

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

28th September 2011

DECISIONS

Item No:	01
Application No:	11/02504/FUL
Site Location:	Oldfield School, Kelston Road, Newbridge, Bath
Ward: Newbridge	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a new 4 court sports hall incorporating changing rooms, car park, multi use game area, associated external works and landscaping
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Gas Pipelines, Greenbelt, Hotspring Protection, Major Existing Dev Site, World Heritage Site,
Applicant:	Oldfield School
Expiry Date:	18th August 2011
Case Officer:	Victoria Griffin

DECISION PERMIT with the following conditions:

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 application of render to external walls as shown on the submitted drawings details of the colour and texture to be used shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

3 Prior to the occupation of the development, an Operational Statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the management of the access and parking areas by both the School and any community groups and hours of opening. The development shall thereafter be operated in accordance with the approved Operational Statement.

Reason: To ensure the safe operation of the highway.

4 Prior to the occupation of the development a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interests of sustainable development.

5 No development shall take place within the site 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 within the previously undeveloped areas of the site, with provision for excavation of any significant deposits or features encountered.

Reason: The site is within an area of potential archaeological interest and the Council will wish to examine and record items of interest discovered.

6 The development hereby approved shall not be used by anyone other than Oldfield School unless a Community Use Scheme showing details of the community use for the new sports hall and multi use games area (MUGA) has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of a pricing policy, hours of community use, access by non school-users/non-members, management responsibilities and include a mechanism for review. The development shall thereafter be operated in accordance with the approved Community Use Scheme (or any replacement authorised in writing by the local planning authority).

Reason: In the interest of highway safety and to manage the community use of the sports facility.

7 No development shall commence until details of the protective fencing of the pond and badger sett exclusion area have been submitted to and approved in writing by the Local Planning Authority. Protective fencing shall be retained on site during the course of construction works.

Reason: To protect the ecology of the site.

8 There shall be no external lighting erected in connection with the approved building or the multi-use games area unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of adjoining residents.

9 No site works or clearance shall be commenced until protective fences which conform to British Standard 5837:2005 have been erected around any existing trees and other existing or proposed landscape areas in positions indicated on the approved plans. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

10 Prior to the commencement of works on site protective fencing around the pond as shown in the Ecological Method Statement shall be installed on site and shall be retained thereafter during the course of construction works.

Reason: To protect the natural ecology of the site.

11 The internal noise levels within the school hall shall be implemented in accordance with the acoustic statement that has been submitted with the application. The cumulative noise level of all plant associated with the proposed sports hall shall not exceed 52LAeq(1 hour) decibels and that any noise generated from the plant should not contain any impulsive or tonal sounds unless details have first been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

12 Prior to the erection of external walls a detailed specification of the external walling and roofing materials to be used shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and site.

13 No development shall take place until a detailed arboricultural method statement with tree protection plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall identify measures to protect the trees to be retained and the new planting areas beside Kelston Road and include tree protection measures during site preparation (including clearance and level changes , during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

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

14 No development shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees are protected from potentially damaging activities.

15 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority. A signed certificate of compliance shall be provided to the local planning authority on completion.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

16 Notwithstanding the submitted drawings no development shall commence until details of finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of the appearance of the development

17 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:

The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

Plans:

Existing site plan PL AL (90) 001 - Existing site sections 002 date received 14/06/11
Site Plan 4656SL01 REV A date received 23/06/11
PL-AL/99/111 Proposed MUGA elevations date received 04/08/11
PL AL (90) 003A Existing Kelston Road Elevation date received 05/08/11
4656 PL-AL (90) 108 Extended site section BB date received 08/08/11
PL-AL(90) 004A Tree Constraints plan date received 24/08/11
PL-AL(90) 101 B Proposed site plan date received 24/08/11
PL-AL(90) 102 A Tree protection plan date received 24/08/11
PL-AL(99) 101A Proposed ground floor plan date received 24/08/11
PL-AL(99) 102A Proposed roof plan date received 24/08/11
PL-AL(99) 103A Proposed section date received 24/08/11
PL-AL(99) 104A Proposed north and east elevations date received 24/08/11
PL-AL(99) 105A Proposed south and west elevations date received 24/08/11
PL-AL(99) 107A Proposed site sections date received 24/08/11
PL-AL(99) 108A Extended site sections date received 24/08/11

Documents

Archaeological desk study date received 14/06/11, Revised design & access statement date received 24/08/11, Landscape and Visual Assessment dated 24/08/11, Very Special Circumstance Case dated 24/08/11, Tree survey and AIA Method Statement date received 24/08/11, Construction Management Plan Rev A date received 24/08/11, Tree Constraints Plan date received 24/08/11, Ecological Walkover Assessment Issue 2, August 2011, Email correspondence dated 03/08/11, Travel Plan date received 14/06/11, Heritage statement date received 14/06/11, Planning Statement date received 24/08/11, Sustainable Construction checklist, Ecological Method Statement date received 16/06/11, Amended tree assessment date received 23/06/11, Traffic Operation statement date received 04/08/11, Tree report date received 04/08/11

REASONS FOR GRANTING APPROVAL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.
2. The proposed development is contrary to the Policies set out below at B and represents a Departure from the Development Plan. However, the relevant publicity and referrals have taken place, and the planning merits of the proposed development outweigh the conflict with these Policies.
3. All other material considerations, including the views of third parties, have been considered and they do not outweigh the reasons for approving the proposed development.
4. There exist very special circumstances to support this application which outweigh the harm that would be caused to the green belt by reason of inappropriateness as set out in PPG.2 and Policies GB.1, GB.2 and GB.3 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007
5. By reason of its size, siting and design and the distance from adjacent listed assets, the proposed sports facility will not harm the setting of the Grade II listed building or listed buildings nearby or the setting of the recreational area and will not harm important archaeological remains or their setting, in accordance with Policies BH.2, BH.9 and BH.12 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007
6. The size of the development in the location as proposed will not adversely harm the setting of the Bath World Heritage Site in accordance with Policy BH.1 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007.
7. The proposed materials are considered acceptable and the contemporary design will not adversely impact on the street scene or wider public realm, by reason of its siting, landscaping and distance from adjacent properties, the proposed will not detrimentally harm residential amenity, in accordance with Policies D.2 and D.4 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007
8. The proposed development with appropriate conditions will not detrimentally harm the existing trees and with careful landscaping, the works will improve the coverage of trees in this area, in accordance with Policy NE.4 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007.
9. The managed use of the sports hall facility in line with appropriate conditions is not considered to detrimentally impact on the safety of highway users or harm parking and access, in accordance with Policies T.24 and T.26 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007
10. The loss of the playing field to accommodate the multi use games area would result in the provision of additional sports facilities and is not considered to conflict with policy SR.1A and SR.4 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007

A

Local Policies relevant to the decision

Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007

D.2 - General Design and Public Realm Consideration
D.4 - Townscape Consideration
NE.4 - Trees and Woodland Conservation
GB.1 - Control of Development in the Green Belt
GB.2 - Visual Amenities of the Green Belt
GB.3 - Major Existing Development Sites
BH.1 - World Heritage Site
BH.2 - Listed Buildings and Their Settings
BH.9 - Parks and Gardens of Special Historic Interest
BH.12 - Important Archaeological Remains
SR.1A - Protection of Playing Fields and Recreational Open Space
SR.4 - New Sports and Recreational Facilities
T.24 - General Development Control and Access Policy
T.26 - On-site Parking and Servicing Provision

National Policy:

PPG.2 - Green Belts
PPS.5 - Planning For the Historic Environment
PPG.17 - Planning For Open Space, Sport and Recreation

B

Local Policies relevant to the decision

Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007

GB.1 - Control of Development in the Green Belt, GB.2 - Visual Amenities of the Green Belt, GB.3 - Major Existing Development Sites

Informatives: Possible public right of way CQ24 shown on the plan by an orange dashed line runs through the development site. The full width of the path should not be affected during or after construction. No gates or barriers may be erected across the path.

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to the Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of the Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

The applicant is advised to contact Wessex Water with regard to the proposal to agree points of connection and ensure existing apparatus is adequately protected.

Any significant works to incorporate Sustainable Urban Drainage systems within the site may require a separate planning application.

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

Item No:	02		
Application No:	11/03051/FUL		
Site Location:	Tia Filers Coaches, Wick Lane, Stanton Drew, Bristol		
Ward: Clutton	Parish: Stanton Drew	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Extend area of coach/bus stationing for an additional 10 vehicles (resubmission).		
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt,		
Applicant:	Filers Coaches		
Expiry Date:	7th September 2011		
Case Officer:	Mike Muston		

DECISION REFUSE for the following reasons

1 The proposed expansion of the area to be used for coach parking would represent 'inappropriate development' in the Green Belt, and without any very special circumstances applying, and the proposal is contrary to Policy GB1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

2 The proposed expansion of the area used for coach parking and the increase in the number of vehicles parked at the site would detract from the openness and rural character of this area within the designated Green Belt, contrary to Policy GB2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

3 The proposal would be likely to increase vehicle movements, including those of large vehicles, on the local road system which is unsuitable to accept additional traffic by reason of its inadequate width, alignment and junctions. The proposal would therefore be likely to result in congestion and inconvenience to other road users, contrary to Policy T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

4 The proposal is in a location remote from services and public transport facilities to enable staff to access the site, and would be likely to increase the vehicle journeys to and from the site both by coaches and other vehicles. This is contrary to Government Guidance in Planning Policy Guidance Note No 13 and the objectives in respect of

reducing the adverse impact of travel on the environment, set out in Policy T1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

PLANS LIST:

Drawings PL 2678/1, 2A and 3 and Planning Statement and related information, all received 13 July 2011.

Item No:	03	
Application No:	07/02424/EOUT	
Site Location:	Closed Polestar Purnell Factory Site, Access Road To Works, Paulton, Bath And North East Somerset	
Ward: Paulton	Parish: Paulton	LB Grade: N/A
Application Type:	Outline Application with an EIA attached	
Proposal:	Mixed use redevelopment of former printworks comprising offices, industrial, residential, continuing care retirement community, pub/restaurant, community building, open space, associated infrastructure, landscaping and access roads	
Constraints:	Forest of Avon, General Development Site,	
Applicant:	Purnell Property Partnership	
Expiry Date:	2nd November 2007	
Case Officer:	Mike Muston	

DECISION This application was withdrawn from the agenda prior to the Committee meeting.