

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

24th October 2012

DECISIONS

| | | |
|-----------------------------|--|----------------------|
| Item No: | 01 | |
| Application No: | 12/00972/REG04 | |
| Site Location: | Town Hall, The Centre, Keynsham, Bristol | |
| Ward: Keynsham South | Parish: Keynsham Town Council | LB Grade: N/A |
| Application Type: | Regulation 4 Application | |
| Proposal: | Erection of new buildings to provide offices, library, one stop shop, retail with associated highway works; new public realm works and landscaping following the demolition of all the buildings currently on site (excluding the multi storey car park, which will be extended) | |
| Constraints: | Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Housing Development Boundary, | |
| Applicant: | Bath & North East Somerset Council | |
| Expiry Date: | 7th June 2012 | |
| Case Officer: | Mike Muston | |

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 apart from demolition, until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of how the drainage shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

3 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks

associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority.

The scheme shall be implemented as approved.

REASON: To prevent pollution of controlled waters.

4 The development shall not be commenced until

1) a scheme of works for the diversion of foul and surface water sewers is submitted and approved in writing by the local Planning Authority

2) a drainage scheme shall include appropriate arrangements for any temporary works needed to accommodate live flows and works to seal off any redundant connections

3) the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To ensure that the development does not increase the risk of sewer flooding to property and reduce the impact of maintenance access upon residents amenity.

5 Prior to the opening of the premises an operational statement prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority in relation to the kitchen extract system. This statement should make reference to Guidance on the control of Odour and Noise from Commercial Kitchen Exhaust Systems produced by DEFRA and in particular Annex B; Information required to support planning application for commercial kitchen. In this regard, the statement should include information on the following points:

1. Plans and drawings showing the dimensions/location of the ventilating system including the

2. location of all filters and fan(s).

3. Details of pre-filters to include manufacture's product data sheet.

4. Details of carbon filters or electrostatic precipitators as appropriate.

5. Details of cooker hood and system operation including air flow rates.

6. Details of flue design bearing in mind the discharge of air should be at a minimum of 1m above

7. the roof ridge.

8. Maintenance schedule to include details of washing/replacement of filters; frequency of inspection

9. servicing; provision of record keeping.

Reason: To protect residential amenity.

6 Ground gas monitoring shall be completed in accordance with CIRIA C665 and as outlined in the Hydrock Ground Investigation report to include a minimum of 6 gas monitoring visits over a minimum period of 2 months with at least two sets of readings at low or falling atmospheric pressure (known as worst case conditions). A gas risk assessment shall be completed to determine the gas characteristic situation and make recommendations where appropriate. The gas monitoring and risk assessment shall be subject to the approval in writing of the Local Planning Authority. Should remedial measures be required, details shall be provided to the Local Planning Authority for review and validation of any such remedial works shall be provided to the Local Planning Authority for their review and approval.

Reason: To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7 In the event that contamination is found at any time when carrying out the further investigation works to further assess geotechnical ground conditions on site or during the approved development, work must be ceased and it must be reported immediately to the Local Planning Authority. The Local Planning Authority shall be consulted to provide advice regarding any further works required. Contamination may be indicated by soils that have unusual characteristics such as: unusual colour, odour, texture or containing unexpected foreign material.

Reason; To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 A schedule of materials and finishes, sample panels, and samples of the materials to be used in the construction of the external surfaces, including walls, facades and paving materials, shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the works are commenced. 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 Conservation Area.

9 Notwithstanding the submitted information, no development shall be commenced, apart from demolition, (unless another date or stage in development has first been agreed in writing with the Local Planning Authority) 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.

10 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.

11 No building shall be occupied or otherwise used for any purpose until the highways works on Bath Hill and Temple Street are complete to the satisfaction of the local planning authority, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety.

12 No building shall be occupied or otherwise used for any purpose until the extended Civic Centre car park extension is complete and fully open to the public, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of amenity and highway safety.

13 No building shall be occupied or otherwise used for any purpose until provision has been made within the site for the loading and unloading of goods vehicles in relation to that building, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and highway safety.

14 The development shall be operated in accordance with the submitted and approved Travel Plan.

Reason: In the interests of sustainable development.

15 Details of cycle parking area(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking area(s) shall be installed before the buildings to which they relate are first occupied 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.

16 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall

include details of deliveries (including storage arrangements and timings), contractor parking, traffic management. Construction shall then only take place in accordance with the approved Construction Management Plan.

Reason: To ensure the safe operation of the highway.

17 Prior to the occupation of any part of the development, a Delivery Management Plan relating to that part shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries, restricted delivery periods, supervision and traffic management. Deliveries shall then only take place in accordance with the approved Delivery Management Plan.

Reason: To ensure the safe operation of the highway.

18 On occupation of the development, and in accordance with a programme to be agreed by the local planning authority, a programme of review of on and off-street parking shall be identified together with any measures considered appropriate to address issues arising, to be funded by the developer.

Reason: In the interests of highway safety and residential amenity.

19 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 shall then 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 the details as approved.

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

20 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 shall have 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 major archaeological interest and the Council will wish record and protect the archaeological remains.

21 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 has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

22 Prior to the commencement of development, details of a dust management plan (which shall comply with the guidance contained in the BRE Code of Practice on the control of dust from construction and demolition activities) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only take place in full compliance with the approved dust management plan.

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

23 At least 420 square metres gross of the floorspace set aside for town centre uses on the ground floor of the northern-most fronting Bath Hill shall be first occupied as Class A1 retail, as set out in the Town and Country Planning(Use Classes) Order 1987 (as amended)

Reason: In the interests of the vitality and viability of the town centre

24 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:

Drawings received 28/09/12 - 100/P03, NT_625_C_D_107, P-020/B, P-021/B, P-022/B, P-030/B, P-031/B, P-032/B, P-033/B, P-034/A, P-035/B, P-050/B, P-051/A.

Drawings received 27/06/12 - 101/P01, 102/P01, 105/P01, 107/P01, 200/P01, 300/P01, A(10)001/B, 11004-C001/E.

Drawing received 22/06/12 - P-023/A

Drawing received 25/04/12 - EKV0015

Drawings received 28/02/12 - 106/P00, 201/P00, 210/P00, 301/P00, 302/P00, 303/P00, 304/P00, 307/P00, 308/P00, C1104-G003, P-001, P-002, P-010, P-011, P-012, P-015, P-016, P-017, P-023.

REASONS FOR GRANTING APPROVAL:

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

2. The proposed development is not fully in accordance with the Policies set out below at B, but the planning merits of the proposed development outweigh the conflict with these Policies.

3. It is considered that the proposal would result in substantial benefits, primarily in relation to the regeneration of Keynsham. The principle of the development is as set out in Policies KE1 and KE2 of the Council's draft Core Strategy. The proposal would not give rise to any unacceptable highway impacts. On the other hand, it is considered that the proposal would have an adverse impact on the character and appearance of the Conservation Area and the setting of listed buildings. It is considered that the substantial benefits that would arise from the proposal outweigh the harm that has been identified.

A

Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted October 2007

| | |
|-------|--|
| D.2 | General Design and public realm considerations |
| D.4 | Townscape considerations |
| ET.2 | Office development |
| CF.2 | New community facilities |
| ES.1 | Renewable energy |
| ES.2 | Energy conservation |
| S.1 | Shopping centres |
| S.2 | Retail development in town centres |
| T.3 | Promotion of walking and use of public transport |
| T.24 | General development control and access policy |
| T.26 | On-site parking and servicing provision |
| NE.5 | Forest of Avon |
| NE.9 | Adjoins Nature Conservation site |
| NE.12 | Natural Features |
| BH.12 | Archaeology |

B

Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted October 2007

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| BH.2 | Listed buildings and their settings |
| BH.6 | Development within or affecting Conservation Areas |

ADVICE NOTES:

1) There is a need for separate approvals and licences under the provisions of the Highways Act 1980 to undertake works within, or immediately adjacent to, the public highway.

2) Public Right of Way BA27/20 runs in close proximity to the proposals. All rights shall be safeguarded, in that their line and width must not be affected by the development or during its installation.

INFORMATIVE:

The permission is issued subject to the sum of £700,000 (indexed linked), being put aside and made available when required for off-site improvement works in terms of highway improvements, public access/public realm improvements.

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| Item No: | 02 | |
| Application No: | 12/02848/FUL | |
| Site Location: | 12 High Street, Upper Weston, Bath, Bath And North East Somerset | |
| Ward: Weston | Parish: N/A | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Erection of rear ground floor extension (totalling approximately 206 sq metres) to create an enlarged retail unit together with rear first and second floor extensions to create 6no 2-bed apartments and alterations to existing shop fronts at 12-20 High Street, Weston | |
| Constraints: | Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Local Shops, World Heritage Site, | |
| Applicant: | Bathweston One Limited & Bathweston Two Limited | |
| Expiry Date: | 28th August 2012 | |
| Case Officer: | Alice Barnes | |

DECISION: Defer for a site visit to allow the site to be viewed within its context and to view the existing and proposed parking arrangements.

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| Item No: | 03 | |
| Application No: | 12/03082/AR | |
| Site Location: | Roman Candles, 5 Terrace Walk, City Centre, Bath | |
| Ward: Abbey | Parish: N/A | LB Grade: II |
| Application Type: | Advertisement Consent | |
| Proposal: | Display of external fascia and hanging signs (regularisation) and removal of existing light fittings and associated works. | |
| Constraints: | Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site, | |
| Applicant: | Roman Candles Of Bath Ltd | |
| Expiry Date: | 10th September 2012 | |

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| Case Officer: Richard Stott |
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DECISION CONSENT

1 a. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

b. No advertisement shall be sited or displayed so as to -

(i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

c. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

d. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

e. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: These conditions are specified in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2 2. This consent shall expire after 3 years from the date of its grant. Upon expiry of this consent, the fascia and hanging sign shall be immediately removed.

Reason: The fascia and hanging sign are acceptable on a temporary basis. However, having regard to the impact of the signs on the amenity of the historic environment, it is considered that they are not of sufficient quality to be permitted on a permanent basis.

PLANS LIST: This decision relates to the Covering Letter, Supporting Photographs and to drawings 01, 02, 03, 04, 05 and 06 dated 16th July 2012

REASONS FOR GRANTING APPROVAL

1. 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.

2. All other material considerations, including the views of third parties, have been considered and they do not outweigh the reasons for approving the proposed development.

3. The fascia and hanging sign are acceptable on a temporary basis however, with regard to their impact upon the visual amenities of the historic environment, they are not of sufficient quality to be permitted on a permanent basis.

A

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

BH.1 World Heritage Site

BH.2 Listed Building

BH.6 Conservation Area

BH.17 Advertisement Control

DRAFT CORE STRATEGY, MAY 2011

The Draft Core Strategy is a material consideration but at this stage it has limited weight

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

There is also a duty under S 72 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF came into force on the 27th March 2012 replacing all previous Planning Policy Statements (PPS's) and Guidance Notes (PPG's), the following chapter is relevant to this decision:

12 Conserving and enhancing the historic environment

Informative:

Please refer to the accompanying Listed Building Consent 12/03095/LBA which contains further conditions.

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| Item No: | 04 |
| Application No: | 12/03095/LBA |
| Site Location: | Roman Candles, 5 Terrace Walk, City Centre, Bath |
| Ward: Abbey | Parish: N/A LB Grade: II |
| Application Type: | Listed Building Consent (Alts/exts) |
| Proposal: | External alterations for the display of external fascia and hanging signs (regularisation) and removal of existing light fittings and associated works. |

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| Constraints: | Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site, |
| Applicant: | Roman Candles Of Bath Ltd |
| Expiry Date: | 10th September 2012 |
| Case Officer: | Richard Stott |

DECISION CONSENT

1 This consent shall expire after 3 years from the date of its grant. Upon expiry of this consent, the fascia and hanging sign shall be immediately removed.

Reason: The fascia and hanging sign are acceptable on a temporary basis. However, with regard to their impact upon the character and appearance of the listed building, they are not of sufficient quality to be permitted on a permanent basis.

2 Within 3 months of the date of this consent, the four spot lights above the fascia and the two spot lights above the hanging sign shall be removed.

Reason: In the interest of the character and appearance of the listed building.

3 Within six months of the date of this consent, a matt finish shall be applied to the fascia in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved matt finish shall then be retained until the fascia is removed.

Reason: In the interest of the character and appearance of the listed building.

PLANS LIST: This decision relates to the Covering Letter, Statement of Significance, Supporting Photographs and to drawings 01, 02, 03, 04, 05 and 06 dated 16th July 2012

REASONS FOR GRANTING APPROVAL

1. 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.

2. All other material considerations, including the views of third parties, have been considered and they do not outweigh the reasons for approving the proposed development.

3. The fascia and hanging sign are acceptable on a temporary basis however, with regard to their impact upon the character and appearance of the listed building and the character and appearance of the Conservation Area, they are not of sufficient quality to be permitted on a permanent basis. The fascia and hanging sign do not adversely harm the setting of the World Heritage Site.

A

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

BH.1 World Heritage Site

BH.2 Listed Building

BH.6 Conservation Area

BH.17 Advertisement Control

DRAFT CORE STRATEGY, MAY 2011

The Draft Core Strategy is a material consideration but at this stage it has limited weight

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

There is also a duty under S 72 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF came into force on the 27th March 2012 replacing all previous Planning Policy Statements (PPS's) and Guidance Notes (PPG's), the following chapter is relevant to this decision:

12 Conserving and enhancing the historic environment

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| Item No: | 05 | |
| Application No: | 12/03731/FUL | |
| Site Location: | Parcel 1100, Compton Martin Road, West Harptree, Bristol | |
| Ward: Mendip | Parish: West Harptree | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Change of use of land from agricultural (Sui Generis) to the keeping of horses (Sui Generis) and erection of stables and formation of replacement access and track (resubmission). | |
| Constraints: | Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas, | |
| Applicant: | Mr Richard Curry | |
| Expiry Date: | 23rd November 2012 | |
| Case Officer: | Tessa Hampden | |

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 external lighting shall be installed on the site unless details are first submitted to and approved in writing by the Local Planning Authority. Any lighting shall thereafter only be installed and retained in accordance with these approved details.

Reason: In the interest of the rural character and appearance of the area.

3 Any jumps or associated paraphernalia should be removed when not in use and stored on site.

Reason: To safeguard the character and appearance of the Area of Outstanding Natural Beauty

4 No development shall commence until details of the limestone scalplings to be used in the construction of the track have been submitted to and approved in writing by the Local Planning Authority. The development shall then only be carried out in accordance with these approved details.

Reason: To safeguard the character and appearance of the Area of Outstanding Natural Beauty

5 The development hereby permitted shall not be occupied until the proposed access has been constructed in full accordance with the requirements of and details approved in writing by the Local Planning Authority. The access shall then be maintained in accordance with these approved details thereafter.

Reason: In the interests of highway safety

6 The access, between the carriageway and the gates, 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.

Reason: In the interests of highway safety

7 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 first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

8 The access hereby permitted shall not be brought into use until the visibility splays shown on the submitted plan have been provided 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.

9 The existing vehicular access shall be closed and its use permanently abandoned, concurrently with the provision of the new access hereby approved being first brought into use, and the verge and other highway features reinstated, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

10 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include a programme of the works, together with details of appropriate traffic management. The development shall then only be constructed in accordance with that approved plan.

Reason: To ensure the safe operation of the highway.

11 The use of the proposed development and site shall be limited to non-commercial equine uses for the benefit of the individual site owner, or individual tenant, and their immediate family.

Reason: In the interests of highway safety

12 No development shall take place until measures identifying how the neighbouring Oak tree is to be protected have been submitted to and approved in writing by the Local Planning Authority. The proposals shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations.

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

13 No development activity shall commence until the protective measures as stated in the approved measures 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 tree is protected from potentially damaging activities.

14 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: Plans date stamped PL2995/1B,2A,3A,3B,4,5 24th August 2012

REASONS FOR GRANTING APPROVAL

1. 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 Bath and North East Somerset Local Plan (including minerals and wastes) adopted October 2007 D2, D4, NE4, T24, ET7

The change of use of the land is considered to be acceptable in principle, with the appropriate siting, scale and design ensuring that there is no resultant harm on the Area of Outstanding Natural Beauty in which the site is set. Subject to conditions, the development is not considered to result in significant harm to highway safety or the residential amenity of the neighbouring occupiers. No other significant issues have arisen as a result of this planning application.

The applicant should contact the Highway Maintenance Team on 01225 394337 with regard to securing a Licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current specification.

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

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| Item No: | 06 | |
| Application No: | 11/01772/FUL | |
| Site Location: | Site Of Alcan Factory, Nightingale Way, Midsomer Norton, BA3 4AA | |
| Ward: Westfield | Parish: Westfield | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Application for a Deed of Variation to S106 Agreement | |
| Constraints: | 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, | |
| Applicant: | Linden Homes Western Ltd | |
| Expiry Date: | 16th August 2011 | |
| Case Officer: | Gwilym Jones | |

DECISION The Development Control Committee resolved that the Council enter into a supplemental Section 106 Agreement with the current owners of the land to vary the terms of the Section 106 Agreement dated 29th June 2012 made between the Council, Linden Limited and HSBC Bank Plc in respect of the former Alcan Site, Nightingale Way,

Midsomer Norton (“the Original Section 106 Agreement”) to provide in respect of the Community and Office Building that:

- construction to commence before occupation of 65 dwellings
- the building to be available for occupation prior to the occupation of more than 100 residential dwellings.