

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 18th November, 2020, 2.00 pm

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

58 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

59 DECLARATIONS OF INTEREST

The following declarations were made:

- Cllr Manda Rigby declared an interest in planning application no. 20/02926/FUL – Additional Development Area, Holburne Park, Bathwick, Bath. Cllr Rigby stated that she had attended the exhibitions relating to this development along with the Planning Case Officer.
- Cllr Matt McCabe declared an interest in planning application no. 19/05534/FUL – Telecommunications Mast 54146, Woolley Lane, Charlcombe, Bath. Cllr McCabe was co-founder of a company which was a potential competitor to the applicant and also held shares in that company. Cllr McCabe stated that he would not speak or vote on this application and that Cllr Sally Davis, Vice-Chair, would take the chair for this item.
- With regard to planning application no. 20/02932/FUL – The Coach House, College Road, Lansdown, Bath, after the officer presentation, and in response to a question from the Chair, Cllr Hodge clarified that she would speak as local ward member and would not take part in the debate.

60 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

61 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.

62 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 21 October 2020 were confirmed and signed as a correct record.

63 SITE VISIT 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 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. 20/01408/VAR

Site Location: Building between The House and Old Orchard, The Street, Ubley – Variation of condition 2 of application 17/00295/FUL (Erection of detached dwelling house and detached garage).

The Case Officer reported on the application and her recommendation to permit. She informed members that a further objection had been received regarding the fenestration and the proposed dressing room area. She explained that this application was a variation under S73 of the Town and Country Planning Act 1990 and was subject to the same process and scrutiny as a full planning application. She also pointed out that the floor plans had been amended following concerns raised at the previous meeting.

A representative from Ubley Parish Council spoke against the application.

A neighbour spoke against the application.

The agent spoke in favour of the application.

Cllr Vic Pritchard, local ward member, spoke against the application. He stated that the gap between the neighbouring property and this property was being eroded. He also expressed concerns at the loss of light to the neighbouring property and outlined how the residents would be adversely affected by the development.

The Case Officer then responded to questions giving details of the proposed elevations and the key differences between this and the previous application.

Cllr Rigby pointed out that individual circumstances cannot be taken into

consideration when making planning decisions.

Cllr Hughes pointed out that, if the development were permitted, the property would be closer to the neighbouring dwelling.

Cllr Hounsell stated that the application was policy compliant and moved the officer recommendation to permit. This was seconded by Cllr Davis.

Cllr Jackson stated that she was not convinced that the application would conserve and enhance the adjacent conservation area.

Cllr Davis pointed out that permitted development rights would be removed.

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.

64 **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 1, 2 and 3 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. 20/02787/VAR

Site Location: Bath Quays North Development Site, Avon Street, Bath – Variation of condition 42 (Approved drawings, development specification and design codes) of application 18/00058/EREG03 (Outline planning application for comprehensive mixed use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA, above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved.

The Case Officer reported on the application and explained that his recommendation, as set out in the update report, was to delegate to permit. He reminded members that when balancing the identified harm to heritage assets against the public benefits, great weight should be given to the conservation of the heritage assets.

Officers then responded to questions as follows:

- The developer is required to provide a specified minimum amount of office space. The additional height gained could be used for residential accommodation if desired.
- There were no changes to the sub-structure of the development.
- The key gain from this variation was an increase in the reduction of carbon emissions from 19% to a minimum of 30% (with the potential for 37%).
- The principle of flat roofs in this development has been accepted and it would be the responsibility of the occupiers and owners of the site to take any necessary measures to deter gulls. There would be no general public access to the flat roof areas.
- There was no requirement to provide pitched roofs in this development along the riverside area.
- There was no additional economic benefit to the proposed variation.

Cllr Craig stressed the importance of design and welcomed the increased carbon reduction targets. She then moved the officer recommendation to delegate to permit. This was seconded by Cllr Clarke.

Cllr Hodge spoke against the proposal, pointing out the negative impact on the heritage setting which she felt outweighed the potential benefits. The attractiveness of the city should be preserved, and she did not wish to lose the pitched roof design.

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 the application subject to conditions including a S106 agreement as set out in the report.

Item No. 2

Application No. 20/02008/FUL

Site Location: Unregistered Unit 1-4, Old Station Yard, Avon Mill Lane, Keynsham – Erection of 2 acoustic barriers; permission to allow the filling of concrete mixing vehicles between 6.30am and 5.30pm (Monday-Friday) 8am – 1pm Saturday and 7.30am – 5.30pm (Bank Holidays); permission to allow other specified operations at the site between 7.30am and 6.30pm (Monday-Friday) and 8am-1pm (Saturday) and 7.30am – 5.30pm (Bank Holidays); and permission to store materials in external yard area.

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

A representative from Keynsham Town Council spoke against the application.

A local resident spoke against the application.

The agent spoke in favour of the application.

Cllr Andy Wait, local ward member, spoke against the application. He raised concerns regarding noise, vibration and dust from the premises. He also expressed concern about the way that the site had been classed as B2 use. He pointed out that a large number of HGVs visited the site each week. The use of this site was

creating a very negative impact on local residents.

Officers then responded to questions as follows:

- The Deputy Head of Planning informed the Committee that they were not being asked to consider the use class for this site and should focus on the planning application before them relating to an extension to hours of operation and the erection of acoustic barriers.
- The Case Officer stated that, although concerns had been raised by the applicant regarding Condition 3 which refers to a temporary permission, officers consider this to be reasonable.
- The impact on the amenity of residents of neighbouring properties is a material consideration. The officer's assessment is that the construction of the acoustic barriers would improve the situation for residents. Noise would be reduced from 17 decibels above the background level to 3 decibels above. Condition 2 requires that the extended operating hours should not commence until the acoustic fences have been fully erected and installed.
- Two noise assessments have taken place at the site in April and August 2020. The average noise level was 62 decibels which would be reduced to 48 decibels with the barriers.
- Not all use classes are listed in the local plan and this is not an allocated site. Officers have agreed that the site constitutes a lawful B2 use.
- Conditions require that the car park is only used for parking or storage of vehicles. Any other use would be subject to enforcement action.
- The Committee could decide not to extend the hours of use on bank holidays.
- The gates which allow access to the site will not form part of the acoustic barrier.
- There are a number of open complaints relating to this site and some planning enforcement matters are ongoing. If required, a report regarding the enforcement action could be brought to a future meeting for consideration. However, enforcement matters are not relevant to this particular application.
- Any future breach of noise restrictions could be subject to enforcement action.
- There is a 7.5 tonne weight limit on the site, but loading is exempt from this restriction. Cllr MacFie questioned whether vehicles exceeding the weight limit should be parked at the premises overnight, as this was not within the spirit of the restriction. The Highways Officer confirmed that loading was the only exemption.
- The acoustic fence would be positioned inside retaining walls. Some pruning may be required to existing trees. No objections had been raised by the arboricultural officer.

Cllr Jackson moved that the application be refused due to the negative impact on residential amenity. This was seconded by Cllr Hodge who expressed concern about the proposed hours and bank holiday working.

Cllr Craig felt that the fence would actually improve residential amenity and noted that the situation would be reviewed after a year. However, she did not think that the bank holiday operating hours should be extended.

Cllr Rigby noted the benefits of the acoustic fence and felt that the monitoring of

noise levels would provide further information. It was important to be very clear on the operating schedule and the permitted use of the car park. She pointed out that if the stated decrease in noise levels was not achieved then the extended hours would not be implemented.

Cllr Hughes noted that there would be additional disruption to local residents and expressed concern about noise levels.

Cllr Clarke was not convinced that the fence would be effective in reducing noise levels.

Cllr MacFie was concerned at the noise levels and the negative effects of this on local residents.

The motion was put to the vote and there were 5 votes in favour and 5 votes against. The Chair then used his casting vote against the motion which was therefore LOST.

Cllr Rigby then moved that the Committee delegate to permit the application subject to close and careful monitoring to ensure that the conditions are adhered to, and that no change be made to the operating hours for bank holidays. This was seconded by Cllr Hounsell.

Cllr Sue Craig asked officers if the application could only consider the extension to existing hours and not remove rights that already exist, which was confirmed.

Cllr Rigby noted the clarification on hours, and, for further clarity, Cllr McCabe confirmed that the motion was to delegate to permit subject to no extension to operating hours on bank holidays.

The motion was put to the vote and there were 5 votes in favour and 5 votes against. The Chair then used his casting vote in favour of the motion, and it was RESOLVED to DELEGATE TO PERMIT the application subject to close monitoring and to no extension to the current permitted hours of operation for bank holidays.

Item No. 3

Application No. 20/02926/FUL

Site Location: Additional Development Area, Holburne Park, Bathwick, Bath – Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath (Resubmission of 19/04772/FUL)

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

The agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- There would be increased connectivity for walkers and cyclists between the east and west of the site.
- There would be an increase of two visitor parking spaces compared to the previously refused scheme, however, the position across the whole site remains below the current parking requirements.

- This application should be considered on its own merits; however, the surrounding area is still a material consideration. The eight dwellings contribute to the whole development in this area and are part of the wider project and so should be linked to the S106 agreement.

Cllr Rigby, local ward member, pointed out that this site was originally intended to be part of a school expansion scheme but that this did not go ahead. She was disappointed that there were now no community elements included in this development. She was concerned that there was not adequate visitor parking or affordable housing. She also felt that the design of the development was detrimental to the world heritage site.

Cllr Jackson noted that this application was congruous with the existing properties that have already been built on the site. The design and land usage cannot be changed. The area is well served by public transport. She then moved the officer recommendation to delegate to permit. This was seconded by Cllr Davis who felt that this was the best solution that could be negotiated.

Cllr Hughes stated that he was disappointed at the lack of social housing on the site.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 3 against and 1 abstention to DELEGATE TO PERMIT the application subject to conditions and the completion of a S106 agreement as set out in the report.

(Note: At this point Cllr Sally Davis (Vice Chair) took the chair as Cllr Matt McCabe had declared an interest in the following application).

Item No. 4

Application No. 19/05534/FUL

Site Location: Telecommunication Mast 54146, Woolley Lane, Charlcombe, Bath – Erection of 20-metre-high telecommunications monopole accommodating 6 antenna apertures, 4 transmission dishes and 8 ground-based equipment cabinets.

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

One local resident and a representative from the Bath Preservation Trust spoke against the application.

The agent spoke in favour of the application.

Cllr Joanna Wright, local ward member, spoke against the application. She objected to the height and bulk of the proposed mast. She was also concerned at the unknown effects of the mast given that there are schools, a nursery, allotments and a football ground in the area. She also expressed concern about the effects on wildlife, the AONB and skyline of a world heritage city. She queried whether fibre optics could be a viable alternative.

Cllr Sarah Warren, local ward member, spoke against the application. She objected to the appearance of the mast and asked the Committee to defer its decision and consider this application along with another similar application which was due to be submitted shortly.

Officers then responded to questions as follows:

- No lights would be erected on the site and this could be secured by condition if necessary. A tree survey has been undertaken.
- Any decision should be made in accordance with the development plan and the National Planning and Policy Framework (NPPF).
- A number of different viewpoints have been provided in the officer report. However, not every potential viewpoint has been included. Some tree pruning would be required, and a condition would be included to request the submission of an ecological landscaping scheme.
- The mast would be used by two providers and is the standard size for this type of technology.

Cllr Hodge stated that the new mast would be highly visible in this beautiful location.

Cllr Rigby stated that there was not enough information about the location and that more viewpoints were required to enable the Committee to reach an informed decision. She then moved that consideration of the application be deferred pending a site visit to enable officers to provide more examples of viewpoints around the city. This was seconded by Cllr Craig.

Cllr Hughes noted that 340 objections had been received and stressed the importance of engaging with the public. The mast cannot easily be camouflaged and would look ugly in this location.

The motion was put to the vote and it was RESOLVED unanimously to DEFER consideration of the application pending a SITE VISIT.

(Note: having declared an interest in the above application Cllr Matt McCabe did not speak or vote on this item).

(Note: At this point Cllr Matt McCabe resumed the Chair).

Item No. 5

Application No. 20/01636/FUL

Site Location: Friary Dene, Warminster Road, Hinton Charterhouse, Bath – Alterations to roof and installation of dormer windows.

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

The Chair read out a statement against the application from Hinton Charterhouse Parish Council.

A statement was read out by an agent on behalf of a third-party objector.

The applicant spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The main house and the single storey building are considered to be part of

the original building and the volume increase has been calculated on that basis. This is in line with current greenbelt policy.

- The single storey building was originally used as stables and then became a garage. The buildings are linked and, even if they were separate, they could each expand by one-third, which is the same volume increase as the proposal under consideration.
- There is no requirement to consult Highways England on this type of minor development as they are not a statutory consultee.
- Any subsequent sub-division of the properties would require planning consent.

Cllr McCabe, local ward member, stated that local residents feel that there is a discrepancy with the proposed volume increase. He noted that there were historical issues with this application, which is not an insignificant development. There were also concerns locally regarding highway safety. He moved that consideration of the application be deferred pending a site visit to enable members to better understand the context of the proposal. This was seconded by Cllr Jackson who stated that she would like to view the dimensions of the entrance to the site.

A number of members did not think that a site visit would be of value in this instance. Cllr Craig felt that the application was policy compliant. Cllr Hounsell pointed out that the application did not create a second dwelling.

Cllr MacFie felt that the exit could be made safer and that there could be a condition regarding access and egress.

After listening to the debate Cllr McCabe withdrew his motion with the consent of Cllr Jackson.

Cllr Hounsell then moved the officer recommendation to permit. This was seconded by Cllr Davis.

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

Item No. 6

Application No. 20/02932/FUL

Site Location: The Coach House, College Road, Lansdown, Bath – Erection of rear and side extension.

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

A local resident and her agent spoke against the application.

The agent spoke in favour of the application.

Cllr Lucy Hodge, local ward member, spoke against the application. She stated that 17 objections had been received and pointed out that the site was in a Conservation Area. The new application had the same ground floor wrap-around extension. She felt that this was an overdevelopment of the site. She also felt that the footprint was too large in relation to the original house. This would lead to the loss of the special

character of the area.

Cllr Mark Elliot, local ward member, stated that there have been too many additions to this property and that the Coach House should remain subservient to the main building. He also expressed concern about the driveway and parking spaces.

The Case Officer then responded to queries as follows:

- There were no changes to the vehicular access.
- A condition to protect the existing trees could be added if required.
- The application relates to a separate dwelling and there is no requirement for the Coach House to remain subservient.
- The Deputy Head of Planning explained that the percentage increase in volume was relevant in that it helped to inform the scale of the building, but the statutory test was not one of volume. She advised members to focus on whether the proposal conserves or enhances the Conservation Area.

Cllr Rigby then moved that the application be refused for the following reasons:

- The proposal does not conserve or enhance the Conservation Area.
- The application represents overdevelopment of the site.
- Highway safety concerns relating to the access and egress.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 2 votes against and 1 abstention to REFUSE the application for the reasons set out above.

(Note: Having declared an interest in the above application, Cllr Lucy Hodge spoke as local ward member but took no part in the debate or vote).

Item No. 7

Application No. 20/0259/FUL

Site Location: Cromwell Farm, Combe Hay Lane, Combe Hay, Bath – Extension of time for the existing temporary rural worker’s dwelling and dairy building for an additional 3 years.

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

A representative from the Parish Council spoke against the application.

A local resident spoke against the application.

The applicant spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The independent rural appraisal supports the view that a 24-hour presence is required to support the business and that the business is viable.
- The application is for a 3-year temporary permission and if the Committee felt that this was too long a time period, then they should refuse the application.
- Any concerns regarding floodlighting on this site would be an enforcement issue. A condition is proposed to control the installation of any external

- lighting.
- The Deputy Head of Planning explained that it was rarely appropriate to link an application to a specific family as the planning permission is linked to the development.

Cllr Hodge felt that the 3-year time period was too long.

Cllr Rigby noted that the three-year permission would only remain in place while this particular business was operating.

Cllr MacFie had concerns that there were no accounts or figures relating to the business and would like to see the accounts each year.

Cllr Hughes felt that the activity of the business should be monitored.

Cllr Davis understood the concerns raised, as the business appears to have taken a considerable time to develop. She stated that, if a further application comes to Committee then more detailed figures would be required. She then moved the officer recommendation to permit. This was seconded by Cllr Hounsell.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 abstentions to PERMIT the application subject to the conditions set out in the report.

Item No. 8

Application No. 20/02480/FUL

Site Location: Knoll Farm, White Ox Mead Lane, Peasedown St John, Bath – Erection of 3 agricultural buildings including cattle barn, workshop/feed store, farmyard manure/straw and hay shed along with associated yard areas and access track from Knoll Farmhouse, and other associated works.

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

The applicant spoke in favour of the application.

Cllr McCabe, local ward member, supported the application and moved the officer recommendation to permit. This was seconded by Cllr Rigby.

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

Item No. 9

Application No. 20/03595/FUL

Site Location: 37 Woodland Grove, Claverton Down, Bath, BA2 7AT – Erection of a single storey side lean to extension.

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

Cllr Jackson moved the officer recommendation to permit. This was seconded by Cllr Rigby.

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

65 **POLICY DEVELOPMENT**

There were no policy development items.

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

The Committee considered the appeals report. Officers agreed to include details of the officer recommendations when applications listed in the report had been considered by the Planning Committee.

RESOLVED: To note the report.

The meeting ended at 8.55 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 18th November 2020

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

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
001	20/01408/VAR	Building Between The House And Old Orchard The Street Ubley Bristol

This application was presented to Committee on the 21st October 2020. The committee resolved to have a site visit in order that the proposal could be fully assessed. Concerns were raised particularly in relation to the accuracy of the plans and the nature of the application i.e. should it be considered as a variation to the previous permission granted.

A virtual site visit was carried out on the 9th November 2020. In order to help the Committee members consider the proposal the corners of the proposed dwelling have been marked out on site. At the site visiting meeting Committee members asked for further photographs of the street so they could fully appreciate the character of the locality in which the site is situated.

These further photographs will be included in the power point presented to the Committee on the 18th November along with photographs taken from the neighbour's balcony.

At the Committee meeting on the 21st October there was a verbal update that an informative in respect of the site owners' riparian responsibilities in respect of the water source on the site was necessary and such an advice has been added to the current report.

In addition, clarification in respect of a VARIATION application has been outlined within the report.

In response to comments raised by the Committee members in respect of the scale of the development the applicant has submitted amended plans which indicate that the proposed single storey rear extension has been removed from the scheme. The addition information submitted by the agent indicates that the scheme as reduced further in size represent a 16% increase in volume from the permitted scheme 17/00295/FUL.

The relevant plans now are as follows:

A104
A101 REV G
A102 REV A all dated 6th November

Further plans have been submitted by Cllr Vic Pritchard raising concerns in respect of the accuracy of the plans submitted. It should be noted these plans have no north point and are not scaled. These plans indicate the amended location of the water feature on the site. This plan appears supports the differences in respect of the water feature as the plan submitted by the agent

The previous scheme 17/00295/FUL drawings as approved have been measured in terms of the distance from The House the closest neighbour to the proposed dwelling and it is confirmed that these measurements concur with the measurements shown on the submitted plans for this application. There is no reason therefore to consider that the submitted plans now submitted are incorrect.

Further comments have been received from Ubley Parish Council:

-Site location plan indicating Cerisdell

Officer comments: The site location plan submitted meets with the requirements of identifying the site as required for an application to be registered. The impact of the development on Cerisdell has been considered.

-The first scheme submitted was for a larger unit than that now being considered so not a variation application.

Officer comments: The issue of the type of application is covered in the Committee report and are relevant to both the original scheme and the scheme as amended. The scheme as originally submitted was larger than that now proposed but the reduction in scale has been as a result of negotiations in respect of the material considerations of the scheme not the type of application.

- The building will be too close to the adjacent dwelling and is too large for the site.

Officer comment: These matters have been addressed within the committee report.

A further comment from a neighbour has been received requesting a condition requiring a third-party surveyor be employed to ensure no damage is caused to the adjacent dwelling.

Officer comment: A retaining wall is proposed on the boundary of the site. The level of excavation is limited and not to be of a scale that is considered reasonable to require such a condition however, an advice has been

proposed to draw the applicant's attention to their civil responsibilities in respect of the boundary.

For ease of reference the previous update report included the following:

To clarify this site is not within the Conservation Area and s72 only applies to sites within Conservation Areas (CA).

The setting of the CA is a material consideration and this proposal due to its mass bulk siting and design is not seen to have a detrimental impact on the setting of the Conservation Area.

A further letter of objection has been received:

Points raised in summary:

- Development too large in the AONB, out of character and is a 5 bedroomed house.*
- Contrary to the mission statement, aims and objectives set out in the CVNP.*
- The application is not a variation.*

These points have been raised in the committee report.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The list of main issues raised should include

- Inaccurate site boundary*
- loss of amenity for neighbours due to flue.*
- Noise disturbance particularly during construction*

Concerns have been raised in respect of noise disturbance. It is recognised that a three bedroomed house will be likely to have a higher number of occupants than a two bedroomed house but once built it is not considered that the proposed 3 bed house would result in an unacceptable level of noise disturbance to the neighbours

There will be a period of disturbance, particularly from noise, during the construction period for neighbours, however this matter would not justify refusal of this application.

The flue that was shown on the submitted plans and was a concern raised by an interested party has been removed from the proposal.

Additional notes and the removal of the flue have been shown on amended plans submitted.

In the section Impact on the character and appearance of the locality and AONB and Impact on amenity it should read 300mm.

A letter has been received from applicant in support of the scheme:

Main issues raised:

In principle residential is acceptable in this RA2 village outside the greenbelt and conservation area.

This application description is the same as that permitted in 2017.

This variation application seeks to amend the approved plans and as a s73 application goes through a thorough and robust consideration process.

The amendments are relatively small

The garage remains as permitted

The materials are stone render and timber

The roof is raised by 300mm

The property proposed is a 3-bed dwelling

The distances to the boundaries east west remain as permitted

The proposal is neighbourhood plan compliant

Parking access and drainage agreed by Consultees

No objections raised by Council Consultees

The modest proposal has been amended to reflect concerns raised.

Item No.	Application No.	Address
01	20/02787/VAR	Bath Quays North Development Site Avon Street Bath

Planning Policy comments – not acceptable in current form. Raise a number of concerns regarding the proposed changes and dispute the Applicant’s justification for them.

Officer Recommendation - following a review of legal interests in the land comprising the application site Officers recommend that the financial review mechanism is secured by way of a planning condition which obliges the parties to enter into a s106 agreement prior to commencement of development. This is as provided for in the outline planning permission granted in April 2019. The practical effect is the same as originally recommended in this Committee report.

1. Delete Recommendation A
2. Amend Recommendation B as follows:
PERMIT subject to the following conditions
3. Additional condition as follows:

“No development shall commence on any part of the land to which this planning permission relates until a planning obligation in the form annexed to this permission at Annex A, or such amended form that secures the same obligations, has been completed with the Local Planning Authority binding that part of the land to be developed to the obligations contained therein and the Local Planning Authority has given written notification to the persons executing the planning obligation that the land has been bound to the satisfaction of the Council.

Reason: To ensure that the appropriate obligations necessary to make the development acceptable in planning terms are entered into in respect of each part of the land affected by the planning permission before any development commences on that part of the land”

4. Amend Condition 38 and 39 as follows:
38 Sustainability

Each reserved matters application shall be accompanied by an Energy and Sustainability Statement setting out full details of the measures to achieve a reduction in CO2 emissions for that part of the site of not less than 30% over Part L of the Building Regulations (2013) and not less than a 50% reduction based on an equivalent Part baseline calculated using SAP 10.1 calculations carbon emission factors. No above ground works shall commence until the Energy and Sustainability Statement has been approved in writing by the Council and the measures for each building as approved shall be implemented in full prior to occupation of that building. The measures shall be maintained thereafter for the duration of the development.

Reason: To ensure the implementation of the development and energy and sustainability outcomes in accordance with the application.

- 39 Biodiversity

Each reserved matters application shall be accompanied by an Biodiversity Statement demonstrating that the development will achieve a biodiversity net

gain for that part of the site of at least 30% over the existing condition. No above ground works shall commence until the Biodiversity Statement has been approved in writing by the Council and the measures for each building as approved shall be implemented in full prior to occupation of that building. The measures shall be maintained thereafter for the duration of the development.

Reason: To ensure the implementation of the development and biodiversity improvements in accordance with the application.

5. Amend Condition 40 as follows:

40 Design Codes

Prior to submission of any reserved matters application detailed Design Codes and Design Guidelines incorporating 'Roofscape – Design Codes and Guidelines Addendum' (AHMM, 20 October 2020) shall be submitted and approved in writing by the Local Planning Authority. The reserved matters shall be in accordance with the Design Codes as approved.

Reason: To ensure the detailed design of the development enhances the character and appearance of the Conservation Area and setting of listed buildings and does not detract from the Attributes of the World Heritage Site.

Item No.	Application No.	Address
02	20/02008/FUL	Unregistered Unit 1-4 Old Station Yard Avon Mill Lane Keynsham Bath And North East Somerset

1. One additional third-party comment received; full details of the objection is retained on file however the material planning considerations are summarised as follows:

- Application hasn't demonstrated use of site will adhere to acceptable noise levels
- Noise report didn't cover all activities at site
- Proposed condition for noise levels is lax
- Regular breaches of permit and conditions occur at the site

2. The committee report refers to S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It should be noted that the site is not within the conservation area and as such the provisions of S72 do not apply in this instance. The effect on the setting of the CA is a material consideration as well as a planning policy consideration.

3. The committee report within the section 'Environmental Protection' refers to the Environmental Protection Act (EPA) and the applicant's best practical means (BPM) defence should action be taken under the provisions of the EPA. This is not a material planning consideration and Members are advised to disregard references to possible future enforcement action under the EPA and as such should determine the application based purely on its material planning considerations.

4. Conditions:

The wording of condition 2 has been amended to require the submission of an assessment to demonstrate the effectiveness of the sound attenuation.

2. Installation of fence (Bespoke condition)

Operation of the site between 6.30am to 7.30am Monday to Friday and 5.30pm to 6.30pm Monday to Friday shall not commence until the acoustic fences hereby approved have been fully erected and installed in accordance with the approved details and an assessment, undertaken by a suitably qualified person, in accordance with British Standard 4142:2019, has been submitted to and approved in writing by the local planning authority to demonstrate that the development has been constructed to provide the following sound attenuation against external noise:

07:30 - 18:30hrs Monday - Friday and Saturday 08:00 - 13:00hrs: Assessment Level <10dB

06:30 - 07:30hrs Monday - Friday: Assessment Level ≤5dB and L_{Amax,F} 57dB at bedroom window

Reason: To ensure adequate safeguards are in place prior to the commencement of earlier operating hours in the interests of residential amenity in accordance with policy D6 of the 2017 Placemaking Plan.

Because of the amendment to condition 2, condition 3 has been amended to change the trigger for the commencement of the temporary period:

3. Temporary Permission - Use (Compliance)

The operation of the site between 6.30am to 7.30am Monday to Friday and 5.30pm to 6.30pm Monday to Friday shall expire one year after confirmation is received from the local planning authority that the required sound attenuation levels have been met as required by the details prescribed by condition 2, and the extended operating hours hereby permitted shall thereafter be discontinued.

Reason: To enable the Local Planning Authority to review the impact of the development.

Following the receipt of an amended Arboricultural Method Statement, the wording of condition 8 has been amended to:

8. Arboricultural Method Statement and Tree Protection Plan (compliance)

The development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan dated as received 10th November 2020. Following the completion of the works a signed compliance statement from the appointed Arboriculturalist shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan and to confirm that the approved method statement has been complied with.

Condition 9 has been deleted as the requirements of this condition are now included in the re-worded condition 8.

5. Plans list:

A revised section drawing has been received and therefore the approved plans list has been amended to include this plan:

This decision relates to drawings J7/01043 dated as received 18th June 2020, P19-1252_05, P19-1252_01C, P19-1252_04A and P19-1252_02C dated as received 2nd October 2020, Site Management Plan dated as received 2nd October 2020 and P19-1252_03C dated as received 10th November 2020

Item No.	Application No.	Address
03	20/02926/FUL	Additional Development Area Holburne Park Bathwick Bath

An additional letter of objection has been received from Bath Preservation Trust.

The main issues raised were:

- Submitted application documents are insufficient to make a proper assessment of the proposal;
- Inadequate information regarding design and materials palette;
- Use of render of north elevation would be highly visible and inappropriate in the setting;
- Lack of affordable housing provision is contrary to policy;
- Has not suitable addressed the previous reasons for refusal

The matters raised have already been dealt with in the officer's report.

Recommendation

A clarification to the proposed recommendation is provided below:

DELEGATE TO PERMIT

- 1.) Authorise the Director of Legal and Democratic Services to enter into the same Section 106 Agreement as application 20/02921/FUL which secures the following across the whole Holburne Park site:
 - a) 20 discounted market sale units (12 x 1-bed; 8 x 2-bed) offered to the market at 70% of full value capped at a £187,500 sale price for 1-bed dwellings (consistent with the agreed Section 106 discounted market unit cap) and capped at £316,000 sale price for 2-bed dwellings.
 - b) a viability review; to be carried out near the end of the development and any agreed proportion of any surplus profit to be provided as an additional financial contribution towards the delivery of affordable housing off-site.
 - c) all matters in the original s106 agreement except for the outstanding affordable housing contribution which will be replaced by the current affordable housing offer.

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BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES SUBMITTING A WRITTEN STATEMENT AT THE VIRTUAL MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 18 NOVEMBER 2020

SITE VISIT LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	Building between The House and Old Orchard, The Street, Ubley	Cllr Phil Collins (Ubley Parish Council)	Against
		Richard Gordon-Smith	Against
		James Dexter (Agent)	For
		Cllr Vic Pritchard (Local Ward Member)	Against

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
2	Unregistered Unit 1-4, Old Station Yard Avon Mill Lane, Keynsham	Cllr Clive Fricker (Keynsham Town Council)	Against
		Bill Heslop	Against
		Daniel Millward (Agent)	For
		Cllr Andy Wait (Local Ward Member)	Against
3	Additional Development Area, Holburne Park, Bathwick, Bath	Charlotte Taylor-Drake (Agent)	For

4	Telecommunication Mast 54146, Woolley Lane, Charlcombe, Bath	Fiona Williams Joanna Robinson (Bath Preservation Trust)	Against (To share 3 minutes)
		Nick Allan (Agent)	For
		Cllr Sarah Warren (Local Ward Member) Cllr Joanna Wright (Adjoining Ward Member)	Against (To share 5 minutes)
5	Friary Dene, Warminster Road, Hinton Charterhouse, Bath	Hinton Charterhouse Parish Council	Against
		Kerry Greenhalgh (on behalf of 3 rd party objector)	Against
		Jaqueline Bird (Applicant)	For
6	The Coach House, College Road, Lansdown, Bath	Judith Cameron Andrew Beard	Against (To share 3 minutes)
		Chris Beaver (Agent)	For
		Cllr Lucy Hodge (Local Ward Member)	Against
		Cllr Mark Elliott (Local Ward Member)	Against
7	Cromwell Farm, Combe Hay Lane, Combe Hay, Bath	Cllr Malcolm Austwick (Combe Hay Parish Council)	Against
		Matthew Phillips	Against

		Frank Shellard (Applicant)	For
8	Knoll Farm, White Ox Mead Lane, Peasedown St John, Bath	Cllr Chris Watt (Applicant)	For

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BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

18th November 2020

DECISIONS

Item No:	001	
Application No:	20/01408/VAR	
Site Location:	Building Between The House And Old Orchard, The Street, Ubley, Bristol	
Ward: Chew Valley	Parish: Ubley	LB Grade: N/A
Application Type:	Application for Variation of Condition	
Proposal:	Variation of condition 2 of application 17/00295/FUL (Erection of detached dwellinghouse & detached garage).	
Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP9 Affordable Housing Zones, Housing Development Boundary, LLFA - Flood Risk Management, Policy NE2 AONB, Neighbourhood Plan, SSSI - Impact Risk Zones, Water Source Areas,	
Applicant:	Mr & Mrs E Honeyfield	
Expiry Date:	20th November 2020	
Case Officer:	Christine Moorfield	

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 Interests of ecology (Compliance)

All works must proceed only in accordance with the following measures for the protection of bats and birds:

a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the existing building and its roof, and any crevices and concealed spaces, prior to any works affecting these areas active nests shall be protected undisturbed until the young have fledged works to dismantle any areas with concealed spaces or crevices shall be carried out by hand, lifting cladding and roofing materials (not sliding) to remove them, and checking beneath each one.

If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.
Reason: to avoid harm to protected species (bats and nesting birds)

4 Wildlife Protection and Enhancement Plan (Compliance condition)

The development hereby approved shall be implemented only in full accordance with the approved Wildlife Protection and Enhancement Plan by Engain dated 13th August 2020, with ecological supervision provided for specified activities as detailed; and all wildlife features shall be created / installed accordingly, and maintained and protected thereafter for the purposes of protecting wildlife and providing habitat of value to wildlife.

Reason: to avoid harm to ecology and the ecological value of the watercourse and to provide biodiversity net gain in accordance with NPPF and Local Plan Policy D5e

5 Ecology 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, completion and implementation of the approved Wildlife Protection and Enhancement Plan 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.

6 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 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.

7 Removal of Permitted Development Rights - No extensions or alterations (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority because alterations and extensions to the dwelling could potentially have a harmful impact on the visual and residential amenity of the locality.

8 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.

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 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.

11 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least two bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

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

The proposed first floor windows on the eastern elevation overlooking Old Orchard (east elevation) and high level window on the western 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 window shall be permanently retained as such.

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.

13 Garage / Car Port (Compliance)

The garage and car port hereby approved as indicated on submitted plan A101 REV E and 1480-001 shall be retained for the garaging and parking of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose

Reason To ensure adequate off street parking provision is retained in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

14 Turning Area (Compliance)

The area allocated for turning, as indicated on submitted plan references A101 Revision E and 1480/002, shall be kept clear of obstruction and shall not be used other than for the turning of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient turning areas is 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.

15 Visibility splays (Compliance)

The access shall retain visibility splays on both its sides, which shall be kept free of obstruction above a height of 900mm at all times.

Reason: In the interests of highway safety.

PLANS LIST:

A102A and A101 REV G
A 104 all dated 6/11/20

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.

The applicant is advised to see the following website for more drainage details: <https://www.gov.uk/guidance/owning-a-watercourse>

Civil or legal consents

This permission does not convey or imply any civil or legal consents required to undertake the works.

The applicant should be aware that the owner of the property/ land will have 'riparian responsibilities' with regards to all above and below ground watercourse structures within or adjacent to the curtilage of the land. Sensible and regular watercourse and culvert

maintenance will be an important aspect of owning this property. See the following website for more details: <https://www.gov.uk/guidance/owning-a-watercourse>

Item No:	01	
Application No:	20/02787/VAR	
Site Location:	Bath Quays North Development Site, Avon Street, City Centre, Bath	
Ward: Kingsmead	Parish: N/A	LB Grade: N/A
Application Type:	Application for Variation of Condition	
Proposal:	Variation of condition 42 (Approved Drawings, Development Specification and Design Codes) of application 18/00058/ERE03 (Outline planning application for comprehensive mixed use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA, above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved.)	
Constraints:	Article 4 Reg 7: Estate Agent, Article 4 HMO, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Railway, SSSI - Impact Risk Zones,	
Applicant:	BQN Ltd	
Expiry Date:	9th November 2020	
Case Officer:	Gwilym Jones	

DECISION Delegate to PERMIT

PLANS LIST:

1050_03_03_104 Rev.P6, 1050_03_03_105 Rev.P6, 1050_03_03_110 Rev.P6, 1050_03_03_111 Rev.P6, 1050_03_03_112 Rev.P4, 1050_03_03_114 Rev. P5, 1050_03_03_203 Rev.P4, 17051(05)_100 P1, 17051(05)_101 P1, 17051(05)_102 P1, 17051(05)_103 P1, 17051_(05)_106 P1, 17051(05)_107 P1, 17051_(05)_108 P1, 17051_(05)_109 P1, 17051(05)_113 P1, 17051_(05)_200 P1, 17051_(05)_201 P1, 17051_(05)_202 P1, 17051_(05)_204 P1. Development Specification (July 2020), Landscape Design Codes (May 2018).

Item No:	02
Application No:	20/02008/FUL
Site Location:	Unregistered Unit 1-4, Old Station Yard, Avon Mill Lane, Keynsham
Ward: Keynsham East	Parish: Keynsham Town Council LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 2no. acoustic barriers; permission to allow the filling of concrete mixing vehicles between 6:30am and 5:30pm (Monday-Friday) 8:00am-1:00pm Saturday and 7:30am-5:30pm (Bank Holidays); permission to allow other specified operations at the site between 7:30am and 6:30pm (Monday-Friday) and 8:00am and 1:00pm (Saturday) and 7:30am-5:30pm (Bank Holidays); and permission to store materials in external yard area.
Constraints:	Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Railway, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Roger James
Expiry Date:	23rd November 2020
Case Officer:	Martin Almond

DECISION Delegate to 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 Installation of fence (Bespoke condition)

Operation of the site between 6.30am to 7.30am Monday to Friday and 5.30pm to 6.30pm Monday to Friday shall not commence until the acoustic fences hereby approved have been fully erected and installed in accordance with the approved details and an assessment, undertaken by a suitably qualified person, in accordance with British Standard 4142:2019, has been submitted to and approved in writing by the local planning authority to demonstrate that the development has been constructed to provide the following sound attenuation against external noise:

07:30 - 18:30hrs Monday - Friday and Saturday 08:00 - 13:00hrs: Assessment Level <10dB

06:30 - 07:30hrs Monday - Friday: Assessment Level \leq 55dB and LAmax,F 57dB at bedroom window

Reason: To ensure adequate safeguards are in place prior to the commencement of earlier operating hours in the interests of residential amenity in accordance with policy D6 of the 2017 Placemaking Plan.

3 Temporary Permission - Use (Compliance)

The operation of the site between 6.30am to 7.30am Monday to Friday and 5.30pm to 6.30pm Monday to Friday shall expire one year after confirmation is received from the local planning authority that the required sound attenuation levels have been met as required by the details prescribed by condition 2, and the extended operating hours hereby permitted shall thereafter be discontinued.

Reason: To enable the Local Planning Authority to review the impact of the development.

4 Use of the Eastern Yard (compliance)

The 'Eastern Yard' as identified within the submitted block plan dated as received 2nd October 2020 and the operational statement shall be used only as set out in section 'General Operations Monday to Saturday' of the Operational Statement dated as received 2nd October 2020.

Reason: To define the permission and in the interests of residential amenity in accordance with policy D6 of the 2017 Placemaking Plan.

5 Operational statement (Compliance)

The use of the land hereby approved shall be carried out only in accordance with the submitted operational statement reference DM/P19-1252 dated as received 2nd October 2020.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

6 Noise level limit (compliance)

Noise generated by activities at the development site shall not exceed the following limits, when assessed in accordance with BS4142: 2019 at the nearest residential receptor:

07:30 - 18:30hrs Monday - Friday and Saturday 08:00 - 13:00hrs: Assessment Level <10dB

06:30 - 07:30hrs Monday - Friday: Assessment Level \leq 55dB and LAmax,F 57dB at bedroom window

Reason: To protect neighbouring residents from exposure to Environmental Noise in accordance with policy D6 of the 2017 Placemaking Plan.

7 Implementation of Wildlife Scheme (Bespoke Trigger)

Within six months of completion of the development hereby approved, a report produced by a suitable implementation of the recommendations of Section 5 of the Ecological Assessment (Ethos Environmental Planning, August 2020) shall be submitted to and approved in writing by the Local Planning Authority. This shall include confirmation that precautionary measures for nesting birds have been followed and that bird boxes and native planting have been implemented.

Reason: To demonstrate the completed implementation of the ecologist's recommendations to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policy NE3 of the Bath and North East Somerset Local Plan.

8 Arboricultural Method Statement and Tree Protection Plan (compliance)

The development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan dated as received 10th November 2020. Following the completion of the works a signed compliance statement from the appointed Arboriculturalist shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan and to confirm that the approved method statement has been complied with.

10 Materials - Submission of samples (Bespoke Trigger)

No construction of the fence hereby approved shall commence (except for the installation of fence posts) until samples of the timber and any timber stain/timber treatment to be used in the construction of the fence panelling 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 D1, D2, HE1, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

11 Site operating hours (compliance)

Notwithstanding the operating hours set out within the submitted operational statement dated as received 2nd October 2020, all working and operations at the site including the operation of machinery, carrying out of any process or the receiving or dispatching of deliveries shall not take place outside the hours of:

Filling of concrete mixing vehicles: Monday to Friday 6:30am to 5.30pm (excluding Bank Holidays which will remain 7.30am to 5:30pm as existing) and Saturdays 8.00am to 1.00pm only

Other specified operations: Monday to Friday 7:30am to 6:30pm (excluding Bank Holidays which will remain 7.30am to 5:30pm as existing) and Saturdays 8.00am to 1.00pm only

Sunday: No working on site.

All other operations as set out within the operational statement remain in effect.

Reason: For the avoidance of doubt and to safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

12 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 drawings J7/01043 dated as received 18th June 2020, P19-1252_05, P19-1252_01C, P19-1252_04A and P19-1252_02C dated as received 2nd October 2020, Site Management Plan dated as received 2nd October 2020 and P19-1252_03C dated as received 10th November 2020.

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

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.

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.

Item No:	03	
Application No:	20/02926/FUL	
Site Location:	Additional Development Area, Holburne Park, Bathwick, Bath	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath (Resubmission of 19/04772/FUL)	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,	
Applicant:	N/A	
Expiry Date:	9th October 2020	
Case Officer:	Chris Griggs-Trevarthen	

DECISION Delegate to PERMIT

PLANS LIST:

1902-MWA-00-XX-DR-L-0055_07 SOFT LANDSCAPE PLAN 3 OF 3
1902-MWA-00-XX-DR-L-0050_09 HARD LANDSCAPE PLAN 3 OF 3
153300-STL-XX-ZZ-DR-A-09005 PL01 SITE PLAN - WESTERN PARCEL
153300-STL-XX-ZZ-DR-A-09004 PL01 LOCATION PLAN - WESTERN PARCEL
153300-STL-XX-ZZ-DR-A-09002 PL01 SITE PLAN
153300-STL-XX-ZZ-DR-A-02003 PL02 PHASE 3B 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.

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

Condition Categories

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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.

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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.

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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.

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

Item No:	04	
Application No:	19/05534/FUL	
Site Location:	Telecommunication Mast 54146, Woolley Lane, Charlcombe, Bath	
Ward: Bathavon North	Parish: Charlcombe	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 20 metre-high telecommunications monopole accommodating 6no antenna apertures, 4no transmission dishes and 8no ground-based equipment cabinets	
Constraints:	Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Mobile Broadband Network Limited	
Expiry Date:	22nd October 2020	
Case Officer:	Chris Griggs-Trevarthen	

DECISION Defer for site visit

PLANS LIST:

- 002 Site Location Plan
- 215 Max Configuration Site Plan
- 265 Max Configuration Elevation

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

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Item No:	05	
Application No:	20/01636/FUL	
Site Location:	Friary Dene, Warminster Road, Hinton Charterhouse, Bath	
Ward: Bathavon South	Parish: Hinton Charterhouse	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Alterations to roof and installation of dormer windows	
Constraints:	Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,	
Applicant:	Mr G. Mock & Mrs J. Bird	
Expiry Date:	14th August 2020	
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 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.

3 Implementation of Wildlife Scheme (Bespoke Trigger)

Within six months of completion of the development hereby approved, a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the mitigation and enhancement recommendations set out in Section 5.1 of Bat Emergence Survey report (Jenny Bennett Ecology, July 2020), shall be submitted to and approved in writing by the Local Planning Authority. The report shall include evidence that precautionary measures have been implemented and at least one bat roost and/or bird nesting feature has been included in the scheme.

Reason: To demonstrate compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) and to provide biodiversity gain in accordance with NPPF and policies NE3 and D5e of the Bath and North East Somerset Placemaking Plan.

4 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 shall include:

1. proposed lamp models and manufacturer's specifications, lamp positions, numbers and heights shown on a plan; and
2. details of all 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 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 Placemaking 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 decision relates to the following plans:

11 May 2020 2378-3 C Proposed Floors Plan
11 May 2020 2378-4 B Proposed Elevations
11 May 2020 2378-7 Site And Location Plans

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.

Community Infrastructure Levy

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Responding to Climate Change (Informative):

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Item No:	06
Application No:	20/02932/FUL
Site Location:	The Coach House, College Road, Lansdown, Bath
Ward: Lansdown	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of rear and side extension
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant:	Mr and Mrs Stenning
Expiry Date:	30th October 2020
Case Officer:	Chloe Buckingham

DECISION REFUSE

1 The proposal amounts to over-development of the site contrary to policies D2, D4, D5 and HE1 of the Bath and North East Somerset Placemaking Plan (2017).

2 The extensions are of a poor quality design and as such the scheme will not preserve the character or appearance of this part of the Bath Conservation Area. The scheme is contrary to policies D2, D4, D5 and HE1 of the Bath and North East Somerset Placemaking Plan (2017).

3 The increase from a 4-bed to a 5-bed property will exacerbate the existing highways situation at the property. Cars will have to reverse down a narrow driveway which will have a significant negative highway safety impact contrary to policy ST7 of the Bath and North East Somerset Placemaking Plan (2017).

PLANS LIST:

This decision relates to the plan references;

1903 - S 101, 1903 - S 102, 1903 - SP 101 and received 14th August 2020.

1903 - P 002 - P1, 1903 - P 101 - P1, 1903 - P 102 - P1, 1903 - P 201 - P1, 1903 - S 001 - P1 and 1903 - S 201 - P1 received 9th October 2020.

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.

Community Infrastructure Levy

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Condition Categories

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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.

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Item No:	07
Application No:	20/02593/FUL
Site Location:	Cromwell Farm, Combe Hay Lane, Combe Hay, Bath
Ward: Bathavon South	Parish: Combe Hay LB Grade: N/A
Application Type:	Full Application
Proposal:	Extension of time for the existing temporary rural workers dwelling and dairy building at Cromwell Farm, Combe Hay Lane, Combe Hay, Bath for an additional 3 years.
Constraints:	White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, 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, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs Shellard & Smith
Expiry Date:	19th November 2020
Case Officer:	Hayden Foster

DECISION PERMIT

PLANS LIST:

This decision relates to the following plans received 22nd July 2020:

Drawing Number: 71006/02/001 REV - Proposed Block Plan and Location Plan

Drawing Number: 71006/02/002 REV - Proposed 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

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Responding to Climate Change (Informative):

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Coal Mining - Low Risk Area (but within coalfield)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Item No:	08
Application No:	20/02480/FUL
Site Location:	Knoll Farm, White Ox Mead Lane, Peasedown St. John, Bath
Ward: Bathavon South	Parish: Wellow LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 3no agricultural buildings including Cattle Barn, Workshop/Feed Store, Farmyard Manure/Straw and Hay Shed along with associated yard areas and access track from Knoll Farmhouse, and other associated works.
Constraints:	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 NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, All Public Rights of Way Records, SSSI - Impact Risk Zones,
Applicant:	Knoll Farm LLP
Expiry Date:	22nd October 2020
Case Officer:	Hayden Foster

DECISION PERMIT

PLANS LIST:

This decision relates to the following plans received 15th September 2020:

- Drawing Number: P18-2670_01 Sheet No: 01 Rev E - Site Layout
- Drawing Number: P18-2670_03 Sheet No: 01 Rev E - Building 1 Elevations
- Drawing Number: P18-2670_03 Sheet No: 02 Rev B - Building 1 Plans
- Drawing Number: P18-2670_03 Sheet No: 03 Rev D - Building 2 Plans & Elevations
- Drawing Number: P18-2670_03 Sheet No: 04 Rev E - Building 3 Plans & Elevations

Permit/Consent Decision Making Statement

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Condition Categories

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Coal Mining - Low Risk Area (but within coalfield)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Submission of Samples

Any samples required by condition should not be delivered to the Council's offices. Please can you ensure that samples are instead available for inspection on site - as soon

as the discharge of condition application has been submitted. If you wish to make alternative arrangements please contact the case officer direct and also please make this clear in your discharge of condition application.

Item No:	09	
Application No:	20/03595/FUL	
Site Location:	37 Woodland Grove, Claverton Down, Bath, Bath And North East Somerset	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a single storey side lean to extension.	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,	
Applicant:	Mr Simon Barnes	
Expiry Date:	9th December 2020	
Case Officer:	Danielle Milsom	

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:

Drawing - 13 Oct 2020 - Proposed Front Elevation Plan

Drawing - 13 Oct 2020 - Proposed Side Elevation

Drawing - 13 Oct 2020 - Proposed Site Plan

OS Extract - 4 Oct 2020 - Site Location Plan

Condition Categories

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