

## **DEVELOPMENT MANAGEMENT COMMITTEE**

### **Minutes of the Meeting held**

Wednesday, 10th February, 2016, 2.00 pm

Councillor Rob Appleyard	- Bath & North East Somerset Council
Councillor Jasper Martin Becker	- Bath & North East Somerset Council
Councillor Paul Crossley	- Bath & North East Somerset Council
Councillor Matthew Davies	- Bath & North East Somerset Council
Councillor Sally Davis (Chairman)	- Bath & North East Somerset Council
Councillor Eleanor Jackson	- Bath & North East Somerset Council
Councillor Les Kew	- Bath & North East Somerset Council
Councillor Bryan Organ	- Bath & North East Somerset Council
Councillor Caroline Roberts	- Bath & North East Somerset Council
Councillor David Veale	- Bath & North East Somerset Council

#### **103 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

#### **104 ELECTION OF VICE CHAIRMAN (IF DESIRED)**

A Vice Chairman was not required

#### **105 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies

#### **106 DECLARATIONS OF INTEREST**

There was a declaration of interest by Councillor Paul Crossley regarding the planning applications at the Bath Recreation Ground (Items 3&4, Report 9) as he had previously supported Bath Rugby proposals during his time as Leader of the Council. There would be a public perception that he would not be open minded when considering these applications and therefore he would withdraw from the meeting when these items were considered. Councillor Caroline Roberts declared a non-pecuniary interest in the same applications as she was a season ticket holder of Bath Rugby but she was still open minded about the proposals and would speak and vote on the items as appropriate.

#### **107 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none

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

The Senior Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when reaching their respective items in Report 9

109 **ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There was none

110 **MINUTES: 13TH JANUARY 2016**

The Minutes of the previous meeting held on Wednesday 13<sup>th</sup> January 2016 were approved as a correct record and signed by the Chairman

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

The Committee considered

- The report of the Group Manager – Development Management on various planning applications
- An Update Report by the Group Manager on the applications at Parcel 3300 Temple Inn Lane, Temple Cloud; Former Cadbury Factory, Keynsham; and Bath Recreation Ground, Bath, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on the applications at Parcel 3300 Temple Inn Lane, Temple Cloud; Pinesgate, Lower Bristol Road, Bath; Former Cadbury Factory, Keynsham; Recreation Ground, Bath; 48 Box Road, Bathford; and Closed Public Toilets, North Parade Road, Bath, 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 and 3A* to these Minutes

**Item Deferred from Previous Meeting - Parcel 3300 Temple Inn Lane, Temple Cloud – Approval of Reserved Matters with regard to Outline application 13/03562/OUT allowed on appeal on 19/08/15 for 70 dwellings and associated roads, drainage, landscaping, open space, parking, layout, scale and appearance** - The Case Officer reported on this application and his recommendation to Approve subject to conditions. He provided further information regarding the Management Company and referred to the Update Report which gave further information on Landscape Management issues, the nature of the Play Area and Ecology and therefore recommended 2 further conditions relating to Play Areas and Lighting.

The public speakers made their statements against and in favour of the proposals which was followed by a statement by the Ward Councillor Tim Warren.

Members asked questions for clarification to which the Case Officer responded. Councillor Les Kew referred to the outline permission granted and the fact that this site would be developed. He thought that the Developer and the Parish Council could have worked together regarding a Management Plan. However, he considered that it was a worthwhile application for which permission could not be refused and therefore moved the Officer recommendation. These sentiments were echoed by Councillor Paul Crossley who seconded the motion. He hoped that the relevant parties could come to some agreement in the future regarding a Management Plan and he congratulated the Officers on their endeavours to make the scheme work.

Members debated the motion. It was felt that there were a number of community benefits from the scheme and it was hoped that the Developer and the Parish could come to some agreement in the future. The Group Manager stated that, as the Parish Council had withdrawn from participating in the Management Plan, the decision would need to be amended and he therefore recommended that the motion be amended to Delegate to grant permission with appropriate conditions. The mover and seconder agreed.

After a short debate, the motion was put to the vote and was carried unanimously.

**Item 1 Pinesgate, Lower Bristol Road, Bath – Erection of an office building (Use Class B1) totalling 15,348 sq. m GIA and a purpose-built educational campus comprising academic accommodation (Use Class D1) and integral student accommodation (Use Class C2) of 16,491 sq. m together with basement parking, associated infrastructure and landscaping** - The Case Officer reported on this application and her recommendation to refuse permission. She updated Members on further representations received from residents and the applicants. Cycle provision had been increased from 30 to 60 bikes – therefore the recommended reason for refusal 03 could now be deleted.

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

Councillor Jasper Becker opened the discussion as Ward Member on the Committee. He considered that there was a willingness by the Developer to invest in providing much needed office space. However, the size and dominance of the proposal would influence future development in the area - a better design and roofing was required to encourage such development. Councillor Eleanor Jackson considered that the scheme was too high and brutalistic and would dominate the street scene and therefore moved the Officer recommendation to refuse permission. The motion was seconded by Councillor Jasper Becker.

Members debated the motion. There was no support for the motion as it was considered that, although it was a large building, it would not dominate the street scene or the area as a whole. There was demand for office space and the scheme provided other benefits such as parking being underground and increased cycle parking provision. There was also a commitment from the applicants that, prior to the occupation of the college campus, a contract would be entered into for the construction of the office development.

The motion was put to the vote and was lost, 2 voting in favour and 7 against with 1 abstention.

It was therefore moved by Councillor Paul Crossley, and seconded by Councillor Rob Appleyard, to delegate authority to Officers to grant permission subject to appropriate conditions and a S106 Agreement including the condition suggested by the Developer regarding construction of the office space.

Members debated the motion. Councillor Eleanor Jackson referred to money being made available for deterring gulls and queried whether the Developer could make some contribution to further research. Councillor Les Kew considered that the development would improve the appearance of Lower Bristol Road and the area as a whole. Bath needed modern developments and this scheme would provide office floor space and bring revenue to the City. The Group Manager – Development Management drew attention to the previous refusal for a similarly sized building on part of the site. He stated that Officers were supportive of the proposed uses but that the quantum of development on the site was too great. There were a number of objections to the current scheme from the relevant professionals within the Council including conservation and urban design as well as strong concerns from Historic England and objections from the Bath Preservation Trust as it would be a dominant building that was bigger than the Western Riverside buildings nearby. He explained that the context of the site and the much lower forms of development along Lower Bristol Road meant that this was a transitional site and that Officers considered that the development would harm the World Heritage site, the Conservation Area and listed buildings and he had concerns that the elevations would appear dominant and oppressive. He advised that reasons were needed to explain how the harm previously identified in the refused scheme had now been overcome. Regarding the issue of gulls perching and nesting on the roof, he felt that it was not necessary to require a contribution towards research. Councillor Paul Crossley replied that there were a number of reasons why he felt permission could be granted and these included that the proposal would not be harmful to the setting of the Bath World Heritage site, it would contribute to economic growth and vitality which would add to the prosperity of the City, the buildings were offset so enabling changes to be made to the gyratory road if required, it provided adequate parking, it would provide a modern setting which would present the City in a positive light, and there was a robust commitment from the applicants to commit to building the office development before occupation of the campus. He considered that such a Condition went as far as it could in the current economic climate. The Group Manager advised that Officers considered that the Condition requiring a contract to be let for the delivery of the offices was not strong enough and that his advice to Members was that he would advise that the offices were built prior to occupation of the campus. He further commented that several of the reasons given to explain the motion were contrary to the decision of the Council on the previous proposal. He therefore considered that the main reason put forward which would be given weight was the wider economic and regeneration benefits of the redevelopment of Pinesgate as a whole.

Members went on to debate the motion. Councillor Rob Appleyard felt that there were big differences between this and the previous scheme that was refused permission. The office accommodation had been increased and it would make for a vibrant and forward thinking City. The existing offices on site were no longer fit for purpose. Councillor Les Kew stated that materials were a big issue in the original proposal and this had now been addressed. Councillor Jasper Becker felt that there was a need to get the right development for the site and it needed to be redesigned.

After some further discussion, the motion was put to the vote. Voting: 7 in favour and

2 against with 1 abstention.

(Note: After this decision at 3.30pm, the Committee adjourned for 10 minutes for a comfort break)

**Item 2 Former Cadbury Factory, Cross Street, Keynsham – Partial demolition, change of use and extension of Buildings A and B to create a Care Village consisting of a 93 bed care Home, 128 Extra Care apartments (Use Class C2) and communal facilities. Partial demolition, change of use and extension of Building C to B1 Office on part ground and upper floors (10,139 sq. m GIA) and Class D1 GP Surgery/Medical Centre (833 sq. m GIA) and Class A1 Retail (150 sq. m GIA) on part ground floor. Associated surface car parking, the use of basements for car parking, landscaping and associated infrastructure. Proposals altering previous site wide planning approval 13/01780/EOUT as approved on 19<sup>th</sup> February 2014 -** The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to secure a Deed of Variation to the existing S106 Agreement (or a new S106 Agreement if appropriate) to secure Employment Space, Specification of Extra Care flats as C2 housing, and Travel Plan and Parking Management Plan; and (B) upon completion of the Agreement, authorise the Development Manager to grant permission subject to conditions. He referred to the Update Report regarding the description of the development and a listed Roman Well on the site and to a letter of support from NHS England.

The applicants' representative made a statement in support of the application which was followed by a statement by the Ward Councillor Brian Simmons.

Councillor Bryan Organ stated that he was delighted that St Monica Trust was coming to Keynsham. He referred to a number of benefits of the development and moved the Officer recommendation which was seconded by Councillor Paul Crossley.

Members debated the motion. After a brief discussion relating to employment issues, the motion was put to the vote and was carried unanimously.

**Items 3&4 Recreation Ground, Pulteney Mews, Bath – (1) Part demolition of existing permanent West Stand (retaining rear wall and concrete slab) together with terraces in north-west corner of the site and removal of existing temporary stands and seating; erection of temporary covered West Stand and seating including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside path, provision of toilet and food and bar facilities within temporary stand (temporary application for a period of up to 4 years); and (2) erection of temporary spectator stands along the north and eastern sides of the playing field; erection of hospitality to either side of the retained south stand; erection of control box and screen/scoreboard between north and east stands including fence enclosure. Associated works and ancillary facilities comprising floodlights and toilets, food and bar facilities within temporary north and east stands (temporary application for a period of up to 4 years) –** The Case Officer reported on these applications and his recommendations to grant permission subject to conditions. He referred to the Update Report which amended the description of the development of

Item 3 by removing the permanent element; amended the wording of Condition 2 of that Item; and provided his comments on further objections received.

The public speakers made their statements against and in favour of the applications which was followed by a statement by the Ward Councillor Jonathan Carr who raised concerns about the developments.

Councillor Rob Appleyard moved the Officer's recommendations on these applications. He considered that there would not be substantial harm to the area or listed buildings and that the developments would bring a number of benefits to people and the City as a whole. The temporary permissions would allow Bath Rugby to submit some proposals on a permanent basis. He wondered why the roof needed to be removed temporarily as the new roofline tidied up the appearance of the Stand and queried whether the Condition could be removed. Councillor Les Kew in seconding the motion also queried this aspect as it only referred to roof material being removed and it was agreed that the deletion of Condition 5 in Item 3 that referred to this aspect be included in the motion.

Members debated the motion. Councillor Eleanor Jackson considered that the developments complied with planning policies and would improve the view and appearance of the Stand. The covered area would be better and would enhance the economic potential of the site. She agreed that there was little point in temporary removal of the roof material. The Group Manager – Development Management agreed that Condition 5 could be removed if Members felt it was unnecessary. He explained that it was not satisfactory to keep granting temporary permissions but there were unique circumstances regarding the Rugby Club and this would give them sufficient time to submit a permanent solution.

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

(Note: Councillor Paul Crossley was not present for consideration of these 2 applications in view of his interest declared earlier in the meeting)

**Item 5 No 48 Box Road, Bathford, Bath – Erection of 4 four bedroom dwellings each with a detached double garage following demolition of existing bungalow. To include associated hard and soft landscaping works, construction of retaining walls to sections of the north, east and west boundaries and improvements to site access** – The Planning Officer reported on this application and the recommendation to grant permission subject to conditions.

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

After a question by a member for clarification, Councillor Les Kew stated that he did not consider this to be overdevelopment and that it was an acceptable scheme for the site. It would provide much needed housing in the area. He therefore moved the Officer recommendation. After some discussion regarding the number of houses proposed for the Plan period, Councillor Paul Crossley seconded the motion stating that it was acceptable density with trees covered by a TPO.

Members debated the motion with which there was some dissension as it was felt to be too many houses being proposed and out of character with surrounding properties.

After a short discussion regarding materials, the motion was put to the vote and was carried, 7 voting in favour and 3 against.

**Items 6&7 Church Farm Derelict Property, Church Hill, High Littleton – (1) External alterations to create a new agricultural entrance to the rear of Church Farm from the A39; and (2) construction of new pedestrian and vehicular access to Church Farm from the A39 following removal of section of boundary wall** – The Planning Officer reported on these applications and the recommendations to (1) grant consent subject to conditions; and (2) (A) authorise the Head of Legal and Democratic Services to enter into a S106 Agreement to secure the relocation of the bus stop and associated works to allow the insertion of the new access; and (B) subject to the completion of (A) above, authorise the Group Manager to permit the development subject to conditions. He reported on amended comments by the Parish Council and pointed out that the site was not in the Conservation Area.

Councillor Les Kew (Ward Member on the Committee) opened the debate. He referred to recent planning history of the site and considered that the access for agricultural purposes was acceptable and the scheme could help towards work on the listed Church Farmhouse which was currently in disrepair and gave a bad appearance on entering the village. He therefore moved that the Officer's recommendations be approved which was seconded by Councillor Bryan Organ.

Members debated the motion. The Group Manager advised that the access to the adjoining field would not necessarily lead to the Farmhouse being renovated and that the application was not linked to this possibility.

The motion on each application was put to the vote separately and was carried, 9 voting in favour and 0 against with 1 abstention.

**Item 8 No 12 Henrietta Villas, Bathwick, Bath – Internal alterations to add a set of wedding doors to ground floor living room/dining room** – The Officer reported on this application and the recommendation to refuse consent.

Councillor Bob Goodman (in his professional capacity as agent of the applicant) and the Ward Councillor Peter Turner made statements in support of the application.

Councillor Eleanor Jackson considered that the scheme would affect the elegance and character of the property and therefore moved the Officer recommendation which was seconded by Councillor Caroline Roberts.

Members debated the motion. Officers responded to a Member's query regarding the legal position. Councillor Les Kew considered that there was little impact from the proposal. The motion was then put to the vote. Voting: 4 in favour and 5 against with 1 abstention. Motion lost.

On the basis that it was not regarded as harmful to the listed building and was a better use of the building, it was then moved by Councillor Les Kew to Delegate to Consent subject to appropriate conditions. The motion was seconded by Councillor Matthew Davies.

The motion was put to the vote and was carried, 5 voting in favour and 4 against with 1 abstention.

**Item 9 Closed Public Toilets, North Parade Road, Bath – Demolition of dilapidated former public convenience and construction of new artist studio building (B1 Use)** – The Case Officer reported on this application and her recommendation to refuse permission. She advised that a sequential test had been provided as the site was in a Flood Zone but that it was out of date being 3 years old.

The applicant and his Architect made statements in support of the proposals.

The Ward Councillor Jasper Becker commented that the building had been derelict for a long time over which different proposals had been submitted. An attractive scheme had been proposed for a site with no neighbours and it was tucked under the railway bridge. He therefore felt the scheme should be approved.

Councillor Eleanor Jackson considered that the building would not be used as public conveniences in the future and this scheme would enhance the locality and this part of the Conservation Area. It would provide an interesting feature at an entrance to the City. On these grounds, she moved that the recommendation be overturned and that permission be granted. The motion was seconded by Councillor Les Kew who considered that it was an innovative design at a focal point of the City although he had concerns regarding the use of timber cladding and would prefer lead or zinc.

Members debated the motion. Councillor Paul Crossley felt that this was a bold imaginative scheme which was set against an overhead railway bridge with large buildings opposite and was therefore of an appropriate scale. He was happy with the cladding proposed. Regarding the sequential test, it would be difficult to find an alternative site in a flood zone in comparison and he felt that it would not be a stumbling block with the test submitted being 3 years old. The Group Manager – Development Management responded that this was a small cramped site and the scale of the proposal was inappropriate. The timber cladding was a concern and, if Members were not happy, they could defer consideration for alternative materials to be submitted. Regarding the sequential test, the work done by the applicant needed updating. The Committee could defer for materials and a sequential test or Delegate to Permit subject to approval of a sequential test. Councillor Eleanor Jackson felt that the latter was a better option as this was a commercial use as an artist's studio and not residential. The Group Manager advised Members on sequential tests and the fact that they had to be applied consistently.

Councillor Paul Crossley considered that, if the application could be reported back to the Committee in March or April, if need be then he would be willing to move an amendment to Delegate to Permit for a satisfactory sequential test to be submitted. Councillor Eleanor Jackson agreed to the amendment and seconded the motion. It was stated that, if the sequential test could not be agreed by Officers, the application would be remitted back to the Committee. The Group Manager was asked about how long a sequential test would take to produce. He advised that this depended upon the resources available to the applicant and his team but that it could be done relatively quickly and that it was unlikely that the applicants would seek to delay the preparation of it.



The motion was put to the vote and was carried, 9 voting in favour and 1 against.

**112 QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2015**

The Committee considered the report of the Group Manager – Development Management which provided Members with performance information across a range of activities within the Development Management function.

Members discussed some aspects of the report. It was considered that it would be useful if it could be considered whether information could be provided when applications did not meet their timescales after 6 months, 1 year and over a year; also, statistics when the Parish/Town Council was in favour of an application against an Officer recommendation. The Group Manager stated that he had introduced a 6 monthly monitor of applications to assess performance.

The report was noted.

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

The Group Manager – Development Management submitted a report on Planning Appeals.

After a brief discussion, the Committee noted the report.

The meeting ended at 6.00pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 10<sup>th</sup> February 2016**

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

ITEM

ITEMS FOR PLANNING PERMISSION

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01	15/04215/RES	Temple Inn Lane Temple Cloud

This application was deferred at the January meeting (for one committee cycle) to enable further discussions to take place in relation to the future management of the public open spaces including the proposed grow patches.

Landscape Management Issues

Discussions have continued, a meeting held and a revised Landscape Management Plan has now been received.

It has been confirmed that the Parish Council cannot take ownership of, or manage, the public open spaces as it is necessary to operate within the parameters set within the Unilateral Undertaking which forms part of the outline planning permission.

In summary the submitted revised Landscape Management Plan states:

- there will be a 12-month defect liability period after which a landscape contractor will take over;
- the contractor will operate on a running contract managed by a management company;
- this plan will run in **perpetuity** [rather than for 5 years as initially proposed] and its operation will be reviewed every five years;

The following key components form part of the Landscape Management Plan:

- Litter and debris removal;
- Management of existing trees and hedgerows;
- Amenity and meadow grass cutting;
- Amenity and native tree maintenance;
- Hedgerow maintenance;
- Play area maintenance;
- Hard landscaping and furniture maintenance;
- Grow patches

The hedgerows are to be maintained at a height of at least 2m. The north-eastern hedgerow will be managed and maintained on both sides by the management

company except which it forms the boundary with residential properties (in which case it will be the occupiers' responsibility).

Further information has been submitted in relation to the grow patches. A detailed plan will be displayed at the meeting. It has been confirmed that 10 cultivated plots will be provided measuring 63sqm each. The area as a whole will be enclosed by a post and rail fence with lockable gates; it will be connected to the highway by a gravel pathway.

A metered water supply will be provided.

The Parish Council will manage the list of grow patch holders and will nominate villagers to be allocated a grow patch (i.e. not just those residing on the new development).

The management company itself is likely to be a resident's management company. The management company's constitution will require it to consult with the Parish Council so that grow patches are let to Parish Council nominees.

David Wilson Homes will liaise with new residents in order to appoint directors of the residents management company and upon completion of the development ownership of the public open spaces and grow patches will transfer to the residents management company.

Residents will pay a service charge to the management company. The grow patches will be financed separately by their users.

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### The nature of the play area

The Parish Council would rather the public open space was not equipped as it would then compete with a neighbouring play area which the Parish Council has invested in significantly recently. There is no policy requirement for the POS to be equipped and as such the Council can be flexible on this point. The following additional condition is suggested (and thus forms part of the recommendation to committee) so that discussions can continue on this point post-determination of this application.

*9. Notwithstanding the details set out on the approved plans, details of the proposed Local Area of Play (LAP) shall be submitted to and approved in writing by the local planning authority prior to first occupation of the first dwelling hereby approved. The LAP shall be laid out in accordance with the details so approved.*

*Reason: For the avoidance of doubt as to the extent of the permission granted.*

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### Ecology

Since the last meeting further comments from the council's ecologist have been received. She has highlighted that the wildlife area is not clearly labelled on the layout and landscape drawings, it would *appear* to be delineated by just a line. She has also highlighted that the landscape management plan does not include specifications for habitat maintenance. The landscape management plan is yet to be approved by the council and therefore there is scope to amend it accordingly. As stated in the main report it does not form part of this reserved matters application and as such can be finalised post-determination.

The ecologist has suggested an additional condition dealing with lighting:

*10. No new or additional external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill onto vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The approved lighting design and predicted light spill limits shall be retained and operated as approved in perpetuity unless any further proposed changes to the lighting design are first submitted to and agreed in writing by the Local Planning Authority.*

*Reason: to avoid harm to bats and other wildlife*

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### Change to Plans List

Following details being finalised with the engineers it has been necessary for the architects to make some tweaks to the submitted drawings. These changes are not significant and relate to the realignment of a sewer easement; the plans list has been changed to read as follows:

1 The following plans are hereby approved:

House Type Booklet: 0529-HTB-ISSU  
Topographical Survey Revision A  
Planning Layout: 0529-102 D  
Street Scene 0529-103 A  
External Works Layout: 0529-104-1 B  
External Work Layout: 0529-104-2 B  
External Works Layout: 0529-104-3 A  
Vehicle Tracking Layout: 0529-105-1 B  
External Detailing: 0529-106 A  
Adoption Plan: 0529-107 C  
Materials Layout: 0529-108 B  
Garages and Car Port: 0529-109-1 A  
Garages and Car Port: 0529-109-2 A  
Timber Cycle Sheds: 0529-110 A  
Waste Collection and Storage Plan: 0529-111 B  
Road and Sewer Long Sections: 0529-302-1  
Road and Sewer Long Sections: 0529-302-2 A  
Parking Matrix: 0529-ISSUE 2  
Residential Lighting Layout: 15/ST LTG/TC/L01  
Tree Protection Plan: D28 22 P4  
Soft Landscape Proposals: GL0281 02B  
Standard Gate: SD14-003  
Brick Wall: SD14-004  
Timber Fence: SD14-007  
Country Style Railings: SD14-008  
Close Board Timber Fence: SD14-015\_1800  
Location Plan: 0529-101 B  
Grow Patches: GL0281 04

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## Corrections

It was highlighted at the last meeting that there is an error in the wording of Condition 2. It is corrected as follows (correction in bold):

*2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows shall be installed, **other than hereby approved**, above ground floor in Plots 64 and 70 hereby approved without the prior written permission of the local planning authority by means of a planning application made for that purpose.*

*Reason: To protect the privacy of nearby residential property.*

## **RECOMMENDATION** (unchanged)

PERMIT

Subject to the conditions set out in the main report as amended/supplemented by the conditions detailed in this update report.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
02	15/04706/EFUL	Former Cadbury Factory, Cross Street, Keynsham

The Description of Development should refer to 128 Extra Care Flats as stated in the main body of the report.

The application site includes a Grade II listed Roman Well. A well has been found within an area of the site where no buildings or structures are to be erected. The top of the well is understood to be approximately 2m below current ground level. The impact of the proposed development on the listed well has been taken into account in the assessment of the application including the duty on the Council to pay special attention to preserving the setting of a listed building. It is considered that with an agreed programme of investigation (and if appropriate, mitigation) the development will preserve the setting of the listed well.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
03/04	15/05235/FUL 15/05237/FUL	Recreation Ground, Bath

Application 15/05235/FUL has been amended to remove the reinstatement of the existing West Stand on expiry of the planning permission for the temporary West Stand.

#### Officer Comments

The amended Description of Development is:

Part demolition of existing permanent West Stand (retaining rear wall and concrete slab) together with terraces in north west corner of the site and removal of existing temporary stands and seating; erection of temporary covered West Stand and seating, including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside path, provision of toilets and food and bar facilities within temporary stand (temporary application for a period of up to four years).

Condition 2 is substituted with the following:

No development shall commence until a sample of all external wall and roofing materials has been submitted to and approved in writing by the Local Planning Authority.

References in the report to s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be to s.66 of that Act

Additional representations have been received objecting to the application. These relate to the responses made by statutory and B&NES consultees, and to further submissions made by the applicant regarding the economic impact of the proposals. The objections raised are that:

- The harm arising from the development is “substantial” and therefore the applications should be assessed against para. 133 of the NPPF.
- No evidence has been submitted by the applicant to substantiate the assertion that the harm to heritage assets is “less than substantial”.
- Historic England and the Council’s Conservation Team have not properly or objectively assessed the level of harm of the proposed West Stand to heritage assets as it will not be screened by trees during the winter.
- The applicant has misapplied the test in para.134 of the NPPF and the assessment of harm and public benefit is flawed because it does not take account of the economic impact of the harm caused by the degradation of the World Heritage Site. This would outweigh any public benefit.
- The level of expenditure by spectators has not been independently verified. The economic impact of the development in terms of jobs in the city is over-stated and does not outweigh the harm to heritage assets or the disadvantages of extra pollution, congestion, inconsiderate parking, and worsened views.
- Unless assurances can be obtained from the owners that there are no plans to remove the trees screening the West Stand within the four year period for which permission is sought, it is suggested any permission given

notwithstanding all the defects in the application would appropriately be limited to one year with annual renewal subject to the trees remaining in situ.

- It is understood that the Environment Agency has plans to remove the trees during the term requested for the temporary permission.
- The temporary stands are made of low quality materials and an eyesore.
- The temporary stands have already been on site for 9 years.
- The noise from the public address system is deafening and noise from other activities on the site occur at all hours. The flood lights shine into our properties until late, the noise of the generators are left on for hours, the portable toilets are cleaned in front of the houses. The flow of a sea of people going to the game and then coming back pass the front door of our house is frightening. It is not just language abuse by swearing, it is also the rubbish they produce.
- The match day tents and other facilities outside the Stands take up an increasing area of the Recreation Ground.
- The Design Note on air quality is flawed and without evidence for the assertions made regarding mode of travel.

#### Officer Comments

Officers have assessed the harm to heritage assets in accordance with the guidance in the NPPF, Planning Practice Guidance and duties upon the Council as set out in s.66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the reasons set out in the main report it is considered that the impact on heritage assets is less than substantial.

- The level of expenditure by spectators presented by the applicant takes account of the typical profile of spectators (home, away etc) and has been reviewed against data on spend by tourists to the city. It is considered that the data used is reasonable and appropriate. There is no evidence that expenditure by other visitors to the city would be reduced because of the harm caused by the proposed temporary stands.
- Officers are not aware of any plans to remove the trees within the bund between the West Stand and the river.
- The air quality assessment identifies an increase in cars coming into the city however the additional vehicles over existing flows is not significant in terms of Average Annual Daily Traffic.
- The operational, match days impacts to neighbouring properties such as noise from the public address system, impact of floodlights and litter are matters that are most appropriately controlled through monitoring and enforcement under other legislation and addressed through liaison between the Club, Recreation Ground Trust, residents and B&NES Environmental Protection.

The further representations have been reviewed by Officers however they do not change the conclusions or Recommendations in the reports.



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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE MEETING  
OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON WEDNESDAY 10<sup>TH</sup>  
FEBRUARY 2016**

<b>SITE/REPORT</b>	<b>NAME/REPRESENTING</b>	<b>FOR/AGAINST</b>
<b>PLANS LIST – REPORT 9</b>		
Parcel 3300 Temple Inn Lane, Temple Cloud (Deferred from previous meeting)	Tony Hooper, Chairman, Cameley Parish Council	Against
	Tom Hemmings	Against
	Tim Blythe, David Wilson Homes (Barratts) (Applicants)	For
Pinesgate, Lower Bristol Road, Bath (Item 1, Pages 33-69)	Caroline Kay, Chief Executive, Bath Preservation Trust	Against
	Niall Mclean, Pinesgate Investment Co (Applicants)	For
Former Cadbury Factory, Cross Street, Keynsham (Item 2, Pages 70-85)	David Williams, Chief Executive, St Monica Trust (Applicants)	For
Recreation Ground, Pulteney Mews, Bath (Items 3&4, Pages 86-122)	Jack Sparrow	Against – Up to 6 minutes
	Tarquin McDonald, Managing Director, Bath Rugby (Applicants)	For – Up to 6 minutes
48 Box Road, Bathford (Item 5, Pages 123-131)	Peter Martin, Bathford Parish Council	Against
	David Hambly, BBA (Applicant's Architects)	For
Closed Public Toilets, North Parade Road, Bath (Item 9, Pages 156-162)	Allim Chowdhury (Applicant) <u>AND</u> Martin Farrell (Applicant's Agent)	For – To share 3 minutes

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**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**10<sup>th</sup> February 2016**

**DECISIONS**

**ITEMS DEFERRED FROM 13th January 2016 COMMITTEE**

<b>Item No:</b>	01	
<b>Application No:</b>	15/04215/RES	
<b>Site Location:</b>	Parcel 3300, Temple Inn Lane, Temple Cloud, Bristol	
<b>Ward:</b> Mendip	<b>Parish:</b> Cameley	<b>LB Grade:</b> N/A
<b>Application Type:</b>	PI Permission (Approval Reserved Matters)	
<b>Proposal:</b>	Approval of reserved matters with regard to outline application 13/03562/OUT allowed on appeal on 19.08.2015 for 70 dwellings and associated roads, drainage, landscaping, open space, parking, layout, scale and appearance.	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site, Housing Development Boundary, Public Right of Way, SSSI - Impact Risk Zones, Tree Preservation Order,	
<b>Applicant:</b>	David Wilson Homes	
<b>Expiry Date:</b>	16th February 2016	
<b>Case Officer:</b>	Chris Gomm	

**DECISION APPROVE**

1 The first floor window in the north-west elevation of Plot 64 hereby approved shall be obscure glazed and if openable, top hung only; it shall remain as such thereafter.

Reason: To protect the privacy of occupiers of nearby dwellings.

2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, other than hereby approved, shall be installed above ground floor in Plots 64 and 70 hereby approved without the prior written permission of the local planning authority by means of a planning application made for that purpose.

Reason: To protect the privacy of nearby residential property.

3 No development or ground preparation shall take place until an Arboricultural Method Statement or Detailed Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The submissions shall incorporate supervision and

monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The submissions shall also take into account the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations, provision of hard surfacing within root protection areas, landscaping operations and movement of people and machinery.

Reason: To ensure that trees and other landscape features to be retained are not adversely affected by the development proposals. A pre-commencement condition is necessary because initial ground works have the potential to have an adverse impact on trees.

4 No development or other operations shall take place except in complete accordance with the approved tree and landscape protection measures unless otherwise agreed in writing by the local planning authority. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority prior to first occupation of any dwelling.

Reason: To ensure that the approved tree protection measures are complied with for the duration of the development.

5 No reconstituted stone walling shall be constructed on site until such time that a sample panel of the proposed reconstituted stone showing the type of stone, size, coursing and pointing has been erected on site and that panel has been approved in writing by the local planning authority. The panel shall be retained on site for the duration of the construction phase and the development shall be undertaken strictly in accordance with it.

Reason: In the interests of visual amenity and for the avoidance of doubt as to the extent of the permission granted.

6 The areas 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 There shall be no artificial lighting of the shared parking areas situated to the rear of Plots 11-15 and forward of Plots 23-26.

Reason: To ensure that these areas remain dark in order to minimise impact on ecological interests.

8 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.

9 Notwithstanding the details set out on the approved plans, details of the proposed Local Area of Play (LAP) shall be submitted to and approved in writing by the local planning authority prior to first occupation of the first dwelling hereby approved. The LAP shall be laid out in accordance with the details so approved.

Reason: For the avoidance of doubt as to the extent of the permission granted.

10 No new or additional external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill onto vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The approved lighting design and predicted light spill limits shall be retained and operated as approved in perpetuity unless any further proposed changes to the lighting design are first submitted to and agreed in writing by the Local Planning Authority.

Reason: to avoid harm to bats and other wildlife

### **PLANS LIST:**

The following plans are hereby approved:

House Type Booklet: 0529-HTB-ISSU  
Topographical Survey Revision A  
Planning Layout: 0529-102 E  
Street Scene 0529-103 A  
External Works Layout: 0529-104-1 C  
External Work Layout: 0529-104-2 C  
External Works Layout: 0529-104-3 B  
Vehicle Tracking Layout: 0529-105-1 B  
External Detailing: 0529-106 A  
Adoption Plan: 0529-107 C  
Materials Layout: 0529-108 B  
Garages and Car Port: 0529-109-1 A  
Garages and Car Port: 0529-109-2 A  
Timber Cycle Sheds: 0529-110 A  
Waste Collection and Storage Plan: 0529-111 B  
Road and Sewer Long Sections: 0529-302-1  
Road and Sewer Long Sections: 0529-302-2 A  
Parking Matrix: 0529-ISSUE 2  
Residential Lighting Layout: 15/ST LTG/TC/L01  
Tree Protection Plan: D28 22 P4  
Soft Landscape Proposals: GL0281 02E  
Standard Gate: SD14-003  
Brick Wall: SD14-004  
Timber Fence: SD14-007  
Country Style Railings: SD14-008  
Close Board Timber Fence: SD14-015\_1800  
Location Plan: 0529-101 B  
Grow Patches: GL0281 04 Rev A

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

given, and expanded upon in a related case officer's report, a positive view of the submitted/revised proposals was taken and consent was granted.

**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**10th February 2016**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	15/05026/EFUL	
<b>Site Location:</b>	Pinesgate, Lower Bristol Road, Westmoreland, Bath	
<b>Ward:</b> Widcombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application with an EIA attached	
<b>Proposal:</b>	Erection of an office building (Use Class B1) totalling 15,348sqm GIA, and a purpose-built educational campus, comprising academic accommodation (Use Class D1) and integral student accommodation (Use Class C2) of 16,491sqm, together with basement parking, associated infrastructure and landscaping.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, British Waterways Major and EIA, Flood Zone 2, Flood Zone 3, Forest of Avon, Sites with Planning Permission, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Pinesgate Investment Company	
<b>Expiry Date:</b>	16th February 2016	
<b>Case Officer:</b>	Rachel Tadman	

**DECISION** Delegate to PERMIT – subject to the signing of a S106 Agreement.

<b>Item No:</b>	02	
<b>Application No:</b>	15/04706/EFUL	
<b>Site Location:</b>	Former Cadbury Factory, Cross Street, Keynsham,	
<b>Ward:</b> Keynsham North	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application with an EIA attached	
<b>Proposal:</b>	Partial demolition, change of use and extension of Building A and B to create a Care Village consisting of a 93-bed Care Home, 128 Extra Care apartments (Use Class C2) and communal facilities. Partial demolition, change of use and extension of Building C to B1 Office on part ground and upper floors (10,139m2 GIA), and Class D1 GP Surgery/Medical Centre (833m2 GIA) and Class A1 Retail (150m2 GIA) on part ground floor. Associated surface car parking, the use of basements for car parking, cycle parking, landscaping and associated infrastructure. Proposals altering previous site wide planning approval 13/01780/EOUT as approved on 19th February 2014.	

<b>Constraints:</b>	Agric Land Class 3b,4,5, British Waterways Major and EIA, Coal - Standing Advice Area, Forest of Avon, Listed Building, Provisional Tree Preservation Order, SSSI - Impact Risk Zones,
<b>Applicant:</b>	St. Monica Trust
<b>Expiry Date:</b>	8th March 2016
<b>Case Officer:</b>	Gwilym Jones

**DECISION** PERMIT – subject to the signing of a S106 Agreement.

<b>Item No:</b>	03
<b>Application No:</b>	15/05235/FUL
<b>Site Location:</b>	Recreation Ground, Pulteney Mews, Bathwick, Bath
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Part demolition of existing permanent West Stand (retaining rear wall and concrete slab) together with terraces in north west corner of the site and removal of existing temporary stands and seating; erection of temporary covered West Stand and seating, including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside path, provision of toilets and food and bar facilities within temporary stand (temporary application for a period of up to four years).
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Floodplain Protection, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Sites used as playing fields, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Bath Rugby
<b>Expiry Date:</b>	21st January 2016
<b>Case Officer:</b>	Gwilym Jones

**DECISION** PERMIT

1 This permission shall expire four years from commencement of the development hereby approved or 30th May 2020 which ever is the earlier after which the temporary seating and other structures hereby approved shall be removed from the site.

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

2 No development shall commence until a sample of all external wall and roofing materials has been submitted to and approved in writing by the Local Planning Authority.



Reason: To ensure that the details of the building preserve or enhance the character and appearance of the Conservation Area.

3 No works on the Temporary Stand (including the demolition of the existing West Stand) shall take place until details of materials to be used in the construction of the Temporary Stand have been submitted to and approved by the Council.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

4 The colour of the temporary seating hereby approved shall be dark grey or match the existing green seating which is in use elsewhere on the site.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

5 Construction work associated with the erection and dismantling of the temporary Stand shall be in accordance with the submitted Construction Method Statement (Revision 03 December 2015). Works will only be carried out between the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturday with no works undertaken on Sundays or Bank Holidays. No noisy operations shall take place other than between the hours of 8am and 4pm Monday to Friday and 8am to 1pm on Saturday and not on Sundays or on Bank Holidays.

Reason: In order to protect the amenity of adjoining properties and ensure that site access and management arrangements are satisfactory.

6 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Black and Veatch, subsequent letter dated 12 January 2016, accompanying 'Bath Rugby 100T Crane Access' note dated 08 January 2016 and in particular the following mitigation measures:

- Access shall be provided to the Environment Agency for a crane (up to 100T) to access Pulteney Radial Gate through the recreation ground in an emergency.
- Ground levels and structures allowing the flow of flood water between the river and the ground are to remain unchanged.
- There are no structures or changes to ground levels between the river and the new West stand.

Reason: To ensure unimpeded access for the Environment Agency to the Pulteney Gate structure in the event of an emergency, to allow flood water to be stored and thereby ensuring flood risk downstream is not increased, to maintain conveyance flows next to the river during a flood.

7 No development shall take place until a method statement/construction environmental management plan has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:

- The timing of the works

- The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)
- Construction methods
- Any necessary pollution protection methods
- Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.

The works shall be carried out in accordance with the approved method statement.

Reason: To protect the environment.

8 The development hereby permitted shall be occupied only in accordance with the submitted Travel Plan dated August 2014, the measures set out in correspondence from IMA Transport Planning dated 25 January 2016 or such other measures submitted to and approved in writing by the Local Planning Authority arising from the implementation of the Travel Plan.

Reason: In the interests of promoting the take up of sustainable transport methods and to minimise impacts on the highway network.

9 No demolition, site preparation or development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the construction of retaining walls; storage, handling and mixing of materials on site, burning, service run locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals

10 No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement unless agreed in writing by the local planning authority. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first use of the stand and facilities.

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

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

Reason: In order to ensure that there are no unacceptable risks in relation to contamination and that the land is suitable for the intended use 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.

12 The development shall take place in accordance with the Written Scheme of Investigation for an Archaeological Watching Brief (Cotswold Archaeology dated 17 June 2010).

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

13 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:**

PL101, PL102, PL104, PL105, PL106, PL107, PL108, PL110, PL111, PL112, PL113B, PL114, PL116, PL117

**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 related case officer's report a positive view of the submitted proposals was taken by the Development Management Committee and permission granted.

<b>Item No:</b>	04
<b>Application No:</b>	15/05237/FUL
<b>Site Location:</b>	Recreation Ground, Pulteney Mews, Bathwick, Bath
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of temporary spectator stands along the north and eastern sides of the playing field; erection of hospitality boxes to either side of the retained south stand; erection of control box and screen/scoreboard between north and east stands including fence enclosure. Associated works and ancillary facilities comprising floodlighting, and toilets, food and bar facilities within temporary north and east stands (temporary application for period of up to four years).
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Floodplain Protection, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Sites used as

	playing fields, Site Of Special Scientific Interest (SI), World Heritage Site,
<b>Applicant:</b>	Bath Rugby
<b>Expiry Date:</b>	25th February 2016
<b>Case Officer:</b>	Gwilym Jones

## **DECISION PERMIT**

1 This permission shall expire four years from commencement of the development hereby approved or 30th May 2020 which ever is the earlier after which the temporary seating and other structures hereby approved shall be removed from the site and the land/premises reinstated on or before that date in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority prior to the expiry date.

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

2 The construction of the temporary East Stand seating and associated facilities including access stairs shall not commence more than 4 weeks before the first Home game of each rugby Premiership season. The East Stand shall not be used for more than 39 weeks from the date it is first brought into use each season and the East Stand structures and associated facilities including access stairs shall be entirely removed from the site not later than 3 weeks after the last Home game of the rugby Premiership season.

Reason: In the interests of the use, character and appearance of the site as recreational open space within the Conservation Area and World Heritage Site and the setting of listed buildings.

3 The reinstatement scheme for the grass underneath the East Stand shall be implemented in accordance with details submitted to and approved by the Local Planning Authority not less than three months before the last Home rugby Premiership game each season. The reinstatement scheme shall be implemented as approved within 7 days of the Stand being removed pursuant to Condition 2.

Reason: In order to ensure that the land under the area covered by the stand is capable of being reinstated to an appropriate condition in order to ensure the continued use of the Recreation Ground for all of its users and in the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

4 The North and East Stand hereby approved shall only be used with the green double layered screen fabric in place on the rear of the stand.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

5 Only green coloured seating shall be installed in the temporary Stands hereby approved.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

6 Construction work associated with the erection and dismantling of the temporary Stands shall be in accordance with the submitted Construction Method Statement (Revision 03 December 2015). Works will only be carried out between the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturday with no works undertaken on Sundays or Bank Holidays. No noisy operations shall take place other than between the hours of 8am and 4pm Monday to Friday and 8am to 1pm on Saturday and not on Sundays or on Bank Holidays.

Reason: In order to protect the amenity of adjoining properties and ensure that site access and management arrangements are satisfactory.

7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Black and Veatch, subsequent letter dated 12 January 2016, accompanying 'Bath Rugby 100T Crane Access' note dated 08 January 2016 and in particular the following mitigation measures:

- Access shall be provided to the Environment Agency for a crane (up to 100T) to access Pulteney Radial Gate through the recreation ground in an emergency.
- Ground levels and structures allowing the flow of flood water between the river and the ground are to remain unchanged.
- There are no structures or changes to ground levels between the river and the Recreation ground.

Reason: To ensure unimpeded access for the Environment Agency to the Pulteney Gate structure in the event of an emergency, to allow flood water to be stored and thereby ensuring flood risk downstream is not increased, to maintain conveyance flows next to the river during a flood.

8 The development hereby permitted shall be occupied only in accordance with the submitted Travel Plan dated August 2014, the measures set out in correspondence from IMA Transport Planning dated 25 January 2016 or such other measures submitted to and approved in writing by the Local Planning Authority arising from the implementation of the Travel Plan.

Reason: In the interests of promoting the take up of sustainable transport methods and to minimise impacts on the highway network.

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

Reason: In order to ensure that there are no unacceptable risks in relation to contamination and that the land is suitable for the intended use 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.

10 The development shall take place in accordance with the Written Scheme of Investigation for an Archaeological Watching Brief (Cotswold Archaeology dated 17 June 2010).

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

11 This permission relates only to the East Stand, North Stand, South Stand hospitality boxes, Control Room and TV Screen as shown on the submitted drawings and does not convey consent for any other development including any flags/advertising.

Reason: In order to clarify the terms of the permission.

12 The screen/scoreboard hereby permitted shall only be operated on Home rugby Premiership match days. The screen/scoreboard shall be operated for a maximum of two hours before or after a rugby Premiership Home game and no later than 10-00pm.

Reason: To safeguard the amenities of nearby residents and in the interests of safeguarding the character and appearance of this part of the Conservation Area and the World Heritage Site.

13 The TV Screen shall not be used during the 2016/17 rugby Premiership season or thereafter until details of the treatment of the rear of the screen have been submitted to and approved by the Local Planning Authority. The works shall be completed as approved prior to the first Home game of the rugby Premiership 2016/17 season.

Reason: To protect the amenities of nearby residents and in the interests of safeguarding the character and appearance of this part of the Conservation Area and the World Heritage Site.

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

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

**PLANS LIST:**

15.1646.PL101, PL102, PL107, PL108, PL109, PL110, PL111, PL112, PL113, PL114, PL116, PL117, PL118, PL119

The applicant is advised that the Council's Code of Practice to control noise from construction sites should be fully complied with which can be found at the following web-link;

<http://www.bathnes.gov.uk/BathNES/environmentandplanning/Pollution/PollutionConstruction.htm>

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 case officer's report, a positive view of the proposals was taken and consent was granted.

<b>Item No:</b>	05	
<b>Application No:</b>	15/03453/FUL	
<b>Site Location:</b>	48 Box Road, Bathford, Bath, Bath And North East Somerset	
<b>Ward:</b> Bathavon North	<b>Parish:</b> Bathford	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 4no four-bedroom dwellings, two with a detached double garage, following demolition of existing bungalow. To include associated hard and soft landscaping works, construction of retaining walls to sections of the north, east and west boundaries, and improvements to site access.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Ashford Homes (South Western) Ltd	
<b>Expiry Date:</b>	12th February 2016	
<b>Case Officer:</b>	Alice Barnes	

## DECISION PERMIT

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

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

2 The garages hereby approved shall be retained for the garaging of private motor vehicles associated with the dwellings and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: In the interests of highway safety

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

Reason: In the interests of highway safety



4 The access, parking and turning areas shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

5 The access hereby permitted shall not be used until the footway crossing has been widened in accordance with the standard specification of the Highway Authority.

Reason: In the interests of highway safety

6 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.

7 No demolition or development shall take place until a detailed arboricultural method statement and revised tree protection plan identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority (LPA). The statement shall include proposed tree protection measures during site preparation (including demolition, clearance and level changes), during construction and landscaping operations. 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 to the LPA. The statement and plan should also include the control of potentially harmful operations such as the position of service runs and soakaways, widening of the access; wall construction; storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

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

8 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 by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwelling.

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

9 No development shall be commenced on site until a soft landscape scheme incorporating a scaled drawing has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.



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

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

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

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

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

12 For the avoidance of doubt there shall be no garages constructed for dwellings labelled on drawing 3902 - 003L as Plots 1 and 2 without further written permission from the local planning authority.

Reason: In the interests of the appearance of the development and to ensure that any trees will not be adversely affected.

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

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

**PLANS LIST:**

Location plan 001  
Existing plans and elevations 002  
Proposed site plan 003 rev L  
Plot 1, plans and elevations 004 rev K  
Plot 3, plans and elevations 005 rev D  
Street elevations 006 rev G  
Garages 007 rev B  
Plot 2, plans and elevations 008 rev E  
Plot 4, plans and elevations 009 rev B  
Site sections 012 rev A

Advice Note:

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 widening of the existing vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

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.

<b>Item No:</b>	06	
<b>Application No:</b>	15/02290/LBA	
<b>Site Location:</b>	Church Farm Derelict Property, Church Hill, High Littleton, Bristol	
<b>Ward:</b> High Littleton	<b>Parish:</b> High Littleton	<b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)	
<b>Proposal:</b>	External alterations to create a new agricultural entrance to the rear of Church farm from the A39	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones, Tree Preservation Order,	
<b>Applicant:</b>	Mr Martin Pera	
<b>Expiry Date:</b>	16th December 2015	
<b>Case Officer:</b>	Laura Batham	

## **DECISION**    CONSENT

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

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

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

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

## **PLANS LIST:**

This decision relates to site location plan and proposed wall elevation only received on 19th May 2015 and Revised block plans received on 3rd December 2015.

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

<b>Item No:</b>	07
<b>Application No:</b>	15/01802/FUL
<b>Site Location:</b>	Church Farm Derelict Property, Church Hill, High Littleton, Bristol
<b>Ward:</b> High Littleton	<b>Parish:</b> High Littleton <b>LB Grade:</b> II
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones, Tree Preservation Order,
<b>Applicant:</b>	Mr Martin Pera
<b>Expiry Date:</b>	16th December 2015
<b>Case Officer:</b>	Laura Batham

**DECISION** PERMIT – subject to the signing of a S106 Agreement.

<b>Item No:</b>	08
<b>Application No:</b>	15/03743/LBA
<b>Site Location:</b>	12 Henrietta Villas, Bathwick, Bath, BA2 6LX
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Internal alterations to add a set of wedding doors to ground floor living room/dining room.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Mr Gabriel Fisher
<b>Expiry Date:</b>	16th October 2015
<b>Case Officer:</b>	Adrian Neilson

**DECISION** CONSENT

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

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

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

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

### PLANS LIST:

Drawings: 5711 - 2015 - 01, 5711 - 2015 - 02, 5711 - 2015 - 03, 5711 - 2015 - 04, 5711 - 2015 - 05, 5711 - 2015 - 06 and Design and Access Statement date stamped 19 August 2015 and 5711 - 2015 - 07 and 5711 - 2015 - 08 date stamped 21 August 2015.

### DECISION TAKING STATEMENT

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

<b>Item No:</b>	09	
<b>Application No:</b>	15/02627/FUL	
<b>Site Location:</b>	Closed Public Toilets, North Parade Road, Bathwick, Bath	
<b>Ward:</b> Widcombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Demolition of dilapidated former public convenience, and construction of new artist studio building (B1 Use)	
<b>Constraints:</b>	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,	
<b>Applicant:</b>	Mrs Ruhin Begum	
<b>Expiry Date:</b>	4th August 2015	
<b>Case Officer:</b>	Tessa Hampden	

**DECISION** Delegate to PERMIT - subject to the receipt of further information relating to a sequential test.