

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**11th April 2012**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	12/00207/FUL	
<b>Site Location:</b>	The Galleries Shop, Freshford Lane, Freshford, Bath	
<b>Ward:</b> Bathavon South	<b>Parish:</b> Freshford	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of extension to Freshford Shop to increase cafe area and decking	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Greenbelt, Public Right of Way,	
<b>Applicant:</b>	Galleries Ltd	
<b>Expiry Date:</b>	12th March 2012	
<b>Case Officer:</b>	Tessa Hampden	

**DECISION** Delegate to PERMIT

Authorise the Development Manager to PERMIT subject to no new objections being received in response to the Departure Advertisement and with the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2 The materials to be used for the external surfaces of the extension shall match those of the existing building.

Reason: In the interest of the character and appearance of the building and the surrounding area.

3 No more than 46m<sup>2</sup> of the total floorspace of the building hereby approved shall be used for A3 purposes.

Reason: In order to ensure that the main use of the development remains as a shop.

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:** 426/S/01-05 and 426/P/01-04 date stamped 16th January 2012

**REASONS FOR GRANTING APPROVAL**

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A D.2, D.4, SC1, ET7, S4, S9, GB1, GB2, NE1, NE2, NE5, NE16, BH6, T1 and T24 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

The NPPF was published on the 27th March 2012 and the impact of this on the above policies has been fully considered in the assessment of the planning application.

2. As the extension/decking is considered to represent a proportionate addition to the original building, the development is not considered to result in inappropriate development in the Green Belt or adversely affect openness. Further the NPPF places significant weight on supporting a prosperous rural economy, and with this in mind, there are no objections to the development in principle. There is not considered to be significant harm to the character and appearance of the building, or the rural character of the area. The development would not result in any undue harm to highway safety or to the residential amenity currently enjoyed by the neighbouring occupiers.

<b>Item No:</b>	02	
<b>Application No:</b>	10/04399/FUL	
<b>Site Location:</b>	Folly Farm, Folly Lane, Stowey, Bristol	
<b>Ward:</b> Chew Valley South	<b>Parish:</b> Stowey Sutton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use from Class C2 to Mixed Use combining Classes C2/D2 for residential education, wedding ceremonies and receptions with ancillary cafe, teaching and workshop facilities (Retrospective)	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Coal fields, Forest of Avon, Greenbelt, Sites of Nature Conservation Imp (SN), Water Source Areas,	
<b>Applicant:</b>	Avon Wildlife Trust	
<b>Expiry Date:</b>	16th February 2011	
<b>Case Officer:</b>	Andy Pegler	

**DECISION** PERMIT with the following conditions:

1 The residential accommodation and café hereby permitted shall only be occupied or used ancillary to and in connection with the use of the site authorised by this planning

permission and shall not be occupied or used independently or separately for any other purposes.

Reason: To prevent an over-intensive use of the site and to restrict additional traffic generation.

2 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification) the premises shall be used only for the purposes specified in the application and for no other purpose.

Reason: The approved use only has been found to be acceptable in this location and other uses may require further detailed consideration by the Local Planning Authority.

3 The development hereby approved shall operate in accordance with a Noise Management Plan which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the surrounding area.

4 The use of the site for wedding ceremonies and receptions hereby approved shall not operate outside the hours of 09:00 to 02:00 Monday to Saturday and 09:00 to 23:00 Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers.

5 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 marquees or other free standing buildings shall be erected within the curtilage of Folly Farm, unless a further planning permission has been granted by the Local Planning Authority.

Reason: To safeguard the openness of the Green Belt

6 Within three months of the date of permission and notwithstanding the currently submitted details the applicant shall submit;

(i) A document "Wildlife Protection Guidance and Procedures at Folly Farm Centre" providing supplementary guidance to centre users, staff and managers for prevention of harm to bats and bat activity, and protection of other wildlife including nesting birds and great crested newts, to be adhered to at all times by all parties

(ii) A programme of implementation of the recommendations for changes to lighting as set out in the "Bat Roost Inspection and Activity Survey, Folly Farm Centre Buildings" Craig Stenson AWT Consultancy August 2011, and implementation of recommendations of the "Protected Species and Potential Impacts of Weddings at Folly Farm: Assessment, recommendations, actions" AWT September 2011

(iii) Evidence of implementation and completion of the lighting changes referenced at point (ii)

All uses at Folly Farm Centre shall thereafter operate in accordance with the approved Guidance and Procedure unless otherwise first approved in writing by the local planning authority

Reason: In order to safeguard protected species at and around the site.

7 Wedding functions shall take place only between Friday and Sunday and shall not exceed 35 occasions per year, unless otherwise approved in writing by the Local Planning Authority.

Reason: In accordance with the statement dated 25 January 2011 submitted on behalf of the applicant; and to enable the Local Planning Authority to consider impacts resulting from an intensification of the use hereby approved.

8 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 drawings: 634/PL/101A date stamped 19 October 2010; and 634/BR.2D, 634/BR.3C and AWTF 001 date stamped 17 November 2010.

#### REASONS FOR APPROVAL

The application which is made retrospectively is to change the use of the site to allow a mixed use combining classes C2/D2 to allow residential education, wedding ceremonies and receptions with ancillary cafe, teaching and workshop facilities. The proposed use would for the most part utilise existing buildings and car park areas and subject to a condition to restrict the erection of marquees or other temporary structures then the development will not harm the openness of the green belt or conflict with the purposes of including land within the green belt. The Highway Department's advice is that the level of traffic generated from this proposal and the likely incidence of conflict resulting from 2-way traffic within the lane would not be of such significance to justify refusal of the application on highway grounds. Large amounts of traffic would be generated outside of peak hours and movements would tend to be tidal in their nature.

In respect of neighbouring amenity it is noted that residents are located some distance from the complex. Measures have been installed within the main reception building in order to reduce the potential for disturbance from amplified noise. Further measures have also been employed to minimise noise of cars crossing a cattle grid. A noise management plan is to be required by planning condition. It is accepted that cars will pass residential properties on the lane during late hours however these properties are located close to the main road and refusal of planning permission cannot be justified in this respect. The implications of the development on wildlife has been considered and a condition is recommended in this regard.

The decision to grant approval has taken account of the Development Plan and any approved Supplementary Planning Documents. The proposal is in accordance with Policies GB.1, GB.2, NE.8, NE.9, NE.11, ET.9, ES.12, D.2 and T.24 of the Bath & North East Somerset Local Plan (including Minerals and Waste Policies) 2007.

<b>Item No:</b>	03	
<b>Application No:</b>	11/04808/VAR	
<b>Site Location:</b>	Sainsbury's Supermarket Limited, 170 Frome Road, Odd Down, Bath	
<b>Ward:</b> Lyncombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Application for Variation of Condition	
<b>Proposal:</b>	Variation of condition 29 of application 09/02389/OUT to allow deliveries from 06:00 to 23:00 seven days a week including bank holidays (Mixed use development comprising the erection of 1) a new foodstore and associated accesses including a new roundabout at Frome Road (no matters reserved for future consideration on this part) and, 2) the erection of 'extra care' retirement housing (Use Class C2) (appearance, landscaping, layout, and scale reserved for future consideration on this part).)	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Forest of Avon, General Development Site, Hotspring Protection, World Heritage Site,	
<b>Applicant:</b>	Sainsbury's Supermarkets Ltd	
<b>Expiry Date:</b>	13th February 2012	
<b>Case Officer:</b>	Jonathan Fletcher	

**DECISION** REFUSE for the following reasons:

1 The proposed variation of the delivery hours will have a significant adverse impact on the residential amenity of existing and future occupiers, due to noise from delivery vehicles. This is contrary to Policy D.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

**PLANS LIST:** CHQ.09.8579 - PL200, -PL201, - PL202E, - PL203B, - PL204, - PL205A, - PL206A, - PL207, - PL208, - PL209A, - PL210B, - PL211B, - PL212A, 686 - 01, 686 - 02A and 686 - 03B.

<b>Item No:</b>	04
<b>Application No:</b>	12/00351/FUL
<b>Site Location:</b>	Land Adjacent To Kingswell, Eckweek Lane, Peasedown St. John, Bath
<b>Ward:</b>	Peasedown St John
<b>Parish:</b>	Peasedown St John
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of 2no. dwellings (Resubmission)
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon,
<b>Applicant:</b>	Mr Stephen Gardner
<b>Expiry Date:</b>	15th March 2012
<b>Case Officer:</b>	Rebecca Roberts

**DECISION** REFUSE for the following reasons:

1 The proposed residential development of this site located in the countryside outside of any housing development boundary, is not considered to be a rural a rural exception site and is therefore contrary to Policies HG.9 and HG.10 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

2 Due to the scale and layout of the proposed development, it would result in a cramped built form which is detrimental to the character and appearance of this locality and does not reflect the the local context contrary to policy D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

**PLANS LIST:** This decision relates to drawing no's 7083/16419, 7083/16366/B and the design and access statement date stamped 19th January 2012.

<b>Item No:</b>	05
<b>Application No:</b>	11/04754/FUL
<b>Site Location:</b>	Parcel 9015, Rowley Farm Lane, Combe Hay, Bath
<b>Ward:</b>	Bathavon West
<b>Parish:</b>	Combe Hay
<b>LB Grade:</b>	II
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Installation of 250 solar PV panels in a ground mounted array.
<b>Constraints:</b>	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Regionally Important Geological Site RIG, Sites of Nature Conservation Imp (SN),
<b>Applicant:</b>	Mr & Mrs Philip Honey
<b>Expiry Date:</b>	23rd February 2012
<b>Case Officer:</b>	Suzanne D'Arcy

**DECISION** Application Withdrawn

<b>Item No:</b>	06
<b>Application No:</b>	12/00495/FUL
<b>Site Location:</b>	Bath Urban Area, Various Streets
<b>Ward:</b> Newbridge	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of 9 temporary plinths with name plaques in various locations (for the display of temporary public art works) (01/05/2012 - 01/11/2012)
<b>Constraints:</b>	Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, General Development Site, Hotspring Protection, Listed Building, Local Shops, Prime Shop Front, Railway, World Heritage Site,
<b>Applicant:</b>	Art And The Edge CIC
<b>Expiry Date:</b>	29th March 2012
<b>Case Officer:</b>	Richard Stott

**DECISION** PERMIT with the following conditions:

1 This permission shall expire on 1st November 2012, the developments hereby permitted shall be removed and the use hereby permitted discontinued, in the case of installation directly on the land, the ground shall be restored to its former state.

Reason: These installations form part of an art project to coincide with the 2012 Olympics and will no longer be relevant or needed after the Olympics have finished.

2 Sculpture 8 in the Botanical Gardens and Sculpture 10 in Green Park shall be no higher than 4m above ground level and no wider than 3m.

Reason: in the interest of preserving the character and appearance of the Conservation Area and the setting of the World Heritage Site.

3 Sculpture 9 on Gravel Walk shall be no higher than 2m above ground level and no wider than 1.5m.

Reason: in the interest of preserving the character and appearance of this part of the Conservation Area and the setting of the adjacent Royal Crescent.

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:** This decision relates to the Revised Design and Access Statement, and to drawings 1131/01 Rev A, 1131/02 Rev A, 1131/04 Rev A, 1131/05 Rev A, 1131/06 Rev A, 1131/06a, 1131/09 Rev A, 1131/012 Rev A, 1131/013 Rev A, 1131/014 Rev A and 1131/015 Rev A date stamped 30th March 2011

#### INFORMATIVE

The granting of planning permission in no way conveys the granting of listed building consent.

#### REASONS FOR GRANTING APPROVAL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the policies set out below at A.
2. All other material considerations, including the views of third parties, have been considered and they do not outweigh the reasons for approving the proposed development.
3. The proposed installations, forming part of a wider arts project and walking tour associated with the 2012 Olympic Games will promote the exploration of Bath and encourage recreational walking around the city, to the benefit of promoting healthy communities, one of the core objectives of the NPPF, 2012.
4. The proposed installations are carefully sited and designed so as not to adversely harm the setting of the World Heritage Site or character, fabric and setting of the various listed buildings around the city. By reason of their size, shape, mass and positions, the installations will not adversely harm the character of the various streetscapes and will preserve the character and appearance of the wider World Heritage Site.

A

#### BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

BH.1 World Heritage Site

BH.2 Listed Buildings and their Settings

BH.6 Conservation Area

BH.9 Parks and Gardens of Historic Interest

BH.13 Significant Archaeological Remains in Bath

T.24 Development Control and Access

SUBMISSION CORE STRATEGY, MAY 2011 (The submission core strategy is a key material consideration but at this stage it has limited weight)

B4 World Heritage Site

Policies D.2, D.4, BH.2, BH.6, BH.9, BH.13 and T.24 are Saved Local Plan Policies



## SUPPLEMENTARY GUIDANCE AND STRATEGIES

Bath & North East Somerset Public Art Policy and Strategy, 2010

World Heritage Site Management Plan, 2011

Bath Public Realm and Movement Strategy, 2010

## NATIONAL PLANNING POLICY FRAMEWORK, 2012

The NPPF came into force on the 27th March 2012 replacing all previous Planning Policy Statements (PPS's) and Guidance Notes (PPG's)

Chapter 7. Requiring Good Design

Chapter 8. Promoting Healthy Communities

Chapter 12. Conserving and Enhancing the Historic Environment