

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 20th November, 2019, 2.00 pm

Councillors: Matt McCabe (Chair), Sally Davis (Vice-Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Eleanor Jackson, Hal MacFie, Manda Rigby and Brian Simmons

60 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

61 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

62 DECLARATIONS OF INTEREST

There were no declarations of interest.

63 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

64 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.

65 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 23 October 2019 were confirmed and signed as a correct record.

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

The Committee considered:

- A report by the Head of Planning on various planning applications.
- An update report by the Head of Planning on items 3, 7 and 8 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 3* to these minutes.

Item No. 1

Application No. 18/04958/OUT

Site Location: Midsomer Norton South Railway Station, Silver Street, Midsomer Norton, BA3 2EY – Outline application with all matters reserved for:

1. **New maintenance shed (up to 700 m2).**
2. **Extension to existing maintenance shed to provide ancillary café, retail facilities and meeting space (up to 90 m2).**
3. **Extension and refurbishment to existing WC building (up to 10 m2).**
4. **Education and training room and site office (up to 80 m2), with museum above (up to 80 m2).**
5. **Workshop building (up to 120 m2).**
6. **Change of use of former stable building to form 2 one bedroom tourist accommodation units. Associated extension and external alterations.**
7. **Associated landscaping works.**

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

Cllr Eleanor Jackson spoke against the application on behalf of Westfield Parish Council. She raised concerns regarding traffic congestion and road safety issues, parking, and radical changes to the views.

The agent spoke in favour of the application.

Officers then responded to questions as follows:

- The Case Officer stated that no business plan or viability study has been provided with the application. However, the Trust's vision for future development has been submitted.
- The Legal Advisor explained that the planning history of a site is a material consideration and that the amount of weight the Committee gives this is for members to decide.
- Cllr Jackson asked whether a condition requiring improvements to the pedestrian crossing would be possible. The Case Officer stated that this would require evidence that any issues with the crossing would be created as a direct result of the development and that the crossing is unsafe. The Highways Officer stated that the crossing is a recent toucan crossing and that he was not aware of any particular incidents in this location.

Cllr Davis felt that the application would move the proposals for the station forward and noted the amount of effort that had been put in by volunteers to improve the facilities in this location. She then moved the officer recommendation to permit. This was seconded by Cllr Clarke.

The motion was put to the vote and it was **RESOLVED** by 9 votes in favour and 1

against to PERMIT the outline application subject to the conditions set out in the report.

Item No. 2

Application No. 19/03138/FUL

Site Location: Land rear of 7 and 8 Staunton Way, Whitchurch – Erection of 6 two bed dwellings and 1 four bed dwelling

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

Cllr Rigby felt that 7 dwellings on this site could amount to overdevelopment.

Cllr Jackson was also concerned at the proposal to build so many dwellings on this site. She queried whether any trees would be lost. The Case Officer confirmed that some trees would be lost and explained that these are not protected and the site is not in a Conservation Area. A landscaping plan will be required if permission is granted which will require replacement trees to be planted.

Cllr Craig queried the distance between the proposed dwellings and the existing properties. The Case Officer explained that this would be no different from the previous application to build four dwellings.

The Case Officer also confirmed that the current plan complies with the required parking standards relating to turning and manoeuvring of vehicles.

Cllr Davis stated that there is already a variety of dwelling types in this location. She also supported the condition regarding landscaping which would address some of the concerns raised. She moved the officer recommendation to permit.

Cllr Hounsell seconded the motion stating that he could see no policy reason to refuse the application.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 2 votes against and 2 abstentions to PERMIT the application subject to the conditions set out in the report.

Item No. 3

Application No. 19/04123/FUL

Site Location: 19 Gladstone Street, Welton, Midsomer Norton – Erection of a terrace of 4 dwellings adjoining 19 Gladstone Street

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

The agent spoke in favour of the application.

The Case Officer responded to questions as follows:

- The issue raised by the Planning Inspector at the appeal relating to a previous application on the site regarding the loss of the garden and its use for parking and turning has still not been addressed. The loss of the historic wall would be detrimental to the character and appearance of the conservation area.

- The Principal Planning Officer explained that the site is located within the Housing Development Boundary and so could not be considered unsustainable under the current planning policies.

Cllr McCabe noted that a large number of properties in this location have rear garden parking and felt that the proposal could improve the area.

Cllr Rigby stated that whilst it is of paramount importance to preserve the conservation area, in this case she did not feel that the application was detrimental to the area.

Cllr Jackson noted that only a small part of the historic wall remained and felt that it is very important to retain this. She moved the officer recommendation to refuse. This was seconded by Cllr Davis.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 3 votes against and 2 abstentions to REFUSE the application for the reasons set out in the report.

Item No. 4

Application No. 19/03698/FUL

Site Location: 10 Torridge Road, Keynsham, BS31 1QG – Erection of a two storey dwelling with parking and associated works following demolition of garage

The Case Officer reported on the application and her recommendation to permit. She informed the Committee that the rear elevation would be finished in “brickwork” and not “render” as set out in the report.

A neighbour spoke against the application.

A relative of the applicant spoke in favour of the application.

Cllr Andy Wait, local ward member, spoke against the application. He stated that the application would result in overdevelopment of the site. He pointed out that the Chandag estate was built as a garden estate and that the character was now changing due to overdevelopment in the area. Green spaces and trees are being lost and there is more traffic congestion and air pollution. The application would be detrimental to the residential amenity of the area.

Cllr MacFie asked whether it could be guaranteed that the developer would not change the materials. The Case Officer explained that the materials used should be brickwork and that any subsequent application to vary this requirement would have to be considered on its merits. She confirmed that the applicant would have the right to appeal if such a request were refused.

The Legal Officer advised members that the motivation of the developer should not be taken into account when making a decision on the application.

Cllr Jackson stated that the layout and plans would add symmetry to the area and moved the officer recommendation to permit. This was seconded by Cllr Davis.

Cllr Hounsell stated that the loss of a garden would be regrettable; however, the relevant policy has to be applied. The house opposite the site would not lose any light. He noted that corner plots have been developed in this area and he could see no policy reason to refuse the application.

Cllr Hodge felt that this application would result in overdevelopment of the site. She felt that the loss of green space would have a detrimental effect on the community.

Cllr Davis stated that the application is policy compliant.

The motion was put to the vote and it was RESOLVED by 8 votes in favour, 1 vote against and 1 abstention to PERMIT the application subject to conditions as set out in the report.

Item No. 5

Application No. 19/04017/FUL

Site Location: 36 Tennis Court Avenue, Paulton, BS39 7LZ – Erection of two storey three-bed detached house in garden

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

A local resident spoke against the application.

Cllr Liz Hardman, local ward member, spoke against the application. She felt that the proposal is overbearing and out of keeping with the area. The houses in this street are all former local authority housing, semi-detached and in a widely spaced pattern. She pointed out that Paulton Parish Council and both local ward members are opposed to the development along with many of the local residents.

Note: At this point the Chair, Cllr Matt McCabe, stated that he would abstain from voting on this item as his mother-in-law lives in the adjacent street – Tennis Court Road.

Cllr Jackson stated that parking is difficult in this location. She then moved that the application be refused for the following reasons:

- Urban design – the proposal is out of keeping with the style of houses in the street.
- Over-development of the site.
- Harm to the local amenity.

Cllr Rigby seconded the motion. She stated that the site would be over developed as there would only be a very small garden at the back of the property which is out of keeping with other properties in the area.

Cllr Hodge expressed concern about the loss of light and amenity to no. 35 Tennis Court Avenue if the development went ahead.

Cllr Davis noted that the development appears to be cramped with a very small garden. She also pointed out that two similar applications in the area have been turned down on appeal. The street has maintained its original layout and the

development would have an adverse effect on the street scene.

Cllr Simmons agreed that the proposal would be incongruous to the street scene and would upset the current symmetry.

The Principal Planning Officer stated that the policies that relate to the proposed reasons for refusal are Policy D7 of the Placemaking Plan referring to infill and backland development and design policies D1, D2 and D3 of the Placemaking Plan.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 abstention to REFUSE the application for the following reasons:

- Urban design – the proposal is out of keeping with the style of houses in the street.
- Over-development of the site.
- Harm to the local amenity.

Item No. 6

Application No. 9/00783/FUL

Site Location: Tennis Court Farm, Wells Road, Hallatrow – Erection of two storey dwelling following demolition of block build agricultural building

The Case Officer reported on the application and his recommendation to refuse. He explained that, following the decision of the Committee at the July meeting the S106 Agreement required by the Committee had not been completed because the terms could not be agreed with the applicant. The application was therefore being reported back to members for further consideration.

The Legal Officer explained the legal background and advised the committee to consider what they wished to achieve with the S106 Agreement. The applicant had raised concerns about the extent of the land which would be tied to the proposed dwelling which he said would restrict his running of the agricultural business. The applicant had also raised concerns about the restriction on leasing any of the agricultural holding separately from the proposed dwelling. The Legal Advisor explained that the committee had a number of options. For example, the committee could simply agree to restrict the occupation of the new dwelling to an agricultural worker with no restrictions on ownership; or the committee could resolve to limit the ownership restrictions to a smaller geographical area than that which had been agreed at the July meeting. The Legal Advisor reminded members about the tests for planning obligations in the NPPF and that ultimately it was a matter for the committee's planning judgement.

The applicant spoke in favour of the application.

Cllr Ryan Wills, local ward member, spoke in favour of the application. He explained that the amount of land to be tied to the new dwelling was very large which would cause difficulties for the applicant in the running of his business. The local area will not be harmed by the development and no objections have been received from neighbours.

The Case Officer explained that the plans displayed at the previous meeting did not

show the full extent of the land ownership. The proposal would involve the demolition of an existing agricultural building and replacing it with a two storey dwelling.

Cllr Rigby stated that she believed the objective of the Committee had been to ensure that the proposed dwelling was not sold off separately from the farm. She noted that the phrase “agricultural holding” covered too large an area in this case. In her view, occupation of the proposed dwelling should be restricted to an agricultural worker; and the ownership restriction should apply to a smaller geographical area such as the existing farmhouse.

Cllr Davis stated that, on reflection, it had not been the intention of the committee to tie the proposed dwelling to such a large area of land. In her view, an occupancy restriction on its own would be sufficient. She therefore moved that the legal agreement should restrict occupation of the proposed dwelling to an agricultural worker or a retired agricultural worker; and to delete from the committee resolution any reference to the requirement to retain the proposed dwelling in the same ownership as the agricultural holding. This was seconded by Cllr Simmons.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 2 votes against and 3 abstentions to DELEGATE TO PERMIT the application subject to conditions and the provision of a legal agreement to restrict occupation of the proposed dwelling to an agricultural worker or a retired agricultural worker.

After the vote had been taken, Cllr Rigby clarified that it had been her understanding that she had moved that the legal agreement contained both an occupancy restriction and an ownership tie, but to a smaller geographical area. Cllr Jackson stated that it had been her understanding that she had seconded that motion. Following further debate it was agreed that the committee had already approved Cllr Davis’ motion and so the application had been determined. Cllr Rigby therefore agreed to withdraw her proposal with the agreement of Cllr Jackson.

Item No. 7

Application No. 19/03937/FUL

Site Location: Swans Way, Fosseway, Dunkerton, Bath – Erection of first floor extension and reinstatement of front bay window stone mullions and hipped slate roof

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

The agent spoke in favour of the application.

In response to a question the Principal Planning Officer explained that he would not recommend removing the permitted development rights for this property because each application should be considered on its merits. There are no clear planning reasons to remove the rights in this case.

Cllr Craig stated that the proposal appeared to be proportional.

Cllr Davis moved that the application be permitted as she felt that the proposal would enhance the street scene and is proportionate.

Cllr Jackson seconded the motion stating that she felt the proposal would restore the building and enhance the area. She felt that this would outweigh any detriment to the residential amenity.

Cllr Hounsell understood the volume increase argument set out in the report which aims to prevent inappropriate development in the Green Belt. However, he accepted that, in this case, there were particular features to this development which meant that it was acceptable.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application subject to conditions.

Item No 8

Application No. 19/03846/FUL

Site Location: Arlington House, Bath Street, Bath – Change of use of Flat 4, Flat 5, Flat 15, Flat 16 and Flat 27 from dwelling houses (Use Class C3) to Houses in Multiple Occupation (Use Class C4)

The Case Officer reported on the application and her recommendation to permit. She explained that the flats in this building contain different internal layouts.

Cllr Craig stated that she found the plans very confusing and asked for further information regarding the demographics of the occupants of the building i.e. is it comprised of elderly people, families etc.

The Case Officer stated that there would be internal changes to the layout of the flats but that these changes do not require planning permission. It is only the change of use that requires permission.

Cllrs Rigby and Jackson also found the plans confusing and Cllr Jackson asked about the potential fire risk.

Cllr Hounsell highlighted Policy D6 of the Placemaking Plan which refers to harm to the amenities of the existing occupiers. He felt that any potential harm to residents should be taken into consideration.

Cllr Rigby then moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 abstention to DEFER consideration of the application pending a site visit. It was also agreed that officers would try to obtain clearer plans, and any publicly available information about the demographics of the occupants of the building.

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

The Committee considered the appeals report.

RESOLVED to NOTE the report.

The meeting ended at 4.45 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 20th November 2019

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
8	19/03846/FUL	Arlington House, Bath Street, City Centre, Bath

RESPONSE FROM ENVIRONMENTAL HEALTH

The flats will be subject to HMO licensing and the overall number of occupants will be determined by room size and the number of facilities in the property as a whole. The HMO licensing standard can be found on our website.

Therefore a 3 bed flat, with one bathroom and kitchen would potentially be suitable for 3 to 5 occupants dependent on whether the property meets the standard for space and facilities.

WASTE STORAGE

The agent submitted further information in respect of waste storage stating that the residents refuse point is located in the service yard at the rear of the building, along the wall. The residents of the flats will store refuse and recycling in these bins prior to collection.

The paragraph identified below should read :

“It is recognised that HMOs are occupied by unrelated individuals who come and go separately resulting in some additional activity in association with the property which is different to the activities associated with a dwelling house (C3). These units are located within the City Centre with no amenity space and so are not considered to be units that would attract young families.”

The paragraph identified below should read:

“As the adjacent units are flats it is expected that the change of use of these units would not result in a level of harm to the residential amenity of the neighbours that would justify refusal of the application.”

In the policy section the reference to s16 of the listed building act is to be deleted as this is not an application for listed building consent.

Item No.	Application No.	Address
7	19/03937/FUL	Swans Way, Fosseway, Dunkerton, Bath

REPORT CONCLUSION

The conclusion of the report should read as follows; ‘It is therefore considered that the proposal is contrary to the relevant planning policies as outlined above and the proposal is recommended for refusal’. At present it states recommended for approval.

Item No.	Application No.	Address
3	19/04123/FUL	19 Gladstone Street Welton Midsomer Norton Radstock Bath And North East Somerset BA3 2BR

Notwithstanding that this is recommended for refusal, members should still be reminded about the advice in NPPF para 193 which states;

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A STATEMENT AT THE MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 20 NOVEMBER 2019

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Midsomer Norton South Railway Station, Silver Street, Midsomer Norton, BA3 2EY	Cllr Eleanor Jackson (Westfield Parish Council)	Against
		Joseph Marchant (Agent)	For
3	19 Gladstone Street, Welton, Midsomer Norton	Edward Drewe (Agent)	For
4	10 Torridge Road, Keynsham, BS31 1QG	Jeff Tatum	Against
		Sue Holdaway (on behalf of applicant)	For
		Cllr Andy Wait (Local Ward Member)	Against
5	36 Tennis Court Avenue, Paulton, BS39 7LZ	Debbie Rodd	Against
		Cllr Liz Hardman (Local Ward Member)	Against
6	Tennis Court Farm, Wells Road, Hallatrow	Mr Stock (Applicant)	For
		Cllr Ryan Wills (Local Ward Member)	For

7	Swans Way, Fosseway, Dunkerton	John Armstrong (Agent)	For
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BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
20th November 2019
DECISIONS

Item No:	01				
Application No:	18/04958/OUT				
Site Location:	Midsomer Norton South Railway Station, Silver Street, Midsomer Norton, BA3 2EY				
Ward:	Midsomer Norton Redfield	Parish:	Midsomer Norton	LB Grade:	N/A
Application Type:	Outline Application				
Proposal:	Outline application with all matters reserved for:				
1.	New Maintenance Shed (up to 700 m2).				
2.	Extension to existing maintenance shed to provide ancillary café, retail facilities and meeting space (up to 90 m2)				
3.	Extension and refurbishment to existing WC building (up to 10 m2)				
4.	Education and Training Room and Site Office (up to 80 m2), with Museum above (up to 80 m2)				
5.	Workshop building (up to 120 m2)				
6.	Change of use of former stable building to form 2no 1 bedroom tourist accommodation units. Associated extension and external alterations.				
7.	Associated landscaping works.				
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy NE2A Landscapes and the green set, Policy NE3 Local Nature Reserve, Policy NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST2 Sustainable Transport Routes, Tree Preservation Order,				
Applicant:	Somerset & Dorset Railway Heritage Trust				
Expiry Date:	22nd November 2019				
Case Officer:	Sasha Berezina				

DECISION PERMIT

1 Outline Time Limit (Compliance)

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

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

2 Reserved Matters (Pre-commencement)

Approval of the details of the access, appearance, landscaping, layout, and scale (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

3 Reserved Matters Submission Standard Time Limit (Compliance)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions

4 Holiday Occupancy (Compliance)

The development hereby approved as holiday lets shall not be occupied other than for purposes of holiday accommodation and shall not be let to the same person(s) for more than 28 days in any calendar year or such other period as may be first approved in writing by the Local Planning Authority. Written records of lettings and occupiers' home address details shall be maintained and be made available for inspection by the Local Planning Authority upon request.

Reason: The proposed conversion would have materially different impacts as residential dwelling(s) and as such separate planning assessment would be required for residential use.

5 Hours of Operation (Compliance)

Notwithstanding the information contained within the application form, train operations serving members of the public shall be restricted to:

- i) Weekends and public holidays only during the months of April - October (inclusive) and the month of December;
- ii) Any day classed as a recommended School Holiday Day within the Bath and North East Somerset Council Area;
- iii) Between the hours of 10.00 to 17.00.
- (iv) Up to ten additional days in a calendar year between the hours of 10:00 to 17:00 and up to ten evenings between the hours of 17:00 to 22:00.

Written records of these opening dates shall be recorded and made available for inspection by the Local Planning Authority on request.

No operations serving members of the public shall take place on other days or months or at other times.

Reason: The Local Planning Authority wishes to control these matters, having particular regard to the impact of the use on highway safety and residential amenity.

6 Parking (Compliance)

The areas allocated for parking and turning shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the permitted use of the site.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

7 Bound/Compacted Vehicle Access (Compliance)

A minimum of the first six metres of both vehicular accesses shall be constructed with a bound and compacted surfacing material (not loose stone or gravel)

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

8 Southern Vehicular Access (Compliance)

No occupation of the tourist accommodation units shall commence until details of the revisions to the southern vehicular access have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be completed in accordance with the approved details prior to occupation and shall thereafter be retained in place in perpetuity.

Reason: To ensure safe access to and from the site in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

9 Travel, Transport and Parking Management Plan (Pre-commencement)

Prior to the commencement of development a detailed Travel, Transport and Parking Management Plan indicating proposed sustainable visitor and staff travel arrangements to and from the site; the delivery of goods and servicing arrangements; and parking management on site shall be submitted to and approved in writing by the Local Planning Authority.

This should be in a form of either a single document which considers the whole development of the site or a document associated with each proposed phase of development of the site. The development shall thereafter be operated in accordance with the approved Travel and Transport Management Plan.

Reason: In the interest of highways safety and encouraging sustainable travel methods in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Local Plan

10 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 Policy ST7 of the Bath and North East Somerset Placemaking 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

11 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall apply for the whole site or for the part of the site specific to the relevant phase of development, and shall include:

(i) Ecological and protected species survey and assessment of the whole site or of the affected part/s of the site specific to the relevant phase of development, with mapped survey findings carried out by a professional ecologist in accordance with current best practice guidelines and standards;

(ii) Method statements for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures for the avoidance of harm to bats, reptiles, nesting birds, hedgehog and other wildlife;

(iii) Detailed proposals for wildlife mitigation and enhancement measures, including wildlife-friendly planting and landscape details; provision of new habitats, hedgehog, bat, swift and bird boxes; with details and specifications of proposed models, numbers, heights and positions to be shown on all relevant plans and drawings.

All works within the scheme shall be carried out in accordance with the approved details, completed in accordance with specified timescales and prior to the occupation of the development, and retained and maintained thereafter for wildlife in accordance with approved details.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Local Plan.

NB The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

12 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, positions, numbers and

heights; and details of all necessary measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE3 and D8 of the Bath and North East Somerset Local Plan.

13 Landscaping Scheme (Pre-occupation)

No occupation of the development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority showing details of the following:

1. All trees, hedgerows and other planting to be retained;
2. A planting specification to include numbers, size, species and positions of all new trees and shrubs;
3. Details of existing and proposed walls, fences, other boundary treatment and surface treatments of the open parts of the site;
4. A programme of implementation for the landscaping scheme.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

14 Materials - Submission of Schedule and Samples (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 schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

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 D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

15 Plant Noise (Compliance)

Total noise emission levels from all static plant and machinery shall comply with the Plant Noise Emission Criteria in Table 4 of Noise Impact Assessment dated 3rd April 2019.

Reason: To protect neighbouring residents from exposure to environmental noise.

16 Drainage Strategy (Pre-commencement)

No development shall commence, except ground investigations, until a detailed drainage strategy has been submitted to and accepted by the Local Planning Authority. The Strategy should adhere to the requirements as set out in the West of England Sustainable Drainage Developer Guide and satisfy policy SU1 of the Place Making Plan.

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

17 Investigation and Risk Assessment (Pre-commencement)

No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall 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).

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 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

18 Remediation Scheme (Pre-commencement)

No development shall commence until 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, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall 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.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

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 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

19 Verification Report (Pre-occupation)

No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

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 and 15 of the National Planning Policy Framework.

20 Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be

submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

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 and 15 of the National Planning Policy Framework.

21 Archaeology Historic Building Recording (Pre-commencement)

No development or demolition shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a record of those parts of the building(s), which are to be demolished, disturbed or concealed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

22 Sustainable Construction Renewable Energy Details with Reserved Matters Submission (Compliance)

The details submitted pursuant to Condition 2 of this permission (i.e. the reserved matters) shall include Sustainable Construction Checklist setting out how the development will achieve a 19% overall reduction in carbon emissions as compared to the Building Regulations 2013 Part L baseline. The measures shall include sufficient renewable energy generation such that carbon emissions from anticipated (regulated) energy use in the development shall be reduced by at least 10%. All the measures in the approved sustainable construction checklist shall be implemented and shall be fully operational prior to first occupation of the development of that phase.

Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 19% overall in accordance with Policies SCR1 and CR2 of the Bath & North East Somerset Placemaking Plan

23 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:

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 an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Item No:	02	
Application No:	19/03138/FUL	
Site Location:	Land Rear Of 7 And 8, Staunton Way, Whitchurch, Bristol	
Ward: Publow And Whitchurch	Parish: Whitchurch	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 6no 2 bed dwellings and 1no 4 bed dwelling	
Constraints:	Bristol Airport Safeguarding, Norton Malreward Unlicensed Airstrip, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	ROMO Ltd	
Expiry Date:	22nd November 2019	
Case Officer:	Rae Mepham	

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 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed first floor landing window on plot 1 shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

3 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed first floor bathroom windows shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

4 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 Policy ST7 of the Bath and North East Somerset Placemaking 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.

5 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 Parking (Compliance)

The areas allocated for parking and turning 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: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

7 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, 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 D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

8 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the

development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

9 Arboricultural method statement (Pre-commencement)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement by Assured Trees, dated 28th June 2019. No occupation of the approved development shall commence until a signed certificate of compliance by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

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

10 Drainage details (Pre-commencement)

No development shall commence, except ground investigations and remediation, until a detailed drainage design supported with calculations (demonstrating the performance up to the critical 1in100+40%) and an Operation and Maintenance Strategy (detailing how the drainage system will be maintained to its design standard for the life of the development) have been submitted and accepted in writing by the local planning authority.

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

11 Wildlife Protection and Enhancement Scheme (Pre-commencement condition)

Prior to commencement of works, site clearance and development, an ecological clerk of works shall be appointed and shall be responsible for overseeing implementation of site clearance and any necessary vegetation removal using precautionary working methods which must be designed to avoid harm to hedgehog and other mammals, birds and reptiles; implementation of the proposed reptile translocation and mitigation; and all ecological protection and mitigation measures described in Sections 3 and 4 of the approved "Wildlife Protection and Enhancement Scheme" (Ethos Environmental Planning dated August 2019). All works shall proceed only in accordance with the wildlife protection and mitigation measures described in the approved ecological assessment. All ecological mitigation and enhancement measures and habitat shall be retained and maintained thereafter for the benefit of wildlife in accordance with approved details.

Reason: to avoid harm to wildlife including protected species, and to provide replacement and new habitat The above condition is a compliance condition but requires pre-commencement implementation of certain measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

12 Wildlife Protection and Enhancement Scheme Follow-up Report (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completed implementation of all ecological measures described in the approved "Wildlife Protection and Enhancement Scheme" (Ethos Environmental Planning dated August 2019) in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Local Plan.

13 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's 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 upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE3 and D8 of the Bath and North East Somerset Local Plan.

14 Housing Accessibility (Compliance)

One of the dwellings hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M.

Reason: To ensure that the optional technical standards for accessibility are met in accordance with policy H7 of the Bath and North East Somerset Council Placemaking Plan.

15 Sustainable Construction (Pre-occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted to the local planning authority together with the further documentation listed below:

- Table 2.4 (Calculations);
- Building Regulations Part L post-completion documents

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

16 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. Water butts) has been provided.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

17 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

18 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 decision relates to:

12 Jul 2019	3136 8	LOCATION PLAN
12 Jul 2019	3136 6	PROPOSED PLANS AND ELEVATIONS PLOT 7
12 Jul 2019	3136 4	PROPOSED PLANS AND ELEVATIONS PLOTS 1 2 5 AND 6
12 Jul 2019		BIKE SHED DETAIL
02 Oct 2019	3136/2D	PROPOSED SITE PLAN GROUND FLOOR
02 Oct 2019	3136/3D	PROPOSED SITE LAYOUT FIRST FLOOR
02 Oct 2019	3136/7D	PROPOSED SITE LAYOUT DRAINAGE
02 Oct 2019	SP01 A	SWEPT PATH ANALYSIS
04 Nov 2019	3136/5	PLOT 3 AND 4 PLANS AND ELEVATIONS

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy 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 an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

Advice note:

The applicant should be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence under Section 184 of the Highways Act 1980 for the amendment 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.

Item No:	03	
Application No:	19/04123/FUL	
Site Location:	19 Gladstone Street, Welton, Midsomer Norton, Radstock	
Ward: Midsomer Norton North	Parish: Midsomer Norton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a terrace of 4no dwellings adjoining 19 Gladstone Street.	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones,	
Applicant:	Amicus Homes Ltd	

Expiry Date:	14th November 2019
Case Officer:	Chloe Buckingham

DECISION REFUSE

1 The inclusion of four terraced dwellings and the loss of the open garden space and front boundary wall is considered to have a detrimental negative impact on the character and appearance of the streetscene and this part of the Midsomer Norton and Welton Conservation Area. The proposal is therefore not considered to respond to the local context in terms of siting, spacing and layout and the proposal is therefore contrary to policies D2, D4 and HE1 of the Bath and North East Somerset Council Placemaking Plan (2017).

PLANS LIST:

This decision relates to plan references;

Location Plan, Block Plan, 01, 02, 03 and 04 received 19th September 2019.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Community Infrastructure Levy

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 relevant 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:	04	
Application No:	19/03698/FUL	
Site Location:	10 Torridge Road, Keynsham, Bristol, Bath And North East Somerset	
Ward: Keynsham East	Parish: Keynsham Town Council	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a two storey dwelling with parking and associated works following demolition of garage.	

Constraints:	Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Mr Paul Russ
Expiry Date:	25th November 2019
Case Officer:	Anna Jotcham

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 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of any part of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (type, size, colour, brand etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3, D5 and D7 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Parking (Compliance)

The areas allocated for parking on submitted plan ref: 19/026-03A 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: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

4 Parking Area (Pre-commencement / pre-occupation)

No construction shall commence until plans showing a parking area (providing for two vehicles), including full details of the required relocation of the existing street lighting

column and surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. No occupation shall commence until this area has been constructed in accordance with the approved details and shall not thereafter be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

5 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 Visibility Splay (Compliance)

The fence for a distance of two metres on the south-east side of the proposed access should be maintained at a height not exceeding 600mm. The fence shall be maintained as such thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

7 Bicycle Storage (Compliance)

The approved dwelling shall provide bicycle storage for at least two bicycles.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

8 Obscure Glazing and Non-opening Window (Compliance)

The proposed first floor side window on the west elevation shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the windows shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

9 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

10 Water Efficiency (Compliance)

The approved dwelling shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

11 Contaminated Land - Unexpected Contamination (Compliance)

In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. Unexpected contamination may be indicated by soils or materials with unusual colour, odour, texture or containing unexpected foreign material. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

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 and 15 of the National Planning Policy Framework.

12 Waste Storage (Pre-occupation)

No occupation of the approved dwelling shall commence until the double bin store shown on plan ref: 19/026-03A has been provided. The bin store shall be maintained as such thereafter.

Reason: To ensure the development provides adequate storage and functional arrangements for refuse and recycling in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

13 Sustainable Construction (Pre-occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted to the local planning authority together with the further documentation listed below:

- o Table 2.4 (Calculations);
- o Building Regulations Part L post-completion documents

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

14 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 decision relates to the following plans:

19 Aug 2019 - 19/026-01 - LOCATION PLAN
16 Oct 2019 - 19/026-02 A - EXISTING PLANS AND ELEVATIONS
16 Oct 2019 - 19/026-04 A - EXISTING AND PROPOSED STREET SCENES
19 Nov 2019 - 19/026-03 B - PROPOSED PLANS AND ELEVATIONS

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy 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 an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any

development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

ADVISORIES

Creation of vehicular crossing

The applicant should be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence under Section 184 of the Highways Act 1980 for the creation of or amendment to an existing vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

Desk Study and Walkover Survey

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for determining whether land is suitable for a particular development.

It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. Should the Phase 1 investigation identify potential pollutant linkages then further investigation and assessment will be required.

Wessex Water

The proposal shows that the new property is to be constructed over a Wessex Water foul sewer. This will require a sewer diversion and an application to Wessex Water to facilitate this. This is separate to the planning process.

Item No:	05	
Application No:	19/04017/FUL	
Site Location:	36 Tennis Court Avenue, Paulton, Bristol, Bath And North East Somerset	
Ward: Paulton	Parish: Paulton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of two storey three-bed detached house in garden.	

Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones,
Applicant:	Mr Hammond
Expiry Date:	21st November 2019
Case Officer:	Hayden Foster

DECISION REFUSE

1 The proposed detached dwelling is considered to result in an incongruous addition to an established street scene characterised by semi-detached dwellings. The proposal will also result in the overdevelopment of the site with a consequent adverse effect on the character and appearance of the area and an adverse effect on the amenity of residents of both the existing houses and proposed development. The proposal is therefore contrary to policies D1, D2, D3, D5, D6 and D7 of the Bath and North East Somerset Placemaking Plan

PLANS LIST:

This decision relates to the following plans received 11th September 2019:

Drawing Number: 1 - Proposed Ground Floor Plan
Drawing Number: 2 - Proposed First Floor Plan
Drawing Number: 3 - Proposed Elevations
Drawing Number: 5 - Proposed Block Plan
Drawing Number: 6 - Proposed Section

Plans received 12th September 2019:

Drawing Number: 7 - Existing and Proposed Site Sections

Community Infrastructure Levy

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 relevant 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

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The Council worked positively with the applicant but ultimately the Planning Committee resolved to refuse permission.

vehicular crossing (Informative):

The applicant is advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence under Section 184 of the Highways Act 1980 for the creation of and/or amendment to an existing vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification

Item No:	06
Application No:	19/00783/FUL
Site Location:	Tennis Court Farm, Wells Road, Hallatrow, Bristol
Ward: High Littleton	Parish: High Littleton LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of two storey dwelling following demolition of block build agricultural building
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy M1 Minerals Safeguarding Area, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs Stock
Expiry Date:	13th May 2019
Case Officer:	Hayden Foster

DECISION Delegate to PERMIT subject to applicant entering into S106 agreement and relevant conditions.

Item No:	07
Application No:	19/03937/FUL
Site Location:	Swans Way, Fosseway, Dunkerton, Bath
Ward: Bathavon South	Parish: Dunkerton & Tunley Parish Council
	LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of first floor extension and reinstatement of front bay window stone mullions and hipped slate roof.
Constraints:	White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs Rotheram
Expiry Date:	21st November 2019
Case Officer:	Samantha Mason

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.

PLANS LIST:

This decision relates to the following plans:

05 Sep 2019 Aa.19.11.04 Rev A Proposed Basement Floor Plan, Proposed Ground Floor Plan, Proposed First Floor Plan

05 Sep 2019 Aa.19.11.05 Rev A Proposed Elevations, Proposed Sections

05 Sep 2019 Aa.19.11.06 Proposed Site Plan, Location Plan

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Item No:	08	
Application No:	19/03846/FUL	
Site Location:	Arlington House, Bath Street, City Centre, Bath	
Ward: Kingsmead	Parish: N/A	LB Grade: I
Application Type:	Full Application	
Proposal:	Change of use of Flat 4, Flat 5, Flat 15, Flat 16 and Flat 27 from dwellinghouses (Use Class C3) to Houses in Multiple Occupation (Use Class C4).	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Policy CR3 Primary Shopping Areas, Policy HE1 Scheduled Ancient Monuments, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones,	
Applicant:	Hamways Limited	

Expiry Date:	23rd November 2019
Case Officer:	Christine Moorfield

DECISION DEFERRED FOR SITE VISIT

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