

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**1st August 2012**

**DECISIONS**

<b>Item No</b>	01	
<b>Application No:</b>	12/01730/FUL	
<b>Site Location:</b>	14 - 16 Monmouth Place, City Centre, Bath, Bath And North East Somerset	
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 7no. three-storey plus basement, three bed houses following demolition of existing vacant shop units.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,	
<b>Applicant:</b>	Ashford Homes Ltd	
<b>Expiry Date:</b>	28th June 2012	
<b>Case Officer:</b>	Sarah James	

**DECISION**

A Authorise the Planning and Environmental Law Manager to enter a Section 106 Agreement to cover the following;-

- 1) £6,000 for the improvement of local public transport infrastructure.
- 2) £28,430.13 for education provision in accordance with the advice of the education officer
- 3) Works to upgrade the paving in front of the site to match the adjoining pavements to a specification agreed in writing with the local planning authority in consultation with the highway authority.
- 4) A contribution of £17,360.50.toward off site open space provision / improvement

B Subject to the prior completion of the above agreement, authorise the Divisional Director for Planning and Transport Development to PERMIT subject to the following conditions

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

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

2 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 No development shall commence until samples of the materials to be used in the construction of the external surfaces, including roofs, and boundary walls, 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 safeguard the character and appearance of the Listed Building and the Conservation Area and World Heritage Site.

4 On completion of the works but prior to any occupation of the approved 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.

Reason: To protect occupants from external noise.

5 Areas of the external walls shown on the submitted drawings to be rendered shall be rendered a colour and texture which has been submitted to and approved in writing by the Local Planning Authority before any work commences.

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

6 Prior to the commencement of development at the site details of a Construction Management Plan for all works of construction and demolition including management of construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully complied with during the construction of the development.

Reason: In the interests of the amenities of adjacent residential properties and highway safety.

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,

Groundwater's and surface waters,

Ecological systems,

Archaeological sites and ancient monuments;

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. 8 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 No removal of buildings or structures shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no building or structure shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme.

Reason : In the interests of protecting wildlife

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 watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

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

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 to safeguard the amenities of the surrounding area.

15 No dwelling shall be occupied until its associated screen walls/fences or other means of enclosure have been erected in accordance with the approved plans and thereafter retained. the boundary treatments as approved shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of privacy and/or visual amenity.

16 The proposed windows in the rear elevation of the building identified to be obscure glazed on drawing 3526/010 shall be non-opening and glazed with obscure glass and permanently retained as such.

Reason : To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

17 No works or deliveries required to implement this development shall take place outside the hours of 8.00 am - 6.00 pm Monday to Friday 8.00am to 1.00 pm Saturdays and at no time on Sundays or bank Holidays.

Reason: In the interest of the amenity of adjoining residents

18 Prior to the commencement of the works subject of this consent details of the following matters (in respect of which approval is expressly reserved) shall be submitted and approved in writing by the Local Planning Authority:

1) Sample of roofing materials to include ridge tile.

- 2) Sample panel of external walling to note natural limestone ashlar, coursing and jointing. Lime putty mix to be used.
- 3) Sample panel of render to include type and colour finish.
- 4) Details of door furniture for front, north elevation.
- 5) Colour scheme for external doors and windows, to include shopfront.
- 6) Location of gas/electricity meter inspection boxes.
- 7) Large scale details of natural stone cornice for parapets, plant bands and joinery detail.
- 8) Details of bonding/size of ashlar blocks to be noted on large scale elevation drawings of the development.
- 9) Height and bonding/size of ashlar blocks for chimney stacks.
- 10) Large scale window details at 1:20

Reason: To safeguard the character and appearance of the listed buildings.

19 Prior to first occupation of the dwellings hereby approved provision shall be made within the site for the suitable storage of bicycles and bins in accordance with details that have been submitted and approved in writing by the local planning authority.

Reason : In the interest of residential amenity and to promote sustainable travel.

#### **PLANS LIST:**

##### PLANS LIST:

Site location Plan 3526/001 B , 3526/002 A, 3526/003 A, 3526/004 A, 3526/010 B, 3526/006

Reasons for granting approval - The proposed development would enhance the Conservation area and World Heritage Site by sensitive infilling within the street scene. The development by virtue of its design would not be harmful to the listed building. It would create no unacceptable highway impact as the site is in a sustainable City location. It has no impact on ecology including any European Sites as no ecology of significance is present. It would provide needed new residential housing. The development has been tested to ensure that adjoining residents have adequate levels of light and it is an appropriate use so as to not be harmful to the amenities of existing residential occupiers. The development would be constructed of high quality materials and in this central location would provide a good standard of accommodation for new occupiers.

The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during the construction and site clearance.

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

<b>Item No:</b>	02
<b>Application No:</b>	12/01731/CA
<b>Site Location:</b>	14 - 16 Monmouth Place, City Centre, Bath, Bath And North East Somerset
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Conservation Area Consent
<b>Proposal:</b>	Demolition of existing vacant shop units.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
<b>Applicant:</b>	Ashford Homes Ltd
<b>Expiry Date:</b>	28th June 2012
<b>Case Officer:</b>	Varian Tye

## DECISION    CONSENT

1 The works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 No demolition shall take place until (a) a contract for the carrying out of redevelopment of the site has been made; and (b) planning permission has been granted for the redevelopment for which that contract provides.

Reason. To safeguard the character and appearance of the Conservation Area , World Heritage site and setting of listed buildings.

3 No demolition/removal of buildings or structures shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no building or structure shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme

Reason: To protect nesting birds.

4 Any works necessary to stabilise or make good the two adjacent listed buildings, numbers 14 and 16 A Monmouth Place, and their basements and cellars, shall be undertaken in natural materials to match existing and traditional lime mortar pointing, within two calendar months of adjacent demolition taking place unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the character and appearance of the listed buildings.

## **PLANS LIST:**

Plans numbered 3526/001 REVB, 002REVA, 003 REVA, 004REVA, 005 , 006, 010 REVB, 020, 021, 022,030, 031, noise assessment, sustainable check list, Design and Access Statement incorporating a Statement of Historic Significance date stamped the 17th April,, 3rd May and 25th June

## **FOOTNOTE:**

For the avoidance of doubt this consent refers only to the demolition of the existing vacant units on the site as noted in the description of works attached to this application.

## **REASONS FOR GRANTING CONSENT**

The decision to grant consent subject to conditions has been made in accordance with relevant legislation, National Planning Policy Framework, the Historic Environment Planning Practice Guide by English Heritage, and appropriate policies from the Local Plan. The modern single storey buildings proposed to be demolished on the application site are of no merit and detract from the character of the Conservation Area, World Heritage Site and the setting of listed buildings. The proposals will therefore preserve or enhance the character and appearance of the Conservation Area, World Heritage Site, and the setting of listed buildings

<b>Item No:</b>	03
<b>Application No:</b>	12/01741/LBA
<b>Site Location:</b>	14 - 16 Monmouth Place, City Centre, Bath, Bath And North East Somerset
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Erection of 7no. three-storey plus basement, three bed houses following demolition of existing vacant shop units.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
<b>Applicant:</b>	Ashford Homes Ltd
<b>Expiry Date:</b>	28th June 2012
<b>Case Officer:</b>	Varian Tye

## DECISION    CONSENT

1 The works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Prior to the commencement of the works subject of this application a sample of the natural slate and ridge tiles to be used shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved sample panel.

Reason. To safeguard the character and appearance of the listed buildings and their setting, and the character of the Conservation Area and the World Heritage Site.

3 Prior to the erection of the external walls a sample panel of the natural ashlar stonework and the stone rubble wall to be erected at the rear of the site shall be erected on site and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved sample panel.

Reason: To safeguard the character and appearance of the listed buildings and their setting and the character of the Conservation Area and the World Heritage Site.

4 Existing openings to be blocked up in 14 and 16 A Monmouth Place shall have a traditional lime plastered internal finish.

Reason: To safeguard the character and appearance of the listed buildings.



5 Any works necessary to stabilise or make good the two listed buildings, numbers 14 and 16 A Monmouth Place, and their basements and cellars, shall be undertaken in natural materials to match existing and traditional lime mortar pointing, within two calendar months of adjacent demolition taking place unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the character and appearance of the listed buildings.

**PLANS LIST:**

Drawing(s) documents, 3526/001 REVB, 002REVA, 003 REVA, 004REVA, 005 , 006, 010 REVB, 020, 021, 022, 030, 031, noise assessment , sustainable check list, Design and Access statement incorporating a Statement of Historic Significance date stamped the 18th April,, 3rd May and 26th June 2012.

**FOOTNOTE.**

You are advised that this consent does not override any interests that third parties may have regarding civil matters such as ownership , covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should ensure the necessary consents have been obtained from all persons having an interest in the land.

**REASONS FOR GRANTING CONSENT**

The decision to grant consent subject to conditions has been made in accordance with relevant legislation, National Planning Policy Framework and the Historic Environment Planning Practice Guide by English Heritage. The works by virtue of their location, design, detailing and use of materials, will preserve the building, its setting and its features of special architectural or historic interest and will preserve or enhance the character and appearance of the Conservation Area and World Heritage Site.

<b>Item No:</b>	04	
<b>Application No:</b>	12/00637/FUL	
<b>Site Location:</b>	Land At Rear Of 79 London Road West, Bailbrook Lane, Lower Swainswick, Bath	
<b>Ward:</b>	<b>Parish:</b>	<b>LB Grade:</b>
Lambridge	N/A	N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of four detached dwellings.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Hotspring Protection, Tree Preservation Order, World Heritage Site,	
<b>Applicant:</b>	Charlcombe Homes Ltd	
<b>Expiry Date:</b>	9th April 2012	
<b>Case Officer:</b>	Rebecca Roberts	

## **DECISION: REFUSE**

1. The proposed development, by reason of the loss of an open green space would represent inappropriate development which would be detrimental to the character and appearance of this part of the Conservation Area. The proposal is therefore contrary to policy D.4 and BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste polices) 2007.
2. By reason of its restricted width and sub-standard junction with the proposed development, Bailbrook Lane is considered unsuitable to serve as a means of access to the proposed development and together with conflicting traffic movements on Bailbrook Lane, generated by the proposed development, the development would be prejudicial to road safety, contrary to policy T.24 of the Bath and North East Somerset Local Plan (including minerals and waste polices) 2007.

## **PLANS LIST:**

This decision relates to drawing no's 2, 4, 6,8, 9, Design and Access Statement, Planning Statement, Landscape and Visual Impact appraisal, Extended Phase I Habitat Survey and Transport Statement date stamped 10th February 2012, the Arboricultural Implications Assessment date stamped 18th April 2012 and drawing no's 5A, 7A, the Site Location Plan and Additional Ecology Information date stamped 17th May 2012, the Habitat Management Plan date stamped 18th May 2012, the Reptile Survey date stamped 7th June 2012 and the Nicholas Pearson Associates letter date stamped 2nd July 2012.

<b>Item No:</b>	05
<b>Application No:</b>	11/05081/RES
<b>Site Location:</b>	Clutton Hill Industrial Estate, King Lane, Clutton, Bristol
<b>Ward:</b> Clutton	<b>Parish:</b> Clutton <b>LB Grade:</b> N/A
<b>Application Type:</b>	PI Permission (Approval Reserved Matters)
<b>Proposal:</b>	Approval of reserved matters with regard to outline application 08/01079/OUT (Infill development of part of existing site with 6no. small industrial buildings and revised access)
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,
<b>Applicant:</b>	Clutton Hill Agricultural Services Limited
<b>Expiry Date:</b>	8th March 2012
<b>Case Officer:</b>	Gwilym Jones

**DECISION** Approve

1 Prior to first occupation of the development the measures set out in the Operational Statement (received 22 February 2012) shall be implemented in full and permanently maintained thereafter.

Reason - In the interests of highway safety.

2 The development shall be undertaken in accordance with the recommendations of the Protected Species Surveys (June 2012).

Reason: To avoid risk of harm or disturbance to protected species.

3 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 drawings and documents: Location Plan (received 22 February 2012); Block Plan Revision B (received 22 February 2012); 51415/01/001 Rev.C; CHAS.LS.01.B; Hard Landscaping Plan (received 28 November 2011); Protected Species Surveys (June 2012).

The applicant's attention is drawn to the need to comply with all relevant conditions imposed on the grant of outline planning permission (08/01079/OUT) prior to commencement/first occupation the approved development as specified.

#### **Reasons for Approval**

The decision to recommend approval has taken account of relevant policies set out in the Development Plan and National Planning Policy Framework. The decision has also been

taken into account other material considerations including emerging policy set out in the Draft Core Strategy and the responses from statutory consultees and other interested parties.

The proposed development is in accordance with policies GB.1 (Control of development in the Green Belt), GB.3 (Major Existing Developed Sites), D.2 (General design and public realm considerations), D.4 (Townscape considerations), NE.10 (Nationally important species and habitats), NE.11( Locally important species and habitats), T.24 (General development control and access policy) of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

It is considered that by virtue of the scale, layout and design of the proposed buildings within a designated Major Existing Developed Site the proposed development is acceptable and in accordance with policies GB1 and GB3 of the adopted Local Plan and will not have a significantly greater impact on the purposes of including land in the Green Belt from that approved in outline (ref. 08/01079/OUT granted 20 May 2009).

The site access conforms with the layout approved under the outline planning permission (ref. 08/01079/OUT granted 20 May 2009) and is accordance with Policy T.24 of the adopted Local Plan. The design of the buildings and landscape strategy is considered to be acceptable and in accordance with policies D2 and D4 of the adopted Local Plan.

Subject to implementation of measures to safeguard protected species the development will be in accordance with policies NE10 and NE11 of the adopted Local Plan.

<b>Item No:</b>	06
<b>Application No:</b>	12/02165/OUT
<b>Site Location:</b>	Fairash Poultry Farm, Compton Martin Road, West Harptree, Bristol
<b>Ward:</b> Mendip	<b>Parish:</b> West Harptree <b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application
<b>Proposal:</b>	Erection of 3no. dwellings following demolition of existing poultry farm (revised resubmission).
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,
<b>Applicant:</b>	Mr Peter Wood
<b>Expiry Date:</b>	18th July 2012
<b>Case Officer:</b>	Alice Barnes

## DECISION REFUSE

1 The proposed development has been located outside of the housing development boundary, remote from existing settlements and poorly served by public transport. The housing will not be used for either forestry or agriculture. The proposed development is therefore contrary to policy HG.10 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

2 The proposal is located remote from services, employment opportunities and is not well served by public transport. The proposal is therefore contrary to policy T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

3 The provision of housing within the open countryside will harm the natural beauty of the surrounding Mendip Area of Outstanding Natural Beauty. The proposed is therefore contrary to policies Ne.1 and Ne.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

**PLANS LIST:** Site location plan, Existing site layout 10, Proposed site layout 11, Site section 12

<b>Item No:</b>	07
<b>Application No:</b>	12/01762/FUL
<b>Site Location:</b>	Former Little Chef, Bristol Road, Farrington Gurney, Bristol
<b>Ward:</b> High Littleton	<b>Parish:</b> Farrington Gurney <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Change of use from restaurant (A3) to restaurant and takeaway (A3 and A5).
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
<b>Applicant:</b>	Ms Nicola Davies
<b>Expiry Date:</b>	3rd July 2012
<b>Case Officer:</b>	Andrew Strange

**DECISION** Refuse

(Full wording of reasons awaited)

<b>Item No:</b>	08
<b>Application No:</b>	12/01610/FUL
<b>Site Location:</b>	Land At South Of No 73, Englishcombe Lane, Southdown, Bath
<b>Ward:</b> Oldfield	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of a new dwelling.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
<b>Applicant:</b>	Mrs Melanie Gwilliam
<b>Expiry Date:</b>	11th June 2012
<b>Case Officer:</b>	Alice Barnes

**DECISION** PERMIT

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, 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 surrounding area.

3 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.

4 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.

5 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.

6 No development shall take place within the application site until a programme of archaeological work has been undertaken in accordance with a detailed written scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority, and the completion of the approved programme of work has been confirmed in writing by the Local Planning Authority.

Reason: To ensure that archaeological deposits and structures are investigated and recorded to an appropriate professional standard.

7 No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) measures to avoid harm to protected species including details of a watching brief by a suitably experienced ecologist and proposals for a destructive search for reptiles
- (ii) measures to avoid harm to nesting birds
- (iii) details of replacement and new habitat features such as bird and bat boxes and native planting

as in the recommendations of section 7 of the submitted Extended Phase 1 Habitat Survey Report Aether Ecology 13 June 2011 and section 6 of the submitted Reptile Survey & Translocation Report Aether Ecology 17th October 2011. All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: To secure adequate ecological protection during the course of development.

8 Notwithstanding the submitted plans the hedgerows on the east and west boundaries shall be retained. Should the existing hedgerows, 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.

Reason: In the interests of ecological protection.

9 Prior to the commencement of development at the site details of a Construction Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall comply with the guidance contained in the Councils Code of Construction Site Noise practice note and the BRE Code of Practice on the control of dust from construction and demolition activities. The details so approved shall be fully complied with during the construction of the development.

Reason: To protect the amenities of the occupants of adjacent residential properties.

10 The proposed windows on the east side elevation at first floor level shall be glazed with obscure glass and permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

11 Notwithstanding the information shown on the submitted plans, application form and design and access statement, obscure screening to a height of 2m from floor level, should be constructed on the east elevation of the proposed first floor balcony and permanently retained as such in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority before works commences on site.

Reason: In the interests of residential amenity.



12 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:** As existing site location plan S-01;As existing site plan S-02; As existing section AA; Proposed site plan P-01 rev A; Proposed ground floor plan P-02 rev A; Proposed first floor plan P-03 rev A; Proposed roof plan P-04 rev A; Proposed section AA P-05 rev; Proposed north elevation P-06 rev A; Proposed east elevation P-07 rev A; Proposed south elevation P-08 rev A; Proposed west elevation P-09; Proposed footprint comparison P-20 rev A; Proposed outline comparison P-21 rev B, Proposed landscape and boundary treatment P-22 rev A

#### REASONS FOR GRANTING APPROVAL

1. The proposed development would not have an adverse impact upon the street scene or the amenity of the surrounding residential occupiers. The proposed development has provided adequate of street parking and on site turning facilities. Therefore there will be no harm to highway safety. The proposed development uses an appropriate design and materials and therefore will preserve the character of this part of the Conservation Area and World Heritage Site.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

D2, D4, Bh.1, Bh.6, HG.4 and T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

#### Informative

The applicant is advised to contact Building Control on 01225 477517 to discuss the impact of the permitted development on the stability of the land.

<b>Item No:</b>	09		
<b>Application No:</b>	12/02482/FUL		
<b>Site Location:</b>	27 West Lea Road, Lower Weston, Bath, Bath And North East Somerset		
<b>Ward:</b>	Newbridge	<b>Parish:</b>	N/A
		<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Provision of loft conversion and side and rear dormers (Resubmission).		
<b>Constraints:</b>	Agric Land Class 1,2,3a, Forest of Avon, Hotspring Protection, World Heritage Site,		
<b>Applicant:</b>	Mr And Mrs J Baker		
<b>Expiry Date:</b>	13th August 2012		
<b>Case Officer:</b>	Alice Barnes		

## DECISION PERMIT

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 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:** Existing plans 01; Proposed plans 02; Side elevation, all date stamped 1st June 2012

## REASONS FOR GRANTING APPROVAL

1. The proposed development would not have an adverse impact upon the streetscene or the amenity of the surrounding residential occupiers. Due to the use of matching materials and a subservient design the proposed development will not cause undue harm the character and appearance of the surrounding World Heritage Site. The proposed development will respect and complement the host dwelling.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

D2, D4 and Bh.1 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007