

Town and Country Planning Act 1990

NOTIFICATION OF DECISION

Application Type: **Full Application** Application No: **19/03731/FUL**

Address to which the proposal relates: **All Saints Church Church Road Upper Weston Bath**

Description of Proposal: **Erection of single storey extension to church with associated landscaping works**

Application submitted by: **Mr Tom Peryer**

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 Other documents List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the Ecology Assessment Addendum dated August 2019 by Ethos Ecology and dated stamped the 23rd August 2019 as set out in the other documents list below.

Reason: To define the terms and extent of the permission.

4 Archaeology - Controlled Excavation (Pre-commencement)

No development shall commence, except archaeological investigation work, 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 excavation of all significant deposits and features which are to be disturbed by the proposed development and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

5 Archaeology - Post Excavation and Publication (Pre-occupation)

No occupation of the development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan.

6 Arboriculture - Submission of an Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No ground preparation or development shall take place until a revised Arboricultural Method Statement and a revised Tree Protection Plan, which follows the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The revised method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including lighting, soakaway locations 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 in accordance with policy NE.6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences

7 Arboriculture - Compliance with Arboricultural Method Statement and Tree Protection Plan (Compliance and Pre-occupation)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed compliance statement from the appointed Arboriculturist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. To ensure that the approved method statement is complied with for the duration of the development.

8 Removal of existing external Lighting (Compliance)

Within six months of the planning permission being implemented and prior to the removal of any trees from the site, all the existing external lighting at All Saints Church including all lights fixed to the church and all the freestanding lighting within the churchyard and existing car park to be dismantled and permanently removed from the site and any damage made good to match existing.

Reason: to avoid harm to bats and other wildlife

9 External Lighting (Bespoke Trigger)

No new external lighting shall be installed anywhere within the application site without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights, details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required

and to prevent light spill onto nearby vegetation and adjacent land, and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan and avoid harm to the setting and character of the church, churchyard and conservation area in accordance with Place Making Plan policy HE1.

10 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall be in accordance with the recommendations and measures described in Section 6 of the approved ecological report entitled "Ecology Assessment Addendum 19/00550/PA04" dated August 2019 by Ethos Ecology and shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all protection and mitigation measures; (including, where applicable, proposed precommencement checks and update surveys); ecological supervision of works; and precautionary working methods; for the avoidance of harm to bats, reptiles, nesting birds, hedgehog, badger and other wildlife, and proposed reporting of any update survey findings to the LPA prior to commencement of works;

(ii) A management plan for maintaining wildlife friendly grassland with improved botanical diversity and maximizing the long term overall value of the site for wildlife.

(iii) Detailed proposals for implementation of the wildlife mitigation measures, including proposed new and replacement planting and provision of bat and bird boxes, with, as applicable, proposed models, species, specifications, materials, 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 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 Place Making Plan.

11 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.

12 Detailed design of extension (Bespoke Trigger)

Prior to any work commencing on the construction of the extension large scale fully developed details (in plan, elevation and section) of all aspects of the external design, including fenestration, junctions with existing church fabric and materials to be submitted to and approved in writing by the Local Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed church, the churchyard and the character of the wider conservation area, in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan

13 Internal lighting (Bespoke Trigger)

No internal lighting shall be installed into the extension without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include: proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights; with details also to be shown on a plan; details of proposed design features, measures and controls to maximise light containment and minimise light spill from the building and to limit use of lights when not required, 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 wildlife in accordance with policies NE3 and D8 of the Bath and North East Somerset Place Making Plan.

14 Sample area of surfacing to new extension approach path (Bespoke Trigger)

No installation of the extension approach path shall commence until full details of the surfacing and edging material(s) and detailing including the provision of representative on site samples for inspection, have been submitted to and approved in writing by the Local Planning Authority. Where a flagged surface is proposed the submitted details must include a plan of the proposed unit size and layout pattern. Thereafter the work shall only be carried out in accordance with the approved materials and detailing.

Reason: To safeguard the character and appearance of the listed church, the churchyard and the character of the wider conservation area, in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policies HE1 and NE2 of the Bath and North East Somerset Placemaking Plan.

15 Sample area of surfacing to new congregation area in front of extension (Bespoke Trigger)

No installation of the new congregation area shall commence until full details of the surfacing and edging material(s) and detailing including the provision of representative on site samples for inspection, have been submitted to and approved in writing by the Local Planning Authority. Where a flagged surface is proposed the submitted details must include a plan of the proposed unit size and layout pattern. Thereafter the work shall only be carried out in accordance with the approved materials and detailing.

Reason: To safeguard the character and appearance of the listed church, the churchyard and the character of the wider conservation area, in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policies and NE2 and HE1 of the Bath and North East Somerset Placemaking Plan.

16 Samples of external roof materials new extension (Bespoke Trigger)

Prior to any work commencing on above ground construction of the extension samples of the roofing materials (both weathered and unweathered) to be provided on site for inspection and approval in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved samples.

Reason: To safeguard the character and appearance of the listed church, the churchyard and the character of the wider conservation area, in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

17 Sample panels of external walling materials new extension (Bespoke Trigger)

Prior to any work commencing on above ground construction of the extension sample panels of all the walling materials (showing type of stone, coursing and jointing) to be provided on site for inspection and approval in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved sample.

Reason: To safeguard the character and appearance of the listed church, the churchyard and the character of the wider conservation area, in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

18 Sample panel of retaining wall around extension service strip (Bespoke Trigger)

Prior to any work commencing on above ground construction of the retaining wall a sample panel (comprising both the coping and the main body of the wall) to be provided on site for inspection and approval in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved sample panel.

Reason: To safeguard the character and appearance of the listed church, the churchyard and the character of the wider conservation area, in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

19 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.

20 Parking (Compliance)

The development hereby approved shall not be brought into use until the extension to the existing off-street, car park, as indicated on submitted plan reference LTS_085(08)101 Revision D, has been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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.

21 Parking (Compliance)

The areas allocated for parking and turning, as indicated on submitted plan reference LTS_085(08)101 Revision D, 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.

22 Travel Plan (Pre-commencement)

The development hereby approved shall not commence until an evidence supported Travel Plan, has 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 interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Local Plan.

23 Parking Management Plan (Pre-commencement)

The development hereby approved shall not commence until an evidence supported Parking Management Plan, has 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 interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Local Plan.

24 Use of meeting rooms during church services (Compliance)

During church services the two meeting rooms shall only be used for purposes directly related to the church service.

Reason: In the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

25 Methodology for recording, dismantling, reconstructing, repairing and restoring Dr Oliver memorial (Bespoke Trigger)

Prior to any work commencing to relocate the Dr Oliver tomb a methodology for recording, dismantling, reconstructing, repairing and restoring the tomb to be submitted to and approved in writing by the Local Authority. Thereafter the work shall only be carried out in accordance with the approved methodology.

Reason: To safeguard the significance of the listed tomb in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

26 Design and materials of benches, path surfacing and edging in the interment area (Bespoke Trigger)

Prior to carrying out any of the proposed changes to the interment area full details comprising; the design and materials of the benches, the surfacing and edging material and detailing (including the provision of representative on site samples for inspection) to be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed church, the churchyard and the character of the wider conservation area, in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

27 Design and materials of car park bollard (Bespoke Trigger)

Prior to the installation of the bollard between the car park and the churchyard full details of the design and materials to be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed church, the churchyard and the character of the wider conservation area, in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

28 Sample panel car park wall (Bespoke Trigger)

Prior to the construction of the new section of car park wall a sample panel of the walling showing type of stone, coursing and jointing to be provided on site for the inspection and approval in writing of the Local Authority. Thereafter the work shall only be carried out in accordance with the approved panel.

Reason: To safeguard the setting, character and appearance of the conservation area, in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

29 Sample area of surfacing to existing churchyard pathways (Bespoke Trigger and compliance)

Prior to carrying out any work to resurface the existing churchyard pathways full details of the surfacing material, edging material and detailing and method of installation, including the provision of representative on site samples for inspection, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall be completed in accordance with the approved details prior to first occupation of the extension.

Reason: To safeguard the character and appearance of the listed church, the churchyard and the character of the wider conservation area, in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan and ensure timely delivery of the public benefit.

PLANS LIST:

Drawings

20 Aug 2019	36-286-002	EXISTING FLOOR PLAN
20 Aug 2019	36-286-003	ELEVATIONS AS EXISTING SHEET 1
20 Aug 2019	36-286-004	ELEVATIONS AS EXISTING SHEET 2
20 Aug 2019	36-286-005	EXISTING SECTIONS
20 Aug 2019	36-286-007	EXISTING MONUMENTS AND MEMORIALS
20 Aug 2019	36-286-011	PROPOSED ROOF PLAN
20 Aug 2019	36-286-014	PROPOSED SECTIONS A-A AND B-B
04 Feb 2020	36-286-010A	PROPOSED GROUND FLOOR PLAN
04 Feb 2020	36-286-012A	PROPOSED ELEVATIONS A AND C
03 Aug 2020	36-286-001 A	SITE LOCATION PLAN
22 Sep 2020	LTS_085(08)101_REVD	LANDSCAPE GENERAL ARRANGEMENT
25 Sep 2020	LTS_085(08)102_REVC	LANDSCAPE BLOW UP AREA 01
25 Sep 2020	LTS_085(08)103_REVC	EXISTING HEADSTONES, LEDGERS, MONUMENTS TO BE RETAINED AND REMOVED
29 Sep 2020	36-286-013 A	PROPOSED ELEVATIONS B AND D

Other documents

23 Aug 2019 ECOLOGY ASSESSMENT ADDENDUM 19/00550/PA04 DATED AUGUST 2019 BY ETHOS ECOLOGY

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.

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

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Permit/Consent Decision Making Statement

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: 22nd January 2021

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.