

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**18th January 2012**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	11/02674/EFUL	
<b>Site Location:</b>	The Bath Press, Lower Bristol Road, Westmoreland, Bath	
<b>Ward:</b> Westmoreland	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application with an EIA attached	
<b>Proposal:</b>	Mixed-use redevelopment comprising 6,300sqm of retail (Class A1), 4,580sqm of creative work space (Class B1), 2,830sqm of offices (Class B1), 10 residential houses, car park, landscape and access (including realignment of Brook Road).	
<b>Constraints:</b>	Agric Land Class 3b,4,5, British Waterways, Flood Zone 2, Forest of Avon, Hazards & Pipelines, Hotspring Protection, Tree Preservation Order, World Heritage Site,	
<b>Applicant:</b>	St James's Investments Limited & Tesco Stores Limited	
<b>Expiry Date:</b>	10th October 2011	
<b>Case Officer:</b>	Sarah James	

**DECISION**

If the Council had been in a position to make a decision on the application then the recommendation would be to REFUSE:

**REASON(S) FOR REFUSAL**

1 The proposed development would give rise to a potential danger to human lives by virtue of its proximity to the nearby operational gasholder site contrary to planning policy ES9 and ES13 of the adopted Bath and North East Somerset Local Plan and contrary to the advice of the Health and Safety Executive.

2 The proposed development would give rise to unacceptable highway safety hazards by virtue of the unacceptable revised road layout proposed traffic signal phasing and workshop servicing arrangements, contrary to Policies T24 and T26 of the adopted Bath and North East Somerset Local Plan.

3 The proposed development would result in an increased use of the A36 Lower Bristol Road/Windsor Bridge Road/Brook Road junction, where insufficient capacity exists to accommodate the increased use adversely affecting the efficient functioning of the road network contrary to Policies T1, T3, T5, T16 and T24 of the adopted Bath and North East

Somerset Local Plan and having regard to additional developments already committed in this part of Bath.

4 The proposed development is not in accordance with the requirements of the sequential approach to development contrary to EC15 of PPS4, Bath and North East Somerset adopted Local Plan Policy S4, Joint Replacement Structure Plan Policy 40 and Regional Planning Guidance Policy EC6. This would generate unsustainable travel patterns and be harmful to the Councils retail strategy.

5 The proposed development would give rise to an unacceptable and harmful impact on the vitality and viability of the Moorland Road District Shopping Centre contrary to Policies EC17.1 of PPS4, S1 and S4, of the adopted Bath and North East Somerset Local Plan, Joint Replacement Structure Plan Policies 40 and 41 and Regional Planning Guidance Policy EC6.

<b>Item No:</b>	02	
<b>Application No:</b>	11/01772/FUL	
<b>Site Location:</b>	Site Of Alcan Factory, Nightingale Way, Midsomer Norton, BA3 4AA	
<b>Ward:</b> Westfield	<b>Parish:</b> Westfield	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Residential-led mixed use redevelopment comprising of the erection of 169no. dwellings, community facilities, offices, town centre link, formal green space and associated works.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Core Employment Area, Forest of Avon, Housing Development Boundary, Public Right of Way, Sites of Nature Conservation Imp (SN), Tree Preservation Order,	
<b>Applicant:</b>	Linden Homes Western Ltd	
<b>Expiry Date:</b>	16th August 2011	
<b>Case Officer:</b>	Gwilym Jones	

## **DECISION Delegate to PERMIT**

(A) Authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

### **1. Affordable Housing**

Provision of 35% (up to 59 dwellings) of affordable housing (with HCA grant) at a tenure mix of 70%(41 dwellings) affordable rent 30% (18) intermediate/shared ownership  
60% of the affordable housing to be constructed to Lifetime Homes Standards  
10% of the affordable housing to additionally meet wheelchair standards

## 2. On Site Employment

Provision of an employment/community building of approximately 1,620m<sup>2</sup> (Gross Internal Area) comprising:

- Ground floor community use (Class D1)
- First and second floor offices (Class B1)

The community use space to be available at negligible cost

The employment/community building to be managed by a community trust for the benefit of residents and the surrounding community

The employment/community building to be available for occupation to shell and core specification (details to be agreed) prior to the occupation of more than 50 residential dwellings

## 3. Off Site Employment

Applicant to use reasonable endeavours to provide off site employment facilities in the form of a Business Hub facility for small and medium size enterprises and start-ups, such provision to be capped at £445,000

In the event that the contract to provide these facilities is not agreed by the occupation of 75% of the residential dwellings then the sum of £445,000 shall be paid to the Council for the provision of off-site employment

## 4. Transport

Provision of a town centre footpath/cycleway link to be provided as a publicly maintainable highway or permissive path linking the site to the town centre to be completed prior to occupation of the first dwelling

A strategic transport contribution of up to £221,000 to include:

- construction of new pedestrian/cycle link to Chaucer Road to be completed prior to occupation of the first dwelling
- contribution of £75,000 for the Introduction of a 'Toucan' crossing on Silver Street or, in the event that programming results in the crossing being installed by others, appropriate alternative measures to promote sustainable travel
- provision of 'Keep Clear' or yellow-box markings at Charlton Road/Silver Street junction, with any associated advance warning sign considered appropriate
- financial contribution of £10,000 for monitoring/future improvements to Charlton Road/Fosseway junction
- financial contribution of £9,000 toward local public transport infrastructure on Longfellow Road.

Submission and approval of Travel Plan(s) for the community and office space

Payment of a commuted sum for non-standard highway materials

All costs in respect of the diversion of the PROW to be met by the applicant

## 5. On Site Green Space

On site provision of 5,400m<sup>2</sup> of on-site formal green space

The on-site formal green space to be managed by a management company but with unrestricted public access

## 6. Off Site Green Space and Play

Contribution toward the provision, enhancement and maintenance of off-site Public Open Space and the provision of play services of £223,983

## 7. Education contributions

Contribution toward primary education of £184,234 and youth services of £27,214

## 8. Administration fee

Payment of £5,000 monitoring fee

(B) Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to the following conditions:

### **CONDITIONS**

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

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

2 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces of buildings, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

3 No development, including site preparation work, shall commence until a Construction Management Plan including but not limited to details of working methods and hours, deliveries (including storage arrangements and timings), contractor parking and traffic management has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of adjoining residential properties and ensure the safe operation of the highway.

4 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the 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.

5 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 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.

6 No development shall take place until an Arboricultural Method Statement with tree protection plan identifying measures to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation, construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, location of compound and movement of people and machinery.

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

7 No development activity shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees are protected from potentially damaging activities.

8 No development shall take place within the site 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 controlled watching brief during ground works within the previously undeveloped areas of the site, with provision for excavation of any significant deposits or features encountered.

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

9 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination

(ii) an assessment of the potential risks to;  
- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters, (g) ecological systems,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 Prior to commencement of development and subject to the findings of the reports submitted under Condition 9, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken

in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in any approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14 The development shall not be commenced until a foul and surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with Wessex Water.

The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed in writing with the Local Planning Authority.

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

15 No development shall commence until details of the proposed estate roads, footways, footpaths, verges, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

16 No part of the development hereby permitted shall be occupied until junctions on the internal access roads serving the relevant part of the development have been constructed with no obstruction to visibility at or above a height of 900mm above the nearside

carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

17 The proposed parking and turning areas for each dwelling shall be constructed in such a manner as to ensure that before it is occupied each dwelling shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

18 No part of the development identified on the submitted plan for shared parking and turning shall be brought into use unless details of their construction have been submitted to and approved in writing by the Local Planning Authority. Thereafter they shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

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

Reason: In the interests of sustainable development.

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

Reason: To retain adequate off-street parking provision

21 Prior to the commencement of the development a Parking Management Plan for the community and office buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To retain adequate off-street parking provision.

22 No part of the development hereby permitted shall be occupied until details of the pedestrian/cycle links identified on the submitted plans and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The links shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of amenity and sustainable development.

23 Before any dwelling is first occupied new residents Welcome Packs, the content of which shall have been approved in writing by the Local Planning Authority, shall be issued to occupiers of the property. The Packs should include information of bus and train timetable information, information giving examples of fares/ticket options, information on



cycle routes, a copy of the Travel Better, Live Better publication, car share, car club information, together with complimentary bus tickets for each household member to encourage residents to use public transport.

Reason: In the interests of sustainable development.

24 No works associated with the Town Centre Link shall commence until a detailed method statement for the construction of the boardwalk has been submitted to and approved by the Local Planning Authority. The details so approved shall be implemented in full and thereafter be maintained in accordance with the approved details.

Reason: To prevent or minimise any adverse impact on a main badger sett located adjacent to the Link.

25 No works associated with the Town Centre Link shall commence until details of the design including landscaping works and a woodland management plan together with a construction method statement (including a Tree Protection Plan) has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To ensure that the trees and are protected from potentially damaging activities.

26 No works associated with the Town Centre Link shall commence until details of lighting columns including their precise quantity and locations, method of illumination and lux levels have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall not be used between the 30th March and 26th October inclusive.

The details so approved shall be completed prior to the use of the Link or in accordance with a detailed programme to be agreed in writing by the Local Planning Authority.

Reason: To prevent or minimise any adverse impact on bats using the site and its surroundings.

27 The planting of trees and shrubs along the northern boundary of the site shall be completed by 15th March 2012 or in accordance with a detailed programme to be agreed in writing by the Local Planning Authority, and where lighting along the northern boundary of the site is required for public safety reasons lighting levels shall be a maximum of 2 lux.

Reason: To prevent or minimise any adverse impact on bats using the site and its surroundings.

28 Construction of the replacement roost shall be as detailed in the Bat Mitigation Strategy (October 2011) and shall be completed by 15 March 2012 or in accordance with a detailed programme to be agreed in writing by the Local Planning Authority.

Reason: To prevent or minimise any adverse impact on bats using the site and its surroundings.

29 The business floorspace of the live/work units shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the business use. Thereafter the live/work units shall be used solely as a live/work space and for no other purpose including solely for residential or employment use.

Reason: To ensure the provision of live/work units in accordance with submitted application.

30 The business floorspace of the live/work unit shall not be used for any purpose other than for purposes within Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To safeguard the amenities of neighbouring residential properties.

31 All affordable dwellings shall achieve Level 3 of the Code for Sustainable Homes and no affordable dwelling shall be occupied until a final Code Certificate certifying that Code Level 3 has been achieved has been submitted to the Local Planning Authority.

Reason: In the interests of securing the sustainable development of the site.

32 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:**

10031(L)100 Rev. C; 10031(L)101 Rev. B; 10031(L)221 Rev. AG; 10031(L)303 Rev. B; 10031(L)304 Rev. B; 10031(L)305 Rev. B; 10031(L)306 Rev. A; 10031(L)307 Rev. A; 10031(L)402 Rev. F; 10031(L)403 Rev. D; 10031(L)404 Rev. G; 10031(L)405 Rev. H; 10031(L)406 Rev. B; 10031(L)407 Rev. G; 10031(L)408 Rev. E; 10031(L)409 Rev. C; 10031(L)410 Rev. B; 10031(L)412 Rev. G; 10031(L)413 Rev. F; 10031(L)414 Rev. C; 10031(L)415 Rev. E; 10031(L)416 Rev. D; 10031(L)417 Rev. E; 10031(L)419 Rev. D; 10031(L)420 Rev. F; 10031(L)421 Rev. F; 10031(L)422 Rev. G; 10031(L)423 Rev. E; 10031(L)426 Rev. F; 10031(L)427 Rev. E; 10031(L)428 Rev. E; 10031(L)430 Rev. D; 10031(L)431 Rev. B; 10031(L)432 Rev. C; 10031(L)433 Rev. C; 10031(L)434 Rev. C; 10031(L)435 Rev. C; 10031(L)436 Rev. C; 10031(L)500 Rev. H; 10031(L)502 Rev. E; 10031(L)503 Rev. C; 10031(L)504 Rev. E; 10031(L)505 Rev. E; 10031(L)506 Rev. E; 10031(L)507 Rev. F; 10031(L)508 Rev. E; 10031(L)509 Rev. D; 10031(L)510 Rev. B; 10031(L)512 Rev. E; 10031(L)513 Rev. E; 10031(L)514 Rev. E; 10031(L)515 Rev. D; 10031(L)516 Rev. E; 10031(L)517 Rev. E; 10031(L)519 Rev. E; 10031(L)520 Rev. E; 10031(L)521 Rev. E; 10031(L)522 Rev. F; 10031(L)523 Rev. E; 10031(L)526 Rev. E; 10031(L)527 Rev. E; 10031(L)528 Rev. F; 10031(L)530 Rev. C; 10031(L)533 Rev. C; 10031(L)534 Rev. C; 10031(L)535 Rev. D.

The applicant is advised that approval of the proposed layout of the site does not amend or extinguish any existing public rights of way that exist on the site or adjacent to it and

any works affecting public rights of way will require a separate application to be submitted to and approved by the Council before such works are undertaken.

**Reasons for Granting Permission:**

The decision to recommend approval has taken account of relevant policies set out in the Development Plan and approved Supplementary Planning Documents, and national guidance in PPS1, PPS3, PPS4, PPG13, PPS23 and PPS25. The decision has also been taken into account other material considerations including emerging local and national planning policy and guidance and the responses from statutory consultees and those from other interested parties including local residents.

The proposals are contrary to Policies ET.3 and HG.4 of the Local Plan however it is considered that a departure has been justified in this case in the light of the specific characteristics of the application site that is its location, surrounding uses, brownfield status, and its acknowledged unsuitability for large scale industrial use. In this context the redevelopment of this site for residential, commercial and community use purposes is considered appropriate.

The proposal will result in an increase in peak hour traffic on the local road network however it has been demonstrated that this will not have a significant detrimental effect on the operation of local junctions. Mitigation is proposed to address local highway impacts and to promote sustainable forms of travel.

The layout of the site has been designed to integrate with adjoining built and the proposed development makes provision for improved pedestrian and cyclist connections with the local area. The design of the buildings is of a high quality and will not result in significant harm to neighbouring amenity.

The site is the location of a bat roost. The Council is satisfied that the requirements of the Habitats Directive have been met and that the application makes appropriate provision for replacement of the roost and safeguarding of the dark corridor.

The proposed development is in accordance with Policies IMP.1, D.2, D.4, CF.1, CF.3, ES.15, NE.9, NE.10, NE.14, HG.7, HG.8, T.3, T.5, T.6, T.24, T.25 and T.26 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

<b>Item No:</b>	03		
<b>Application No:</b>	11/04325/FUL		
<b>Site Location:</b>	Land At Rear Of 2-20, High Street, Keynsham,		
<b>Ward:</b> Keynsham North	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of three storey building to provide fourteen residential apartments and associated landscaping and car parking (inc. re-provision of car parking for existing high street properties)		
<b>Constraints:</b>	Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, General Development Site, Housing Development Boundary,		
<b>Applicant:</b>	Deeley Freed (Charlton Road)		
<b>Expiry Date:</b>	12th January 2012		
<b>Case Officer:</b>	Sarah James		

## **DECISION Delegate to PERMIT**

A. Subject to receipt of a Unilateral Legal Agreement completed to the satisfaction of the Planning and Environmental Law Manager to cover the following

- 1) A contribution totalling £48,503.28 toward formal, natural and allotment green space provision.
- 2) A Strategic Highway Contribution based upon the Highway Officers advice of £1,402.38.

B. Upon completion of the Agreement authorise the Development Manager to PERMIT with the following conditions

## **CONDITIONS**

1 The development hereby approved 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 and to avoid the accumulation of unimplemented planning permissions.

2 Prior to the commencement of development, a sample panel of all external walling materials to be used shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

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

3 No development shall commence until samples of the roofing material to be used on the development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory development

4 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority; such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the 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.

5 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 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.

6 No site works or clearance shall begin until a scheme for protection of trees and other existing or proposed landscape areas to British Standard 5837:2005 has been submitted to and approved in writing by the Local Planning Authority. The approved protection scheme shall be implemented before the development is begun and shall not be removed until the development has been completed. Protected areas shall be kept clear of any buildings, plant, material, debris and trenching. Existing ground levels maintained within protected areas. There shall be no entry to protected areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

7 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

a survey of the extent, scale and nature of contamination;

an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land,

groundwaters and surface waters,

ecological systems,

archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. 10 which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition no. 9

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.'

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

12 On completion of the works but prior to any occupation of the approved residential development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 40dBLAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect residents from external noise nuisance

13 No development shall take place within the site 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 controlled excavation of all significant deposits and features which

are to be disturbed 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. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of significant archaeological interest and the Council will wish record and protect the archaeological remains.

14 No development shall take place within the site (including any site clearance or demolition works) until the applicant, or their agents or successors in title, has produced detailed drawings of all underground works, including foundations, drainage and those of statutory undertakers, which have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.

Reason: The site is within an area of significant archaeological interest and the Council will wish to protect the archaeological remains.

15 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

16 Prior to occupation of the dwellings the access, parking and turning areas shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. These areas shall be kept clear of obstruction and shall not be used other than for the access, parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

17 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

18 The area allocated for cycle parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of cycles in connection with the development hereby permitted.

Reason: In the interests of sustainable development.



19 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 and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

20 Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Better publication, car share, car club information etc., together with complimentary bus tickets for each household member to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

#### **PLANS LIST:**

2663 1101 REV C, 2663 2100 REV D, 2663 2101 REV C, 2663 2102 REV C, 2663 2103 REV C, 2663 3000 REV C, 2663 3001 REV C, 2663 3010 REV D, 2663 3020 REV C.

#### **REASONS FOR GRANTING APPROVAL**

The proposed development would enhance the Conservation Area. It would create no unacceptable highway impact. It has no impact on ecology including any European Sites. It would provide needed new residential housing and would not be harmful to the amenities of existing residential occupiers.