

Bath & North East Somerset Council

Planning Services
PO Box 5006, Bath, BA1 1JG
Telephone: (01225) 394041
Development_control@bathnes.gov.uk
www.bathnes.gov.uk

Fax: (01225) 394199
DX: 8047 (Bath)
Date: 8th September 2011
Our Ref: 10/04015/FUL

PAD Design Ltd
Unit CV1
Tobacco Factory
Raleigh Road
Southville
Bristol
BS3 1TF

Dear Sir/Madam

Town and Country Planning Act 1990

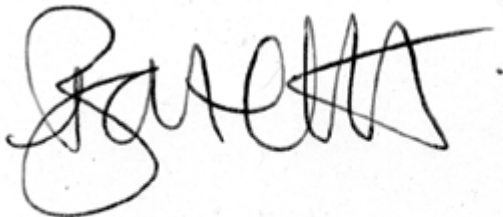
Address to which the proposal relates: Application No: **10/04015/FUL**
Parcel 0058 Cautletts Close Midsomer Norton Bath And North East Somerset

Description of proposal: Date registered: **28th September 2010**
Erection 112no. dwellings with access from Withies Park (including a new bridge across the River Somer), landscaping and associated works.

Name of Applicant: **David Wilson Homes**

With reference to the above application for planning permission, please find enclosed a copy of the Local Planning Authority's notification of decision. Your attention is drawn to the notes that accompany the decision notice which give guidance on matters such as making appeals, serving purchase notices and compensation issues. However, if you require further assistance on any of the above areas, please contact Planning Services.

Yours faithfully



Lisa Bartlett
Development Manager, Planning & Transport Development

NOTIFICATION OF DECISION

Application Type: **Full Application** Application No: **10/04015/FUL**

Address to which the proposal relates: **Parcel 0058 Cautletts Close Midsomer Norton Bath And North East Somerset**

Description of Proposal: **Erection 112no. dwellings with access from Withies Park (including a new bridge across the River Somer), landscaping and associated works.**

Application submitted by: **David Wilson Homes**

The above development is **PERMITTED** in accordance with the application, plans and drawings submitted by you subject to the condition(s) set out below:

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 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.

3 No development shall take place until a plan showing existing and proposed ground levels across the site and details of slab levels for the dwellings has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development

4 No development shall take place including site clearance until full details of a Wildlife Protection and Enhancement Scheme to implement the proposals of the submitted Mitigation Strategy for Land at Withies Park Midsomer Norton 10th August 2010 have been submitted to and approved in writing by the local planning authority. The details shall include a reptile management strategy. 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.

Reason: In the interests of the protection of wildlife

5 Prior to the commencement of construction, a lighting scheme shall be submitted to the LPA for approval in writing. The scheme shall:

- a. Define and map the areas that shall be completely unlit and demonstrate that these areas will not be affected by light spillage from the site;
- b. Define the times for use of lighting, ensuring lighting is off when not required;
- c. Define how light spillage beyond the operational areas and into the sky will be minimised
- d. Provide locations, plans and details of measures to minimise potential effects on bats through:
 - i. lighting design and specification

ii. provision of baffles to reduce light spillage on to the surrounding buildings which have been identified as potential bat roosts
e. demonstrate compliance with current best practice guidance such as the Bat Conservation Trust and Institute for Lighting Engineers guidance "Bats and lighting in the UK". Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: In the interests of the protection of wildlife.

6 No materials arising from the demolition of any existing structure(s), the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

Reason: To protect residents amenity.

7 The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

Reason: To protect residents from dust during construction.

8 The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during the construction and site clearance.

Reason: To protect residents from noise during construction.

9 The garages hereby approved shall be retained for the garaging of private motor vehicles associated with the dwellings and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

10 The areas allocated for parking 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: In the interests of amenity and highway safety.

11 The accesses, parking and turning areas shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

12 Provision shall be made within the site for the disposal of surface water to comply with the requirements of the Flood and Water Management Act 2010, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable drainage.

13 Prior to the commencement of the development, details of the proposed means of surface water drainage in accordance with SUDS principles, which shall accord with the requirements of PPS25 Development and Flood Risk and the Flood and Water Management Act 2010, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable drainage.

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Please read the notes that accompany this decision notice.

14 The development hereby permitted shall not be brought into use until the visibility splays at the junction of the proposed access road with Withies Park having co-ordinates of 2.4m 'X' distance and 43m 'Y' distance have been provided clear of obstruction to visibility at or above a height of 150mm above carriageway level of Withies Park. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

15 The proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

16 Prior to the commencement of the development, details of the bridge crossing over the River Somer shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include plans and supporting structural calculations.

Reason: To ensure the design meets with appropriate standards for an adoptable highway.

17 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

18 Before the dwellings are first occupied, new residents welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Better, Live Better publication, car share, car club information etc., together with complimentary bus tickets for each household member to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

19 No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

20 If, during development, unexpected contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent pollution of controlled waters.

21 Notwithstanding the landscape plans submitted no development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation. The planting and landscape scheme proposed shall include proposals for new habitat creation, enhancement planting and provisions for bat commuting habitat.

Reason: In the interest of wildlife management and to ensure the provision of an appropriate landscape setting to the development.

22 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 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 the provision of an appropriate landscape setting to the development.

23 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 ensure that adequate protection is given to the areas to be landscaped and the existing trees and planting to be retained within the site.

24 Prior to the commencement of any form of site works or clearance the Local Planning Authority shall be given not less than two weeks notice in writing of these works to ensure that appropriate measures of landscape protection required under condition 23 above have been implemented in accordance with the approved plans or conditions.

Reason: To ensure that adequate protection is given to the areas to be landscaped and the existing trees and planting to be retained within the site.

25 Notwithstanding the materials identified in the application no development shall commence until satisfactory external roofing materials have been agreed in writing with the Local Planning Authority and no development shall commence until a sample of all external roofing materials have been 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.

26 Notwithstanding the materials identified in the application no development shall commence until satisfactory materials have been agreed in writing with the Local Planning Authority and a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

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

27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected or placed within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway without a further planning permission being granted.

Reason: In the interests of the visual amenity and character of the area.

28 Prior to commencement of development details of the inlet / outlet for the proposed balancing pond shall be submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details.

Reason: In the interest of the appearance of the development.

29 No removal of trees, hedges, shrubs or buildings] shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no tree, hedge. Shrub or building shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme.

Reason: To protect nesting birds.

30 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan for the internal access roads have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

31 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan for the internal access roads have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

32 No development shall commence until details and samples of the railings and surface finishes of the bridge (including walling and paving) have been submitted to and approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

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

PLANS LIST:

Drawing ACV5654 609 Site Topographical Survey dated 28 Sept 2010,
13039/1000 Red line Location Plan dated 28 Sep 2010,
13039/5000/C Site Layout @1:500 dated 2 Nov 2010,
13039/HT0 1-24 (Booklet) dated 28 Sept 2010
Bannersgate FRA 09068 as updated by emails 18 Oct 2010 from Roger Williams 28 Oct 2010 from Roger Williams; 29 Oct 2010 from Tom Shipp at Jubb and 29 Oct 2010 from Jeanette Robinson at Jubb

REASONS FOR GRANTING APPROVAL:

1. The proposed development is considered to be appropriate on this site which is allocated for housing within the local plan. It is considered that the development would not create an unacceptable impact on the highway. Ecology and other environmental features of the site will be adequately protected. Flood risk mitigation measures will ensure that flood risk is addressed satisfactorily, and the scheme is designed so as to ensure that it would not harm the visual or residential amenities of the area.

2. 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.

A. IMP.1, GDS.1, SC.1, NE5, NE11, NE12, NE14, NE15, HG.1, HG.7, HG.8, SR.3, D2, D4, ES4, ES5, ES9, ES15, T24, T26, ET7, BH12, BH22 Supplementary Planning Document S106 Contributions

Planning Informative(s):

1. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

2. The development roads will need to be subject of a Section 38 Agreement, to secure their eventual adoption.

3. 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 8.0 metres of the top of the bank of a designated 'main river'. In the event that any new surface water discharges will be made direct to a watercourse, the sewer/pipe should terminate in a properly constructed outfall for which the separate consent of the Environment Agency may be required. The applicant is advised to check with the appropriate Development Control section of the Environment Agency as to whether any Flood Defence Consents are required for your proposals.

4. The applicant should ensure that the recommendations detailed in the ecological reports and mitigation strategy are implemented and followed.

5. Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use machinery, oils/chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

6. In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at <http://www.netregs-swmp.co.uk>

7. Environment Agency Guidance - Condition 18 - It is recommended that the developer investigates and specifies appropriate Sustainable Drainage Systems (SuDs) for surface water disposal from this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include: a) Interception and reuse b) Porous

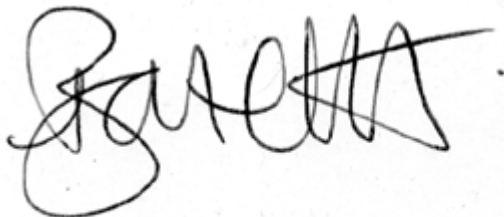
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paving/surfaces c) Infiltration techniques d) Detention/attenuation e) Wetlands. A copy of the Environment Agency's leaflet on SuDS is available on request. Swales can be used for conveyance without infiltration. For discharge of this condition we will need to see more detailed and comprehensive network simulations showing no flooding of the system during a 1 in 100 year plus climate change storm and a submerged outfall.

8. 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.

Date of Decision: 8th September 2011

A handwritten signature in black ink, appearing to read 'Lisa Bartlett', written over a faint, illegible stamp or background.

Lisa Bartlett
Development Manager, Planning & Transport Development

IMPORTANT NOTE - The above decision refers to Planning Permission only and does not grant or imply Listed Building Consent, Advertisement Consent, Building Regulation or other consents under any other legislation.

APPEALS TO THE FIRST SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the purposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (8 weeks for Advertisement appeals).
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

PURCHASE NOTICES

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

COMPENSATION

- In certain circumstances compensation may be claimed from the local planning authority if permission or consent is refused or granted subject to conditions by the First Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.