

**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**9th March 2016**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	15/04810/FUL	
<b>Site Location:</b>	Herman Miller Uk, Locksbrook Road, Newbridge, Bath	
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use from furniture production (Use Class B2) to an academic space comprising technical workshops, studio space, teaching space and office accommodation (Use Class D1).	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Core Business Area, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Bath Spa University	
<b>Expiry Date:</b>	11th March 2016	
<b>Case Officer:</b>	Chris Gomm	

**DECISION** Delegate to PERMIT

Subject to the following:

A) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure the following :-

1. the delivery of off-site highway works (prior to occupation) in the form of pedestrian crossing points of Locksbrook Road and Station Road, and on Station Road close to Ashley Avenue, or alternatively an appropriate financial contribution to cover the full cost of these improvements;

2. targeted recruitment and training. It is estimated that this will be:

11 Work placements;  
2 Apprenticeships;  
2 New jobs advertised through DWP; and  
a contribution of £5,950

B) Subject to the completion of (A) authorise the Group Manager - Development Management to PERMIT the development with the following conditions;-

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the premises shall be used for non-residential educational purposes only and for no other purpose (including any purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: For the avoidance of doubt as to the extent of the permission granted. The local planning authority wishes to manage future changes of use given the site's sensitive location close to residential properties.

3 Floor levels within the proposed development shall be set no lower than the existing floor levels

Reason: in the interests of flood risk management.

4 A scheme setting out how flood resilience and flood resistance measures will be incorporated into the means of the conversion of the building shall be submitted to and approved in writing by the local planning authority prior to the use first commencing. The approved flood resilience and resistance measures shall be implemented and incorporated into the building prior to the use first commencing.

Reason: To minimise the impact of flooding on the building and its occupiers

5 A Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the local planning authority prior to the use first commencing. The approved plan shall thereafter be implemented and adhered to in full.

Reason: in the interests of flood risk management

## 6 Site Characterisation

No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application has been 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: In order to ensure that the land is suitable for the intended uses 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.

#### 7 Submission of Remediation Scheme

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 prior to any development works commencing.

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 the land is suitable for the intended uses 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. A pre-commencement condition is necessary as remediation must be undertaken at the earliest phase.

#### 8 Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the occupation of the 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 the land is suitable for the intended uses 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.

## 9 Reporting of Unexpected Contamination

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 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 8.

Reason: In order to ensure that the land is suitable for the intended uses 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.

## 10 Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the Local Planning Authority 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: In order to ensure that the land is suitable for the intended uses 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.

11 The areas allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

12 Prior to any physical conversion works taking place, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. It shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management. The works shall proceed in accordance with said approved CMP.

Reason: To ensure the safe operation of the highway.

13 Prior to the occupation of the development, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan so approved.

Reason: In the interests of sustainable development

14 The existing willow trees located forward of the building's riverside elevation shall be retained as an integral part of the development hereby approved. Prior to first occupation a scheme detailing how these trees will be maintained and managed shall be submitted to and approved in writing by the local planning authority. The trees shall thereafter be managed in accordance with the scheme so approved.

Reason: To ensure the trees are retained and managed in the interest of visual amenity and to minimise ecological impact.

15 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:**

Block Plan: Drawing No. IMA-15-145-007

Site Location Plan: Drawing No. IMA-15-145-006

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/revised proposals was taken and consent was granted.

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

<b>Item No:</b>	02	
<b>Application No:</b>	15/03485/FUL	
<b>Site Location:</b>	Kingswood Preparatory School, College Road, Lansdown, Bath	
<b>Ward:</b> Lansdown	<b>Parish:</b> N/A	<b>LB Grade:</b> IISTAR
<b>Application Type:</b>	Full Application	

<b>Proposal:</b>	Erection of new school building to accommodate prep school accommodation, new pre-prep and nursery, and multi use games area and associated infrastructure and landscaping.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Greenbelt, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Kingswood School
<b>Expiry Date:</b>	11th March 2016
<b>Case Officer:</b>	Suzanne D'Arcy

**DECISION** Defer consideration to allow Members to visit the site

<b>Item No:</b>	03
<b>Application No:</b>	15/05014/FUL
<b>Site Location:</b>	Land Adjacent To White Hill Cottages, White Hill, Shoscombe, Bath
<b>Ward:</b> Bathavon South	<b>Parish:</b> Shoscombe <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Demolition of existing masonry Blacksmith's Shop and adjacent corrugated iron garage: replace with three attached residential garages/stores.
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mrs Carolyn, Jane, Anne Burnell, Etle, Rogers
<b>Expiry Date:</b>	11th March 2016
<b>Case Officer:</b>	Christine Moorfield

**DECISION** Application withdrawn from the agenda

<b>Item No:</b>	04
<b>Application No:</b>	15/05518/FUL
<b>Site Location:</b>	23 Royal Crescent, City Centre, Bath, Bath And North East Somerset
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A <b>LB Grade:</b> I
<b>Application Type:</b>	Full Application

<b>Proposal:</b>	Replace existing flat roof with lead proof slated pitched roof to summer house with alterations to parapet (Revised partially retrospective proposal)
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Mr Peter White
<b>Expiry Date:</b>	4th February 2016
<b>Case Officer:</b>	Sasha Berezina

## DECISION REFUSE

1 The proposed alterations, by reason of the form, bulk and design of the roof and the increased parapet height would appear visually incongruous to the setting of Grade I listed Crescent and would damage local character, which is fundamentally derived from the context of Georgian architecture. This would neither preserve nor enhance the character and appearance of Bath Conservation Area. The proposal therefore is contrary to the principles and policies set out in Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12: Conserving and Enhancing the Historic Environment of National Planning Policy Framework, and the adopted development plan policies D.4, BH.2 and BH.6 of Bath & North East Somerset Local Plan (including Minerals and Waste Policies) adopted October 2007.

### PLANS LIST:

Drawing 07 Dec 2015 OR2-B2XB PROPOSED FRONT ELEVATION  
Drawing 07 Dec 2015 OR3-B2X PROPOSED REAR, NORTH ELEVATIONS  
Revised Drawing 09 Feb 2016 NO.PW04 EAST ELEVATION  
Revised Drawing 09 Feb 2016 NO.PW07 EAST ELEVATION & WEST ELEVATION  
PROPOSED REVISIONS

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. Despite previous permissions being granted following extensive negotiations between the officers and the applicant to enable approval, the scheme was not built in accordance with approved plans and for the reasons stated above was found unacceptable

<b>Item No:</b>	05
<b>Application No:</b>	15/05519/LBA
<b>Site Location:</b>	23 Royal Crescent, City Centre, Bath, Bath And North East Somerset
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A <b>LB Grade:</b> I
<b>Application Type:</b>	Listed Building Consent (Alts/exts)

<b>Proposal:</b>	Replace existing flat roof with lead proof slated pitched roof to summer house with alterations to parapet (Revised partially retrospective proposal)
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Mr Peter White
<b>Expiry Date:</b>	1st February 2016
<b>Case Officer:</b>	Sasha Berezina

## DECISION REFUSE

1 The proposed alterations, by reason of the form, bulk and design of the roof and the increased parapet height would appear visually incongruous to the setting of Grade I listed Crescent and would damage local character, which is fundamentally derived from the context of Georgian architecture. This would neither preserve nor enhance the character and appearance of Bath Conservation Area. The proposal therefore is contrary to the principles and policies set out in Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12: Conserving and Enhancing the Historic Environment of National Planning Policy Framework, and the adopted development plan policies BH.2 and BH.6 of Bath & North East Somerset Local Plan (including Minerals and Waste Policies) adopted October 2007.

### PLANS LIST:

Drawing 07 Dec 2015 OR2-B2XB PROPOSED FRONT ELEVATION  
Drawing 07 Dec 2015 OR3-B2X PROPOSED REAR, NORTH ELEVATIONS  
Revised Drawing 09 Feb 2016 NO.PW04 EAST ELEVATION  
Revised Drawing 09 Feb 2016 NO.PW07 EAST ELEVATION & WEST ELEVATION  
PROPOSED REVISIONS

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. Despite previous permissions being granted following extensive negotiations between the officers and the applicant to enable approval, the scheme was not built in accordance with approved plans and for the reasons stated above was found unacceptable

<b>Item No:</b>	06		
<b>Application No:</b>	15/05108/FUL		
<b>Site Location:</b>	Willow Farm, Flatts Lane, Farmborough, Bath		
<b>Ward:</b> Farmborough	<b>Parish:</b> Farmborough	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Change of use of land to residential curtilage (Retrospective).		



<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mrs Jackie Gregory Stevens
<b>Expiry Date:</b>	18th January 2016
<b>Case Officer:</b>	Sasha Berezina

## **DECISION PERMIT**

1 (i) Within 3 months of the date of this decision a scheme shall be submitted to the Local Planning Authority for approval and shall include:

- a) the precise location and details of the proposed boundary treatment in the form of a low level post and rail fence and hedging (or other such similar boundary treatment) to be erected to delineate the residential curtilage from the adjacent agricultural land;
- b) a method statement for the reinstatement of the land outside of the domestic curtilage hereby approved to its previous condition and use; and
- c) a schedule of all domestic planting, garden furniture, planters, path edgings, fencing and other domestic paraphernalia to be removed from outside the approved domestic curtilage.

(ii) Unless an acceptable scheme is submitted, approved and implemented within 12 months of this decision, the use of the site shall cease and the land shall be reinstated to agricultural land (its previous authorised use and condition).

Reason: In the interest of the openness of the Green Belt

2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the provisions of:

- a) Schedule 2 Part 1 Class A and Class E of the said order relating to enlargement of a dwellinghouse or any buildings incidental to the enjoyment of the dwellinghouse; and
- b) Schedule 2 Part 2 Class A relating to gates, fences, walls and other means of enclosure shall not apply to the dwelling to which this permission relates.

Reason: In the interest of protection of the openness of the Green Belt

## **PLANS LIST:**

OS Extract 23 Nov 2015      SITE LOCATION PLAN  
Revised Drawing 15 Jan 2016      LOCATION/PROPOSED CURTILAGE PLAN

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/revised 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, Lewis House, Manvers Street, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk).