

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 14th March, 2012

Present:- Councillor Gerry Curran in the Chair
Councillors Neil Butters, Liz Hardman, Eleanor Jackson, Les Kew, David Martin,
Douglas Nicol, Bryan Organ, Martin Veal, David Veale, Jeremy Sparks and Brian Webber

130 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure.

131 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required.

132 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apology for absence was received from Councillor Lisa Brett. Councillor Jeremy Sparks was substitute for Councillor Brett.

133 DECLARATIONS OF INTEREST

There were none.

134 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

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

The Senior Democratic Services Officer informed the meeting that there were various members of the public and Ward Councillors wishing to make statements on Agenda item 10 (Article 4 Direction) and planning applications in Agenda items 10 and 11 and that they would be able to do so when reaching those items on the Agenda.

136 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

As per minute 135.

137 MINUTES: 15TH FEBRUARY 2012

It was **RESOLVED** to confirm the minutes as the true record of the meeting and signed by the Chair subject to the following amendments:

- Page 11, second to penultimate paragraph, fourth sentence should read: '...not harmful to openness or visual amenity **and the danger of the speed of the traffic on Midford Road related to the access and egress.**'

138 MAJOR DEVELOPMENTS

Geoff Webber (Senior Professional – Major Developments) updated Members on the following:

1. Kraft Keynsham Regeneration Scheme – a meeting with Taylor Wimpey had happened and the Committee will receive an update on the outcomes of that meeting at one of the future meetings.
2. Radstock Regeneration Scheme – Geoff Webber informed the Committee that Councillor Eleanor Jackson asked two questions about the scheme. First question was about the clarification of validity of planning permission. Geoff Webber confirmed that the development will commence no later than 5 years from when outline consent was given (March 2008). The developer has until March 2013 to submit a request for a time extension. Second question was about the highways in the area/phase 1 of the scheme (commercial area). Geoff Webber responded that condition 32 requires that all highway works should be subject of the independent safety audit which has to be secured by the Council.

The Chair asked about the works on the transport interchange between the bus and train stations. Councillor Les Kew commented that there was no signage indicating to the public what is happening on that site.

Geoff Webber responded that the works on the site are in progress and well on the way to achieving the target. Geoff Webber also said that the site would need advertising consent to put up signage describing what is happening there.

The Chair thanked Geoff Webber for the update.

139 ARTICLE 4 DIRECTION - HOUSES IN MULTIPLE OCCUPATION

The Chair invited the members of the public who had registered to speak on this matter to address the Committee.

Jackie Derbyshire, Naomi MacKrill, Harry Birch and Mark Rose read their statements to the Committee. All four speakers asked that the Article 4 Direction and threshold policy should not be adopted by the Council.

Councillors Sharron Ball (Westmoreland Ward Councillor), June Player (Westmoreland Ward Councillor) and Will Sandry (Oldfield Ward Councillor) spoke in favour of the Article 4 Direction and threshold policy by saying that the Article 4 Direction will help control and ensure an even and fairer spread of Houses in Multiple Occupation (HMOs) across the area and it will also help towards establishing a sense of community.

The Chair thanked all the speakers and reminded the meeting that the Development Control Committee does not have the decision making power on this matter. The Committee are asked to pass their views to the Cabinet who has its meeting later in the day.

The Chair invited Cleo Newcombe-Jones (Planning Officer) and Simon De Beer (Policy and Environment Manager) to introduce the report.

The Committee made the following points:

Councillor Les Kew said that the Article 4 Direction was not retrospective and as such it will not change much. The Cabinet should not make the decision at this time but instead monitor this issue and bring it back for debate in one year's time. The Council should support students as they have limited incomes. Councillor Kew expressed his concern about financial implications and in particular for the option 2 of the proposal.

Councillor Eleanor Jackson agreed with Councillor Kew. Councillor Jackson appreciated the issues that the Ward Councillors had raised on this matter but, in her view, what is proposed is far too inflexible. Councillor Jackson felt that students were singled out on this matter and expressed her concerns about graduate retention in BANES. Councillor Jackson concluded her statement with a suggestion that the Cabinet do not make the decision now and instead monitor this issue and bring it back for debate next year with the BANES wide policy.

Councillor David Martin said that the Ward Councillors had highlighted the issue of community balance. Councillor Martin had concerns that the report did not contain sufficient evidence to justify an Article 4 Direction and licensing. Councillor Martin concluded that the consultation should go ahead and the recommendations should be taken forward as given.

Councillor Liz Hardman said that the number of HMOs will increase in time and highlighted that young professionals also live in HMOs.

Councillor Douglas Nicol agreed with Councillor Jackson and suggested that the Council should think again about the proposal.

Councillor Brian Webber said that he was sympathetic on issue of the community balance and on defending the desire for long standing communities to stay. However, he was concerned about a lack of objective evidence of harm in the report. Councillor Webber agreed with the suggestion from Councillor Kew and suggested that the Cabinet should wait for at least a year before making the decision.

Councillor Bryan Organ said that he supports option 4 in the report and said that this will not affect the areas that are already included.

Councillor David Veale said that the proposal will not change the current HMOs and he supported the suggestion from Councillor Kew.

The Chair thanked the Committee for sharing their views.

The Committee **AGREED** with the following summary of the debate to be passed to the Cabinet:

1. The Development Control Committee expressed the following concerns:
 - a. Financial implications for options 1 and 2

- b. Impact on graduate retention
 - c. Students seemed to be singled-out
 - d. The report lacks detailed evidence of harm
2. Some Members suggested that the Cabinet should delay the decision and instead carry out a consultation on this matter and the results of the consultation be reported to the Development Control Committee before they are considered by the Cabinet.

140 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- A report on a planning application at Former Allotment Gardens, Southbourne Gardens, Fairfield Park, Bath.
- An oral statement by a member of the public, the Speakers List being attached as Appendix 1 to these Minutes

RESOLVED that, in accordance with their delegated powers, the application be determined as set out in the Decision List attached as Appendix 2 to these Minutes.

Former Allotment Gardens, Southbourne Gardens, Fairfield Park, Bath – Variation of condition 2 (plans list) of application 10/03251/VAR (Variation of condition 2 of application 07/01598/FUL to allow a variation to the design of house type A (Plots 1-8)).

The Case Officer introduced the report and gave the reasons for their recommendation to Permit the application subject to the completion of a Section 106 Agreement (as presented in the report) and also subject to conditions.

Councillor Les Kew moved the officer's recommendation to **PERMIT** this application. Councillor Bryan Organ seconded the motion.

Members of the Committee debated the application, in particular the footway (pavement level) and the street lighting on site. All Members of the Committee felt that the site visit was really useful. Councillor Martin Veal suggested that the paving stones were removed before construction works began and replaced after the works had finished. The officers took on board suggestion from Councillor Veal.

Voting: 11 in favour with 1 abstention. Motion carried.

Appendix 1 Speakers

Appendix 2 Site Visit decision list

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

The Committee considered:

- A report by the Development Manager on various applications for planning permission
- Oral statements by members of the public etc, the Speakers List being attached as Appendix 1 to these Minutes
- An Update Report by the Development Manager, a copy of which is attached as Appendix 3 to these Minutes

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

Item 1 Sainsburys Supermarkets Limited, Green Park Station, Green Park Road, City Centre, Bath - Erection of extension to foodstore to provide additional retail floorspace and warehouse floorspace. Alterations to car park layout and engineering works to the southern bank of the River Avon to provide flood storage compensation.

Geoff Webber introduced the application and gave the reasons for his recommendation to Permit the application subject to the completion of a Section 106 Agreement (as presented in the main and update report) and also subject to the conditions presented in the main and update report. He also gave further advice following comments from English Heritage (attached as Appendix 5 to these minutes).

Members of the Committee debated this application and in particular the flood storage system, river safety on that part of the river, retail impact on Moorland Road and the design and sustainability of the store. Some Committee Members suggested that the air quality could be improved by using the river, instead of HGVs, for deliveries.

Councillor Neil Butters moved the officer's recommendation to delegate to **PERMIT** this application. Councillor Bryan Organ seconded the motion.

Some Committee Members felt that future applications, such as this one, should have energy and sustainability issues included in their applications.

Voting: All in favour. Motion carried.

Item 2 The Bath Press, Lower Bristol Road, Westmoreland, Bath – Withdrawn from the agenda.

Item 3 The Galleries Shop, Freshford Lane, Freshford, Bath - Erection of extension to Freshford Shop to increase cafe area and decking.

The Case Officer introduced the report and gave the reasons for their recommendation to Refuse the application.

Councillor Neil Butters (local Ward Councillor) read out a statement in which he said that the shop is a success story for Freshford, it fulfils a community purpose and it also improved the look of the village hall.

Councillor Butters moved to overturn the officer's recommendation and instead Permit the application for the following reasons: community benefit; reduction of car journeys; shop promotes village life and activity, and; the extension is adding to the viability of the shop. Councillor Martin Veal seconded the motion.

Members of the Committee debated the application. Members generally supported the motion by saying that this is a successful small enterprise which benefits the community. Some Members questioned if this would be against the Local Plan policy.

Lisa Bartlett (Development Manager) explained that the officers are bound to make recommendations on planning applications according to the Local Plan policy. This proposal is in the Green Belt and as such was inappropriate. If Members of the Committee are minded to overturn the officer's recommendation to Refuse this application then the advice is to Defer this application to a future meeting to allow the applicant an opportunity to submit further information about the very special circumstances which the applicant said existed and to advertise it as a departure from the Development Plan.

Councillors Neil Butters and Martin Veal agreed with this suggestion and withdrew their original motion.

Councillor Martin Veal moved to **DEFER** this application for the reasons highlighted above. Councillor Neil Butters seconded the motion.

Voting: All in favour. Motion carried.

Item 4 Lady Farm Cottage, Lady Farm Cottage Road, Chelwood, Bristol - Erection of new dwelling to regularise part built works (retrospective).

The Case Officer introduced the report and updated Members regarding correspondence received shortly before the meeting. She also informed Members that the application would be referred to the Secretary of State.

Lisa Bartlett explained to the Committee that the officer's recommendation for this application had changed slightly from Permit to Delegate to Permit subject to a) public consultation on the amended plans showing an additional porch and a balcony and no objections being received as a result of that consultation; and b) the Secretary of State not calling in the application for his own determination. If objections were received during the consultation then the application would come back to the Committee.

Councillor Les Kew moved the officer's recommendation to Delegate to **PERMIT** this application as above. Councillor Douglas Nicol seconded the motion.

Voting: All in favour. Motion carried.

Item 5 Fountain Buildings, City Centre, Bath - Installation of Superfast fibre optic broadband cabinet (PCP 012) at Fountain Buildings, S/O 1 Alfred Street.

The Case Officer introduced the report and gave the reasons for their recommendation to Refuse this application.

Members of the Committee debated this application, in particular the need for superfast broadband in the city. Members of the Committee also commented that if the application is permitted then the officers should negotiate the appropriate colour with BT.

Councillor Martin Veal moved to overturn the officer's recommendation and instead **PERMIT** the application for the economic prosperity of the city that superfast broadband will bring. Councillor Jeremy Sparks seconded the motion.

Voting: All in favour. Motion carried.

Item 6 Queen Square, City Centre, Bath - Creation of two pedestrian access points to east and west of Queen Square Gardens and insertion of two gateway piers within the existing boundary railings to the north side of Queen Square.

Note: Lisa Bartlett did not provide Senior Officer support to the Committee, nor took part in the debate, for this application as she is the partner of the applicant's agent who spoke at the meeting. Andrew Ryall (Planning Team Leader) provided the support for this item only.

The Case Officer introduced the report and gave the reasons for their recommendation to Permit this application.

Councillor Les Kew moved the officer's recommendation to **PERMIT** this application. Councillor Douglas Nicol seconded the motion.

Members of the Committee debated the safety and access to the site and also the width of two gateway piers.

Voting: All in favour. Motion carried.

Item 7 Stables, Butcombe Lane, Nempnett Thrubwell, Bristol - Retention of stable block, field shelter, hay store, hard-standing, lean-to and secure tack room and tractor, trailer, horsebox, creation of feed/storage area, incorporating a change of use of the land to equestrian (Resubmission).

The Case Officer introduced the report and gave the reasons for their recommendation to Permit this application.

Councillor Les Kew moved the officer's recommendation to **PERMIT** this application. Councillor Liz Hardman seconded the motion.

Voting: All in favour. Motion carried.

Item 8 Various Streets, Bath Urban Area - Display of 60 no. freestanding feather flags (30 Olympics branding + 30 Paralympics branding), bunting on railings and around lamp-posts and fence scrim on railings.

Geoff Webber introduced the report and gave the reasons for his recommendation to Grant the Advertisement Consent.

Councillor Les Kew moved the officer's recommendation to grant the **CONSENT**. Councillor Eleanor Jackson seconded the motion.

Voting: All in favour. Motion carried.

Item 9 Pulteney Road, Bathwick, Bath - Erection of 4 non-illuminated signs on Bathwick Hill roundabout.

Geoff Webber introduced the report and gave the reasons for his recommendation to Grant the Advertisement Consent.

Councillor Les Kew moved the officer’s recommendation to grant the **CONSENT**.
Councillor Eleanor Jackson seconded the motion.

Members of the Committee asked that the signs be positioned as safely as possible on the site.

Voting: All in favour. Motion carried.

Councillor Bryan Organ left the meeting at this point.

Item 10 8A Cavendish Crescent, Lansdown, Bath - Internal and external alterations (Part Regularisation).

The Case Officer introduced the report and gave the reasons for their recommendation to Grant Listed Building Consent with conditions.

Councillor Les Kew moved the officer’s recommendation to grant **CONSENT** with conditions. Councillor Douglas Nicol seconded the motion.

Voting: 10 in favour with 1 abstention. Motion carried.

Appendix 3 Update report 14 march 2012

Appendix 4 Main decision list

Appendix 5 Further advice on Sainsbury's application

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

It was **RESOLVED** to note the report.

The meeting ended at 5.45 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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

**MEMBERS OF THE PUBLIC WISHING TO MAKE A STATEMENT AT THE
MEETING OF THE DEVELOPMENT CONTROL COMMITTEE ON
WEDNESDAY 14TH MARCH 2012**

SITE/REPORT NAME/REPRESENTING FOR/AGAINST

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
ARTICLE 4 DIRECTION (REPORT 10)		
Houses in Multiple Occupation	Jackie Derbyshire (National Landlords Association) Naomi MacKrill (Vice President, Communities & Diversity, University of Bath Students Union) Mark Rose (University of Bath Consultant) Harry Birch (Vice President, Communities, Bath Spa University)	Statements – All up to 3 minutes each
SITE VISIT LIST (REPORT 11)		
Former Allotment Gardens, Southbourne Gardens, Fairfield Park, Bath (Pages 259-265)	Shaun Redden <u>AND</u> Christopher Dance Robert Gillespie, Impact Planning Services (Applicants' Agents)	Against - To share 3 minutes For
MAIN PLANS LIST (REPORT 12)		
Sainsbury's, Green Park Station, Bath (Item 1, Pages 270-295)	Bruno Moore (Sainsbury's Town Planner)	For
The Galleries Shop, Freshford Lane, Freshford (Item 3, Pages 320-333)	Hugh Delap, Freshford Parish Council Gitte Dawson	For For
Lady Farm Cottage, Lady Farm Cottage Road, Chelwood (Item 4, Pages 334-361)	James Paul (D B Paul, Applicant's Agents)	For

Queen Square, Bath (Item 6, Pages 367-371)	Vaughan Thompson (Applicants' Agent)	For
Stables, Butcombe Lane, NempnettThrubwell (Item 7, Pages 372-382)	John White (Applicant's Agent)	For
8A Cavendish Crescent, Bath (Item 10, Pages 391- 395)	Tim Trusted (Director, Management Company for 8 Cavendish Crescent) Mike Curnow (Applicant)	Against For

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

14th March 2012

SITE INSPECTION DECISIONS

Item No:	01	
Application No:	11/04867/VAR	
Site Location:	Former Allotment Gardens, Southbourne Gardens, Fairfield Park, Bath	
Ward: Walcot	Parish: N/A	LB Grade: N/A
Application Type:	Application for Variation of Condition	
Proposal:	Variation of condition 2 (plans list) of application 10/03251/VAR (Variation of condition 2 of application 07/01598/FUL to allow a variation to the design of house type A (Plots 1-8))	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Partridge Homes (Cotswolds) Ltd	
Expiry Date:	10th January 2012	
Case Officer:	Andy Pegler	

DECISION PERMIT with the following conditions:

1 The development there by permitted shall commence by the 1st. April 2013.

Reason: In accordance with Condition 1 attached to planning permission 07/01598/FUL; and as required by Section 91 of the Town and Country Planning Act 1990.

2 The development there by permitted shall be carried out in accordance with the following approved plans unless otherwise altered by plans required to comply with the other conditions attached to this permission: Site Location Plan R.0136_06-1, drawings no. 771/1C and 771/100 date stamped 16 July 2010, 771/2A date stamped 11 August 2010 and 771/5D, date stamped 2 September 2010 (clarified by e.mail dated 6 October 2010); and to details submitted by e.mail dated 5 October 2010, 7 December 2010 and 22 December 2010, 771/3, 1635/102 Rev G, R.0136-06-C, and 771/4A.

3 The development shall be carried out in accordance with the submitted details of materials and finishes approved under 10/03408/COND dated 20.12.2010.

4 The development shall be carried out in accordance with the submitted hard and soft landscape scheme approved under 10/03408/COND dated 20.12.2010.

5 All hard and soft landscapeworksshallbecarried out in accordance with the approveddetails and in accordance with the programme of implementationagreedwith the local planning authority. Anytrees or plants indicated in the approvedschemewhich, within a period of five yearsfrom the date of the developmentbeingcompleted, die, are removed or becomeseriouslydamaged or diseasedshallbereplacedduring the nextplantingseasonwithothertrees or plants of a species and size to be first approved in writing by the local planning authority. All hard landscapeworksshallbepermanentlyretained in accordance with the approveddetails.

6 Until the development has been completed the protective fencesapprovedunder 10/03408/COND dated 20.12.2010 shall not beremoved and the protected areas shallbekeptclear of any building, plant, material, debris and trenching, with the existinggroundlevelsmaintained, and thereshallbe no entry to those areas except for approvedarboricultural or landscapeworks.

7 Prior to the commencement of anyform of site works or clearance the local planning authorityshallbegiven not lessthantwoweeks notice in writing of theseworks to ensurethatappropriatemeasures of landscape protection under condition 6 have been implemented in accordance with the approved plans.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitteddevelopment) Order 1995 (or anyorderrevoking and re-enactingthatOrderwith or without modification) no lines, mains, pipes, cables or otherapparatusshallbeinstalled or laid on the site otherthan in accordance with the detailsapprovedunder 10/03408/COND dated 20.12.2010.

9 The developmentsshallbecarried out in accordance with the methodstatementapprovedunder 10/03408/COND dated 20.12.2010, detailing how works to the footway, carriageway and underground services in SouthbourneGardens / Beaufort Villas willbecarried out without harm to adjacent trees and theirrootsystems.

10 No developmentsshall commence until the necessarymeasures to restrict parking at the junction of SouthbourneGardenswith Claremont Road have been confirmed in writing on behalf of the local planning authority and no part of the developmentsshallbeoccupieduntil the works have been implemented.

11 No developmentsshall commence until the works to SouthbourneGardens, including the junction of SouthbourneGardenswith Claremont Road, and the provision of acontinuousfootway on the southernside, have been completed in accordance with the approveddrawing no 1635/102 Rev G.

12 The retaining structures relating to the access road / turningheadshallbecompleted in accordance with the detailsapprovedunder 10/03604/COND dated 20.12.2010 prior to the first occupation of anydwellingherebyapproved.

13 The development hereby permitted shall not be occupied until the emergency access as shown on site layout drawing no 771/1B has been provided and a method statement of control to prevent unauthorised use of it has been submitted to and approved in writing by the local planning authority. The emergency access shall only be operated in accordance with the approved method statement details.

14 The development shall be carried out in accordance with the details of the turning head, including sectional drawings and details of screening, and the surfacing details and gradient for the carriageway, footway, turning head, car parking areas and the pathway to the front of the houses, as approved under 10/03408/COND dated 20.12.2010. The development hereby permitted shall not be occupied until the access together with all the proposed parking and turning areas, screening and pathways have been constructed in accordance with the approved details.

15 The garages hereby approved shall be retained for the garaging of private motor vehicles associated with the dwellings hereby approved and for no other purpose.

16 The development hereby approved shall not be occupied until works for the disposal of sewage and surface water have been provided on site to serve the development in accordance with details first submitted to and approved in writing by the local planning authority.

17 No removal of trees shall take place between 1 March and 31 August unless a survey to assess any nesting bird activity on the site during this period and a scheme to protect the nesting birds has been submitted to and approved in writing by the local planning authority and no trees shall be removed between 1 March and 31 August other than in accordance with the approved nesting bird protection scheme.

18 Prior to the commencement of development a scheme of mitigation works to avoid harm to any reptiles found on the site shall be undertaken in accordance with details approved under 10/03408/COND dated 20.12.2010.

19 The development shall be carried out in accordance with the scheme for the accommodation of badgers on the site, including the establishment of an exclusion zone around the sett(s) from which all building, engineering or other operations and all vehicles and personnel working on the site shall be excluded, and proposals for site and habitat management following completion of the development, as approved under 10/03408/COND dated 20.12.2010.

20 The development shall commence in accordance with the programme of access which will be afforded to named archaeologist(s) to observe and record all ground disturbed during construction (such works to include any geological trial pits, foundations and service trenches) as approved under 10/03408/COND dated 20.12.2010.

21 The development shall be carried out in accordance with the construction management plan approved under 10/03604/COND dated 20.12.2010.

PLANS LIST:This decision relates to the Site Location Plan, and drawing no. 1635/102 Revision G date stamped 15th.November 2011.

REASONS FOR GRANTING APPROVAL

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

A. Local Plan Policies T.24 and BH.6

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

14 March 2012

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

ITEM 12

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	10/04475/FUL	Sainsburys Supermarkets Ltd, Green Park Station, Green Park, Bath

CONSULTATION RESPONSES AND REPRESENTATIONS

Further correspondence has been received from the **Environment Agency** (EA), in which they maintain their earlier Objection, as a result of the Applicants not providing them with additional information regarding Flood Risk issues. In particular, the EA requires clarification of the specific measures to be taken in conjunction with surface water drainage within the site, and also of the proposed extension to prevent water ingress into the structure. However, the EA make it clear that their objection will be withdrawn once satisfactory information has been received.

The Agents have written to the EA confirming their intentions to submit the information required, but seeking the EA's agreement to these matters being dealt with by means of appropriately worded Conditions. The EA has acknowledged that correspondence, but a formal response is still awaited.

Your Officers consider that as the application is already the subject of a "Delegate to Permit" recommendation, then these additional outstanding issues can be simply incorporated into the formal Recommendation. The agreement of the EA can thus be sought whilst the necessary S106 Agreement is being finalised, and based upon the Agents' correspondence with the EA, it is likely that these matters will be fully resolved in the very near future.

An **Objection** has been received from Agents acting on behalf of the **Co-Operative Group**. The objectors are concerned regarding the impact of the current retail proposals, including the proposed Sainsbury's extension, upon the trading position of the Co-Operative store within the Moorland Road Local Shopping Centre. The letter argues that there will be a significant negative cumulative impact upon the Co-Operative store as a result of the currently-proposed Sainsbury's extension, together with the Sainsbury's store at Odd

Down, the proposed extension to Waitrose within the Podium shopping centre, and the proposed Lidl store in Lower Bristol Road. This will in turn be to the detriment of the vitality and viability of the Moorland Road Local Shopping Centre. The letter urges the Committee to refuse the current Sainsbury's application.

An additional **Objection** has been received from a resident of Green Park. This raises concerns regarding the loss of the triangle of green space proposed to be occupied by the extension. This is considered to be an important green space that can never be replaced. The resident considers that the proposed extension is not needed, and that additional servicing demands will adversely affect local residents.

CONCLUSIONS

Officers consider that the form of the Recommendation should remain unchanged, as the matters raised in the additional Objections have already been taken into account in the assessment of the scheme in the main agenda report. In particular, the conclusions reached by GVA are set out in some detail, and these address the potential impact upon Moorland Road Local Shopping Centre.

The current EA position can be addressed by simply amending the Recommendation wording in order to refer to the outstanding issues raised by the EA, as follows:

RECOMMENDATION

The formal Recommendation is amended as follows:

“(A): Authorise the Planning and Environmental Law Manager to secure an agreement under S106 of the Town and Country Planning Act 1990 to secure a strategic transport contribution of £302,721.00.

(B): Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to the Environment Agency confirming its satisfaction regarding the manner in which its concerns regarding surface water drainage and construction details are being addressed, and subject to the following conditions:”

Item No.	Application No.	Address
02	10/03380/EFUL	The Bath Press, Lower Bristol Road, Bath

Since the main agenda report additional representations have been received.

However, as of Monday afternoon 12 March 2012 Officers have received written confirmation from the applicants that this application has been

“withdrawn with immediate effect”. As a result the item will not be reported on and there can be no debate on the merits of the scheme.

Item No.	Application No.	Address
03	12/00207/FUL	The Galleries Shop, Freshford Lane, Freshford

Representations

2 further comments have been received.

1 objection comment which can be summarised as follows:

- Development will overturn the original intent of maintaining the building as a community shop, by increasing the overall area for the café area.
- Change of purpose may have a detrimental impact upon the plans for the village
- Stakeholder engagement has been poor
- Capacity in the village hall which could be used
- Original concept for the shop has been eroded with it now being an electricity generating station and potentially a café

2 supporting comments which can be summarised as follows:

- This application deserves to be approved for the same reason the original shop & café were – namely very special circumstances (essential community use) which outweigh the greenbelt considerations
- The café is not intended as a separate unit – the café area will remain part of the shop, all in the same continuous space
- The café space will still only amount to 30% of the shop building (up from currently 16.5%) and max 30% of the turnover (currently 11%)
- The café activity, with its naturally higher profit margin, will help ensure the financial viability of the shop, should the pool of volunteers begin to diminish
- There is wholehearted support for the extension from the community
- The shop and cafe have brought great changes to the local community especially for more vulnerable groups such as the elderly and young families who find it difficult to get into Bath to shop or to socialise

Planning Officer Response

The supporting comments have been taken into account but do not outweigh the identified harm referred to in the officer report. Although it is cited that the development will help ensure the financial viability of the shop, detailed figures have not been put forward to demonstrate the need for the extension in terms of the viability of the community shop. Overall it is not considered that very special circumstances have been put forward which outweigh the

usual policies of restraint. It should be recognised, as laid out in PPG2 – Green Belts, that it is for applicant to show why permission should be granted.

Item No	Application No	Address
05	12/00389/FUL	Fountain Buildings, Bath

Comments have been received from the Development and Major Projects Team in support of the application (date received 02/03/12):

Economic Strategy

The Strategy refers to the ‘Digital Britain’ report 2009 which sets out the importance of high broadband speeds for the development of knowledge-based businesses. Access to broadband within the district is patchy especially in some rural areas so it is important that easy access broadband is established throughout the district to ensure firms look to grow in Bath and North East Somerset.

Core Strategy

The document highlights that access to Broadband is key in rural areas and this is a recognised knowledge gap. Some of the Broadband applications are located on the outskirts of Bath this could potentially make superfast broadband in rural areas the next progressive step.

Economic Aspiration

The economic aspiration of the district is to ensure that high speed broadband.

Additional Comment

This location services a diverse mix of small business that benefit from broadband upload capacity to maximise e-commerce opportunities and support economic viability and growth.

Planning Officer Response:

The comments have been taken into account but do not outweigh the identified harm referred to the officer report, the proposal therefore is recommended for refusal.

Item No.	Application No.	Address
09	12/00658/AR	Bathwick Hill Roundabout, Pulteney Road, Bath

In respect of application 12/00658/AR for the display of 4 No. sponsorship advertisements on Bathwick Roundabout, formal comments have been received from the **Highways Development Officer**. In summary, No Objections are raised subject to detailed requirements associated with the height and locations of the proposed signs.

These matters are already dealt with by the recommended Condition 2, and so the Recommendation set out in the main agenda report remains unchanged.

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

14th March 2012

DECISIONS

Item No:	01	
Application No:	10/04475/FUL	
Site Location:	Sainsburys Supermarkets Limited Green Park Station, Green Park Road, City Centre, Bath	
Ward: Kingsmead	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of extension to foodstore to provide additional retail floorspace and warehouse floorspace. Alterations to car park layout and engineering works to the southern bank of the River Avon to provide flood storage compensation.	
Constraints:	Agric Land Class 3b,4,5, Article 4, British Waterways, Conservation Area, Cycle Route, Floodplain Protection, Flood Zone 2, Flood Zone 3, Flood Zone 3, Forest of Avon, General Development Site, Hotspring Protection, Listed Building, Sites of Nature Conservation Imp (SN), Sustainable Transport, World Heritage Site,	
Applicant:	Sainsbury's Supermarket Ltd	
Expiry Date:	4th February 2011	
Case Officer:	Geoff Webber	

DECISION

(A): Authorise the Planning and Environmental Law Manager to secure an agreement under S106 of the Town and Country Planning Act 1990 to secure a strategic transport contribution of £302,721.00.

(B): Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to the Environment Agency confirming its satisfaction regarding the manner in which its concerns regarding surface water drainage and construction details are being addressed, and 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 additional drawings at a scale of not less than 1:50 showing details (including sections) of the external walls and fenestration of the proposed extension and of the alterations to the elevations of the existing building have

been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the appearance of the development and the character and appearance of the surrounding part of the Conservation Area and World Heritage Site.

3 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 of buildings, 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 appearance of the development and the character and appearance of the surrounding part of the Conservation Area and World Heritage Site.

4 No development, including site preparation work, shall commence until a Construction Management Plan including but not limited to details of working methods and hours, deliveries (including storage arrangements and timings), contractor parking and traffic management has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of adjoining residential properties and ensure the safe operation of the highway.

5 Notwithstanding the information submitted as part of the application, no development shall be commenced until a detailed hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

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

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

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

7 Notwithstanding the information submitted with the application, no development shall take place until an Arboricultural Method Statement with a tree protection plan identifying measures to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation, construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, location of compound and movement of people and machinery.

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

8 No development activity shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

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

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 watching brief during ground works within the previously undeveloped areas of the site, with provision for excavation of any significant deposits or features encountered.

Reason: The site is within an area of potential archaeological interest and the Council will wish to examine and record items of interest discovered.

10 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

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

11 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 may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposed preferred option(s).

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

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

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

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

14 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that

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

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

15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 14.

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

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

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

17 The development hereby permitted shall not be constructed other than in accordance with a Construction Management Plan, including management of development traffic, deliveries, parking of associated contractors vehicles and travel of contractors personnel to and from the site, That shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and operation.

18 The development hereby permitted shall not be occupied or used until a Servicing Management Plan, including management of delivery vehicles visiting the store has been submitted to and approved in writing by the Local Planning Authority. The store shall

thereafter not be serviced other than in accordance with the approved Servicing Management Plan unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and operation and of the amenities of nearby residents.

19 The development hereby permitted shall not be occupied until a Staff Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the site shall not be occupied other than in accordance with the provisions of the approved Travel Plan.

Reason: In the interests of sustainable travel and the operation of the public highway.

20 The development hereby permitted shall not be occupied until improved access has been afforded between the site and the existing riverside cycle path, and safe, secure cycle parking facilities are available for use by staff and customers, in order to encourage increased travel to and from the site by sustainable means. Notwithstanding the information shown on the plans submitted as part of the application, no work shall commence on site until further detailed plans of the new cycle and pedestrian facilities, to include appropriate measures to provide safety for pedestrians and cyclists using the riverside cycle path, have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of sustainable travel and the operation of the public highway, to ensure the safety of cyclists and pedestrians having regard to the proximity of the development to the river, and to ensure that the details of the proposed works are satisfactory.

21 The proposed extension shall not be brought into use until the car parking facilities for the store have been provided in accordance with the approved plans.

Reason: In order to ensure that adequate parking provision is retained in connection with the proposed extended store.

22 There shall be no more than 4,020 sq. metres of net sales area within the extended food store at any time and no more than 20% of the total net sales area shall be used for the sale of non-food goods.

Reason: To safeguard the vitality and viability of existing retail centres in accordance with Policy S4 of the Bath and North East Somerset Local Plan.

23 Further Conditions as may be required by the Environment Agency in connection with Flood Protection matters.

24 The Plans List and Reasons for Granting Permission will be finalised at the time of issue of the decision notice.

Informatives:

1. No materials arising from the demolition of any existing structure(s), the construction of the new extension, nor any material from incidental works shall be burnt on the site.

2. The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.
3. The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new extension. (copy attached).

Item No:	02
Application No:	10/03380/EFUL
Site Location:	The Bath Press, Lower Bristol Road, Westmoreland, Bath
Ward: Westmoreland	Parish: N/A LB Grade: N/A
Application Type:	Full Application with an EIA attached
Proposal:	Mixed-use redevelopment comprising 6,300sqm of retail (Class A1), 4,580sqm of creative work space (Class B1), 2,610sqm of offices (Class B1), 220sqm of community space (Class D1/D2), 10 residential houses, car park, landscape and access (including realignment of Brook Road)
Constraints:	Agric Land Class 3b,4,5, British Waterways, Flood Zone 2, Forest of Avon, Hazards & Pipelines, Hotspring Protection, Tree Preservation Order, World Heritage Site,
Applicant:	St James's Investments Limited & Tesco Stores Limited
Expiry Date:	9th December 2010
Case Officer:	Sarah James

DECISION Application Withdrawn

Item No:	03
Application No:	12/00207/FUL
Site Location:	The Galleries Shop, Freshford Lane, Freshford, Bath
Ward: Bathavon South	Parish: Freshford LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of extension to Freshford Shop to increase cafe area and decking
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Greenbelt, Public Right of Way,
Applicant:	Galleries Ltd
Expiry Date:	12th March 2012
Case Officer:	Tessa Hampden

DECISION

Defer consideration to allow time to advertise the application as a Departure and to give the applicant the opportunity to demonstrate very special circumstances to allow for a departure from the usual policies of constraint.

Item No:	04	
Application No:	10/01175/FUL	
Site Location:	Lady Farm Cottage, Lady Farm Cottage Road, Chelwood, Bristol	
Ward: Clutton	Parish: Chelwood	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of new dwelling to regularise part built works (retrospective)	
Constraints:	Agric Land Class 1,2,3a, Coal fields, Forest of Avon, Greenbelt,	
Applicant:	Mr M Pearce	
Expiry Date:	26th May 2010	
Case Officer:	Victoria Griffin	

DECISION Delegate to PERMIT

Authorise the Development Manager to PERMIT subject to referral to the Secretary of State and re-consultation with neighbours on revised plans, as the proposal includes a porch and first floor balcony to the front elevation. If any new objections relating to the porch or the balcony are received the case will be referred back to Committee for members to consider.

Item No:	05	
Application No:	12/00389/TEL	
Site Location:	Fountain Buildings, City Centre, Bath	
Ward: Abbey	Parish: N/A	LB Grade: N/A
Application Type:	Telecommunications Application	
Proposal:	Installation of Superfast fibre optic broadband cabinet (PCP 012) at Fountain Buildings, S/O 1 Alfred Street	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Openreach	
Expiry Date:	21st March 2012	
Case Officer:	Victoria Griffin	

DECISION APPROVE

PLANS LIST: Cabinet Location plan date received 26/01/12.

Informative: The applicant is advised to contact the Local Planning Authority concerning the colour of the cabinet.

Item No:	06
Application No:	12/00012/REG04
Site Location:	Queen Square, City Centre, Bath
Ward: Abbey	Parish: N/A LB Grade: N/A
Application Type:	Regulation 4 Application
Proposal:	Creation of two pedestrian access points to east and west of Queen Square Gardens and insertion of two gateway piers within the existing boundary railings to the north side of Queen Square
Constraints:	Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Bath And North East Somerset Council
Expiry Date:	29th February 2012
Case Officer:	Suzanne D'Arcy

DECISION PERMIT with the following conditions:

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

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

2 The gate piers hereby approved shall match those on the south entrance to the Square in terms of materials, detail and design.

Reason: In the interests of preserving the character and appearance of this part of the Conservation Area.

3 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

PLANS LIST: This decision relates to drawings numbered 1118/01a, /02a Rev B, 03a Rev B, /04a rev A, /05a, /06a, /07a, 01 and 02 and related Design and Access Statement, received by the Council on 4th January 2012 and 1118-10A A date 7 March 2012

REASONS FOR GRANTING APPROVAL

1. The proposed development will more closely reflect the intended plan form of Queen Square and will preserve the setting of the Conservation Area and listed buildings. There will be no highway safety implications from the gate piers.
2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

D.2, D.4, BH.1, BH.2, BH.6 and T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

The applicant should note that this Notice of Decision does not grant approval with regards either the detail of, or the carrying out of works within the limits for the public highway for which the consent and technical approval of the Council's Highways Service is required.

Item No:	07	
Application No:	11/05310/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 tractor, trailer, horsebox, creation of feed/storage area, incorporating a change of use of the land to equestrian (Resubmission)	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Forest of Avon, Greenbelt, Public Right of Way, Water Source Areas,	
Applicant:	Mr James Livingstone	
Expiry Date:	5th March 2012	
Case Officer:	Richard Stott	

DECISION PERMIT with the following conditions:

1 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 ménage or other hardstanding associated with the equestrian use of the land shall be constructed 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.

2 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 jumps or other equestrian associated paraphernalia 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.

3 Within three months of the date of this permission, the works to improve the appearance of the existing buildings, including the use of timber cladding and steel profile sheeting as specified in the Design and Access Statement and shown on the drawings hereby approved shall be carried out.

Reason: in the interest of the appearance of the site and the visual amenities of the wider Area of Outstanding Natural Beauty

4 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

PLANS LIST: This decision relates to the Design and Access Statement, Site Location Plan and to drawings S4935/001 and 100B date stamped 12th December 2011 by the Council

REASONS FOR GRANTING APPROVAL

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

2. All other material considerations, including the views of third parties, have been considered and they do not outweigh the reasons for approving the proposed development.

3. The proposed retention of the existing stables and equestrian buildings on this site, along with the change of use of the land to equestrian is acceptable and in accordance with National Policy as set out in PPG.2 and PPS.7 and local Policy GB.1 of the Bath & North East Somerset Local Plan, including minerals and waste policies, October 2007 and Policy CP8 of the Submission Core Strategy, May 2011.

4. The proposed retention of the existing stables and equestrian buildings on this site, along with the change of use of the land to equestrian, by reason of the siting, location, local topography and surrounding vegetation preserves the openness of this part of the Green Belt and maintains the local rural character of the Mendip Hills Area of Outstanding Natural Beauty, in accordance with Policies GB.2 and NE.2 of the Bath & North East Somerset Local Plan, including minerals and waste policies, October 2007 which are saved policies in the Submission Core Strategy, May 2011.

5. The proposed access is to a satisfactory standard, maintaining the safety of highway users, in accordance with Policy T.24 of the Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted for October 2007 which is a saved policy in the Submission Core Strategy, May 2011.

A

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

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

NE.2 Area of Outstanding Natural Beauty

GB.1 Green Belt

GB.2 Openness of the Green Belt

T.24 Access

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

CP8 Green belt

Policies T.24, NE.2, GB.2, D.2 and D.4 are Saved Local Plan Policies

SUPPLEMENTARY PLANNING GUIDANCE

Mendip Hills Area of Outstanding Natural Beauty Supplementary Planning Guidance: Guidelines for Horse Related Development

NATIONAL POLICY

PPG.2 Green Belts

PPS.7 Sustainable Development in Rural Areas

DRAFT NATIONAL PLANNING POLICY FRAMEWORK

Due consideration is given to the Draft National Planning Policy Framework, July 2011, however at present this carries little weight and in this case it proposes little change to the aspects of local and national policy that are relevant to this decision.

Planning Minister Greg Clark has said that ministers are committed to publishing the final version of the NPPF by 30 March 2012.

INFORMATIVE:

Public Right of Way CL4/27 runs through the middle of the application site. The line and width of the path must not be altered or obstructed during or after the change of use. No gates or other furniture are to be erected on the line of the footpath.

Item No:	08
Application No:	11/05349/AR
Site Location:	Bath Urban Area, Various Streets
Ward: Newbridge	Parish: N/A LB Grade: N/A
Application Type:	Advertisement Consent
Proposal:	Display of 60 no. freestanding feather flags (30 Olympics branding + 30 Paralympics branding), bunting on railings and around lamp-posts and fence scrim on railings
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Area of Outstanding Natural Beauty, Article 4, Bath Core Office Area, British Waterways, City/Town Centre Shopping Areas, Coal - Standing Advice Area, Conservation Area, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, General Development Site, Greenbelt, Hazards & Pipelines, Historic Parks and Gardens, Hotspring Protection, Listed Building, Local Shops, Major Existing Dev Site, Overland Flood Route, Protected Recreational, Primary School Purpose, Prime Shop Front, Public Right of Way, Railway, Sites of Nature Conservation Imp (SN), Safeguarded Roads, Sustainable Transport, Tree Preservation Order, World Heritage Site,
Applicant:	Bath & North East Somerset Council
Expiry Date:	9th April 2012
Case Officer:	Geoff Webber

DECISION CONSENT with the following conditions:

1 No advertisement the subject of this consent shall be displayed other than in accordance with further details showing the appearance of the proposed advertisement and in accordance with a Display Strategy setting out details of the locations and display programme under which advertisements are to be displayed, both of which shall first have been submitted to and approved in writing by the local planning authority. The submitted Display Strategy shall also specify the actions that will be taken in the event that any advertisement the subject of this consent becomes damaged or defaced.

Reason: In order to ensure that the appearance of and locations for the proposed advertisements are acceptable in accordance with the provisions of Local Plan Policy BH.17 and will not significantly prejudice amenity or public safety.

2 Notwithstanding the provisions of Condition 1 no advertisement the subject of this consent shall be displayed prior to 1st May 2012, and all advertisements displayed under the provisions of this consent shall be removed no later than 30th September 2012.

Reason: The proposed advertisements are only acceptable on a temporary basis in accordance with the submitted details, having regard to the provisions of Local Plan Policy BH.17.

3 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below, and/or such additional plans and details as may be submitted and approved pursuant to the Conditions attached to this consent.

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

PLANS LIST: Site Location Plan; Illustrative details of proposed advertisements, bunting and scrim; Design and Access Statement 141211, all dated 14th December 2011

The granting of planning permission does not convey other consents that may be required under other legislation. The applicant is advised that the formal consent of the Highway Authority is required under the Highways Act for anyone to erect a signs or similar structure within the limits of, or which overhang the highway or are attached to any street furniture, and this may be obtained from the Highway Maintenance Team who can be contacted on 01225 394337 who will need to agree the siting of each item comprising the proposed development.

Item No:	09	
Application No:	12/00658/AR	
Site Location:	Street Record, Pulteney Road, Bathwick, Bath	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Advertisement Consent	
Proposal:	Erection of 4 non-illuminated signs on Bathwick Hill roundabout	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Bath And North East Somerset Council	
Expiry Date:	9th April 2012	
Case Officer:	Geoff Webber	

DECISION CONSENT with the following conditions:

1 No advertisement the subject of this consent shall be displayed prior to 1st May 2012, and all advertisements displayed under the provisions of this consent shall be removed no later than 30th September 2012.

Reason: The proposed advertisements are only acceptable on a temporary basis in accordance with the submitted details, having regard to the provisions of Local Plan Policy BH.17.

2 The proposed advertisements shall not be displayed until a more detailed plan showing their exact location and alignment in relation to other features and road traffic signs has been submitted to and approved in writing by the local planning authority.

Reason: In order to ensure that the details of the proposed displays do not prejudice public safety at this busy road junction.

3 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below, and any additional details approved pursuant to the Conditions attached to this Consent.

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

PLANS LIST: Site Location Plan; Roundabout Sign Specification; Design and Access Statement; all received on 13th February 2012

The granting of planning permission does not convey other consents that may be required under other legislation. The applicant is advised that the formal consent of the Highway Authority is required under the Highways Act for anyone to erect a signs or similar structure within the limits of, or which overhang the highway or are attached to any street furniture, and this may be obtained from the Highway Maintenance Team who can be contacted on 01225 394337 who will need to agree the siting of each item comprising the proposed development.

Item No:	10	
Application No:	11/05423/LBA	
Site Location:	8A Cavendish Crescent, Lansdown, Bath, Bath And North East Somerset	
Ward: Lansdown	Parish: N/A	LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	Internal and external alterations (Part Regularisation)	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,	
Applicant:	Mr & Mrs Mike & Elizabeth Curnow	
Expiry Date:	14th February 2012	
Case Officer:	Adrian Neilson	

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 consent

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

2 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

3 Prior to the commencement of installation of the new stone floor in the vaults a sample of the proposed natural limestone shall be provided for the inspection and approval in writing of the Local Planning Authority. The works shall be carried out in accordance with the approved detail.

Reason: In order to safeguard the special architectural and historic interest of the listed building.

PLANS LIST: Drawings: Location Plan, No.s 06, 09, 10 and Heritage Statement and Design and Access Statement date stamped 20 December 2012.

The decision to grant consent has been made in accordance with the Government's Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Statement 5: Planning for the Historic Environment. The Council regards that the proposals because of their location, design, detailing, use of materials, will preserve the building, its setting and its features of special architectural or historic interest and will enhance the setting of the Conservation Area and this part of the World Heritage Site.

SAINSBURY'S – GREEN PARK STATION, BATH
Planning Application 10/04475/FUL
Additional Update for DC Committee, 14th March 2012

English Heritage yesterday made further written comments on this application. In their letter, they assess the merits of the revisions to the originally submitted scheme, and conclude that the changes are in their view only a minor improvement to the overall character of the Sainsbury's store.

Your Officers' view is that the package of enhancements that has resulted from negotiations with the Applicants' Agents is the best that can realistically be secured in connection with a proposal for an Extension to the existing store. The improvements to the external appearance of the entire store building in views from the south and east (ie from the River and from Midland Bridge Road) are valuable enhancements to the benefit of the community and to the character and appearance of this part of the Conservation Area and World Heritage Site.

English Heritage's letter concludes that the proposed Extension constitutes "less than substantial harm to heritage assets", but advises that a decision on this application should have regard to Policy HE9.4 of PPS5 on the Historic Environment. This Policy recognises that permission can be granted for developments that do not result in substantial harm to heritage assets in cases where the scheme as a whole incorporates aspects of public benefit.

Your Officers have considered the views of English Heritage and can advise members that we are satisfied that having regard to the scheme as a whole – including the enhancements to the overall appearance of the existing store, the provision of improved accessibility between the river towpath and cycle route and the site, the provision of cycle access and parking facilities, the provision of new landscaping works and the enhancement of the amenities of the area between the river and the store building – the proposals do fall within the provisions of Policy HE9.4 of PPS5.

If the Committee supports the proposals, then this matter will be included in the Reasons for Granting Permission in due course.

Geoff Webber
Senior Professional – Major Developments

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