

Town and Country Planning Act 1990

NOTIFICATION OF DECISION

Application Type: **Full Application** Application No: **18/04788/FUL**

Address to which the proposal relates: **Football Ground Recreation Ground Church Road
Peasedown St. John Bath**

Description of Proposal: **Erection of football club house and storage buildings with associated
car parking and vehicular access (Resubmission)**

Application submitted by: **Peasedown St John Parish Council**

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 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 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.

3 Drainage Ground investigation (Prior to commencement)

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

Reason : To ensure that the site is properly drained.

4 Parking (Compliance)

The areas allocated for parking and turning, indicated on submitted plans reference 1551-3A and 1551-6A, 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 ST7 of the Bath and North East Somerset Placemaking Plan

5 Parking Area (Bespoke Trigger)

No construction above slab level shall commence until plans showing a parking area (providing for 29 vehicles), including full details of the surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. No occupation shall commence until this area has been

constructed in accordance with the approved details and shall not thereafter be used other than for the parking of vehicles in connection with the development hereby permitted

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

6 Bound/Compacted Turning Space (Pre-occupation)

No occupation of the development shall commence until the turning space shown on drawing numbers 1551-3A and 1551-6A has been constructed with a bound and compacted surface (not loose stone or gravel). The turning space shall be kept clear of obstruction and available for use as a turning space at all times

Reason: To ensure that vehicles can enter and leave the site in a forward gear in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

7 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 Policy ST7 of the Bath and North East Somerset Placemaking 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

8 Visibility Splay (Pre-occupation)

No occupation of the development shall commence until the visibility splay shown on drawing number 1551-6A has been provided. There shall be no on-site obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter. The hedge for a distance of 25-metres on both sides of the access, is lowered to and maintained at a height not exceeding 900mm. The hedge shall be maintained as such thereafter

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

9 Gates (Compliance)

Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum of distance of 6-metres from the back edge of the highway.

Reason: In the interests of highway safety and to enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened

10 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 24 bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy T.6 of the Bath and North East Somerset Local Plan

11 Wildlife Protection and Enhancement and Hedgerow Measures (Precommencement)

No development shall take place until full details of wildlife and hedgerow protection and enhancement measures, which shall be in accordance with but not limited to the recommendations of the approved ecological report (Stark Ecology August 2018), been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Method statement for pre-construction and construction phases to provide details of measures to include exclusion zones, protective fencing and precautionary working methods, for the avoidance of harm to reptiles, nesting birds, hedgehog, and retained hedgerow and vegetation;
- (ii) a method statement with full details of proposed works to the hedgerow for sections to be removed and replaced or translocated
- (iii) Proposed ecological enhancements including wildlife-friendly planting / landscape details and provision of new mixed native species hedgerow with proposed specifications species compositions numbers and positions to be shown on all relevant plans and drawings;

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 development becoming operational.

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

NB 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.

12 Implementation of Wildlife Scheme (Pre-operational phase)

No operation of the development hereby approved shall commence until a brief follow-up report confirming in writing and demonstrating using photographs, completion and implementation of the wildlife and hedgerow protection and mitigation / enhancement measures, and landscape scheme, in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the approved wildlife and hedgerow measures to prevent ecological harm and to provide Green Infrastructure and biodiversity gain in accordance with policies NE1 and NE3 of the Bath and North East Somerset Local Plan.

13 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include proposed lamp models and manufacturer's specifications; positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

Reason: to avoid harm to bats and other wildlife

14 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 D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

15 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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

16 Sound attenuation - Noise (Compliance)

The use hereby permitted shall not commence until the specified sound attenuation measures for the premises have been fitted and thereafter retained. These measures to include:

The installation of 60kg/m³ acoustic grade fire safe mineral wool (AMW) in ceiling void between rafters and joists with 'Tecsound 35 acoustic membrane between joist and boarded ceiling.

The sound will be restricted so as not to exceed 42 dBL_{aeq} 30 minutes between 0900 hours and 2100 hours and 38 dBL_{aeq} 5 minutes at any time as measured on site boundary adjacent to properties.

Also all windows and external doors to the function room will be fitted with acoustic double glazing and with acoustically designed and treated mechanical ventilation.

A sound abatement system will be installed to operate if sound levels are persistently too high and in the upper red

'OVERLIMIT' area then all mains supply to the associated mains sockets will be automatically switched off.

Reason: To prevent noise from the premises adversely affecting the residential amenities of occupiers of nearby properties in accordance with Policies D6 and PCS2 of the Bath and North East Somerset Placemaking Plan

17 Hours of Use (Compliance)

The use of the club house hereby approved shall not be carried on and no visitors or members be served or remain on the premises outside the hours of 0700-2100 Mon to Sat and 0800-2100 on Sundays

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

18 Removal of existing storage containers (Compliance)

Within six months from the date of the storage unit first coming into use the existing metal containers shall be removed from the site as indicated on plan 1551- 3A Block Plan hereby approved.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3 and D4 of the Bath and North East Somerset Placemaking Plan.

19 Materials (Compliance)

The finish to the external walls of the store building hereby permitted shall match those of the club house in respect of type, colour, texture and finish.

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

accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

PLANS LIST:

Site location plan, 1551- 3A Block Plan, 3D Elevations, 5A Floor Plans, 6A Foundations roof plan and 6A access.

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 an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

The applicant is advised to contact the Highways Management Team at highways@bathnes.gov.uk with regard to securing a license under Section 184 of the Highways Act 1980 for the creation of a new/amendment to an existing vehicular crossing. The access shall not be brought into use until details of the access have been approved and constructed in accordance with the current Specification

It is recommended that the applicant review the West of England Sustainable Drainage Developer Guide:

http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/LDFGeneral/bd6457_woe_developer_guide_complete_72dpi.pdf

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Date of Decision: 16th January 2019

Simon de Beer

Head of Planning

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 proposed 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 Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- 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 the Secretary of State 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.

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.