- Drawing 131031 3200 REV C Illustrative Masterplan
- 130816 1001 A SITE LOCATION PLAN
- PROTECTION OF HEDGEROW ON NORTH EASTERN - 26 Nov 2013
- 04 Nov 2013 TEMPLE CLOUD HEDGE MITIGATION
- SUPPLEMENT TO ECOLOGICAL REPORT - NORTH-EASTERN HEDGEROW - 28TH OCTOBER 2013
- STATEMENT OF COMMUNITY INVOLVEMENT
- ARCHAEOLOGICAL DESK BASED ASSESSMENT

- TRANSPORT STATEMENT
- AFFORDABLE HOUSING DELIVERY STATEMENT
- LANDSCAPE AND VISUAL IMPACT ASSESSMENT
- ECOLOGICAL SURVEY
- EXISTING LAYOUT - A37 / TEMPLE INN LANE LAYOUT- DRAWING 12001/300 REV O
- PROPOSED SITE ACCESS - DRAWING 12001/200 REV O
- PROPOSED ILLUSTRATIVE SITE SECTIONS - DRAWING 13130/2100
- FLOOD RISK ASSESSMENT
- PLANNING STATEMENT
- ARBORICULTURAL CONSTRAINTS REPORT

#### 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](http://www.planningportal.gov.uk).

#### Diversion of Footpath

Further consents will be necessary to divert footpath CL 1/3 which passes through the site.

#### Surface Water Drainage

The surface water drainage scheme for the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to 10l/s as agreed with Wessex Water or the Qbar Greenfield rate whichever is less, as per the agreed Flood Risk Assessment.
2. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.
4. The adoption and maintenance of the drainage system must be addressed and clearly stated.

We would expect to see the following details when discharging condition 9:

- o A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds, soakaways and drainage storage tanks with volumes marked on. This plan should show any pipe node numbers referred to in the drainage calculations and the numbers invert and cover levels of manholes.
- o A manhole schedule.
- o Model runs to demonstrate that the critical storm duration is being used.
- o Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with the National Planning Policy Framework.

### Decision Taking Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Council has worked proactively and positively with the applicants by determining the application as submitted, whilst resolving outstanding issues through planning conditions and Planning Obligations.

<b>Item No:</b>	003
<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

A. Authorise the Planning and Environmental Law Manager to permit subject to a Section 106 Agreement to secure:

#### 1. Education

Contributions £7,933.32 to fund the need for primary school places and Youth Services provision places arising from the development. The agreed contributions shall be provided prior to the commencement of development.

## 2. Open Space and Recreational Facilities

Contributions of £1,909.17 to fund provision of allotments off-site to serve the population. The agreement shall also include the provision of arrangements for the maintenance of the site by a management company. The agreed contributions shall be paid prior to the occupation of the development.

## 3. Transport

Contributions of

- £10,000 contribution towards improvements including the de-cluttering of the street furniture adjacent to the Temple Inn Lane junction and include measures to deter parking on the footway at this location or part there of depending on the approval of application 13/03562/OUT
- £4,000 towards the cost of the parking restrictions on Temple Inn Lane

## 4. Affordable Housing

- A clause in the Section 106 Agreement that triggers the need for an affordable housing contribution should the letting rooms ever be converted into residential accommodation.

## 5. Works to Listed Building

- A clause in the Section 106 to ensure that the works to the Listed Building are completed within a certain time period relating to the occupation of the dwellings.

B. 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 30dB LAeq,16hr and 30dB LAeq,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 45dB LAmax.

Reason: To protect occupants of residential properties from external road traffic noise

- 3 The Noise Rating Level from installed plant on the public house or letting rooms shall not exceed 30 dB LAeq(5mins) (free-field) at the nearest noise sensitive premises.

Reason: To protect occupants of residential properties from external plant noise

4 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered.

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 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

6 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.



7 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, 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.

8 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 in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, 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 in accordance with condition 7.

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.

9 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

10 Prior to the demolition of any boundary walls details of the repairs to existing walls (including making good) and construction to new walls shall be submitted to any approved in approved in writing by the Local Planning Authority. The works shall be completed prior to the first occupation of any of the new dwellings on the site.

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

11 Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of this permission hereby granted, no works of site clearance, demolition or construction shall take place which are likely to impact on bats unless a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the local planning authority. This shall be accompanied by all outstanding details of proposed bat mitigation. The development shall be carried out only in accordance with the approved bat mitigation scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.

Reason: to safeguard bats and their roosts

12 The area of open space to the rear of the proposed letting rooms shall not at any time be used by customers of the public house or letting rooms.

Reasons: To protect the amenity of the occupiers of the surrounding houses.

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

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

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

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

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

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

16 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.

17 No development shall commence until a sample panel of all external walling and roofing materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

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

18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected or placed within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway without a further planning permission being granted.

Reason: In the interests of the visual amenity and character of the area.

19 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the letting rooms proposed within the building at the front of the site shall only be used in association for the Temple Inn public house for bed and breakfast purposes and not be any other use.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

20 No development shall commence until details of refuse storage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the refuse storage has been provided in accordance with the details so approved, and thereafter shall be retained solely for this purpose. No refuse shall be stored outside the building(s) other than in the approved refuse store(s).

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

21 An operational statement relating to the public house shall be submitted to and approved in writing by the Local Planning Authority and shall include details of cooking equipment, odour mitigation and extract layout. The development shall thereafter be carried out in accordance with the approved operational statement.

Reason: Protect residential amenity.

22 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interests of flood risk management and highway safety

Condition information: The applicant has indicated that they will dispose of surface water via soakaways and permeable paving and we would support this approach. To support the discharge of the above condition, infiltration test results and soakaway design calculations to BRE Digest 365 standard should be submitted to this office.

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

Reason: In the interests of highway safety.

24 The access, parking and turning areas shall not be brought into use until these areas have been 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.

25 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 600mm 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.

26 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.

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

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

**PLANS LIST:** The application relates to the following drawings and documents:

463TE_E_2010_A	EXISTING SITE PLAN
463TE_P_2022	SITE PLAN AREAS
463TE_2101_B	PUB - EXISTING PLANS 01
463TE_2102_B	PUB - EXISTING PLANS 02
463TE_2103_B	PUB - EXISTING PLANS
463TE_2120_B	PUB - PROPOSED PLANS 01

463TE\_2121\_C PUB - PROPOSED PLANS 02  
 463TE\_2130\_C ANNEX - PROPOSED PLANS  
 463TE\_2140\_C LETTING ROOMS - PROPOSED PLANS  
 463TE\_2150\_C TERRACE - PROPOSED PLANS 01  
 463TE\_2151\_C TERRACE - PROPOSED PLANS 02  
 463TE\_2160\_C SEMI-DETACHED - PROPOSED PLANS  
 463TE\_2201\_B PUB - EXISTING ELEVATIONS 01  
 463TE\_2202\_B PUB - EXISTING ELEVATIONS 02  
 463TE\_2203\_B ANNEX - EXISTING ELEVATIONS 01  
 463TE\_2204\_B ANNEX - EXISTING ELEVATIONS 02  
 463TE\_2220\_C PUB - PROPOSED ELEVATIONS 01  
 463TE\_2221\_C PUB - PROPOSED ELEVATIONS 02  
 463TE\_2230\_C ANNEX - PROPOSED ELEVATIONS  
 463TE\_2240\_C LETTING ROOMS - PROPOSED ELEVATIONS  
 463TE\_2250\_C TERRACE - PROPOSED ELEVATIONS 01  
 463TE\_2251\_C TERRACE - PROPOSED ELEVATIONS 02  
 463TE\_2260\_C SEMI-DETACHED - PROPOSED ELEVATIONS  
 463TE\_P\_2030\_C SIDE ELEVATION 01  
 463TE\_P\_2031\_D SIDE ELEVATION 02  
 463TE\_P\_2501\_B PROPOSED DETAILS  
 463TE\_P\_2020 REV E PROPOSED SITE PLAN  
 463TE\_2000 REV A SITE LOCATION PLAN  
 DESIGN AND ACCESS STATEMENT  
 DESIGN & ACCESS STATEMENT - ADDENDUM  
 PLANNING STATEMENT  
 EXTENDED PHASE 1 HABITAT SURVEY  
 GROUNDSURE GEOINSIGHT FIND 36469 AND FIND 36470  
 HERITAGE IMPACT ASSESSMENT  
 SITE WASTE MANAGEMENT PLAN  
 NOISE IMPACT ASSESSMENT  
 PHASE 1 SITE INVESTIGATION  
 TRANSPORT STATEMENT  
 TREE REPORT (APPENDIX A - TREE SCHEDULE TABLE and APPENDIX B - TREE  
 CONSTRAINTS PLAN)  
 SUSTAINABLE CONSTRUCTION CHECKLIST  
 DRAINAGE STRATEGY  
 CARBON FILTER DETAILS  
 CRIME PREVENTION DESIGN REPORT  
 SUSTAINABILITY STATEMENT  
  
 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.

**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](http://www.planningportal.gov.uk).

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

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Inform the applicant that the Local Planning Authority should be consulted before any external signs are displayed on the property.

<b>Item No:</b>	004
<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 CONSENT

1 The works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Prior to commencement of works a detailed method statement for the cleaning and repair of stonework shall be submitted to the local planning authority for approval in writing.

Reason: To safeguard the character and appearance of the listed building and curtilage listed building.

3 Prior to commencement of works details of the weather louvre extract grate on the north end elevation are to be submitted to the local planning authority for approval in writing.

Reason: To safeguard the character and appearance of the listed building.

4 Prior to commencement of works details of the method of opening, finishes and colours of the windows in the curtilage listed building conversion are to be submitted to the local planning authority for approval in writing.

Reason: To safeguard the appearance and character of the curtilage listed building and the setting of the listed building.

5 Prior to commencement of the works details of the proposed re-rendering of the south gable wall are to be submitted to the local planning authority for approval in writing.

Reason: To safeguard the character, appearance and historic fabric of the listed building.

6 Prior to commencement of the works full details of the closure of the existing cellar access and stairs formation of the new access and stairs are to be submitted to the local planning authority for approval in writing.

Reason: To safeguard the character, appearance and historic fabric of the listed building.

7 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:**

463TE\_E\_2010\_A EXISTING SITE PLAN  
463TE\_P\_2022 SITE PLAN AREAS  
463TE\_2101\_B PUB - EXISTING PLANS 01  
463TE\_2102\_B PUB - EXISTING PLANS 02  
463TE\_2103\_B PUB - EXISTING PLANS  
463TE\_2120\_B PUB - PROPOSED PLANS 01  
463TE\_2121\_C PUB - PROPOSED PLANS 02  
463TE\_2130\_C ANNEX - PROPOSED PLANS  
463TE\_2201\_B PUB - EXISTING ELEVATIONS 01  
463TE\_2202\_B PUB - EXISTING ELEVATIONS 02  
463TE\_2203\_B ANNEX - EXISTING ELEVATIONS 01  
463TE\_2204\_B ANNEX - EXISTING ELEVATIONS 02  
463TE\_2220\_C PUB - PROPOSED ELEVATIONS 01  
463TE\_2221\_C PUB - PROPOSED ELEVATIONS 02  
463TE\_2230\_C ANNEX - PROPOSED ELEVATIONS  
463TE\_P\_2030\_C SIDE ELEVATION 01  
463TE\_P\_2031\_D SIDE ELEVATION 02  
463TE\_P\_2501\_B PROPOSED DETAILS  
463TE\_P\_2020 REV E PROPOSED SITE PLAN  
463TE\_2000 REV A SITE LOCATION PLAN  
DESIGN AND ACCESS STATEMENT  
PLANNING STATEMENT  
HERITAGE IMPACT ASSESSMENT

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

#### **ADVICE NOTE:**

When a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to an approved application, or where a request to discharge conditions is submitted, it will assist the Local Planning Authority if the 1APP standard form is used. The form is available from the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). Requests can be submitted via the Planning Portal or sent direct to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG.



<b>Item No:</b>	005
<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 REFUSE

1 The Council's Draft Core Strategy has been submitted to the Secretary of State and is currently being examined by an appointed Inspector. The proposal, which is outside of the existing Housing Development Boundary, combined with other recently permitted housing developments within Bishop Sutton is so significant that to grant planning permission would undermine the Council's plan-making process by predetermining decisions about the scale location and phasing of new housing development that are central to the Council's emerging Core Strategy. The proposed housing development is therefore contrary to the provisions of the National Planning Framework and National Planning Practice Guidance.

This decision relates to drawing nos 100-1 Revision D proposed Illustrative block plan, 100-1 proposed block plan colour, 102 site location plan, 112 illustrative site sections, Landscape and visual impact assessment, Affordable housing statement, Archaeological desk-based assessment, Coal Mining risk assessment report, Design And access statement, Ecological survey, Flood Risk assessment, Planning statement, Statement of community involvement, Sustainable construction checklist, Transport statement and 130923-cfmph3-tcp-nc-1.0 tree constraints plan all received 20th November 2013 and 22nd January 2014.

## DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. Whilst negotiations were undertaken during the processing of the application, the Council's Development Control committee considered the proposals to be unacceptable for the reasons given. This objection could not be overcome by further amendments to the scheme.

<b>Item No:</b>	006
<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 for clarification as to the boundaries of The AONB and drainage issues

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**12th March 2014**

**DECISIONS**

<b>Item No:</b>	01
<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 April 2014
<b>Case Officer:</b>	Sarah James

**DECISION**

A Authorise the Planning and Environmental Law Manager to permit subject to a Section 106 Agreement to secure the following :-

works, comprising the construction of a transition zone, to the Saw Close boundary of the site, and the alterations to the footway abutting the site on Upper Borough Walls in accordance with details submitted with the planning application

B Subject to no new matters arising from outstanding consultations Permit subject to 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 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.

3 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.

4 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide: (a) monitoring of demolition works; (b) monitoring of enabling works including further archaeological investigations; and (c) a controlled watching brief during the main construction phase with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation or as otherwise agreed in writing with the Local Planning Authority..

Reason: The site is within an area of significant archaeological interest and the Council wish to ensure that any archaeological remains disturbed by the development are properly examined and recorded.

5 All ground works (including site clearance, demolition, foundations, drainage and those of statutory undertakers) and archaeological recording (including an Archaeological Management Plan) shall be carried out and completed in accordance with the Archaeology and Engineering Statement prepared by Cotswold Archaeology (CA Project 2312, Revision 4, January 2014), unless otherwise first agreed in writing with the Local Planning Authority.

Reason: The site is within an area of significant archaeological interest and the Council wish to ensure the future protection and preservation of the archaeological remains.

6 The cumulative plant noise level (as an equivalent noise level over 5 minutes, LAeq 5 minutes) should be designed not to exceed the following specified plant noise levels at the façade of the nearest noise sensitive dwellings.

Daytime	Evening	Night
07:00 to 21:00 hrs	21:00 to 23:00 hrs	23:00 to 07:00 hrs

Reason : In the interests of residential amenity

7 No site clearance or demolition works shall take place within the site until the applicant, or their agents or successors in title, has submitted to and had approved by the Local Planning Authority a written method statement providing for a careful manner of demolition

that prevents any potential damage to below ground archaeological deposits. The method statement shall include the location, extent and depth of all excavations and these works shall be monitored by a suitably qualified archaeologist to ensure the demolition works are carried out and completed in accordance with the details as approved or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site is within an area of significant archaeological interest and the Council wishes to prevent any unnecessary damage to historic remains beneath the existing buildings.

8 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, confirmation from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect the amenity of the users of the development.

9 Prior to commencement of development (or within a timescale as agreed in writing with the Local Planning Authority) details relating to the type, extent and technical specifications of the proposed odour abatement (filtration) system as well as plans showing the proposed height and terminus of the extract system duct-work shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details or as otherwise agreed in writing with the Local Planning Authority. .

Reason : In the interests of amenity.

10 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interests of flood risk management and highway safety.

11 No deliveries shall be taken at or dispatched from the commercial elements of the proposed development outside of the hours of 07.00-21.00 or at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby

12 No amplified or other music shall be played within the identified external performance area outside the following times: 10.00-23.00 Monday to Saturday  
12.00 -22.30 Sundays and bank holidays (unless otherwise agreed in writing with the Local Planning Authority).

Reason : To protect the amenity of adjoining occupiers

13 Prior to commencement of development full details of the proposed rooftop structures on the projecting elements of the Saw Close elevation are submitted to the local planning authority for approval in writing.

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

14 Prior to the commencement of the development, a Construction Management Plan for the enabling works (comprising removal of the existing stone setts, works of demolition, archaeological investigations, site remediation, site levelling, development platform works, and asbestos removal works) 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. Development shall thereafter proceed in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in order to protect neighbouring amenity.

15 Prior to the commencement of the development (excluding the enabling works as defined in Condition 14), a Construction Management Plan for the main construction works 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. Development shall thereafter proceed in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in order to protect neighbouring amenity.

16 Prior to bringing into use any unit, an individual Operational Statement for the relevant unit shall be submitted to and approved in writing by the Local Planning Authority. Such an Operational statement shall include details of delivery management, waste storage and collections, recycling.

Reason: To ensure the safe operation of the highway.

17 Prior to the bringing into use of any part of the development a completed Framework Travel Plan for the site shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan or as otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of sustainable development

18 Prior to the bringing into use of any individual unit within the development a Travel Plan for the relevant unit shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan or as otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of sustainable development.

19 Prior to the development being brought into use, details of the proposed cycle stands shall have been submitted to and approved in writing by the Local Planning Authority. Such cycle stands shall be provided on the site prior to any occupation.

Reason: In the interests of sustainable development.

20 The commencement of development of the new buildings hereby approved shall not begin until samples of the materials to be used in the construction of the external surfaces, including roofs, and boundary walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

21 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (a) a survey of the extent, scale and nature of contamination;
- (b) an assessment of the potential risks to:
  - (c) human health,
  - (d) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - (e) adjoining land,
  - (f) groundwaters and surface waters,
  - (g) ecological systems,
  - (h) archaeological sites and ancient monuments;
- (i) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

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.

22 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.

23 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, 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.

24 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.

25 Prior to the commencement of development (excluding the enabling works as defined in Condition 14) details of an external lighting strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the agreed details or as otherwise agreed in writing with the Local Planning Authority.



Reason : In the interests of the visual appearance of the Conservation Area and to protect the setting of the World Heritage Site and nearby historic buildings.

26 Prior to the commencement of development (excluding the enabling works as defined in Condition 14) details of an outdoor seating strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the agreed details or as otherwise agreed in writing with the Local Planning Authority.

Reason : In the interests of the visual appearance of the Conservation Area and to protect the setting of the World Heritage Site and nearby historic buildings.

27 Prior to the bringing into use of any individual unit within the development details of all external lighting for that unit shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the agreed details.

Reason : In the interests of the visual appearance of the Conservation Area and to protect the setting of the World Heritage Site and nearby historic buildings.

28 Prior to commencement of development (excluding the enabling works as defined in Condition 14) details of a scheme for installing Schweglerbat tubes (in accordance with the recommendations of the ecology report by Nicholas Pearsons Associates) into any new buildings to create potential roosting sites for bats shall be submitted to and approved in writing by the local Planning authority. Development shall thereafter take place in accordance with the approved scheme.

Reason : In the interests of ecology..

29 The A3 uses hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 0800 and 2330 hours Monday to Saturday and 0800 to 2300 hours on Sundays.

Reason : To safeguard the amenities of nearby occupiers.

30 Prior to the commencement of development a scheme for the removal and storage of the existing stone setts shall be submitted to and approved in writing by the Local Planning Authority. The stored setts shall be made available for re-use by the Council within 14 days of request or within such time as agreed in writing by the Local Planning Authority.

Reason : In the interests of the historic environment.

31 Prior to the commencement of development (excluding the enabling works as defined in Condition 14) details for the provision of services for the external performance space shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the agreed details or as otherwise agreed in writing with the Local Planning Authority.

Reason : In the interests of amenity of the area.

32 No demolition within the site shall take place until the applicant has secured the implementation of a full photographic internal and external record (including later technical installations) of former Palace Theatre in accordance with a written scheme of investigation (English Heritage Level Three<sup>1</sup>) which shall be submitted by the applicant and approved in writing by the Local Planning Authority..

Reason: To ensure that a proper record is made of the building prior to its demolition

33 No demolition within the site shall take place until the applicant has agreed a list of items to be salvaged including the cornice/canopy situated within the Market bar, plasterwork, technical and electrical installations, fixtures and projection equipment. The salvaged items shall be placed in the care of the Local Planning Authority or an alternative statutory body (as agreed in writing with the Local Planning Authority). The list shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that architecturally significant fixtures, technical and electrical installations and projection equipment from the building will be set aside for reuse and made available to the appropriate statutory bodies for public benefit or display.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The application has undergone extensive consultation and consideration has been given to all the submissions from consultees, local residents and other representations. Furthermore due consideration has been given to all material considerations and as a result the development has been found to be, on the whole acceptable, and where concerns do remain it has been found that these do not outweigh the overall benefits of the scheme and are not so significant as to justify the refusal of planning permission.

#### Informatives

1. With regard to the kitchen extraction units the applicant is referred to the guidance notes on the Control of odour and noise from commercial kitchen exhaust system published by DEFRA in January 2005.
2. 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.
3. The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.
4. The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings (available at:

<b>Item No:</b>	02
<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:** Refer to Sectary of Sate

<b>Item No:</b>	03
<b>Application No:</b>	13/04851/REG03
<b>Site Location:</b>	Weston All Saints Ce Vc Primary School, Broadmoor Lane, Upper Weston, Bath
<b>Ward:</b> Weston	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Regulation 3 Application
<b>Proposal:</b>	Provision of a new 6 classroom teaching block and associated external works
<b>Constraints:</b>	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
<b>Applicant:</b>	Bath And North East Somerset Council
<b>Expiry Date:</b>	20th January 2014
<b>Case Officer:</b>	Chris Griggs-Trevarthen

**DECISION** Application Withdrawn

<b>Item No:</b>	04
<b>Application No:</b>	13/05531/FUL
<b>Site Location:</b>	153 Newbridge Hill, Newbridge, Bath, BA1 3PX
<b>Ward:</b> Newbridge	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of new dwelling on land at the rear of 153/155 Newbridge Hill (resubmission)
<b>Constraints:</b>	Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
<b>Applicant:</b>	Ms Amy Fry
<b>Expiry Date:</b>	17th February 2014
<b>Case Officer:</b>	Rebecca Roberts

## DECISION REFUSE

1 The proposal development by virtue of its size, scale and siting in this backland location would detract from the open and regular pattern of the existing built environment which would harm the character and appearance of the City of Bath Conservation Area. The development is therefore contrary to policies D2, D4 and B6 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

## PLANS LIST:

This decision relates to drawing no's 1102 P01, 1102 P02 B, 1102 P05 B, 1102 P06 B, 1102 P07 A, 1102 P15 A, 1102 P16 A, 1102 P18 A, and 1102 P19 date stamped 21st December 2013.

## DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the agent was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to this the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	05		
<b>Application No:</b>	13/05340/FUL		
<b>Site Location:</b>	Patone, Huddox Hill, Peasedown St. John, Bath		
<b>Ward:</b>	Peasedown St John	<b>Parish:</b>	Peasedown St John <b>LB</b>
<b>Grade:</b>	N/A		
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of 2 no. single storey dwellings and garages		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,		
<b>Applicant:</b>	Mr Anthony Mann		
<b>Expiry Date:</b>	4th February 2014		
<b>Case Officer:</b>	Victoria Griffin		

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

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

3 The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority. Reason: To retain adequate off-street parking provision.

4 The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. Reason: In the interests of amenity and highway safety.

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

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

**PLANS LIST:** This decision relates to the following plans/documents: Design & Access Statement and 13721-1 date received 11th December 2013.

## DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the agent was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to this the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	06	
<b>Application No:</b>	14/00064/FUL	
<b>Site Location:</b>	Sunday Cottage, Access Road To Paglinch Farm, Shoscombe, Bath	
<b>Ward:</b> Bathavon South	<b>Parish:</b> Shoscombe	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Alterations to an existing ancillary outbuilding to form an ancillary garden studio and store.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Listed Building,	
<b>Applicant:</b>	Mr & Mrs John and Gillian Davey	
<b>Expiry Date:</b>	5th March 2014	
<b>Case Officer:</b>	Rebecca Roberts	

### 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 All external walling materials to be used shall match those of the existing outbuilding in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

3 All external roofing materials to be used shall match those of the existing outbuilding in respect of size, material, colour, texture and profile.

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

4 The garden studio/store hereby approved shall not be used other than for purposes ancillary to Sunday Cottage, Shoscombe

Reason: To safeguard the character/appearance of the development and the amenities of the surrounding area

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

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

**PLANS LIST:** This decision relates to drawing no's 01, 02, 03, 04 Rev A, 05 Rev A, 06 Rev A, 07 Rev A, the block plan and site location plan date stamped 8th January 2014.

#### DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

<b>Item No:</b>	07	
<b>Application No:</b>	14/00065/LBA	
<b>Site Location:</b>	Sunday Cottage, Access Road To Paglinch Farm, Shoscombe, Bath	
<b>Ward:</b> Bathavon South	<b>Parish:</b> Shoscombe	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Listed Building Consent (Alts/exts)	
<b>Proposal:</b>	Internal and external alterations to an existing ancillary outbuilding to form an ancillary garden studio and store.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Listed Building,	
<b>Applicant:</b>	Mr & Mrs John and Gillian Davey	
<b>Expiry Date:</b>	5th March 2014	
<b>Case Officer:</b>	Rebecca Roberts	

#### DECISION CONSENT

1 The works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

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

**PLANS LIST:** This decision relates to drawing no's 01, 02, 03, 04 Rev A, 05 Rev A, 06 Rev A, 07 Rev A, the block plan and site location plan date stamped 8th January 2014

#### DECISION TAKING STATEMENT

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