

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**23<sup>rd</sup> October 2013**

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

**ITEM 10**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
06	13/03309/FUL	63 Warminster Road Bathampton Bath

In response to the submitted bat survey the Council's ecologist has provided the following consultation response:

A bat survey dated 8th October was submitted; the survey was undertaken using appropriate methodology and within the survey season during suitable weather and temperature conditions. The survey does not identify any bat roosts in the building proposed for demolition, however bat activity at the site was recorded and this included passes by light sensitive species such as lesser horseshoe bat.

The report makes two key recommendations:

1. The proposals should avoid the use of external artificial lighting on the eastern side of the plot due to the potential to illuminate the footpath which runs along the eastern boundary of the site. The footpath was used by several bat species during the emergence survey, including lesser horseshoe, and should be maintained as a dark corridor to enable its continued use by bat species.
2. Two ridge roosting tiles should be incorporated into the roof of the proposed building. These tiles allow access to bats beneath the ridge tile itself but not into the roof void or living space in the house.

These recommendations will avoid harm to bat activity at the site and will provide replacement roost potential; they should be implemented and can be secured by condition.

The following condition is therefore added to the recommendation:

**Condition 5:**

The development hereby permitted shall be carried out only in accordance with the recommendations of the approved Bat Survey Report by Jim Mullholland dated 8th October 2013, to include no external artificial lighting on the eastern side of the development site, and incorporation of two ridge roosting tiles to the proposed new building. Any proposals not in accordance with the recommendations of the report or

any amendment to the Bat Survey Report must first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protected species and ecology

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
07	12/05126/VAR	Beechen Cliff School Kipling Avenue Bear Flat

Several objections have been made in respect of issues of noise disturbance resulting from the use of the pitches, and the general manner in which the pitches have been operated and managed since their original construction. Whilst it is not possible to control the language and behaviour of persons using the pitches it is noted that limited details have been presented about the wider community use of the site or how the pitches will be managed out of school hours. Furthermore, whilst it is accepted that the pitches can currently be used after 6pm (without the lights) it is likely that if permission is given, there will be an increased demand for use however there do not appear to be any parking or traffic management arrangements in place.

Looking at the history of this development, it is noted that two conditions (conditions 6 and 7) were attached to permission 11/00573/VAR requiring the submission of a management plan in respect of the community use and requiring details of parking. These conditions were originally applied to application 10/00540/FUL (conditions 9 and 10), details were submitted to discharge the conditions under 11/01471/COND) however were insufficient and the Council refused to discharge them. No further applications have been made to address the conditions. Notwithstanding the nature of the conditions (both of which required action prior to the development of the site being brought into use) there is no evidence to show that the school discharged or complied with the required conditions. At present therefore the pitches are in breach of condition.

In issuing the variation decision notice, this is in effect tantamount to issuing a new planning permission and therefore all other applicable conditions attached to the original permission remain in effect. Under planning legislation, the Local Authority can, where deemed necessary, add, remove or modify conditions other than those applied for.

Whilst this application seeks only to vary the hours of operation of the lights, given the history to the site and the lack of compliance with the relevant conditions, in the interest of residential amenity it is considered necessary and proportionate to strengthen the conditions previously granted therefore in the event that Members agree to approve this application it is recommended that the following additional condition is applied:

#### Condition 6

The flood lights shall not be used until the later time of 21:00 hours (in accordance with condition 3 of application 12/05126/VAR) until a comprehensive management plan detailing the way in which the pitches will be made available to the community has been submitted to, and approved in writing by, the Local Planning Authority. The development thereafter shall be operated strictly in accordance with the approved details. The plan shall include, but not be limited to, details of how the pitches will be booked, used and managed out of normal school hours, the management and

operation of the use of the floodlights (including how the timer switches will operated) and shall include detailed arrangements for on-site parking and access.

Reason. In order to define the out of school hours use, to secure adequate off- street parking provision and in the interest of safeguarding the amenities of adjacent residential properties.