

Democratic Services

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Date: 26 July 2011

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To: All Members of the Development Control Committee

Councillors: Lisa Brett, Neil Butters, Gerry Curran (Chair), Liz Hardman, Eleanor Jackson, Les Kew, David Martin, Douglas Nicol, Bryan Organ, Martin Veal, David Veale and Brian Webber

Permanent Substitutes:- Councillors: Rob Appleyard, Sharon Ball, John Bull, Nicholas Coombes, Sally Davis, Malcolm Lees, Dine Romero and Jeremy Sparks

For information:

Chief Executive and other appropriate officers
Press and Public

Dear Member

Development Control Committee: Wednesday, 3rd August, 2011

You are invited to attend a meeting of the **Development Control Committee**, to be held on **Wednesday, 3rd August, 2011** at **2.00pm** in the **Brunswick Room - Guildhall, Bath**.

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 2nd August in the Meeting Room, Lewis House, Bath.

The rooms will be available for meetings of political groups. Coffee etc. will be provided in the Group Rooms before the meeting.

The agenda is set out overleaf.

Yours sincerely

David Taylor
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact David Taylor who is available by telephoning Bath 01225 - 394414 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting David Taylor as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting David Taylor as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

The List of Planning Applications and Enforcement Cases Determined under Delegated Powers are available using the following link:

<http://www.bathnes.gov.uk/ENVIRONMENTANDPLANNING/PLANNING/PLANNINGAPPLICATIONS/Pages/Delegated%20Report.aspx>

Development Control Committee - Wednesday, 3rd August, 2011

at 2.00pm in the Brunswick Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will ask the Committee Administrator to draw attention to the emergency evacuation procedure as set out under Note 6

2. ELECTION OF VICE CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

Members who have an interest to declare are asked to state:

(a) the Item No and site in which they have an interest; (b) the nature of the interest; and (c) whether the interest is personal or personal and prejudicial.

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

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

(1) At the time of publication, no items had been submitted.

(2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Committee Administrator will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, ie 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

To deal with any petitions or questions from Councillors and where appropriate Co-opted Members

8. MINUTES: WEDNESDAY 6TH JULY 2011 (Pages 9 - 54)

To approve as a correct record the Minutes of the previous meeting held on Wednesday 6th July 2011

9. MAJOR DEVELOPMENTS

The Senior Professional – Major Development to provide an oral update

10. PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 55 - 66)

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 67 - 70)

To note the report

The Committee Administrator for this meeting is David Taylor who can be contacted on 01225 - 394414.

Member and Officer Conduct/Roles Protocol* **Development Control Committee**

(*NB This is a brief supplementary guidance note not intended to replace or otherwise in any way contradict Standing Orders or any provision of the Local Authorities (Model Code of Conduct) Order 2001 adopted by the Council on 21st February 2002 to which full reference should be made as appropriate).

1. Declarations of Interest (Personal and Prejudicial)

- These are to take place when the agenda item relating to declarations of interest is reached. It is best for Officer advice (which can only be informal) to be sought and given prior to or outside the Meeting. In all cases the final decision is that of the individual Member.

2. Local Planning Code of Conduct

- This document as approved by Full Council and previously noted by the Committee, supplements the above. Should any Member wish to state declare that further to the provisions of the Code (although not a personal or prejudicial interest) they will not vote on any particular issue(s) , they should do so after (1) above.

3. Site Visits

- Under the Council's own Local Code, such visits should only take place when the expected benefit is substantial eg where difficult to visualize from the plans, or from written or oral submissions or the proposal is particularly contentious. Reasons for a site visit should be given and recorded. The attached note sets out the procedure.

4. Voting & Chair's Casting Vote

- By law the Chair has a second or "casting" vote. It is recognised and confirmed by Convention within the Authority that Chair's casting vote will not normally be exercised. A positive decision on all agenda items is, however, highly desirable in the planning context although exercise of the Chair's casting vote to achieve this remains at the Chair's discretion .

Chairs and Members of the Committee should be mindful of the fact that the Authority has a statutory duty to determine planning applications. A tied vote leaves a planning decision undecided. This leaves the Authority at risk of appeal against non determination and/or leaving the matter in abeyance with no clearly recorded decision on a matter of public concern/interest.

The consequences of this could include (in an appeal against " non determination" case) the need for a report to be brought back before the Committee for an indication of what decision the Committee would have come to if it had been empowered to determine the application.

5. Officer Advice

- Officers will advise the meeting as a whole (either of their own initiative or when called upon to do so) where appropriate to clarify issues of fact, law or policy. It is accepted practice that all comments will be addressed through the Chair and any subsequent Member queries addressed likewise.

6. Decisions Contrary to Policy and Officer Advice

- There is a power (not a duty) for Officers to refer any such decision to a subsequent meeting of the Committee. This renders a decision of no effect until it is reconsidered by the Committee at a subsequent meeting when it can make such decision as it sees fit.

7. Officer Contact/Advice

- If Members have any conduct or legal queries prior to the Meeting then they can contact the following Legal Officers for guidance/assistance as appropriate (bearing in mind that informal Officer advice is best sought or given prior to or outside the Meeting) namely:-
 1. Maggie Horrill, Planning and Environmental Law Manager
Tel. No. 01225 39 5174
 2. Simon Barnes, Senior Legal Adviser
Tel. No. 01225 39 5176

General Member queries relating to the Agenda (including Public Speaking arrangements for example) should continue to be addressed to David Taylor, Committee Administrator Tel No. 01225 39 4414

**Planning and Environmental Law Manager, Planning Services Manager,
Democratic Services Manager, Solicitor to the Council
April 2002**

Site Visit Procedure

- (1) Any Member of the Development Control or local Member(s) may request at a meeting the deferral of any application (reported to Committee) for the purpose of holding a site visit.
- (2) The attendance at the site inspection is confined to Members of the Development Control Committee and the relevant affected local Member(s).
- (3) The purpose of the site visit is to view the proposal and enhance Members' knowledge of the site and its surroundings. Members will be professionally advised by Officers on site but no debate shall take place.
- (4) There are no formal votes or recommendations made.
- (5) There is no allowance for representation from the applicants or third parties on the site.
- (6) The application is reported back for decision at the next meeting of the Development Control Committee.
- (7) In relation to applications of a controversial nature, a site visit could take place before the application comes to Committee, if Officers feel this is necessary.

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DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 6th July, 2011

Present:- Councillor Gerry Curran in the Chair
Councillors Neil Butters, Nicholas Coombes (in place of Lisa Brett), Sally Davis (in place of David Veale), Liz Hardman, Eleanor Jackson, Les Kew, David Martin, Doug Nicol, Bryan Organ, Martin Veal and Brian Webber

Also in attendance: Councillors Andy Furse, Vic Pritchard and Jeremy Sparks

12 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

13 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Lisa Brett and David Veale and their respective substitutes were Councillors Nicholas Coombes and Sally Davis

15 DECLARATIONS OF INTEREST

Councillor Eleanor Jackson declared a personal and prejudicial interest in the planning applications at Bath Spa University, Newton St Loe (Items 8 and 9, Report 11) as a former employee and would leave the meeting for their consideration. Councillor Sally Davis stated that, as Ward Councillor for the application at land between Barton House and Laburnum Cottage, Corston (Item 5, Report 11), she would make a statement and then leave the meeting for its consideration.

16 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of Urgent Business

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

The Senior Democratic Services Officer reported that there were various members of the public etc wishing to make statements on the planning applications for consideration and that they would be able to do so when reaching those items in Report 11

18 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

19 MINUTES: WEDNESDAY, 8TH JUNE 2011

The Minutes of the previous meeting held on Wednesday 8th June 2011 were approved and signed by the Chair as a correct record

20 MAJOR DEVELOPMENTS

The Development Manager reported that there were no updates on major developments and that, if Members had any queries, they should direct them to the Senior Professional – Major Developments.

Councillor Eleanor Jackson requested an update at the next meeting on the former Railway Land at Norton Radstock as regards renewal of permissions and issuing of Traffic Regulation Orders. The Development Manager responded in general terms on the aspect of permissions and said that traffic regulation orders were not part of the planning system. It was considered in the circumstances that it would not be appropriate to report on this matter at the next meeting and that Councillor Jackson could raise it directly with the appropriate Officers.

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

The Chair commented on the generally high success rate of appeals being dismissed.

The Committee noted the report.

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

The Committee considered

- The report of the Development Manager on various planning applications
- An Update Report by the Development Manager on Item Nos. 1, 2, and 7 – 9, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Item Nos. 1 – 3 and 5 – 9, the Speakers List being attached as *Appendix 2* to these Minutes

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

Item 1 Stowey Quarry, Stowey Road, Stowey – Restoration of Stowey Quarry by landfilling of Stable Non-Reactive Hazardous Waste (SRNHW) and inert wastes – The Council's Consultant reported on this application and the recommendation to Permit subject to conditions. She referred to the Update Report

which recommended some amendments to some wording of Conditions 9 and 14 and reported on various concerns raised by Members at the previous meeting.

The applicant's agent made a statement in favour of the proposal. The Ward Councillor Vic Pritchard made a statement against the proposal followed by a statement from Councillor Jeremy Sparks as adjoining Ward Member for Clutton who raised various concerns.

Members asked questions about the proposal to which Officers responded. Councillor Nicholas Coombes considered that there were various benefits from land filling the site which outweighed the negative effects and therefore moved the Officer recommendation to Permit with conditions. Councillor Brian Webber felt confident about the proposal and its operation and seconded the motion.

Members debated the motion. Some Members supported the proposal whereas some Members still expressed concerns on the basis of the numerous objections received and the possible impact on watercourses and traffic congestion. The motion was then put to the vote. Voting: 6 in favour and 5 against with 1 abstention. Motion carried.

Items 2&3 No 4 James Street West – Construction of new hotel of 108 bedrooms with ancillary bar, restaurant, guest drop-off area, disabled parking, cycle storage, enclosed service bay and plant area following demolition of all existing buildings at 4 James Street West/1a and 2 Kingsmead North; and Demolition of all existing buildings at 4 James Street West/1a and 2 Kingsmead North – The Chair stated that the application for Consent to demolish (Item 3) would be considered first and asked the Case Officer to give his presentation. The Officer reported on the application to demolish these buildings and recommended that the wording of Condition 2 be amended. The Chair considered that the buildings had little merit and there was no justification for their retention. Councillor Les Kew agreed and moved the Officer recommendation to grant Consent with the amended Condition. This was seconded by Councillor Bryan Organ and put to the vote which was carried unanimously.

The Chair then asked the Case Officer to report on the application for a 108 bedroom hotel etc (Item 2). The Officer reported on this proposal and his recommendation to (A) authorise the Planning and Environmental Law Manager to secure a planning obligation to include contributions to various measures/facilities; and (B) upon completion of the obligation, authorise the Planning and Transport Development Manager to Permit subject to various conditions. The Update Report gave Officers' comments on further letters of objection.

The public speakers made their statements against and in favour of the application. The Ward Councillor Andy Furse made a statement against the proposal.

Councillor Doug Nicol moved Refusal of the application. He spoke about permissions already granted for hotel developments in the City centre which would create an over-provision of hotels over possibly the next 18 months. He considered that the proposal was inappropriate for the site and it was a budget hotel which was not needed and would affect the City's status as a World Heritage Site. The development would deprive the area of other developments such as social housing which would be of more benefit to the community. The issue of parking had not been

fully taken into account as regards service vehicle deliveries and the probability of visitors still wishing to use cars to arrive at the hotel and then look for local parking – this would cause additional congestion in the centre and put pressure on existing car parks. In this regard, he felt that there should be a review of parking provision for future hotel developments. In addition, there would be an effect on small businesses that provide bed spaces in the City and it would affect the economic balance of the City as a whole. He therefore considered that it should be refused as it was contrary to various Policies in the Local Plan, namely, ET3; CF3; HG1, 4 and 8; BH1, 4, 6 and 7; and T1, 3, 5, 13, 25 and 26. The reasons for overturning the recommendation to Permit were that it would be detrimental to the local economy, it was inappropriate development for the site and would detrimentally affect the City as a World Heritage Site, it would increase traffic congestion and be detrimental to the amenities of local residents. The motion was seconded by Councillor Martin Veal.

The Development Manager gave advice on the Visitor Accommodation Study which was not a planning document but which was nevertheless a material consideration since it had been used as part of the evidence base for the Council's Draft Core Strategy. However, the Draft Core Strategy could only be afforded limited weight until it had progressed further down the route of adoption. She advised that the application site was not located within a core business area and so the loss of the retail unit, the warehouse and light industrial unit would not conflict with policy. The proposal for a hotel was in line with local and national policies in terms of the proposed use as a hotel and so there was no requirement to justify the need for the proposed hotel. The parking provision proposed was also in line with policy since the site is located in a sustainable location and the application was supported by a Travel Plan to identify alternative modes of transport. Survey information had indicated that there was spare capacity in surrounding car parks for those guests that would choose to travel to the site by car. The Development Manager went on to explain that the planning system could not control the type of hotel proposed since any change in star rating was not a change of use in planning terms. As such, concerns about competition with other accommodation providers were not material. She also advised that, if Members resolved to refuse permission, and in the event that an application was made for costs at any subsequent appeal, then the Council would be at risk of an award of costs being made against it. On the basis of her comments relating to the fact that the type of hotel being proposed was not a planning matter, she asked for clarification of the reasons for refusal since the third reason relating to a budget hotel having a detrimental impact on the World Heritage Site was not sustainable. Councillor Nicol therefore agreed to retract that aspect from his motion.

Members asked questions about the proposal to which Officers responded. The motion was debated. A number of Members considered that the proposed hotel would make the City more buoyant bringing more visitors to Bath and creating more employment. The buildings did not have a primary shopping frontage. The applicants were promoting the use of public transport for visitors and in a central location there would be less need for visitors to use their cars. The design of the hotel had merit as it mirrored the multiplex cinema adjoining. Some Members, however, expressed concern about the service delivery vehicle arrangements and further traffic movements in the City centre which would create more traffic congestion. In response to these concerns, Officers pointed out that an operational management plan could be included regarding service vehicles, there was no highway objection raised to the development and a Travel Plan was included in the recommended

conditions. On advice, the mover and seconder of the motion agreed to alter the motion to Delegate to the Development Manager to Refuse in order for Officers to formulate the wording of the reasons for refusing permission and to incorporate the appropriate policies. The amended motion was then put to the vote. Voting: 9 in favour and 3 against. Motion carried.

(Note: After consideration of this Item at approximately 3.55pm, there was an adjournment for 15 minutes for a comfort break)

Item 4 Newton Mill Caravan and Camping Site, Pennyquick, Newton St Loe – Siting of 17 static caravans to replace 28 caravan pitches – This application was withdrawn from the Agenda and was not considered.

Item 5 Land between Barton House and Laburnum Cottage, The Barton, Corston – Erection of new dwelling from existing access on land adjacent to Laburnum Cottage – The Case Officer reported on this application and his recommendation to Refuse permission. The public speakers made their statements against and in favour of the proposal which was followed by a statement by Councillor Sally Davis as Ward Member who then left the meeting for its consideration.

Members asked questions about the proposal to which Officers responded. Councillor Nicholas Coombes made reference to a similar application for infilling on an adjoining site and a claim by the applicants that this application should also be allowed as it was infilling. He considered that the site could be developed if there were positive benefits. However, there was a degree of overlooking and the design had little merit and did not add anything positive to the environment. He therefore moved the Officer recommendation to Refuse permission which was seconded by Councillor Bryan Organ.

Members debated the motion. Councillor Les Kew considered that this was a difficult site within the housing boundary and in the Green Belt, although it was difficult to understand why the Green Belt boundary was drawn to include this site. If the application was refused, then in his view the Council would probably lose on appeal. He felt that the proposal was similar to a recent development allowed on adjoining land and that this site was unsightly and should be developed. Councillor Brian Webber felt that he couldn't support the first reason for refusal regarding infilling. However, Members generally supported the motion which was put to the vote. Voting: 9 in favour and 1 against with 1 abstention. Motion carried (Note: Councillor Sally Davis was absent from the vote on this application).

Item 6 No 22 The Tynning, Widcombe Hill, Bath – Erection of side and back extension, internal alterations to provide flexible family property, landscaping and formation of parking area, general upgrading of services, insulation levels and existing windows – The Case Officer reported on this application and her recommendation to Refuse permission. The applicant's Agent made a statement in favour of the proposal.

Councillor Nicholas Coombes considered that this was an exposed corner plot where any development would be highly visible. The design would detract from the property and the street scene, particularly as there were other semi-detached buildings which give a coherent appearance to this part of Widcombe Hill. He therefore moved the

Officer recommendation to Refuse permission which was seconded by Councillor Eleanor Jackson. The motion was then put to the vote and carried unanimously.

Item 7 Stables, Butcombe Lane, Nempnett Thrubwell – Retention of stable block, field shelter, hay store, hard standing, lean-to and secure tack room and siting of tractor, trailer, horse box and touring caravan and change of use of land to equestrian – The Case Officer reported on this application and his recommendation to Permit with conditions. The Update Report recommended an amendment to Condition 3 as a horse jump was already on the site. The public speaker made a statement against the proposal which was followed by a statement by the Ward Councillor Vic Pritchard.

Councillor Les Kew considered it was an untidy site that had no regard to its location in the AONB and Green Belt and some enforcement action should be taken. Although some minor aspects of the proposal were acceptable, he could not support the recommendation to grant permanent permission and therefore moved Refusal. This was seconded by Councillor Doug Nicol.

The Development Manager gave advice on aspects of the application and the use of temporary permissions. Temporary permissions had been granted previously and it was now incumbent on the Local Planning Authority to decide whether there was sufficient harm being caused to warrant a refusal and if not then a permanent permission should be granted. Members debated the motion. It was generally felt that a permanent permission should not be granted for this proposal. Councillor Les Kew stated that his reason for a motion overturning the Officer recommendation was that, since there was no justification for the structures on the site, this proposal was harmful to the natural beauty of the landscape of the AONB and the openness of the Green Belt.

The motion was put to the vote, Voting: 8 in favour and 3 against with 1 abstention. Motion carried.

(Note: Councillor Eleanor Jackson left the meeting for the following items of business)

Items 8 and 9 Street Record and Sydney Court, Bath Spa University Campus, Newton St Loe – Demolition of existing residential (Use Class C2) and education (Use Class D1) buildings and redevelopment of part of Newton Park for educational purposes as Phase 1 of the Campus Master Plan to provide a 2/3 storey academic building (approximately 8,528.7 sq m) together with associated access, landscaping, car parking and infrastructure, in addition to temporary extension to main car park south of campus; and Extensions to Sydney Court to the north of Newton Park Campus to provide a single storey building and enclosed flues to accommodate an energy centre comprising bio-fuel boilers and back up equipment and an electricity sub-station, together with a compound to house a generator adjacent to the library, and associated access and landscaping works – The Senior Professional – Major Development introduced these applications on which there would be one presentation by Officers but with separate decisions to be made by Members. The Senior Conservation Officer and the Senior Highways Development Control Officer reported comprehensively on the proposals. The Senior Professional – Major Development stated that, although fully worded conditions to the recommendations to grant

permission were included in the Update Report, some amendments were still required and he therefore recommended that the Committee Delegate to Officers to Permit in order to review the wording of the Conditions. The Director of Estates and Services of the University then made a statement in support of the proposals.

Members asked questions to which the Senior Professional – Major Development responded. Councillor Martin Veal moved the revised Officer recommendations to Delegate to Permit with conditions which was seconded by Councillor Neil Butters.

Members debated the motion. Councillor David Martin asked questions regarding the renewable energy aspects of the proposal. It was agreed that further conditions should be added regarding the installation of photo voltaic cells on the roof and also the source of the fuel for the biomass boiler and generator. The Senior Highways Development Control Officer replied to queries concerning access from the village of Newton St Loe and on cycling to the Campus via the Bristol to Bath Cycling Path. Councillor Sally Davis thanked the applicants for keeping adjoining villages informed of the proposals.

The motions were then put to the vote. Item 8 (Ref 10/04747/EFUL) Voting: Unanimously in favour. Item 9 (Ref 10/04748/EFUL) Voting: Unanimously in favour.

(Note: Councillor Liz Hardman left the meeting prior to a vote being taken on these applications. Councillor Eleanor Jackson had left the meeting prior to their consideration.)

The meeting ended at 6.36 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

6 July 2011

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

ITEM 11

ITEMS FOR PLANNING PERMISSION

Item No	Application No	Address	Page No
01	10/05199/MINW	Stowey Quarry, Stowey Road, Stowey Sutton	40

Revocation of previous planning permissions

At Development Control Committee on the 8th June 2011, the issue of revocation of the two existing permissions at Stowey Quarry, if permission for the current application was approved, was discussed.

Whilst planning permissions can be revoked, revocation should only be considered if the original decision was wrong so that damage would be done to the wider public interest if the development went ahead. For example if planning permission had been granted without ecological assessments having been undertaken and the site was found to have a significant population of protected flora or fauna, a permission could be revoked as implementing the permission would cause damage.

Revocation will require the compensation of the applicant for the depreciation in the land value due to planning permission being taken away.

We can see no reason for revoking the two extant planning permissions as the implementation of the current application will impose considerable restrictions on the quarry operation. Condition 8 of the committee report has considered the two previous permissions and has been worded so as to restrict total vehicle movements to 100 a day Mondays to Fridays. Therefore even if two or even three permissions were operating in tandem, this would not lead to two or three times the vehicle movements or more than 125,000tpa into the site.

Finally, if the two previous permissions were revoked and the current application was granted but not implemented so that it lapsed, there would be no recourse to completing the landfilling and restoration of the quarry.

Reasons for Permission

The decision to grant permission has been taken having regard to all relevant material planning considerations, comments received and the relevant policies of the Development Plan, set out in A) below.

The Council is satisfied that the proposed development can be carried out safely, without significant adverse impact on the character of the surrounding area, or the amenity of local residents or the local natural environment. This is supported by the findings of the Environmental Impact Assessment which accompanied the Planning Application and the Environment Agency who have not objected to the application. Following the withdrawal of objections from Natural England and the Council's Ecology Officer, the Council are satisfied that the proposed development will not have an adverse impact on the Chew Valley Special Protection Area or Site of Special Scientific Interest. The proposed conditions restrict daily vehicle movements to a level acceptable to the Council's Highway Officer.

In summary, it is considered that the proposed development is acceptable in planning terms. Detailed hydro-geological and stability assessments will be prepared to support the Environmental Permit application and thus are not required at the planning stage. The Environmental Permit will impose additional strict regulations on emissions to air, land and water.

The proposed development will create a facility for the disposal of stable non reactive hazardous waste which cannot be reused or recycled. There is no other such facility in the West of England Sub Region thus there is a need for the facility and the grant of permission will enable the quarry to be filled and restored by the 30th November 2022.

The proposed development accords with the following policies in the Bath and North East Somerset Local Plan including Mineral and Waste Policies (October 2007);

WM.1(Waste Management) which states that the development of waste management facilities will only be permitted where they have regard for regional self sufficiency and the proximity principle and do not have a significant adverse impact on the environment and local amenities;
WM.12 (Waste Management) which states that the disposal of wastes to land will only be permitted where the proposal relates to mineral working sites where filling with appropriate materials is required to achieve restoration of the site.

ES.5 (Foul and Surface Water Drainage) which states that permission will not be allowed where there is inadequate provision for sustainable foul and surface water infrastructure that would result in problems on and off site.

ES.9 (Pollution and Nuisance) which states that development will not be permitted where it would pose unacceptable risk of pollution to other existing or proposed land uses.

ES.10 (Air Quality) which states that development will not be permitted where it would have an adverse impact on health, the natural or built environment or amenity of proposed users by virtue of dust or other air pollution.

ES.12 (Noise) which states that developments which adversely affect health, the built or natural environment or general amenity as a result of unacceptable increase in levels of noise, will not be permitted.

ES.14 (Stability) which states that development will only be permitted if the site is capable of development without adversely affecting the development or that of neighbouring land.

NE.1 (Landscape Character) which seeks to conserve and enhance the character and local distinctiveness of the landscape.

NE.2 (AONB) seeks to prevent development which would adversely affect the AONB.

NE.10 (Ecology) which states that development that would adversely affect, directly or indirectly, species which are internationally or nationally protected or the habitat of such species will not be permitted.

NE.13 (Water) which states that development within the groundwater source protection areas shown on the Proposals Map, or any other groundwater catchment area, will not be permitted where it has an adverse impact on the quality of groundwater resource in terms of pollution and derogation of the resource.

NE14. (Flooding) seeks to prevent development that will be prone to flooding or would increase flooding elsewhere.

M.9 (Transport of Minerals) which states that development will only be permitted where the access roads to the site are adequate for the type and volume of traffic proposed.

T24 (Traffic) which states that development will only be permitted if it provides a high standard of highway safety.

Policy 8 of the Joint Waste Core Strategy which requires waste for landfill to be incapable of re use or recycling.

Change to proposed conditions following letter from Kathy Curling dated 10/06/2011 on behalf of owner of Stowey House Farm.

Following suggestions by Kathy Curling, two conditions in the committee report are to be amended in the event of planning permission being granted. The amendments are shown by the under lining.

Condition 9 to read;

The operators shall maintain records of the weekly imports and exports of material and vehicle movements as approved under planning permissions 07/02328/VAR, 07/02326/MINW and 10/05199/MINW and shall submit them to the LPA on a monthly basis for the first two years from the date of this permission, after which the frequency will be reviewed. All records shall be kept for at least five years.

Reason: To enable the LPA to monitor the imports and exports from the site.

Condition 14 to read;

No operations, including collections and deliveries, shall take place except between the following hours:

- 0700 to 1800 hours Monday to Friday;
- 0800 to 1200 hours Saturdays; and
- No operations on Sundays or Public Holidays.

Reason: To minimise disturbance to the surrounding area.

Comments from Clutton Parish Council dated 29/06/2011

The Council received a report on the decision by the B&NES Planning Committee to defer consideration of the above application, and decided to submit the following points for the attention of the Planning Committee when this matter next comes before it:

Although the site lies outside the boundaries of the parish, the Council is concerned about the adequacy of measures to prevent the escape of hazardous substances from the site, both through the ground into the water table or the Chew Valley reservoir, or onto the surface, to the detriment of humans, fauna or flora, and with the danger of escaping contaminants finding their way into the food chain.

Although the site lies outside the boundaries of the parish, the Council is concerned about the danger of hazardous substances in the form of dust or other particles carried over the parish on the prevailing westerly winds, both from the site and from the route which the majority of lorries will take to and from the site. The quarry lies barely a mile from Clutton, and the Stowey Road route taken by most of the lorries follows the same line between the quarry and Clutton as the majority of the wind we experience, so that any wind-borne hazardous material will be brought directly to our village.

The Council is concerned at the prospect of the damage which the increased lorry traffic will cause to the surface of Stowey Road, along which almost all the traffic will flow to and from the site, the strengthening of which this Council already urged many years ago. There is no indication either that the developer intends to contribute towards the cost of such improvement, nor that B&NES intends to require the developer to do so.

The Council is concerned at the prospect of the significant congestion likely to arise on a regular and daily basis at the junction of Stowey Road and the A37 from the increased lorry traffic – a junction which already sees considerable congestion, even when a car is waiting to turn into Stowey Road or when a heavy lorry is pulling out of Stowey Road. There appears to be no indication of any intention to install any traffic management measures (e.g. lights, roundabout) at this junction, to help manage this congestion, nor that the developer would be required to contribute to the cost of any such measures.

Item No	Application No	Address	Page No
02	11/00768/FUL	4 James Street West, Bath	58

Seven further letters of objection have been received on the following grounds;

- Additional rooms are above the levels set out in the Visitor Accommodation Study
- Parking should be provided
- No need for budget accommodation which cheapens the image of Bath
- Site is designated office space

Officer comments:

These points have largely been addressed in the Officer report. One comment has however been received stating that the site is designated as protected office space this is not however the case. The existing uses at the site are detailed in the Officer report.

The Officers report referred to 10 cycle parking spaces which was an error there are in fact 15 cycle parking spaces are to be provided.

Item No	Application No	Address	Page No
07	10/05014/FUL	Stables, Butcombe Lane, Nempnett Thrubwell	112

Update Condition 3 of recommendation to reflect the fact that there is a jump already on site. It should now read:

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 additional jumps or other equestrian associated paraphernalia, other than the existing single jump fence in situ shall be erected or used on this site without a further planning permission having first been applied for and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity and character of the green belt and this part of the Mendip Hills Area of Outstanding Natural Beauty.

Item No	Application No	Address	Page No
8 and 9	10/04747/EFUL	Bath Spa University Campus, Newton St	121-168
	10/04748/EFUL	Loe	

Procedural Advice to Members

For Members' convenience, the Officers' report and presentation on applications 10/04747/EFUL and 10/04748/EFUL has been prepared on a joint basis, because of the extent of repetition that would otherwise have been necessary. However, Members will need to make separate formal decisions on the two applications, each being the subject of a separate vote.

Supplementary Consultation Responses

The Council's **Ecologist** has made additional comments as follows:
"I am satisfied that there is no risk of a significant adverse effect on the European Designated Sites within the vicinity of Bath & North East Somerset, as listed below:

*Bath & Bradford on Avon Bats SAC
North Somerset & Mendip Bats SAC
Chew Valley Lake SPA
Avon Gorge Woodlands SAC
Mells Valley SAC*

- The nearest of these designated sites, the Bath & Bradford on Avon Bats SAC, is over 5km from the site.*
- Two passes were recorded of Greater Horseshoe bat at Bath Spa University Campus during the bat activity surveys undertaken, and none were recorded using buildings affected by the proposals. The Ecological Assessment concludes from the low number of records that the areas surveyed do not include important foraging or flight lines for Greater Horseshoe bats.*

I do not consider the proposals to require any further Test of Likely Significant Effect than the above."

The above comments had previously been made to the case officer verbally and have already been reflected in the Main Agenda report.

The Council's **Environmental Monitoring Technical Officer** has confirmed that she has No Objections to the proposed Biomass Boiler and system,

subject to no changes being made to the specified installation (in which case a revised Air Quality Assessment would be required).

This requirement can be secured by an appropriately worded Condition, and the Conditions below relating to application 10/04748/EFUL incorporate this.

Additional Representations

Officers (and Committee Members) have received emails in support of the university's proposals from **Councillors David Dixon** and **Will Sandry**.

Recommendations

The Officer Recommendation on each of the two applications remains to Permit, but the full lists of recommended Conditions are now set out below.

Planning Application Ref: 10/04747/EFUL

PERMIT, subject to 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 permission hereby granted for the construction of the temporary car park extension shown on the approved plans shall expire on 31st December 2014 and the car park extension shall be removed on or before that date and the land restored in accordance with a scheme of works and a programme of implementation which shall be submitted for approval by the local planning authority on or before 30th June 2014.

Reason: Whilst a permanent permission is granted for the proposed academic building and associated works, the local planning authority considers that a permanent planning permission is not appropriate for the car park extension as this will adversely affect the character and appearance of Newton Park, contrary to Local Plan Policies D.2, GB.2 and GH.9.

3. Prior to the closure of any existing car parking spaces within the application site in order to facilitate the commencement of building operations (or any associated ancillary works or use), the temporary extension to the car park hereby approved shall be laid out and brought into use in accordance with the submitted drawings.

Reason: To ensure that adequate car parking is maintained on the site throughout the construction phase.

4. No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external

surfaces, including roofs, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the character and appearance of Newton Park.

5. No development shall commence until a sample panel of all external walling, roofing and paving materials to be used has been erected on site and approved in writing by the local planning authority. The approved sample panels shall be kept on site for reference until the development is completed.

Reason: In the interests of the character and appearance of Newton Park.

6. The building hereby approved shall not be occupied or used until an Internal Illumination Management Plan detailing the external appearance, anticipated impacts and management of the internal lighting regime has been submitted to and approved in writing by the local planning authority. The building shall thereafter only be lit internally in accordance with the approved details.

Reason: In the interests of the character and appearance of Newton Park, having regard to the extent of the glazed section of the building.

7. The purpose-built bat room in the Compton building shall only be used as a bat room and not for any other purpose and shall be provided and maintained in accordance with Figure 9.3 of the Environmental Statement and the design in Figure 8 attached to the Bat Survey Report dated September 2010.

Reason: As required by Natural England in order to ensure that the bat room is provided and maintained and to safeguard biodiversity on the campus.

8. Details of the programme of all works within the area shown on Figure 9.5 of the Environmental Statement shall first be submitted to and agreed in writing by the local planning authority and works within the areas to the west of the development (to the east of Compton building) shall be phased in order to avoid sensitive periods for bats, in particular the maternity period.

Reason: As required by Natural England in order to safeguard biodiversity on the campus.

9. No development shall commence until a Biodiversity Management Plan covering the construction phase of the Phase 1 development and incorporating a Landscape and Habitats Management Plan for the entire campus covering the operational phase has been submitted to and approved in writing by the local planning authority (in consultation with Natural England). The Plan shall include all mitigation specified in the Environmental Statement and ES Addendum document as well as the mitigation principles set out in the document entitled "Broad Principles of Mitigation for the future" prepared by Nicholas Pearson associates. The submitted Biodiversity Management Plan shall cover the operational phase for a minimum of ten years following the

completion of Phase 1, and shall provide for a scheme for the enhancement of habitat for otters on the site, and a programme of monitoring including the annual submission of data to the local planning authority. The approved Plan will be expected to be incorporated into biodiversity management for future phases in order to ensure continuity of biodiversity management at the site.

Reason: As required by Natural England in order to comply with the requirements of PPS9 on enhancement of habitat for biodiversity and to reduce the impacts on biodiversity on the campus.

10. No permanent or temporary external lighting shall be installed or used on the site other than in accordance with details that have first been submitted to and approved in writing by the local planning authority. Within the Amphitheatre area shown on the approved plans, the details submitted for approval of any lighting to be installed or used in connection with performances shall specify LED white lighting and any such lighting shall be focussed on the stage with no upward lighting.

Reason: As required by Natural England in the interest of bats using the site and in the interests of the visual amenities of the campus.

11. The external Amphitheatre shown on the approved plans shall not be used other than in accordance with an Operational Statement that shall have first been submitted to and approved in writing by the local planning authority. The submitted Statement shall include details of the anticipated range of usage, including details of any amplification equipment to be used together with proposals for the control and mitigation of any potential noise nuisance that may result from the use of this area. All performances in the Amphitheatre area shall end by 9.15pm and all external activity associated with any performance in this area shall cease by 9.30pm.

Reason As required by Natural England in order to avoid the most sensitive time periods for bats, and to minimise impacts from noise on the amenities of Newton Park and of local residents.

12. The external Amphitheatre shown on the approved plans shall not be used for more than 15 lit performances in total per calendar year and there shall be no lit performances at any time between 1st June and 30th September in any year.

Reason: As required by Natural England to minimise impacts from lighting on bats and in order to safeguard the amenities of Newton Park and of local residents.

13. No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by the local planning authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works

servicing the site. The approved scheme shall be implemented in accordance with the approved programme and details.

Reason: As required by the Environment Agency to prevent any increased risk of flooding.

14. 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, but not exclusively, the following: a programme of works; details of contractor parking and access and materials storage areas; proposals for the management of deliveries including stacking arrangements; and on- and off-site traffic management.

Reason: To ensure the safe operation of the highway and the site access road and to ensure that adequate provision is made for these matters, in locations which do not prejudice the character appearance and ecology of Newton Park.

15. Prior to the commencement of the development, details of the appearance and locations of the relocated cycle stands and shelters, together with a programme for their re-provision, shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of sustainable development and to ensure that adequate cycle parking is maintained on site.

16. Prior to the commencement of the development, information regarding the location(s) for the alternative off-site student accommodation to replace on-site accommodation temporarily lost during the phased campus development, together with their available means of travel to and from the site, shall be submitted and approved in writing by the local planning authority, either as a free-standing document or alternatively as an addendum to the Travel Plan.

Reason: In the interests of sustainable development and to ensure that the impacts of these matters can be assessed.

17. No part of the building hereby permitted shall be occupied or used until an update to Bath Spa University's Travel Plan for Newton Park, taking into account the approved development, has been submitted to and approved in writing by the local planning authority. The updated travel plan shall include a requirement for traffic flows to and from the University to be measured by automatic traffic counters for a minimum period of one week in the November prior to occupation of the approved academic building at a time when the University is in full occupation (the "base survey"), and for traffic flows to be measured in the same way annually each November thereafter. If the average weekday traffic flow (Monday to Friday between 07:00 and 18:00) measured subsequently exceeds the average weekday traffic flow measured in the base survey by 10% or more, then a review of the travel plan, including a programme for the implementation of any necessary measures identified within the review, shall be submitted to the local planning authority for

approval within 4 months of the survey. The data used in any such approved review of the travel plan shall then become the base survey data against which subsequent annual survey results must be compared for the purposes of this Condition.

Reason: In order to ensure that the transportation implications of the proposed development are monitored annually and that the university's Travel Plan is updated as necessary.

18. Notwithstanding the information shown on the approved plans, no part of the building hereby approved shall be occupied or used until details of the location of bus stop facilities proposed to serve this part of the site have been submitted to and approved in writing by the local planning authority. Where new facilities are proposed, the details to be submitted shall include details of location, layout and design.

Reason: In order to ensure that satisfactory bus access is provided to serve the development and the adjacent part of the campus.

19. 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 local planning authority will wish to protect the archaeological remains.

20. 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 local planning authority will wish to record and protect the archaeological remains.

21. 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 post-excavation analysis in accordance

with a publication plan which has been submitted to and approved in writing by the local planning authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the local planning authority.

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

22. Notwithstanding the information submitted with the current application, no development shall commence on site until a finalised version of the proposed Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The finalised document will be expected to include a detailed and up to date timetable for all works associated with the protection, relocation and removal of existing trees affected by the proposed development (or by any associated works or uses), and for the on-going protection and maintenance of both new trees and trees transplanted within the campus in connection with the development hereby approved. Any tree the subject of this Condition which is damaged, becomes diseased, or dies within a period of 5 years from the date of its planting or transplanting shall be replaced with a specimen of a similar species and size (unless otherwise agreed in writing by the local planning authority) and will thereafter be maintained and protected in accordance with the finalised and approved Arboricultural Method Statement.

Reason: In order to ensure that the works affecting trees proceed in accordance with an up to date timetable, and that the trees are properly protected and maintained in the interests of the visual amenities of the campus and (as required by Natural England) of bats using the site.

23. No development or site preparation activity shall commence until the protective and precautionary measures for retained trees as set out in the finalised and approved Arboricultural Method Statement have been implemented, and the local planning authority has been given written notice of the fact that the initial tree protection measures as required are in place and available for inspection at least two weeks in advance of the proposed development commencement date.

Reason: To ensure that the retained trees are protected from potentially damaging activities.

24. No development or other operations shall take place except in complete accordance with the finalised and approved Arboricultural Method Statement unless otherwise agreed in writing by the local planning authority. Supervision and monitoring details shall be provided to the local planning authority following each phase of works (as set out in the finalised and approved Arboricultural Method Statement) undertaken within the root protection areas of retained trees. Unless otherwise agreed in writing by the local planning authority, a signed certificate of compliance with the finalised

and approved Arboricultural Method Statement shall be provided to the local planning authority prior to the occupation/use of any part of the development or on completion of the development, whichever is the earlier.

Reason: To ensure compliance with the approved Arboricultural Method Statement for the duration of the development.

25. No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the local planning authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

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

26. All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the local planning authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

27. 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: To be inserted before decision notice is issued.

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.

Reasons for Granting Permission:

- 1) The local planning authority's decision to grant permission has taken account of the Development Plan and the proposed development is considered on balance to be in accordance with the policies set out in A) below.
 - 2) The decision to grant permission has had regard to the environmental information received by the local planning authority in association with this application. In the light of the information submitted in the EIA and the subsequent consultation responses received, the development is not considered to have an adverse impact on the ecology, landscape, amenity or character of the area or to adversely affect the setting of the listed buildings within Newton Park, such as to justify the refusal of planning permission. It is not considered to have any unacceptable groundwater, flood, drainage, pollution, nuisance, noise or health impacts. The development is not considered to be inappropriate development in the Green Belt.
 - 3) The requirements of the European Habitats Regulations have been taken into account, and whilst bat roosts will be affected by the development, based upon the advice of Natural England and the Council's Ecologist, the local planning authority is satisfied that Natural England will grant a licence for the works to proceed.
- A) Policy B5 of the "Draft Core Strategy" (supporting the focussing of university development on the two university campuses) and the following policies of the "Bath and North East Somerset Local Plan, including mineral and waste policies, as adopted October 2007":- IMP.1 (regarding Planning contributions – none appropriate in this case), D.2 (regarding general design and public realm considerations), ES.1 and ES.2 (promoting energy conservation and sustainability), ES.5 (requiring satisfactory drainage), ES.9 ES.10 and ES.12 (guarding against pollution and nuisance), HG.13 and HG.17 (guarding against loss of existing residential accommodation and promoting student accommodation in sustainable locations), GB.1 GB.2 and GB.3 (regarding development within the Green Belt), NE.1 NE.10 NE.11 NE.12 and NE.15 (protecting landscape character and habitats), BH.2 BH.9 BH.11 and BH.12 (safeguarding heritage assets including archaeology), T.1 T.3 T.5 T.6 T.8 T.24 T.25 and T.26 (promoting sustainable transportation modes and highway safety including Travel Plan initiatives).

GUIDANCE NOTES:

Because there is an overall reduction in impermeable area across the site and the use of SuDS techniques is detailed in the Flood Risk Assessment (FRA) the Environment Agency (EA) has confirmed that it has no objections on surface drainage grounds.

However the EA has expressed concern that the applicant has not carried out recent infiltration tests to confirm that the drainage strategy will function as intended. If soakaways are not viable, the applicant will have to use alternative SuDS techniques, no details of which have been provided. The Applicant is advised that the EA will expect to see betterment in accordance with Planning Policy Statement 25 in a climate change scenario, preferably to greenfield run-off rates, but no calculations to show what the reduction in run-off from the site have been provided in the FRA. The drainage scheme must include sustainable drainage techniques including a green roof, permeable paving, rainwater harvesting and soakaways where possible as described in the FRA. If soakaways are not possible, the EA would expect the SuDS hierarchy to be used when selecting alternative methods and would also want to see run-off limited to greenfield run-off rates where possible for all return periods up to and including the 1 in 100 year storm plus an allowance for climate change.

In any case the EA must be provided with detailed drainage calculations to demonstrate that the flood risk to the surrounding area will be reduced during a 1 in 100 year storm plus climate change.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, prior written Flood Defence Consent is required from the EA for any proposed works or structures in, under, over or within 8 metres of the top of the bank of a designated 'main river'. Any impediment to flow in an 'ordinary' watercourse will also require consent under section 23 of the Land Drainage Act 1991.

Pollution Prevention safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use machinery, oils/chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes. The Applicant is referred to the EA's Pollution Prevention Guidelines, which can be found at:
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Planning Application Ref: 10/04748/EFUL

PERMIT, subject to 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. No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external

surfaces, including roofs, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the character and appearance of Newton Park.

3. No development shall commence until a sample panel of all external walling, roofing and paving materials to be used has been erected on site and approved in writing by the local planning authority. The approved sample panels shall be kept on site for reference until the development is completed.

Reason: In the interests of the character and appearance of Newton Park.

4. Details of the programme of all works within the area shown on Figure 9.5 of the Environmental Statement shall first be submitted to and agreed in writing by the local planning authority and works within the areas to the west of the development (to the east of Compton building) shall be phased in order to avoid sensitive periods for bats, in particular the maternity period.

Reason: As required by Natural England in order to safeguard biodiversity on the campus.

5. No development shall commence on site until a Biodiversity Management Plan covering the construction phase of the Phase 1 development and incorporating a Landscape and Habitats Management Plan for the entire campus covering the operational phase has been submitted to and approved in writing by the local planning authority (in consultation with Natural England). The Plan shall include all mitigation specified in the Environmental Statement and ES Addendum document as well as the mitigation principles set out in the document entitled "Broad Principles of Mitigation for the future" prepared by Nicholas Pearson associates. The submitted Biodiversity Management Plan shall cover the operational phase for a minimum of ten years following the completion of Phase 1, and shall provide for a scheme for the enhancement of habitat for otters on the site, and a programme of monitoring including the annual submission of data to the local planning authority. The approved Plan will be expected to be incorporated into biodiversity management for future phases in order to ensure continuity of biodiversity management at the site.

Reason: As required by Natural England in order to safeguard biodiversity on the campus and in order to comply with the requirements of PPS9 on enhancement of habitat for biodiversity.

6. No external lighting shall be installed or used on the site other than in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Reason: As required by Natural England in the interest of bats using the site and in the interests of the visual amenities of the campus.

7. No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by the local planning authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

Reason: As required by the Environment Agency to prevent any increased risk of flooding.

8. 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, but not exclusively, the following: a programme of works; details of contractor parking and access and materials storage areas; proposals for the management of deliveries including stacking arrangements; and on- and off-site traffic management.

Reason: To ensure the safe operation of the highway and the site access road and to ensure that adequate provision is made for these matters, in locations which do not prejudice the character appearance and ecology of Newton Park.

9. 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 local planning authority will wish to record and protect the archaeological remains.

10. 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 post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the local planning authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the local planning authority.

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

11. Notwithstanding the information submitted with the current application, no development shall commence on site until a finalised version of the proposed Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The finalised document will be expected to include a detailed and up to date timetable for all works associated with the protection, relocation and removal of existing trees affected by the proposed development (or by any associated works or uses), and for the on-going protection and maintenance of both new trees and trees transplanted within the campus in connection with the development hereby approved. Any tree the subject of this Condition which is damaged, becomes diseased, or dies within a period of 5 years from the date of its planting or transplanting shall be replaced with a specimen of a similar species and size (unless otherwise agreed in writing by the local planning authority) and will thereafter be maintained and protected in accordance with the finalised and approved Arboricultural Method Statement.

Reason: In order to ensure that the works affecting trees proceed in accordance with an up to date timetable, and that the trees are properly protected and maintained in the interests of the visual amenities of the campus and (as required by Natural England) of bats using the site.

12. No development or site preparation activity shall commence until the protective and precautionary measures for retained trees as set out in the finalised and approved Arboricultural Method Statement have been implemented, and the local planning authority has been given written notice of the fact that the initial tree protection measures as required are in place and available for inspection at least two weeks in advance of the proposed development commencement date.

Reason: To ensure that the retained trees are protected from potentially damaging activities.

13. No development or other operations shall take place except in complete accordance with the finalised and approved Arboricultural Method Statement unless otherwise agreed in writing by the local planning authority. Supervision and monitoring details shall be provided to the local planning authority following each phase of works (as set out in the finalised and approved Arboricultural Method Statement) undertaken within the root protection areas of retained trees. Unless otherwise agreed in writing by the local planning authority, a signed certificate of compliance with the finalised and approved Arboricultural Method Statement shall be provided to the local planning authority prior to the occupation/use of any part of the development or on completion of the development, whichever is the earlier.

Reason: To ensure compliance with the approved Arboricultural Method Statement for the duration of the development.

14.No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the local planning authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

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

15. All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the local planning authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

16. The proposed Energy Centre Biomass Boiler and system shall be installed and operated only as specified in the submitted Air Quality Assessment document. No changes shall be made to the installation unless a revised Air Quality Assessment report has first been submitted to and approved in writing by the local planning authority. The installation shall thereafter be operated in accordance with an approved revised Air Quality Assessment.

Reason: In order to ensure that emissions from the installation are adequately monitored and controlled.

17. 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: To be inserted before the decision notice is issued.

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.

Reasons for Granting Permission:

- 1) The local planning authority's decision to grant permission has taken account of the Development Plan and the proposed development is considered on balance to be in accordance with the policies set out in A) below.
 - 2) The decision to grant permission has had regard to the environmental information received in association with this application. In the light of the information submitted in the EIA and the subsequent consultation responses received, the development is not considered to have an adverse impact on the ecology, landscape, amenity or character of the area or to adversely affect the setting of the listed buildings within Newton Park, such as to justify the refusal of planning permission. It is not considered to have any unacceptable groundwater, flood, drainage, pollution, nuisance, noise or health impacts. The development is not considered to be inappropriate development in the Green Belt.
 - 3) The requirements of the European Habitats Regulations have been taken into account, and whilst bats will be affected by the development, based upon the advice of Natural England and the Council's Ecologist, the local planning authority is satisfied that Natural England will grant a licence for the works to proceed.
- A) Policy B5 of the Draft Core Strategy (supporting university development being focussed on the two university campuses) and the following policies of the Bath and North East Somerset Local Plan, including mineral and waste policies, as adopted October 2007:- IMP.1 (regarding Planning contributions – none appropriate in this case), D.2 (regarding general design and public realm considerations), ES.1 and ES.2 (promoting energy conservation and sustainability), ES.5 (requiring satisfactory drainage), ES.9 ES.10 and ES.12 (guarding against pollution and nuisance), GB.1 GB.2 and GB.3 (regarding development within the Green Belt), NE.1 NE.10 NE.11 NE.12 and NE.15 (protecting landscape character and habitats), BH.2 BH.9 BH.11 and BH.12 (safeguarding heritage assets including archaeology), and T.1 T.24 T.25 and T.26 (promoting highway safety including Travel Plan initiatives).

GUIDANCE NOTES:

1. *The Applicant is advised that if the proposed Biomass boiler has a wood chip/pellet throughput of >45.4kg/hr then a chimney height submission will be required by the Council's Environmental Health Department.*

2. Because there is an overall reduction in impermeable area across the site and the use of SuDS techniques is detailed in the Flood Risk Assessment (FRA) the Environment Agency (EA) has confirmed that it has no objections on surface drainage grounds.

However the EA has expressed concern that the applicant has not carried out recent infiltration tests to confirm that the drainage strategy will function as intended. If soakaways are not viable, the applicant will have to use alternative SuDS techniques, no details of which have been provided. The Applicant is advised that the EA will expect to see betterment in accordance with Planning Policy Statement 25 in a climate change scenario, preferably to greenfield run-off rates, but no calculations to show what the reduction in run-off from the site have been provided in the FRA. The drainage scheme must include sustainable drainage techniques including a green roof, permeable paving, rainwater harvesting and soakaways where possible as described in the FRA. If soakaways are not possible, the EA would expect the SuDS hierarchy to be used when selecting alternative methods and would also want to see run-off limited to greenfield run-off rates where possible for all return periods up to and including the 1 in 100 year storm plus an allowance for climate change.

In any case the EA must be provided with detailed drainage calculations to demonstrate that the flood risk to the surrounding area will be reduced during a 1 in 100 year storm plus climate change.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, prior written Flood Defence Consent is required from the EA for any proposed works or structures in, under, over or within 8 metres of the top of the bank of a designated 'main river'. Any impediment to flow in an 'ordinary' watercourse will also require consent under section 23 of the Land Drainage Act 1991.

Pollution Prevention safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use machinery, oils/chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes. The Applicant is referred to the EA's Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

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**SPEAKERS LIST
BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE
MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON
WEDNESDAY 6TH JULY 2011**

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
Stowey Quarry, Stowey Road, Stowey (Item 1, Pages 40 – 57)	John Williams, Oaktree Environmental (Applicants' Agents)	For
4 James Street West, Bath (Items 2&3, Pages 58 – 93)	David Greenwood (Bath Independent Guest House Association) <u>AND</u> Ashley Baker	Against – To share 6 minutes
	David Macmullen, Macmullen Associates (Applicants' Agents)	For – Up to 6 minutes
Land between Barton House and Laburnum Cottage, The Barton, Corston (Item 5, Pages 98 – 105)	Richard Blows <u>AND</u> Colin Williams	Against – To share 3 minutes
	Tracey Merrett (Applicant's Agent)	For
22 The Tynning, Widcombe, Bath (Item 6, Pages 106 – 111)	Keith Hodson, PBZ Ltd (Applicant's Agents)	For
Stables, Butcombe Lane, Nempnett Thrubwell (Item 7, Pages 112 – 121)	Michael Axel-Berg	Against
Street Record and Sydney Court, Bath Spa University Campus, Newton St Loe (Items 8&9, Pages 121 – 168)	Carolyn Puddicombe, Director of Estates and Services, Bath Spa University (Applicants)	For – Up to 6 minutes

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

6th July 2011

DECISIONS

Item No:	01	
Application No:	10/05199/MINW	
Site Location:	Stowey Quarry, Stowey Road, Stowey, Bristol	
Ward: Chew Valley South	Parish: Stowey Sutton	LB Grade: N/A
Application Type:	Minerals and Waste application	
Proposal:	Restoration of Stowey Quarry by landfilling of Stable Non Reactive Hazardous Waste (SNRHW) and inert wastes.	
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal fields, Existing Mineral Working, Forest of Avon, Mineral Consultation, Water Source Areas,	
Applicant:	Mr Larry Edmunds	
Expiry Date:	7th March 2011	
Case Officer:	Chris Herbert	

DECISION PERMIT with the following conditions:

1 No development shall commence until a highway operational statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:

- Routing arrangements for vehicles entering and leaving the site and details of the proposed penalties for drivers who do not follow the approved route; and
- A road condition survey from the site access to the junction with the A37.

Upon receiving approval the scheme shall be implemented and maintained for the life of this permission.

Reason: To enable the Local Planning Authority to monitor the condition of the highway and approved routes.

2 The permission hereby granted shall be limited to a period expiring on the 31 July 2027. The site shall be restored in accordance with the approved scheme by the 30 November 2022; and the aftercare period will be completed by the 31 July 2027.

Reason: To ensure the site is restored within a reasonable timescale.

3 The site shall be operated in accordance with the approved scheme, which shall consist of the following:

- Drawing numbers 205/126/02 rev B date stamped 10 December 2010; 205/126/03 rev A date stamped 6 January 2011; 2055/126/04 rev A date stamped 10

December 2010; 2055/126/05 rev A date stamped 10 December 2010; 2055/126/06 date stamped 10 December 2010; 2055/126/07 rev A date stamped 4 March 2011; 2055/126/08 date stamped 10 December 2010; 2055/126/10 date stamped 6 January 2011; 2055/126/11 dated 17 February 2011; and 2055/126/12 dated 4 March 2011.;

- The Planning Design and Access Statement version 1.4 dated 21 March 2011 ref 2055-126-B;
- The Environmental Statement version 1.3 dated 21 March 2011 ref 205-126-A;
- Response to comments received up to 21 March 2011 on Application 10/05199/minw version 1.0 dated 21 March 2011 ref 205-126-G;
- Details required by conditions 1,5, 7, 16,18 and 34.
- Letter from Richard Sims of Oaktree Environmental Ltd to Chris Herbert dated 6th May 2011 Ref 2055-126-013RS.

Reason: To enable the Local Planning Authority to properly control the development and to minimise its impact on the amenities of the area.

4 The site shall be restored in phased manner in accordance with the following timetable:

- The perimeter bund as shown on Drawing 2055/126/11 dated 17 February 2011 shall be completed prior to the construction of Phase 1 of the landfill as shown on Drawing 2055/126/07 Rev A dated 4 March 2011;
- No placement of waste within phase 3 to commence until phase 1 has been restored, no placement of waste in phase 4 until phase 2 has been restored, no placement of waste in phase 5 until phase 3 has been restored, no placement of waste in phase 6 until phase 4 has been restored, no placement of waste in phase 7 until phase 5 has been restored, no placement of waste in phase 8 until phase 6 has been restored, no placement of waste in phase 9 until phase 7 has been restored and no placement of waste in phase 10 until phase 8 has been restored; and
- Final restoration in accordance with Drawing 205/126/05 Rev A date stamped 10 December 2010 to be completed by the 30 November 2022.

Reason: To minimise the impact of the development on the amenities of the area.

5 No development shall commence until an Ecology and Landscape Mitigation and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- The bund along the western boundary of the site access road;
- The creation of the wetland area;
- The creation of a wildflower meadow upon restoration of the site;
- The retention and management of the area of ruderal vegetation as shown on Drawing 2055/126/05 rev A date stamped 10 December 2010
- The management and public access to the retained geological face (RIGS section) shown on Drawing 2055/126/05 rev A date stamped 10 December 2010
- The protection and management of existing vegetation to be retained;
- The proposed planting of native tree and hedgerow species (including numbers, size, species, spacing and fencing) as shown on Drawing 2055/126/05 rev A dates

stamped 10 December 2010 and on the proposed screening bund as shown on Drawing 2055/126/11 dated 17 February 2011; and

- A timetable for the implementation of the above works and for its ongoing management for the life of this permission.

Reason: In the interests of the visual and ecological amenities of the area.

6 There shall be no extraction below 150m AOD.

Reason: to retain control over the size of the void to be landfilled.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending, revoking or re-enacting that order no fixed plant or machinery, buildings, structures, floodlights or spotlights shall be erected, extended, installed or replaced until details of the construction, cladding, colour, plans and elevations have been agreed in writing by the Local Planning Authority.

Reason: To retain control over the approved development in the interests of the amenities of the area.

8 The total amount of inert and stable non reactive hazardous waste, landfill lining material and recycled aggregates and soil imported to and exported from the site, as approved under this permission (10/05199/MINW) and planning permissions 07/02326/MINW and 07/02328/VAR, shall not exceed when combined a maximum of 2,500 tonnes a week and 125,000 tonnes a year and 100 vehicle (excluding cars) movements (50 in and 50 out) a day on Mondays to Fridays and 40 vehicle (excluding cars) movements (20 in and 20 out) a day on Saturdays.

Reason: In the interests of highway safety and to protect the amenities of the area.

9 The operators shall maintain records of the weekly imports and exports of material and vehicle movements as approved under planning permissions 07/02328/VAR, 07/02326/MINW and 10/05199/MINW and shall submit them to the Local Planning Authority on a monthly basis for the first two years from the date of this permission, after which the frequency will be reviewed. All records shall be kept for at least five years.

Reason: To enable the Local Planning Authority to monitor the imports and exports from the site.

10 Only lias limestone and recycled aggregates shall be removed from the site. All other materials shall be retained for use in the restoration of the site. Stockpiles of recycled aggregate or restoration materials shall not exceed 5 metres in height.

Reason: To ensure that sufficient material to restore the site in accordance with the approved scheme and timescales.

11 No mineral shall be imported to the site for processing or treatment.

Reason: To prevent the need for additional processing plant and machinery which may adversely affect the amenities of the area.

12 No refuse, waste or similar materials originating from outside the site except inert and stable non reactive hazardous waste material shall be stockpiled, or deposited on the site. Stockpiles of inert waste shall not exceed 5 metres in height.

Reason: To enable the Local Planning Authority to adequately control the development and to minimise the risk of pollution to water courses and aquifers.

13 There shall be no de-watering or pumping of the site unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect the hydrology of the surrounding land.

14 No operations, including collections and deliveries, shall take place except between the following hours:

0700 to 1800 hours Monday to Friday;
0800 to 1200 hours Saturdays; and
No operations on Sundays or Public Holidays.

Reason: To minimise disturbance to the surrounding area.

15 No explosives shall be used on site.

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

16 No development shall commence until a scheme for the provision of surface water drainage works has been submitted and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved drainage works shall be completed in accordance with the details and timetable approved.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

17 Any above ground oil/chemical storage tanks shall be surrounded by an impervious bund and integral base with a retention capacity of at least 110% of the largest tank within the bunded area. There shall be no working connections outside the bunded area.

Reason: To minimise the risk of pollution to water courses and aquifers.

18 Any external generators used on the site shall be housed within a sound proofed structure, the design and location of which shall be approved in writing by the Local Planning Authority prior to the generator being used.

Reason: To protect the amenities of the area.

19 Noise levels arising from the site shall not exceed a level of 46 dBA LAeq (1 hour) freefield at Hill View House.

Reason: To protect the amenity of local residents

20 Noise levels arising from the development shall be monitored as follows:

- Upon commencement of the development noise levels shall be monitored once a month, at a time to be determined by the LPA, for the first six months at Hill View House. Thereafter, if no breaches have been recorded, monitoring shall be undertaken on an annual basis. If breaches have occurred monitoring shall continue on a monthly basis until a period of six months has passed with no breaches.
- If the noise limit in condition 19 is breached operations on site shall cease immediately until measures to comply with the noise limit have been implemented.

Reason: To ensure the development complies with condition 19.

21 All plant, machinery and vehicles used on site shall be fitted with effective silencers and maintained in accordance with the manufacturer's specifications.

Reason: To protect the amenity of local residents.

22 All vehicles used on site shall only be fitted with a broadband/white noise type of reversing warning system. No vehicle horns shall be used on site.

Reason: To protect the amenity of local residents.

23 Dust emissions from the site shall be controlled in accordance with the dust management plan at Appendix 5 of Document Ref.2055-126-A dated 21st March 2011 for the life of this permission.

Reason: To protect the amenities of the local area.

24 No access to the site shall be used other than that at OS grid reference ST 5985 5863.

Reason: In the interests of highway safety.

25 The concrete site access road shall be maintained in a good state of repair and free from mud, dust and other debris at all times until the completion of the site restoration and aftercare.

Reason: To prevent the deposition of mud or dust on the public highway in the interests of highway safety.

26 No development shall commence until details of the proposed wheel wash and its installation date have been submitted to and approved in writing by the Local Planning Authority. Once installed the approved wheel wash shall be maintained in good working order and be used by all vehicles leaving the site for the life of this permission.

Reason: To prevent mud and dust being deposited on the public highway in the interests of highway safety.

27 All loaded lorries entering and leaving the site shall be adequately sheeted to secure their loads.

Reason: In the interests of highway safety.

28 A sign shall be erected and maintained at the site exit for the life of this permission instructing drivers to turn left out of the site and proceed to the A37 at Clutton.

Reason: In the interests of highway safety.

29 No movement of soils for restoration purposes shall occur other than during the months of April to October, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To maintain the condition of soils used for restoration.

30 Existing top and subsoil stored on the site shall be retained on site and only used for reclamation purposes.

Reason: To ensure that there is adequate soil available for restoration purposes.

31 The final restoration levels, including the final layer of soil, shall conform to the contours shown on Drawing 2055/126/05 rev A date stamped 10 December 2010.

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

32 During the life of the permission all planting shall be examined on an annual basis and any failures shall be replaced in the current or next planting season, whichever is the earliest.

Reason: To ensure the successful establishment and ongoing maintenance of the planting in the interests of the visual amenity of the area.

33 Following the replacement of soils, they shall be examined to determine the fertiliser, lime and management required to bring the soil back into a condition suitable for supporting a wildflower meadow.

Reason: To ensure the site is returned to a condition capable of creating a wildflower meadow.

34 Ecological/agricultural aftercare shall be carried out for a five year period following restoration of the site in accordance with a scheme that shall be submitted to the LPA for approval in writing by the 31 July 2012. The matters to be covered in this scheme shall include:

- Notification of the completion of restoration and entry in to the after care period;
- Cropping pattern and grassland management;
- Cultivation practices;
- Remedial treatments;
- Field drainage;

- Arrangements for an annual inspection visit to assess progress and agree any remedial action that may be required; and
- Submission of a detailed annual programme of works four weeks prior to the annual inspection referred to above.

Reason: To ensure the satisfactory aftercare of the site.

PLANS LIST: 205/126/02 rev B date stamped 10 December 2010; 205/126/03 rev A date stamped 6 January 2011; 2055/126/04 rev A date stamped 10 December 2010; 2055/126/05 rev A date stamped 10 December 2010; 2055/126/06 date stamped 10 December 2010; 2055/126/07 rev A date stamped 4 March 2011; 2055/126/08 date stamped 10 December 2010; 2055/126/10 date stamped 6 January 2011; 2055/126/11 dated 17 February 2011; and 2055/126/12 dated 4 March 2011.

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.

Reasons for Granting Permission:

1) The decision to grant permission has taken account of the Development Plan and is in accordance with the policies set out in A below.

2) The development is not considered to have an adverse impact on the ecology, landscape, amenity or character of the area. It is not considered to have any unacceptable stability, groundwater, flood, drainage, pollution, nuisance, noise or health impacts

A) The proposed development accords with policy 8 of the Joint Waste Core Strategy and policies WM1 and WM12 on waste management; ES.5 on Drainage; ES 9, 10 and 12 on pollution, nuisance, health and noise; ES14 on stability; NE1 and NE2 on landscape; NE9 and NE10 on ecology; NE13 on groundwater, NE14 on flooding and policies M9 and T24 on highways of the Bath and North East Somerset Local Plan, including mineral and waste policies, as adopted October 2007.

Item No:	02
Application No:	11/00768/FUL
Site Location:	4 James Street West, City Centre, Bath
Ward: Kingsmead	Parish: N/A LB Grade: II
Application Type:	Full Application
Proposal:	Construction of new hotel of 108 bedrooms with ancillary bar, restaurant, guest drop-off area, disabled parking, cycle storage, enclosed service bay and plant area following demolition of all existing buildings at 4 James Steet West/1(a) and 2 Kingsmead North
Constraints:	Agric Land Class 3b,4,5, Article 4, British Waterways, Conservation Area, Flood Zone 2, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	MDN Properties (Bath) Ltd
Expiry Date:	8th June 2011
Case Officer:	Mark Reynolds

DECISION Authorise the Development Manager to REFUSE with appropriate reasons.

PLANS LIST: This decision relates to the following Job No.09-091 drawing numbers; PL_02, PL_03, PL_04 Rev C, PL_04_01, PL_04_02, PL_04_03, PL_04_04, PL_04_05 Rev A, PL_04_07, PL_05_01 Rev A, PL_06, PL_07 Rev A, PL_10 and 8262/1 Rev A.

Item No:	03
Application No:	11/00779/CA
Site Location:	4 James Street West, City Centre, Bath
Ward: Kingsmead	Parish: N/A LB Grade: II
Application Type:	Conservation Area Consent
Proposal:	Demolition of all existing buildings at 4 James Steet West/1(a) and 2 Kingsmead North
Constraints:	Agric Land Class 3b,4,5, Article 4, British Waterways, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	MDN Properties (Bath) Ltd
Expiry Date:	4th May 2011
Case Officer:	Ian Lund

DECISION CONSENT with the following conditions:

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

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

2 No demolition shall take place until:

- (a) a contract for the carrying out of works of redevelopment of the site has been made; and
- (b) planning permission has been granted for the redevelopment for which that contract provides.

Reason: To safeguard the character and appearance of this part of the Conservation Area.

3 No works for the demolition of part or all of the building shall take place within the site until the applicant, or their agents or successors in title, has submitted to and had approved by the Local Planning Authority a written method statement providing for a careful manner of demolition that prevents damage to potential below ground archaeological deposits. The method statement 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 significant archaeological interest and the Council wishes to prevent unnecessary damage to features beneath the standing building.

4 The demolition hereby granted consent shall only be implemented in accordance with the documents as set out in the plans list below.

Reason: To define the terms and extent of the conservation area consent.

PLANS LIST: This decision notice relates to drawings PL-01, -02, -03, 04 rev A, -05, -06, -07, 8262/1 rev A, and Design and Access Statement, Archaeological Assessment, Bat Risk Assessment, Planning Statement, Statement of Community Involvement, all dated stamped 09 Feb 2011, and Application Summary document date stamped 02 Mar 2011, and drawing PL_10 and Sustainability checklist both date stamped 09 Mar 2011.

Additional papers submitted including First Travel Plan, Flood Risk Assessment (Nolan Associates), Transport Assessment, paper by The Engineering Practice, Plant Noise Assessment, Flood Risk Assessment (MacMullen Associates) and Drainage Strategy drawing SK100 are not considered directly relevant to this application and have not been taken into consideration.

REASONS FOR GRANTING CONSENT

The decision to grant consent subject to conditions has been made in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. The decision is also generally consistent with Planning Policy Statement 5: Planning for the Historic Environment, and has taken into account the views of third parties. Provided an acceptable redevelopment of the site follows on immediately, the Council considers the proposals will preserve or enhance the character of the Conservation Area and World Heritage Site.

Item No:	04		
Application No:	11/00659/FUL		
Site Location:	Newton Mill Caravan And Camping Site, Pennyquick, Newton St. Loe, Bath		
Ward:	Bathavon West	Parish:	Newton St. Loe
		LB Grade:	N/A
Application Type:	Full Application		
Proposal:	Siting of 17no. static caravans to replace 28no. caravan pitches.		
Constraints:	Agric Land Class 1,2,3a, Coal fields, Coal - Standing Advice Area, Floodplain Protection, Flood Zone 2, Flood Zone 3, Forest of Avon, Greenbelt, Hotspring Protection, Regionally Important Geological Site RIG, Public Right of Way, Sites of Nature Conservation Imp (SN), World Heritage Site,		
Applicant:	Darwin		
Expiry Date:	20th June 2011		
Case Officer:	Jonathan Fletcher		

This application was withdrawn from the Agenda prior to the Committee meeting.

Item No:	05		
Application No:	10/04493/FUL		
Site Location:	Land Between Barton House And Laburnum Cottage, The Barton, Corston, Bath		
Ward:	Farmborough	Parish:	Corston
		LB Grade:	N/A
Application Type:	Full Application		
Proposal:	Erection of new dwelling from existing access on land adjacent to Laburnum Cottage		
Constraints:	Agric Land Class 1,2,3a, Conservation Area, Forest of Avon, Greenbelt, Housing Development Boundary, Tree Preservation Order,		
Applicant:	Jeff Gillingham		
Expiry Date:	5th January 2011		
Case Officer:	James Jackson		

DECISION REFUSE for the following reasons

1 The proposed detached dwelling does not fall within the definition of infilling and therefore represents inappropriate development within the Green Belt and would be harmful by definition. In the absence of very special circumstances to outweigh this harm the proposals are contrary to Policies GB.1 and HG.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

2 The proposed detached dwelling, by reason of its unacceptable architectural form, would detract from the character and appearance of the Corston Conservation Area. The

proposals are therefore contrary to Policy BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

3 The proposed detached dwelling, by reason of the first floor windows to the rear elevation, would result in increased overlooking to the residential curtilages to the east of the site, causing unacceptable harm to the amenities of the occupiers of these dwellings. The proposals are therefore contrary to Policy D.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

4 The proposed detached dwelling, by reason of the absence of an Arboricultural Survey in accordance with BS 5837:2005, fails to demonstrate that the existing trees are capable of retention as part of the development. The proposals are therefore contrary to Policy NE.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 nos. 792-PL100, 792-PL101 and site location plan date stamped 18 October 2010.

Item No:	06	
Application No:	11/01517/FUL	
Site Location:	22 The Tynning, Widcombe, Bath, Bath And North East Somerset	
Ward: Widcombe	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of side and back extension, internal alterations to provide flexible family property, landscaping and formation of drive and parking area, general upgrading of services, insulation levels and existing windows	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Mr Nigel Dando	
Expiry Date:	28th June 2011	
Case Officer:	Victoria Griffin	

DECISION REFUSE for the following reasons:

1 The proposed extensions by reason of their scale, massing and siting would form an incongruous addition to the host building that would have a detrimental impact upon the street scene and the character and appearance of the Conservation Area and World Heritage Site contrary to Local Plan policy BH1, BH6, D2 and D4 of the Bath & North East Somerset Local Plan (including minerals and waste polices) adopted October 2007.

PLANS LIST: This decision relates to the following plans and details:
 Location plan, Site plan, Aerial view of property, Photographs, Design & Access Statement, Existing ground floor & site plan, Existing ground, first and attic first floor plans, Existing elevations, Proposed ground floor plan, Proposed site plan, Proposed first floor plan, Proposed second (attic) floor plan, Proposed side elevation, Proposed front and back elevation, Perspective sketch of oblique front view, Side elevation from The Tynning, Perspective sketch of back view and Planning provenance date received 03/05/11

Item No:	07
Application No:	10/05014/FUL
Site Location:	Stables, Butcombe Lane, Nempnett Thrubwell, Bristol
Ward: Chew Valley South	Parish: Nempnett Thrubwell LB Grade: N/A
Application Type:	Full Application
Proposal:	Retention of stable block, field shelter, hay store, hard-standing, lean-to and secure tack room and siting of tractor, trailer, horse box and touring caravan and change of use of land to equestrian.
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Public Right of Way, Water Source Areas,
Applicant:	Mr James Livingstone
Expiry Date:	25th May 2011
Case Officer:	Richard Stott

DECISION REFUSE for the following reasons:

1 There has been no evidence submitted by the applicant to demonstrate a need to site a caravan or other buildings associated with an equestrian use on the application site and due to their siting and size it is considered that they are harmful to the openness and visual amenities of this part of the Green Belt and detract from the character and appearance of the Mendip Area of Outstanding Natural Beauty, contrary to policies GB.1, GB.2 and NE.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies, October 2007, which are saved policies in the Submission Core Strategy.

PLANS LIST: This decision relates to the Design and Access Statement, Photographs, Site Location Plan and to drawings 976/11/01, 02 and 03 date stamped 21st January 2011 by the Council.

Item No:	08
Application No:	10/04747/EFUL
Site Location:	Street Record, Bath Spa University Campus, Newton St. Loe, Bath
Ward: Bathavon West	Parish: Newton St. Loe LB Grade: N/A
Application Type:	Full Application with an EIA attached
Proposal:	Demolition of existing residential (C2) and education (D1) buildings and redevelopment of part of Newton Park for educational purposes as Phase 1 of the campus master plan to provide a two/three storey academic building (approximately 8,528.7 sq m) together with associated access, landscaping, car parking and infrastructure, in addition to temporary extension to main car park south of campus
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal fields, Cycle Route, Forest of Avon, Greenbelt, Major Existing Dev Site,
Applicant:	Bath Spa University
Expiry Date:	11th March 2011
Case Officer:	Geoff Webber

DECISION Authorise the Development Manager to PERMIT with appropriate conditions.

Item No:	09
Application No:	10/04748/EFUL
Site Location:	Sydney Court, Bath Spa University Campus, Newton St. Loe, Bath
Ward: Bathavon West	Parish: Newton St. Loe LB Grade: N/A
Application Type:	Full Application with an EIA attached
Proposal:	Extensions to Sydney Court to the north of Newton Park campus to provide a single storey building and enclosed flues to accommodate an energy centre comprising bio-fuel boilers and backup equipment and an electricity sub-station, together with a compound to house a generator adjacent to the library, and associated access and landscaping works
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Coal fields, Cycle Route, Forest of Avon, Greenbelt, Listed Building, Major Existing Dev Site,
Applicant:	Bath Spa University
Expiry Date:	11th March 2011
Case Officer:	Geoff Webber

DECISION Authorise the Development Manager to PERMIT with appropriate conditions.

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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	3rd August 2011
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

List of background papers relating to this report of the Development Manager, Planning and Transport Development about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an

application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	10/05370/FUL 24 March 2011	Mr And Mrs Jim And Paula Talbot Midsomer Pet Lodge, Paulto' Hill, Paulton, Bristol, BA3 2XS Erection of replacement kennel building (Retrospective)	Paulton	Andy Pegler	PERMIT
02	10/05372/FUL 10 February 2011	Mr And Mrs James And Paula Talbot Midsomer Pet Lodge, Paulto' Hill, Paulton, Bristol, BA3 2XS Use of store/office/cattery building as a 2 bedroomed dwelling and office with alterations to existing external appearance	Paulton	Andy Pegler	REFUSE

REPORT OF THE DEVELOPMENT MANAGER OF PLANNING AND TRANSPORT
DEVELOPMENT ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 10/05370/FUL
Site Location: Midsomer Pet Lodge, Paulto' Hill, Paulton, Bristol



Ward: Paulton **Parish:** Paulton **LB Grade:** N/A
Ward Members: Councillor J A Bull Councillor Liz Hardman
Application Type: Full Application
Proposal: Erection of replacement kennel building (Retrospective)
Constraints: Agric Land Class 1,2,3a, Coal fields, Forest of Avon,
Applicant: Mr And Mrs Jim And Paula Talbot
Expiry Date: 24th March 2011
Case Officer: Andy Pegler

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: This application is brought to the Development Control Committee at the request of Councillors John Bull and Liz Hardman in view of the history of the site.

DESCRIPTION OF SITE AND APPLICATION

The property is situated to the south of Paulto Hill, some 0.7km to the east of Paulton. Together with the adjacent land to the north, it comprises a kennel enterprise formerly known as Paulton Pets Hotel. The kennel building the subject of this application is situated in the south east corner of the site. The site is bounded to the west and east (part) by established hedgerow and to the south by post and wire fence. A residential property, 'Midway House', is adjacent to the access to the site which is, otherwise, surrounded by open farmland.

This is a retrospective application which seeks to regularise recent works to extend and modify the original kennels. The resulting kennel building is now fully enclosed by concrete block walls, under a shallow dual-pitched roof of profiled metal sheet. The original structure has been extended to the north and south by between 2 and 2.5 metres, to the east by approximately 1 metre, and by approximately 1 metre in height.

RELEVANT PLANNING HISTORY: In 1986 permission was granted for the use of the premises as kennels.

The current application is submitted by the current owners, who are the prospective purchasers of the building towards the north of the site, which is the subject of a further application seeking to regularise its use as a dwelling.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: No highway objection is raised, having regard to the established/authorised use of the site.

LAND DRAINAGE: Suggest that ground conditions should be established, and infiltration testing completed, to ensure that soakaway drainage is a feasible option.

PAULTON PARISH COUNCIL: Support the proposal, subject to the works being completed in accordance with the submitted details, and within a reasonable timescale.

REPRESENTATIONS: A letter of objection has been received, on behalf of the occupier of the neighbouring property 'Midway House'. It points out that 'Midway House' was previously occupied by the operators of the kennel enterprise, and suggests that the continued or intensified use of the business should be reconsidered. Concern is expressed at the impact of the proposal upon the open countryside; and the noise and disturbance created by associated activities, compounded by the proposed arrangement of visitor parking spaces. It is further suggested that the impact on residential amenity is such that the business should now be controlled so that it runs down and is positively encouraged to relocate to a more sustainable location. It suggests that, under a previous

regime, the impact of the business was more 'low-key', and that the scale and materials of the present building are unacceptable in this landscape setting.

A further letter, from a resident of Paulton, expresses concern at the various activities on the site; the constant barking of dogs; the presence of rats; dog fouling; and the dazzling effect of a spot light.

POLICIES/LEGISLATION

Policy Context

Joint Replacement Structure Plan:

Policy 1 (Sustainable Development);

Policy 2 (Locational Strategy).

Bath & North East Local Plan 2007:

T.24 - General development control and access policy;

D.2 - General design and public realm considerations.

NE.1 - Landscape character

ES.5 - Drainage

National Policy/Guidance:

PPS 1 - Delivering sustainable development;

PPS 4 - Planning for sustainable economic growth;

PPS 7 - Sustainable Development in Rural Areas.

OFFICER ASSESSMENT

ISSUES: The principal issues are firstly, the impact of the proposal upon the open countryside; secondly, the traffic implications relating to its location; and thirdly, the impact upon the residential amenities of neighbouring occupiers.

USE: The principal use of the site, together with the adjacent land to the north (edged blue on the submitted drawings) is as a kennels, cattery and boarding establishment. When approved, in 1986, the establishment was operated by the (then) occupiers of the neighbouring dwelling 'Midway House'. This association between the house and the kennels ceased in 1996. The kennels, in principle, continue to be an acceptable rural use. It is recognised that the present owners are operating in a more efficient way, and that the extended kennel building is of greater visual impact. The building however contains the same number of pens as its predecessor and the use therefore has not significantly intensified.

VISUAL IMPACT: The building is larger than its predecessor and is of greater prominence. The extension to the south and east appears to have resulted in some loss of hedgerow which would otherwise have softened the building's appearance. The potential does exist however to enhance the setting, beyond that currently proposed. With appropriate finishes and landscaping, the building would not have a significantly greater impact.

TRAVEL: Development in this relatively remote location raises issues of unsustainable travel, although account has to be taken of the fact that the proposal relates to a long established kennel enterprise.

RESIDENTIAL AMENITY: The kennel enterprise predates the current occupation of the neighbouring house, and since the recent works have not resulted in a significant intensification in the use of the site, the amenities of that property are not considered to have not been significantly affected.

OTHER MATTERS: There is currently no evidence of activities on the site unrelated to the authorised use. The operation of the kennels is licensed by the Environmental Protection Team.

CONCLUSION: The building is of simple, utilitarian appearance which is, in principle, considered appropriate in the context of the authorised use of the site as a kennel/cattery, within a rural landscape. Its overall appearance would however be enhanced by an appropriate landscape scheme.

No significant intensification of the use of the site arises from this retrospective application and it is considered therefore that the existing amenities of the neighbouring residential property would not be significantly affected.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 Notwithstanding the details submitted, within one month of the date of this permission a soft landscape scheme and a programme of implementation shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with approved details.

Reason: In the interests of the appearance of the development.

2 The external finishes shall be applied in accordance with the submitted details, within one month of the date of this permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development.

3 Within one month of the date of this permission a land drainage assessment shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of an appropriate drainage infrastructure.

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 Design and Access Statement, photographs, location plan, drawing nos.1362/02 and /03 all stamped 16 December 2010 and drawing no.1362/09 date stamped 27 January 2011.

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 building, the subject of recent works will not, with appropriate conditions, have a significant impact upon the appearance of the site on the landscape character of the surrounding area.
4. The building relates to an authorised use and existing residential amenities will not be significantly affected.

A

Bath and North East Somerset Local Plan including minerals and waste policies adopted for October 2007.

T.24 - General development control and access policy;

D.2 - General design and public realm considerations.

NE.1 - Landscape character

ES.5 - Drainage

INFORMATIVE: This permission relates to only to the replacement kennel building, and does not authorise the erection or placement of any other buildings or structures within the site.

Item No: 02
Application No: 10/05372/FUL
Site Location: Midsomer Pet Lodge, Paulto' Hill, Paulton, Bristol



Ward: Paulton **Parish:** Paulton **LB Grade:** N/A
Ward Members: Councillor J A Bull Councillor Liz Hardman
Application Type: Full Application
Proposal: Use of store/office/cattery building as a 2 bedroomed dwelling and office with alterations to existing external appearance
Constraints: Agric Land Class 1,2,3a, Coal fields, Forest of Avon,
Applicant: Mr And Mrs James And Paula Talbot
Expiry Date: 10th February 2011
Case Officer: Andy Pegler

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: This application is brought to the Development Control Committee at the request of Councillors John Bull and Liz Hardman in view of the history of the site.

DESCRIPTION OF SITE AND APPLICATION

The property is situated to the south of Paulto Hill, some 0.7km to the east of Paulton. Together with the adjacent land to the south, it comprises a kennel enterprise formerly known as Paulton Pets Hotel. The single storey building on the site - formerly used as a cattery/store/office - is currently part occupied as a dwelling.

The site is bounded to the north and west by open farmland, and to the east by a residential property, 'Midway House'.

It is proposed to regularise the use of the building as a 2 bedroomed dwelling; and to undertake external alterations comprising new windows, the installation of additional doors and partial cladding.

PLANNING HISTORY: The building (part) was erected in 1981, as a calf rearing shed; and shortly thereafter was extended under agricultural permitted development. At this time, the site, together with the land to the south, was associated with the adjacent dwelling now known as 'Midway House'.

In 1986 permission was granted for the use of the premises as kennels.

In 1988 permission was refused for the conversion of the building to a dwelling in association with the kennels. A subsequent appeal was dismissed.

In 1993 permission was refused for the conversion of the building to a residential annex. A subsequent appeal was dismissed.

In 1996 permission was refused for the conversion of the building to holiday accommodation. A subsequent appeal was dismissed.

In 1999 an Enforcement Notice was served on the owners, in respect of the unauthorised use of the building as a dwelling. A subsequent appeal was dismissed and the notice, which requires the cessation of the unauthorised use of the land as residential accommodation, remains extant.

The current application is submitted by the prospective purchasers, who have also submitted a retrospective application in respect of recent works to alter/extend the kennel building situated at the southern end of the adjacent land.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: point out that the site is remote from services and employment opportunities, and poorly served by public transport; and that unless a the proposal can be considered as a rural workplace dwelling, it is contrary to the aim of reducing growth in the length and number of motorised car journeys.

PAULTON PARISH COUNCIL: support the proposal, subject to conditions relating to parking; deliveries; hours of opening; restricted occupation; and restricted sales.

REPRESENTATION: A letter of objection has been received, on behalf of the occupier of the neighbouring property 'Midway House'. It draws attention to the extant Enforcement Notice, and questions why the Council has not sought compliance with the requirements thereof. Concern is expressed at the impact of the proposal upon the open countryside; the lack of consultation by the applicant; and the noise and disturbance created by the current occupation.

POLICIES/LEGISLATION

Policy Context

Joint Replacement Structure Plan:
Policy 1 (Sustainable Development);
Policy 2 (Locational Strategy).

Bath & North East Local Plan 2007:
ET.9 - Re-use of rural buildings;
HG.10 - Housing outside settlements;
T.24 - General development control and access policy;
D.2 - General design and public realm considerations.

National Policy/Guidance:
PPS 1 - Delivering sustainable development;
PPS 4 - Planning for sustainable economic growth;
PPS 7 - Sustainable Development in Rural Areas.

OFFICER ASSESSMENT

ISSUES: The principal issues are firstly, the impact of the proposal upon the open countryside; secondly, the traffic implications relating to its location; thirdly, the impact upon the residential amenities of neighbouring occupiers; and fourthly, whether any adverse impact is mitigated or outweighed by a justification for a rural workplace dwelling.

USE: The principal use of the site, together with the adjacent land to the south (edged blue on the submitted drawings) is as a kennels, cattery and boarding establishment. When approved, in 1986, the establishment was operated by the (then) occupiers of the neighbouring dwelling 'Midway House'. This association between the house and the kennels ceased in 1996, at the time when the unauthorised occupation of the building the subject of this application commenced.

The planning history describes a series of attempts to secure planning permission for a residential conversion, all of which have been refused on appeal. Those decisions are a significant material consideration. In determining the appeals, the various Inspectors all considered the proposals to be materially harmful to the countryside.

The agent, on behalf of the applicant, recognises the restrictive policies relating to housing in the open countryside, but argues that there is justification for an occupationally tied dwelling. He points out that the previous refusals pre-date PPS 7; and suggests that the

existing kennels is an appropriate rural use, and that the proposed dwelling is essential to that use. The benefits of rural job creation are stressed; and it is suggested that the re-use of existing buildings in the countryside should be supported.

The previous separation of the dwelling from the kennel establishment clearly raises an issue. The Licence requires, inter alia, that someone should be resident at the premises at all times. This requirement, though, is not binding on the authority in exercise of its planning function, and does not mean that a main dwelling on the site is essential. In considering the merits of a proposed occupational dwelling, PPS 7 advises that the history of the land should be investigated to establish whether buildings suitable to fulfil the need have previously been disposed of; and that it is the requirements of the enterprise, rather than those of the owner/occupier, that are relevant.

The benefits of rural job creation are recognised. Employment relating to the kennel enterprise does not rely however on a permanent dwelling being on the site.

Policy ET.9 identifies the criteria relating to the acceptable re-use of rural buildings. It does not support a residential conversion in circumstances where there could be a suitable business use; where the building is in an isolated position; or where the conversion would be likely to result in replacement agricultural buildings or outside storage. It appears that the existing, unauthorised, occupation has displaced functions which are now accommodated in various sheds and portacabins, and in an extension of the kennel building (the subject of a separate application).

TRAVEL: Development in this relatively remote location raises issues of unsustainable travel. Account has to be taken of the fact that the established kennel enterprise will inevitably generate travel to and from the site. A dwelling would be likely however to generate, overall, a greater number of journeys and in the absence of any exception that might otherwise relate to a rural workplace dwelling, the proposal is unsustainable.

CHARACTER AND APPEARANCE: The applicant has sought to limit the residential curtilage; and to create a building of a more rural character and appearance. Overall however the proposed alterations are of limited benefit. The building is conspicuous from the road and, notwithstanding the proposed alterations, would remain suburban in appearance. It would continue to have a significant impact on the rural character of the area and - as determined by previous Planning Inspectors - be materially harmful to the countryside.

RESIDENTIAL AMENITIES: The authorised kennel enterprise remains the primary use of this site, notwithstanding the disposal of the adjacent dwelling. The proposed use of this building for primarily residential purposes would have no significantly greater impact on the amenities of the adjoining property than that resulting from the authorised use.

CONCLUSION: Whilst recognising the authorised use of the site as a kennel enterprise, no sustainable argument has been made in support of the proposal to convert the building to a rural workplace dwelling. It is not essential for the continued operation of the kennels; and would detract from the rural character of the area. Furthermore, it represents an unsustainable form of development.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal would introduce an inappropriate residential use into this area of predominantly open countryside, to the detriment of its rural character, and contrary to Policies ET.9, HG.10 and D.2 of the Bath and North East Somerset Local Plan 2007; and to the aims of PPS 7 and PPG 13.

2 The proposal, located remote from services, employment opportunities and being poorly served by public transport and in the absence of an essential need, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys.

PLANS LIST: This decision relates to Design and Access Statement, photographs, location plan and drawing nos.1362/04A, 05, 06A, 07B and 08 all date stamped 16 December 2010.

Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	3rd August 2011
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Control Manager, Planning and Transport Development (Telephone: 01225 477281)
	AGENDA ITEM NUMBER
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 11/00672/FUL
Location: 25 Sunnymead Midsomer Norton Radstock BA3 2TA
Proposal: Erection of new dwelling
Decision: REFUSE
Decision Date: 15 April 2011
Decision Level: Delegated
Appeal Lodged: 13 June 2011

App. Ref: 10/04951/FUL
Location: Hawksmoor Radstock Road Midsomer Norton Radstock
Proposal: Erection of a single storey dwelling utilising existing garage
Decision: REFUSE
Decision Date: 21 January 2011
Decision Level: Delegated
Appeal Lodged: 14 June 2011

App. Ref: 10/05272/FUL
Location: Oxleaze Farm Greenhouse Lane Nempnett Thrubwell Bristol
Proposal: Installation of 2no. 11kW Gaia wind turbines
Decision: Non-determination
Appeal Lodged: 14 June 2011

App. Ref: 10/05365/FUL
Location: Street Record Poolemead Road Whiteway Bath
Proposal: Erection of a 13.8m MK3 dual user column with ground based cabinets and ancillary development.
Decision: REFUSE
Decision Date: 18 March 2011
Decision Level: Planning Committee
Appeal Lodged: 27 June 2011

App. Ref: 10/03517/FUL
Location: 6 Grosvenor Place Lambridge Bath BA1 6AX
Proposal: Erection of a studio dwelling following demolition of existing storage building on land to rear of 6 Grosvenor Place.
Decision: REFUSE
Decision Date: 24 February 2011
Decision Level: Delegated
Appeal Lodged: 4 July 2011

App. Ref: 11/00647/FUL
Location: Saltford Manor Queens Square Saltford Bristol
Proposal: Erection of a pitched roof extension following demolition of garage and outbuildings and provision of a new kitchen window.
Decision: REFUSE
Decision Date: 1 April 2011
Decision Level: Delegated
Appeal Lodged: 4 July 2011

App. Ref: 11/00648/LBA
Location: Saltford Manor Queens Square Saltford Bristol
Proposal: External alterations for the erection of a pitched roof extension following demolition of garage and outbuildings and provision of a new kitchen window.
Decision: REFUSE
Decision Date: 1 April 2011
Decision Level: Delegated
Appeal Lodged: 4 July 2011

App. Ref: 11/00701/FUL
Location: 7 Entry Rise Combe Down Bath BA2 5LR
Proposal: Conversion of loft with 1no side dormer and 1no rear flat roof dormer (Resubmission)
Decision: REFUSE
Decision Date: 12 April 2011
Decision Level: Chair Referral
Appeal Lodged: 4 July 2011

App. Ref: 09/04350/FUL
Location: Land Between Old Coal Tips And The Firs Chapel Road Clandown
Radstock
Proposal: Change of use of land to provide secondary peak time vehicle access
to/from Tiger Works with provision of 5no. customer parking spaces and
landscape moundings
Decision: Non-determination
Appeal Lodged: 6 July 2011

APPEAL DECISIONS

App. Ref: 10/02953/FUL
Location: Widcombe Lodge South Widcombe Hinton Blewett Bristol BS40 6BN
Proposal: Conversion and rebuilding of existing barn to form self catering holiday
accommodation (retrospective) (resubmission)
Decision: Refused
Decision Date: 27.08.2010
Decision Level: Delegated
Appeal Decision: **Dismissed**

Summary:

Appeal APP/F0114/A/11/2146128 regarding the refusal for the rebuilding of an existing barn and its conversion to holiday accommodation at Widcombe Lodge, South Widcombe has been dismissed.

The Council refused the application for three reasons. The proposed building was considered to harm the area of outstanding natural beauty. The building was considered to be a new dwelling and was outside the housing development boundary. The proposal was not considered to comply with the Council's policy regarding the reuse of rural buildings.

The Inspector concluded that as the building would be used as a holiday let rather than a dwellinghouse then it was not contrary to the councils housing policies. The Inspector also concluded that the development did comply with the Council's policy on the re-use of rural buildings.

However the Inspector agreed with the Council that the building was harmful to the appearance of the area of outstanding natural beauty and dismissed the appeal.

App. Ref: 11/00018/ENFAPL
Location: Land at Parcel 4471, Butham Lane, Chew Magna
Alleged Breach: Stationing of a mobile home
Decision: Serve enforcement notice
Notice Date: 3 February 2011
Decision Level: Delegated
Appeal Decision: **Enforcement Notice Quashed**

Summary:

The Enforcement Notice (EN) alleged the unauthorised change of use of the land to the stationing of a mobile home, but did not state for what purpose. At the hearing, it was agreed that the EN was intended to attack the residential use of the mobile home.

In his decision, the Inspector accepted that he had powers to vary the notice to correct the alleged breach (and as a consequence also the requirements) of the notice. However, he felt that he could not do this without causing injustice, particularly to the appellants. They had only appealed against the EN on ground (c) (that permission was not required for the alleged breach). The Inspector considered that, had they been fully aware that the notice was intended to attack a residential use, they might also have appealed on ground (b) (that the alleged breach had not occurred as a matter of fact). He felt that denying them the right to lodge such a ground of appeal (regardless of its merits) amounted to injustice and meant that the EN would have to be quashed.

The Inspector concluded his decision by pointing out that the Council has the power to issue a further notice should it consider it expedient to do so.
