

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 9th March, 2016, 2.00 pm

Councillor Jasper Martin Becker- Bath & North East Somerset Council
Councillor Paul Crossley - Bath & North East Somerset Council
Councillor Sally Davis - Bath & North East Somerset Council
Councillor Donal Hassett - 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

120 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

115 ELECTION OF VICE CHAIRMAN (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

116 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Rob Appleyard and Matt Davies.
Councillor Donal Hassett substituted for Councillor Davies.

117 DECLARATIONS OF INTEREST

There were none.

121 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

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

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications, and they would be able to do so their respective items were reached.

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

There were none.

121 **MINUTES: 10TH FEBRUARY 2016**

These were approved as a correct record and signed by the Chair.

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

The Chair announced that Item 3 (Land Adjacent to White Hill Cottages, White Hill, Shoscombe) had been withdrawn from the agenda.

The Committee considered:

- The report of the Group Manager – Development Management on various applications
- An Update Report by the Group Manager on items 1, 3, 4 and 5; a copy is attached to these Minutes
- Oral statements by members of the public etc. on items

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 - Bath Spa University, Herman Miller UK, Locksbrook Road, Newbridge, Bath – Change of use from furniture production (Use Class B2) to an academic space comprising technical workshops, studio space, teaching space and office accommodation (Use Class D1) – The Case Officer reported on this application and his recommendation to permit.

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

Members asked questions for clarification which the case officer responded.

Councillor Kew said that the site visit had been helpful and moved the officer's recommendation to permit the application with the conditions listed in the report. This was seconded by Councillor Crossley, who said that Bath Spa University had done a lot of work to address the Committee's concerns about the change of use. He felt that the new use fitted in very well with the trend in Bath away from manufacturing to ideas-based economic activity. The architect, Sir Nicholas Grimshaw, deserved credit for the foresight of his design and the new use preserved the integrity of this recently-listed building. The application met the needs of the young people who would be trained there and of local residents, who had been very supportive.

Councillor Jackson said that it was a lovely building, which should be preserved as close as possible to how it is now. This application offered the best way of doing that. Dividing it into smaller units would spoil the interior.

Councillor Organ said that he had been surprised when the building was listed, but

felt that it would be best preserved as a single unit as it is now. He could see no reason to refuse the application.

The motion was put and it was **RESOLVED** unanimously to permit the application.

Item 2 – Kingswood Preparatory School, College Road, Lansdown, Bath – erection of new school building to accommodate prep school accommodation, new pre-prep and nursery, and multi-use games area and associated infrastructure and landscaping – The Case Officer reported on this application and her recommendation to permit and also updated Members of a few issues which have arisen since her report was written.

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

Councillor Kew read out a statement by Ward Councillor, Councillor Patrick Anketell-Jones, urging that a decision be deferred pending a site visit by the Committee.

Councillor Jackson asked about access over College Road and Hamilton Road, which are private roads.

Councillor Kew said that it was difficult to make a decision based on the information so far received and moved that the application should be deferred for a site visit. This was seconded by Councillor Organ, who said that more information was required about access over the private roads.

Councillor Jackson said that if a site visit was agreed, it should include a view of the side of the school not visible from the Wellsway.

Members agreed that the site visit should take place in term time, and that therefore it should be deferred to 25th April 2016.

RESOLVED by 8 votes in favour and 1 abstention to defer the application to allow a site visit on 25th April 2016 and to reconsider the application at the Committee Meeting on 4th May 2016.

Item 3 – Land adjacent to White Hill Cottages, White Hill, Shoscombe, Bath – demolition of existing masonry Blacksmith's Shop and adjacent corrugated iron garage; replace with three attached residential garages/stores. This application had been withdrawn from the agenda.

Item 4 – 23 Royal Crescent, City Centre, Bath – Replace existing flat roof with lead proof slated pitch roof to summer house with alterations to parapet (Revised partially retrospective proposal)

Item 5 23 Royal Crescent, City Centre, Bath – Replace existing flat roof with lead proof slated pitch roof to summer house with alterations to parapet (Revised partially retrospective proposal)

The Case Officer reported on these two applications and her recommendation to refuse.

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

Councillor Christopher Pearce, a Ward Councillor for Kingsmead, made a statement in support of the applications.

Councillor Crossley read out a statement from Councillor Andrew Furse, a Ward Councillor for Kingsmead.

The Team Manager Development Manager advised the Committee that they should not be influenced by the fact that most of the work had already been carried out. Members should base their decisions on the applications before them, not on how the present situation had been reached.

Councillor Jackson said that building that was described as an 'orangery' or 'summer house' did not appear to her to warrant these terms. It appeared to her to be a domestic building, an impression she found reinforced by the insertion of the window. She therefore moved the Case Officer's recommendation to refuse both applications.

Councillor Crossley seconded the motion to refuse. There had been a major change of form and the work was not being done in accordance with permissions. When the building had a dome, it looked like a genuine orangery, but it now looked like a house at the end of the garden. This was a Grade I listed building, of which there were not many, and located in a crescent of major architectural importance.

Cllr Kew said that he agreed with Councillor Jackson. He felt that the Committee had a duty to preserve the character of Royal Crescent and that the applications should be refused.

Cllr Hassett said that there were only minor changes to the building, including a slight change to the pitch of the roof, and he believed that the applications should be permitted.

The motions were put to the vote, and it was **RESOLVED** to refuse Item 4 by 6 votes in favour and 3 against **AND** to refuse Item 5 by 6 votes in favour and 3 against.

Item 6 – Willow Farm, Flatts Lane, Farmborough – change of use of land to residential curtilage (Retrospective). The Case Officer reported on this application and her recommendation to permit.

The public speaker spoke against the application.

The Chair said that as Ward Councillor she shared the Parish Council's confusion and frustration about the history of this site. Enforcement action, if justified, would clarify what was and what was not permitted at the site.

Councillor Kew said that to permit this application with the conditions proposed would move things forward and regularise the situation. He therefore moved to accept the officer's recommendation to permit. This was seconded by Councillor Organ. Councillor Jackson said that she was persuaded by the arguments based on the NPPF given on agenda page 87, and that she would support the motion.

The motion was put and it was **RESOLVED** by 7 votes in favour with 2 abstentions.

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

An updated report had been circulated to Members before the meeting.

RESOLVED to note the report.

The meeting ended at 3.49 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 9th March 2016

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

ITEMS FOR PLANNING PERMISSION

ITEM

| Item No. | Application No. | Address |
|-----------------|------------------------|----------------------------------------------------------------------------------|
| 1 | 15/04810/FUL | Herman Miller UK, Locksbrook Road, Newbridge, Bath, Bath and North East Somerset |

Members will note from page 14 of the main report that a high level development appraisal relating to the viability of subdividing the building had been submitted and that this has been forwarded to external consultants (LSH) for independent assessment. At the time of writing the main report no response has been received and the report advises that members will be subsequently updated.

The LSH assessment has now been received and the Economic Development team re-consulted. In respect of the potential subdivision the ED team have commented as follows:

“CBRE on behalf of the applicants have submitted a Viability Report based on subdividing the building into smaller industrial units, which allowing for space for servicing, would provide circa 43,000sqft of lettable space. The report suggests a significant negative residual value.

An independent external assessment of this report has been commissioned which indicates that:

- The overall assumption of the amount of lettable space that sub-division could provide is acceptable;*
- The information provided is high level, includes a significant risk element and higher than expected development costs, the main driver for the negative residual value;*
- The lack of detailed information and level of risk suggest no detailed work has been done on the potential costs of sub-dividing the building*

The assessment concludes that, accepting the high level nature of the information provided and in the absence of any detailed assessment / due diligence in terms of development costs, a project to sub-divide the building into smaller industrial units would be unlikely to be viable for a private developer.

An assessment of the information provided by the applicants in relation to market signals and viability, accepting its limited nature, suggests that, in the current market, there has been little interest from occupiers in relation to the building as a single industrial unit and that, in relation to current market values, a scheme to sub-divide the building into smaller units is unlikely to be viable for a private developer.

In the circumstances if consideration is given to the application by Bath Spa University it will be important to maximise the economic benefits.

The economic value of the University to the city and wider B&NES area is acknowledged as are the potential benefits of relocating the School of Art & Design. The application provides information on the ambitions for the School of Art and Design as “An Incubator for the Creative Industries”. It indicates that in the next phase of development, the Bath School of Art and Design will:

- develop its facilities and promote them more extensively to facilitate wider and new engagement with industry;*
- establish dedicated incubator creative workspaces for recent graduates and postgraduates, and the wider art and design communities*

The creative industries are an important sector within B&NES but overall there is a lack of suitable accommodation particularly within the city. To address the ambitions included in the application and to create a critical mass of workshop space to bring together existing small creative businesses, under-graduates and graduates pursuing entrepreneurial business start-up projects, it is suggested that 1,500 – 2,000sqm of dedicated B1 workshop and R&D space be included within a mixed-use re-use of the Herman Miller building alongside the D1 academic floor space”.

Officer comments

The LSH assessment accepts that subdividing the building into separate units (in order to ensure its continued industrial use) is unlikely to be financially viable; this conclusion has been accepted by the Council’s Economic Development Team. It is accepted therefore that the subdivision of the building is not an option for economic reasons as well as for the conservation reasons outlined in the main report. The building has little industrial potential either for a single occupier or for multiple occupiers through a subdivision scheme. The proposed change of use from an industrial to an educational use is therefore in accordance with Policy B3 and can be supported.

The Economic Development team have suggested that 1500-2000sqm of the building be dedicated Use Class B1 workshop and R&D space. This is unreasonable and not something the local planning authority can insist upon. The application, for the reasons set out above and in the main report, complies with planning policy and as such there is no justification in requiring a certain quantum of industrial use to be retained within the building; there is no policy requirement to do so. The application submission mentions that Bath Spa University’s proposed use of the building may include certain incubator activities but the nature and quantum of this is a matter for the university to consider, it is not for the local planning authority to prescribe.

Conditions

The Environmental Health team, following comments from the agent, have suggested a small number of minor changes to some of the contaminated land conditions. These revisions relate to the triggers for undertaking work/submission details. It is recommended that conditions 7 and 8 are changed to read as follows (changes in bold):

7. *Submission of Remediation Scheme*

*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 **prior to any development works commencing.***

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. A pre-commencement condition is necessary as remediation must be undertaken at the earliest phase.

8 *Implementation of Approved Remediation Scheme*

*The approved remediation scheme must be carried out in accordance with its terms prior to the **occupation of the** 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.

| Item No. | Application No. | Address |
|-----------------|------------------------|--------------------------------------------------|
| 3 | 15/05014/FUL | Land adjacent to Whitehill Cottages Shoscombe |

This application is presented to committee as the Planning Committee Chair has commented that given objections from the Parish Council and third parties the decision should be taken by committee as the site is within the Green Belt.

Within the officers report reference was made to the fact that the applicants agreement was being sought in respect of the southern elevation being constructed of stone and a low fence being erected adjacent to the access to prevent access onto the adjacent grass above the underground reservoir.

The agent has agreed to the southern elevation being constructed of stone as well as the western elevation (front) as this elevation is also visible from the public highway. The agent has also agreed to a small fence being erected to prevent access to the adjacent grassed area.

A plan will be submitted prior to committee which indicates these amendments to the scheme.

Finishing the southern elevation with stone has resulted in a marginal increase in the footprint to the building by 200mm . This marginal increase is considered acceptable in order to obtain a stone façade to the public highway which will greatly increase the visual appearance of the garages in this prominent location.

With regard to volume increase the existing buildings have a volume of 90m³ and the new building has a volume of 145 m³. Therefore, the increase in volume is approximately 38%.

Three further emails have been received by interested parties- main issues raised

It was requested that the fence that restricts access for neighbours should be removed. This matter is addressed within the report.

There are several applicants but this does not impact on this application and or the recommendation made.

For clarification purposes it is noted that there is a telegraph pole near the access drive but it is not proposed that the access arrangements to the site will be altered and therefore this was not highlighted as an issue by the highway engineer..

| Item No. | Application No. | Address |
|-----------------|----------------------------|-------------------------|
| 4&5 | 15/05518/FU & 15/05519/LBA | 23 Royal Crescent, Bath |

Three further letters of representations were received following the receipt of an amended drawing indicating stone cladding to the side wall as was built:

Third Party Comment –

(17th February 2016) The extension to the party wall has been constructed without the sample panel being submitted for approval as required and promised, and the revised drawings have been submitted in an attempt to regularise a further breach of planning consent. As the applicant has yet again shewn his contempt for the planning and consent systems, it is necessary to maintain their credibility by not permitting this retrospective application.

This breach of consent was being investigated by enforcement officers who were unaware of the new drawings. The tactic of ignoring planning consent and seeking to delay enforcement by submitting revised drawings needs to be discouraged if the integrity of the planning system is to be maintained.

Furthermore, both the style and the workmanship of the extension are inconsistent with the Grade I surroundings; it should match the random stone of the original wall as previously agreed, and, as is clear from the attached photographs, the workmanship is not adequate for a Grade I site.

(19th February 2016) We note that the revised east elevation drawing of Feb 9th does not specify opaque glass for the window. We remain very concerned about the existence of this window, and if the Committee see fit to ignore the expert advice that it is both of the wrong type and in the wrong location, it should still have opaque glass, even though that counts for nothing when the window is open.

Bath Preservation Trust -

(25 February 2016) The Trust notes the amended drawings and would like to comment that we continue to object to this application on the basis that the walling as built and for which the applicant is seeking retrospective permission is low quality in workmanship and appearance, and unacceptable as it is contrary to the prevailing character of boundary walling in this section of gardens, and because of its poor aesthetic appearance in this highly sensitive historic location. The predominant boundary walling pattern in this area of the Crescent gardens is random Bath rubble stone with lime mortar. Regardless of the in-situ section of large block walling close to the garage, we think that any new walling dividing the gardens should match the boundary wall treatments, and be of random rubble stone (as per the original drawings submitted by the applicant) finished to a high quality with appropriate pointing in lime mortar. The wall as built detracts from the setting and harms the significance of the listed buildings and boundary walls. For this reason we maintain our view that the application be refused.

ADDITIONAL COMMENT BY THE CASE OFFICER

The committee reports refer to harm being caused to the conservation area and the setting of the listed buildings. In line with the NPPF, Section 12

distinction is made between 'substantial harm' (instances where the significance is substantially harmed or lost through alteration or destruction of the heritage asset); and 'less than substantial harm' (all other instances of harm). In this case, it is considered that the harm would be 'less than substantial', and paragraph 134 advises that in such instance, this harm should be weighed against the public benefits of the proposal. It is not considered that any such benefit has been demonstrated to sufficiently outweigh the identified harm.

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

**MEMBERS OF THE PUBLIC ETC WISHING TO MAKE A STATEMENT AT THE
MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON
WEDNESDAY 13TH JANUARY 2016**

SITE/REPORT NAME/REPRESENTING FOR/AGAINST

| MAIN PLANS LIST – REPORT 9 | | |
|--------------------------------------------|-----------------------------------------------------------------------------|---------|
| Bath Spa University | Caroline Kay (BPT) Neil Latham | For |
| Kingswood School, College Road (Item 2) | Steve Butterworth | Against |
| | Rebecca Collins (Agent) | For |
| 23 Royal Crescent (Items 4 and 5) | Caroline Kay (BPT) Nigel Whitehead Robert Mitchell Stephen Little | Against |
| | Chris Dance (Planning Consultant) | For |
| Willow Farm | Cllr Jean Rogers, Farmborough PC | Against |

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BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

9th March 2016

DECISIONS

| | | |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Item No: | 01 | |
| Application No: | 15/04810/FUL | |
| Site Location: | Herman Miller Uk, Locksbrook Road, Newbridge, Bath | |
| Ward: Kingsmead | Parish: N/A | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Change of use from furniture production (Use Class B2) to an academic space comprising technical workshops, studio space, teaching space and office accommodation (Use Class D1). | |
| Constraints: | Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Core Business Area, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, | |
| Applicant: | Bath Spa University | |
| Expiry Date: | 11th March 2016 | |
| Case Officer: | Chris Gomm | |

DECISION Delegate to PERMIT

Subject to the following:

A) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure the following :-

1. the delivery of off-site highway works (prior to occupation) in the form of pedestrian crossing points of Locksbrook Road and Station Road, and on Station Road close to Ashley Avenue, or alternatively an appropriate financial contribution to cover the full cost of these improvements;

2. targeted recruitment and training. It is estimated that this will be:

11 Work placements;
2 Apprenticeships;
2 New jobs advertised through DWP; and
a contribution of £5,950

B) Subject to the completion of (A) authorise the Group Manager - Development Management to PERMIT the development with the following conditions;-

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

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

2 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) the premises shall be used for non-residential educational purposes only and for no other purpose (including any purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: For the avoidance of doubt as to the extent of the permission granted. The local planning authority wishes to manage future changes of use given the site's sensitive location close to residential properties.

3 Floor levels within the proposed development shall be set no lower than the existing floor levels

Reason: in the interests of flood risk management.

4 A scheme setting out how flood resilience and flood resistance measures will be incorporated into the means of the conversion of the building shall be submitted to and approved in writing by the local planning authority prior to the use first commencing. The approved flood resilience and resistance measures shall be implemented and incorporated into the building prior to the use first commencing.

Reason: To minimise the impact of flooding on the building and its occupiers

5 A Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the local planning authority prior to the use first commencing. The approved plan shall thereafter be implemented and adhered to in full.

Reason: in the interests of flood risk management

6 Site Characterisation

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.

7 Submission of Remediation Scheme

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 prior to any development works commencing.

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. A pre-commencement condition is necessary as remediation must be undertaken at the earliest phase.

8 Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the occupation of the 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.

9 Reporting of Unexpected Contamination

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

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.

10 Long Term Monitoring and Maintenance

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.

11 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.

12 Prior to any physical conversion works taking place, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. It shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management. The works shall proceed in accordance with said approved CMP.

Reason: To ensure the safe operation of the highway.

13 Prior to the occupation of the development, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan so approved.

Reason: In the interests of sustainable development

14 The existing willow trees located forward of the building's riverside elevation shall be retained as an integral part of the development hereby approved. Prior to first occupation a scheme detailing how these trees will be maintained and managed shall be submitted to and approved in writing by the local planning authority. The trees shall thereafter be managed in accordance with the scheme so approved.

Reason: To ensure the trees are retained and managed in the interest of visual amenity and to minimise ecological impact.

15 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:

Block Plan: Drawing No. IMA-15-145-007

Site Location Plan: Drawing No. IMA-15-145-006

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.

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

| | | |
|--------------------------|------------------------------------------------------------|-------------------------|
| Item No: | 02 | |
| Application No: | 15/03485/FUL | |
| Site Location: | Kingswood Preparatory School, College Road, Lansdown, Bath | |
| Ward: Lansdown | Parish: N/A | LB Grade: IISTAR |
| Application Type: | Full Application | |

| | |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposal: | Erection of new school building to accommodate prep school accommodation, new pre-prep and nursery, and multi use games area and associated infrastructure and landscaping. |
| Constraints: | Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Greenbelt, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, |
| Applicant: | Kingswood School |
| Expiry Date: | 11th March 2016 |
| Case Officer: | Suzanne D'Arcy |

DECISION Defer consideration to allow Members to visit the site

| | |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Item No: | 03 |
| Application No: | 15/05014/FUL |
| Site Location: | Land Adjacent To White Hill Cottages, White Hill, Shoscombe, Bath |
| Ward: Bathavon South | Parish: Shoscombe LB Grade: N/A |
| Application Type: | Full Application |
| Proposal: | Demolition of existing masonry Blacksmith's Shop and adjacent corrugated iron garage: replace with three attached residential garages/stores. |
| Constraints: | Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones, |
| Applicant: | Mrs Carolyn, Jane, Anne Burnell, Ertle, Rogers |
| Expiry Date: | 11th March 2016 |
| Case Officer: | Christine Moorfield |

DECISION Application withdrawn from the agenda

| | |
|--------------------------|--------------------------------------------------------------------|
| Item No: | 04 |
| Application No: | 15/05518/FUL |
| Site Location: | 23 Royal Crescent, City Centre, Bath, Bath And North East Somerset |
| Ward: Kingsmead | Parish: N/A LB Grade: I |
| Application Type: | Full Application |

| | |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposal: | Replace existing flat roof with lead proof slated pitched roof to summer house with alterations to parapet (Revised partially retrospective proposal) |
| Constraints: | Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, |
| Applicant: | Mr Peter White |
| Expiry Date: | 4th February 2016 |
| Case Officer: | Sasha Berezina |

DECISION REFUSE

1 The proposed alterations, by reason of the form, bulk and design of the roof and the increased parapet height would appear visually incongruous to the setting of Grade I listed Crescent and would damage local character, which is fundamentally derived from the context of Georgian architecture. This would neither preserve nor enhance the character and appearance of Bath Conservation Area. The proposal therefore is contrary to the principles and policies set out in Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12: Conserving and Enhancing the Historic Environment of National Planning Policy Framework, and the adopted development plan policies D.4, BH.2 and BH.6 of Bath & North East Somerset Local Plan (including Minerals and Waste Policies) adopted October 2007.

PLANS LIST:

Drawing 07 Dec 2015 OR2-B2XB PROPOSED FRONT ELEVATION
Drawing 07 Dec 2015 OR3-B2X PROPOSED REAR, NORTH ELEVATIONS
Revised Drawing 09 Feb 2016 NO.PW04 EAST ELEVATION
Revised Drawing 09 Feb 2016 NO.PW07 EAST ELEVATION & WEST ELEVATION
PROPOSED REVISIONS

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. Despite previous permissions being granted following extensive negotiations between the officers and the applicant to enable approval, the scheme was not built in accordance with approved plans and for the reasons stated above was found unacceptable

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|--------------------------|--------------------------------------------------------------------|
| Item No: | 05 |
| Application No: | 15/05519/LBA |
| Site Location: | 23 Royal Crescent, City Centre, Bath, Bath And North East Somerset |
| Ward: Kingsmead | Parish: N/A LB Grade: I |
| Application Type: | Listed Building Consent (Alts/exts) |

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|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposal: | Replace existing flat roof with lead proof slated pitched roof to summer house with alterations to parapet (Revised partially retrospective proposal) |
| Constraints: | Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, |
| Applicant: | Mr Peter White |
| Expiry Date: | 1st February 2016 |
| Case Officer: | Sasha Berezina |

DECISION REFUSE

1 The proposed alterations, by reason of the form, bulk and design of the roof and the increased parapet height would appear visually incongruous to the setting of Grade I listed Crescent and would damage local character, which is fundamentally derived from the context of Georgian architecture. This would neither preserve nor enhance the character and appearance of Bath Conservation Area. The proposal therefore is contrary to the principles and policies set out in Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12: Conserving and Enhancing the Historic Environment of National Planning Policy Framework, and the adopted development plan policies BH.2 and BH.6 of Bath & North East Somerset Local Plan (including Minerals and Waste Policies) adopted October 2007.

PLANS LIST:

Drawing 07 Dec 2015 OR2-B2XB PROPOSED FRONT ELEVATION
Drawing 07 Dec 2015 OR3-B2X PROPOSED REAR, NORTH ELEVATIONS
Revised Drawing 09 Feb 2016 NO.PW04 EAST ELEVATION
Revised Drawing 09 Feb 2016 NO.PW07 EAST ELEVATION & WEST ELEVATION
PROPOSED REVISIONS

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. Despite previous permissions being granted following extensive negotiations between the officers and the applicant to enable approval, the scheme was not built in accordance with approved plans and for the reasons stated above was found unacceptable

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|--------------------------|-----------------------------------------------------------------|------------------|-------------|
| Item No: | 06 | | |
| Application No: | 15/05108/FUL | | |
| Site Location: | Willow Farm, Flatts Lane, Farmborough, Bath | | |
| Ward: | Farmborough | Parish: | Farmborough |
| | | LB Grade: | N/A |
| Application Type: | Full Application | | |
| Proposal: | Change of use of land to residential curtilage (Retrospective). | | |

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|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Constraints: | Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines, SSSI - Impact Risk Zones, |
| Applicant: | Mrs Jackie Gregory Stevens |
| Expiry Date: | 18th January 2016 |
| Case Officer: | Sasha Berezina |

DECISION PERMIT

1 (i) Within 3 months of the date of this decision a scheme shall be submitted to the Local Planning Authority for approval and shall include:

- a) the precise location and details of the proposed boundary treatment in the form of a low level post and rail fence and hedging (or other such similar boundary treatment) to be erected to delineate the residential curtilage from the adjacent agricultural land;
- b) a method statement for the reinstatement of the land outside of the domestic curtilage hereby approved to its previous condition and use; and
- c) a schedule of all domestic planting, garden furniture, planters, path edgings, fencing and other domestic paraphernalia to be removed from outside the approved domestic curtilage.

(ii) Unless an acceptable scheme is submitted, approved and implemented within 12 months of this decision, the use of the site shall cease and the land shall be reinstated to agricultural land (its previous authorised use and condition).

Reason: In the interest of the openness of the Green Belt

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), the provisions of:

- a) Schedule 2 Part 1 Class A and Class E of the said order relating to enlargement of a dwellinghouse or any buildings incidental to the enjoyment of the dwellinghouse; and
- b) Schedule 2 Part 2 Class A relating to gates, fences, walls and other means of enclosure shall not apply to the dwelling to which this permission relates.

Reason: In the interest of protection of the openness of the Green Belt

PLANS LIST:

OS Extract 23 Nov 2015 SITE LOCATION PLAN
 Revised Drawing 15 Jan 2016 LOCATION/PROPOSED CURTILAGE PLAN

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.

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, Lewis House, Manvers Street, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.