

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

8th May 2013

DECISIONS

Item No:	01	
Application No:	12/05660/FUL	
Site Location:	Parcel 2866, Woolley Lane, Charlcombe, Bath	
Ward: Bathavon North	Parish: Charlcombe	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Alterations and extension to existing agricultural building; alterations to access; formation of hardstanding and farm track; construction of stock pond; siting of 2no. feed hoppers and ancillary works (Retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years.	
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Article 4, Greenbelt, Sites of Nature Conservation Imp (SN), Tree Preservation Order,	
Applicant:	Golden Valley Paddocks Limited	
Expiry Date:	6th May 2013	
Case Officer:	Gwilym Jones	

DECISION REFUSE

1 The functional need and financial justification for a temporary dwelling for an agricultural worker has not been demonstrated and the building would therefore constitute inappropriate development within the Green Belt and open countryside contrary to Policy GB.1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007, policy CP8 of the Draft Core Strategy, and para. 55 and 87 of the National Planning Policy Framework.

2 The siting of the proposed temporary dwelling in this location would detract from the appearance and openness of this part of the Green Belt and from the natural beauty and rural character of this part of the Cotswold Area of Outstanding Natural Beauty contrary to policies GB.2 and NE.1 and NE.3 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and policy CP6 of the Draft Core Strategy.

3 The works to the entrance to the site and the new gates installed are of an inappropriate design for this rural location and detract from the character of this part of Woolley Lane as a narrow rural lane, to the detriment of the appearance and rural character of this part of Woolley Lane and contrary to Policy NE.1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

4 The vehicle access to the site by reason of its steep gradient downwards towards the highway and inadequate visibility is likely to result in a road safety hazard and inconvenience to users of the adjoining highway, contrary to Policy T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

PLANS LIST:

This decision relates to Drawings 2028/002A (Plans and Elevations of Proposed Agricultural Storage Building), 2028/02 (Existing Entrance), 2028/22 (Proposed Temporary Mobile Home Floor Plans), 2028/500/A (Site Plan), 2028/501 (Section Through Stock Pond), 2028/201E (Plan and Elevations as Existing)

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. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No:	02	
Application No:	12/05661/FUL	
Site Location:	Parcel 2866, Woolley Lane, Charlcombe, Bath	
Ward: Bathavon North	Parish: Charlcombe	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of general purpose agricultural building	
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Greenbelt,	
Applicant:	Golden Valley Paddocks Limited	
Expiry Date:	22nd March 2013	
Case Officer:	Gwilym Jones	

DECISION REFUSE

1 The proposed new agricultural building by reason of its size, height and location would be visually detrimental to the Green Belt and would detract from the character of the local landscape and the natural beauty of this part of the Cotswold Area of Outstanding Natural Beauty contrary to Policy GB.2, NE.2, NE.3 and ET.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and policy CP6 of the Draft Core Strategy.

PLANS LIST:

This decision relates to Drawings 2028/DWG1 (Section as Proposed) and 2028/002 (Plan and Elevations of Proposed Agricultural Storage Building)

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. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No:	03	
Application No:	12/05662/FUL	
Site Location:	Parcel 2866, Woolley Lane, Charlcombe, Bath	
Ward: Bathavon North	Parish: Charlcombe	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Siting of 4no. mobile poultry units (Retrospective)	
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Greenbelt,	
Applicant:	Golden Valley Paddocks Limited	
Expiry Date:	30th April 2013	
Case Officer:	Gwilym Jones	

DECISION REFUSE

1 The proposed poultry units by reason of their size and materials, location and permanence would result in harm to the openness of the Green Belt and detract from the rural character and natural beauty of this part of the Cotswold Area of Outstanding Natural Beauty and the local landscape contrary to Policies GB.2, NE.1, NE.2, NE.3, ET.6 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and policy CP6 of the Draft Core Strategy.

PLANS LIST:

This decision relates to Drawings 2028/99.3 (Location Plan) and 2028/001 (Plan and Elevations of Poultry Units)

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. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No:	04
Application No:	12/05663/FUL
Site Location:	Parcel 0005 South, Woolley Lane, Charlcombe, Bath
Ward: Bathavon North	Parish: Charlcombe LB Grade: N/A
Application Type:	Full Application
Proposal:	Siting of 3no. mobile poultry units (Retrospective)
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Greenbelt,
Applicant:	Golden Valley Paddocks Limited
Expiry Date:	22nd March 2013
Case Officer:	Gwilym Jones

DECISION REFUSE

1 The proposed poultry units by reason of their size and materials, location and permanence would result in harm to the openness of the Green Belt and detract from the rural character and natural beauty of this part of the Cotswold Area of Outstanding Natural Beauty and the local landscape contrary to Policies GB.2, NE.1, NE.2, NE.3, ET.6 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and policy CP6 of the Draft Core Strategy.

PLANS LIST:

This decision relates to Drawings 2028/99.4 (Location Plan) and 2028/001 (Plan and Elevations of Poultry Units)

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. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No:	05
Application No:	12/05664/FUL
Site Location:	Parcel 0005 South, Woolley Lane, Charlcombe, Bath
Ward: Bathavon North	Parish: Charlcombe LB Grade: N/A
Application Type:	Full Application
Proposal:	Siting of 3no. mobile poultry units (Retrospective)
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Greenbelt,
Applicant:	Golden Valley Paddocks Limited
Expiry Date:	26th April 2013
Case Officer:	Gwilym Jones

DECISION REFUSE

1 The proposed poultry units by reason of their size and materials, location and permanence would result in harm to the openness of the Green Belt and detract from the rural character and natural beauty of this part of the Cotswold Area of Outstanding Natural Beauty and the local landscape contrary to Policies GB.2, NE.1, NE.2, NE.3, ET.6 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and policy CP6 of the Draft Core Strategy.

PLANS LIST:

This decision relates to Drawings 2028/99.5 (Location Plan) and 2028/001 (Plan and Elevations of Poultry Units)

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. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No:	06
Application No:	12/05315/OUT
Site Location:	Parcel 8966, Manor Road, Saltford,
Ward: Saltford	Parish: Saltford LB Grade: N/A
Application Type:	Outline Application
Proposal:	Erection of up to 99no. dwellings and associated parking on Parcel 8966 and Parcel 0064, 1 no vehicular access from Manor Road and separate pedestrian access to Manor Road, associated engineering works and the construction of 2no. car parking lay-bys on Manor Road.
Constraints:	Agric Land Class 1,2,3a, Forest of Avon, Greenbelt,
Applicant:	Crest Nicholson (South West) Ltd
Expiry Date:	6th March 2013
Case Officer:	Sarah James

DECISION REFUSE

If the Council had been in a position to make a decision on the application then the recommendation would be to REFUSE the application on the basis that the development would comprise inappropriate development within the green belt, harmful to openness, that would encroach into the countryside and for which no very special circumstances have been demonstrated that would clearly outweigh the very significant level of harm caused.

PLANS LIST:

10350/T08 B, 606, BRS.2656_11B, BRS.2656_12A, BRS.2656_13A

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 in that it has undergone appropriate pre-application engagement with the applicant and entered into discussions and negotiations throughout the application so as to ensure that the applicant had adequate opportunity to consider all of the issues raised.

Item No:	07
Application No:	12/04597/OUT
Site Location:	Fields North Of Orchard Park, Staunton Lane, Whitchurch, Bristol
Ward: Publow And Whitchurch	Parish: Whitchurch LB Grade: N/A
Application Type:	Outline Application
Proposal:	Residential development (up to 295 dwellings) including infrastructure, ancillary facilities, open space, allotments and landscaping. Construction of two new vehicular accesses from Stockwood Lane (Resubmission)

Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Cycle Route, Forest of Avon, Greenbelt, Housing Development Boundary, Public Right of Way, Sites of Nature Conservation Imp (SN), Safeguarded Roads,
Applicant:	Robert Hitchins Ltd
Expiry Date:	11th January 2013
Case Officer:	Sarah James

DECISION REFUSE

1 The introduction of 295 dwellings on a site, which is currently open fields represents inappropriate development harmful to the Green Belt. It would also harm the openness of the Green Belt and it would contribute to the sprawl of Bristol, encroach into the countryside and compromise the character, identity and setting of the village of Whitchurch through closing the gap between the village and Bristol, leading to an erosion of the rural character and the visual amenity of the Green Belt. No very special circumstances have been demonstrated that outweigh the identified harm. The proposal is therefore considered contrary to policies Policy GB.1 and GB.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 and paragraphs 88 and 89 of the National Planning Policy Framework.

2 The proposed residential development would generate a significant educational need which in the absence of any satisfactory proposals from the developer to meet that need is considered not to be satisfactorily provided for. The proposed development is therefore contrary to Policies CF3 and IMP1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007 and adopted Supplementary Planning Document Planning Obligations 2009 and paragraph 38 of the National Planning Policy Framework.

3 Inadequate information has been submitted to demonstrate that the development would not result in an unacceptable impact on the highway network and sustainable transport routes, and it is therefore contrary to Policies T.24 and T.25 of the Local Plan and paragraph 34 of the National Planning Policy Framework.

PLANS LIST:

This decision relates to the following list 189-000, 189-001 REV. C, 189-002 189-003 REV. C, 189-004, H.0250_02-12, H370/4 REV A, H.0250_01-5

Statement of proactive working

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. Notwithstanding the advice that was provided to the applicant in connection with this current application and discussions in relation to the issues arising during the consideration of the current planning application whereby the unacceptable nature of the proposals have been clearly conveyed to the applicant, and the applicant has been offered opportunities to address the concerns and / or withdraw the proposals submitted the applicant has chosen to pursue the development in its current form and has chosen not to withdraw the application.

Consequently and having regard to the need to avoid unnecessary delay the Local Planning Authority has moved forward and issued its decision.

Item No:	08	
Application No:	12/05546/OUT	
Site Location:	Parcel 5400, Fosseyway South, Westfield, Midsomer Norton	
Ward: Midsomer Norton Redfield	Parish: Midsomer Norton	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Outline planning permission for up to 164 residential dwellings (C3), a 60 bed care home (C2), 200 sq m of retail/business/community space (A1/A3/B1/D1) along with 2 points of access and public open space.	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site,	
Applicant:	Strategic Land Partnerships	
Expiry Date:	4th April 2013	
Case Officer:	Daniel Stone	

DECISION

Authorise the Development Manager to Permit subject to (A) consultation with the Planning and Environmental Law Manager to enter into a S106 Agreement to secure the following;

Affordable Housing

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

Education

2. Contributions to fund the need for primary and secondary school places and Youth Services provision places arising from the development, the amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be provided prior to the commencement of development.

Open Space and Recreational Facilities

3. Contributions to fund the provision of formal open space and allotments off-site to serve the population, and fund the maintenance of any open space provided within the development, the amount of the contribution to be calculated prior to reserved matters consent being granted in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the occupation of the development. The allocation of funds within the local area will be determined by the Local Planning Authority following the determination of the application.

Transport

4. The implementation of the travel plan submitted in April 2013 in accordance with the timetable set out in Appendix C of the Travel Plan, including but not limited to the following measures:

- Up to £87,757 for a Toucan crossing over A367 and the creation of a widened footway / cycleway from the site to the new pedestrian crossing near Charlton Lane, incorporating signage to the town centre,
- £6,000 for the securing and introduction of a Traffic Regulation Order for the relocation of the 30mph speed limit on the A367
- £8,500 for the introduction of a 'gateway' feature at the location of the proposed relocated speed limit
- £25,000 per year for a period of 5 years for enhancement and ongoing operation of bus-services
- Provision of on-site bus-stop(s) including bus-shelters, timetables, raised kerbs and real-time information.
- The appointment of a Travel Plan co-ordinator to implement the measures set out in Appendix C of the Travel Plan.

5. A programme of travel monitoring (looking at modal shift) and traffic counts over a 3-year period to be assessed against agreed modal targets for travel patterns and critical thresholds for traffic levels, to be agreed by the Council. The methodology of traffic counts, reporting procedures to the Council, modal targets and critical thresholds are to be agreed. If the agreed targets are not met or thresholds are exceeded the following additional traffic demand measures are to be triggered:

- Extension of Area wide Travel Planning to include Norton Hill and Westfield at a cost of £30,000
- £10,000 towards the implementation, consultation and administration of traffic management measures along Charlton Park to combat "rat running".

and (B) upon completion of the S106 Agreement, 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 Approval of the details of the (a) layout, (b) scale, (c) appearance, and (e) landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

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).

3 No development shall take place until full details of a Wildlife Management and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- Details of native hedgerow planting and boundary treatment to provide wildlife habitat, together with details of long term wildlife friendly management specifications
- Details of all other wildlife habitat provision, native planting and ecological enhancements

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

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

4 Details of a surface water drainage masterplan shall be submitted to, and agreed in writing by the Local Planning Authority as part of subsequent applications for reserved matters consent. The masterplan shall be in accordance with the Flood Risk Assessment (FRA) and Addendum (prepared by Robson Liddle and dated 25th February 2013) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

REASON:

To prevent the increased risk of flooding as a result of the development in accordance with the National Planning Policy Framework (NPPF).

5 No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel is completed.

REASON:

To prevent the increased risk of flooding as a result of the development in accordance with the NPPF.

6 No development shall commence until a foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory method of foul sewage drainage and in compliance with policy ES.5 of the adopted Local Plan.

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

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

8 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.

9 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

10 Plans showing on-site access, parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. 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 to the satisfaction of the Local Planning Authority before the development commences.

Reason: In the interests of amenity and highway safety.

11 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management.

Reason: To ensure the safe operation of the highway.

12 No ground preparation or development activity shall take place until an 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 method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals and to ensure that the approved method statement is complied with for the duration of the development.

13 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the

remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18 No development shall take place within the site (including any site clearance or demolition works) until the applicant, or their agents or successors in title, has produced detailed drawings of all underground works, including foundations, drainage and those of statutory undertakers, which have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.

Reason: The site is within an area of major archaeological interest and the Council will wish to protect the archaeological remains.

19 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features, which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major archaeological interest and the Council will wish record and protect the archaeological remains.

20 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of postexcavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

21 Prior to the commencement of development at the site details of a Construction Dust Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Construction Dust Management Plan shall comply with the guidance the BRE Code of Practice on the control of dust from construction and demolition activities. The details so approved shall be fully complied with during the construction of the development.

Reason: To protect the amenities of the occupants of adjacent residential properties.

PLANS LIST:

This decision relates to drawing nos:

INDICATIVE MASTERPLAN LAYOUT Drawing MP2 REV C
SITE LOCATION PLAN - OS Extract - Drawing 26126/SB002
SITE SURVEY Drawing 26126/004/SS1
SUPERSEDED PROPOSED SITE ACCESS Drawing 26126/002/002 REVISION
A

AFFORDABLE HOUSING STATEMENT Jan 2013
AIR QUALITY ASSESSMENT
ARBORICULTURAL IMPACT ASSESSMENT REPORT
ARCHAEOLOGICAL EVALUATION
ARCHAEOLOGICAL GEOPHYSICAL SURVEY
CARE HOME LETTER AND REPORT
COVERING LETTER

DESIGN AND ACCESS STATEMENT
DESK-BASED HERITAGE ASSESSMENT
DORMOUSE AND BAT HABITAT ASSESSMENT
ECOLOGICAL REPORT
ENERGY STATEMENT
ENVIRONMENTAL NOISE ASSESSMENT
FOUL DRAINAGE ASSESSMENT
LANDSCAPE AND VISUAL APPRAISAL
LEVEL 2 FLOOD RISK ASSESSMENT V5 09.01.2013
PHASE 1 GEOENVIRONMENTAL DESK STUDY
PLANNING STATEMENT
TRANSPORT ASSESSMENT REPORT
SURFACE WATER DRAINAGE SURVEY
FLOOD RISK ASSESSMENT ADDENDUM - received 25 Feb 2013

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.

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

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 the case officer's report, a positive view of the submitted proposals was taken and consent was granted.

Reasons for Approval

Taking account of Section 38(6) of the Planning and Compulsory Purchase Act 2004, it has been concluded that the development accords with the National Planning Policy Framework - March 2012 and emerging Core Strategy policies.

The site falls outside of the adopted development boundary as defined in the adopted Local Plan. However, the authority neither has an Adopted Core Strategy or up-to-date Local Plan and as set out in the draft amended Core Strategy, the Authority is only able to demonstrate a 5-year-housing land supply by allowing additional sites to come forward outside the Development Boundary including (through amended Core Strategy policy SV1) an additional 300 dwellings in the Somer Valley.

Therefore, in accordance with the guidance in the National Planning Policy Framework the application is to be considered against the policies in the NPPF, with consent being

granted unless there are any adverse impacts in doing so that would "significantly or demonstrably outweigh the benefits of the scheme".

In this case the development would give rise to locally significant landscape harm, due to its location on an agricultural field beyond the established footprint of the settlement, and would give rise to additional traffic congestion in the vicinity of the site. However the adverse impacts of the development would not significantly or demonstrably outweigh the benefits of the scheme in terms of the delivery of housing and therefore, in accordance with national policy, the application has been approved.

Informative: Drainage Conditions

Conditions 4 - 6 inclusive have been recommended to ensure that the principles of the agreed FRA are delivered as the development comes forward. It is important that sufficient attenuation storage is provided for each phase of development and this should be clearly demonstrated in an updated FRA / masterplan which show discharge rates and SuDs control measures for each plot.

Each reserved matters application will need to demonstrate a suitable drainage scheme in accordance with the approved masterplan to allow us to recommend approval for any detailed layout proposals.

The surface water drainage scheme for the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to 5l/s/ha or Greenfield run-off rates whichever is lowest.
2. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

IMPORTANT:

Maintenance of the drainage infrastructure on site must be set out within a comprehensive legal agreement and any commuted sums required agreed within the outline permission. An as-built volume check of the drainage infrastructure must be undertaken once constructed because it is critical that the agreed attenuation volumes are provided for and maintained for the lifetime of the development.

The Council will need to see the following information when the applicant applies to discharge these conditions:

- o A clearly labelled drainage layout plan showing the pipe networks and attenuation. This plan should show any pipe node numbers referred to in the drainage calculations, volume of attenuation provided and the invert and cover levels of manholes.
- o A manhole schedule
- o Simulations to demonstrate how the system functions in a 1 in 100 year plus climate change storm and showing how the storage has been modelled.
- o Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.
- o If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with The NPPF.

Item No:	09	
Application No:	13/00127/OUT	
Site Location:	Parcel 5400, Fosseyway South, Westfield, Midsomer Norton	
Ward: Midsomer Norton Redfield	Parish: Midsomer Norton	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Outline planning permission for up to 165 residential dwellings (C3) and 60 bed care home (C2), 2 points of access and public open space.	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site,	
Applicant:	Strategic Land Partnerships	
Expiry Date:	15th April 2013	
Case Officer:	Daniel Stone	

DECISION

Authorise the Development Manager to Permit subject to (A) consultation with the Planning and Environmental Law Manager to enter into a S106 Agreement to secure the following;

Affordable Housing

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

Education

2. Contributions to fund the need for primary and secondary school places and Youth Services provision places arising from the development, the amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations,

adopted July 2009. The agreed contributions shall be provided prior to the commencement of development.

Open Space and Recreational Facilities

3. Contributions to fund the provision of formal open space and allotments off-site to serve the population, and fund the maintenance of any open space provided within the development, the amount of the contribution to be calculated prior to reserved matters consent being granted in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the occupation of the development. The allocation of funds within the local area will be determined by the Local Planning Authority following the determination of the application.

Transport

4. The implementation of the travel plan submitted in April 2013 in accordance with the timetable set out in Appendix C of the Travel Plan, including but not limited to the following measures:

- Up to £87,757 for a Toucan crossing over A367 and the creation of a widened footway / cycleway from the site to the new pedestrian crossing near Charlton Lane, incorporating signage to the town centre,
- £6,000 for the securing and introduction of a Traffic Regulation Order for the relocation of the 30mph speed limit on the A367
- £8,500 for the introduction of a 'gateway' feature at the location of the proposed relocated speed limit
- £25,000 per year for a period of 5 years for enhancement and ongoing operation of bus-services
- Provision of on-site bus-stop(s) including bus-shelters, timetables, raised kerbs and real-time information.
- The appointment of a Travel Plan co-ordinator to implement the measures set out in Appendix C of the Travel Plan.

5. A programme of travel monitoring (looking at modal shift) and traffic counts over a 3-year period to be assessed against agreed modal targets for travel patterns and critical thresholds for traffic levels, to be agreed by the Council. The methodology of traffic counts, reporting procedures to the Council, modal targets and critical thresholds are to be agreed. If the agreed targets are not met or thresholds are exceeded the following additional traffic demand measures are to be triggered:

- Extension of Area wide Travel Planning to include Norton Hill and Westfield at a cost of £30,000
- £10,000 towards the implementation, consultation and administration of traffic management measures along Charlton Park to combat "rat running"

and (B) upon completion of the S106 Agreement, 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 Approval of the details of the (a) layout, (b) scale, (c) appearance, and (e) landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

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).

3 No development shall take place until full details of a Wildlife Management and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- Details of native hedgerow planting and boundary treatment to provide wildlife habitat, together with details of long term wildlife friendly management specifications
- Details of all other wildlife habitat provision, native planting and ecological enhancements

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

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

4 Details of a surface water drainage masterplan shall be submitted to, and agreed in writing by the Local Planning Authority as part of subsequent applications for reserved matters consent. The masterplan shall be in accordance with the Flood Risk Assessment (FRA) and Addendum (prepared by Robson Liddle and dated 25th February 2013) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

REASON:

To prevent the increased risk of flooding as a result of the development in accordance with the National Planning Policy Framework (NPPF).

5 No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the LPA. The scheme shall

subsequently be implemented in accordance with the approved details before the plot or parcel is completed.

REASON:

To prevent the increased risk of flooding as a result of the development in accordance with the NPPF.

6 No development shall commence until a foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory method of foul sewage drainage and in compliance with policy ES.5 of the adopted Local Plan.

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

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

8 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.

9 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

10 Plans showing on-site access, parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. 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 to the satisfaction of the Local Planning Authority before the development commences.

Reason: In the interests of amenity and highway safety.

11 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall

include details of deliveries (including storage arrangements and timings), contractor parking, traffic management.

Reason: To ensure the safe operation of the highway.

12 No ground preparation or development activity shall take place until an 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 method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals and to ensure that the approved method statement is complied with for the duration of the development.

13 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18 No development shall take place within the site (including any site clearance or demolition works) until the applicant, or their agents or successors in title, has produced detailed drawings of all underground works, including foundations, drainage and those of statutory undertakers, which have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.

Reason: The site is within an area of major archaeological interest and the Council will wish to protect the archaeological remains.

19 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features, which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major archaeological interest and the Council will wish record and protect the archaeological remains.

20 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of postexcavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

21 Prior to the commencement of development at the site details of a Construction Dust Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Construction Dust Management Plan shall comply with the guidance the BRE Code of Practice on the control of dust from construction and demolition activities. The details so approved shall be fully complied with during the construction of the development.

Reason: To protect the amenities of the occupants of adjacent residential properties.

PLANS LIST:

This decision relates to drawing nos:

INDICATIVE MASTERPLAN LAYOUT Drawing MP2 REV C
SITE LOCATION PLAN - OS Extract - Drawing 26126/SB002
SITE SURVEY Drawing 26126/004/SS1
SUPERSEDED PROPOSED SITE ACCESS Drawing 26126/002/002 REVISION
A

AFFORDABLE HOUSING STATEMENT Jan 2013
AIR QUALITY ASSESSMENT
ARBORICULTURAL IMPACT ASSESSMENT REPORT
ARCHAEOLOGICAL EVALUATION
ARCHAEOLOGICAL GEOPHYSICAL SURVEY
CARE HOME LETTER AND REPORT
COVERING LETTER
DESIGN AND ACCESS STATEMENT
DESK-BASED HERITAGE ASSESSMENT
DORMOUSE AND BAT HABITAT ASSESSMENT
ECOLOGICAL REPORT
ENERGY STATEMENT
ENVIRONMENTAL NOISE ASSESSMENT
FOUL DRAINAGE ASSESSMENT
LANDSCAPE AND VISUAL APPRAISAL
LEVEL 2 FLOOD RISK ASSESSMENT V5 09.01.2013
PHASE 1 GEOENVIRONMENTAL DESK STUDY
PLANNING STATEMENT
TRANSPORT ASSESSMENT REPORT
SURFACE WATER DRAINAGE SURVEY
FLOOD RISK ASSESSMENT ADDENDUM - received 25 Feb 2013

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.

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

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 the case officer's report, a positive view of the submitted proposals was taken and consent was granted.

Reasons for Approval

Taking account of Section 38(6) of the Planning and Compulsory Purchase Act 2004, it has been concluded that the development accords with the National Planning Policy Framework - March 2012 and emerging Core Strategy policies.

The site falls outside of the adopted development boundary as defined in the adopted Local Plan. However, the authority neither has an Adopted Core Strategy or up-to-date Local Plan and as set out in the draft amended Core Strategy, the Authority is only able to demonstrate a 5-year-housing land supply by allowing additional sites to come forward outside the Development Boundary including (through amended Core Strategy policy SV1) an additional 300 dwellings in the Somer Valley.

Therefore, in accordance with the guidance in the National Planning Policy Framework the application is to be considered against the policies in the NPPF, with consent being granted unless there are any adverse impacts in doing so that would "significantly or demonstrably outweigh the benefits of the scheme".

In this case the development would give rise to locally significant landscape harm, due to its location on an agricultural field beyond the established footprint of the settlement, and would give rise to additional traffic congestion in the vicinity of the site. However the adverse impacts of the development would not significantly or demonstrably outweigh the benefits of the scheme in terms of the delivery of housing and therefore, in accordance with national policy, the application has been approved.

Informative: Drainage Conditions

Conditions 4 - 6 inclusive have been recommended to ensure that the principles of the agreed FRA are delivered as the development comes forward. It is important that sufficient attenuation storage is provided for each phase of development and this should be clearly demonstrated in an updated FRA / masterplan which show discharge rates and SuDs control measures for each plot.

Each reserved matters application will need to demonstrate a suitable drainage scheme in accordance with the approved masterplan to allow us to recommend approval for any detailed layout proposals.

The surface water drainage scheme for the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to 5l/s/ha or Greenfield run-off rates whichever is lowest.
2. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be

used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

IMPORTANT:

Maintenance of the drainage infrastructure on site must be set out within a comprehensive legal agreement and any commuted sums required agreed within the outline permission. An as-built volume check of the drainage infrastructure must be undertaken once constructed because it is critical that the agreed attenuation volumes are provided for and maintained for the lifetime of the development.

We will need to see the following information when the applicant applies to discharge these conditions:

- o A clearly labelled drainage layout plan showing the pipe networks and attenuation. This plan should show any pipe node numbers referred to in the drainage calculations, volume of attenuation provided and the invert and cover levels of manholes.
- o A manhole schedule
- o Simulations to demonstrate how the system functions in a 1 in 100 year plus climate change storm and showing how the storage has been modelled.
- o Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.
- o If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with The NPPF.

Item No:	10	
Application No:	12/04590/OUT	
Site Location:	Parcel 0025, Monger Lane, Welton, Midsomer Norton	
Ward: Midsomer Norton North	Parish: Midsomer Norton	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Residential development comprising up to 135 dwellings, vehicular access from Monger Lane, public open space, and other associated infrastructure	
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Public Right of Way,	
Applicant:	Taylor Wimpey	
Expiry Date:	14th February 2013	
Case Officer:	Rachel Tadman	

DECISION REFUSE

1 The site of the proposed development forms part of a visually important hillside with a traditional rural character on the edge of Midsomer Norton that should be protected from development. The proposed development would have a suburbanising impact on the prominent hillside and the associated works to Monger Lane would also significantly

detract from and have a harmful impact on the rural character of the application site which is contrary to Policies NE.1, NE.3, D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007 and the provisions of the National Planning Policy Framework.

2 The proposed development will introduce additional traffic onto the existing rural highway network immediately surrounding the site which will result in increased traffic congestion and risk to highway safety. This is contrary to Policy T.24 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007 and the provisions of the National Planning Policy Framework.

3 The location of the development site is unsustainable being remote from local bus routes and lacking safe pedestrian routes to local schools. This is contrary to Policies T.1, T.3 and T.24 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007 and the provisions of the National Planning Policy Framework.

4 The proposed development would be likely to have an adverse effect on existing flooding within the local area including the neighbouring Thicket Mead development. This is contrary to the guidance within the National Planning Policy Framework and its associated technical guide

PLANS LIST:

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 application was considered by the Development Control Committee and Members took the view that the proposal was unacceptable for the above reasons and in order to ensure a swift decision the application was refused.

Item No:	11	
Application No:	13/00689/FUL	
Site Location:	The Glebe, Church Hill, High Littleton, Bristol	
Ward: High Littleton	Parish: High Littleton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Conversion and extension of garage for form family room, new entry hall, bathroom, garage and attic storage following removal of carport and provision of a pitched roof to existing open oil storage tank.	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Housing Development Boundary, Tree Preservation Order,	
Applicant:	Mr R P Hooke	
Expiry Date:	11th April 2013	
Case Officer:	Heather Faulkner	

DECISION Delegate to 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 No development shall take place until an arboricultural method statement with tree protection plan identifying measures to protect the neighbouring Yew trees, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include a schedule of proposed tree works, protection measures during site preparation and construction and confirmation of the use of pile and beam foundations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the neighbouring trees.

3 No development activity shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented. The local planning authority is to be advised 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.

4 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.

5 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 all received on 14th February 2013:
Site Location Plan, RPH/01, RPH/02, RPH/03, RPH/04, RPH/05 and RPH/06.

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 application was application was presented to the committee and subsequently approved.

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.

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:	12	
Application No:	13/00690/FUL	
Site Location:	The Hay Barn, Camerton Hill, Camerton, Bath	
Ward: Bathavon West	Parish: Camerton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Increase in roof pitch and ridge height, insertion of 5no. conservation rooflights, new door and window opening on the South West elevation and internal reorganisation to provide 4no. bedroomed holiday accommodation (Retrospective).	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Listed Building,	
Applicant:	John Scott Builders (Somerset) Ltd	
Expiry Date:	12th April 2013	
Case Officer:	Heather Faulkner	

DECISION PERMIT

1 The development hereby approved shall not be occupied other than for the purposes of holiday lets or other short term lettings and shall not be used by the same person for more than 3 months duration, or any other period as may be first approved in writing by the Local Planning Authority. Written records of lettings and occupiers shall be made available for inspection by the Local Planning Authority up to three times in a calendar year within 7 days of a written request.

Reason : The buildings are by reason of their close position to one another, lack of suitable parking and access arrangements are unsuitable for permanent residential use.

2 Before the accommodation hereby approved is first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed between the public highway and the proposed parking area, details of which shall have first been submitted to the Local Planning Authority for approval.

Reason: In the interests of highway safety.

3 Before the accommodation hereby approved is first occupied provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the public highway, details of which shall have first been submitted to the Local Planning Authority for approval.

Reason: In the interests of highway safety.

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 following drawings and documents all received on 15th February 2013:

Approved Drawings

1119/01

1119/10

1119/11

1119/12

119/13

Planning Statement

Previously approved drawing for information

825/4C

REASONS FOR GRANTING APPROVAL:

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.

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.

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the character of the area and would not significantly harm any interests of acknowledged importance.

Therefore the proposed development accords with Policies BH.2, BH.4, ET.8, ET.9, T.1, T.24, D.2 & D.4 Bath & North East Somerset Local Plan including waste and Minerals Policies 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 and expanded upon in the related case officer's report a positive view of the proposals was taken and the application approved.

Item No:	13	
Application No:	13/00691/LBA	
Site Location:	The Hay Barn, Camerton Hill, Camerton, Bath	
Ward: Bathavon West	Parish: Camerton	LB Grade: N/A
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	Internal and external alterations for the increase in roof pitch and ridge height, insertion of 5no. conservation rooflights, new door and window opening on the South West elevation and internal reorganisation to provide 4no. bedroomed holiday accommodation (Regularisation).	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Listed Building,	
Applicant:	John Scott Builders (Somerset) Ltd	
Expiry Date:	16th May 2013	
Case Officer:	Heather Faulkner	

DECISION CONSENT

1 At no time shall any flues, vents, meter boxes or other fixtures be attached to the exterior of the building other than those approved as part of this permission, without the prior approval in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to be satisfied with the completed appearance of the building.

2 There shall be no external meter boxes whatsoever. The position of meter units internally shall be submitted to and approved by the Local Planning Authority and shall

once agreed be implemented and maintained in strict accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the character of the Listed Building.

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 drawings and documents all received on 15th February 2013:

Approved Drawings

1119/01

1119/10

1119/11

1119/12

119/13

119/14

1119 Images

Planning Statement

Previously approved drawing for information
825/4C

REASONS FOR GRANTING CONSENT

The decision to grant consent subject to conditions has been made in accordance with Planning (Listed Buildings and Conservation Areas) Act 1990 and Government Policy: Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework, which sets out the government's high-level policies concerning heritage and sustainable development; the Historic Environment Planning Practice Guide published jointly by CLG, DCMS and English Heritage, which provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites, and in light of views of third parties. The Council regards that the proposal because of its location, design, detailing and use of materials preserves the building and its features of special architectural or historic interest.

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 the related case officer's report a positive view of the revised proposals was taken and consent was granted.

Item No:	14
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 DEFER consideration to allow members to visit the site to view the application site in context to the surroundings.

Item No:	15		
Application No:	12/05105/FUL		
Site Location:	Parcel 0087, Walley Lane, Chew Magna, Bristol		
Ward:	Chew Valley North	Parish:	Chew Magna
		LB Grade:	N/A
Application Type:	Full Application		
Proposal:	Change of use of field from agriculture to equestrian and erection of block of 4no stables (Resubmission)		
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Public Right of Way, Water Source Areas,		
Applicant:	Mr David Baron		
Expiry Date:	26th February 2013		
Case Officer:	Richard Stott		

DECISION REFUSE

1 The proposed material change of use of the land from its use as agriculture, to recreational use (equestrian), in the absence of very special circumstances to outweigh any harm to the Green Belt, would comprise inappropriate development within the Green Belt which is, by definition, harmful and therefore unacceptable in principle. The proposed material change of use of the land is contrary to Chapter 9 of the National Planning Policy Framework, 2012.

PLANS LIST:

This decision relates to the Design and Access Statement, Floor Risk Assessment, Agricultural Appraisal, Site Location Plan and drawings 1571A and 1572A date stamped 19th November 2012 and to the gable elevation drawings date stamped 27th November 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.

Item No:	16	
Application No:	12/05281/FUL	
Site Location:	Bubblers Dytch, High Street, Wellow, Bath	
Ward: Bathavon South	Parish: Wellow	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 2no detached two storey houses with attached garages following demolition of existing single storey house (Resubmission).	
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Housing Development Boundary,	
Applicant:	Hesketh Ventures Ltd	
Expiry Date:	28th February 2013	
Case Officer:	Tessa Hampden	

DECISION Withdrawn from agenda pending submission of a further bat survey.