

## **DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING**

### **BATH AND NORTH EAST SOMERSET**

#### **MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

Wednesday, 11th April, 2012

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

Also in attendance: Councillor Vic Pritchard

#### **151 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

#### **152 ELECTION OF VICE CHAIR (IF DESIRED)**

A Vice Chair was not required

#### **153 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

An apology for absence was received from Councillor David Veale whose substitute was Councillor Sally Davis

#### **154 DECLARATIONS OF INTEREST**

There was none

#### **155 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none

#### **156 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

The Senior Democratic Services Officer informed the meeting that there was a member of the public wishing to make a statement on Report 12 relating to a Tree Preservation Order at Gaia, Widcombe Hill, Bath, who would be able to do so when reaching that item on the Agenda. There were various members of the public etc wishing to make statements on planning applications in Report 10 and they would be able to make their statements when reaching those items in that Report.

#### **157 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There was none

#### **158 MINUTES: 14TH MARCH 2012**

The Minutes of the meeting held on Wednesday 14<sup>th</sup> March 2012 were approved as a correct record and were signed by the Chair

## 159 MAJOR DEVELOPMENTS

The Chair stated that the Senior Professional – Major Development had no matters on which to update the Committee but if Members had any queries, they could contact the Officer direct

## 160 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 on Item Nos 2, 3 and 6, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Development Manager on Item Nos 3-6, a copy of which Report is 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 The Galleries Shop, Freshford Lane, Freshford – Erection of extension to Freshford Shop to increase café area and decking** – The Development Team Leader reported on this application and the recommendation to Permit with conditions. He reminded Members that the application had been considered at the March ordinary meeting where Officers had recommended Refusal. The Committee deferred the application for it to be advertised as a Departure from the Development Plan and to give the applicants the opportunity to demonstrate very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness. However since that meeting, the National Planning Policy Framework had been published which allowed exceptions including “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.” This enabled Officers to recommend that permission now be granted. However, the Departure advertisement did not expire until the day after this meeting and therefore he amended the Recommendation to Delegate to Officers subject to no new objections being received up to the expiry of the advertisement period and subject to the Conditions set out in the Report.

After some clarification by Members, Councillor Neil Butters moved the revised Recommendation which was seconded by Councillor Martin Veal. Following a brief debate, the motion was put to the vote and was carried, voting being 11 in favour and 1 against.

**Item 2 Folly Farm, Folly Lane, Stowey – Change of use from Class C2 to Mixed Use combining Classes C2/D2 for residential education, wedding ceremonies**

**and receptions with ancillary café, teaching and workshop (Retrospective) –** The Case Officer reported on this application and his Recommendation to Permit with conditions. He reminded Members that the application had been considered at the February Committee meeting. However, third parties had not received notification letters of the meeting which had therefore denied them the opportunity to make representation. He referred Members to the receipt of a further letter of objection resulting from consultation responses received the day before and which had been passed to the Chair and the Group Leaders. He summarised the content of the letter bringing the Committee’s attention to the salient points and the traffic count submitted in the letter of representation. He advised Members that this did not alter his Recommendation; however, he recommended that a further Condition be added to limit the number of weekend wedding ceremonies to 35 per year.

The public speaker made her statement supporting the proposal which was followed by a statement by the Ward Councillor Vic Pritchard.

Members asked questions about the proposal to which the Case Officer responded. Councillor Eleanor Jackson supported the proposal and moved the Officer Recommendation which was seconded by Councillor Bryan Organ. After a brief discussion, the motion was put to the vote and it was carried, voting being unanimously in favour.

**Item 3 Sainsbury’s Supermarkets Ltd, 170 Frome Road, Odd Down, Bath – Variation of Condition 29 of application 09/02389/OUT to allow deliveries from 0600 to 2300 hours seven days a week including Bank Holidays (Mixed use development comprising the erection of (1) a new foodstore and associated accesses including a new roundabout at Frome Road (no matters reserved for future consideration on this part); and (2) the erection of “extra care” retirement housing (Use Class C2) (appearance, landscaping, layout and scale reserved for future consideration on this part) –** The Planning Officer reported on this application and the Recommendation to grant temporary permission with conditions. The Update Report recommended an additional condition relating to the service yard gate. The public speaker then made his statement in support of the application.

Members asked questions about the proposal to which the Officer responded. Councillor Bryan Organ supported the proposal and therefore moved the Officer Recommendation emphasising that the proposal would need to be reviewed after 6 months. The motion was seconded by Councillor Les Kew.

Members debated the motion. Discussion centred on possible noise and the impact on neighbours and the residents in the “extra care” retirement housing that has yet to be built. The Development Manager responded on queries regarding a noise assessment by a competent person (Condition 27 refers). She also advised that the legislation specifically allowed for local planning authorities to grant temporary planning permissions in order to allow the impact of development proposals to be monitored, particularly where residential amenity might be affected. This was an example where such monitoring would provide evidence as to whether the extended hours were harmful to amenity or not. Some Members considered that there should be a breakdown of delivery/arrival times and the number of delivery lorries. The noise assessment should also take into account the impact of noise from lorries

idling or reversing with beepers etc. The motion was then put to the vote. Voting: 5 in favour and 6 against with 1 abstention. Motion lost.

Councillor Nicholas Coombes moved that permission be refused on the grounds that the proposal would be detrimental to the amenities of local residents and potential residents in the “extra care” housing. This was seconded by Councillor David Martin. The motion was put to the vote. Voting: 6 in favour and 5 against with 1 abstention. Motion carried.

**Item 4 Land adjacent to Kingswell, Eckweek Lane, Peasedown – Erection of 2 dwellings (Resubmission)** – The Case Officer reported on this application and her recommendation to Refuse permission.

Councillor Eleanor Jackson moved the Officer Recommendation to Refuse emphasising that the design was unsuitable and didn't reflect surrounding properties as included in the recommended reasons for refusal. This was seconded by Councillor Les Kew.

After a brief discussion, the motion was put to the vote and was carried unanimously.

**Item 5 Parcel 9015 Rowley Farm Lane, Combe Hay – Erection of 250 solar pv panels in a ground mounted array** – This application had been withdrawn by the applicant prior to the meeting and therefore was not considered.

**Item 6 Bath Urban Area, Various Streets – Erection of 9 temporary plinths with name plaques in various locations (for the display of temporary public art works) (01/05/2012 – 01/11/2012)** – The Case Officer reported on this application and his Recommendation to grant permission (for the period applied for) with conditions. He informed Members that the siting of a sculpture at The Circus had been withdrawn by the applicant. The Update Report provided information on a revised number of installations ie 9 instead of 15; third party comments; updates on the proposed sculptures 4a, 4b, 6, 8 and 9; and added an Informative to the Recommendation. The public speakers then made their statements in support of the proposal.

Members discussed the application. Councillor Neil Butters referred to possible security issues with the sculptures. He then moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members debated the motion. There was discussion regarding the locations for some of the sculptures. The motion was then put to the vote and it was carried unanimously.

## **161 TREE PRESERVATION ORDER - LAND ADJACENT TO TESCO, OLD MILLS, PAULTON**

The Committee considered the report of the Senior Arboricultural Officer which (1) referred to a Tree Preservation Order provisionally made on 23<sup>rd</sup> November 2011 to protect a belt of trees and an individual tree on land adjoining Tesco, Old Mills, Paulton as they made a significant contribution to the landscape and amenity of the area; (2) advised that an objection to the Order had been received on behalf of Tesco in relation to the north-south section of the belt of trees only; (3) informed that

Paulton Parish Council supported the Order; and (4) considered the objection and recommended that the Order be confirmed without modification to ensure the retention of the trees.

The Senior Arboricultural Officer reported on the matter by means of a power point presentation. Members discussed the matter. Councillor Liz Hardman supported the Tree Preservation Order and therefore moved the Officer recommendation which was seconded by Councillor Martin Veal. Members briefly debated the motion.

**RESOLVED** that the Tree Preservation Order entitled "Bath and North East Somerset Council (Land adjacent to Tesco, Old Mills, Paulton No 12) Tree Preservation Order 2011" be confirmed without modification.

#### **162 TREE PRESERVATION ORDER - GAIA, WIDCOMBE HILL, BATH**

The Committee considered the report of the Senior Arboricultural Officer which (1) referred to a Tree Preservation Order provisionally made on 15<sup>th</sup> December 2011 to protect a group of trees on land at Gaia, Widcombe Hill, Bath, as they made a significant contribution to the landscape and amenity of the area; (2) advised that an objection to the Order had been made by the owners of the land; (3) informed that a number of local residents supported the Tree Preservation Order; and (4) considered the objection and recommended that the Order be confirmed without modification to ensure the retention of the trees.

The Senior Arboricultural Officer reported on the matter by means of a powerpoint presentation. The owner of the property made a statement against the Order being confirmed. The Officer answered queries by Members and the Chair read out a statement by the Ward Councillor Ian Gilchrist who couldn't attend the meeting and who supported the owner's objections. Members discussed the matter. Councillor Bryan Organ considered that it would be useful to see the site and the trees and therefore moved that consideration be deferred for a Site Visit which was seconded by Councillor Martin Veal.

**RESOLVED** to defer consideration for a Site Visit

#### **163 QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2011**

Members asked questions about various aspects of the Performance Report to which the Development Manager responded. Regarding new posts being created in the Development Control Section, Councillor Martin Veal stated that it would be useful if they could attend a meeting of the Committee as soon as they took up their positions. He congratulated the Development Manager and her Team on dealing with the number of planning applications given the workload levels. The Chair on behalf of the Committee echoed these sentiments. Councillor Les Kew stated that it would also be useful if Committee Members could meet the newly recruited Officers after the Committee meeting that they would be attending.

The Committee noted the report.

#### **164 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The Committee noted the report

The meeting ended at 4.30 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**11 April 2012**

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

**ITEM 10**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>03</b>	<b>11/04808/VAR</b>	<b>Sainsbury's Supermarkets Ltd 170 Frome Road, Odd Down, Bath</b>

The report refers to the installation of a service yard gate but, no details of how this will safeguard the amenity of neighbouring occupiers has been provided. In view of this, the following condition should be added to the recommended conditions in the Officer Report.

Details of the new solid service yard gate shall be submitted to and approved by the Local Planning Authority prior to deliveries taking place within the new extended delivery hours. The gate thereafter shall be retained in accordance with the approved details for the duration of the operation of the extended delivery hours.

Reason: To safeguard the amenity of nearby occupiers.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>05</b>	<b>11/04754/FUL</b>	<b>Parcel 9015, Rowley Farm Lane Combe Hay, Bath</b>

This application has been withdrawn by the applicant.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>06</b>	<b>12/00495/FUL</b>	<b>Bath Urban Area, Various Streets</b>

**Application Description Update**

To reflect the reduction in the number of installations being applied for the description of the application has been changed to "Erection of 9 temporary plinths with name plaques in various locations (for the display of temporary public art works) (01/05/2012 - 01/11/2012)"

### Third Party Comments Update

7x emails of support for this project have been received although these do not raise planning issues.

1x Updated letter of objection received noting the following points:

- The reduction in statue numbers and the removal of those in the most sensitive locations is welcomed.
- There are no drawings showing their precise positioning at each location and the orientation of the statues.
- The Little Theatre is Grade II listed and listed building consent may be required if the statue is to be fixed to the building. No details of the proposed fixings have been provided.
- The two statues proposed for the historic lamp posts in the Circus are wholly unacceptable. This is a particularly sensitive place and the lamp posts are heritage assets.
- Parade Gardens, Botanic Gardens and Victoria Park are Grade II listed. Is listed building consent required for these locations?

### Proposal Update

#### Sculptures 4a and 4b

Following concerns raised by the Highway Officer and Street Lighting Team Leader it is confirmed that at 30kg+ the cast metal lampposts in The Circus cannot accommodate the additional weight and that the potential for excessive loading of the structures could cause catastrophic failure now or at some stage in the future due to fatigue. In light of these observations (and having considered alternative options for sites in The Circus) the applicant has confirmed it is not feasible to pursue these two sculptures and so they have formally withdrawn the two Circus sites (Sculptures 4a and 4b on the site location plan, item 4 the Committee Report as confirmed by drawing 1131/12 Rev A.)

#### Sculpture 6

There has been concern raised in respect of the sculpture on top of the canopy above the entrance to the Little Theatre, how it would be fixed in place and whether a separate listed building consent would be required. This point has been raised with the applicant who has confirmed that it is to be free standing and not attached to the listed fabric of the building. On the basis of



this information, it is considered that Sculpture 6 does not require listed building consent in its own right however the applicant should be advised that in the event that fixings to the building are required, a listed building application should be submitted for consideration. The granting of planning permission in no way conveys the granting of listed building consent.

#### Sculptures 8 and 9

The question has been raised as to whether listed building consent is required for the two sites in the Botanical Gardens and on Gravel Walk. For clarification, having discussed this matter with the Historic Environment Team Leader it is considered that as these sculptures would be temporary and freestanding and that they do not affect the fabric or setting of a listing building, listed building consent is not required.

#### Addition of an Informative

In light of comments received in respect of this application it is recommended that an informative is added to any permission to clarify that the granting of planning permission in no way conveys the granting of listed building consent.

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

**MEMBERS OF THE PUBLIC ETC WISHING TO MAKE STATEMENTS AT THE  
MEETING OF THE DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY  
11<sup>TH</sup> APRIL 2012**

**SITE/REPORT                                      NAME/REPRESENTING                                      FOR/AGAINST**

<b>SITE/REPORT</b>	<b>NAME/REPRESENTING</b>	<b>FOR/AGAINST</b>
<b>PLANS LIST – REPORT 10</b>		
Folly Farm, Folly Lane, Stowey (Item 2, Pages 56-63)	Lisa Jackson, Jackson Planning (Applicants' Agents)	For
Sainsbury's Supermarket, 170 Frome Road, Odd Down, Bath (Item 3, Pages 64-76)	David Lowin, Director, WYG (Applicants' Agents)	For
Various Streets, Bath Urban Area (Item 6, Pages 88-95)	Joanna Robinson, Bath Preservation Trust <u>AND</u> Vaughan Thompson (Applicant's Agent)	For – To share 3 minutes
<b>TREE PRESERVATION ORDER – REPORT 12</b>		
Gaia, Widcombe Hill, Bath	Mark Baptist(Owner)	Statement

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**11th April 2012**

**DECISIONS**

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

**DECISION** Delegate to PERMIT

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

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

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

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

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

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

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

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

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

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

**REASONS FOR GRANTING APPROVAL**

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

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

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

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

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

**DECISION** PERMIT with the following conditions:

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

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

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

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

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

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

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

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

Reason: To safeguard the amenities of nearby occupiers.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no marquees or other free standing buildings shall be erected within the curtilage of Folly Farm, unless a further planning permission has been granted by the Local Planning Authority.

Reason: To safeguard the openness of the Green Belt

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

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

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

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

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

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

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

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

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

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

**PLANS LIST:** This decision relates to the following drawings: 634/PL/101A date stamped 19 October 2010; and 634/BR.2D, 634/BR.3C and AWTF 001 date stamped 17 November 2010.

#### REASONS FOR APPROVAL

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

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



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

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

**DECISION** REFUSE for the following reasons:

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

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

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

**DECISION** REFUSE for the following reasons:

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

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

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

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

**DECISION** Application Withdrawn

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

**DECISION** PERMIT with the following conditions:

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

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

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

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

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

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

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

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

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

#### INFORMATIVE

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

#### REASONS FOR GRANTING APPROVAL

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

A

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

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

BH.1 World Heritage Site

BH.2 Listed Buildings and their Settings

BH.6 Conservation Area

BH.9 Parks and Gardens of Historic Interest

BH.13 Significant Archaeological Remains in Bath

T.24 Development Control and Access

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

B4 World Heritage Site

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

## SUPPLEMENTARY GUIDANCE AND STRATEGIES

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

World Heritage Site Management Plan, 2011

Bath Public Realm and Movement Strategy, 2010

## NATIONAL PLANNING POLICY FRAMEWORK, 2012

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

Chapter 7. Requiring Good Design

Chapter 8. Promoting Healthy Communities

Chapter 12. Conserving and Enhancing the Historic Environment

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