

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

2nd July 2014

DECISIONS

Item No:	01
Application No:	14/02158/FUL
Site Location:	Recreation Ground, Pulteney Mews, Bathwick, Bath
Ward: Abbey	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Retention and/or replacement of, and extensions to, the existing temporary spectator stands along the north, west and eastern sides of the retained playing field, (as approved under planning permission references 09/01319/FUL, 10/01609/FUL, 10/01608/FUL, 10/01611/FUL), provision of new hospitality boxes to either side of the retained south stand, new control room, and associated works and ancillary facilities comprising toilets and food and bar facilities (temporary application for period of up to two years)
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Protected Recreational, World Heritage Site,
Applicant:	Bath Rugby Ltd
Expiry Date:	15th August 2014
Case Officer:	Gwilym Jones

DECISION Defer consideration to allow members to visit the site

Item No:	02
Application No:	13/04710/OUT
Site Location:	The Old Timber Yard, Tynning Road, Bathampton, Bath
Ward: Bathavon North	Parish: Bathampton LB Grade: N/A
Application Type:	Outline Application
Proposal:	Outline planning application with all matters reserved, except means of access, for a residential development (15 units) following the demolition of existing buildings with associated parking, landscaping and ancillary works and relocation of mast.
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas,
Applicant:	Davies Street (Bathampton) Ltd
Expiry Date:	29th January 2014
Case Officer:	Richard Stott

DECISION

Authorise the Group Manager, in consultation with the Planning and Environmental Law Manager, to: (a) enter into a Section 106 agreement to secure financial contributions towards street lighting improvements and educational provision and the provision of affordable housing, and (b) upon completion of the Section 106 agreement permit with the following conditions:

1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Articles 1 and 3 of the General Development Procedure Order 1995 (as amended).

2 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

3 An application or applications for the approval of the reserved matters for all or parts of the development hereby permitted shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

4 Approval of the reserved matters shall ensure that no more than 15 dwellings shall be erected on the site.

Reason: In the interest of the visual amenities of the area and to ensure the site is not overdeveloped

5 No building on the site hereby approved shall exceed 8.7m in height to the ridge line.

Reason: In the interest of visual amenities and to preserve the setting of the Green Belt

6 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below. For clarification, as this is an outline application, permission is only granted for the development of the site edged red on the site location plan and the access details. All details relating to design, layout, and landscaping shall be addressed at the reserved matters stage in accordance with conditions 1-4.

Reason: To define the terms and extent of the permission.

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 phasing programme agreed in writing with the Local Planning Authority. All hard landscape works shall be permanently retained and maintained in accordance with the approved details.

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

8 No development activity shall take place until a detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details in that implemented as appropriate. The final method statement shall incorporate a provisional programme of works, supervision and monitoring details by an Arboricultural Consultant and provision of site records and certificates of completion and compliance. The statement should also include the control of potentially harmful operations such as construction access, storage, handling and mixing of materials on site, burning, location of site office, service run locations including soak-away locations and movement of people and machinery.

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

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

- a. Findings of reptile surveys and proposals for mitigation as applicable;
- b. Full outstanding details of the proposed bat mitigation scheme in accordance with the recommendations of the Avon Wildlife Trust Bat Survey, Oct 2013 (Annex 2 of the LaDellWood Ecology Phase 1 Habitat Survey).
- c. Full details of all external lighting including street lighting and external property or security lighting, demonstrating zero lux light spill levels onto boundary vegetation and

adjacent habitats and the railway embankment and all other locations of darkness as applicable as required for the bat mitigation scheme.

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 or otherwise in accordance with a phasing plan to be submitted to an agreed in writing by the LPA.

Reason: in the interest of ecology

10 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

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

11 No part of the development hereby approved shall be occupied until parking has been provided to serve that part of the development, in accordance with details submitted to and approved in writing by, and to the satisfaction of the Local Planning Authority.

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

12 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 and traffic management.

Reason: To ensure the safe operation of the highway.

13 Finished floor levels should be set a minimum of 100mm above the existing ground levels.

Reason: To reduce the risk of flooding to the proposed development and future occupants given the proximity of the River Avon to the site and take into account climate change.

14 No development shall commence 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 (LPA). 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.

15 No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage

system has been submitted to and approved by the LPA. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

17 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

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.

PLANS LIST:

This decision relates to the following drawings date stamped 30th October 2013:

- o 1168 AL 10 (Proposed Site Plan in respect of access only)
- o 1168 AL 20 (Development Area Comparison Plans)

- o 1168 AL 40 (Existing Aerial View North)
- o 1168 AL 41 (Existing Aerial View East)
- o 1168 AL 042 (Existing Aerial View - Looking South)
- o 1168 AL 43 (Existing Aerial View West)
- o 1168 AL 80 (Building Height Comparison)
- o 1168 AL 81A (Scale Parameters)
- o 1168 AL 100 (Site Location Plan)
- o 1168 AL 101 (Existing Site Plan)

The following background documents date stamped 30th October 2013 were submitted to inform and justify the proposed development:

- o Ecology Report
- o Ecology Phase 1 Habitat Survey
- o Avon Wildlife Trust Bat Survey
- o Statement Of Community Engagement
- o Transport Statement
- o Landscape Visual Impact Assessment Report
- o Affordable Housing Statement
- o Employment Land Report
- o Heritage Desk Based Assessment
- o Planning Design Access Statement
- o Site Investigation No. K0449
- o Tree Survey Report
- o Noise On Construction Sites
- o Environmental Noise Report
- o Site Specific Flood Risk Assessment
- o Sustainable Construction Checklist

The following drawings date stamped 30th October 2013 have been submitted for information purposes only at this outline stage:

- o 1168 AL 11 (Proposed Site Plan)
- o 1168 AL 50 (Proposed Aerial View North)
- o 1168 AL 51 (Proposed Aerial View East)
- o 1168 AL 52 (Proposed Aerial View South)
- o 1168 AL 53 (Proposed Aerial View West)
- o 1168 AL 70 (Proposed Site Sections)

Indicative Landscape Strategy drawing 2049/13/B/7 date stamped 14th November 2013 has been submitted for information purposes only at this outline stage.

This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

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 Framework and for the reasons given, and expanded upon in the delegated report, a positive view of the submitted proposals was taken and permission was granted.

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.

INFORMATIVES

ECOLOGY

A) A European Protected Species Licence will be required before any development can commence - including the demolition of the existing units on site. The Applicant is advised to contact Natural England.

SUSTAINABLE TRANSPORT

B) It is recommended that residents should be issued with a Resident's Welcome Packs upon occupation including information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., together with complimentary bus tickets for each household member to encourage residents to try public transport.

FLOOD MITIGATION

C) There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

LAND DRAINAGE

D) Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SuDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365. The soakage test results and test locations are to be submitted in accordance with BRE digest 365 when discharging the surface water condition.

E) The British Geological Survey maps for the site area suggest that the site area has variable permeability and recommends infiltration tests to confirm suitability for infiltration SuDS. It also suggests a water table at less than 3m.

F) If SuDS are deemed not to be viable then an alternative method of surface water drainage should be proposed with a corresponding drainage strategy at full application stage. To note that surface level attenuation or positive discharge to a watercourse is preferred to underground tanking.

G) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

CONSTRUCTION MANAGEMENT

H) 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.

I) 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.

CONTAMINATED LAND

J) In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department 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.

Item No:	03
Application No:	13/04683/FUL
Site Location:	Radway Service Station, 482 Wellsway, Bath, BA2 2UB
Ward: Odd Down	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Demolition of the existing Radway Service Station at 482 Wellsway and dwelling house at 2 Oolite Road to provide five small-scale student cluster flats. (Resubmission)
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
Applicant:	Legend Strategy Enterprises (UK) Ltd
Expiry Date:	25th December 2013
Case Officer:	Jonathan Fletcher

DECISION

A. Authorise the Group Manager to permit the application subject to the applicant entering into a legal agreement under S106 to secure:

Public Transport

A contribution of £28000 is sought in order to maintain the existing level of service for the 20A/C bus route for a period of a year.

Formal Open Space

A contribution of £28,246.35 is sought to fund the provision of new formal open space, natural open space and allotments off-site to serve the population.

Site Management Plan

A planning obligation is sought to restrict future occupiers of the development from bringing a car and parking within the City of Bath.

A planning obligation is sought to ensure that the development is managed by a property management company in accordance with a site management plan.

B. Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the following conditions (or such conditions as he may determine):

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 sample panel of all external walling and roofing materials to be used has been erected on site and approved in writing by the Local Planning Authority. Thereafter, the sample panel shall be kept on site for reference until the development is completed and the development shall be carried out in accordance with the approved details.

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 part of the development hereby permitted shall be occupied until the parking area shown on the approved plans has been provided. Thereafter, the parking space shall be kept free of obstruction and shall not be used for any other purposes than parking in association with the development hereby permitted.

Reason: In the interests of highway safety and public amenity

6 Prior to the occupation of the development, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with that Travel Plan.

Reason: In the interests of sustainable development.

7 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 and traffic management. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure the safe operation of the highway.

8 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. The following levels shall be achieved: Maximum internal noise levels of 30dB LAeq,15min for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F timeweighting) shall not (normally) exceed 45dB LAmax.

Reason: In the interest of residential amenity

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

- (a) a survey of the extent, scale and nature of contamination;
- (b) an assessment of the potential risks to:
 - (c) human health,
 - (d) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - (e) adjoining land,
 - (f) groundwaters and surface waters,
 - (g) ecological systems,
 - (h) archaeological sites and ancient monuments;
 - (i) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

10 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in

writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

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

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. Condition 11, 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. Condition 11.

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

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

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

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

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

14 The flat roof of the single storey structure to the rear of the site identified on the submitted drawings as the communal kitchen/living for flat 2 shall not be used as a balcony and shall not be accessible from the windows within the development hereby permitted.

Reason: In the interest of the residential amenity of adjacent occupiers.

15 The development hereby permitted shall be occupied as student accommodation only and for no other purpose unless a further planning permission has been granted.

Reason: To define the terms and extent of the permission.

16 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:

676/7049/1A, 865/PA/01B, G10C, G12B, G16A, G17A, G18C, G19B, G22, G23C, G25C

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. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and planning permission was granted.

Item No:	04	
Application No:	14/01016/FUL	
Site Location:	21 Woodland Grove, Claverton Down, Bath, Bath And North East Somerset	
Ward:	Parish:	LB Grade:
Bathwick	N/A	N/A
Application Type:	Full Application	
Proposal:	Erection of 3no detached dwellings following demolition of a single dwelling and garage	
Constraints:	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,	
Applicant:	Mr Paul Kettleby	
Expiry Date:	23rd July 2014	
Case Officer:	Chris Griggs-Trevarthen	

DECISION REFUSE

1 The proposed development, due to its layout, materials and design, represents overdevelopment of the site, is harmful to the streetscene and out of keeping with the character and appearance of the area. The proposal is therefore contrary to policies D.2 and D.4 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

PLANS LIST:

13121 L001B
13121_L_010_D
13121_L_011_C
13121_L_012_C
13121_L_013_C
13121_L_014_C
13121_L_015_C
13121_L_016_C
13121_L_017_B
13121_L_018_C
13121_L_019_B
13121_L_021_A
3655-27NOV13-02
3655_27NOV13-01

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 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.

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.

ADVICE NOTE

In the interests of flood alleviation we would encourage the applicant to investigate the use of a Sustainable Urban Drainage Scheme (SuDS) in order to manage surface water drainage.

SuDS infiltration schemes include techniques such as infiltration trenches and basins, filter drains, rain gardens and soakaway techniques. Other surface level SuDS techniques include swales and attenuation ponds.

For more details about SuDS please refer to the guidance from Ciria (<http://www.susdrain.org/resources/ciria-guidance.html>)

If SuDS techniques are pursued, details of the proposed drainage scheme should be submitted to the Council's Flood Risk Management and Drainage Team.

We have reviewed the British Geological Survey maps for the site area and subject to infiltration tests, the ground would appear to be suitable for infiltration SuDS schemes such

INTEML as soakaways.

If discharge to the mains sewer is considered the only viable option, written confirmation from Wessex Water that they are satisfied that that the additional discharge into their network is acceptable must be submitted to the Council's Flood Risk Management and Drainage Team. All discharge rates and connection points will need to be agreed with Wessex Water.

Item No:	05
Application No:	13/05022/FUL
Site Location:	Druid Farm, Pensford Lane, Stanton Drew, Bristol
Ward: Clutton	Parish: Stanton Drew LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a new building following the demolition of existing building for storage purposes
Constraints:	Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,
Applicant:	Mrs Helen Curtis
Expiry Date:	30th May 2014
Case Officer:	Chris Griggs-Trevarthen

DECISION REFUSE

1 The proposed replacement building is materially larger than the existing building to be replaced and is therefore considered inappropriate development in the Green Belt. Furthermore, the proposal results in harm to the openness of the Green Belt. Very special circumstances do not exist to clearly outweigh the substantial harm to the Green Belt. The proposal is therefore contrary to policy GB.1 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

2 The proposed replacement building, due to its size, design and domestic features, has the appearance of a domestic bungalow which is out of keeping with the surrounding area and harmful to rural character. The proposal is therefore contrary to policies D.2, D.4 and GB.2 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

3 Insufficient information has been provided for the Local Planning Authority to be confident that the existing building is not used by bats. The proposal is therefore considered to result in potential harm to protected species contrary to policy NE.10 of the Bath and North East Somerset Local Plan, guidance in the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2010.

PLANS LIST:

This decision relates to the Site Location Plan, block plan, existing elevations, existing floor plan, proposed elevations and proposed floor plan received 25th February 2014.

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 Framework. The Council encourages the use of pre-application advice. Unfortunately, this was not sought in the current case. For the reasons given, and expanded upon in a related case officer's report, the proposal was unacceptable and was refused planning permission.

Item No:	06
Application No:	14/00981/FUL
Site Location:	Abbey Hotel, 1 North Parade, City Centre, Bath
Ward: Abbey	Parish: N/A LB Grade: IISTAR
Application Type:	Full Application
Proposal:	Change of use of public highway to allow temporarily siting of chalet to house outside catering bar
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, MOD Safeguarded Areas, World Heritage Site,
Applicant:	Abbey Hotel
Expiry Date:	28th April 2014
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 This permission shall expire on 02/07/2017 and the use hereby permitted shall be discontinued with the land reinstated to its previous use and condition as a pavement in accordance with the dates agreed under condition 3 of this planning permission.

Reason: To enable the Local Planning Authority to review the impact of the development.

3 The use hereby permitted shall be carried out in accordance with an Operational Statement which has been provided in writing by the Local Planning Authority and which shall be submitted no less than 3 months prior to the use being implemented each year. The Operational Statement shall include confirmation of the dates which the use will commence and cease which shall be for a period of no more than 45 days during December and January each year, the proposed opening hours for the bar and details of any moveable structure(s) which will be temporarily sited on the pavement.

Reason: To define the terms and extent of the permission.

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) there shall be no temporary changes of use or siting of moveable structures within the application site unless a further planning permission has been granted.

Reason: Any further temporary changes of use require detailed consideration by the Local Planning Authority.

5 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:

442.10, 442.31, 442.32

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 set out in the minutes of the committee meeting, a positive view of the submitted proposals was taken and planning permission was granted.

Item No:	07
Application No:	14/01817/FUL
Site Location:	End Farm, St Catherine Lane, St. Catherine, Bath
Ward: Bathavon North	Parish: St. Catherine LB Grade: N/A
Application Type:	Full Application
Proposal:	Provision of field gate onto St Catherine Lane adjacent to junction with Beek's Lane, allowing access to three agricultural fields east of Beek's Lane, formerly accessed via Beek's Lane (Retrospective) (Resubmission)
Constraints:	Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Greenbelt,
Applicant:	Mr Donald MacIntyre
Expiry Date:	2nd June 2014
Case Officer:	Jonathan Fletcher

DECISION REFUSE

1 The proposed access, by reason of the introduction of conflicting traffic movements on St Catherine Lane, the introduction of an additional entrance onto St Catherine Lane creating an intensification in vehicular movements and the substandard surfacing and visibility being proposed for the access, would create a hazard to all road users. The proposal is therefore contrary to the guidance set out in the National Planning Policy Framework 2012 and Policy T.24 of the Bath & North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

PLANS LIST:

SITE LOCATION 1:2500
 SITE LOCATION FIELD GATE
 BLOCK PLAN, ELEVATION AS EXISTING AND PROPOSED
 STOPPING SIGHT DISTANCE
 VERTICAL SIGHT LINES

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. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons 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. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.