

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 5th June, 2013

Present:- Councillor Gerry Curran in the Chair
Councillors Rob Appleyard (In place of Eleanor Jackson), Neil Butters (In place of Ian Gilchrist), Sally Davis (In place of Les Kew), Liz Hardman, Malcolm Lees, David Martin, Douglas Nicol, Vic Pritchard (In place of Bryan Organ), Manda Rigby, Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Gabriel Batt, Dave Laming and Geoff Ward

1 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

2 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not desired

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Ian Gilchrist, Eleanor Jackson, Les Kew and Bryan Organ and their respective substitutes were Councillors Neil Butters, Rob Appleyard, Sally Davis and Vic Pritchard

4 DECLARATIONS OF INTEREST

Councillor Sally Davis stated that she had predetermined the planning application for development of land between Old Lane and Congyre Brook, Farmborough (Report 10). She would therefore make a statement as Ward Member and then leave the meeting for its consideration. Councillor Martin Veal stated that, regarding the applications at the Church Hall, School Lane, Batheaston (Items 1&2, Report 11), he had considered his position in accordance with the Members' Code of Conduct and concluded that he had no interest to declare. He would therefore speak and vote on the applications. With regard to the same Items, Councillor Doug Nicol stated that he had attended public meetings relating to these applications and he also had no interest to declare.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of Urgent Business

6 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Senior Democratic Services Officer informed the meeting that there were members of the public etc wishing to make statements on the Enforcement Items relating to Opa, North Parade, Bath (Report 13) and The Quarry, Eastcourt Road, Temple Cloud (Report 14) and they would be able to do so when reaching those items on the Agenda. There were also numerous members of the public wishing to speak on the planning applications in Reports 10 and 11 and that they would be able to do so when reaching their respective Items in those Reports.

7 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

Councillor Gabriel Batt presented a Petition signed by 309 people in support of the proposals to erect a new Village Hall to replace the Church Hall at School Lane, Batheaston.

The Chair received the petition which would be taken into account when considering the planning applications on these proposals later in the meeting.

8 MINUTES: 8TH MAY 2013

The Minutes of the previous meeting held on 8th May 2013 were approved as a correct record and were signed by the Chair

9 MAJOR DEVELOPMENTS

The Chair stated that there was no update on major developments for this meeting but, if Members had any queries prior to the next meeting, they could contact Lisa Bartlett, Development Manager.

10 SITE VISIT LIST - APPLICATION FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Development Manager on an application for planning permission on land between Old Lane and Conygre Brook, Farmborough
- An Update Report by the Development Manager which recommended a further condition, the Report being attached as *Appendix 1A* to these Minutes
- Oral statements by members of the public etc, the Speakers List being attached as *Appendix 2* to these Minutes

RESOLVED that, in accordance with their delegated powers, the application be determined as set out in the Decision List attached as *Appendix 3* to these Minutes

Land between Old Lane and Congyre Brook, Old Lane, Farmborough – Erection of 12 dwellings and construction of vehicular and pedestrian accesses following demolition of bungalow – The Planning Officer reported on this application for outline planning permission and the recommendation to authorise the Development Manager, in consultation with the Planning and Environmental Law

Manager, to enter into a S106 Agreement to secure various provisions relating to Transport, Affordable Housing, and Open Space and Recreational Activities; and to grant permission subject to various conditions.

The public speakers made their statements on the application. The Ward Councillor Sally Davis made a statement against the application and then left the meeting for its consideration.

Members asked questions to which Officers responded. Various issues were raised by Members including the possibility of protecting the adjoining hillside (in the applicants' ownership), the number of houses that could be built within the village, the lack of facilities in the village, the visual impact of the development etc.

Councillor Brian Webber considered that this was an appropriate development site being within the Housing Development Boundary and would not be detrimental to the character of this part of the village. He therefore moved the approval of the Officer's recommendation which was seconded by Councillor Liz Hardman.

Members debated the proposals. Councillor Liz Hardman considered that the adjoining hillside should be protected from further development and that affordable housing should be included. The Team Leader – Development Management stated that a legal agreement could cover the protection of the hillside and that affordable housing of 35% was included in the proposals. Councillor Brian Webber accepted the amendment to protect the hillside.

The motion was put to the vote and was carried, 8 voting in favour and 4 against.

(Note: Councillor Sally Davis returned to the meeting for the remainder of the meeting)

11 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Development Manager on various planning applications etc
- An Update Report by the Development Manager on Item Nos 3 and 8 which is attached as *Appendix 1B* to these Minutes
- Oral statements by members of the public etc on Item Nos 1, 2, 7-11, 13 and 14, the Speakers List being attached as *Appendix 2* to these Minutes

RESOLVED that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 4* to these Minutes

Items 1&2 Church Hall, School Lane, Batheaston – 1) Demolition of existing Church Hall; and 2) erection of a new single storey village hall building including multi-use main hall, activity rooms, kitchen, toilets and stores and associated external works to provide accessible access to the hall and fields following demolition of the existing Church Hall – The Case Officer reported on these applications and the recommendations to grant conservation area consent to

demolish with conditions and to grant planning permission with conditions. She read out an Update Report and referred to further representations received.

The public speakers made their statements against and in favour of the proposals. The Ward Councillors Gabriel Batt and Geoff Ward made statements on the proposals.

Councillor Martin Veal (Ward Member on the Committee) stated that he had not prejudged the applications. A replacement hall was needed as facilities were limited. There could be issues of noise and lack of parking that could impact on the amenities of the area. However, it was a good design, accessible and available for a number of uses. It was also not contrary to planning policies. On balance, he supported the proposals but would reserve judgment and listen to the debate.

Members considered the proposals and discussed various issues including the number and type of events proposed, the high number of objectors, the impact on nearby residents, the proposed increased size and capacity of the hall etc. The Team Leader – Development Management stated that Condition 7 could be amended to require a log of finishing times of all events finishing after 11pm. Any complaints raised by residents would be investigated in the normal manner. The Case Officer responded to various questions raised by the Chair.

Councillor Brian Webber moved the Officer's recommendations. He considered that a replacement hall was required and this proposal was of appropriate size and design. It had a number of beneficial features such as including a theatre facility and would be acoustically protected. On the whole, it was a good scheme. However, he moved that a condition be imposed regarding keeping a log of the number and type of events that were held on an annual basis. Councillor Liz Hardman seconded the motion. She considered that parking was always a problem in this location but a Green Travel Plan would help. Local residents would no doubt assist in monitoring events held in the hall.

The Chair supported the proposal and summed up the debate. The motions were put to the vote separately. Consent to demolish (Ref 12/04654/CA): Unanimous. Planning application (Ref 12/04653/FUL): 11 in favour and 0 against with 1 abstention. Motions carried. (Note: Councillor Rob Appleyard left the meeting during consideration of these Items and did not return to the meeting).

Item 3 No 169 Newbridge Hill, Bath – Erection of an 11 bed care home to the rear of the existing care home and associated works – This application was withdrawn from the Agenda.

Items 4-6 Hinton Organics Ltd, Charlton Field Lane, Queen Charlton – 1) Variation of Conditions 13 and 16 of Planning Permission 97/02626/MINW dated 2/12/98 to allow permanent recycling of cardboard waste and increase in truck movements; 2) increase size of concrete storage area and variation of Condition 13 of Planning Permission 97/02626/MINW to accept wood waste; and 3) variation of Conditions 13, 16 and 19 of Permission 97/02626/MINW to extend composting operation, increase vehicle movements and permit cardboard and wood recycling (Temporary use of land for 10 years for manufacture of organic green compost as amended by revised drawings received 14th April 1998 at land formerly Queen Charlton Quarry) – The

Council's Planning Consultant reported on these applications and her Recommendation that all 3 applications be approved for a period of 18 months further subject to the same conditions as were proposed when the 2005 applications were last considered (in February 2010) together with additional conditions suggested by consultees as set out in the report.

After the Planning Consultant had responded to a Member's query, the Chair moved the Recommendations which were seconded by Councillor David Martin. On being put to the vote, the motion was carried unanimously.

Item 7 Yard adjoining 2 The Bungalows, Durcott Lane, Camerton – Erection of 2 live/work units – The Planning Officer reported on this application and the recommendation to refuse permission.

The public speakers made their statements in favour of the proposal.

The Ward Member on the Committee, Councillor David Veale, commented that there was an issue of sustainability involved and that people often use a room within their home as an office etc. He supported the proposal and, on the basis that it was a sustainable proposal and there were no traffic issues, he moved that the recommendation be overturned and permission granted. The motion was seconded by Councillor Malcolm Lees.

Members debated the motion. Some Members supported the Council's policy position but most Members were in favour of the proposal as it would tidy up an untidy site and there was a bus route and shops nearby.

Officers advised that the motion would need to be amended to Delegate to permit with appropriate conditions which was accepted by the mover and seconder. The amended motion was put to the vote. Voting: 9 in favour and 3 against. Motion carried.

Item 8 Whiteways, White Cross, Hallatrow – Erection of 2 holiday cottages to expand existing B&B business following the demolition of existing residential outbuildings – The Planning Officer reported on this application and the recommendation to refuse permission.

The applicant made a statement in support of the proposal.

A Member reported that the Ward Councillor Les Kew supported the proposal. After a brief discussion, Councillor Brian Webber moved that the Officer recommendation be overturned and that permission be delegated to Officers to grant permission subject to appropriate conditions including that lets be no longer than 3 months. He considered that this was a local business with no particular sustainability issues being on a main bus route and close to the village. The design was inoffensive. The motion was seconded by Councillor Liz Hardman. Councillor Doug Nicol felt that a Personal Permission should be added so that the properties could not be sold as private properties later.

Members debated the motion. The Team Leader – Development Management stated that, if permission were to be granted, the application would need to be advertised as a Departure from the Development Plan. He reiterated the planning

issues which led to the Officer recommendation to refuse permission. The Chair stated that he did not support the proposal as he had concerns regarding the holiday lets being situated a distance away from the existing B&B business. He summed up the debate and put the motion to the vote. Voting: 6 in favour and 6 against. The Chair used his second and casting vote against the motion. Voting: 6 in favour and 7 against. Motion lost.

It was moved and seconded to approve the Officer recommendation to refuse permission. The motion was put to the vote. Voting: 6 in favour and 6 against. The Chair used his second and casting vote in favour of the motion. Voting: 7 in favour and 6 against. Motion carried.

(Note: After this item at 5.25pm, there was an adjournment for Tea and the meeting resumed at 5.50pm)

Item 9 Parcel 5900 Hunstrete, Marksbury – Erection of educational facility, store and office (Resubmission) – The Case Officer reported on this application and her recommendation to refuse permission.

The public speakers made their statements in favour of the proposal.

The Ward Member on the Committee, Councillor Sally Davis, considered that there was little reason to refuse the application and if any problems did arise, the residents would let Members know. She agreed with the Parish Council and supported the proposal.

Councillor Vic Pritchard considered that the building was not intrusive and was not inappropriate development in the Green Belt. He therefore moved that the recommendation be overturned and that permission be granted. The motion was seconded by Councillor Martin Veal.

The Team Leader – Development Management advised Members to consider the policies in the NPPF with regard to Green Belt as Officers' view was that this was not an appropriate outdoor sports facility. If Members chose to allow the development, the Team Leader advised that they needed to consider whether they felt that this was an appropriate facility for outdoor sport in the Green Belt. If they felt that it was, then it was capable of being appropriate development subject to it not harming openness or the purposes of including land in the Green Belt. If they did not feel it was an appropriate facility, then very special circumstances would be required. If the development was to be permitted in such circumstances, the application would need to be advertised as a Departure from the Development Plan and therefore the motion would need to be amended to include this and to Delegate to permit for appropriate conditions.

Members debated the motion. Some Members considered that the proposal was acceptable as fishing was an outdoor sport and a training/educational use was closely related. Members did not therefore consider that the application represented inappropriate development and it did not therefore need to be advertised as a Departure from the Development Plan. The anglers, youngsters and families would benefit from the proposal. If there was no harm to the Green Belt, there was no need to demonstrate very special circumstances.

The Chair summed up the debate and it was clarified that the motion was to Delegate to permit with appropriate conditions. The motion was put to the vote. Voting: Unanimously in favour.

Item 10 No 1 Sycamore Road, Radstock – Erection of attached 2 storey dwelling – The Case Officer reported on this application and her recommendation to permit with conditions.

The applicant's agent made a statement in support of the proposal.

Councillor Neil Butters moved to approve the Officer recommendation which was seconded by Councillor Vic Pritchard.

The motion was put to the vote and was carried unanimously.

Item 11 No 15 Livingstone Road, Oldfield Park, Bath – Change of use from mixed use comprising retail (A1) to ground floor and residential (C3) above to solely a C4 use and the erection of a small stone wall to the front – The Case Officer reported on this application and his recommendation to permit with conditions.

The applicants' agent made a statement in support of the proposal.

The Chair supported the proposal and moved the Officer recommendation which was seconded by Councillor Vic Pritchard. The motion was put to the vote and was carried, 11 voting in favour and 1 against.

Item 12 No 39 Grove Wood Road, Haydon, Radstock – Erection of a PVCu conservatory to the rear of the property – The Case Officer reported on this application and her recommendation to permit with conditions.

It was moved and seconded to approve the Officer recommendation.

The motion was put to the vote and was carried unanimously.

Item 13 No 25 Pulteney Gardens, Bathwick, Bath – Change of use from B&B (C1) to holiday let (C3) (Retrospective) – The Case Officer reported on this application and her recommendation to permit with conditions. She informed Members of further representations received.

The public speakers made their statements against and in favour of the proposals.

The Ward Councillor Ian Gilchrist made a statement against the proposal.

The Officer responded to a Member's query regarding the Use Classes. Councillor Martin Veal felt that it was unacceptable to use the house for hen/stag weekends but Members could delegate to Officers to Permit to negotiate with the applicants to achieve lettings being a minimum of 1 week, and he moved accordingly.

Members continued to discuss the proposal. The Team Leader – Development Management stated that adding conditions to the permission would change the application significantly and would not be appropriate and probably would not stand

up to appeal. It would be preferable to defer the application for further negotiation. Members considered the noise issue and the loss of amenity to the adjoining resident and sought possible ways of ameliorating the impact. They posed various questions to which the Team Leader responded.

Councillor Vic Pritchard considered that this was a complicated matter but could see no reason to withhold permission. He therefore moved the Officer recommendation to permit with conditions which was seconded by Councillor Brian Webber.

Members debated the motion. The Team Leader responded to a Member's query by stating that, if the use did not conform to the conditions of the permission, enforcement action could be taken.

The Chair summed up the debate and put the motion to the vote. Voting: 7 in favour and 0 against with 5 abstentions. Motion carried.

Item 14 No 6 Fairfield View, Fairfield Park, Bath – Provision of a loft conversion to include 1 rear dormer and front roof lights – The Case Officer reported on this application and her recommendation to refuse permission.

The applicant's wife made a statement in support of the proposal.

The Ward Councillor Dave Laming made a statement in support of the proposal.

The Chair commented that applications had to be considered on their individual merit. There were different types of dormer and some were badly designed. The houses that were being extended by dormers had been there a very long time and these rooftop extensions were not always suitable. A Member raised a query regarding another property in the street having been allowed to install a dormer at the rear. It was suggested that this was probably because it was considered that it did not affect the street scene. It was then moved by Councillor Vic Pritchard to approve the Officer recommendation to refuse permission which was seconded by Councillor Brian Webber.

Members debated the motion. It was generally felt that the proposal had merit and that the benefits outweighed the harm; it would not affect the street scene. Some Members considered that it would be useful to Members if a Supplementary Planning Document or guidance note could be provided on dormers.

Councillor Vic Pritchard withdrew his motion. It was moved by Councillor Martin Veal, and seconded accordingly, to Delegate to Officers to permit with appropriate conditions on the basis that it was not detrimental to the street scene and the benefits outweighed the harm. The motion was put to the vote and was carried, 9 voting in favour and 3 against.

12 ENFORCEMENT ITEM - PARCELS 0005/2866 WOOLLEY LANE, CHARLCOMBE

The Committee considered the report of the Development Manager which recommended that enforcement action be authorised for various unauthorised works at the above land.

The Case Officer reported on the planning contraventions and stated that some work had already been undertaken by the owners to regularise the situation. However, there were still a number of issues which needed to be addressed and on which authorisation for enforcement action was being sought, including a period for compliance, namely:

- Removal of the poultry units (2 months from Notice)
- Removal of the caravan (2 months from Notice)
- Removal of the shed and dog kennel (2 months from Notice)
- Removal of the shipping container (2 months from Notice)
- Removal of the lambing shed (2 months from Notice)

The Officer outlined those works on which it was considered that enforcement action was not required.

Councillor Martin Veal thanked the Officer for his report and welcomed the progress made to date on regularising the situation at the site. He stated that the site needed to be monitored closely. Councillor Martin Veal moved that enforcement action be authorised for the planning contraventions outlined above. He requested that Officers report back to Committee in 2 months. After advice from the Team Leader – Development Management, he requested that a report be submitted to the September meeting of the Committee. The motion was seconded by Councillor David Martin.

The motion was put to the vote and was carried unanimously.

RESOLVED that delegated authority be granted to the Development Manager, in consultation with the Planning and Environmental Law Manager, to take any necessary enforcement action on behalf of the Local Planning Authority in respect of the alleged planning contraventions outlined above by exercising the powers and duties of the Authority (as applicable) under Parts VII and VIII of the Town and Country Planning Act 1990 (including any amendments to or re-enactments of the Act or Regulations or Orders made under the Act) in respect of the above property.

General Note:

This specific delegated authority will, in addition to being the subject of subsequent report back to Members in the event of enforcement action being taken, not being taken or subsequently proving unnecessary as appropriate, be subject to:

- (a) All action being taken on behalf of the Council and in the Council's name;*
- (b) All action being subject to statutory requirements and any aspects of the Council's strategy and programme;*
- (c) Consultation with the appropriate professional or technical officer of the Council in respect of matters not within the competence of the Divisional Director of Planning and Transport Development; and*
- (d) Maintenance of a proper record of action taken.*

13 ENFORCEMENT ITEM - OPA, NORTH PARADE, BATH

The Committee considered the report of the Development Manager recommending that enforcement action be authorised for the unauthorised material change of use from a restaurant to a mixed use of restaurant, bar and nightclub.

The Enforcement Manager reported on the breaches of planning control on which authorisation for enforcement action was being sought.

The public speakers made statements in support of enforcement action (see Speakers List *Appendix 2*)

Councillor Manda Rigby referred to the noise and vibration from the use of this building as a nightclub in a Georgian terrace with residents living in adjoining buildings. The club was open quite late and local residents could not sleep because of the noise. She moved that enforcement action be authorised for the breaches of planning control. The motion was seconded by Councillor Brian Webber.

Members debated the motion and considered that the use as a nightclub was unacceptable. The Chair supported enforcement action and put the motion to the vote which was carried unanimously.

RESOLVED that delegated authority be granted to the Development Manager, in consultation with the Planning and Environmental Law Manager, to take any necessary enforcement action on behalf of the Local Planning Authority in respect of the alleged planning contravention as outlined by exercising the powers and duties of the Authority, as applicable, under Parts VII and VIII of the Town and Country Planning Act 1990 (including any amendments to or re-enactments of the Act or Regulations or Orders made under the Act) in respect of the above premises.

General Note:

This specific delegated authority will, in addition to being the subject of subsequent report back to Members in the event of enforcement action being taken, not being taken or subsequently proving unnecessary as appropriate, be subject to:

- (a) All action being taken on behalf of the Council and in the Council's name;*
- (b) All action being subject to statutory requirements and any aspects of the Council's strategy and programme;*
- (c) Consultation with the appropriate professional or technical officer of the Council in respect of matters not within the competence of the Divisional Director of Planning and Transport Development; and*
- (d) Maintenance of a proper record of action taken.*

14 ENFORCEMENT ITEM - THE QUARRY, EASTCOURT ROAD, TEMPLE CLOUD

The Committee considered the report of the Development Manager which recommended that enforcement action be authorised for the unauthorised development comprising the rebuilding and extension of an industrial building together with an unauthorised material change of use of a workshop (B2) to a mixed use of dwelling (C3) and business activities (B1) and the unauthorised siting of a mobile home.

The Enforcement Manager reported on the breaches of planning control.

The owners' agent made a statement against enforcement action being taken (see Speakers List *Appendix 2*)

Councillor Martin Veal opened the debate and felt that some negotiation should have taken place with the owners to obviate the need for a report to come to Committee. He considered that the works did not require enforcement action to be taken as the site was well kept and was not intrusive as it could not be seen. He therefore moved that it was not expedient to take enforcement action on these works. The motion was seconded by Councillor Doug Nicol.

Members debated the motion. Some Members felt that some action should be taken to address the issues outlined by the Officer. However, there was sympathy for the owners. The Chair stated that he felt that Members did not want enforcement action to be authorised and that some negotiation should take place. The motion was discussed in detail with a view to obtaining the best course of action. Councillor Martin Veal amended the wording of his motion so that it was not expedient to take enforcement action at this time.

The wording of the motion was discussed further. Councillor Martin Veal submitted a new motion which was seconded by Councillor Gerry Curran. The new motion was put to the vote and approved unanimously.

RESOLVED that any enforcement action be deferred for a period of 6 months in order to allow the owners to regularise the situation

15 TREE PRESERVATION ORDER - REDHILL HOUSE, RED HILL, CAMERTON

The Senior Arboricultural Officer submitted a report which (i) referred to an objection received to the Tree Preservation Order provisionally made on 1st February 2013 to protect all trees within the area A1 on the Plan which make a contribution to the landscape and visual amenity of the area; and (ii) recommended that the Order be confirmed with a modification to protect 2 Groups of trees as shown on the Modified Plan.

The Officer reported on the matter.

RESOLVED to confirm the Tree Preservation Order entitled "Bath and North East Somerset Council (Redhill House, Red Hill, Camerton No 5) tree Preservation Order 2013 with a modification to protect 2 Groups of trees, namely, a group of 6 Sycamores in the north eastern corner which are located to the north of the existing entrance, and a group of 7 Sycamores, 1 Pine and 1 Blue Atlas Cedar which are located along and near to the eastern boundary by the road commencing from the south of the existing entrance.

(Notes: (1) Voting: 10 in favour and 0 against with 1 abstention; and (2) Councillor Martin Veal was absent from the meeting for this item)

16 TREE PRESERVATION ORDER - LAND BETWEEN VIVIEN AVENUE AND WELLOW BROOK, MIDSOMER NORTON

The Senior Arboricultural Officer submitted a report which (i) referred to an objection received to a Tree Preservation Order provisionally made on 21st February 2013 to protect a Group of 3 Alders identified as G1 on the Plan which make a contribution to the landscape and visual amenity of the area; and (ii) recommended that the Order be confirmed without modification.

The Officer reported on the matter.

RESOLVED to confirm the Tree Preservation Order entitled “Bath and North East Somerset Council (Land between Vivien Avenue and Wellow Brook, Midsomer Norton No 30) Tree Preservation Order 2013 without modification.
(Voting: unanimously in favour)

17 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES

Members noted the report

18 COMMITTEE MEMBERSHIP

Councillor Martin Veal extended his thanks to Councillors Neil Butters and David Martin who would be replaced by other Members of the Lib Dem Group for this Municipal Year. Members echoed these sentiments. The Chair pointed out that Councillor Nicholas Coombes would also come off the Committee and that Councillor Ian Gilchrist had been nominated as one of the replacements.

The Committee noted.

The meeting ended at 8.40 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

5th June 2013

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE SITE VISIT
AGENDA

Item No 001 Application No. 12/04318/OUT
Address Land Between Old Lane And Conygre Brook, Old Lane,
Farmborough

Please note that a further condition has been included within the recommendation to confirm the details of the surface water drainage strategy.

Condition:

No development shall commence until a surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. This should include approval in principle of the proposed system from the adopting body. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by adequate surface water drainage provision.

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**SPEAKERS LIST
BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE
DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY 5TH JUNE 2013**

SITE/REPORT NAME/REPRESENTING FOR/AGAINST

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
SITE VISIT LIST - REPORT 10		
Land between Old Lane and Conygre Brook, Farmborough (Pages 67-78)	Jean Rogers, Farmborough Parish Council	Against
	Richard Davis	Against
	Ivor Bridges (representing the Applicants)	For
MAIN PLANS LIST – REPORT 11		
Batheaston Church Hall, School Lane, Batheaston, Bath (Items 1&2, Pages 83-113)	Vito Pecchia, Batheaston Parish Council	Against – Up to 6 minutes
	1. Annie Bennacerras 2. Anna Humphrey	Against – To share 6 minutes
	1. Carole Bond, Chair of Village Hall Trust 2. Mr Beese, Batheaston Society 3. Chris Dance, LPC (Applicants' Agents)	For – To share 6 minutes
Yard adjoining 2 The Bungalows, Durcott Lane, Camerton (Item 7, Pages 155-164)	Chris Taylor, Camerton Parish Council	For
	Edward Drew (Applicants' Agent)	For
Whiteways, White Cross, Hallatrow (Item 8, Pages 165-171)	Nick Pollett (Applicant)	For
Parcel 5900 Hunstrete, Marksbury (Item 9, Pages 172-180)	Sally Collins, Marksbury Parish Council	For
	Tim Warren	For
1 Sycamore Road, Radstock (Item 10, Pages 181-187)	Tony Phillips, Thurdleigh Planning (Applicant's Agents)	For
15 Livingstone Road, Oldfield Park, Bath (Item 11, Pages 188-194)	Tony Phillips, Thurdleigh Planning (Applicants' Agents)	For
25 Pulteney Gardens, Bathwick, Bath (Item 13, Pages 200-205)	Andrew Parbury	Against
	Catherine McCabe (Applicant)	For

6 Fairfield View, Fairfield Park, Bath (Item 14, Pages 206-209)	Abigail Cole (Applicant)	For
ENFORCEMENT ITEM – REPORT 13		
Opa, North Parade, Bath (Pages 223-228)	Jonathan Hope, Advanced Studies in England	Statement
	Edward Chudleigh	Statement
ENFORCEMENT ITEM – REPORT 14		
The Quarry, Eastcourt Road, Temple Cloud (Pages 229-233)	Ian Firth (Owners' Agent)	Statement

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

5th June 2013

SITE VISIT DECISIONS

Item No:	01				
Application No:	12/04318/OUT				
Site Location:	Land Between Old Lane And Conygre Brook, Old Lane, Farmborough, Bath				
Ward:	Farmborough	Parish:	Farmborough	LB Grade:	N/A
Application Type:	Outline Application				
Proposal:	Erection of 12no dwellings and construction of vehicular and pedestrian accesses following demolition of bungalow				
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Sites of Nature Conservation Imp (SN),				
Applicant:	The Executors Of The Estate Of The Late Miss M R James				
Expiry Date:	31st January 2013				
Case Officer:	Jonathan Fletcher				

DECISION Authorise the Development Manager, in consultation with the Planning and Environmental Law Manager, to enter into a section 106 agreement to secure the following:

1. Transport

Clearance and kerbing of the north side of Old Lane, from opposite the access to the development towards its junction with the A39, to maximise the carriageway width.

2. Affordable Housing

The provision, on site, of 35% Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council.

3. Open Space and Recreational Facilities

£20,220.75 to fund the enhancement of existing open space provision.

£921.69 to fund the enhancement of existing allotment provision.

4. To protect adjoining open space from future development.

and grant permission subject to the following conditions:

1 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3 Approval of the details of the layout, appearance and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Articles 1 and 3 of the General Development Procedure Order 1995 (as amended).

4 No development shall commence until a sample panel of all external walling and roofing materials to be used has been erected on site and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and the samples shall be kept on site for reference until the development is completed.

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

5 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.

Reason: To ensure the provision of an appropriate landscape setting to the development.

6 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 that the landscape scheme is implemented and maintained.

7 No demolition or 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 and details within that implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records. The statement should also include the control of potentially harmful operations such as the demolition of the existing building and ground preparation; proposed level changes; the storage, handling and mixing of materials on site, burning, location of site office, service run locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals

8 No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement unless agreed in writing by the Local Planning Authority.

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

9 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dB LAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dB LAmax.

Reason: In the interest of residential amenity

10 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.

11 No development shall commence until plans showing the access, parking and turning areas have been submitted to and approved in writing by the Local Planning Authority. All areas shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority and constructed before the dwellings are occupied and shall not be used other than for the access, parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

12 The garaging hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling 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.

13 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority which shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management.

Reason: To ensure the safe operation and ongoing condition of the highway.

14 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 extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

15 No dwelling shall be occupied until its associated screen walls/fences or other means of enclosure have been erected, details of which shall have first been submitted and approved in writing by the Local Planning Authority. The means of enclosure shall thereafter retained in accordance with these approved details.

Reason: In the interests of privacy and/or visual amenity.

16 No development shall commence until plans detailing the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To clarify the terms of the planning permission.

17 No development shall commence until a surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. This should include approval in principle of the proposed system from the adopting body. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by adequate surface water drainage provision.

18 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:

SITE LOCATION PLAN received 19 November 2012.

1580/02 REV G, 1580/03 REV C received 21 January 2013 subject to details approved under a subsequent application for reserved matters.

REASONS FOR GRANTING APPROVAL

1. New residential development is acceptable in principle in this location. Further consideration can be given to the impact of the development under a subsequent application for appearance, layout and landscaping which are reserved matters. The scale of the development would not have an adverse impact on the visual amenity of the surrounding area. The proposed access to the site would not have an adverse impact on highway safety. The development could be implemented in a manner which would maintain the residential amenity of adjacent occupiers.
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

BH.15, NE.1, HG.4, HG.8, T.24, T.26, D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

Decision-taking statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and planning permission was granted.

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

5th June 2013

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

Item No 03 13/01529/FUL
Address 169 Newbridge Hill, Newbridge, Bath

Additional Submissions by the applicant

Since the main agenda report the applicant has made further submissions which

- a) reposition the upper window to the communal lounge from the south to the east elevation (as referred to in the main agenda report)

- b) reduce the height of the roof to bring the ridge approximately 1 metre lower than the original submission.

It is not considered necessary to re-consult or re-advertise the receipt of amended drawings as they do not raise any new issues or change the description of the proposal.

REPRESENTATIONS

Consultee Comments

Highway Officer additional comments made 28th May 2013

I note concerns have been raised in respect of the impact of additional commercial vehicle movements to the site i.e. those from service vehicles, deliveries, ambulances etc.

In respect of ambulances, access will be available to the main entrance via the access to the west of the site.

Regarding all other servicing needs I would not anticipate the demands of the proposed additional 11 beds would be significantly more than that required for the existing 20-bed facility. An increase is quite possible, but certainly not as much as the 55% increase in occupancy, and the impact could not be described as either severe or significant, which is required as grounds for refusal of an otherwise sustainable development.

Third Party Representations

Since the main agenda 8 further letters of objection have been received.

The planning issues raised relate to matters already covered in the main report. No substantive new issues are raised.

Officer Assessment

Revisions

The reduction in overall roof height and the re-positioning of the windows on the revised plans improve the relationship of the proposed building with regard to its neighbours. These revisions are therefore considered to offer overall betterment and are considered acceptable. Taking account of the nature of the objections received however the revisions would not be sufficient to overcome the third party objections raised. They are considered on that basis.

Other Matters

A consultation to Wessex Water (who had responded some time ago and whose comments are reported in the main agenda) generated an unnecessary additional period for public comments, to 11th June, which appeared on the Councils website. Therefore if the Development Control Committee decides to grant permission for the proposed development this decision should be delegated to Development Management to issue after the 11th June to ensure that no new issues are raised and if they are they are taken into account.

Recommendation

Delegate to the Development Management Manager permit after the expiry of the 11th June extended consultation period subject to no new issues being raised, and subject to the conditions on the main agenda.

Item No 8	Application No 13/00846/FUL
Address	Whiteways, White Cross, Hallatrow

A letter of support has been received from The Old Fire Station Inn and Carriage Restaurant that is not mentioned in the committee report. The letter comments on the business generated by Bed and Breakfast guests at Green Lane Farm, who frequently walk to the The Old Fire Station Inn to have lunch and/or dinner.

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

5th June 2013

DECISIONS

Item No:	01	
Application No:	12/04654/CA	
Site Location:	Church Hall, School Lane, Batheaston, Bath	
Ward: Bathavon North	Parish: Batheaston	LB Grade: N/A
Application Type:	Conservation Area Consent	
Proposal:	Demolition of the existing Church Hall	
Constraints:	Agric Land Class 3b,4,5, Conservation Area, Forest of Avon, Hotspring Protection,	
Applicant:	Batheaston New Village Hall	
Expiry Date:	4th January 2013	
Case Officer:	Rachel Tadman	

DECISION CONSENT

1 The works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 No demolition shall take place until (a) a contract for the carrying out of redevelopment of the site has been made; and (b) planning permission has been granted for the redevelopment for which that contract provides.

Reason: To safeguard the character of the Conservation Area and the World Heritage Site

3 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:

This decision relates to drawing nos, 6186 D 0001 A, 6186 D 0101 A, 6186 D 0104 F, 6186 D 0105 A, 6186 D 0102 D, 6186 D 0301 E, 6186 D 0302 E, 6186 D 0201 A, 6186 D 0303.

Reasons for Granting Approval:

The decision to grant approval has taken account of the Development Plan and approved Supplementary Planning Guidance.

The proposed development is in accordance with Policies BH.7 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

Bath and North East Somerset Submission Core Strategy (May 2011). At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

The existing Church Hall is in a very poor condition which is unsightly and prominent building within the Batheaston Conservation Area. Its demolition and replacement with a good quality Village Hall will result in significant improvement to local built character and appearance and an enhancement to this part of the Batheaston Conservation Area.

Decision Making Statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and consent was granted.

Item No:	02	
Application No:	12/04653/FUL	
Site Location:	Church Hall, School Lane, Batheaston, Bath	
Ward: Bathavon North	Parish: Batheaston	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a new single storey village hall building including multi-use main hall, activity rooms, kitchen, toilets and stores and associated external works to provide accessible access to the hall and fields following demolition of the existing Church Hall	
Constraints:	Agric Land Class 3b,4,5, Conservation Area, Forest of Avon, Hotspring Protection,	
Applicant:	Batheaston New Village Hall	
Expiry Date:	4th January 2013	
Case Officer:	Rachel Tadman	

DECISION Permit subject to conditions with an amendment to condition 7 to require a written log of events ending by 12pm.

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 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs and external hard surfacing, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

3 No ground preparation, demolition or construction activities shall take place until a Detailed Arboricultural Method Statement with scaled Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. It should include the following details:

- Provisional programme of works;
- Supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion.
- Details of the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning,
- Location of any site office
- Service run locations including soakaway locations and movement of people and machinery.
- Details of the method of tree removal to avoid the use of herbicides on tree stumps to avoid any transfer to adjacent trees
- Construction details to ensure that no ground works extend beyond the position of the tree root trial trenches.

The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals.

4 The local planning authority is to be notified in writing 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.

5 The area allocated for disabled parking on the submitted plan shall be provided in accordance with the approved details and provided to the building being first brought into use. The disabled parking shall thereafter be kept clear of obstruction and shall not be used for any other purpose.

Reason: In the interests of amenity and highway safety.

6 The cycle parking on the submitted plan shall be provided prior to the building being first brought into use, in accordance with details of the cycle hoops which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable travel.

7 The development shall operate only in accordance with the submitted Operating Policy dated 27.09.2012 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

8 The development shall operate only in accordance with the submitted Green Travel Plan dated 10.09.2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of sustainable development.

9 The high level windows to the main hall on the north elevation shall be obscure glazed and fixed shut and shall remain so in perpetuity.

Reason: In the interests of residential amenity.

10 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: To prevent flood risk to the site and to third parties.

11 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:

This decision relates to drawing nos 6186 D 0001 A, 6186 D 0101 A, 6186 D 0303, 130307-BVH-TPP-Rev B-LI&AM, 6186 D 0102 D, 6186 D 0105 A, 6186 D 0201 A, 6168 D 0104 F, 6168 D 0301 E, 6168 D 0302 E.

INFORMATIVE:

Information regarding Condition 10: Surface water from the proposed redevelopment should be discharged via SUDS features. Due to the close proximity of an ordinary watercourse, we would encourage surface water discharge into that watercourse. Applicant would need to apply for a Land Drainage Consent from this office in order to do this .

The applicant has indicated that surface water will be disposed of via soakaways. Infiltration testing to BRE Digest 365 should be carried out to ensure a suitable soakaway design is possible (the test results should be submitted to support the discharge of the above condition).

Discharge to the main sewer is the least favourable method of surface water discharge and should be considered as the last resort. A confirmation from Wessex Water would be required to confirm that they are happy with the applicant proposal and that there is a sufficient capacity within their network to accept the additional flows.

Reasons for Granting Approval:

The decision to grant approval has taken account of the Development Plan and approved Supplementary Planning Guidance.

The proposed development is in accordance with Policies D2, D4, BH.2, BH.6, BH7, BH.15, CF.2, ES.2, ES.5, ES.9, ES12, NE.1, NE12, T1, T5, T6, T24, T25, T26 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

Bath and North East Somerset Submission Core Strategy (May 2011). At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

The proposed development would replace an existing building within Use Class D1 which offers a community facility to the village of Batheaston. The replacement building, although larger than the existing, would not trigger a material change of use as its use would remain the same. The proposal is not considered to, despite the increase in capacity, have a significant detrimental impact on the residential amenity of the neighbouring occupiers or have an unacceptable impact on highway safety. The proposed building is considered to be of a good quality contemporary design which would not have a detrimental impact on the street scene and, in comparison with the existing building, would represent an enhancement to this part of the Batheaston Conservation Area. The development is also not considered to have a detrimental impact on the setting of any adjacent listed buildings.

Decision Making Statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and consent was granted.

Item No:	03	
Application No:	13/01529/FUL	
Site Location:	169 Newbridge Hill, Newbridge, Bath, BA1 3PX	
Ward: Newbridge	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a 11 bed care home to the rear of the existing care home and associated works	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Tree Preservation Order, World Heritage Site,	
Applicant:	Mr Mehmet Iltas	
Expiry Date:	12th June 2013	
Case Officer:	Sarah James	

DECISION Withdrawn from Committee

Item No:	04, 5 and 6		
Application No:	05/00723/VAR, 05/01993/FUL and 11/00022/VAR		
Site Location:	Hinton Organics Ltd, Charlton Field Lane, Queen Charlton, BS31 2TN		
Ward:	Parish:	LB Grade:	
Farnborough	Compton Dando	N/A	
Application Type:	Application for Variation of Condition		
Proposals:	05/00723/VAR - Variation of condition 13 and 16 of Planning Permission: 97/02626/MINW dated 02/12/1998 to allow permanent recycling of cardboard waste and increase in truck movements.		
	05/01993/FUL - Increase size of concrete storage area and variation of condition 13 of planning permission 97/02626/MINW to accept wood waste.		
	11/00022/VAR - Variation of conditions 13, 16 and 19 of permission no. 97/02626/MINW to extend composting operations, increase vehicle movements and permit cardboard and wood recycling (Temporary use of land for 10 years for manufacture of organic green compost as amended by revised drawings received 14th April 1998 at land formerly Queen Charlton Quarry)		
Constraints:	Greenbelt,		
Applicant:	Hinton Organics (Wessex) Limited		
Case Officer:	Anthea Hoey		

DECISION Permit for a period of 18 months further subject to the same conditions as were proposed when the 05 applications were last considered (in February 2010) together with additional conditions suggested by consultees.

1 Composting operations shall have ceased and all material removed from the site by 31 December 2014 and the site restored in accordance with the scheme required under condition 11 by 31 July 2015.

Reason: The development is of a type not considered suitable for permanent retention in the Green Belt.

2 No material other than green garden and parks waste, wood and cardboard shall be imported on to the site.

Reason: Waste materials outside these categories raise environmental and amenity issues which would need to be assessed.

3 All operations on site shall take place in accordance with the Working Plan dated September 2012, and the Odour Management Plan dated September 2012.

Reason: To ensure the development does not have an unacceptable impact on the local community.

4 No operations shall be carried out at the site except between the following hours:

0800 to 1800 Monday to Friday

0800 to 1300 Saturdays

No operations shall take place on Sundays or public holidays.

Reason: To prevent an unacceptable impact on local amenity.

5 No material shall be stockpiled, deposited or windrowed to a height exceeding 3 metres.

Reason: To prevent an unacceptable impact on local amenity.

6. Vehicles carrying material to or from the site shall not exceed in size an eight wheel tipper lorry and be restricted in number to a maximum of 100 vehicles (200 movements) per seven day week.

Reason: To control the size and movement of vehicles in the interests of highway safety.

7. Each vehicle attending the site shall be properly logged with the load recorded in cubic metres (for preference). A certified summary of the records shall be submitted in writing to the Local Planning Authority on a bi-monthly basis within 10 working days of the end of each second month.

Reason: To maintain and overview of the traffic conditioned above.

8. All vehicles leaving the site shall be inspected to ensure that they are in a condition not to emit dust or deposit mud, slurry or other debris on the highway, and wheel cleaning facilities shall be installed within 3 months of the date of this permission, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the wheel wash facilities shall be maintained in operation at all times during the life of the planning permission.

Reason: In the interests of highway safety.

9. The deposit of materials or slurry from the site on the public highway shall be treated as an emergency and will be cleared regularly by a vacuum/road sweeper and/or hand picked in the case of litter. Visual inspections of the site access road will be carried out daily and staff will report any problems with mud on the site surface immediately to the site manager. Vehicles will be visually inspected before exit to check that loads are safe and that no mud is carried on the wheels or body of the vehicle.

Reason: In the interests of highway safety.

10. Full details of the following measures must be submitted to and approved in writing by the local planning authority within 1 month of the date of this decision. These details shall include:

(i) a programme of ongoing screening, control, eradication and monitoring procedures for Japanese Knotweed in accordance with current best practice guidance

- (ii) details of proposed ongoing water quality monitoring programme
- (iii) details of proposed marker for the edge of the concrete pad and remedial action to be taken if necessary

Following approval the schemes shall be carried out with immediate effect for the duration of this permission in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: In the interests of nature conservation.

11. The rating of noise emitted from plant and equipment in use on the site shall be 3BA below the existing background noise level, determined to be 38dBA LA90, at the boundary of the nearest noise sensitive premises (Charlton Fields). Measurements and assessments shall be in accordance with BS 4142, 1997.

Reason: To prevent an unacceptable impact on the amenities of the local area.

12. All plant and machinery used on site which requires a reversing warning system shall be fitted with a bbs-tek backalarm system or another similarly specified product.

Reason: To safeguard the amenity of local residents.

13 No retail sale of any treated or processed material shall take place from the site.

Reason: To prevent unnecessary traffic visiting the site.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no buildings, fixed plant, fixed machinery or other structures, (except those already on the site), shall be erected or placed on the site without the prior written approval of the Local Planning Authority. Within one month of the date of this permission, the container presently placed on top of another container shall be removed from its current position and placed at ground level in a position that has been previously approved by the Local Planning Authority. In the absence of an agreed alternative position, the said container shall be removed from the site.

Reason: To prevent an unacceptable impact on the visual amenities of the local area.

15. The site shall be restored in accordance with a scheme to be submitted for the written approval of the Local Planning Authority within 3 months of the date of this permission.

The scheme of restoration shall include details of:

- the removal of all plant, machinery, buildings, structures, concrete and other hardstandings, lagoons and haul roads;
- the nature of the intended after use, including plans and details of the habitats to be created;
- the re-spreading of material to a depth of at least 1m of final cover consisting of soil or other cover material suitable as a rooting medium, free of stones or other obstructions to cultivation. This final cover shall be placed in layers.

Any suitable cover material previously stripped from the site being placed first as a base layer, then subsoil as an intermediate layer, then top soil as the uppermost layer to a depth of 300mm and seeded with a suitable herbage mix;

- the ripping of any compacted layers of cover to ensure adequate drainage and aeration. Such ripping to take place before the placement of topsoil;
- the machinery to be used in soil spreading operations;
- the drainage of the restored land including the formation of suitably graded contours to promote natural drainage or the installation of artificial drainage if required;
- a scheme for the aftercare of the restored land to cover a period of five years from the completion of placement of topsoil on the site; and
- a timetable for the implementation of the scheme as approved.

Reason: To ensure the site is restored to an acceptable standard.

FOOTNOTE

This decision relates to the following drawings:-

05/00723:-

503/01B and 503/04B date stamped 14 April 1998.

503/02B and 503/03B dated June 1997, received on 3 April 2013

05/01193

503/01B and 503/04B date stamped 14 April 1998.

503/02B and 503/03B dated June 1997, received on 3 April 2013

11/00022

Site location map 2159/1093/01, Site location plan 2159/1093/02 rev A, Site layout plan 2159/1093/03

REASONS FOR GRANTING APPROVAL:

The proposed development is a temporary extension of time to a temporary planning permission for open windrow composting and involves changes of condition regarding the importation of wood and cardboard, and the control of lorry numbers. The original permission was approved for a temporary period because the site is in the Green Belt. The temporary further extension of time is considered acceptable within this context, especially in the light of the acknowledged need for additional composting facilities in the West of England Joint Waste Core Strategy adopted in March 2011.

Having considered the content of the Environmental Statement accompanying the applications, it is considered that the Site Management Plan and Odour Management Plan and other features of the proposal provide sufficient mitigation to the likely environmental impacts of the composting process in this location. The permission seeks key impacts to be monitored and information to be submitted to the Council in future. The Council is aware that similar controls on these and other aspects of the composting operation are undertaken by the Environment Agency.

The proposed development also seeks retrospective permission for the extension of the hardstanding. Having considered the information in the Environmental Statement about water balance of the hardstanding and the lagoon into which it drains, and the management of the site the Council is satisfied that there is adequate mitigation to keep likely environmental impacts within acceptable levels.

The decision is subject to conditions requiring the implementation of the Site Management Plan and the Odour Management Plan and other conditions.

This decision has been made having particular regard to policies GB1, GB.2, NE.5, NE.9, ES.9 ES.10 and M.9 of the Bath and North East Somerset Local Plan (including Minerals and Waste policies) 2007, and Policies 3 and 11 of the West of England Joint Waste Core Strategy (March 2011).

Item No:	07	
Application No:	13/00533/FUL	
Site Location:	Yard Adjoining 2 The Bungalows, Durcott Lane, Camerton, Bath	
Ward: Bathavon West	Parish: Camerton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 2no work/live units	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon,	
Applicant:	Mr Kevin Tranter	
Expiry Date:	16th May 2013	
Case Officer:	Daniel Stone	

DECISION Overturn to authorise the Development Manager to Permit with conditions.

Item No:	08	
Application No:	13/00846/FUL	
Site Location:	Whiteways, White Cross, Hallatrow, Bristol	
Ward: High Littleton	Parish: High Littleton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 2no. holiday cottages to expand existing B&B business following the demolition of existing residential outbuildings	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Hazards & Pipelines,	
Applicant:	Mr Nick Pollett	
Expiry Date:	16th May 2013	
Case Officer:	Daniel Stone	

DECISION REFUSE

1 The proposed holiday cottages, being in an open countryside location and poorly related to services would constitute an unsustainable, dispersed pattern of development which would not facilitate the use of sustainable modes of transport and would constitute the creeping urbanisation of this rural location, harmful to the character of the open countryside. As such the development is contrary to Policy ET.4 of the Bath & North East Somerset Local Plan adopted 2007, policy DW1 and RA1 of the draft Bath and North-East Council Core Strategy and the guidance in the National Planning Policy Framework.

PLANS LIST:

This decision relates to drawing nos:

- 51467/03/101 REV B - combined proposals drawing
- 51467/03/001 - combined existing drawing
- Planning Statement
- Protected Species Survey
- traffic assessment letter

Decision Taking Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The submitted application was considered to be unacceptable in principle for the reasons outlined above and the applicant was advised that the application was to be recommended for refusal but choose not to withdraw the application. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No:	09	
Application No:	13/00483/FUL	
Site Location:	Parcel 5900, Hunstrete, Marksbury, Bristol	
Ward: Farmborough	Parish: Marksbury	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of educational facility, store and office (Resubmission)	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Listed Building, Public Right of Way, Sites of Nature Conservation Imp (SN), Tree Preservation Order,	
Applicant:	Bathampton Anglers Association	
Expiry Date:	17th May 2013	
Case Officer:	Rachel Tadman	

DECISION Overturn to authorise the Development Manager to Permit with conditions.

Item No:	10	
Application No:	13/01569/FUL	
Site Location:	1 Sycamore Road, Radstock, Bath And North East Somerset, BA3 3NJ	
Ward: Radstock	Parish: Radstock	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of attached, two storey dwelling	
Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,	
Applicant:	Mr S Bolton	

Expiry Date:	24th June 2013
Case Officer:	Tessa Hampden

DECISION PERMIT

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 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interest of flood risk management

3 Before the dwelling hereby approved is first occupied, a properly bound and compacted parking area (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority. This area 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.

4 All external roofing materials to be used shall match those of the adjoining terrace in respect of size, material, colour, texture and profile.

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

5 Areas of the external walls shown on the submitted drawings to be rendered shall be rendered [and painted] a colour and texture which has been submitted to and approved in writing by the Local Planning Authority before any work commences.

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

6 No development shall commence until details of proposed screening including the block wall as illustrated on drawing 008 has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied or brought into use until the approved screening details have been fully implemented on site and thereafter retained.

Reason: In the interests of safeguarding the privacy and visual amenity of adjoining residents.

7 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:

001 date stamped 16th April 2013, 006,007,008 date stamped 15th April 2013, and 002,003,004,005,009 date stamped 18th April 2013

Reasons for 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 considered to be of an acceptable scale, siting and design that will ensure that the character and appearance of the terrace, and the visual amenities of the area is retained. Further, the development is not considered to result in significant harm to the residential amenity of the neighbouring occupiers or upon highway safety.

A Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007:

Policy D.2 - General Design and public realm considerations

Policy D.4 - Townscape considerations

Policy HG.4 - Residential development in the urban areas and R.1 settlements

Policy T.24 - General development control and access policy

Bath & North East Somerset Draft Core Strategy December 2010

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

National Planning Policy Framework - March 2012

The NPPF guidance in respect of the issues which this particular application raises does not conflict with the Local Plan policies set out above.

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and permission was granted

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:	11
Application No:	13/00903/FUL
Site Location:	15 Livingstone Road, Oldfield Park, Bath, BA2 3PQ
Ward: Oldfield	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of use from mixed use comprising retail (A1) to ground floor and residential (C3) above, to solely a C4 use and the erection of a small stone boundary wall to the front
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Kathan Ltd
Expiry Date:	29th April 2013
Case Officer:	Chris Griggs-Trevarthen

DECISION PERMIT

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 hereby permitted shall not be occupied until a new residents welcome pack has been submitted to and agreed in writing by the Local Planning Authority and, thereafter, supplied to all new residents/tenants. Such a welcome pack should include full information of walking and cycling routes, location of local facilities and bus travel information (routes and timetables).

Reason: In the interests of sustainability and local amenity.

3 Prior to the occupation of the development hereby approved, all advertisements on the building shall be removed.

Reason: In the interests of visual amenity.

4 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:

Drawing No. 001, Drawing No.002, Drawing No.003, Drawing No.004, Drawing No.005, Drawing No.006

REASON FOR APPROVAL

The existing retail unit lies outside of the defined district shopping centre and does not provide a key retail service to the local area. The proposed use as a 5 bedroom HMO is in keeping with the character and amenities of the area and the removal of the existing signage will benefit the visual amenity of the area. Furthermore, the proposal is not detrimental to highways safety and therefore accords with D.2, D.4, BH.1, HG.4, HG.12, S.1, S.9, ES.12, T.24 and T.26 of the Bath and North East Somerset Local Plan (2007) and guidance in the National Planning Policy Framework (2010).

ADVICE NOTES:

1. 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.

2. It is strongly recommended that, as part of any advertising of the property and tenancy agreement, the shortage of parking and the desirability for tenants not to have cars with them, should be emphasised.

Decision Taking Statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

Item No:	12	
Application No:	13/01380/FUL	
Site Location:	39 Grove Wood Road, Haydon, Radstock, Bath And North East Somerset	
Ward: Radstock	Parish: Radstock	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a PVCu conservatory to the rear of the property	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,	
Applicant:	Mr De Beer	
Expiry Date:	29th May 2013	
Case Officer:	Tessa Hampden	

DECISION PERMIT

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 side panels on the east elevation of the development hereby approved shall be constructed from solid white panels, as illustrated on plan ref 'proposed elevations' and permanently retained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of the neighbouring occupiers.

3 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:

Block plan, site location plan, existing elevations, proposed elevations date stamped 3rd April 2013

REASONS FOR GRANTING APPROVAL:

1. The proposed development will preserve the character and appearance of the property and the visual amenities of the wider area. The development is not considered to cause any undue harm to the amenity of neighbouring occupiers. No other significant issues have arisen as a result of this planning application.

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) Bath and North East Somerset Local Plan (2007)
- D.2 General Design and Public Realm Consideration
- D.4 Townscape Consideration

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

National Planning Policy Framework 2012

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and permission was granted

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although

such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

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. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

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

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

Item No:	13	
Application No:	13/00357/FUL	
Site Location:	25 Pulteney Gardens, Widcombe, Bath, Bath And North East Somerset	
Ward: Widcombe	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Change of use from B&B (C1) to holiday let (C3) (Retrospective).	
Constraints:	Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Flood Zone 2, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Mrs Catherine McCabe And Mr Richard McCabe	
Expiry Date:	25th April 2013	
Case Officer:	Sasha Coombs	

DECISION PERMIT

1 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:

Location Plan and Floor Plans received 23 January 2013

The principle of the change of use is acceptable. The design of the proposal would preserve the character and appearance of the conservation area and the World Heritage Site. Sufficient information has been provided to address the flood risk of the site. The proposed change of use in itself is not considered to be harmful to the residential amenity of adjacent occupiers. The proposal has sufficient parking and is close to public transport, thus not being harmful to highways safety. Therefore the proposal is consistent with the requirements of Policies D.2, D.4, HG.4, BH.1, BH.6, T.24, T.26 and NE.14 of the Bath and North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.

Decision Taking Statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

Item No:	14	
Application No:	13/01157/FUL	
Site Location:	6 Fairfield View, Ragland Lane, Fairfield Park, Bath	
Ward: Lambridge	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Provision of a loft conversion to include 1no. rear dormer and front rooflights.	
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Mr Cole	
Expiry Date:	13th May 2013	
Case Officer:	Sasha Coombs	

DECISION PERMIT

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 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

3 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:

This decision relates to the following plans and documents:

Design and Access Statement and Drawing No 01 received 18 March 2013

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the NPPF. The Development Control Committee considered that the development complied with the Development Plan and permission was granted.

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