

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the Meeting held

Wednesday, 31st May, 2017, 2.00 pm

Councillors: Sally Davis (Chair), Rob Appleyard, Jasper Becker, Matthew Davies, Ian Gilchrist (Reserve) (in place of Paul Crossley), Eleanor Jackson, Les Kew, Bryan Organ, Caroline Roberts and David Veale

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

2 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Paul Crossley – substitute Councillor Ian Gilchrist.

4 DECLARATIONS OF INTEREST

(a) Councillor Kew asked that it be recorded that he had considered whether he had an interest in item number 17/00955/FUL – Wansdyke Business Centre - due to owning an industrial estate in Temple Cloud. He had taken advice and considered this did not constitute an interest. He would therefore take part in the debate and decision making on this item.

(b) Councillor Veale stated that he had an “other” interest in item number 17/00299/OUT as he was a Camerton school governor. However, as he did not consider this interest was significant to prejudice his judgment he would take part in the debate and decision making on this item.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

6 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 that they would be able to do so when these items were discussed.

7 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors or Co-Opted Members.

8 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 3 May 2017 were confirmed and signed as a correct record subject to the following amendment:

Minute 144 – Item No. 3 – Add the words “Councillor Jackson requested a definition in due course of what actually constitutes a trading estate.”

9 **SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- An update report by the Group Manager (Development Management) attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

RESOLVED that in accordance with the Committee's delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

Item No. 1

Application No. 17/00568/FUL

Hartley Farm Cottage, Hartley Lane, Swainswick, Bath, BA1 8AF – Erection of side and rear extensions (Revised proposal)

The Case Officer reported on the application and her recommendation for refusal. She explained that the proposal would lead to a 130% volume increase to the original building.

The registered speakers spoke in favour of the application.

Councillors Veal and Ward, local ward members, spoke in favour of the application.

Councillor Jackson asked a question regarding the rules relating to the extension of a rendered property in the greenbelt. The Case Officer explained that it was not possible to extend a rendered building under permitted development rights in an Area of Outstanding Natural Beauty. A planning application was therefore required.

The Group Manager, Development Management, explained that a recent application for a similar scheme had been refused under delegated powers, in part owing to the impact of the proposal on the Green Belt by reason of inappropriate development and the design of the proposal.

Councillor Kew moved that the Committee delegate to permit the application. He stated that the site visit had been very helpful and that it had been useful to see the size and condition of the existing property which was very small. He also noted the strong support for this application from the local Councillors and the Parish Council. He stated that the special reasons for permitting the application were to keep the family (who had lived in the area all their lives) together and to comply with the Disability Discrimination Act. He felt that there would be very little impact on the Green Belt. The motion was seconded by Councillor Matthew Davies.

Councillor Roberts felt that the proposal would not be detrimental to the character and appearance of the building.

Councillor Jackson noted that the Committee should not take the personal circumstances of the applicant into account when making decisions. She felt that a revised design would be more appropriate and that this could be achieved within the existing footfall.

Councillor Appleyard felt that the personal circumstances did not carry enough weight to make a decision that was contrary to policy and also stated that the design could be improved.

The motion was then put to the vote and it was RESOLVED by 7 votes for, 2 votes against and 1 abstention to DELEGATE TO PERMIT the application subject to conditions.

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

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- An update report by the Group Manager (Development Management) attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 4* to these minutes.

Item No. 1

Application No. 17/00955/FUL

Site Location: Wansdyke Business Centre, Oldfield Lane, Oldfield Park, Bath – Demolition of the existing buildings and structures (partial retention of façade fronting/adjoining Monksdale Road) and mixed-use redevelopment to provide 126 student studios (Sui Generis), commercial units (B1, B8), fitness centre (D2), coffee shop (A3), with associated access, parking and servicing space, landscaping and associated works (Resubmission)

The Case Officer reported on the application and his recommendation to delegate to permit.

The registered speakers spoke for and against the application.

The local ward members, Councillors Shaun Stephenson-McGall and Will Sandry spoke against the application.

(Note: At this point Councillor Bryan Organ left the meeting).

The Group Manager (Development Management) explained that the previous application for this site had been determined by officers under delegated powers and that this should be taken into account by the Committee when making its decision.

Councillor Kew felt that a decision should not be made at this meeting because he had not seen the site and given the large number of objections and the comments of local members it was important to do so. He pointed out that 410 representations had been received, of which 408 were against the application. He then moved that consideration of the application be deferred pending a site visit. This was seconded by Councillor Veale.

Councillor Appleyard was concerned about car parking in the area and asked how successful the use of a Section 106 agreement to deliver a car-free environment would be. Officers explained that the planning enforcement team would be required to undertake observation and log information which would then be raised with the University if students were bringing their cars to the area. Councillor Appleyard requested that a report be brought to a future meeting giving details of how effective the enforcement of student parking controls had been in the past.

The motion was then put to the vote and there were 4 votes in favour, 4 votes against and 1 abstention. The Chair then used her casting vote against the motion which was therefore LOST.

Councillor Jackson stated that she felt the design was unsuitable, ugly and unsightly. This was not the right location for this building as it should be an employment site. She then moved that the application be refused for poor design reasons and due to the adverse impact the development would have on the Grade II* listed Church of Our Lady and St Alphege.

Councillor Roberts seconded the motion and stated that she believed the Council should review its policy on HMO properties.

The Group Manager, Development Management, outlined the reasons for refusal of the previous application for this site and advised members not to introduce new reasons which would be difficult to defend on appeal. He stated that there had now been significant changes to the design.

Councillor Jackson stated that each application should be considered on its merits and felt that the application, although an improvement, was still contrary to the NPPF and that the density was too high for the area.

Councillor Appleyard noted that the application had not previously been considered

by the Development Management Committee and stated that he understood local concerns.

Councillor Veale expressed concern about the parking arrangements for the development.

The motion was then put to the vote and it was RESOLVED by 5 votes for, and 4 abstentions to REFUSE the application for reasons of poor design and adverse impact on a Grade II* listed church building.

(Note: At this point Cllr Bryan Organ returned to the meeting).

Item No. 2

Application No. 17/00504/REG03

Site Location: Private Parking Area East of Horstman Defence Building, Locksbrook Road, Newbridge, Bath – Provision of vehicle parking and erection of 2 secure storage containers, office and staff amenity building, road sweeper and street litter bay, waste storage skips, vehicle wash down area and associated landscaping, lighting and security fixtures following demolition of existing buildings on site

The Case Officer reported on the application and her recommendation to permit.

The registered speaker spoke against the application.

Councillor Chris Pearce, local ward member, spoke against the application.

Councillor Appleyard asked a question regarding the accepted noise levels for an industrial area. The Case Officer explained that the noise survey took into account the existing background noise levels and whether significant harm would be caused.

Councillor Becker asked a question regarding traffic levels. The Case Officer explained that the highways team considered that there would be less movement at morning and evening peak hours, there would be around 12 more movements per day but that there would be fewer HGV vehicles.

Councillor Jackson asked about the hours of operation. The Case Officer explained that there would be no reversing alarms active between 6am and 7am.

Councillor Kew moved that the application be permitted subject to conditions. This was seconded by Councillor Jackson.

The motion was put to the vote and it was RESOLVED by 8 votes for and 2 votes against to PERMIT the application subject to the conditions set out in the report.

Item No. 3

Application No. 15/05152/FUL

Site Location: Church Hall, School Lane, Batheaston, Bath – Erection of a new single storey village hall including activity rooms, kitchen, toilets, stores and associated external works following demolition of the existing Church Hall (resubmission)

The Case Officer reported on the application including note of a legal opinion received at the start of the meeting from the agent of another application and her recommendation to permit.

The registered speakers spoke in favour of the application.

Councillors Alison Miller, Martin Veal and Geoff Ward, local ward members, spoke in favour of the application.

Councillor Kew noted the detailed officer report and the fact that all local members and the Parish Council supported the application. He moved that the application be permitted subject to conditions. This was seconded by Councillor Roberts.

Councillor Jackson stated that this was a much needed facility and noted the great deal of local support.

The motion was then put to the vote and it was RESOLVED unanimously to PERMIT the application subject to the conditions set out in the report.

(Note: At this point Councillor Roberts left the meeting).

Item No. 4

Application No. 16/05845/FUL

Site Location: East Barn, Whitecross Farm, Bristol Road, West Harptree – Conversion of existing barn to office accommodation (Use Class B1)

The Case Officer reported on the application and the recommendation to permit. It was noted that two additional conditions were set out in the update report. The Case Officer also explained that officers believe the application can be considered to be retrospective but that this was inconsequential.

The registered speakers spoke for and against the application.

Councillor Tim Warren, local ward member, read out a statement from West Harptree Parish Council against the application.

Councillor Organ stated that he was familiar with this site and pointed out that there were problems with access and turning. He moved that consideration of the application be deferred pending a site visit. This was seconded by Councillor Appleyard.

The motion was then put to the vote and it was RESOLVED by 8 votes for and 1 abstention to DEFER consideration of the application pending a SITE VISIT.

(Note: At this point Councillor Roberts returned to the meeting).

Item No. 5

Application No. 17/00652/LBA

Site Location: 14 & 15 Union Street, Bath, BA1 1RR – Conversion to 14-15 Union Street of existing ancillary retail upper floors to form 4 flats, erection of a roof extension to form 1 flat, associated internal and external works; replacement upper storey windows (re-submission)

Item No. 6

Application No. 17/00651/FUL

Site Location: 14 & 15 Union Street, Bath, BA1 1RR – Conversion to 14-15 Union Street of existing ancillary retail upper floors to form 4 flats, erection of a roof extension to form 1 flat, associated internal and external works; replacement upper storey windows (re-submission)

The Case Officer reported on the applications and the recommendation to refuse.

The registered speaker spoke in favour of the applications.

Councillor Peter Turner, local ward member, spoke in favour of the applications.

Councillor Jackson moved that the applications be refused for the reasons set out in the report. She felt that the applications would not conserve or enhance the roofscape and was concerned that other properties could be overlooked. The proposal was too high and out of keeping with the area. The motion was seconded by Councillor Roberts.

Councillor Kew felt that the proposal was innovative and would not affect the Bath roofscape. This would provide much-needed, well designed living accommodation and would assist the night-time economy.

The motion was then put to the vote and there were 3 votes in favour and 7 votes against. The motion was therefore LOST.

Councillor Kew then moved that the Committee delegate to permit the application and to grant listed building consent subject to conditions, as there would be no effect on the roofscape and there was a need for residential accommodation in the centre of Bath. This was seconded by Councillor Matthew Davies who stated that it demonstrated a good use of space in the city centre.

In response to a question from Councillor Jackson the Group Manager explained that these applications added one further unit to the building. The concern of officers was the design of the mansard roof feature which was of an increased height and not considered appropriate for the area.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to DELEGATE TO PERMIT application no. 17/00651/FUL subject to conditions and to DELEGATE TO GRANT listed building consent for application no. 17/00652/LBA subject to conditions.

Item No. 7

Application No. 17/00299/OUT

Site Location: Land between Homelands and 10 Camerton Hill, Camerton – Outline planning application for the erection of 1 single storey dwelling (Resubmission)

The Case Officer reported on the application and the recommendation to approve.

The registered speakers spoke for and against the application.

Councillor Veale moved that consideration of the application be deferred pending a site visit due to the concerns expressed by local residents. This was seconded by Councillor Jackson.

The motion was then put to the vote and it was RESOLVED by 9 votes for and 1 abstention to DEFER consideration of the application pending a SITE VISIT.

Item No. 8

Application No. 17/01208/FUL

Site Location: Avonlea House, Station Road, Freshford, Bath – Erection of single storey side extension

The Case Officer reported on the application and her recommendation to permit. It was noted that the 30% volume increase to the property was considered to be proportionate.

The registered speaker spoke against the application.

Councillor Jackson stated that it was difficult to understand the distances involved.

Councillor Kew felt that the extension was very large and seemed disproportionate. He then moved that consideration of the application be deferred pending a site visit. This was seconded by Councillor Organ.

The motion was then put to the vote and it was RESOLVED by 9 votes for and 1 vote against to DEFER consideration of the application pending a SITE VISIT.

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

The Committee considered the appeals report. Councillor Jackson stated that Westfield Parish Council was very upset and disappointed with the outcome to allow the appeal relating to Parcel 5472, Cobblers Way, Westfield, Radstock.

RESOLVED to **NOTE** the report.

The meeting ended at 5.25 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 31st May 2017

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
SV1	17/00568/FUL	Hartley Farm Cottage, Hartley Lane, Swainswick, BA1 8AF

Further to publishing the agenda, Batheaston Parish Council's consultation response has been received as follows:

Batheaston Parish Council:

Support the proposals. Satisfies policies D2 and D4. The original application 16/03943/FUL was also supported by this Parish Council.

This does not alter the officer recommendation.

Item No.	Application No.	Address
02	17/00504/REG03	Private Parking Area East Of Horstman Defence Building Locksbrook Road, Newbridge

Page 94 – the report states 'The site contains two existing structures and there is objection to their demolition'. This should state there is **no** objection to their demolition.

Condition 2 can be deleted as these requirements can be included within condition 2 – the travel plan.

Item No.	Application No.	Address
04	16/05845/FUL	East Barn, Bristol Road, West Harptree

Since the publication of the committee report, two further representations have been submitted raising the following issues:

- Neighbour's letters and complaints from the last 11 years and particularly the last 9 months have been ignored
- The Parish Council's objections have been condensed into four lines.
- Objection to the assertion that there will be no impact on the neighbours
- The conditions do not protect the neighbours
- No restriction to the hours of business
- The letters of support are misleading as they are from relatives and people who do not live in the area
- The parking of caravans, trailers and motorhomes will severely restrict use of the very limited parking/turning area on site.
- The report states that there will be boundary changes but the details of these are unknown.
- The following conditions are requested:
 - a) Tying the consent strictly to the submitted Block Plans, Layout and Elevations
 - b) Removing Permitted Development rights (else the applicant would secure change of use to B8 or C3 and by right be able to alter & extend).
 - c) Limiting working hours
 - d) Limiting parking and storage on site (The proposed wording suggested in the Report is next to valueless and will permit a) more than four vehicles to be parked on site and b) any manner of materials and equipment to be stored externally.)
 - e) Preventing parking and storage on the access road (NB although others have right of access, this is the applicant's own land over which he therefore has full control. The applicant has previously parked vehicles on the track, creating potential obstructions for any emergency and utility vehicles needing to get to the four properties which the track serves)
 - f) Controlling the overnight parking of caravans / motor caravans (It is likely / nay inevitable that the applicant will bring the motor caravan back to site and will most likely start to live on site all over again)

Officers comments in respect of the above are as follows:

- All neighbour letters submitted in respect of this application have been taken into account and the material planning considerations summarised in the main report. The full comments of residents are retained on the planning file as public documents but it is not the purpose of the committee report to repeat the objections verbatim. The comments submitted in respect of previous applications are not material to this application as it is to be treated on its own merits.
- With regard to the Parish comments, as with neighbour comments the full details are retained on file. The committee report provides a summary of the salient points.

- The impact of the business use has been considered in terms of its impact on residents but concluded that a refusal on residential amenity could not be substantiated. If granted, it is recommended that the use is tied to the current business only as any change in business could require further consideration in terms of the impact on residential amenity. With regard to the type of business, the Government accepts that B1 uses classes are compatible with residential uses as they tend to be limited in terms of noise and disturbance. Comments in respect of disturbance from vehicular movements are noted however it is a consideration that the Council previously permitted a holiday use at the site which could have generated a higher level of daily movements to and from the site.
- With regard to conditioning the hours of business use, given the nature of the business it would be unreasonable to limit office hours. The site is used to administer the business and the nature of the work conducted within the building is unlikely to cause disturbance (i.e. computer/paper work). It is accepted that if a worker in the building left the site late there would be a vehicle movement along the access but this would be no different to a resident leaving/returning to their property.
- The origin of the support comments is not relevant. Anyone, anywhere can comment on any planning application. The recommendation to approve this application is based on planning policy reasons, not the level of support received.
- Officers note the concerns about the stationing of motorhomes etc. on site and accept that the owner lived on site for a number of months in a motorhome. The parking of a motorhome on site as a vehicle/mode of transport would not be unreasonable (particularly if it were the only mode of transport) however it should not be used for overnight accommodation. The site does not have permission for residential accommodation and this application does not propose such a use. A condition would be unnecessary as any occupation of the site for purposes other than is permitted would require a change of use.
- The boundary change referred to in the main report consists of the moving of the entrance gate to the site to improve access and parking arrangements. This is shown on the revised block plan ref: 6198-101E that was received on the 23rd March 2017. The revised drawing has been available on the Council's website since the 27th March and neighbouring properties were notified as part of the re-consultation.
- With regard to the requested conditions officers would comment as follows:
 - a) There is already a recommended condition that the development shall only be implemented in accordance with the list of approved plans. This is a standard condition for all applications and does not need tightening further.
 - b) It is noted that offices can change to residential use under recent amendments to the General Permitted Development Order (Schedule 2, Part 3, Class O) however Class O is only applicable to offices that were within the B1 use class on the

29th May 2013 and therefore could not apply to this building. Any proposed change of use to residential would require a new planning application and would be subject to consideration against planning policies. With regard to restricting extensions to the building, Under Schedule 2, Part 7, Class F an extension to an office building can be permitted development however not if the building is situated in Article 2(3) land. The site is located in the Area of Outstanding Natural Beauty which is Article 2(3) land and therefore any extension to the building would require planning permission. Given that permitted development rights do not exist for either changing the use of the building to residential or extending the building, the Council could not justify removing such permitted development rights.

The comment concerning the change of use to B8 (storage and distribution) is noted and given the restrictive nature of the access and potential disturbance to residence it is considered appropriate to remove permitted development rights to ensure the building remains solely as B1a (office)

- c) Limiting the working hours has been considered above and for the reasons stated it is not considered it such a condition would meet the tests of conditions
- d) There is already a recommended condition that the areas allocated for parking must be kept clear of obstruction and “shall not be used other than for the parking of vehicles in connection with the development”.
- e) There is an existing passing place/parking bay on the access track. The comments of residents are noted and it is considered reasonable to limit the use of this area to a passing place only.
- f) Residential accommodation on site would require permission. The stationing of a mobile home/caravan/motorhome would obstruct the parking area and therefore would be a breach of a condition already recommended.

Officers have considered the further representations and whilst it is recommended that two further conditions are applied, the recommendation to permit still stands.

Additional conditions:

- 1) The passing place/field entrance located at the northern end of the access road (between the gardens of Stratford House and Stratford Cottage) shall not be used for vehicle parking and shall be kept clear of obstruction at all times.

Reason: To ensure access to the site and adjoining residents is unimpeded in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

- 2) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for B1a (Office) and for no other purpose in Class B of the schedule to that Order.

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

Item No.	Application No.	Address
05 & 06	17/00651/FUL & 17/00652/LBA	14 & 15 Union Street, Bath

Application description refers to works to rear stair and new doorway opening on Union Passage, this has been omitted from this proposal and is considered separately under a new planning and listed building applications.

The description now refers to:

Conversion to 14 - 15 Union Street of existing ancillary retail upper floors to form 4 No. flats; erection of a roof extension to form 1 No. flat; associated internal and external works; replacement upper storey windows (re-submission)

This does not alter the officer recommendation.

Revised Plans list:

'D' and 'L' plans : Proposed

'S' plans : Existing

1604-D05A, 06A to 07A, 09, 1604-L02, L03, L04, L05, L06, L07, L08, L09, L10, L11, L12, L14, L15, L17-L18, 1604- S02-S07, S09-S11, S13-S15

Item No.	Application No.	Address
07	17/00299/OUT	Land Between Homelands And 10 Camerton Hill, Camerton, Bath

A further letter of objection has been received from the owner of Camerton Court who raise the following points (summarised):

- No legal issue to address as the track has been part of Camerton estate for 200 years
- Certificate C was slid into the application and no notification was given
- Letter from FDC Law is clear about the issues
- Conflict of interest if members are advised about a legal issue that doesn't exist
- No right of access and a sub-standard junction

For clarification Certification C was submitted with the application at the start of the process when the application was validated on 23rd January 2017. This forms part of the application submission to the Council.

For the purposes of clarifying ownership the agent on behalf of the applicant has satisfied the requirements set out in the Development Management Procedure Order 2015 as referred to in the officer assessment reported to Members.

The agent has checked ownership details with land registry and the relevant Certificate has been submitted in line with this. Any dispute over ownership is for the applicant and any other relevant land owners to resolve and is not considered within this submission.

Item No.	Application No.	Address
08	17/01208/FUL	Avonlea House, Station Road, Freshford, Bath, Bath And North East Somerset

The last sentence of the second paragraph under the Green Belt section of the main body should be removed. This incorrectly refers to a garage and has mistakenly been copied in from another report. This sentence is removed. This does not alter the officer recommendation.

A further condition is added to the report as follows:

Flat Roof (Compliance)

The roof of the single storey extension hereby approved shall not be accessible other than for maintenance purposes and shall not be used as a balcony, terrace or external seating area.

Reason: To safeguard the residential amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

This does not alter the officer recommendation.

BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A STATEMENT AT THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON WEDNESDAY 31 MAY 2017

A. SITE VISIT LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Hartley Farm Cottage, Hartley Lane, Swainswick, Bath, BA1 8AF	Donald Macintyre (Chair, St Catherine's Parish Meeting)	For (To share 3 minutes)
		Cllr Pam Burcombe (Batheaston Parish Council)	
		Mrs Breach and Basil Breach (Applicants)	For (To share 3 minutes)
		Cllr Martin Veal Cllr Geoff Ward	For

B. MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Wansdyke Business Centre, Oldfield Park, Bath	John Branston	Against
		Helen Tilton (Agent)	For
		Cllr Shaun Stephenson-McGall Cllr Will Sandry	Against
2	Private Parking Area East of Horstman Defence Building, Locksbrook Road, Bath	Christine Lewis	Against
		Cllr Chris Pearce	Against
3	Batheaston New Village Hall, Church Hall, School Lane, Batheaston	Cllr George Riley (Chair – Batheaston Parish Council)	For
		Pam Burcombe	For
		Cllr Alison Miller Cllr Martin Veal Cllr Geoff Ward	For

		Jon Mitchell	Against
		Ian Bell (Chamber of Commerce)	For (To share 3 minutes)
		Andrew Miles (Agent)	
		Cllr Tim Warren	N/A
5 & 6	14 and 15 Union Street, Bath, BA1 1RR	Chris Beaver (Agent)	For
		Cllr Peter Turner	For
7	Land between Homelands and 10 Camerton Hill, Camerton, Bath	Graeme Mellis (on behalf of Camerton Parish Council)	Against
		Graeme Mellis	Against
		Owen Pike (Agent)	For
8	Avonlea House, Station Road, Freshford, Bath	Mr Arbaney	Against

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

31st May 2017

SITE VISIT DECISIONS

Item No:	001	
Application No:	17/00568/FUL	
Site Location:	Hartley Farm Cottage , Hartley Lane, Swainswick, Bath	
Ward: Bathavon North	Parish: Batheaston	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of side and rear extensions (Revised proposal)	
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas,	
Applicant:	Mrs R Breach	
Expiry Date:	5th May 2017	
Case Officer:	Emma Hardy	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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 permission

2 Plans List (Compliance)

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

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

3 Materials (Compliance)

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

PLANS LIST:

This decision relates to the following plans and information: Existing and Proposed Plans and Elevations and Design and Access Statement received 6/2/2017.

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.

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

31st May 2017

DECISIONS

Item No:	01	
Application No:	17/00955/FUL	
Site Location:	Wansdyke Business Centre, Oldfield Lane, Oldfield Park, Bath	
Ward: Oldfield	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Demolition of the existing buildings and structures (partial retention of façade fronting/adjoining Monksdale Road) and mixed-use redevelopment to provide 126 student studios (Sui Generis), commercial units (B1, B8), fitness centre (D2), coffee shop (A3), with associated access, parking and servicing space, landscaping and associated works. (Re-submission)	
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Contaminated Land, Core Business Area, Forest of Avon, HMO Stage 2 test required, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	CEPF II Bath Limited	
Expiry Date:	2nd June 2017	
Case Officer:	Chris Gomm	

DECISION REFUSE

1 The proposed development, by reason of its height, scale, massing, dense plot coverage, architectural style, external materials, and general appearance, will undermine the character and appearance of the area and constitute an incongruous feature within this otherwise predominately Victorian residential area. The proposal fails to respond to the local context but instead represents poor design quality. The attractive qualities of local distinctiveness will not be reinforced or complemented by this proposal. Accordingly the application is contrary to the Bath & North East Somerset Core Strategy, in particular Policy CP6, and contrary to the Saved Bath & North East Somerset Local Plan, in particular saved Policy D2 and D4. The application is also contrary to the draft Bath & North East Somerset Placemaking Plan, in particular Policy D1, D2, D3, D5 and BD1

2 The Grade II* listed Church of Our Lady and St. Alphege is situated in close proximity to the east of the application site. This church was designed by the eminent architect Sir Giles Gilbert Scott in the 1920's in the style of an early Christian Byzantine. The height, scale and massing of the proposed development together with its architectural style, dense plot coverage, external materials and its general appearance will have a harmful impact upon the setting of the aforementioned church. This harm constitutes 'less than substantial harm' in NPPF terms but is harm nevertheless. It is acknowledged that the

proposal will create some public benefits but these will not outweigh the aforementioned harm to the setting of the church, as such this harm is unacceptable. Accordingly the application is contrary to the Bath & North East Somerset Core Strategy, in particular Policy CP6, and contrary to the Saved Bath & North East Somerset Local Plan, in particular saved Policy BH2. The application is also contrary to the draft Bath & North East Somerset Placemaking Plan, in particular Policy HE1.

PLANS LIST:

This application has been assessed and refused on the basis of the following submitted plans and documentation:

- o Technical Note (Clarke Bond), 17 August 2016, Ref: WB04187-FR02 Rev V3
- o Daylighting Report (WGC), March 2017, Project No. 4195 Rev 2
- o Design Stage Part L Compliance Report (WGC), March 2017, Project No. 4195 Rev 2
- o CCTV Survey (Clearview Surveys Ltd), 13 July 2013, Ref 9610
- o Design & Access Statement (Greenwell Design), February 2017, Ref: 15040
- o Heritage Impact Statement (Nash Partnership), February 2017
- o Noise Assessment (Entran) 28 February 2017
- o Phase 1 Geo-environmental Desk Study (Clarke Bond), February 2016, Ref: WB04187 - R1
- o Outline Bat Mitigation Strategy Ref: J006106
- o Bat Emergence and Re-entry Survey (Ecosulis), June 2016, Ref: J006008/J006090/J006106
- o Framework Travel Plan (Entran), February 2017
- o Extended Phase I Habitat Survey, November 2015 (Issue 4, 9 May 2016) Ref: J005932
- o Economic Statement (Turley), February 2017
- o Evidence Need for Student Accommodation in Bath (Turley), July 2016
- o Light Spill Report (WGC), Ref: 4195 E 001
- o Planning Statement (Turley), February 2017
- o Proposed Materials Schedule, Ref: 15040 - 100
- o Statement of Community Engagement Update (Creatrix PR), February 2017
- o Residences Management Plan (Collegiate ac)
- o Draft Travel Plan (Entran), February 2017
- o SUDS Proof of Concept Report (Clarke Bond), Feb 2017, Ref: WB04187 - FR01
- o Sustainable Construction Checklist
- o Transport Statement (Entran), February 2017
- o Arboricultural Method Statement & Arboricultural Implications Assessment (Atworth Arboriculture Ltd)
- o BS5837 (2012) Survey (Atworth Arboriculture Ltd) 7 March 2016 Ref: AA/5837-07.03.16
- o Utilities Report (Clarke Bond) February 2017 Ref: WB04187 - R003

- o External Lighting Drawing No. 4195_DR_E_60_801 Rev P3
- o Tree Protection Plan Drawing No. AA/TPP-25.01.17
- o Tree Survey Plan Drawing No. AA/5837-27.02.17
- o Light Spill Diagram (Level 2 illustrated) Ref: 15040 VS066
- o Light Spill Diagram (Ground Floor Illustrated) Ref: 15040 VS067

- o Existing Plan Location; Drawing No. 001 Rev C
- o Proposed Plan Location; Drawing No. 018 Rev F
- o Proposed Plan Block Plan; Drawing No. 019 Rev E
- o Proposed Plan Level O; Drawing No. 020 Rev N
- o Proposed Plan Level 1; Drawing No. 021 Rev M
- o Proposed Plan Level 2; Drawing No. 022 Rev L
- o Proposed Plan Level 3; Drawing No. 023 Rev K
- o Proposed Plan Roof Level; Drawing No. 026 Rev L
- o Proposed Sections/Courtyard Elevations; Drawing No. 032 Rev H
- o Proposed Sections (colour); Drawing No. 033 Rev F
- o Proposed Sections; Drawing No. 034 Rev G
- o Proposed Section A (east wing); Drawing No. 035 Rev D
- o Proposed Section A (west wing); Drawing No. 036 Rev E
- o Proposed Section B & E (north wing); Drawing No. 037 Rev D
- o Proposed Section D (south wing); Drawing No. 038 Rev D
- o Proposed Refuse Store; Drawing No. 040 Rev D
- o Proposed South Elevation; Drawing No. 041
- o Proposed North Elevation; Drawing No. 052 Rev C
- o Proposed East Elevation; Drawing No. 053 Rev B

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 LPA has been actively engaged in pre-application discussions and has sought to resolve issues as they have arisen, ultimately however the Council has refused the application for the reasons set out above.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Item No:	02
Application No:	17/00504/REG03
Site Location:	Private Parking Area East Of Horstman Defence Building, Locksbrook Road, Newbridge, Bath
Ward: Kingsmead	Parish: N/A LB Grade: N/A
Application Type:	Regulation 3 Application
Proposal:	Provision of vehicle parking and erection of 2no secure storage containers, office & staff amenity building, road sweeper & street litter bay, waste storage skips, vehicle wash down area and associated landscaping, lighting and security fixtures following demolition of existing buildings on site.
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Bath Enterprise Area, British Waterways Major and EIA,

British Waterways Minor and Householders, Conservation Area, Contaminated Land, Core Business Area, Floodplain Protection, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,

Applicant: BANES Council Waste Services
Expiry Date: 1st June 2017
Case Officer: Tessa Hampden

DECISION PERMIT

1 Standard Time Limit (Compliance)

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 permission

2 Highways - Travel Plan (Pre-occupation)

No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy T.1 of the Bath and North East Somerset Local Plan.

3 Highways - Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

4 Flood Risk Assessment (Compliance)

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) January 2017 by SLR Global Environmental Solutions Ref: 402.00934.00027 and the following mitigation measures detailed within the FRA:

1. Raising the office on legs to allow a floodable void underneath and a finished floor level of 18.75mAOD.
2. Providing an 8m strip of land parallel to the river bank within the Environment Agency flood consent zone to be used as a conveyance strip.
3. The overall volume of flood storage on site will be increased due to the proposed development.

The measures shall be implemented prior to the development coming into operational use and shall be maintained for the lifetime of the development

Reason

1. To reduce the risk of flooding to the proposed development and future occupants
- 2 and 3. To prevent increased flood risk elsewhere as a result of this development by ensuring that compensatory storage of flood water is provided

5 Contaminated land - remediation (Pre-commencement)

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
-all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters undertaken.

6 Unexpected contamination (Compliance)

If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this

contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons To protect controlled Waters.

7 Flood Warning Evacuation Plan (Pre-occupation)

No occupation of the development shall commence until a Flood Warning Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall address the matters required pursuant to section 10 of the National Planning Policy Framework and the National Planning Practice Guidance. Thereafter the approved Flood Warning Evacuation Plan shall be implemented in perpetuity.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with paragraph 17 and section 10 of the National Planning Policy Framework.

8 Lighting Monitoring Scheme (Bespoke trigger)

Prior to site operation, a proposed 2 year Programme for Monitoring of Operational Light Spill Levels to collect lux level data at times and during seasons when bat activity and light usage coincide, shall be submitted to and approved in writing by the LPA. The Light Spill Monitoring Programme shall provide data showing operational light levels above and adjacent to the river Avon at heights and positions that enable comparison with the light spill levels predicted in the approved lighting reports dated 7th April 2017 by Smith Consult entitled "Locksbrook Road New Street Cleansing Depot" "Full Output Results" and "50% Output Results" and demonstrate compliance with the operational hours and light spill control measures as detailed in the email from John Palmer to Tessa Hampden dated 3rd May and on the approved drawing Dwg 160079.E.600.4 . The Light Spill Monitoring Programme shall include proposed reporting to the LPA and specify timescales and frequency of monitoring. The programme shall also include proposed further mitigation and remedial action should operation light spill levels exceed the predicted light spill levels. Any necessary remedial action or further mitigation required shall be implemented in accordance with specifications to be agreed in writing with the LPA and a further light spill monitoring report shall be produced and approved in writing by the LPA to demonstrate the effectiveness of any necessary further mitigation. The Programme for Monitoring of Operational Lighting Spill Levels shall thereafter be implemented in accordance with the approved details.

Reason: to avoid unacceptable light spill from the development and to avoid harm to wildlife and bats which are protected species

9 Lighting scheme implementation (Compliance)

The development hereby approved shall be constructed and operated thereafter only in accordance with the approved lighting specifications detailed in drawing Dwg 160079.E.600.4 dated 23rd January 2017 and predicted light levels detailed within the approved lighting reports by Smith Consult dated 7th April 2017 and within the operational hours and light spill control measures as detailed in the email from John Palmer to Tessa Hampden dated 3rd May, unless alternative specifications that meet equivalent standards

of minimising light usage and light spill levels onto the river Avon have first been submitted to and approved in writing by the Local Planning Authority

Reason: to avoid excessive light spill and harm to ecology including bats and the River Avon

10 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall commence 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 arboricultural 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 to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

11 Hard and Soft Landscaping (Pre-occupation)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained (minimum maintenance height of 2.6m for hedgerow); a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

12 Surface Water Discharge (Pre-commencement)

No development shall commence, except ground investigations, until written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network including the point of connection and rate has been submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed surface water discharge, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy. This is a condition precedent because it is necessary

to understand whether the discharge rates are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

13 Surface Water Drainage Strategy (Pre-commencement)

No development shall commence, except ground investigations, until a detailed surface water drainage strategy has been submitted to the Local Planning Authority for written approval. The strategy is to include plans and supporting calculations demonstrating the performance of the drainage system at the 1:1, 1:30 and 1:100+ climate change events.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy

14 Air Quality (Compliance)

The development shall be carried out in accordance with the mitigation measures outlined within the Development of a Street Cleansing Facility - Air Quality Assessment by SLR, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of air quality

15 Alarms - restrictions (Compliance)

There shall be no use of reversing alarms between the hours of 1900hrs and 0700hrs.

Reason: In the interests of residential amenity

16 Plans List (Compliance)

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:

07 Apr 2017	015	PROPOSED FENCING LAYOUT
07 Apr 2017	004 REV A	SITE LAYOUT
07 Apr 2017	005 REV A	CAR TRACKING 12M RIGID VEHICLE
07 Apr 2017	006 REV A	TRACKING SWEEP WASH OFFLOADING
07 Apr 2017	007 REV A	TRACKING SWEEPER PARKING
07 Apr 2017	011 REV A	SITE SURVEY SECTION AA
07 Apr 2017	012 REV A	PLANTING PLAN
07 Apr 2017	013 REV A	PROPOSED DRAINAGE LAYOUT
02 Feb 2017	160079.E.601.P1	EXTERNAL CCTV LAYOUT
02 Feb 2017	DWG-002.0	SITE CONTEXT PLAN
02 Feb 2017	DWG-003.1	SITE SURVEY
02 Feb 2017	DWG-009.1	MODULAR BUILDING LAYOUT
02 Feb 2017	DWG-010.2	MODULAR BUILDING ELEVATIONS
02 Feb 2017	DWG-001.0	SITE LOCATION 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.

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a Licence under Section 184 of the Highways Act 1980 for the construction of a 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.

The applicant is advised to contact the Environment Agency on 0345 988 1188 to sign up for the free Floodline Warnings Direct service.

Under the Environmental Permitting (England and Wales) Regulations 2010 permission from the Environment Agency may be required should any site/site infrastructure works take place in, under, over or within 8 metres of the bank top of the River Avon, a designated main river. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Item No:	03	
Application No:	15/05152/FUL	
Site Location:	Church Hall, School Lane, Batheaston, Bath	
Ward: Bathavon North	Parish: Batheaston	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a new single storey Village Hall including activity rooms, kitchen, toilets, stores and associated external works following demolition of the existing Church Hall. (Resubmission)	
Constraints:	Agric Land Class 3b,4,5, Conservation Area, Forest of Avon, Hotspring Protection, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,	
Applicant:	Batheaston New Village Hall	
Expiry Date:	1st June 2017	
Case Officer:	Sarah James	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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 permission

2 Plans List (Compliance)

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

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

3 Demolition materials (Compliance)

No materials arising from the demolition of any existing structures, the construction of new buildings or any material from incidental and landscaping works shall be burnt on the site.

Reason: In the interest of residential amenity

4 Asbestos (Pre-commencement)

No demolition of the existing hall shall take place until a scheme to deal with the management and/or safe disposal of asbestos and asbestos containing materials has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route. Development shall take place in accordance with the submitted scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the health of site workers and future occupiers of the site

5 Plant Noise (Compliance)

Noise from associated plant and/machinery in connection with the development should not exceed -5dB of the identified background levels as detailed in the acoustic report submitted (35dB LA90,5min) to be measured at the closest noise sensitive receptor as indicated in the submitted noise report as north west dwelling P1.

Reason: In the interest of residential amenity

6 Entertainment noise (Compliance)

The noise emissions attributable from within the building shall be limited to a level not exceeding 37dB (LAeq, 1 Hour) during the operational periods as stated in the operational statement to be measured at the closest noise sensitive receptor as indicated in the submitted noise report as north west dwelling P1.

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

7 Tree replacement (Compliance)

No construction of the hall above ground floor level shall take place until the tree(s) to be felled are replaced by another tree(s) in accordance with details shown on drawing 6186D 7100 B. If, within a period of two years from the date of planting, the tree(s) (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place.

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

8 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No ground preparation, demolition or construction activities shall take place until a Detailed Arboricultural Method Statement with a scaled Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority.

The Method Statement shall:

- (1) Incorporate a programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion.
- (2) Include measures for the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

(3) Include details of the method of tree removal to avoid the use of herbicides on tree stumps to avoid any transfer to adjacent trees and construction details to ensure that no ground works extend beyond the position of the tree root trial trenches.

(4) Be implemented in full and the development shall be carried out in accordance with that approval but not prior to the local planning authority being notified in writing 2 weeks before development commencing that the tree protection measures as approved are in place and available for inspection.

A signed certificate of compliance with the approved Method Statement shall be provided by the appointed arboriculturist to the local planning authority prior to the first occupation of any of the dwellings hereby approved.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Saved Policy NE4 of the Bath and North East Somerset Local Plan and Policy NE6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

9 Hours of Use (Compliance)

The development hereby approved shall not be used outside of the hours of 8.00am to 11.00 pm Monday to Saturday and 8.00am to 10.30 pm on Sunday with the exception of a maximum of 26 events on Saturdays and Sundays which shall end no later than 12.00 am other than the morning following New Years Eve on whichever day that may fall when the hall shall close at no later than 1.00 am on the following morning. The applicant shall keep a log of each occasion that the development is open until 12.00am and that log shall be made available for the Local Authority to inspect upon request.

Reason : In the interests of the amenity of residential amenity.

10 Parking Spaces (Compliance)

The area allocated for the parking of vehicles for disabled users on the submitted plan shall be provided prior to the hall being first brought into use and thereafter kept clear of obstruction in perpetuity and shall not be used other than for the parking of vehicles for disabled users in connection with the development hereby permitted.

Reason: To ensure that adequate and safe accessible parking is provided for disabled users in the interests of amenity and highway safety in accordance with Policies T.26 and T.24 of the Bath and North East Somerset Local Plan.

11 Cycle Parking (Bepsoke Trigger)

The cycle parking on the submitted plan shall be provided prior to the building being first brought into use, in accordance with details of the cycle hoops which shall have been first submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter remain available for the parking of cycles in perpetuity.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy T.6 of the Bath and North East Somerset Local Plan.

12 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been 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, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

13 Travel leaflet (Bespoke Trigger)

Prior to the village hall being first brought into use, details of a sustainable travel information leaflet detailing the various travel options available shall be submitted to and approved in writing by the Local Planning Authority. The leaflet shall include :-

- a) bus route information with reference to bus operators websites,
- b) details of the provision and facilities made available to cyclists,
- c) details clarifying taxi and minibus drop off points
- d) walking routes to the site from within a 1 mile radius

A log of bookings shall be kept and the approved leaflet shall be provided to the key contact responsible for the hire of the hall or any part of it at the point of booking. The log with contact details for the person(s) to whom the leaflet was provided shall be made available for inspection by the Local Planning Authority.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy T.1 of the Bath and North East Somerset Local Plan.

14 Bat Recommendations (Bespoke Trigger)

The development hereby permitted shall be carried out only in accordance with the recommendations in section 6 of the approved Bat Detector Survey Report dated May 2016 by Simecology. Demolition works shall not commence until a suitably experienced ecologist (licenced bat worker) has undertaken all necessary ecological pre-commencement checks to include re-inspection of all features of the building identified as having roost potential for bats. All demolition works with potential to affect concealed spaces identified as having bat roost potential, such as dismantling of the roof, shall thereafter proceed only under ecological supervision by a suitably qualified ecologist. Works shall not commence until the appointed ecologist has notified the Local Planning Authority in writing of the outcome of the pre-commencement checks.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

15 Nesting Bird Protection (Bespoke Trigger)

No removal of trees hedges or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period

and a Scheme to protect the nesting birds has been first submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with NE.11 of the Bath and North East Somerset Local Plan.

16 Sensitive Lighting design (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights; details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed in accordance with the approved details and thereafter no lighting shall be installed other than in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

17 Surface Water Disposal (Pre-commencement)

No development shall commence, except demolition and ground investigations, until details of a scheme for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the building hereby approved.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy. This is a condition precedent because it is necessary to understand whether the discharge rates are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

18 Materials (Bespoke Trigger)

No construction of the external walls of the 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 approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

19 Materials and details (Bespoke Trigger)

No construction of the external walls of the development shall commence until :-

1. a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority.
2. Large scale details of all external doors and windows (including roof lights) have been submitted approved in writing by the Local Planning Authority.
3. Full details of the entrance treatment, including any proposed treatment of the stone wall, gates have been submitted to and approved in writing by the Local Planning Authority.

All of the materials approved by this condition shall be retained on site for reference until the development is completed.

The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies BH6, D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

20 Recycling (Compliance)

No external recycling of bottles or other waste products or use of the external refuse facilities shall take place within the site outside the hours of 8.00 am to 11.00pm Monday to Friday and 9.00 am to 11.00 pm on Saturdays, Sundays and Bank Holidays.

Reason : In the interests of protecting residential amenity.

21 Obscure Glazing (Pre-occupation)

Prior to the first occupation of the approved development the high level windows (i.e. those above ground floor level) to the main hall on the north elevation shall be obscure glazed and fixed shut and shall remain so in perpetuity.

Reason: In the interests of residential amenity.

PLANS LIST:

130307 - BVH - TPP - REV B-LI&AM
6186D 0101A
6186D 0102D
6186D 0104F
6186D 0105B
6186D 0201B
6186D 0301G
6186 D 0103
6186 D 0303 A
6186D 0001A
6186 D 7900 B
6186D 0302F

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.

Informatives

1. You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cilo

2. The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

o The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Item No:	04
Application No:	16/05845/FUL
Site Location:	East Barn, Whitecross Farm, Bristol Road, West Harptree
Ward: Mendip	Parish: West Harptree LB Grade: N/A
Application Type:	Full Application
Proposal:	Conversion of an existing barn to office accommodation (Use Class B1)
Constraints:	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Flood Zone 2, Greenbelt, LLFA - Flood Risk Management, SSSI - Impact Risk Zones, Water Source Areas,
Applicant:	Mr Clive Setter
Expiry Date:	2nd June 2017
Case Officer:	Martin Almond

Defer for site visit - to allow Members to understand the context of the site

Item No:	05
Application No:	17/00652/LBA
Site Location:	14 Union Street, City Centre, Bath, Bath And North East Somerset
Ward: Abbey	Parish: N/A LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Conversion to 14 - 15 Union Street of existing ancillary retail upper floors to form 4 No. flats, erection of a roof extension to form 1 No. flat, associated internal and external works, replacement upper storey windows, and new external door and railings to the Union Passage elevation (re-submission)
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Bath Core Office Area, Adjoins City Boundary, Centres and Retailing, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Prime Shop Front, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	14 Union St Ltd & 15 Union St Ltd
Expiry Date:	2nd June 2017
Case Officer:	Victoria Griffin

DECISION CONSENT

1 Time Limit - Listed Building Consent (Compliance)

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 Scaffolding details (Bespoke Trigger)

If the works of the proposal contained within the application require access scaffolding to be erected none of the scaffolding shall be physically tied to the existing building using anchor ties or bolts unless details including subsequent repair specifications are submitted to and approved by the Local Planning Authority prior to the erection of any scaffolding. Once approved the scaffolding shall be erected, removed and the building repaired in accordance with the approved details.

Reason: Physically tied scaffolding can cause significant damage to a listed building and should be avoided to safeguard the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

3 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the roof extension hereby approved 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 approved details.

Reason: In the interests of safeguarding the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

4 Materials - Submission of Window Details (Bespoke Trigger)

No changes to the windows shall take place until further details of window alterations and any replacement 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 approved details.

Reason: In the interests of safeguarding the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

5 Plans List (Compliance)

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 consent relates to the following plans/documents:

'D' and 'L' plans : Proposed

'S' plans : Existing

1604-D05A, 06A to 07A, 09, 1604-L02, L03, L04, L05, L06, L07, L08, L09, L10, L11, L14, L15, L17-L18, 1604- S02-S07, S09-S11, S13-S15

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

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.

Item No:	06	
Application No:	17/00651/FUL	
Site Location:	14 Union Street, City Centre, Bath, Bath And North East Somerset	
Ward: Abbey	Parish: N/A	LB Grade: II
Application Type:	Full Application	
Proposal:	Conversion to 14 - 15 Union Street of existing ancillary retail upper floors to form 4 No. flats, erection of a roof extension to form 1 No. flat, associated internal and external works, replacement upper storey windows, and new external door and railings to the Union Passage elevation (re-submission)	
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Bath Core Office Area, Adjoins City Boundary, Centres and Retailing, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Prime Shop Front, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	14 Union St Ltd & 15 Union St Ltd	
Expiry Date:	2nd June 2017	
Case Officer:	Victoria Griffin	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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 permission

2 Highways - Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

3 Plans List (Compliance)

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 permission relates to the following plans/documents:

'D' and 'L' plans : Proposed

'S' plans : Existing

1604-D05A, 06A to 07A, 09, 1604-L02, L03, L04, L05, L06, L07, L08, L09, L10, L11, L14, L15, L17-L18, 1604- S02-S07, S09-S11, S13-S15

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

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.

Item No:	07
Application No:	17/00299/OUT
Site Location:	Land Between Homelands And 10, Camerton Hill, Camerton, Bath
Ward: Bathavon West	Parish: Camerton LB Grade: N/A
Application Type:	Outline Application
Proposal:	Outline Planning Application for the erection of 1no. single storey dwelling (Resubmission).
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Primary School Purpose, Public Right of Way, SSSI - Impact Risk Zones,
Applicant:	Mrs Brenda Sandy-Miles
Expiry Date:	2nd June 2017
Case Officer:	Victoria Griffin

Defer for site visit - to allow Members to understand the context of the site

Item No:	08
Application No:	17/01208/FUL
Site Location:	Avonlea House, Station Road, Freshford, Bath
Ward: Bathavon South	Parish: Freshford LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of single storey side extension
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, MOD Safeguarded Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant:	Ms Sarah Lynott
Expiry Date:	2nd June 2017
Case Officer:	Samantha Mason

Defer for site visit - to allow Members to understand the context of the site

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