

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

**1st June 2016**

**DECISIONS**

<b>Item No:</b>	01
<b>Application No:</b>	16/01310/FUL
<b>Site Location:</b>	Street Record, Abbey Church Yard, City Centre, Bath
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Temporary change of use of the site as a temporary Christmas Market for 25 days from 24th November 2016 to 18th December 2016 inclusive, including 173 retail chalets, 6 catering units and 4 mobile catering units.
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Scheduled Ancient Monument SAM, Air Quality Management Area, Article 4, Bath Core Office Area, Centres and Retailing, Conservation Area, Cycle Route, Forest of Avon, Hotspring Protection, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Prime Shop Front, Public Right of Way, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,
<b>Applicant:</b>	Bath Tourism Plus
<b>Expiry Date:</b>	17th June 2016
<b>Case Officer:</b>	Tessa Hampden

**DECISION REFUSE**

1 The proposed development, due to the length of the change of use proposed, is considered to have a detrimental impact upon the residential amenity of the surrounding occupier by virtue of increased noise and disturbance. The development is therefore contrary to saved policy D2 of the Local Plan 2007

2 The proposed development, due to the length of the change of use proposed and the scale and type of operation, is considered to have an unacceptable impact upon some local businesses. The development is therefore contrary to saved policy S2 of the Local Plan 2007, and the aims of the National Planning Policy Framework

**PLANS LIST:**

05 Apr 2016      SITE 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. Discussions were held with the agent, but this application was refused by Members at Planning Committee

<b>Item No:</b>	02
<b>Application No:</b>	16/00898/FUL
<b>Site Location:</b>	Somersby Orchard, The Gug, High Littleton, Bristol
<b>Ward:</b> Clutton	<b>Parish:</b> Clutton <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of a new dwelling following demolition of an existing dwelling within residential curtilage.
<b>Constraints:</b>	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines, Neighbourhood Plan, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr & Mrs Paul Wyatt
<b>Expiry Date:</b>	21st April 2016
<b>Case Officer:</b>	Tessa Hampden

## 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 Prior to the construction of the development infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) shall be undertaken to verify that soakaways will be suitable for the development. The soakaways shall be installed prior to the occupation of the development unless the infiltration test results demonstrate that soakaways are not appropriate in accordance with Building regulations Part H, section 3 (3.30). If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with policy CP5 of the Bath and North East Somerset Core Strategy.

3 The development hereby permitted shall be carried out only in accordance with the ecological mitigation proposals and recommendations described in section 7 and Table 5 of the approved Ecological Survey by Clarkson and Woods dated February 2016.

Reason: to prevent harm to ecology and to provide replacement habitat and biodiversity opportunities in line with the requirements of NPPF

4 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) no extension, or enlargement of the dwelling 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 because of the siting of the development in the Green Belt

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:**

24 Feb 2016	0575.003	EXISTING PLANS AND ELEVATIONS
24 Feb 2016	0575.004	PROPOSED PLANS AND ELEVATIONS
24 Feb 2016	0575.001	SITE LOCATION PLAN
24 Feb 2016	0575.002	BLOCK PLAN

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

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. A positive view of the submitted/revised proposals was taken by Committee and consent was granted.

<b>Item No:</b>	03	
<b>Application No:</b>	15/04971/FUL	
<b>Site Location:</b>	Parcel 3515, Charmydown Lane, Swainswick, Bath	
<b>Ward:</b> Bathavon North	<b>Parish:</b> Batheaston	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Construction of new and replacement track to serve dwellings, farms and farmland along the upper section of Charmydown Lane, Upper Swainswick, Bath BA1 8AB	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas, Public Right of Way, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, Water Source Areas,	
<b>Applicant:</b>	Dormie Holdings Ltd C/o Brimble Lea & Partners	
<b>Expiry Date:</b>	3rd June 2016	
<b>Case Officer:</b>	Alice Barnes	

**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 take place until full details of a Wildlife Protection, Management and Enhancement Scheme in accordance with the recommendations and proposals described in the approved ecological assessment by Tyler Grange dated 2nd March 2016 have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Full details of all proposed ecological mitigation, compensation, enhancement and protection measures, including fenced exclusion zones if applicable, new habitat creation and other ecological features to provide ecological benefit, with all measures and locations being shown on a plan

(ii) Full details and specifications for planting and seeding, to include species compositions, numbers, sizes and positions of planting, with measures also incorporated into soft landscape design and shown on all relevant plans and drawings

(iii) A list of wildlife conservation management aims and objectives to include species specific objectives where applicable for example creation of tussocky grassland habitat to benefit barn owl, and proposed management operations to achieve the aims and objectives

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 wildlife and to mitigate for ecological impacts

3 No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures ) to protect the trees within the woodland belt has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The plan shall include proposed tree protection measures during site preparation (including clearance), during construction and landscaping operations ensuring that no-dig construction methods are used within the rooting areas of the trees where the new track is constructed through the woodland belt.

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

4 All ground works shall be monitored in accordance with the Archaeological Written Scheme of Investigation (Archaeology and Planning Solutions, February 2015) submitted with this application, providing a controlled watching brief with provision for the detailed excavation and recording of any significant deposits or features encountered.

Reason: The site is within an area of significant archaeological interest and the Council wish to protect and record any archaeological remains disturbed by the development.

5 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) no fences, gates or any other means of enclosure shall be constructed within or adjacent to the track unless a further planning permission has been granted.

Reason: To safeguard the nearby public right of way and the openness of the surrounding green belt.

6 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) hours of operation, contractor parking and traffic management. The development shall thereafter be carried out in accordance with the details approved.

Reason: Details are required prior to the commencement of the development to ensure the safe operation of the highway and to ensure that the construction of the development does not cause disruption to the highway. To ensure that the development does not occur during anti-social hours in the interests of residential amenity. To ensure that the proposed development does not block or disrupt the existing public right of way.

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:**

- Site location plan 1743 SL 01 a
- Detailed site plan 1743 A1 L3
- Proposed farm track 1743 A3 L4
- Proposed plans 1743 A1 L1 rev E
- Proposed plans 1743 A1 L2 rev E

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 consent was granted.

<b>Item No:</b>	04	
<b>Application No:</b>	16/01359/FUL	
<b>Site Location:</b>	153 Newbridge Hill, Newbridge, Bath, BA1 3PX	
<b>Ward:</b> Newbridge	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Provision of additional 9 parking spaces at the rear of 153/155 Newbridge Hill (Resubmission of 15/01226/FUL)	

<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Ms Amy Dyer
<b>Expiry Date:</b>	6th June 2016
<b>Case Officer:</b>	Martin Almond

## **DECISION REFUSE**

1 The proposed development due to its intended use, location and size would result in development which does not respect the existing character and appearance of the locality and as such is contrary to the provision of saved policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

2 The proposal development by virtue of its size, scale and siting in this backland location would detract from the open and regular pattern of the existing built environment which would harm the character and appearance of the City of Bath Conservation Area. The development is therefore contrary to saved policy BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

3 The increase in the number of parking spaces will result in an increased number of vehicle movements which will result in increased disturbance to the existing residential properties and as such the proposal is contrary to saved policy D.2 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

4 The proposed development will create further reliance on private car use which in this sustainable location, close to public transport links and with no adequate demonstration of need is contrary to saved policy T.20 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

### **PLANS LIST:**

This decision relates to drawings 1102 P62, 1102 P63, 1102P64, 1102 P65 and 1102 P61 dated as received 22nd March 2016.

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 Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. 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.

<b>Item No:</b>	05	
<b>Application No:</b>	16/00991/FUL	
<b>Site Location:</b>	Land Opposite Rowan House, High Street, Freshford, Bath	
<b>Ward:</b> Bathavon South	<b>Parish:</b> Freshford	<b>LB Grade:</b> II
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Creation of new access opening and construction of parking area for two cars.	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr Peter King	
<b>Expiry Date:</b>	5th May 2016	
<b>Case Officer:</b>	Kate Whitfield	

## **DECISION**

Defer for site visit - to allow Members to understand the context of the site