

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

11th January 2017

DECISIONS

Item No:	01		
Application No:	16/04615/FUL		
Site Location:	Horseworld, Staunton Lane, Whitchurch, Bristol		
Ward:	Publow And Whitchurch	Parish: Whitchurch	LB Grade: II
Application Type:	Full Application		
Proposal:	Residential development of 97no dwellings with land reserved for early years provision and alterations to the front boundary wall of Staunton Manor Farm, Staunton Lane, Whitchurch.		
Constraints:	Affordable Housing, Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Contaminated Land, Forest of Avon, Sites with Planning Permission, Greenbelt, Housing Development Boundary, LLFA - Flood Risk Management, Public Right of Way, SSSI - Impact Risk Zones,		
Applicant:	Bellway Homes Ltd		
Expiry Date:	27th January 2017		
Case Officer:	Rachel Tadman		

DECISION Delegate to permit subject to no new issues being raised during the conclusion of the consultation period

Item No:	02	
Application No:	16/04629/FUL	
Site Location:	Kielder, Church Lane, East Harptree, Bristol	
Ward: Mendip	Parish: East Harptree	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Demolition of existing dwelling and erection of 4no dwelling with associated car parking, gardens and amenity space	
Constraints:	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Housing Development Boundary, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Simon James Homes	
Expiry Date:	12th January 2017	
Case Officer:	Tessa Hampden	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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 permission

2 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)

No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall 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) an appraisal of remedial options, and proposal of the preferred option(s).

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. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

3 Contaminated Land - Remediation Scheme (Pre-commencement)

No development shall commence until 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, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,

(iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall 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.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

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. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

4 Contaminated Land - Verification Report (Pre-occupation)

No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

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.

5 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

6 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of

materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

7 Ecology Wildlife Protect & Enhance (Pre-commencement)

Development shall not commence until details of a Wildlife Protection and Enhancement Scheme designed to avoid harm to wildlife, in particular reptiles, nesting birds and badger, has been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the recommendations of the approved "Biodiversity and Geological Conservation Assessment" by Acorn Ecology dated February 2016 and shall include:

- o Findings of completed reptile survey together with proposed details for all necessary reptile mitigation and habitat compensation measures, as applicable
- o findings of a nesting bird survey if site clearance is required during the nesting season, together with details of proposed measures to avoid disturbance to nesting birds
- o specifications for measures such as protective fencing, to protect retained habitats, if applicable
- o proposed measures to avoid harm to badger, including, if applicable, findings of precommencement checks for badger activity
- o proposals for biodiversity enhancements, with measures and specifications to be shown on all relevant plans and drawings

The development shall be carried out only in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

Reason: to avoid harm to wildlife including reptiles, badger and nesting birds, and to provide biodiversity enhancements in line with the requirements of NPPF

8 Obscure Glazing (Compliance)

The proposed windows on the north east elevation of plot 3 (on the proposed site plan) shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the residential amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

9 Removal of Permitted Development Rights - Car ports (Compliance)

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 doors or other means of enclosure shall be inserted into the car port areas and these shall remain open in perpetuity.

Reason: Any alterations to enclose this areas require detailed consideration by the Local Planning Authority to ensure sufficient onsite parking is retained in accordance with the Chew Valley Neighbourhood Plan

10 Hard and Soft Landscaping (Pre-occupation)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and 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 in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

11 Hard and Soft Landscaping (Compliance)

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 (phasing) 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 in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

12 Highways - Parking (Compliance)

The areas allocated for parking and turning 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: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

13 Highways - Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

14 Vehicle Visibility Splay (Pre occupation)

No occupation of the development shall commence until the visibility splay shown on drawing number 15151_120 Rev B has been provided. There shall be no on-site obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

15 Bound and compacted footpath and carriageway (Pre occupation)

Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway.

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

16 Archaeology - Watching Brief (Pre-commencement)

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

17 Flood Risk and Drainage - Infiltration Testing (Pre-commencement)

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and 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. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

18 Rainwater harvesting - (Pre occupation)

The development hereby approved shall not be occupied until a scheme for rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. water butts) has been submitted to and approved in writing. The development shall thereafter be carried out in accordance with these approved details.

Reason; In the interests of sustainable development in line with policy SCR5 of the Place Making Plan

19 Plans List (Compliance)

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:

22 Sep 2016	15151_100	SITE LOCATION PLAN
22 Sep 2016	15151_101	EXISTING SITE PLAN
22 Sep 2016	15151_102	TOPOGRAPHICAL SURVEY
22 Sep 2016	15151_103	EXISTING SECTIONS A-A & B-B
05 Dec 2016	15151_104	REVISION H PROPOSED SITE PLAN
05 Dec 2016	15151_105	REVISION F DWELLING TYPE 1 - PLANS
05 Dec 2016	15151_106	REVISION D DWELLING TYPE 1 - ROOF PLAN AND SECTIONS
05 Dec 2016	15151_107	REVISION F DWELLING TYPE 1 - ELEVATIONS
05 Dec 2016	15151_108	REVISION F DWELLING TYPE 2 - PLANS
05 Dec 2016	15151_109	REVISION E DWELLING TYPE 2 - ROOF PLAN AND SECTIONS
05 Dec 2016	15151_110	REVISION F DWELLING TYPE 2 - ELEVATIONS
05 Dec 2016	15151_111	REVISION E DWELLING TYPE 3 - GROUND FLOOR PLAN
05 Dec 2016	15151_112	REVISION D DWELLING TYPE 3 - ROOF PLAN
05 Dec 2016	15151_113	REVISION D DWELLING TYPE 3 - ELEVATIONS
05 Dec 2016	15151_114	REVISION F PROPOSED SECTIONS
05 Dec 2016	15151_116	REVISION D PROPOSED LANDSCAPE PLAN
05 Dec 2016	15151_120	REVISION C PROPOSED VISIBILITY SPLAY
05 Dec 2016	15151_121	REVISION C LONG ELEVATION
05 Dec 2016	15151_122	REVISION D DWELLING TYPE 3 - SECTIONS

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

The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the widening of a vehicular crossing. The access shall not be brought into use until the

details of the access have been approved and constructed in accordance with the current Specification.

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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.

Item No:	03	
Application No:	16/02230/FUL	
Site Location:	10 Lymore Gardens, Twerton, Bath, Bath And North East Somerset	
Ward: Westmoreland	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Change of use from a 4 bed dwelling (use class C3) to a 4 bed house of multiple occupation (HMO) (Use class C4)	
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, HMO Stage 2 test required, Hotspring Protection, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Mr Andrew Spear	
Expiry Date:	15th July 2016	
Case Officer:	Nikki Honan	

DECISION REFUSE

1 The proposed development where there are no parking facilities on site would be likely to give rise to the on-street parking of additional cars attracted to the premises and thereby interrupt the free flow of traffic to the danger of road users in an area where on-street parking is in high demand. The development is therefore contrary to policies T.24 and T.26 of the Bath and North East Local Plan, including minerals and waste policies, adopted 2007

2 The proposed development would lead to over intensification of Houses in Multiple Occupation which is harmful to the character of the area and contrary to policy HG.12 of the Bath and North East Somerset Local Plan, adopted 2007, and 'Houses in Multiple Occupation in Bath' Supplementary Planning Document, adopted 2013.

PLANS LIST:

This decision relates to the Site Location Plan dated 20th May 2016, and the Proposed Floor Plans dated 12th December 2016.

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. Despite the officer recommendation to approve, Councillors considered the application to be unacceptable for the reasons given.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule comes into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Item No:	04		
Application No:	16/05085/FUL		
Site Location:	44 St Clement's Road, Keynsham, Bristol, Bath And North East Somerset		
Ward: Keynsham South	Parish: Keynsham Town Council	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Demolition of existing garage and erection of 1no detached dwelling in its place.		
Constraints:	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,		
Applicant:	Mr John Ridgeway		
Expiry Date:	12th January 2017		
Case Officer:	Nikki Honan		

DECISION REFUSE

1 The proposed development by reason of its siting scale and design will fail to respect the context of the surrounding streetscene and spatial characteristics of the area. The development is therefore contrary to policy CP6 of the Core Strategy, adopted 2014, and policies D.2 and D.4 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007

PLANS LIST:

This decision relates to:

01, 02, 03, 04 - all received 17 Oct 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. 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.

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule comes into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Item No:	05	
Application No:	14/05836/FUL	
Site Location:	Land Rear Of Yearten House, Water Street, East Harptree, Bristol	
Ward: Mendip	Parish: East Harptree	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 8 dwellings and access.	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Housing Development Boundary, SSSI - Impact Risk Zones, Water Source Areas,	
Applicant:	John Sainesbury & Co.	
Expiry Date:	28th February 2017	
Case Officer:	Christine Moorfield	

DECISION Delegate to Permit subject to Section 106

Item No:	06
Application No:	16/05256/FUL
Site Location:	Avalon House, Fosseway, Dunkerton, Bath
Ward: Bathavon West	Parish: Dunkerton & Tunley Parish Council
LB Grade: N/A	
Application Type:	Full Application
Proposal:	Erection of wall and feather edged panelling fence between pillars following removal of old fence (Retrospective) (Resubmission)
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,
Applicant:	Mr Nathan McKenna
Expiry Date:	18th January 2017
Case Officer:	Robert Warren

DECISION REFUSE

1 The height and scale of the fence has an overbearing impact on the street scene and the materials are out of context with the character and appearance of the surrounding area. The proposed development is therefore considered to be contrary to saved policies D.2 and D4 of the Bath and North East Local Plan, 2007 and contrary to policies D.1, D.2 and D.6 of the Draft Placemaking Plan, 2015.

2 The fence and wall by reason of its siting, scale and appearance does not respect or complement the existing dwelling to the detriment of visual amenity. The development is therefore contrary to saved policies D.2, D.4 of the Bath and North East Local Plan, 2007 and contrary to Policies D.1 and D.2 of the Draft Placemaking Plan, 2015.

PLANS LIST:

This decision relates to drawings, Fence Elevations, Footpath/Road Level Elevations and Site Location Plan received on the 25th October 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. 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.

Item No:	07		
Application No:	16/04535/FUL		
Site Location:	33 Parklands, High Littleton, Bristol, Bath And North East Somerset		
Ward: High Littleton	Parish: High Littleton	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of a dwelling following demolition of the outbuilding		
Constraints:	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Housing Development Boundary, SSSI - Impact Risk Zones,		
Applicant:	Mr Tiley		
Expiry Date:	20th January 2017		
Case Officer:	Samantha Mason		

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