

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 11th February, 2015

Present:- Councillor Gerry Curran in the Chair

Councillors Patrick Anketell-Jones, Rob Appleyard, Neil Butters, Ian Gilchrist, Les Kew, Dave Laming, Malcolm Lees, Vic Pritchard, Manda Rigby, Martin Veal, David Veale and Brian Webber (In place of Bryan Organ)

Also in attendance: Councillors Colin Barrett, Cherry Beath, Liz Hardman, David Martin, Ben Stevens and Roger Symonds

104 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

105 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

106 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was an apology for absence from Councillor Bryan Organ whose substitute was Councillor Brian Webber

107 DECLARATIONS OF INTEREST

Councillor Rob Appleyard declared an interest in the planning application at the MoD site, Foxhill, Combe Down, Bath (Item 5, Report 9) as a Director of Curo (the applicants). He would therefore leave the meeting for its consideration.

108 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business. However, at the Chair's request, the meeting held a minute's silence for those who died in the recent accident involving a runaway lorry in Lansdown Lane, Weston, Bath.

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

The Senior Democratic Services Officer stated that (1) notice had been given of a statement to be made by the Bath Preservation Trust relating to cumulative impact in the World Heritage Site which would be heard shortly; and (2) various people had registered to speak on planning applications and that they would be able to do so when reaching their respective items in Report 9.

Caroline Kay, Chief Executive of the Trust, read out her statement which the Committee noted. The Chair stated that Officers would respond to the statement in due course.

110 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

111 MINUTES: 14TH JANUARY 2015

The Minutes of the previous meeting held on Wednesday 14th January 2015 were approved as a correct record and were signed by the Chair

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

The Committee considered

- A report by the Group Manager – Development Management on various applications for planning permission etc.
- An Update report by the Group Manager on Item Nos. 3-6, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Item Nos. 1-7 and 9, 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 3* to these Minutes

Item 1 Pinesgate, Lower Bristol Road, Bath – Erection of an office building (Use Class B1) with basement parking, associated infrastructure and landscaping following demolition of existing office building – The Case Officer reported on this application and her recommendation to (A) authorise the Group Manager, in consultation with the Planning and Environmental Law Manager, to enter into a S106 Agreement for various provisions; and (B) on completion of the above Agreement, grant permission subject to conditions. She referred to the sample panels of facing materials which had been the subject of a Technical Briefing for Members and which were now on display at this meeting. The Panel numbered 2 was preferred by the applicants and was recommended by Officers.

The public speakers made their statements against and in favour of the proposals. The Ward Councillor Ben Stevens made a statement on the benefits of the scheme.

The Ward Member on the Committee, Councillor Ian Gilchrist, supported the scheme and moved the Officer recommendation with the recommended sample panel numbered 2 which was seconded by Councillor Rob Appleyard.

Members debated the motion. Councillor Les Kew considered that the details of windows and doors and the proposed facing materials that had a similar hue to Bath stone were now acceptable. However, there should be a condition that a large sample panel of the facing material should remain on site until completion of the work. Councillor Manda Rigby, with some other Members, did not feel that the facing

material was acceptable and would not support the motion. Councillor Patrick Anketell-Jones agreed with Councillor Kew that the facing material was acceptable. However, there was some doubt concerning the weathering process and he felt that a condition should be added for a 10 year monitoring of the facing materials to maintain its appearance. There should also be a condition to make the building gull proof. Some Members agreed with these proposed amendments. The Group Manager advised that a 10 year survey would not be reasonable but gull proofing could be added as a condition. The mover and seconder agreed to amend the motion accordingly. The matter of the large sample panel was covered in the recommended Condition 3 and could be delegated to Officers to ensure it was in accord with the small panel provided by the applicants. Councillor Brian Webber was content with the proposed materials but expressed concern about the height of the building. He indicated that he would not vote against the motion on the grounds of the height of the building.

After a full discussion on the proposed scheme and the facing materials, the motion was put to the vote. Voting: 6 in favour and 6 against with 1 abstention. The Chair used his second and casting vote against the motion and therefore the motion was lost, 6 voting in favour and 7 against.

The Chair therefore moved that the application be refused as the proposed facing materials and height of the building would have a detrimental impact on the area and this part of the World Heritage Site and were not in accord with the Bath Western Riverside Supplementary Planning Document. This was seconded by Councillor Dave Laming. The motion was put to the vote. Voting: 6 in favour and 6 against with 1 abstention. The Chair used his second and casting vote in favour of the motion which was therefore carried, 7 in favour and 6 against.

Item 2 MoD Warminster Road, Bathwick, Bath – Demolition of existing buildings, erection of 204 dwellings, 2 accesses from Warminster Road, vehicular parking, open space, landscaping (including tree removal), pumping station, and associated engineering works – The Team Manager – Development Management reported on this application and the recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement to secure various provisions relating to (i) Affordable Housing, (ii) Education, (iii) Public Open Space and Recreation, (iv) Public Transport, Walking and Cycling provision, (v) Conservation Management Plan, and (vi) Maintenance of Canal Towpath; and (B) subject to the prior completion of the above Agreement, authorise the Group Manager to grant permission subject to conditions. He reported on late objections received and recommended 2 further conditions relating to garages and land for education/public footpath and an Informative.

The public speakers made their statements against and in favour of the development. The Ward Councillor David Martin made a statement against the proposed scheme.

Members asked questions about the scheme to which the Team Manager responded. Discussion covered various aspects of the scheme including affordable housing, landscaping, education land etc. Councillor Rob Appleyard referred to the fact that he could see the site from his property but felt that his participation in the debate and vote was reasonable. Councillors Manda Rigby, Dave Laming and Patrick Anketell-Jones stated that they could also see the site from a distance and

therefore each declared a similar interest but they all considered their participation in the item to be reasonable. Councillor Ian Gilchrist considered the proposed development was acceptable and moved the Officer recommendation which was seconded by Councillor Vic Pritchard.

Members debated the motion. They discussed various issues including the number of houses, affordable housing, rainwater goods etc. It was generally felt that the scheme provided much needed housing of a quality design on a brownfield site and would dramatically improve the existing appearance. The Group Manager stated that the benefits of the scheme outweighed any drawbacks when considered as a whole. Councillor Ian Gilchrist considered that the street furniture should be of a good quality as indicated in the drawings provided by the architect. The Chair summed up the debate and put the motion to the vote. Voting: 10 in favour and 3 against. Motion carried.

(Note: There followed a 5 minute adjournment for a natural break)

Items 3&4 The Colonnade beneath Grand Parade, Bath – Change of use of vault and undercroft spaces below Grand Parade to restaurants and ancillary facilities (A3), with works to allow pedestrian access to Boat Stall Lane and The Colonnade and to facilitate access to Slippery Lane. Alteration to the public highway, the creation of pedestrian space, the realignment of bus and service parking capacity along Grand Parade and towards Orange Grove, provision of a new loading bay and construction of vertical reception and service receptions (Applications Ref Nos. 14/01772/REG03 and 14/01773/REG13) – The Case Officer reported on these applications and her recommendations to (1) grant permission with conditions and that (2) regarding the application for listed building consent (A) the application be referred to the Secretary of State to give him the opportunity to consider whether to exercise his call-in powers in accordance with the Town and Country Planning (Consultation) (England) Direction 2009; and (B) subject to the Secretary of State not calling in the application, to authorise the Group Manager to grant consent subject to conditions. She referred to the receipt of comments from English Heritage and the added Condition (relating to protection of the structure of Pulteney Bridge) and Plans List referred to in the Update Report. In relation to Item 3, the recommended Condition 22 of the application for planning permission could now be deleted as it was better covered under condition 16 of the Operational Statement. She referred to further representations from statutory consultees on the matter. She informed the meeting that there were various references in the Report on Item 4 (at pages 117 to 121 of the Agenda) to “planning application/planning permission” whereas these should read “listed building application/listed building consent” and confirmed that the report has had special regard to the desirability of preserving the Grade II listed Colonnades and its setting and that of the surrounding listed buildings as well as paying special attention to the preservation of the character of the surrounding Conservation Area. She explained that this had been given full consideration as detailed within the Report. Whilst it had been accepted that the development would result in harm to the setting of the listed buildings and the Conservation Area, full attention had been given to the duty of the Council to consider the necessary issues within the Planning (Listed Buildings and Conservation Areas) Act.

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

Councillor Manda Rigby, as one of the Ward Members on the Committee, welcomed the use of The Colonnade and it being opened up but could not support the recommendations. She agreed with English Heritage and references in the NPPF that there would be harm to Pulteney Bridge. The building-out of the pavement could prevent a number of events that were planned for Grand Parade. She therefore moved that permission and consent be refused on the grounds that the proposed development would cause substantial harm and would provide little public benefit and that it would be detrimental to the character and appearance of Pulteney Bridge and this part of the Conservation Area and the World Heritage Site. The motion was seconded by Councillor Martin Veal.

Councillor Brian Webber, the other Ward Member on the Committee, considered that there were some benefits of the scheme but had concerns about access and the appearance of the kiosks. He gave some of the history of the site and felt that there was little demand for more restaurants. The Group Manager made reference to the consultation responses from English Heritage and advised that it was unclear if English Heritage thought the harm in question fell to be considered under NPPF 133 or 134. The difference between the two paragraphs and the tests contained therein was significant to the decision to be made. The Group Manager advised that clarification should be sought from English Heritage as the consultation report before the Committee was not clear – he therefore felt that it would be better if the application was deferred.

Members debated the motion and had regard to the advice from the Group Manager. Most Members agreed that the principle of opening up the Colonnades was beneficial but could not accept the design of the kiosks and the effect on this part of the City. Members considered that, notwithstanding the advice of the Group Manager, the proposal constituted substantial harm to the setting of Pulteney Bridge and that it should therefore be refused. The motion was therefore put to the vote and was carried, 12 voting in favour and 0 against with 1 abstention.

(Note: After this decision at 5.15pm, the Committee adjourned for Tea until 5.40pm)

Item 5 Former MoD Premises, Foxhill, Combe Down, Bath – Outline planning permission for up to 700 dwellings, up to 500 sq. m retail (Use Classes A1-A5), up to 1000 sq. m employment (Use Class B1), up to 3500 sq. m community/education (Use Class D1), single form entry primary school, open space and all associated infrastructure – 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 (i) Transport, (ii) Open Space, (iii) Affordable Housing, (iv) Education, (v) Community Services, and (vi) Economic Development; and (B) subject to the prior completion of the above Agreement, to authorise the Group Manager to grant permission subject to conditions. He updated the meeting on further representations being received and details of further planting proposed.

The public speakers made their statements against and in favour of the application. The Ward Councillors Cherry Beath and Roger Symonds made statements in support of the scheme.

Councillor Neil Butters considered this to be a good scheme and moved the Officer recommendation. He enquired about the highway layout at the junction of Entry Hill and Bradford Road. The motion was seconded by Councillor Ian Gilchrist.

Members asked questions about the development to which the Officer responded. Councillor Vic Pritchard referred to the building-out of the pavement on the southern side of the proposed roundabout on Bradford Road at the main entrance to the site and felt that painted white lines would be preferable. The Highways Officer responded that this could be considered. Members discussed various aspects of the scheme. The Group Manager referred to various aspects that would be included as Reserved Matters. The Chair stated that the Entry Hill junction would be given appropriate consideration. He summed up the debate and put the motion to the vote which was carried unanimously (Note: Councillor Brian Webber had left the meeting before this application was considered and Councillor Rob Appleyard was not present for its consideration in view of his interest declared earlier in the meeting).

Item 6 The Wharf, Greensbrook, Clutton – Erection of 15 dwellings following demolition of existing workshop and stone shed – The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to secure an Agreement under S106 of the Town and Country Planning act 1990 to secure various provisions relating to (i) affordable homes, (ii) a financial contribution towards improvements to pedestrian facilities and/or traffic management, and (iii) a financial contribution towards Primary School Places and Youth Provision; and (B) upon completion of the Agreement, authorise the Group Manager to grant permission subject to conditions. The Update Report recommended an increase in the amount of financial contribution towards Primary School Places and Youth Provision.

The Chairman of Clutton Parish Council made a statement in support of the application.

Councillor Les Kew explained the circumstances of the application and moved the Officer recommendation which was seconded by Councillor Dave Laming. The motion was put to the vote and was carried, 11 voting in favour and 0 against with 1 abstention.

Item 7 Lansdown Mazda, 59 High Street, Weston, Bath – Erection of single storey front extension to car showroom (Revised proposal) – The Team Manager reported on this application and the recommendation to refuse permission.

Councillor Malcolm Lees read from a statement prepared by the objector who was due to speak at the meeting but was too unwell to attend. The applicant made a statement in favour of the scheme. The Ward Councillor Colin Barrett then made a statement in support of the proposal.

Councillor Malcolm Lees made a statement as Ward Councillor requesting that a Site Visit be held and then left the meeting for its consideration having taken a decision not to participate in the vote.

Councillor Rob Appleyard considered that the scheme was acceptable. On the basis that the scheme would not affect the character of the Conservation Area, it would not significantly affect the amenities of the adjoining neighbour and would not unduly

affect the highway, he moved that the recommendation be overturned and that permission be granted. The motion was seconded by Councillor Martin Veal.

Members debated the motion. Some Members considered that this was a small extension to the showroom and would be an improvement to the street scene. Reference was made to the parking of cars on the forecourt being in contravention of a condition of an earlier permission. The Chair stated that the effect on listed buildings and local residents needed to be taken into account. The Group Manager stated that no weight could be given to the applicant's financial situation or to the fact that cars were being parked on the forecourt as the latter was in breach of a planning condition on a previous permission. The Group Manager noted that the technical advice from the Highways Officer was that there would be problems for traffic and pedestrians emerging onto the High Street. Members would need to consider whether the development would preserve or enhance the Conservation Area. He advised that the motion would need to be amended to delegate Officers to grant permission subject to appropriate conditions which was accepted by the mover and seconder. Some Members considered that the development would have a detrimental impact on the street scene and affect this part of the Conservation Area.

The motion was put to the vote and was carried, 7 in favour and 4 against.

Item 8 Parcel 4645 Bath Road, Farmborough – Construction of vehicular access and hard standing for round bale silage storage (Retrospective) – The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The Officer provided an oral update to the Committee in relation to the impact of the development on the character of the area. He stated that, due to the limited size of the hard standing, the limited length of the hedgerow lost and the fact that the development was on the edge of the settlement, the Officer view was that the impact on landscape character was not significant.

Councillor Les Kew stated that it was unfortunate that this was a retrospective application but considered that permission should still be granted and he therefore moved the Officer recommendation which was seconded by Councillor Vic Pritchard. The motion was put to the vote and was carried unanimously (Note: Councillors Malcolm Lees and Martin Veal were not present for consideration of this application).

Item 9 No 28 Brummel Way, Paulton – Erection of dwelling house and associated car parking following demolition of existing garage – The Team Manager reported on this application and the recommendation to grant permission subject to conditions. He gave an oral update to the Report which noted that the Council's Core Strategy had been adopted.

The applicants' agent made a statement in support of the development. The ward Councillor Liz Hardman made a statement against the proposed development.

The Group Manager advised Members that loss of property value was not a material planning consideration.

Councillor Vic Pritchard considered that there were practical problems with the scheme and moved that permission be refused on grounds of overdevelopment and poor vehicular access. The motion was seconded by Councillor Rob Appleyard.

Members debated the motion. A Member considered that, with the extension already approved and the little amount of traffic generated from 1 additional property, there would not be a problem. There was a contrary view that a poor standard of amenity would ensue from the development. The Group Manager advised that it would be difficult to defend reasons of overdevelopment at any appeal but stated that grounds of harm to amenity, whilst not supported by Officers, were grounds which Members might decide to be harmful enough to warrant refusal. A refusal based on highways reasons would also be difficult to defend when taking into account the Inspector's comments as mentioned in the Report. Councillor Vic Pritchard considered that there would be potential conflict with 2 adjoining families in this small space at the end of a cul de sac. On advice, he amended the reasons for refusal of his earlier motion to that of over intense use of the site and poor vehicular access and egress. The seconder agreed.

The motion was then put to the vote and was carried, 6 voting in favour and 4 against with 1 abstention (Note: Councillors Malcolm Lees and Brian Webber were absent for consideration of this item).

113 TREE PRESERVATION ORDER - MIDMAR, RICHMOND ROAD, BEACON HILL, BATH

The Committee considered (1) a report by the Senior Arboricultural Officer on an objection received to a Tree Preservation Order made on 23rd September 2014 on a Silver Birch in the front garden of the above property, which tree made a contribution to the landscape and visual amenity of the Conservation Area; and (2) an oral statement by the son-in-law of the owner against the Order.

The Senior Arboricultural Officer gave a presentation on the matter. Members considered the recommendation to confirm the Order without modification. Councillor Patrick Anketell-Jones (Ward Member on the Committee) felt that the tree was out of proportion to the garden and house and therefore could be reduced in size. A replacement tree would be more appropriate.

The Officer responded to various queries by Members regarding potential works to the tree or its felling and replacement by trees of a different species. The Group Manager – Development Management emphasised that this was a significant tree situated within the Conservation Area and its visual amenity made it worthy of a Tree Preservation Order. Councillor Vic Pritchard considered that the Order gave the Council control over the tree and that there would be a substantial loss of amenity if the tree was felled. He therefore moved the Officer recommendation for the Order to be confirmed without modification which was seconded by Councillor Rob Appleyard.

Members debated the motion. As there had been some discussion regarding works to trees in the Conservation Area, it was considered that it would be useful if a guidance note could be produced explaining the difference between this and works to trees covered by a Tree Preservation Order. The Senior Arboricultural Officer stated that she would circulate a Note in due course. The motion was put to the vote and was lost, 4 voting in favour and 6 against with 1 abstention.

Councillor Manda Rigby therefore moved that the Order not be confirmed which was seconded by Councillor Les Kew. The motion was put to the vote and was carried, 7 voting in favour and 3 against with 1 abstention.

114 QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2014

The report was noted. The Chair, on behalf of the Committee, extended his thanks to Officers on their performance during this Quarter.

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

The report was noted

The meeting ended at 8.30pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL**Development Control Committee****Date****OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA****ITEM****ITEMS FOR PLANNING PERMISSION**

| Item No. | Application No. | Address |
|-----------------|----------------------------------|------------------------------------|
| 04 and 05 | 14/01772/REG03 14/01773/REG13 | Colonnades Grand Parade Bath |

Comments received from English Heritage

These can be summarised as follows:

This proposal is a prime opportunity to bring back to use the Grade II listed undercrofts. Concern has previously been raised with regards to the discordant nature of the access beacons within the context of Grand Parade and in particular of the harm caused to the setting of Pulteney Bridge and the Outstanding Universal Value of the World Heritage Site. However, there have been a number of amendments to the beacons that have improved them visually. Consequently, although it is believed there will still be some harm from them, this harm has been partly ameliorated and will need to be weighed up against the overall benefits of restoring and reusing this neglected part of the city's historic environment. The current proposal should be considered under Paragraph 133 of the NPPF.

This significant alteration of materials for these pods will remove the discordant appearance of the previous glass version and contribute towards harmonising these new structures with the surrounding historic environment. An element of refinement such as the introduction of a simple plinth or recess within the masonry is suggested in order to enhance their design.

Whilst the physical alterations are acknowledged, the northerly of the two shafts will still be harmful, primarily due to its size and proximity to Pulteney Bridge. EH also note their disappointment that the access shaft on the southern end of Grand Parade has not been incorporated into the existing structures along the Park's northern boundary rather than erected as a detached entity on the pavement of Grand Parade.

Should these applications be granted Consent, it will be important to ensure that there are conditions imposed to protect the foundations of the neighbouring listed buildings, in particular Pulteney Bridge.

The above comments have been considered and are broadly in line with the officer assessment of this application. Given the comments an additional condition is recommended on application ref 14/01772/REG03;

No development shall commence until a schedule of engineering works to monitor and if necessary support and protect the structure of Pulteney Bridge during the carrying out of the approved development has first been submitted to and approved in writing by the Local Planning Authority. The approved protective measures shall be kept in place in accordance with the details so approved

Reason: To ensure that the development does not have an adverse impact on the structural integrity of Pulteney Bridge.

The plans list was omitted from the committee report and is as follows:

13063(D)103c, 13063(D)104b, r13063(D)105b, 13063(D)201d, 13063(D)303c, 13063(D)304b, 13063(D)305b, 13063(D)401b, 13063(D)402b, 13063(L)5c, 13063(L)6f, 13063(L)8e, 13063(L)12b, 13063(L)13b, 13063(L)17a, 13063(L)20, 13063(L)302e, 13063(L)303d, 13063(L)306a, 13063(L)304d, 13063(L)1000a, 13063(L)2000c, and 13063(L)3000a received 15th April 2014, 13063(L)301f, 13063(L)7k, 13063(L)400a, 13063(L)401a , received 23rd September 2014 and 13063(D)101g, 13053(D)102g, 13063(D)501f, 13063(D)502f, 13063(L)9i, 13063(L)10h, 13063(L)11h, 13063(L)14f, 13063(L)15f, 13063(L)16k, 13063(L)21c, 13063(L)18d, 13063(L)305f, 13063(L)307h, 13063(L)308h received 23rd January 2015

| Item No. | Application No. | Address |
|-----------------|------------------------|---------------------------------|
| 06 | 12/00293/FUL | The Wharf, Greensbrook, Clutton |

Representations from Clutton Parish Council

Since completion of the Committee report the Parish Council have advised that the Housing Development Boundary is currently under review in Clutton as part of the Placemaking Plan.

At the Parish Council meeting, due to be held on Monday February 16th it will be recommended that the Housing Development Boundary be extended in certain places around the village. The application site is one such site that will be likely to be included within the revised development boundary.

Representations from Children Services

Children Services have advised that based on the proposed housing mix the financial contribution towards education is calculated at £18,561.55 (Committee report states £16,313.51). Recommendation A(iii) of the Committee report (s.106 Heads of Terms) should be amended accordingly.

Observations for the Committee update:

Item No.5 – Former Ministry of Defence Foxhill Premises, Bradford Road, Combe Down – 14/04354/EOUT

Four further comments have been received raising the following points;

- Concern that the proposed roundabout on Bradford Road is not large enough to allow vehicles to use it to undertake a U-turn.
- The Cotswolds Conservation Board have provided additional comments raising concerns that the height of development proposed is such that the boundary landscaping will be insufficient to screen it from the AONB particularly at night. Suggest that the proposal should be reduced in height and that conditions limiting building heights landscaping and lighting be imposed if the application was subsequently approved.
- Transition Bath have submitted a further letter maintaining their objection to the application on the basis of lack of onsite provision of allotments and the development achieving only minimum levels of energy efficiency.
- The Councils Landscape Officer has provided further comment on the update Advance Planting Plan. Whilst welcoming the intention of the plan there are a number of detailed concerns. Concern that there is over reliance on the existing off site planting to provide screening. Proposed planting on site is limited and restricted in some parts so will provide insufficient screen. Inclusion of Giant Firs is inappropriate, other species would be more appropriate including Oak, Lime and Beech. Smaller Mulberry trees are susceptible to disease and an alternative hedge mix is suggested to include a wider variety of native species. Suggest landscaping needs to be revised and requires LEMP to be provided to ensure suitable future management.

Officer comments:

In respect of the roundabout, the size and design is sufficient to accommodate vehicles wishing to U turn, including buses and refuse vehicles. The applicant has provided tracking of such movements to demonstrate this.

In considering the Cotswolds Conservation Board comments, these matters have been carefully considered in the officer's report. The proposed maximum height of buildings is considered to be acceptable and conditions are proposed in respect of restricting building heights. Conditions are also proposed in respect of future control of lighting and the provision of landscaping, including the proposed 'Advance Planting' in the northern part of the site.

Matters relating to allotments and energy efficiency are addressed in the officer's report. In relation to allotments in particular, whilst onsite provision is preferable the Planning Obligations SPD allows for a contribution to be made

to provide allotments offsite. In this instance it has been agreed that offsite provision is acceptable and a contribution in line with the SPD will form part of the S106 Agreement.

Proposed condition 9 requires the implementation of the Advance Planting Plan submitted by the applicant. Given the comments of the landscape officer it is suggested that the condition is revised to require an Advance Planting Plan to be agreed with the Local Planning Authority prior to commencement of development to allow further enhancements to be made. Revised condition 9 to read:

Notwithstanding the details shown in the 'Advance Planting Plan' ref: MXX-XX-DR_9000 Rev B, a revised Advance Planting Plan accompanied by a timetable for implementation and management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall thereafter proceed in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development and to enhance the existing tree belt on the northern part of the site which contributes to the green setting of the City of Bath.

An LEMP and general landscaping conditions are already proposed in the report.

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

**MEMBERS OF THE PUBLIC ETC WHO MADE STATEMENTS AT THE MEETING
OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON WEDNESDAY 11TH
FEBRUARY 2015**

| SITE/REPORT | NAME/REPRESENTING | FOR/AGAINST |
|--|---|--|
| ITEMS FROM THE PUBLIC – ITEM 6 | | |
| Cumulative impact in the World Heritage Site | Caroline Kay, Chief Executive, Bath Preservation Trust | Statement |
| PLANS LIST – REPORT 9 | | |
| Pinesgate, Lower Bristol Road, Bath (Item 1, Pages 28-55) | Caroline Kay, Bath Preservation Trust <u>AND</u> Roger Houghton Rebecca Collins, GVA (Applicants' Agents) | Against – To share 3 minutes For |
| MoD Warminster Road, Bath (Item 2, Pages 55-87) | 1. Chris Beaver, PlanningSphere (representing objectors) 2. Rob Faulkner 3. Caroline Kay, Bath Preservation Trust 4. Virginia Williamson, Transition Bath 1. Jim Tarzey, Pegasus Group (Applicants' Agents) 2. Robert Adam, Adam Architecture (Applicants' Architects) | Against – To share 8 minutes For – To share 8 minutes |
| The Colonnade beneath Grand Parade, Bath (Items 3&4, Pages 88-124) | Caroline Kay, Bath Preservation Trust <u>AND</u> Anne Robins Edward Nash (Applicants' Architect) | Against – To share 6 minutes For – Up to 6 minutes |
| MoD Foxhill, Combe Down, Bath (Item 5, Pages 124-179) | 1. Mark O'Sullivan 2. Virginia Williamson, Allotments Association 1. Victor da Cunha, Chief Executive, Curo 2. Victor Da Cunha (on behalf of David Stubbs, Chairman, Foxhill Stakeholders Forum) | Against – To share 6 minutes For – To share 6 minutes |
| The Wharf, Greensbrook, Clutton (Item 6, Pages 180-200) | Rosemary Naish, Chairman, Clutton Parish Council | For |
| Lansdown Mazda, 59 High Street, Weston, Bath (Item 7, Pages 201-206) | Councillor Malcolm Lees (on behalf of Carol Brazukas) Danny Sacco (Applicant) | Against For |

| | | |
|--|--|--------------------------|
| 28 Brummel Way, Paulton (Item 9, Pages 212-216) | Peter Webster (Applicants' Agent) | For |
| TREE PRESERVATION ORDER – REPORT 10 | | |
| Midmar, Richmond Road, Beacon Hill, Bath | Keith Rowe (on behalf of Mrs Payne) | Statement against TPO |

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT CONTROL COMMITTEE

11th February 2015

DECISIONS

| | | |
|--------------------------|--|----------------------|
| Item No: | 01 | |
| Application No: | 14/02619/FUL | |
| Site Location: | Pinesgate, Lower Bristol Road, Westmoreland, Bath | |
| Ward: Widcombe | Parish: N/A | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Erection of an office building (use class B1) with basement parking, associated infrastructure and landscaping following the demolition of existing office building. | |
| Constraints: | Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, Flood Zone 2, Flood Zone 3, Forest of Avon, General Development Site, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site, | |
| Applicant: | Pinesgate Investment Company Ltd | |
| Expiry Date: | 27th February 2015 | |
| Case Officer: | Rachel Tadman | |

DECISION REFUSE

1 The proposed development, by reason of the materials and height, would have a detrimental impact on the character and appearance of the area and result in harm to the Outstanding Universal Value of the World Heritage Site. This would be contrary to Policies D2 and D4 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007, Policy B4 and CP6 of the Bath and North East Somerset Core Strategy, adopted July 2014, and the Bath Western Riverside Supplementary Planning Document, adopted March 2008.

PLANS LIST:

This decision relates to drawing nos 1669/P/001 P1, /002 P1, /011 P3, /012 P3, /020 P1, /021 P1, /051 P1, /052 P1, /061/ P1, /062 P1, /063 P1, /064 P1, 071 P1, /072 P1, /100 P3, /101 P3, /102 P3, /103 P3, /105 P3, /107 P3, /301 P3, /302 P3, /321 P3, /322 P3, /323 P3, /324 P3, /421 P3, /422 P3.

Informative:

SuDs Approval Bodies have not been established and it is unclear when they will be set-up. As such Bath & North East Somerset Council will not adopt SuDS features, therefore the applicant should detail the long-term maintenance of the drainage system. The ownership and maintenance responsibility of the SuDS features should be explained as

part of the drainage strategy. (Model legal agreements that provide a mechanism for SuDs maintenance can be accessed from Ciria (Publication 626))

Flood Warning and Evacuation

The site lies within a Flood Warning area. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users.

DECISION MAKING STATEMENT

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

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.

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

| | | |
|--------------------------|--|----------------------|
| Item No: | 02 | |
| Application No: | 14/02272/EFUL | |
| Site Location: | Ministry Of Defence, Warminster Road, Bathwick, Bath | |
| Ward: Bathwick | Parish: N/A | LB Grade: N/A |
| Application Type: | Full Application with an EIA attached | |
| Proposal: | Demolition of existing buildings, erection of 204 no. dwellings; 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping (including tree removal); pumping station; and associated engineering works. | |
| Constraints: | Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, World Heritage Site, | |
| Applicant: | Square Bay (Bath) LLP | |
| Expiry Date: | 1st December 2014 | |
| Case Officer: | Daniel Stone | |

DECISION

Delegate to PERMIT - Await further conditions and subject to a S106 Agreement

| | |
|--------------------------|--|
| Item No: | 03 |
| Application No: | 14/01772/REG03 |
| Site Location: | Colonnade Beneath Street, Grand Parade, City Centre, Bath |
| Ward: Abbey | Parish: N/A LB Grade: N/A |
| Application Type: | Regulation 3 Application |
| Proposal: | Change of use of vault and undercroft spaces below Grand Parade to restaurants and ancillary facilities (A3), with works to allow pedestrian access to Boat Stall Lane and The Colonnade and to facilitate access to Slippery Lane. Alteration of the public highway, the creation of pedestrian space, the realignment of bus and service parking capacity along Grand Parade and towards Orange Grove, provision of a new loading bay, and construction of vertical pedestrian and service receptions. |
| Constraints: | Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, Listed Building, MOD Safeguarded Areas, Public Right of Way, Sites of Nature Conservation Interest, World Heritage Site, |
| Applicant: | Bath And North East Somerset Council Property Services |
| Expiry Date: | 27th August 2014 |
| Case Officer: | Sarah James |

DECISION

Overtaken - Refused for the following reasons: No public benefits and substantial harm to the Grade 1 Pulteney Bridge.

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|--------------------------|---|
| Item No: | 04 |
| Application No: | 14/01773/REG13 |
| Site Location: | Colonnade Beneath Street, Grand Parade, City Centre, Bath |
| Ward: Abbey | Parish: N/A LB Grade: N/A |
| Application Type: | Regulation 13 Application |
| Proposal: | Change of use of vault and undercroft spaces below Grand Parade to restaurants and ancillary facilities (A3), with works to allow pedestrian access to Boat Stall Lane and The Colonnade and to facilitate access to Slippery Lane. Alteration of the public highway, the creation of pedestrian space, the realignment of bus and service parking capacity along Grand Parade and towards Orange Grove, provision of a new |

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| | loading bay, and construction of vertical pedestrian and service receptions. |
| Constraints: | Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, , Cycle Route, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Prime Shop Front, Public Right of Way, Sites of Nature Conservation Interest, World Heritage Site, |
| Applicant: | Bath And North East Somerset Council Property Services |
| Expiry Date: | 27th August 2014 |
| Case Officer: | Sarah James |

DECISION

Overtaken - Refused for the following reasons: No public benefits and substantial harm to the Grade 1 Pulteney Bridge.

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| Item No: | 05 |
| Application No: | 14/04354/EOUT |
| Site Location: | Former Ministry Of Defence Foxhill Premises, Bradford Road, Combe Down, Bath |
| Ward: Combe Down | Parish: N/A LB Grade: N/A |
| Application Type: | Outline Application with an EIA attached |
| Proposal: | Outline Planning Permission for up to 700 dwellings, up to 500 sqm retail (Use Class A1, A2, A3, A4, A5) up to 1,000sqm employment (Use Class B1), up to 3,500 sqm community/education (Use Class D1), single form entry primary school, open space and all associated infrastructure. |
| Constraints: | Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, General Development Site, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order, Water Source Areas, World Heritage Site, |
| Applicant: | Curo Enterprise Ltd |
| Expiry Date: | 26th January 2015 |
| Case Officer: | Simon Metcalf |

DECISION

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

- Transport, contributions towards public transport, sustainable transport measures, provision of off-site highways works, improvements to Pope's Walk and a Travel Plan.
- Open Space, financial contributions towards green space and provision of allotments. Financial contributions for ongoing maintenance of open space / management and maintenance by a management company.

- Provision of 30% affordable housing
- Education - provision of a 210 place primary school on site designed in agreement with the Council. Provision of 70 place Early Years facility in agreement with the Council.
- Community Services - provision of community space, contribution towards youth services, library services and lifelong learning.
- Economic Development - participation in Targeted Recruitment and Training Management Board and commitment to delivery of employment floorspace.

B) Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the following conditions

1 (a) No part of the Outline Application hereby permitted shall be commenced unless and until an application or applications for the matters reserved by this planning permission in respect of that part of the Development have been submitted to and approved in writing by the Local Planning Authority and the reserved matters application or applications shall include detailed plans, sections and elevations showing:

- Layout
- Scale
- Appearance
- Landscaping

(b) Application(s) for approval of the matters reserved by this planning permission must be made not later than the expiration of 5 years from the date of this decision notice

(c) The Outline Application hereby approved shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

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 to avoid the accumulation of unimplemented planning permissions.

2 All reserved matters applications shall be accompanied by a Design Statement identifying how they align with the Area Wide Design Principles and Design Principles for the Character Area/s in which they are located, as set out in the submitted Design and Access Statement (as amended) prepared by HTA dated September 2014. The Design Statement shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the character and appearance of the area and to ensure the effects of the development accord with that assessed.

3 This outline planning permission relates solely to the description of development set out above and in the Application Plans and Documents attached to this planning permission. All reserved matters applications shall accord with the following approved parameter plans

forming part of the application except where specific listed conditions in this permission require otherwise:

- Amount and Access - MXX-XX-DR_0110 Rev E
- Scale - MXX-XX-DR_0112 Rev F
- Landscaping - MXX-XX-DR_0113 Rev D

Reason: To ensure that the amenities of the site and the impact of the development on the surrounding area are safeguarded and appropriately mitigated.

4 All floorspace figures, building heights (based on AOD levels) and housing numbers stated in the application plans and documents attached to this permission are hereby deemed as maximum parameters used for the Environmental Impact Assessment. They shall not be exceeded and this permission shall not be deemed to guarantee that those maximum development parameters are achievable at the reserved matters stage.

Reason: To ensure the effects of the development accord with that assessed.

5 Details of the finished site levels and floor levels (based on AOD levels) shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To ensure that the amenities of the site and the impact of the development on the surrounding area are safeguarded and appropriately mitigated.

6 No development shall commence within any individual part of the development until a schedule and sample of all materials to be used in the construction of the external surfaces including elevations, windows, doors, roofs of buildings of that part of the development have been first 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 character and appearance of the area.

7 No development shall commence within any individual part of the development until details of hard landscape materials for that part of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include all walls, fences and other boundary treatments/means of enclosure and finished ground levels; details of the surface treatment of the open parts of the site; roads, footpaths, cycleways and driveways and a programme of implementation. The development shall thereafter be carried out only in accordance with the details so approved.

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

8 No development shall commence within any individual part of the development until details of the open spaces and the planting scheme for that part of the development have been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all trees, hedgerows and other planting which are to be

retained; 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.

9 Notwithstanding the details shown in the 'Advance Planting Plan' ref: MXX-XX-DR_9000 Rev B, a revised Advance Planting Plan accompanied by a timetable for implementation and management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall thereafter proceed in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development and to enhance the existing tree belt on the northern part of the site which contributes to the green setting of the City of Bath.

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

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

11 No development shall take place until an arboricultural method statement with tree protection plan identifying measures to protect the trees during access construction has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation (including clearance and removal of hard surfacing). The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, and movement of people and machinery.

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

12 No development activity shall commence on any individual part of the development until the protective measures as stated in the approved Arboricultural Method Statement, for that part of the development, and tree protection plan have been implemented. The local planning authority is to be advised in writing two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees are protected from potentially damaging activities.

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

- (i) Details of exclusion zones to be shown on a scale plan and details of specifications for all exclusion fencing. The LPA must be notified of when fencing is installed and photographic evidence supplied
- (ii) Details of all necessary ecological update survey findings and pre-commencement checks for example to check for new badger activity
- (iii) Details of all other necessary wildlife protection measures and confirmation with photographic evidence once these are in place, including confirmation of commissioning of named ecological watching brief, provision of tool box talks, 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 protected species and wildlife habitats

14 Any application for reserved matters that includes development within 100m of the northern boundary of the site shall be accompanied by a detailed lighting scheme to be submitted to the Local Planning Authority for approval. The scheme shall be based on the principles established through the approved Itdoes Lighting Strategy titled (Notes regarding bat mitigation and design choices for Mulberry Park, Bath) and shall include:

- A detailed lighting plan that demonstrates that lighting levels within the vegetated zone along the northern boundary would be 1 lux or below;
- Details and specifications to demonstrate that the interior lighting to residential properties and exterior residential lighting include such measures to avoid the possibility of lightspill from residential properties bringing any part of bat corridor to levels which are greater than 1 lux;
- A dimming regime for night hours to be agreed with Natural England, B&NES Ecological Officers and the Local Planning Authority
- Use of back shields or other equivalent measures to reduce light levels to 1 lux or below within the vegetated zone
- Details of a timetable to be agreed for implementation of the lighting scheme

The approved Lighting Scheme shall be implemented and thereafter maintained as specified unless otherwise agreed in writing with the Local Planning Authority.

Reason: To avoid harm to bats and bat activity

15 No development shall take place until full details of a Landscape and Ecological Management Plan have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Details of all wildlife friendly landscape planting and habitat provision, to also be shown on all relevant plans and drawings
- (ii) Details of proposed long term management specifications, duration, method, timing and frequency of works, and responsibilities and resourcing, for all areas of habitat which must also be clearly shown on a plan
- (iii) Details of proposed long term monitoring of ecological measures, bat activity and light level compliance monitoring

All works within the scheme shall be carried out in accordance with the approved details and an agreed timetable unless otherwise approved in writing by the local planning authority

Reason: To secure long term provision maintenance and monitoring of ecological and protected species mitigation measures in line with the approved ecological assessment

16 No development shall take place within the site until the implementation of a programme of archaeological work has occurred 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 within areas A and B as shown on the submitted site plan (drawing number EDP 2103/22, dated 01/12/14), 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.

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

17 No part of the development shall commence until further soakaway testing has been undertaken for that part of the development to demonstrate the infiltration feasibility for the proposed soakaways. Tests should be undertaken in the presence of suitable officer of Bath and North East Somerset Council Drainage and Flooding Team officer and the results shall be submitted to approved in writing by the Local Planning Authority prior to any soakaways being constructed. Where tests results preclude the use of soakaways, an alternative method for dealing with surface water discharge in line with the objectives of delivering a sustainable urban drainage solution for the site will need to be submitted to and agreed with the Local Planning Authority.

Reason: In the interests of Flood Risk and Drainage Management

18 No part of the development shall commence until Electronic Micro Drainage files (.mdx files) for that part have been submitted to the Local Planning Authority so that the performance of the proposed system can be simulated. These simulations should demonstrate that no flooding to property will occur on site up to the 1 in100 year (+30% for climate change) rainfall events. Details of the existing surface water runoff rates and volumes should be presented, illustrating that the proposed method of drainage will as a minimum result in no increase in these rate and where feasible reduce them.

Reason: In the interests of flood risk management.

19 No part of the development shall commence until plans showing overland flow routes with flood depths and velocities for that part have been submitted to and approved and approved in writing by the Local Planning Authority. Development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of Flood Risk and Drainage Management

20 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological

and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should be in accordance with the Flood Risk Assessment (Hydrock, November 2014 Ref R/C12549/001.02). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall 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.

21 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or via soakaways.

Reason: To prevent pollution of the water environment.

22 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application has been 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: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

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

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

25 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 22, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 23, 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 24.

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

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

27 The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker

- o a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing,
- o the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

28 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

29 No development falling within Use Class A3, A4 or A5 shall commence until a scheme for treating fumes and odours, so as to render them innocuous before their emission to the atmosphere, has been submitted to and approved in writing by the Local Planning Authority and the means of treating the fumes and odours shall be installed and be operational before the development is brought into use or occupied and maintained as such thereafter.

Reason: To ensure that any concentration of air pollutants in the vicinity is minimised and to protect the amenity of the locality, especially for people living and working nearby or a nuisance is not caused in accordance with Local Planning Policy.

30 Any development falling within Use Class A1 shall be open to customers only between the hours of 7.00 - 22.00 Monday to Saturday and 08.00 - 20.00 on Sundays. No deliveries to commercial uses shall be taken at or dispatched and no delivery vehicles shall park within the application site outside these hours

Reason: To protect the amenity of the locality, especially for people living nearby.

31 Any development falling within Use Class A3, A4 or A5 shall not be open to customers outside the hours of 07.00 - 23.00 on any day and no customer shall be served or remain on the premises outside those hours.

Reason: To protect the amenity of the locality, especially for people living nearby

32 No part of the development shall commence until full details of the following works to the highway have been submitted to and been approved in writing by the Local Planning Authority:

- o The Main Site Access on Bradford Road (Drawing FMW1555 SK01 Rev D)
- o The secondary Site Access Junctions on Fox Hill (Drawing FMW1220 Figure 5.2)
- o Fox Hill Bradford Road Junction Improvement (Drawing FMW1220 SK08)

The development hereby permitted shall not be occupied until these works have been completed in accordance with the approved details and a timetable to be agreed with the Local Planning Authority. The works shall be retained thereafter.

Reason: To ensure that all highway works associated with the proposed development are to a standard approved by the Local Planning Authority and are completed at an appropriate juncture to serve the development.

33 Any application for reserved matters shall include details of the street lighting and street furniture for that part of the development . The development shall thereafter be carried out only in accordance with the details so approved by the Local Planning Authority and shall be retained thereafter

Reason: To ensure that the roads and public highway are designed, laid out and constructed to an adoptable standard.

34 No part of the development shall be occupied until junctions on the internal access roads serving that part of the development have been constructed with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall therefore be maintained free of obstruction at all times.

Reason: In the interests of highway safety

35 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

36 No part of the development hereby permitted shall be occupied until details of pedestrian/cycle links for that part of the development have been provided and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The links shall thereafter be maintained free of obstruction at all times.

Reason in the interests of amenity and sustainable development

37 No individual plots shall be occupied until their access and parking provision has been laid out using a properly consolidated surface material.

Reason: In the interests of the appearance of the development and highway safety.

38 No commercial development shall be occupied until car parking to serve it has been constructed and laid out in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The car parking area shall thereafter remain solely for use as parking in perpetuity.

Reason: To ensure adequate provision and in the interests of highway safety.

39 All applications for reserved matters shall provide details of the number, type and location of cycle parking facilities. The details approved by the Local Planning Authority shall be implemented and thereafter maintained.

Reason: In the interest of sustainable development and to ensure the satisfactory location of cycle parking.

40 No development shall be occupied until or unless a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority, such a plan shall include; a School Travel Plan to cover school uses, a commercial Travel Plan to cover employment uses and a residential Travel Plan to cover residential uses.

Reason: in the interest of sustainable development

41 Before any dwelling is first occupied new residents Welcome Packs, the content of which shall have been submitted to and approved in writing by the Local Planning Authority, shall be issued to occupiers of the property. The Packs 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 Better, Live Better publication, car share, car club information and sustainable travel voucher to encourage residents to use public transport and travel sustainably.

Reason: in the interest of sustainable development.

42 No part of the development hereby permitted shall be occupied until details of a proposed bus route through the site and a programme for its implementation have been submitted to and approved in writing by the Local Planning Authority. The route shall ensure all new dwellings are located within 400m of a bus stop or 5 minutes walk, whichever is the greater. The approved bus route should thereafter be maintained free of obstruction at all times.

Reason: In the interests of amenity and sustainable development

43 Prior to commencement of development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan

shall be adhered to throughout any demolition works, site preparation and construction works unless otherwise agreed in writing by the Local Planning Authority. The plan shall provide for:

- Parking of vehicle of site operatives and visitors
- Routes for construction traffic
- Hours of operation for working and deliveries
- Details of control measures and monitoring during construction to minimise noise and dust resulting from works
- Onsite storage areas.
- Method of prevention of mud being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles
- Diversion of existing bus service

Reason - In the interests of safe operation of the highway and to safeguard the amenity of residential properties.

44 No development shall commence until details of refuse storage for that part of the development have been submitted to and approved in writing by the Local Planning Authority. That part of 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.

45 No development shall commence until a phasing plan for delivery of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The phasing shall thereafter take place in accordance with the agreed plan.

Reason: In the interests of ensuring that infrastructure is in place to meet the needs of the development.

46 No development shall commence until a programme for the provision of the approved community space has been first submitted to and approved in writing by the Local Planning Authority. The community space shall thereafter be provided in accordance with the agreed programme.

Reason: In order to ensure that the community facility which is required as part of this development is delivered.

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

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

PLANS LIST:

Plans list:

This decision relates to drawing nos - Site Plan MXX-XX-DR_0001, Amount and Access - MXX-XX-DR_0110 Rev E, Scale - MXX-XX-DR_0112 Rev F, Landscaping - MXX-XX-DR_0113 Rev D, Advance Planting Plan' ref: MXX-XX-DR_9000 Rev B, Proposed Site Access Roundabout FMW1555 SK01 Rev D, Secondary Site Access Junctions FMW1220 Figure 5.2, Fox Hill Bradford Road Junction Improvement FMW1220 Figure 8.4 SK08

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| Item No: | 06 | |
| Application No: | 12/00293/FUL | |
| Site Location: | The Wharf, Greensbrook, Clutton, Bristol | |
| Ward: Clutton | Parish: Clutton | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Erection of 15no dwellings following demolition of existing workshop and stone shed | |
| Constraints: | Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Tree Preservation Order, | |
| Applicant: | Mr Jeffrey Bromilow | |
| Expiry Date: | 17th May 2012 | |
| Case Officer: | Gwilym Jones | |

DECISION

1 (A) Authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

i). The provision of 5 dwellings as affordable homes comprising:

Social Rent

2 x 1 bed flats

1 x 2 bed house

1 x 3 bed house

Shared Ownership

1 x 3 bed house

ii). A financial contribution of £6037.51 towards improvements to pedestrian facilities and/or traffic management in the village of Clutton.

iii). A financial contribution of £18,561.55 towards Primary School Places and Youth Services.

(B) Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to the following conditions:

2 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.

3 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.

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

Reason: To ensure the safe operation of the highway.

5 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.

6 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.

7 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include (but not limited to) the pre and post construction hard standing areas calculations; the pre and post construction discharge rates from the site; details of surface water discharge points; a site layout drawing with details of suds features and the overall drainage strategy; how potential pollution from the site will be removed and controlled. Any drainage calculations carried electronically should be submitted in an electronic format.

Reason: In the interests of highway safety.

8 All houses in the development shall be designed to achieve level 3, or better, of the Code for Sustainable Homes.

Reason: To ensure that the development is constructed as specified in the application and to secure the sustainable development of the site.

9 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.

10 Where required 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.

11 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 (referred to in PPS23 as a validation 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.

12 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 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, 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 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.

13 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years, 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.

14 Prior to commencement of development an intrusive site investigation survey of the site shall be undertaken in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority.

In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these works shall be undertaken prior to commencement of development.

Reason: Coal mining legacy potentially poses a risk to the proposed development and intrusive site investigation works are required to establish the impact on the safety and stability of the proposed development and the need, if required, for remedial works.

15 No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway and surface water drainage locations and movement of people and machinery.

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

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

Reason: To ensure that the trees are protected from potentially damaging activities.

17 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority. A signed certificate of compliance shall be provided to the local planning authority on completion.

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

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

(i) Finalised details of badger mitigation including findings of pre-commencement checks for new badger activity; mapped location and specifications for fencing; confirmation that fencing is in place; details of licence application

- (ii) Details of proposed street lighting and external lighting demonstrating retention and provision of dark corridors to enable continued passage across the site and use of the site and adjacent woodland edge by bats for commuting and foraging
- (iii) Specifications and location for bat roost provision to be shown on soft landscape scheme
- (iv) Specifications and location for reptile mitigation to be shown on soft landscape scheme
- (v) Details to be incorporated into soft landscape scheme of wildlife-friendly and native species planting, including boundary planting, to maximise wildlife benefit and minimise impacts of the development on ecological value on adjacent land
- (vi) Details of ecological enhancements as appropriate

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.

19 No development shall commence until details of the proposed: estate road(s); footways; footpaths; verges; junctions; street lighting; sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays; accesses; carriageway gradients; drive gradients; car parking; street furniture and programme of implementation shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out other than in accordance with the approved details and programme of implementation without the prior written approval of the Local Planning Authority.

Reason: In the interests of highway safety.

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

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

21 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.

22 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.

PLANS LIST:

L100, L101, L102, L103 Rev.B, L105, L106 Rev. G, L107 Rev. B, L109, L110, L111, L112, L115, sk 32 Rev. B, sk 35 Rev.A, HT 5-1 Rev. A, HT 5-2 Rev. A, HT 7-1 Rev. A, HT 7-2 Rev. A, HT 8 Rev. A, HT 8-2, HT 15 Rev. A, HT 19, HT 25-1, HT 25-2, HT 26, HT 26b, HT 28, A201.

REASONS FOR APPROVAL

The decision to recommend approval has taken account of relevant policies set out in the Development Plan and adopted Supplementary Planning Documents and the National Planning Policy Framework. The decision has also been taken into account other material considerations including emerging policy set out in the Draft Core Strategy and the responses from statutory consultees and other interested parties.

The proposed development is located outside the Housing Development Boundary as defined in the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 and therefore contrary to policy HG.4 (Residential development in the urban areas and R.1 settlements) of the Local Plan and to policy RA1 of the Draft Core Strategy (Development in the villages meeting the listed criteria). However this is outweighed by guidance set out in the National Planning Policy Framework in respect of promoting sustainable development and ensuring an adequate supply of land for housing.

Subject to conditions and a s.106 agreement secured in accordance with policies IMP.1 (Planning obligations), by virtue of site area and number and tenure mix of the proposed dwellings the development is in accordance with policy HG.8 (Affordable housing on allocated and large windfall sites) and CF.3 (Contributions from new development to community facilities) of the Local Plan. It is considered that the scale, layout and design of the proposed buildings is acceptable and would not materially affect the amenities of the neighbours in accordance with Policy D.2 (General design and public realm considerations) and D.4 (Townscape considerations). Subject to implementation of measures to safeguard trees and protected species the development is in accordance with policies NE.4 (Trees & woodland conservation), NE.10 (Nationally important species and habitats) and NE.11 (Locally important species and habitats). The site adjoins the Green Belt however by virtue of the siting, design and materials of the development it will not be visually detrimental to the Green Belt nor impact negatively on its openness in accordance with policy GB2 (Visual amenities of the Green Belt). The proposed site access and layout is considered acceptable and subject to a planning obligation in respect of improvements to pedestrian facilities and/or traffic management the development is in accordance with Policy T.24 (General development control and access policy) of the Local Plan. Subject to site investigations (and, if required, mitigation and remediation) the development is in accordance with policies ES.14 (Unstable land) and ES.15 (Contaminated Land) of the Local Plan.

Advice Note:-

The applicant is advised that the existing railway weighbridge and associated building currently on the site should be dismantled in a manner suitable for its relocation and reassembly on another site. Prior to dismantling the weighbridge and building should be made available for inspection by a railway heritage organisation (such as the North Somerset Heritage Trust) and, if they so request, it is made available to them for removal to another site.

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| Item No: | 07 |
| Application No: | 14/05232/FUL |
| Site Location: | Lansdown Mazda , 59 High Street, Upper Weston, Bath |
| Ward: Weston | Parish: N/A LB Grade: N/A |
| Application Type: | Full Application |
| Proposal: | Erection of single storey front extension to car showroom (Revised proposal) |
| Constraints: | Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, |
| Applicant: | Lansdown Mazda |
| Expiry Date: | 8th January 2015 |
| Case Officer: | Alice Barnes |

DECISION

Overtaken - Delegate to PERMIT with appropriate conditions,

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| Item No: | 08 |
| Application No: | 14/02927/FUL |
| Site Location: | Parcel 4645, Bath Road, Farmborough, Bath |
| Ward: Farmborough | Parish: Farmborough LB Grade: N/A |
| Application Type: | Full Application |
| Proposal: | Construction of vehicular access and hard standing for round bale silage storage. (Retrospective) |
| Constraints: | Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines, Public Right of Way, Special Area of Conservation (SAC), SSSI - Impact Risk Zones, |
| Applicant: | Mr F J Reakes |
| Expiry Date: | 28th February 2015 |
| Case Officer: | Martin Almond |

DECISION PERMIT

1 Within 3 months of the date of decision the entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 12m from the carriageway edge.

Reason: In the interests of highway safety.

2 Within 3 months of the date of decision details for a properly bound and compacted access (not loose stone or gravel) constructed between A39 Bath Road and the gates shall have been submitted to and approved in writing by the Local Planning Authority. The approved access shall then be constructed within 2 months of approval in accordance with the approved details.

Reason: In the interest of highway safety.

3 Within 3 months of the date of decision a turning area shall be provided within the site, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To allow vehicles to enter and leave the site in a forward gear, in the interest of highway safety.

4 The access hereby approved shall be used for agricultural purposes only.

Reason: In the interest of highway safety.

5 Within 3 months of the date of decision infiltration test results and soakaway design calculations to BRE Digest 365 standard should be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of flood risk management.

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

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

PLANS LIST:

This decision relates to 1:2500 location plan dated as received 21st November 2014, drawing 00765 Rev B dated as received 18th November 2014, drawing 766 dated as received on 16th October 2014 and drawing 761 dated as received 25th June 2014.

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons

given, and expanded upon in the delegated report, a positive view of the submitted proposals was taken and permission was granted.

The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of the vehicular crossing. The access shall not be used until the details of the access have been approved and constructed in accordance with the current Specification.

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

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| Item No: | 09 | |
| Application No: | 14/04625/FUL | |
| Site Location: | 28 Brummel Way, Paulton, Bristol, Bath And North East Somerset | |
| Ward: Paulton | Parish: Paulton | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Erection of dwelling house and associated car parking, following demolition of existing garage. | |
| Constraints: | Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones, | |
| Applicant: | Mr & Mrs Ian Burton | |
| Expiry Date: | 5th December 2014 | |
| Case Officer: | Mike Muston | |

DECISION REFUSE

1 The proposed development would result in the unacceptable intensification of the use of the site which would be uncharacteristic of this area. The increased use of the site, including the associated highway movements, in close proximity to the neighbouring occupiers would be harmful to their amenity and would result in a severe threat to highway safety. The development would therefore be contrary to policies D2, D4, and T24 of the Bath and North East Somerset Local Plan, including Minerals and Waste Policies 2007 and policy C6 of the Bath and North East Somerset Core Strategy 2014.

PLANS LIST:

Drawings P-BW-1.0 Rev B, 1.1 Rev B, 1.3 Rev A, 1.4 Rev A, 1.6 Rev B and 1.8 Rev B, received 11 December 2014.

Drawings P-BW-1.2, 1.5, and 1.7, received 10 October 2014.

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 by moving forward and issuing a decision to refuse the application after the Council's Development Control Committee found the proposal unacceptable.