

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 18th December 2019

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
02	19/00786/FUL	Field Between City Farm And Cotswold, View, The Hollow, Southdown, Bath

Ecology

Following the receipt of further advice from the ecologist, the officer recommendation is updated as below:

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

- a) *the long term safeguarding and wildlife conservation management of the area of land to the north of the development site (as shown on the soft landscape plan 1380-02-P4) and the long term management of any other ecological measures approved / required by condition (off site or within the development site)*
- b) *production of an Ecological Management Plan for the above land, and its implementation thereafter*
- c) *legal and financial / resourcing responsibilities for the land and its maintenance, and long term retention and enhancement of its ecological value*

2.) *Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the following conditions (or such conditions as may be appropriate):*

A number of the conditions have also been added to the recommendation:

13. Construction and Environmental Management Plan (Pre-commencement)

No development shall commence (including ground works, vegetation clearance, drainage installation or other excavations) until a Construction

Environmental management plan for Ecology (CEMP: Ecology) has been submitted to and approved in writing by the local planning authority. The CEMP (Ecology) shall include:

1. a plan showing exclusion zones within which there shall be no excavation, vehicle or heavy machinery access, storage of materials, vegetation removal, or disposal of earth or other materials, and specifications for fencing of exclusion zones;
2. proposed update surveys and pre-commencement checks of the site for protected species, and proposed pre-commencement reporting of the findings of these to the LPA Ecologist, along with proposals to address further mitigation requirements arising, as applicable;
3. details of proposed ecological supervision and precautionary working methods
4. findings of completed reptile surveys
5. Method statement/s as applicable for avoidance of harm to badger, reptiles, hedgehog, nesting birds and all other wildlife as applicable
6. method statement for avoidance of harm to great crested newt and its habitat
7. details and specifications of all necessary measures to avoid or reduce ecological impacts of excavation and during site clearance and construction;

The approved CEMP shall be adhered to and implemented throughout site preparation and construction phases and works shall be implemented only in strict accordance with the approved details, unless otherwise agreed in writing by the local planning authority and the LPA Ecologist.

Reason: To avoid harm to wildlife including protected species (badger, great crested newt and reptiles) and retained habitats, before and during construction in accordance with policy NE3 of the Placemaking Plan.

N.B The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

14. Wildlife Mitigation, Compensation and Enhancement Scheme (Pre-commencement)

No development shall take place until full details of a Wildlife Mitigation, Compensation and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details and proposed landscaping shall be broadly in accordance with but not limited to

the proposals described in the approved Ecological Appraisal dated November 2019 (Ethos Ltd) and shall include:

1. detailed proposals for ecological measures to compensate to at least equivalent ecological value, for the area of SNCI to be removed, to include provision of new and enhanced habitat for amphibians including great crested newt and details of proposed pond design and specifications to include dimensions, profile and materials, to be shown to scale on all relevant plans and drawings
2. specifications and details of design of a proposed new pond which shall provide suitable aquatic conditions for great crested newt, or, in the event that this is not achievable for technical or engineering reasons, alternative measures of at least equivalent ecological value
3. Detailed proposals for ecological mitigation including a badger mitigation scheme, and implementation of the wildlife mitigation measures and recommendations of the approved ecological report, including wildlife-friendly planting and soft landscape details; provision of bat and bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife;
4. Objectives and outline proposals for long term maintenance and conservation management of retained and new habitats and wildlife features

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Local Plan.

N.B The above condition is required to be pre-commencement to demonstrate substantive ecological measures that compensate to at least equivalent ecological value to that being harmed has been designed into the scheme and net loss of ecological value within the SNCI will be avoided, prior to irreversible habitat removal

15. Follow-up report - Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist (licensed bat worker) confirming and demonstrating, using photographs, implementation and completion of all approved measures within the Construction and Environmental Management Plan and the Wildlife Mitigation, Compensation and Enhancement Scheme, and light spill avoidance measures, in

accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the compliance with all approved ecological mitigation and compensation and light spill containment requirements to prevent ecological harm and to provide biodiversity gain in accordance with National Planning Policy Framework and policies NE3, NE5 and D5e of the Bath and North East Somerset Placemaking Plan.

In addition to the above new conditions, condition 13 is renumbered to become condition 16 as below:

16. 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.

Item No.	Application No.	Address
04	19/03733/FUL	Combe Grove Hotel, Monkton Combe

An updated drawing was received to indicate elevations/plans for both portacabins (as opposed to just showing a typical elevation/plan).

Drawing 20 Aug 2019 3951_010 PROPOSED LOWER TIER TEMPORARY OFFICES

Is replaced with:

Revised Drawing 05 Dec 2019 3951_LOW_012 PROPOSED LOWER TIER TEMPORARY OFFICES

Item No.	05	Application No.	19/00772/FUL
Address	Land At Entrance To Manor Farm, Bath Hill, Wellow, Bath		

Officers draw attention to the main agenda report and references to the HELAA which is the Councils housing and economic land availability assessment. Members are advised that the purpose of the HELAA is to inform the local plan and assessments within it do not determine in themselves whether a site is suitable for development. Therefore notwithstanding that the HELAA assessment concluded that it may be possible to develop a small portion of the western end of the site in the form of a single detached dwelling

or a terrace of smaller dwellings that assessment is not the determinative factor. For clarification the proposal falls to be considered with reference to adopted local plan policy. In this case the development is considered to be infill for the reasons described in the main report.

Recommendation

No change to the Officer recommendation.

Item No.	Application No.	Address
06	19/04187/FUL	Parcel 3573, Bath Hill, Wellow

As the rural consultant has concluded that there is no functional requirement for a worker to live permanently on the site, the building cannot be described as being for agriculture and as such the proposal amounts to inappropriate development in the Green Belt. Paragraph 143 of the NPPF (2019) explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The applicant has explained that there needs to be a dwelling on site due to security issues. However, this is not seen to amount to very special circumstance as there are considered to be other ways of increasing the security of the site.