

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

15th January 2014

DECISIONS

Item No:	01	
Application No:	13/04239/FUL	
Site Location:	Cross Keys Inn, Midford Road, Odd Down, Bath	
Ward: Combe Down	Parish: N/A	LB Grade: II
Application Type:	Full Application	
Proposal:	Erection of single-storey single dwelling incorporating the conversion of existing listed outbuilding, boundary walls, parking and garden.	
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,	
Applicant:	And Design (Bath) Ltd	
Expiry Date:	16th December 2013	
Case Officer:	Jonathan Fletcher	

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 samples of all external walling and roofing materials have been provided for inspection on site and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out strictly in accordance with the approved details and the samples shall be kept on site for inspection until the development is completed.

Reason: In the interest of the appearance of the development and the setting of the adjacent listed buildings.

3 No development shall commence until details of the treatment for the junction between the ashlar and rendered elevations have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out strictly in accordance with the approved details.

Reason: In the interest of the appearance of the development and the setting of the adjacent listed buildings.

4 No development shall commence until details of the proposed new stone boundary walls on the road frontage and between the listed building and the new dwelling have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out strictly in accordance with the approved details.

Reason: In the interest of the appearance of the development and the setting of the adjacent listed buildings.

6 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.

7 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.

8 No part of the development hereby permitted shall be occupied until details demonstrating implementation of the following recommendations of the ecological survey report, and their outcomes as applicable, have been submitted to and first approved in writing by the Local Planning Authority. Such details shall demonstrate implementation of recommendations described in sections 6.4.7; 6.4.8; 6.4.9; 6.4.10; 6.4.11 of the approved ecological survey report entitled ECOLOGICAL SURVEY REPORT. LAND ADJACENT CROSS KEYS INN, BATH by Michael Woods Associates dated December 2013 ; and shall include:

- (i) a report produced by a suitably experienced ecologist confirming dates and personnel for ecological supervision or watching brief provided at the site;
- (ii) confirmation of timing of works as recommended in the ecological report;
- (iii) photographic evidence of completed measures;
- (iv) specifications and details of materials used including use of bitumastic roofing felt; and specifications and details of additional ecological enhancements as applicable

Development shall proceed in accordance with the approved details.

Reason: To avoid harm to wildlife including protected species

9 No works to shrubs trees or buildings 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 tree shrub or building shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme.

Reason: To avoid harm to wildlife including protected species

10 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:

101, 102, 103, 104, 105, 106, 107A, 108, 109, 110B, 111A, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122

Item No:	02
Application No:	13/04240/LBA
Site Location:	Cross Keys Inn, Midford Road, Odd Down, Bath
Ward: Combe Down	Parish: N/A LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Internal and external alterations to existing listed outbuilding as part of development of self-build single-storey single dwelling.
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
Applicant:	And Design (Bath) Ltd
Expiry Date:	16th December 2013
Case Officer:	Jonathan Fletcher

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 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:

101, 102, 103, 104, 105, 106, 107A, 108, 109, 110B, 111A, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122

Item No:	03
Application No:	13/04349/FUL
Site Location:	Church Hall, School Lane, Batheaston, Bath
Ward: Bathavon North	Parish: Batheaston LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a new single storey village hall building including multi-use main hall, activity rooms, kitchen, toilets and stores and associated external works to provide accessible access to the hall and fields following demolition of the existing Church Hall. (Resubmission)
Constraints:	Agric Land Class 3b,4,5, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas,
Applicant:	Batheaston New Village Hall
Expiry Date:	10th December 2013
Case Officer:	Rachel Tadman

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 building shall not be used for any purpose outside of the following hours, save for works to clean the building;

Monday to Saturday and Bank Holidays	8am - midnight
Sundays	8am - 10.30pm
New Year's Eve into New Year's Day	8am - 1.00am

Reason: In the interests of residential amenity.

3 No ground preparation, demolition or construction activities shall take place until a Detailed Arboricultural Method Statement with scaled Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. It should include the following details:

- o Provisional programme of works;
- o Supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion.
- o Details of the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning,
- o Location of any site office
- o Service run locations including soakaway locations and movement of people and machinery.
- o Details of the method of tree removal to avoid the use of herbicides on tree stumps to avoid any transfer to adjacent trees

o Construction details to ensure that no ground works extend beyond the position of the tree root trial trenches.

The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals.

4 The local planning authority is to be notified in writing 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.

5 No development shall be commenced on site until a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority to include a planting specification to include numbers, density, size, species and positions of all new shrubs and replacement tree planting and a programme of implementation.

Reason: To ensure that the landscape scheme is implemented and maintained.

6 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.

7 The area allocated for parking for disabled persons on the submitted plans shall be provided in accordance with the approved details and prior to the building being first brought into use. The disabled parking shall thereafter be kept clear of obstruction and shall not be used for any other purpose.

Reason: In the interests of amenity and highway safety.

8 The cycle parking shown on the submitted plans shall be provided prior to the building being first brought into use. Details of the cycle hoops to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of sustainable travel.

9 Prior to the first occupation of the approved development the high level windows (i.e. those above ground floor level) to the main hall on the north elevation shall be obscure glazed and fixed shut and shall remain so in perpetuity.

Reason: In the interests of residential amenity.

10 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of construction. The development shall then be carried out in accordance with the approved details and maintained as such.

Reason: To prevent flood risk to the site and to third parties.

11 The development hereby permitted shall be carried out only in accordance with the recommendations of the approved Bat Search Survey dated December 2013.

Reason: to ensure adequate ecological and bat protection measures during works

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:

This decision relates to drawing nos 6186 D 0001 A, 6186 D 0101 A, 6186 D 0102 D, 6168 D 0104 F, 6186 D 0105 A, 6186 D 0201 A, 6168 D 0301 E, 6168 D 0302 E, 6186 D 0303, 130307-BVH-TPP-Rev B-LI&AM

INFORMATIVE:

Information regarding Condition 10: Surface water from the proposed redevelopment should be discharged via SUDS features. Due to the close proximity of an ordinary watercourse, we would encourage surface water discharge into that watercourse. The Applicant would need to apply for a Land Drainage Consent from this office in order to do this.

The Applicant has indicated that surface water will be disposed of via soakaways. Infiltration testing to BRE Digest 365 should be carried out to ensure a suitable soakaway design is possible (the test results should be submitted to support the discharge of the above condition).

Discharge to the main sewer is the least favourable method of surface water discharge and should be considered as the last resort. A confirmation from Wessex Water would be required to confirm that they are happy with the applicant proposal and that there is a sufficient capacity within their network to accept the additional flows.

The developer should be mindful of the presence of asbestos and ensure that the removal and disposal of this hazardous substance is contained according to the Control of Asbestos Regulations 2012 and to protect the health of site workers and future occupiers of the site.

Consideration should be given to proofing any roof/flat surfaces against gulls nests and guidance notes on this can be found on the Council's website.

No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

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.

The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings, a copy of which can be found on the Council's website.

Decision Making Statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The application has undergone extensive consultation and consideration has been given to all the submissions from consultees, local residents and other representations. Furthermore due consideration has been given to all material considerations and as a result the development has been found to be, on the whole acceptable, and where concerns do remain it has been found that these do not outweigh the overall benefits of the scheme and are not so significant as to justify the refusal of planning permission.

Item No:	04
Application No:	13/03640/VAR
Site Location:	Parcel 7100, Woollard Lane, Whitchurch, Bristol
Ward: Publow And Whitchurch	Parish: Whitchurch LB Grade: N/A
Application Type:	Application for Variation of Condition
Proposal:	Removal of condition 1 and variation of condition 2 attached to planning permission 10/03798/FUL (Change of use of land (Retrospective) to a small private gypsy site to site 1no mobile home, 1no touring caravan and associated ancillary development including the construction of a new access)
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,
Applicant:	Mr J Jones
Expiry Date:	17th October 2013
Case Officer:	Kay Mann

DECISION PERMIT

1 The use hereby approved shall enure for the benefit only of Mr John Jones and his immediate family in accordance with the details set out in the submissions in support of this planning application.

Reason: The proposed development would provide a site that would help to satisfy the national, regional and local need for such sites, and would assist in providing for the applicant family's medical and educational needs. These benefits when allied to a grant of would clearly outweigh the harm to the Green Belt and loss of openness inherent in the proposals, so as to amount to very special circumstances.

2 Within 6 months of the date of this permission, hedging across the previous access shall be planted in accordance with details to be first submitted to and approved by the Local Planning Authority. If any of these plants die, are removed or become diseased within 5 years of the date of this permission they shall be replaced with the same species of plant.

Reason: In the interests of protecting the appearance of the Green Belt.

3 Within 3 months of the date of this permission, the storage container on site shall be permanently removed from the site.

Reason: To preserve the openness of the Green Belt.

PLANS LIST:

This decision relates to an unnumbered site plan, drawing 0954/02A, as received on 27 September 2010, and drawing 18135_100 Rev A, as received on 25 August 2010.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and permission was granted.

Item No:	05
Application No:	13/02745/FUL
Site Location:	Candywood Leys, Meadow Lane, Bathampton, Bath
Ward: Bathavon North	Parish: Bathampton LB Grade: N/A
Application Type:	Full Application
Proposal:	Stationing of one mobile home for residential use by one traveller family (retrospective)
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Cycle Route, Forest of Avon, Greenbelt, Hotspring Protection, Housing Development Boundary, Listed Building, Public Right of Way, Sites of Nature Conservation Imp (SN),
Applicant:	Ms Catherine Wood
Expiry Date:	22nd January 2014
Case Officer:	James Jackson

DECISION PERMIT

1 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.

2 The use hereby approved shall enure for the benefit only of Ms Catherine Wood, her partner and their dependents.

Reason: The development hereby approved is only acceptable in this location because of the special circumstances of the applicant and her family.

3 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 openness of the green belt and landscape character.

4 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 free standing buildings shall be erected within the curtilage of the dwelling hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the openness of the green belt and landscape character.

5 Within three months of the date of this permission, a plan shall be submitted to, and approved in writing by, the local planning authority detailing the extent of the residential curtilage associated with the dwelling hereby approved. Any domestic paraphernalia shall be contained within the defined curtilage as approved and shall not be sited on any other part of the site.

Reason: to safeguard the openness of the green belt and landscape character.

6 In the event that the applicant sells, or otherwise disposes of the site, or ceases to permanently reside at the site, the dwelling shall be removed and the site shall be returned to agricultural land in accordance with a scheme of remediation which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: The planning permission has been issued on the basis of the circumstances that apply to the applicant and her family and the occupation of the site by other persons would therefore be inappropriate.

7 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:

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.

Plans List:

This decision relates to drawings detailing front, rear, left side and right side elevation, plan view, floor plan, site location plan and block plan date stamped 25 June 2013; supporting documents entitled 'Catherine Wood and Family', Canal & River Trust Briefing Paper 'Non Compliant Continuous Cruising' and letter from Ann Robins to the applicant date stamped 25 June 2013; petition submitted by applicant, childrens' letters entitled 'The Good Life', Bristol County Court Judgment between British Waterways Board and Paul Davies date stamped 4 July 2013; photographs date stamped 8 July 2013; and photographs date stamped 17 July 2013; and Flood Risk Assessment date stamped 13 August 2013.

Decision-taking statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and planning permission was granted.

Item No:	06
Application No:	13/04777/FUL
Site Location:	Church Farm Barn, Washing Pound Lane, Whitchurch, Bristol
Ward: Publow And Whitchurch	Parish: Whitchurch LB Grade: N/A
Application Type:	Full Application
Proposal:	Repair and rebuilding of existing dilapidated workshop/outbuilding to provide new one and half storey dwelling with associated engineering works, access, car parking area and garden area. (Resubmission of 13/03692/FUL)
Constraints:	Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Greenbelt,
Applicant:	Mrs L Maddocks
Expiry Date:	30th December 2013
Case Officer:	Jonathan Fletcher

DECISION REFUSE

1 The proposal would result in construction of a new dwelling which would constitute an inappropriate form of development within the green belt which would be harmful to the openness of the green belt, the semi-rural character of the area and would conflict with the purposes of preventing neighbouring towns from merging and safeguarding the countryside from encroachment. The very special circumstances put forward by the applicant are not considered to be sufficient to clearly outweigh the harm caused by the development. The proposal is therefore contrary to policies GB.1 and GB.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007 and the guidance set out in the National Planning Policy Framework 2012.

2 The proposed development, by reason of its scale, the required excavation works and the visibility from the surrounding area, would be harmful to the openness of the green belt and the semi-rural character of the area contrary to policies D.2, D.4 and GB.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

PLANS LIST:

Site location plan, 001, 002, 201C, 202A, 203A, 204B, 205A

Decision-taking statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was

to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No:	07
Application No:	13/04340/AR
Site Location:	Street Record, Midford Road, Odd Down, Bath
Ward: Bathavon South	Parish: South Stoke
	LB Grade: N/A
Application Type:	Advertisement Consent
Proposal:	Display of internally illuminated poster cabinets of proposed advertisements in bus shelter serving the No.13 Foxhill-Bathford Route; to be located along Midford Road.
Constraints:	Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Forest of Avon, Greenbelt, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Imp (SN), World Heritage Site,
Applicant:	Mr Derek Quilter
Expiry Date:	30th December 2013
Case Officer:	Alice Barnes

DECISION CONSENT subject to conditions, yet to be finalised

PLANS LIST:

Site location plan A00

Advertisement display units single and double sided 16581 sheet 1 B

LED advertisement display single sided 16581/sheet 2 B

GA advertisement display double sided 16581/sheet 3 B

Cross Keys R13, S13 Shelter 16576 A

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.