

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

24th September 2014

SITE VISIT DECISIONS

Item No:	001	
Application No:	14/01261/FUL	
Site Location:	Land Adjacent To Tree Tops, Firgrove Lane, Peasedown St. John, Bath	
Ward: Peasedown St John	Parish: Peasedown St John	LB
Grade: N/A		
Application Type:	Full Application	
Proposal:	Erection of straw bale, timber frame, living/work unit. (Retrospective)	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,	
Applicant:	Mrs Zoe Hawes	
Expiry Date:	13th May 2014	
Case Officer:	Andy Pegler	

DECISION REFUSE

1 The development is sited in an unsustainable location, beyond any designated development boundary. No essential need has been demonstrated to justify an exception to the presumption against such development. The development is therefore contrary to saved Policy HG.10 of the Bath & North East Somerset Local Plan 2007; and Policy SV1(1) of the Core Strategy 2014.

2 The development generates additional traffic, via a sub-standard access, onto a sub-standard road network, to the detriment of the interests of highway safety. The development is therefore contrary to saved Policies T.1 and T.24 of the Bath & North East Somerset Local Plan 2007.

3 The introduction of a residential unit, together with the associated structures, parking and other residential paraphernalia has had, and would likely continue to have, a detrimental impact upon the area's prevailing/pre-existing landscape character. The development is therefore contrary to saved Policy NE.1 of the Bath _ North East Somerset Local Plan 2007; and Policy SV1(1) of the Core Strategy 2014.

PLANS LIST:

This decision relates to the Location plan; floor plans; elevations and section (all un-numbered) dated 18th March 2014.

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority is mindful of 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. This application is however retrospective and there has been no opportunity for pre-application dialogue. The applicant has been afforded the opportunity to respond to expressed concerns; and the application was brought before Committee for a decision at the earliest opportunity. The proposal was considered unacceptable for the reasons given.

Item No:	002	
Application No:	14/01495/FUL	
Site Location:	Rentokil Tropical Plants Pipehouse Nursery, Pipehouse, Freshford, Bath	
Ward: Bathavon South	Parish: Freshford	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 10 no. dwellings, including access road, car parking and hardstanding, landscaping and associated works and services following demolition of existing buildings and structures.	
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Mineral Consultation, MOD Safeguarded Areas,	
Applicant:	Belgravia Land Ltd	
Expiry Date:	23rd July 2014	
Case Officer:	Daniel Stone	

DECISION Delegate to PERMIT

A. Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure:

Transport and Accessibility

1. The provision in perpetuity of a public footpath to provide a traffic free pedestrian route from the site to Warminster Road and contributions of £19,000 to fund any associated admin costs and construction costs, any unused funds to be returned to the developer. Third party compensation to the landowner is to be paid by the developer.

Affordable Housing

2. The provision, on site of 40% Affordable Housing

Open Space and Recreational Facilities

3. Contributions £17,769.96 being provided towards the enhancement of existing Formal green space provision and the provision and construction of Allotments.

Education

4. Contributions of £34,029.88 being secured to provide primary age places and youth provision.

Protection of boundary hedgerows

5. The applicant and subsequent house owners backing onto the eastern hedge boundary, northern shall commit:

a. To not cut back the hedgerow on the eastern boundary of the site beyond the line of the post and wire fence forming the boundary of the Property and not to reduce the height of such hedgerow below 2.5 metres nor the width of it below 5 metres.

b. To maintain the hedgerow [shown [] on the Plan] in so far as it forms the boundary of the Property and carry out such pruning or cutting as may be necessary (subject always to the covenants in clause [] above) and where within a period of five years from the date of the development being completed such hedgerow dies, is removed, becomes seriously damaged or diseased to replace the same within 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.

These commitments are to be written into covenants to be placed on each of the plots abutting the hedgerows.

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 may be appropriate):

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 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:

* human health,

* property (existing or proposed) including buildings, crops, livestock, pets, woodland and

service lines and pipes,

* adjoining land,

* groundwaters and surface waters,

* ecological systems,

* archaeological sites and ancient monuments;

(iii) (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: In order to ensure that there are no unacceptable risks in relation to contamination and that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

3 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: In order to ensure that there are no unacceptable risks in relation to contamination and that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

4 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 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: In order to ensure that there are no unacceptable risks in relation to contamination and that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

5 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 1, and where remediation is necessary a

remediation scheme must be prepared in accordance with the requirements of condition 2, 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 3.

Reason: In order to ensure that there are no unacceptable risks in relation to contamination and that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

6 No development shall take place until full details of a Wildlife Protection and Enhancement

Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Method statement for precautionary measures to avoid harm to reptiles, nesting birds, small mammals and other wildlife during site clearance and construction work
- (ii) Details of any proposed new external lighting demonstrating that it is wildlife-friendly and demonstrating dark corridors at the vegetated site boundaries
- (iii) Details and findings of pre-commencement checks at the site including precommencement checks for badger activity
- (iv) Details of soft landscaping to incorporate native planting, to include details with specifications, locations and numbers of all habitat features including bird and bat boxes and all other measures to enhance the scheme for wildlife as set out in the approved Ecological Impact Assessment dated March 2014

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: to avoid harm to and replace habitat for wildlife and protected species

7 No demolition, site preparation or development shall take place until an arboricultural method statement (AMS) and tree protection plan identifying measures to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The AMS shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The AMS should also take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery. It shall include site supervision, completion certificates and the appointment of an arboricultural consultant.

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

8 No development shall commence on site until a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a tree planting

specification to include numbers, density, size, species and positions and a programme of implementation.

Reason: To mitigate the loss of trees for the development. In the interests of the appearance of the development and the surrounding area.

9 All 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.

10 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 or enlargement of dwellings 5, 6 and 10 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 adjoining retained trees.

11 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include hours of operation, details of the management of deliveries (including unloading and storage arrangements and timing of deliveries), contractor parking, traffic management and wheel washes. The development shall be carried out in full accordance with the agreed construction management plan.

Reason: To minimise disruption to Pipehouse Lane (which is a no through road), ensure the safe operation of the highway and protect the amenity of surrounding residents.

12 Prior to the commencement of development details shall be submitted to and agreed of cycle parking provision for plots 1 - 4. These areas shall be secure, sheltered and shall not be used other than for the parking of cycles in connection with the development hereby permitted, and shall be provided prior to the first occupation of the development and thereafter retained.

Reason: In the interests of sustainable development.

13 Sample panels of all the external materials and finishes and demonstrating coursing, jointing and pointing to the masonry and all hard paved surfaces (including roads and footpaths) are to be erected on site and shall be approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in full accordance with the approved details and sample panels and the Sample

Panels shall be retained on site until the development is complete. For the avoidance of doubt the boundary walls fronting onto Pipehouse Lane (plots 1 - 5) shall be constructed as natural dry stone walls.

Reason: To ensure that the external appearance of the development is satisfactory in order to protect the character and appearance of the Area of Outstanding Natural Beauty.

14 Prior to the commencement of development Infiltration test results and soakaway design calculations to BRE Digest 365 standard and drawings of the proposed soakaway designs should be submitted to and approved by the local planning authority. Should infiltration test results prove that soakaways are not a viable way to discharge surface water then an alternative drainage strategy should be submitted to and approved by this office. The drainage should be constructed in full accordance with the details agreed.

Reason: To ensure the proposed soakaways are adequate to accept surface water discharges from the development in the interests of flood risk management and highway safety

15 Prior to their construction a full schedule of proposed boundary walls shall be submitted to and approved in writing by the local planning authority, detailing their height and construction. The development shall thereafter be carried out in accordance with the agreed details, prior to the first occupation of the dwellings.

Reason: To ensure the development is satisfactory in appearance and to ensure the security of the properties.

16 Notwithstanding the submitted details, prior to the commencement of development, full details shall be submitted to and approved in writing by the Local Planning Authority of the refuse store for plots 8 - 10 inclusive including its location, design, materials and appearance. The bin store shall be implemented in full accordance with the agreed details prior to the occupation of the dwellings hereby approved.

Reason: To ensure that satisfactory provision is made whilst protecting the amenity of adjoining residents and ensuring that the appearance of the development is acceptable.

17 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

- Drawing 03989 TCP 29.05.2013 TREE SURVEY
- DRAWING 1402-PL01 SITE LOCATION PLAN
- Drawing 1243-CL02 REV A EXISTING WAREHOUSE BUILDING
- Drawing 1243-CL03 EXISTING WAREHOUSE BUILDING
- Drawing 1402-PL02 REV A CONTEXT PLAN
- Drawing 1402-PL03 REV B BLOCK PLAN

- PROPOSED REVISED SITE LAYOUT - Drawing 402-PL04 REV F
- Drawing 1402-PL05 REV A SITE CROSS SECTION & STREET SCENE
- PROPOSED GROUND FLOOR PLAN - PLOTS 1-4- DRAWING 1402-PL06 REV B
- PROPOSED FIRST FLOOR PLAN PLOTS 1-4- Drawing 1402-PL07 REV B
- PLOTS 1-4 ROOF PLANS DRAWING 1402-PL08 REV A
- PROPOSED FRONT ELEVATION - PLOTS 1-4 Drawing 1402-PL09 REV A
- PROPOSED REAR ELEVATION - PLOTS 1-4 Drawing 1402-PL10 REV A
- PROPOSED GROUND AND FIRST FLOOR PLANS - PLOT 5 - Drawing 1402-PL11 REV B
- PLOT 5 ROOF PLAN - Drawing 1402-PL12 REV A
- PROPOSED ELEVATIONS - PLOT 5 Drawing 1402-PL13 SHEET 1
- PROPOSED ELEVATIONS - PLOT 5 Drawing 1402-PL14 REV B - SHEET 2
- PROPOSED GROUND FLOOR PLANS - PLOTS 6 AND 7 - AMENDED PLAN - 1402-PL15 REV B PLOTS 6
- PROPOSED FIRST FLOOR PLANS - PLOTS 6 AND 7 - Drawing 1402-PL16 REV B
- PROPOSED ROOF PLAN - PLOTS 6 AND 7 - Drawing 1402-PL17 REV B
- PROPOSED ELEVATIONS SHEET 1 - PLOTS 6 AND 7 - Drawing 1402-PL18 REV C
- Drawing 1402-PL20 REV A PLOT 8 GROUND AND FIRST FLOOR PLANS
- Drawing 1402-PL21 PLOT 8 ROOF PLAN
- Drawing 1402-PL22 REV A PLOT 8 ELEVATIONS SHEET 1
- Drawing 1402-PL23 PLOT 8 ELEVATIONS SHEET 2
- Drawing 1402-PL24 PLOT 9 GROUND AND FIRST FLOOR PLANS
- Drawing 1402-PL25 REV A PLOT 9 ROOF PLAN
- Drawing 1402-PL26 REV B PLOT 9 ELEVATIONS SHEET 1
- Drawing 1402-PL27 PLOT 9 ELEVATIONS SHEET 2
- Drawing 1402-PL28 REV A PLOT 10 GROUND AND FIRST FLOOR PLANS
- Drawing 1402-PL29 REV A PLOT 10 ROOF PLAN
- Drawing 1402-PL30 REV A PLOT 10 ELEVATIONS SHEET 1
- Drawing 1402-PL31 PLOT 10 ELEVATIONS SHEET 2
- Drawing 1402-PL32 COVERED CAR PARKING
- Drawing 1402-PL33 SITE CROSS SECTION
- PROPOSED ELEVATIONS SHEET 2 - PLOTS 6 AND 7 - Drawing 1402-PL19 REV A
- REVISED TRACKING DIAGRAM SHOWING REFUSE VEHICLES - Drawing 2014 0493-001 REV B
- ECOLOGICAL IMPACT ASSESSMENT
- LANDSCAPE AND VISUAL IMPACT APPRAISAL
- SUSTAINABLE CONSTRUCTION CHECKLIST
- TRANSPORT STATEMENT

- Drawing 03 Apr 2014 1402-PL06 REV A SUPERCEDED - PLOTS 1-4 GROUND FLOOR PLAN...
- ARCHAEOLOGICAL DESK BASED ASSESSMENT
- GROUND CONDITIONS DESK STUDY
- PLANNING STATEMENT
- TREE SURVEY DATA SHEETS
- DRAWING 12/3971 TOPOGRAPHICAL SURVEY

Decision Taking Statement

The Council has worked proactively and positively with the applicants by negotiating to resolve outstanding issues prior to determining the application within an agreed timescale.

Code of Practice during construction

- 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

Informative in respect of condition 14 - Soakaway design

The tests required in respect of condition 14 are to confirm the viability of soakaways (and appropriate sizing). The Council's Flood Drainage team support the proposal to size soakaways to accommodate the 1in100 yr (+30%) rainfall events. The roof areas of the proposed plots are larger than 100m². Building regulations Part H, section 3 (3.30) specifies that soakaways serving an area of this size or greater should be built in accordance with BS EN 752-4 (paragraph 3.36) or BRE Digest 365 soakaway design. In particular the soakaway design should allow for future maintenance.