

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

28th June 2017

SITE VISIT DECISIONS

Item No:	001		
Application No:	17/01208/FUL		
Site Location:	Avonlea House, Station Road, Freshford, Bath		
Ward:	Bathavon South	Parish:	Freshford
		LB Grade:	N/A
Application Type:	Full Application		
Proposal:	Erection of single storey side extension		
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, MOD Safeguarded Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,		
Applicant:	Ms Sarah Lynott		
Expiry Date:	2nd June 2017		
Case Officer:	Samantha Mason		

DECISION REFUSE

1 The proximity of the proposal to the neighbouring boundaries and the height of the extension above the boundary walls is considered to result in an overbearing impact on the neighbours residential amenity and is contrary to policy D.2 of the Bath and North East Somerset Local Plan (including Minerals and Waste policies) adopted October 2007 and Draft Placemaking Plan policy D6.

2 The proposed extension by reason of its size and location would fail to preserve or enhance the character of the Conservation Area. This would be contrary to Policy BH.6 of the Bath and North East Somerset Local Plan (including Minerals and Waste policies) adopted October 2007 and Draft Placemaking Plan policy HE.1.

PLANS LIST:

This decision relates to the following plans:

13 Mar 2017 Ah.3. Site Location Plan
13 Mar 2017 Ah.5. Block Plan
13 Mar 2017 Ah.4. Proposed Plans

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 application was considered by the Development Management Committee, who voted to refuse the application. In considering whether to prepare a further application the applicant's attention is drawn to the reasons for refusal.

Item No:	002		
Application No:	17/00299/OUT		
Site Location:	Land Between Homelands And 10, Camerton Hill, Camerton, Bath		
Ward: Bathavon West	Parish: Camerton	LB Grade: N/A	
Application Type:	Outline Application		
Proposal:	Outline Planning Application for the erection of 1no. single storey dwelling (Resubmission).		
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Primary School Purpose, Public Right of Way, SSSI - Impact Risk Zones,		
Applicant:	Mrs Brenda Sandy-Miles		
Expiry Date:	2nd June 2017		
Case Officer:	Samantha Mason		

DECISION APPROVE

1 Outline Time Limit (Compliance)

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Reserved Matters (Pre-commencement)

Approval of the details of the access, appearance, scale, layout and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

3 Reserved Matters Time Limit (Compliance)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

4 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.

5 Levels and Heights (Pre-commencement)

No development shall commence until details, including elevations, of the proposed ridge heights/finished floor levels/eaves heights/slab levels in relation to Homelands, Camerton Hill have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished height of the development to accord with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the ridge heights/finished floor levels/eaves heights/slab levels have the potential to affect the overall appearance of the development in the street scene. Therefore these details need to be agreed before work commences as they could not easily be amended after.

6 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.

7 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.

8 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.

9 Water Efficiency (Compliance)

The approved dwelling shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the draft Placemaking Plan.

10 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwelling shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (eg. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

11 Highways - Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

12 Wildlife Protection and Enhancement (Pre-occupation)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme produced by a suitably experienced ecologist have been submitted to and approved in writing by the local planning authority. These details shall include mapped findings of an ecological survey, and findings of any necessary other further surveys for example reptile survey findings; detailed proposals and specifications for all necessary wildlife protection and mitigation measures, to include, as applicable, provision of fenced exclusion zones around retained habitat; proposed precautionary methods of working; method statement to avoid harm to reptiles, as applicable; details of all proposed habitat provision and specifications for provision of additional features, habitats and native species planting, to benefit wildlife. 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 saved policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

PLANS LIST:

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.

This decision relates to the following plans/documents:

Illustrative layout plan ref. BS/2
Site Location plan Dwg. No. HS/162935

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.

The Public Rights of Way Team requests that the following be applied:

1) The Applicant must be able to demonstrate that the proposed vehicular access to the development will be lawful. Without this, any purchasers of the proposed properties may be committing an offence every time they drive along the footpath.

2) Care must be taken when using mechanically-propelled vehicles on a footpath. Motorists must give way to pedestrians.

Item No:	003	
Application No:	16/05845/FUL	
Site Location:	East Barn, Whitecross Farm, Bristol Road, West Harptree	
Ward: Mendip	Parish: West Harptree	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Conversion of an existing barn to office accommodation (Use Class B1)	
Constraints:	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Flood Zone 2, Greenbelt, LLFA - Flood Risk Management, SSSI - Impact Risk Zones, Water Source Areas,	
Applicant:	Mr Clive Setter	
Expiry Date:	30th June 2017	
Case Officer:	Martin Almond	

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 Personal Permission (Compliance)

The planning permission hereby approved is for the sole benefit of Mr Clive Setter and the building shall only be used as an office within Use Class B1a. If the use hereby approved ceases the use of the building shall revert to its former lawful use (barn, Class Sui Generis).

Reason: The development hereby approved is only acceptable in this location because of the nature of the business undertaken by the applicant. Further consideration of any new or alternative business would be required by the Local Planning Authority due to potential impact on residential amenity and highway safety.

3 Highways - Parking (Compliance)

The areas allocated for parking and turning on the submitted plan (6198-101E dated as received 23 March 2017) 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.

4 Wildlife Protection and Enhancement (Pre-occupation)

Within 6 months of the date of this permission full details of a Wildlife Compensation and Enhancement Scheme shall be submitted to and approved in writing by the local planning authority. These details shall include:

- (i) proposals for provision of bat habitat and roosting provision to re-instate bat roosting opportunities to the site,
- (ii) nesting provision as recommended in section 4.6 of the approved Bat and Bird Scoping Survey dated March 2017 by Crossman Associates; and (iii) other features to benefit wildlife, including new planting, where opportunities exist.

The scheme shall be produced by a suitably experienced ecologist and shall show all proposed measures, and specifications for their numbers, positions, heights, materials and fixings, as applicable, to scale on a plan. 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.

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

Reason: To avoid net loss of biodiversity and to provide biodiversity gain in accordance with NPPF and policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

5 Implementation of Wildlife Scheme (Pre-occupation)

Within 2 months of the implementation of the recommendations of the Wildlife Protection and Enhancement Scheme a report shall be produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, and submitted to the Local Planning Authority for approval.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme 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.

6 Delivery Hours (Compliance)

No vehicular deliveries shall arrive, be received or despatched from the site outside the hours of:

Monday to Friday 08:00 - 18:30
Saturday 09:00 - 13:00

No vehicular deliveries shall arrive, be received or despatched on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

7 Obscure Glazing (Compliance)

The proposed rooflights in the roof of the south-west elevation of the building shall be obscurely glazed. Thereafter the rooflights 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.

8 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed window in the south elevation of the building 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 Restriction on access lane parking (Compliance)

The passing place/field entrance located at the northern end of the access road (between the gardens of Stratford House and Stratford Cottage) and the access road shall not be used for vehicle parking and shall be kept clear of obstruction at all times.

Reason: To ensure access to the site and adjoining residents is unimpeded in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

10 Removal of permitted development rights (Compliance)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), and notwithstanding the Town and Country Planning (General Permitted Development Order) 2015 as amended, (or any order revoking and re-enacting that Order with or without modification) the premises shall be used only for B1a (Office) and for no other purpose in Class B of the schedule to that Order.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

11 Removal of Permitted Development Rights - No extensions or alterations (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 extension, external alteration or enlargement of the building 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 possible impact upon Green Belt, Area of Outstanding Natural Beauty, residential amenity and highway safety.

12 No Residential Occupation (Compliance)

There shall be no residential occupation within the building or on any part of the site at any time.

Reason: Residential occupation could have an adverse impact on the amenities of adjoining residents and would require planning permission in its own right.

13 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:

This decision relates to drawings 6198-102C and site location plan dated as received 30th November 2017 and drawings 6198-101E and 6198-103B dated as received 23rd March 2017.

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.

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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.