

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 8th March 2017

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
001	16/05094/FUL	Beechen Cliff School

An additional 3 objection comments and 1 general comment have been received since the February committee meeting. The main points raised were:

Concern about transparency of the applicant;
Concern about inaccurate drawings;
Loss of privacy;
Damage to properties;
Increased noise levels;
Harm to boundary planting;
Lack of room for hedge cutting;
Health and safety concerns relating to the width of the footpath

Item No.	Application No.	Address
003 & 004	16/05508/FUL and 16/05509/LBA	18 Upper Camden Place, Bath

A bat survey has now been submitted, comprising a building inspection by a licenced bat worker. The survey does not find any current use of the roof by bats but there is a small risk that animals could use the building in future or be concealed, and the report therefore recommends appropriate precautionary measures. These could be secured by condition.

The ecology concerns have been resolved; however, the applications remain recommended for refusal for the reasons outlined in the main report.

Item No.	Application No.	Address
01	16/05348/REG03	Bath Quays Bridge, Bath

A consultation response from the Contaminated Land Officer has been received. This is summarised below:

Taking account of the potentially contaminative historical use of the site on the north and south of the river for uses including: brass and iron foundry, engineering works and baths and laundries, it is advised that conditions are applied to any permission if granted to ensure that risks to human health and the environment are adequately assessed and managed.

Additional Conditions

As a result of the above response, the following additional conditions are to be added to the recommendation.

19. 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.

20. 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.

21. Contaminated Land - Verification Report (Pre-occupation)

The approved bridge shall not be brought into use 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.

22. Contaminated Land - Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to the approved bridge being brought into use.

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.

Additional amendment

Condition 19 (Plans List) is to be relabelled as condition 23

Item No.	Application No.	Address
03	16/06188/FUL	Former Hinton Garage, Upper Bristol Road, Bath

Correction

The committee report incorrectly states that the development will comprise 68 apartments; 67 flats apartments are in fact proposed.

Flood Risk Matters

Members will note from the main report that at the time of writing the Environment Agency (EA) had a standing objection to the application on the grounds that the submitted Flood Risk Assessment (FRA) had been prepared without reference to the EA's new guidance. A revised FRA has been submitted to the local planning authority and the EA's objection has since been withdrawn subject to a number of conditions. The conditions in question form part of the revised recommendation set out below with the exception of conditions suggested by the EA in relation to contaminated land. These conditions duplicate a number of conditions already suggested by the Council's Contaminated Land Officer and as such it is not recommended that these are added.

It is considered that the application now passes the second stage of the Exception Test as the submitted Flood Risk Assessment satisfactorily demonstrates that the development and its occupiers will be safe for its lifetime.

Ecological Matters

Ecological matters are now resolved. Natural England had raised concerns in relation to the potential impact of the proposed development on bats commuting/foraging along the adjacent River Avon in respect of light spill. A revised lighting report has been submitted and this sets out additional mitigation measures (including specialist glazing and automated blinds) to minimise light spill further. Both Natural England and the Council's ecologist are now content that predicted light spill will now be at a level that is ecologically acceptable, subject to conditions. A number of additional ecological conditions are recommended and are set out below.

Revised RECOMMENDATION

PERMIT

1. Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure:

a) that the development constitute an 'assisted living' development for the elderly (including the availability of certain range and quantum of support/health services and a minimum occupancy reconstruction of 60 years of age;

b) A targeted recruitment and training contribution

2. Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the conditions listed in the main report (or such conditions as may be appropriate) and subject to the following additional conditions:

1. The development hereby approved shall be constructed with finished lower ground floor levels set at a minimum of 18.61m AOD including the car parking area. The finished floor levels of the 1st floor should be set no lower than 22.15m AOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

2. No development (excluding demolition works) approved by this planning permission shall commence until such time as layout plans based on the Flood Risk Assessment (FRA) by Peter Brett Associates dated 27 January 2017 detailing the location of all mitigation measures detailed within the FRA, have been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The measures shall include:

- 1) Passive flood doors providing a protection level of at least 19:55m AOD combined with window sill levels no lower than 19:55m AOD.
- 2) Self raising flood barriers to 19:55m AOD.
- 3) A secondary line of flood doors.
- 4) Tanking of building walls and ceilings of the wellbeing centre and critical infrastructure.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. The measures shall be maintained for the lifetime of development.

Reason: To reduce the risk of flooding to the proposed development and future occupants. A pre-commencement condition is necessary as flood mitigation measures can form an integral part of a building's construction.

3. During construction there shall be no stockpiling of building materials or spoil within the areas of the site designated as being in Flood Zone 3 as defined by the Environment Agency Flood Map for Planning.

Reason: To reduce impact of conveyance flows and flood risk.

4. Piling or any other foundation designs / investigation boreholes / tunnel shafts / ground source heating and cooling systems using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

5. 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. Updated ecological survey report to also include details of any necessary pre-commencement checks on site, and proposed reporting of findings to the LPA prior to commencement of works
- ii. Proposed details and specifications for all necessary measures to avoid harm to wildlife, including, as applicable, method statements and /or precautionary working methods and ecological supervision of works, for protection of the River Avon, otters, bats, nesting birds
- iii. Proposed measures to provide additional benefit to wildlife to include provision of wildlife friendly planting; habitat creation, and features such as bat and bird boxes, with details of specification, numbers, positions, heights, and materials to be provided for all proposed measures. All measures must be incorporated into the scheme and shown to scale on all relevant plans and drawings

All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan. A pre-commencement condition is necessary because development works have the potential to impact upon ecological interests.

6. The development hereby permitted shall be constructed and operated thereafter in accordance with the measures for reducing light spill and in accordance with the predicted light spill levels of the approved Illumination Impact Profile 16-02425-200716-LG- Hinton Garage Site IIP-01 – P5 by Hoare Lee dated 28th February 2017. Operation of automated blinds shall be programmed to coincide with dusk each day and shall be centrally controlled according to specified times of use to be first agreed in writing by the LPA. Overriding of controls by building occupiers will not be permitted. Any proposed revisions to the approved Illumination Impact Profile must be submitted to and agreed in writing by the LPA and may not be agreed without having first demonstrated equivalent or lower predicted light spill levels onto the river compared with those in the approved document.

Reason: To avoid unacceptable light spill from the development and to avoid harm to wildlife and bats which are protected species.

7. Prior to occupation, a proposed 2 year Programme for Monitoring of Operational Light Spill Levels to collect lux level data at times when peak bat activity and light usage coincide, shall be submitted to and approved in writing by the LPA. The Light Spill Monitoring Programme shall provide data showing operational post-occupancy light levels above and adjacent to the river Avon at heights and positions that enable comparison with the light spill levels predicted in the approved Illumination Impact 16-02425-200716-LG- Hinton Garage Site IIP-01 – P5 by Hoare Lee dated 28th February 2017. The Light Spill Monitoring Programme shall include proposed reporting to the LPA and specify timescales and frequency of monitoring. The programme shall also include proposed further mitigation and remedial action should operation light spill levels exceed the predicted light spill levels. Any necessary remedial action or further mitigation required shall be implemented in accordance with specifications to be agreed in writing with the LPA and a further light spill monitoring report shall be produced and approved in writing by the LPA to demonstrate the effectiveness of any necessary further mitigation. The Programme for Monitoring of Operational Lighting Spill Levels shall thereafter be implemented in accordance with the approved details.

Reason: to demonstrate the effectiveness of light spill minimisation and mitigation required to avoid harm to wildlife and bats which are protected species

8. No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights; details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. Predicted lux levels must be modelled in combination with predicted light spill from internal lighting and must demonstrate avoidance of additional light spill onto the river. The lighting shall be installed and operated thereafter in accordance with the approved details

Reason: to avoid unacceptable light spill from the development and to avoid harm to wildlife and bats which are protected species.

Informative

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the main river (River Avon). To enquire as to the scope of the Agency's controls and to obtain an application form, please email bridgwater.fdcs@environment-agency.gov.uk.

Swimming Pool filter backwash water should connect into a mains foul sewer. The filter backwash water or pool water must not be allowed to discharge into any watercourses, or enter any private sewage treatment systems.

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.

Item No.	Application No.	Address
07	16/06118/FUL	46 High Street, Saltford

2 revised survey drawings received to reflect the position of the red line in relation to the boundary with No44 High Street and to align with the corresponding proposed drawings. (Drawings ref. 1603/SE.002 and 003 – Survey Plans, Elevations and Section).