

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 26th September, 2012

Present:- Councillor Gerry Curran in the Chair

Councillors Neil Butters, Nicholas Coombes, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, Bryan Organ, Manda Rigby (In place of David Martin), Caroline Roberts (In place of Doug Nicol), Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Vic Pritchard, Jeremy Sparks, Geoff Ward and Tim Warren

52 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

53 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not desired

54 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors David Martin and Doug Nicol and their substitutes were Councillors Manda Rigby and Caroline Roberts respectively

55 DECLARATIONS OF INTEREST

Councillor Eleanor Jackson declared an interest in the planning applications at Bath Spa University Campus, Newton St Loe (Items 2&3, Report 10) as she used to work at the University but left under acrimonious circumstances and as a result would not feel impartial – she would therefore leave the meeting for their consideration. Councillor Liz Hardman stated that she used to teach at St Gregory's Catholic College, Combe Hay Lane, Odd Down, Bath (Item 7, Report 10) but considered that she had no interest and would therefore speak and vote on the matter.

56 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

57 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 the Tree Preservation Order at 1 Devonshire Place, Bath (Report 12) and that he would be able to do so when that Item was reached on the Agenda. There were also various people wishing to make

statements on planning applications and they would be able to do so when reaching their respective applications in Report 10.

58 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

59 MINUTES:29TH AUGUST 2012

The Minutes of the meeting held on 29th August 2012 were approved as a correct record and signed by the Chair subject to the word “disbenefits” in Item 1 relating to the Town Hall, The Centre, Keynsham, of Minute 49 being replaced by “drawbacks”.

60 MAJOR DEVELOPMENTS

The Chair informed the meeting that he had been advised that there were no updates to be reported on major developments but that, if Members had any queries, they could contact the Senior Professional – Major Developments direct

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

The Committee considered:

- a report by the Development Manager on various planning applications
- an Update Report by the Development Manager on Item Nos 5&6, a copy of which is attached as *Appendix 1*
- oral statements by members of the public etc on Item Nos 1-10, the Speakers being attached as *Appendix 2*

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

Item 1 Stowey Quarry, Stowey Road, Stowey – Restoration of Stowey Quarry by landfilling of Stable Non-Reactive Hazardous Waste (SNRHW) including asbestos and inert wastes and that the application is accompanied by an environmental statement – The Council’s Consultant reported on this application and the recommendation to refuse permission. He referred to further representations received from Dr Dickerson and the Stowey Sutton Action Group.

The public speakers made their statements on the application. The Development Manager read out a statement from the Environment Agency. Councillors Jeremy Sparks and Tim Warren, Ward Members for Clutton and Mendip respectively, made statements against the proposal. Councillor Vic Pritchard, the Ward Member, made a statement against the proposal and considered that issues raised by the Action Group should be included in the reasons for refusal. The Chair commented on some of the comments made by Members. The Development Manager informed the Committee that the recommended reasons for refusal had been formulated after fully considering all of the objections made. If the applicant appealed against any refusal, the Officers would have to defend the reasons and be able to provide evidence to justify the refusal. Costs could be awarded against the Council if this could not be

done. The Senior Legal Adviser agreed and advised Members that, were the application to be refused and the applicant to appeal, the Inspector would not be limited to considering the matters contained within the reasons for refusal.

Councillor Martin Veal opened the debate. He referred to an independent professional evaluation of Stowey Quarry that had been undertaken on behalf of objectors and to local knowledge which he considered to be evidence for refusing permission. He felt that the Environment Agency's objections needed to be supported by local knowledge of the situation. In view of the possibility of an appeal being lodged against a refusal, he moved that the proposal be refused as per the Consultant's recommendation but with the following issues being included, namely: the ruling out of Stowey Quarry in the West of England Joint Waste Core Strategy; Bristol Water Authority's objections on public health grounds; the historical evidence of land slippage linked to water courses and spring lines and ground water protection; the HGV consent never implemented that remained questionable and not proven on noise and congestion grounds alone; the notoriously high levels of noise from a landfill site which would destroy the amenity of residents and neighbouring properties; there was no acceptable asbestos dust control measures as any asbestos dust release was lethal; the 10 metre escalation in height to accommodate more waste was detrimental, unacceptable and unmerited in a rural landscape adjacent to the Cotswolds AONB; an Ecology Impact Assessment had not been attempted to gauge the effect on the native crayfish species; and the NPPF required sustainable development to seek positive improvements in the quality of build, natural and historical environment which this application clearly did not. The Chair commented that the additional reasons would dilute the Council's case if an appeal was lodged. Officers agreed and therefore Councillor Veal amended his motion to the reasons recommended by Officers in the Report with his comments being minuted. The amended motion was seconded by Councillor Les Kew.

Members debated the motion. Issues of asbestos and leachate contamination were discussed and concerns raised. Members expressed views in support of a refusal. The Chair commented on the proposals. The motion was then put to the vote and was carried unanimously.

Items 2&3 Bath Spa University Campus, Newton St Loe – 1) Erection of 9 three storey (third floor in the roof) student residential blocks to provide 561 bed spaces to the southern end of the Campus; the erection of an energy centre and single storey Estates and Services facilities buildings; the creation of external spaces for storage of materials and vehicles and for the storage and processing of refuse and recycling and the relocation of the Newton Annexe providing offices and storage for the Estates Team to the south of the Walled Garden; associated access parking, external lighting, drainage, infrastructure and hard/soft landscaping works; demolition of farm buildings to the south of Melancholy Wood, lean-to buildings to the north of the Walled Garden, Newton, Corston and the former Vice Chancellor's Lodge; creation of temporary parking areas during construction (Phase 2 of University Master Plan)(Ref 12/02141/EFUL); and 2) creation of new openings to the Walled Garden at the southern end of the Newton Park Campus; demolition of the adjoining lean-to buildings to the north of the Walled Garden (excluding the Boiler House); external and internal alterations to the western end of the Bothy extension within the Walled Garden to create new changing rooms and the erection of a gate within the open passage to the eastern end of the Bothy; external and

internal alterations to provide a new laundry in Sophia and internal alterations to improve the existing changing rooms in the Boiler House; creation of small opening at the base of the northern wall to the Italian garden (Grade II* Listed) to provide access for Great Crested Newts (Ref 12/02142/LBA) – The Planning Officer reported on these applications and the recommendations on (1) above to (A) refer the application to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 and subject to the application not being “called in”; (B) authorise the Planning and Environmental Law Manager to secure an Agreement under S106 of the Town and Country Planning Act 1990 to secure issues relating to programmes of a) demolitions and building relocation; b) restoration of The Walled Garden; and c) removal of car parking spaces; and (C) upon completion of the Agreement, authorise the Development Manager to Permit subject to conditions but deleting Condition 4 (Note: the original (B) in the Report had also been deleted); and on (2) above, to grant consent with conditions. He reported that, following publication of the report a) Heads of Terms of the Agreement had been agreed regarding the parking review mechanism; and b) clarification on the specification for the construction of the netball court on The Walled Garden had been received – in view of this and recommendations from English Heritage, the proposals were acceptable subject to conditions. He also recommended that delegated authority be given to Officers to amend the wording of various conditions as some changes were required. The Vice Chancellor of the University then made her statement in support of the proposals.

The Ward Councillor for the site, Councillor David Veale, made a statement supporting the proposals and moved that the Officers’ recommendations be approved. This was seconded by Councillor Bryan Organ.

Members debated the motion. Councillor Nicholas Coombes generally supported the proposals but had some concerns regarding the design including the windows, car parking and the use of The Walled Garden as a netball court. Other Members also expressed concerns regarding car parking. The Chair summed up the debate and expressed his own support for the proposals. He then put the motion to the vote which was 12 in favour and 0 against on the planning application; and 11 in favour and 1 against on the listed building application (Note: Councillor Eleanor Jackson was not present for consideration of these applications).

(Note: At 4.10pm, after consideration of these applications, the Committee adjourned for 10 minutes for a comfort break)

Item 4 Parcel 0006, Maynard Terrace, Clutton - Erection of 36 dwellings and associated works (Revised resubmission) – The Case Officer reported on this application and his recommendation that, subject to no new issues arising in respect of the publication affecting the Public Right of Way, it was recommended that Members delegate the decision to the Development Manager to be refused for the reasons set out. He referred to late observations being received from the Campaign Group for Rural Clutton and from the applicants, and he commented thereon. The public speakers made their statements on the application which was followed by a statement by the Ward Councillor Jeremy Sparks.

Councillor Les Kew opened the debate and moved the Officer recommendation. He referred to the site being outside the housing boundary and to the issues of sustainability with poor transport links, and lack of shops and services. He stated that

there were a number of new affordable houses built in nearby Paulton which had not been sold. He also questioned the survey undertaken by the applicants to gain support for the development. The motion was seconded by Councillor Eleanor Jackson.

Members debated the motion. Councillor Brian Webber was not in favour of the motion. He considered that the applicants had established that there was a demand for such housing at this time. In addition, employment could not be provided within the village for all its residents and there was public transport on the main road (A37) not far from the site which, in any case, was only just outside the housing boundary. Other Members, however, supported the motion to refuse permission. Councillor Liz Hardman felt that there was a need for houses for people to rent; the site was outside the housing boundary and the proposal could not therefore be justified. The Development Manager commented on the policy issues affecting the site and pointed out that the housing boundary would be reviewed in the forthcoming Place Making Plan.

The motion was then put to the vote. Voting: 12 in favour and 1 against. Motion carried.

Item 5 University of Bath Campus, Claverton Down, Bath – Construction of new academic building to provide general teaching accommodation – The Case Officer reported on this application and the Officer recommendation to authorise the Development Manager to Permit subject to (i) the prior completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended), on such terms as the Development Manager and the Planning and Environmental Law Manager may determine, to address issues including the management and monitoring of traffic generation and its implications through the medium of an on-going Travel Plan; to secure appropriate contributions or other commitments to the reinforcement of bus and pedestrian services serving the Campus; and to provide strategic approaches to the management of trees and ecology within the Campus; and (ii) to conditions (together with such other conditions as may be appropriate in the light of the final form and content of the S106 Agreement).

The Officer gave a presentation on the main aspects of the University's Master Plan and explained that, although it was not formally part of the planning application, it was an important tool in providing a context for this and other future development proposals on the Campus. The Update Report amended Conditions 1-8 and added Informatives. The Senior Highways Development Control Engineer reported on negotiations with the University on a new Travel Plan. The Director of Estates at the University then made a statement in support of the application.

Councillor Nicholas Coombes read out a statement by the Ward Councillor David Martin who was unable to attend this meeting and who supported the proposals subject to conditions. Councillor Nicholas Coombes supported the proposal as it was located within the central area of the Campus and retained the open fields surrounding it. However, he had concerns regarding the increased number of car parking spaces being proposed. Councillor Les Kew supported the proposals and moved the Officer recommendation considering that grass cell blocks could be used instead of tarmac to ameliorate the impact of more car parking. The motion was seconded by Councillor Eleanor Jackson. The Officer stated that further conditions

may need to be added as a result of negotiating the terms of the S106 Agreement. These would include a Construction Management Plan and conditions which would cover issues raised by the Ecologist Officer such as reduced lighting so as not to affect bats. Councillor Bryan Organ complimented the University on its Master Plan and indicated that this approach had been beneficial which was supported by other Members.

The motion was put to the vote which was carried 12 in favour and 0 against (Note: Councillor Brian Webber left the meeting during consideration of this Item and consequently was not available to vote).

Item 6 Automate Bath Ltd, Gloucester Road, Swainswick, Bath – Erection of a single dwelling including a domestic garage and front boundary wall for the adjacent dwelling (Greenacres) and alteration of existing vehicular access following demolition of existing dwellings – The Case Officer reported on this application and his recommendation to refuse permission. He referred to 1) an error in the Officer Assessment section of the Report as regards land within the ownership of the applicants; and 2) the Update Report which gave his comments on further information received from the applicant regarding entering into a S106 Agreement. The applicants' agent then made a statement in favour of the application which was followed by a statement by the Ward Councillor Geoff Ward supporting the application.

Councillor Martin Veal opened the debate as one of the Ward Members. He stated that the proposal would clean up the site and that most people supported it. He considered that the previous use of the site created a traffic/pedestrian hazard and was unsightly. The applicant had put forward various beneficial factors, namely, that the development would not cause significant harm to the openness of the Green Belt, the amenity of existing and future occupiers, it addressed the impact of road traffic noise on local residents and proposed an amenity area for future occupiers. On this basis, he felt that it was appropriate development in the Green Belt as the impact would not be greater than its current lawful use as a second hand car lot. The application also complied with policies in the NPPF and the applicant would relinquish all commercial uses on the adjoining land and return it to a natural state. On this basis, he moved that the recommendation be overturned and that permission be delegated to Officers for appropriate conditions to be imposed. This was seconded by Councillor Les Kew.

A Member asked a question regarding Green Belt policy as regards loss of employment land. The Development Manager responded that the current use as a commercial garage did not fall within the employment policies in the Local Plan and was not protected. Members debated the motion and expressed their support considering that it would be an improvement to the appearance of the area. The Chair pointed out that a S106 Agreement would be required regarding the future use of the adjoining land. The mover and seconded agreed that this be incorporated into the motion. The motion was then put to the vote and was carried 11 voting in favour and 0 against with 1 abstention. Motion carried (Note: Councillor Brian Webber was not present for this Item).

(Note: At 6.13pm after consideration of this Item, the Committee adjourned for Tea until 6.30pm.)

Item 7 St Gregory's Catholic College, Combe Hay Lane, Odd Down, Bath – Erection of 6th form building linked to St Gregory's Catholic College with associated highway works and landscaping at Combe Hay Lane – The Case Officer reported on this application and her recommendation to refer the application to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 and, subject to the application not being “called-in”, to Permit subject to conditions (Note: this deleted Recommendation (A) in the report). She pointed out that the site was in Bathavon West Ward and not Odd Down as set out in the Report. There were a number of points raised by Combe Hay Parish Council which were required to be addressed which would require amendment to some conditions and therefore the recommendation would be to delegate to Officers to grant permission accordingly. The public speakers then made their statements in support of the proposal.

Council David Veal (Ward Councillor) fully supported the application and commended it to the Committee. Councillor Les Kew also supported the proposal but raised some concerns regarding a School Travel Plan being required to ensure the safety of students and whether better materials were available instead of the rendered elevation at this prominent location. Officers responded to these comments and stated that they were satisfied with the materials proposed; however, these matters were still up for debate by Members.

Councillor Eleanor Jackson supported the proposal and moved that the Officer's recommendation be approved. This was seconded by Councillor Bryan Organ. Members debated the motion. Councillor Nicholas Coombes was not in favour of the motion and considered that, although of a good design, valid objections had been raised by South Stoke Parish Council and that a case had not been made for special circumstances in the Green Belt. Other Members supported the motion and considered that the development was acceptable taking into account the special circumstances submitted by the applicants. Councillor Martin Veal supported the proposal and commended the Head Teacher and the students on their statements. Councillor Neil Butters queried whether there could be a conflict of traffic going to the College and to Combe Hay/Wellow. Officers responded that this had been considered and that a problem was not envisaged. The Chair summed up the debate.

The motion was put to the vote. Voting: 12 in favour and 1 against. Motion carried.

(Note: This application was considered first on the list of Items in the Report)

Item 8 Towerhurst, Wells Road, Westfield, Radstock – Erection of 11 dwellings with garages/parking, landscaping, screening and associated works and erection of 2 detached garages for the existing dwellings – The Case Officer reported on this application and his recommendation to authorise the Development Manager to Permit subject to 1) the prior completion of a S106 Agreement to secure contributions for highway safety improvements and for early years, primary school and youth provision as set out in the Report; 2) the prior completion of an archaeological field evaluation, including a geophysical survey of the site, followed up if necessary by trial trenching and subject to no significant archaeological findings; and 3) conditions as set out in the Report. He stated that a further condition was recommended regarding no windows to be installed in the rear roof slope of the bungalow on Plot 8. A local resident stated that he hadn't been able to register in

time and requested to be able to make a statement against the proposal. The Chair allowed him to speak on this occasion.

Councillor Eleanor Jackson referred to the concerns of the Ward Councillor Rob Appleyard regarding this development which she supported. She therefore moved that the recommendation be overturned and that permission be refused on the grounds of overdevelopment; inappropriate design; and danger to pedestrians due to non-provision of a pedestrian crossing. Councillor Neil Butters supported these concerns and seconded the motion.

Members debated the motion. Views were expressed for and against the proposal. Some Members were of the opinion that the design and housing mix was unsuitable, it was close to existing houses and should reflect the housing style in neighbouring Highfields. Other Members felt that this was a sensible development within the housing boundary and of a reasonable density. The Case Officer responded to some of the points raised and did not agree that this was overdevelopment of the site. The Chair summed up the debate and expressed his approval of the proposal.

The motion was put to the vote. Voting: 6 in favour and 6 against. The Chair exercised his casting vote against the motion. Voting: 6 in favour and 7 against. Motion lost. He therefore moved the Officer recommendation which was seconded by Councillor Les Kew. The motion was put to the vote and was carried 6 in favour and 5 against with 1 abstention (Note: Councillor Brian Webber was not present for this Item).

Item 9 No 41 Elliston Drive, Southdown, Bath – Erection of dormer window –

The Case Officer reported on this application and his recommendation to refuse permission. The applicant's agent spoke in favour of the proposal which was followed by a statement by the Ward Councillor Dine Romero in support of the application.

Councillor Les Kew stated that there was a lot of history with this proposal. He supported the Inspector's findings on the appeal and moved the Officer recommendation to refuse permission. Councillor Malcolm Lees stated that this proposal was smaller using acceptable materials and therefore blended in better than previous proposals. Councillor Nicholas Coombes had a similar viewpoint. The motion was seconded by Councillor Eleanor Jackson. Members expressed views for and against the proposal. The Chair stated that he supported the motion which he then put to the vote. Voting: 6 in favour and 6 against. Motion not carried.

The Chair moved that the application be deferred for a Site Visit which was seconded by Councillor Neil Butters. The motion was carried by a substantial majority (Note: Councillor Brian Webber was not present for this Item).

Item 10 Ivy Cottage, Rectory Lane, Compton Martin – Erection of a two storey extension (Resubmission) – The Case Officer reported on this application and his recommendation to grant permission subject to conditions. The applicant made a statement in support of the proposal.

Councillor Les Kew supported the application and moved the Officer recommendation which was seconded by Councillor Neil Butters. The motion was

put to the vote and was carried unanimously (Note: Councillor Brian Webber was not present for this Item).

Item 11 Stall Street, Bath – Extension of temporary permission for statue at Stall Street/New Orchard Street from 1 November 2012 to 30 April 2013 – The Case Officer reported on this application and his recommendation to grant temporary permission for the retention of the Mark Foster torso statue subject to conditions.

Councillor Manda Rigby as Ward Member supported the proposal and moved that the Officer's recommendation be approved. The motion was seconded by Councillor Les Kew and on being put to the vote was carried unanimously (Notes: Councillor Brian Webber was not present for this Item; and the Development Manager took no part in its consideration).

62 QUARTERLY PERFORMANCE REPORT - APRIL TO JUNE 2012

The Committee considered a report which provided performance information across a range of activities within the Development Management function for the period April to June 2012.

The report was noted and the Chair on behalf of the Committee extended his thanks to Officers for their hard work in achieving this performance.

63 TREE PRESERVATION ORDER: BATH AND NORTH EAST SOMERSET COUNCIL (1 DEVONSHIRE PLACE, BATH NO. 271) TREE PRESERVATION ORDER 2012

The Committee considered the report of the Senior Arboricultural Officer which 1) informed that an objection had been received following the making of a Tree Preservation Order at 1 Devonshire Place, Bath, which was provisionally made on 3rd April 2012 to protect a Sycamore and Lawson Cypress which make a significant contribution to the landscape and amenity of the Conservation Area; and 2) recommended after considering the objection that the Order be confirmed without modification.

The public speaker made his statement in support of the Order being confirmed (see Speakers List in *Appendix 2*).

It was moved by Councillor Eleanor Jackson and seconded by Councillor Les Kew and unanimously **RESOLVED** to confirm the Tree Preservation Order entitled "Bath and North East Somerset Council (1 Devonshire Place, Bath No 271) Tree Preservation Order 2012" without modification.

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

The Committee noted the report

65 MONTHLY UPDATE ON FORMER FULLERS EARTHWORKS, COMBE HAY, BATH

The Development Manager reported that statements of case had been submitted and that proofs of evidence would be formulated for the Inquiry in January 2013.

The Committee noted.

The meeting ended at 7.50 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

26th September

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

ITEM 10

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
05	12/02626/FUL	University of Bath University Of Bath Campus Claverton Down Bath BA2 7PB

Since the preparation of the Main Agenda Report, further comments and information have become available.

Highways Development Officer: The Highways team have been in discussions with the University's representatives, and Heads of Agreement have now been agreed in principle, with the University confirming that it intends to prepare a Draft S.106 Agreement based upon the agreed principles. The Highways Development Officer has confirmed that the Highways elements of the proposed Agreement will cover:

- (i) The preparation, agreement and on-going monitoring of a new Travel Plan to replace the existing document when it expires next year;
- (ii) An on-going commitment to support public transport serving the University; and
- (iii) Contributions towards improvement to the public footpath and other pedestrian facilities in the vicinity of the University.

Members are advised that subject to agreeing the details of the proposed Agreement on the basis of the above, there are no Highways objections to the current application. Details of any necessary Conditions will be agreed as part of this process.

Arboricultural and Landscape Officers: It has been agreed in writing by the University that the S.106 Agreement will also include arrangements for the submission and implementation of a strategic Tree and Landscape Management Plan for the campus. This approach has been welcomed by the Officers concerned, and details of these elements are now under discussion for inclusion in the proposed Agreement. Details of any necessary Conditions will be agreed as part of this process.

Ecological Officer: The Ecological Officer has confirmed that as this site has been cleared, there is unlikely to be any remaining on-site ecology of significance and that “the site has no potential to support European Protected Species.” Accordingly, there is no reason to assume that Natural England will raise any objections regarding the site’s relationship with the nearby Bath & Bradford on Avon Bats SAC.

However, further consideration should be given to ecological matters, and appropriate Conditions are recommended in order to secure a further site assessment and to address potential light disturbance to bats. Furthermore, discussions with the Ecological Officer and Natural England are continuing, and the University has now agreed in writing that the S.106 Agreement will also include arrangements for the submission and implementation of a strategic Ecology Management Plan for the campus. This approach has been welcomed by the Officers concerned, and details of this are now under discussion for inclusion in the proposed Agreement. Details of the necessary Conditions will be agreed as part of this process.

Other matters: The Applicant’s Agents have confirmed that site clearance works are well under way, as the University is aiming to have this building available for occupation at the beginning of the 2013/14 academic year, and a visual inspection last week confirms that there is almost certainly no on-site ecological interest. Because of the tight development timetable, the Agents have requested that a number of the proposed Conditions are slightly amended in order to provide greater flexibility in the timing of their discharge, and this has been agreed in principle by your Officers.

Recommendation

In the light of the above, the Recommendation in the Main Agenda Report remains unchanged, but the recommended Conditions are now amended as set out below. Additional Conditions will be added as appropriate in the light of the on-going discussions detailed above.

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. Notwithstanding the information included with the submitted application, no above ground development shall commence until a final schedule of materials and finishes (supplemented by samples which shall be made available to the local planning authority on request), has 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 surrounding area.

3. No above ground development shall commence until a sample panel of all external walling and visible surfacing materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

Reason: In the interests of the appearance of the development and the surrounding area.

4. No development shall take place within the site until the applicant, or their agents or successors in title, has implemented the programme of archaeological work in accordance with the submitted written scheme of investigation prepared by Wessex Archaeology (dated August 2012).

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

5. No development activity likely to affect trees or their roots shall commence until a provisional programme of tree works, including supervision and monitoring details, by an Arboricultural Consultant and incorporating the provision of site visit records has been submitted to and approved in writing by the Local Planning Authority.

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

6. No development or other operations likely to affect trees or their roots shall take place until the protective measures as stated in the approved Arboricultural Method Statement provided within the Tree Report submitted with the application are implemented. No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless first agreed in writing by the local planning authority.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

7. No development or other operations likely to affect trees or their roots shall commence unless the local planning authority has been given two weeks' prior written notice 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.

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.

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

INFORMATIVES:

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

2. PLANS LIST - This permission relates to the following Plans:

LP(90)001; LP(90)002; LP(90)003; LP(90)004; LP(90)005; P(0)100; P(0)101; P(0)103; P(0)104; P(0)105; P(0)106; P(0)107; P(0)108; P(0)109; P(0)110; P(0)115; P(0)116; P(0)117; P(0)120; P(0)121; P(0)122; P(0)123; and P(0)124 (all received on 18th June 2012); 6186/051/P4 (received on 4th July 2012); and 002/P1 (received on 5th July 2012).

3. REASONS FOR GRANTING PLANNING PERMISSION

The proposed development is in accordance with the policies set out in the National Planning Policy Framework published in 2012.

The proposed development is supported by an updated Master Plan as required in Policy GDS.1 (B11) of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007. The Development is broadly in accordance with all relevant saved policies in the Local Plan, and with Draft Policy B5 in the Bath and North East Somerset Draft Core Strategy, published in December 2010.

Subject to appropriate Conditions, the proposed development is unlikely to adversely affect European Protected Species, notwithstanding the proximity of the site to the Bath & Bradford on Avon Bats SAC, and will not adversely affect the character of the setting of the World Heritage Site, or the amenities of the nearby Cotswolds Area of Outstanding Natural Beauty. The proposed development will facilitate the completion of an agreement under S106 of the Town and Country Planning Act 1990 (as amended) that will secure campus-wide plans for the management of traffic generation, tree and landscape, and ecology, and also essential contributions to the maintenance and improvement

Item No
6

Application No.
12/02203/FUL

Address
Automate Bath Limited
Gloucester Road
Swainswick
Bath

Applicant's Agent: The applicant's agent has stated that their intention is to landscape the area edged blue to the south of the site and to restore it as a green area. They think that this could be achieved via a planning condition, but would be willing to enter into a s106 agreement requiring the cessation of its current use and its landscaping.

Planning Officer: A s106 agreement would be necessary, rather than a planning condition, to require the cessation of the commercial garage use of the land to the south.

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

26th September 2012

DECISIONS

Item No:	01	
Application No:	10/05199/EFUL	
Site Location:	Stowey Quarry, Stowey Road, Stowey, Bristol	
Ward: Chew Valley South	Parish: Stowey Sutton	LB Grade: N/A
Application Type:	Full Application with an EIA attached	
Proposal:	Restoration of Stowey Quarry by landfilling of Stable Non Reactive Hazardous Waste (SNRHW) including asbestos and inert wastes and that the application is accompanied by an environmental statement	
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Existing Mineral Working, Forest of Avon, Mineral Consultation, Water Source Areas,	
Applicant:	Mr Larry Edmunds	
Expiry Date:	2nd May 2011	
Case Officer:	Chris Herbert	

DECISION Refuse

1 It has not been demonstrated that this is an appropriate location for the disposal of the non asbestos stable non reactive hazardous waste stream because there is insufficient information on the leachate generation potential of the proposed waste streams, the extent of the unsaturated zone below the quarry floor and the contribution to the flow regime and potential pathways for groundwater discharge from the landfill to determine the likelihood of significant adverse effects on the water and ecology interests of the Chew Valley Reservoir Special Protection Area. The proposed development is therefore contrary to policies 8, 11 and 12 of the West of England Joint Waste Core Strategy and policies NE10 and NE13 of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted October 2007.

PLANS LIST:

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

Item No:	02
Application No:	12/02141/EFUL
Site Location:	Street Record, Bath Spa University Campus, Newton St. Loe, Bath
Ward: Bathavon West	Parish: Newton St. Loe LB Grade: IISTAR
Application Type:	Full Application with an EIA attached
Proposal:	Erection 9 no. 3 storey (third floor in the roof) student residential blocks to provide 561 bedspaces to the southern end of the campus; the erection of an energy centre and single storey Estates and Services facilities buildings, the creation of external spaces for the storage of materials and vehicles and for the storage and processing of refuse and recycling, and the relocation of Newton Annexe providing offices and storage for the Estates Team to the south of the Walled Garden; associated access, parking, external lighting, drainage, infrastructure and hard/soft landscaping works. Demolition of farm buildings to the south of Melancholy Wood; lean-to buildings to the north of the Walled Garden; Newton; Corston; and the former Vice-Chancellor's Lodge. Creation of temporary car parking areas during construction. (Phase 2 of University Campus Masterplan)
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Cycle Route, Forest of Avon, Greenbelt, Listed Building, Major Existing Dev Site, Natural Historic Parks and Gardens, Protected Recreational, Public Right of Way,
Applicant:	Carolyn Puddicombe
Expiry Date:	24th August 2012
Case Officer:	Gwilym Jones

DECISION

(A) To refer the application to the Secretary of State under the Town and Country Planning (Consultation)(England) Direction 20098 and subject to the application not being called in

(B) Authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

(1) Programme of Demolitions and Building Regulation

- Demolition of Newton, Corston and The Vice Chancellors Lodge
- Relocation of Newton Annex

(2) Programme for the Restoration of the Walled Garden

- Demolition of structures on the external wall of the Walled Garden
- Submission of application and completion of works for the restoration of the Glasshouse

(3) Programme for the Removal of Car parking spaces

- Review mechanism for assessing parking demand/provision

- Removal of car parking spaces

(C) Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to conditions.

Item No:	03
Application No:	12/02142/LBA
Site Location:	Street Record, Bath Spa University Campus, Newton St. Loe, Bath
Ward: Bathavon West	Parish: Newton St. Loe LB Grade: IISTAR
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Creation of new openings to the Walled Garden at the southern end of the Newton Park Campus; demolition of the adjoining lean-to buildings to the north of the Walled Garden (excluding the Boiler House); external and internal alterations to the western end of the Bothy extension within the Walled Garden to create new changing rooms and the erection of gate within the open passage to the eastern end of the Bothy. External and internal alterations to provide a new laundry in Sophia and internal alterations to improve the existing changing rooms in the Boiler House. Creation of small new opening at the base of the northern wall to the Italian Garden (Grade II* Listed) to provide access for Great Crested Newts.
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Cycle Route, Forest of Avon, Greenbelt, Listed Building, Major Existing Dev Site, Natural Historic Parks and Gardens, Protected Recreational, Public Right of Way,
Applicant:	Carolyn Puddicombe
Expiry Date:	29th June 2012
Case Officer:	Caroline Waldron

DECISION Consent

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 No development shall commence until a Biodiversity Management Plan covering the construction phase of the Phase 2 development and incorporating a Landscape and Habitats Management Plan for the entire campus covering the operational phase has been submitted to and approved in writing by the local planning authority (in consultation with Natural England). The Plan shall include all mitigation specified in the Environmental Statement. The submitted Landscape and Habitats Management Plan shall cover the operational phase for a minimum of ten years following the completion of Phase 2, and shall include a programme of monitoring and annual submission of data to the local planning authority.

Reason: To reduce and mitigate the impacts of construction and operation of the development on the biodiversity on the campus.

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: Drawings 0001 (site location plan), 0002 (existing site plan), 0003 (scheduled monuments and listed buildings plan), 0210 (existing bothy), 0212 (walled garden existing plans and sections), 0213 (walled garden existing elevations), 0214 (existing walled garden lean-tos), 0215 (existing boiler house), 0220 (existing Sophia), 3000 (demolition/alterations plan), 3010 (existing bothy, boiler house and lean to), 3011 (bothy photographic audit), 3012 (boiler house photographic audit), 3013 (walled garden lean-tos photographic audit), 3020 (Sophia existing plan), 3021 (Sophia photographic audit), 3210 (proposed bothy), 3212 (walled garden proposed - excluding netball court), 3215 (proposed boiler house), 3220 (proposed Sophia), Heritage Statement, Design and Access Statement, Environmental Statement volumes 1-4 and non-technical summary date stamped: 4th May 2012

Reasons for granting consent

The decision to grant consent subject to conditions has been made in accordance with relevant legislation, The National Planning Policy Framework and in light of views of third parties. The Council regards that the proposals because of their location, design, detailing and use of materials, will preserve the building, its setting and its features of special architectural or historic interest

Item No:	04	
Application No:	12/01882/OUT	
Site Location:	Parcel 0006, Maynard Terrace, Clutton, Bristol	
Ward: Clutton	Parish: Clutton	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Erection of 36no.dwellings and associated works (revised resubmission)	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, Housing Development Boundary, Public Right of Way,	
Applicant:	Somerset Community Housing Trust	
Expiry Date:	30th July 2012	
Case Officer:	Richard Stott	

DECISION Refuse

Subject to no new issues arising in respect of the publication affecting the Public Right of Way Authorise the Development Manager to refuse permission for the following reasons:

The proposed development of this site, located in the countryside outside of any housing development boundary, remote from services and employment opportunities, and poorly served by public transport, is contrary to the principles of sustainable development and would be likely to result in unsustainable transport movements in the private car. Due to the size of the site and the inclusion of market housing, it cannot be classified as a rural exception site. The proposed development is considered to be contrary to Policies T.1, HG.4 and HG.9 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007, Policy 1 of the Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire Joint Replacement Structure Plan, and contrary to the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport.

2 Inadequate details have been submitted to enable the Local Planning Authority to fully assess the potential impact on nationally and internationally protected species, locally important species and flora and proposed mitigation, therefore the development is contrary to Policies NE.9 and NE.12 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

PLANS LIST: This Decision Relates To The Following Documents: Arboricultural Method Statement, Design & Access Statement, Drainage Strategy, Ecology And Protected Species Survey, Flood Risk Assessment, Housing Statement, Landscape & Visual Report, Phase 1 Geoenvironmental Assessment, Planning Statement, Preliminary Utility Study, Statement Of Community Involvement And The Transport Assessment Date Stamped 30th April 2012, The Transport Assessment Addendum Date Stamped 30th May 2012, The Preliminary Ecological Appraisal Date Stamped 27th June 2012, The Highway Safety Audit Date Stamped 9th July 2012 And The Mining Survey Report Date Stamped 2nd August 2012

This Decision Relates To The Following Drawings:

Site Location Plan, Tree Protection Plan, Proposed Layout Sections And Indicative Street Scenes Date Stamped 30th April 2012 And Drawings 00756 Rev. A - Mining Record Survey And 00758 Rev. A - Mining Record Survey Section A - A Date Stamped 2nd August 2012

Item No:	05
Application No:	12/02626/FUL
Site Location:	University Of Bath, University Of Bath Campus, Claverton Down, Bath
Ward: Bathwick	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Construction of new academic building to provide general teaching accommodation
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, General Development Site, Hotspring Protection, Tree Preservation Order, World Heritage Site,
Applicant:	University Of Bath
Expiry Date:	4th October 2012
Case Officer:	Geoff Webber

DECISION Authorise the Development Manager to permit subject to a S106 agreement and amendment to conditions

Item No:	06
Application No:	12/02203/FUL
Site Location:	Automate Bath Limited, Gloucester Road, Swainswick, Bath
Ward: Bathavon North	Parish: Swainswick LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a single dwelling, including domestic garage and front boundary wall for the adjacent dwelling (Greenacres) and alteration of existing vehicular access following demolition of existing buildings.
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Greenbelt,
Applicant:	Mr A Hudson
Expiry Date:	6th August 2012
Case Officer:	Andrew Strange

DECISION Authorise the Development Manager to permit subject to a S106 agreement and appropriate conditions.

PLANS LIST: A decision on this application has been made on the basis of the following plans and documents:

Plans List: D3-02 Rev A - Existing Site Plan of Yard; D3-03 - Existing Sections; D03-4 - Existing Block Plan; D3-05 Rev B - Location Plan; D3-20F - Proposed Site Plan; D3-23 Rev A - Ground Floor Plan; D3-24 Rev A - First Floor Plan; D3-25A Rev A - Proposed Sections; D3-26 Rev A - Proposed Elevations; D3-27 Proposed Garage; Planning Statement May 2012; Design and Access Statement dated 18th October 2011; External Noise Assessment dated 10th May 2012

Item No:	07
Application No:	12/02548/REG04
Site Location:	St Gregory's Catholic College, Combe Hay Lane, Odd Down, Bath
Ward: Odd Down	Parish: Combe Hay LB Grade: N/A
Application Type:	Regulation 4 Application
Proposal:	Erection of a sixth form building linked to St Gregory's Catholic College with associated highway works and landscaping at Combe Hay Lane.
Constraints:	Agric Land Class 1,2,3a, Scheduled Ancient Monument SAM, Forest of Avon, Greenbelt, Hotspring Protection, Listed Building, Sites of Nature Conservation Imp (SN), World Heritage Site,
Applicant:	Bath and North East Somerset Council
Expiry Date:	27th September 2012
Case Officer:	Sarah James

DECISION Permit subject to referral to SSE

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 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 The road works, footway works and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The highway works shall be completed prior to the occupation of the development.

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

4 The access, parking and turning areas shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning areas shall be constructed and available for use prior to the occupation of the development.

Reason: In the interest of highway safety

5 Prior to the occupation of the development an updated Travel Plan shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

6 Prior to the occupation of the development details of the number of cycle spaces, together with the means of shelter, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

7 Prior to the occupation of the development details of the availability of shower and changing facilities for use by cyclists shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

8 Prior to the occupation of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the management of the car and coach parking on the site.

Reason: To ensure the safe operation of the highway.

9 Prior to the occupation of the development details of the provision for off-site parking shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure adequate parking provision can be achieved.

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

Reason: To ensure the safe operation of the highway.

11 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:

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

(b) An assessment of the potential risks to:

(i) Human health,

(ii) Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- (iii) Adjoining land,
- (iv) Ground waters and surface waters,
- (g) Ecological systems,
- (v) Archaeological sites and ancient monuments;
- (vi) An appraisal of remedial options, and proposal of the preferred option(s).

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

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

12 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.

13 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.

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 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 no. 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. 12, 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 no. 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 over a period of 5 years, 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 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 on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

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

18 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year (30% climate change) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, both on and off site.

19 All hard and soft landscaping works as shown on drawing 6218 D 7101(C)/7201(A) (or any subsequent approved revisions of that drawing) 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.

20 No development activity shall take place until an arboricultural method statement with revised 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 plan shall include the tree numbers and accurate positioning of the trunks of retained trees. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboriculturalist and provision of site visit records and certificates of completion. The statement shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The statement should also include no-dig construction details as stated in the arboricultural impact assessment, the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery. Development and other operations shall thereafter take place in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

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

21 No development activity shall commence until the protective measures as stated in the approved Arboricultural Method Statement are implemented as appropriate. 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.

22 The development hereby permitted shall be carried out only in accordance with the approved Ecological Method Statement comprising of the following plans Ornithological Plan dated June 2012,, Phase one Habitat Surveys Dated 2009 and 2012, Reptile Survey dated Spring 2012, Badger Survey March 2010 and Update March 2012, Bat Activity Survey Summer 2010, Bat Assessments March 2012, as approved in writing by the Local Planning Authority.

Reason: To secure adequate ecological protection during the course of development.

23 Prior to the commencement of the works subject of this consent, details of the following matters (in respect of which approval is expressly reserved) shall be submitted and approved in writing by the Local Planning Authority:

- 1) A sample panel of the proposed render which shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The panels shall be of a size to be agreed in writing with the local planning authority.
- 2) Detailed sections of the windows and their reveals
- 3) Large scale window details at 1:20 and samples of the windows to show the finish
- 4) Samples of the proposed glazing
- 5) Samples of the proposed coloured finish to be applied to the window reveals.

Development shall thereafter proceed in accordance with the approved details.

Reason: To safeguard the character and appearance of the World Heritage Site and the area.

PLANS LIST: This decision relates to drawing no's - 6218 D 0303 A6218 D 03046218 D 0305 6218 D 0306 AL(P)011 B6218 D 0101 D6218 D 0102 D 6218 D 0103 C6218 D 0111 A6218 D 01126218 D 0201 A 6218 D 0202 D 6218 D 0301 A6218 D 0302 A6218 D 0311 A6218 D 0312 A6218 D 7101 C 6218 D 7201 A6218 D 73016218 D 74016218 D 74026218 D 7403136STG/V90/031 T1 0395-003 Rev I

1. The applicant is advised of the need to consult with English Heritage to ensure that scheduled monument Consent is not required for the development.

2. The applicant is advised that four Grade II listed turnpike and boundary marker posts lie to the north-east of the proposed development area on the Foss Way (A367). It is the applicant's responsibility to ensure that these are not harmed as a consequence of and during the construction of the development.

3. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8.0 metres of the top of the bank of a designated 'main river'. Any impediment to flow in an 'ordinary' watercourse will also require consent under section 23 of the Land Drainage Act 1991. In the event that any new surface water

discharges will be made direct to a watercourse, the sewer/pipe should terminate in a properly constructed

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) Bath and North East Somerset Local Plan (including Waste and Minerals policies) adopted 2007 Policies SC1, ET7, ES2, ES4, ES5, ES15, GB1, GB2, NE1, NE5, NE10, NE11, BH11, BH12, T24, HG10, CF1, CF2, BH1, BH11, BH12, BH22, D2, D4, IMP1, SR1A, T3, T6, T24, T26

2. The proposed development is considered acceptable in the Green Belt taking account of the very special circumstances submitted. The scheme will make highway improvements, provide a better school environment for students and will provide community benefits. The design of the building is acceptable. The wildlife on the site will be provided for and landscape will be retained and enhanced. The development is not considered to give rise to any adverse harm on any designated assets that are protected by planning or other legislation.

Item No:	08	
Application No:	12/01454/FUL	
Site Location:	Towerhurst, Wells Road, Westfield, Radstock	
Ward: Westfield	Parish: Westfield	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 11 dwellings with garages/parking, landscaping, screening and associated works and erection of 2 detached garages for the existing dwellings.	
Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,	
Applicant:	Elan Homes Ltd	
Expiry Date:	27th July 2012	
Case Officer:	Mike Muston	

DECISION Authorise the Development Manager to permit subject to a S106 agreement

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 Before any part of the development hereby permitted is first occupied, the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the proposed estate street and points on the carriageway edge 43.0 metres from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

3 The development hereby permitted shall not be occupied until a footway of 2.0 metres minimum width has been provided on either side of the proposed estate street junction, together with pedestrian crossing points across the estate road and extending into the site on either side of that junction and to the limits of the application site frontage to the public highway in either direction, all in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

4 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment (including details of boundary treatment to minimise overlooking at the rear of plots 9 and 10) 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.

5 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.

6 No development shall take place until a detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The final method statement shall incorporate a provisional programme of works, supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. 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 trees to be retained are not adversely affected by the development proposals

7 Prior to the commencement of development, a Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. Should the Desk Study identify the likely presence of contamination on the site, whether or not it originates on the site, then full characterisation (site investigation) shall be undertaken and where remediation is necessary, it shall be undertaken in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by unusual colour, odour, texture or containing unexpected foreign material.

Reason: To ensure that risks from land contamination to the current and future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 No development shall take place until detailed proposals have been submitted to and approved in writing by the local planning authority setting out mitigation measures for wildlife in the retained green spaces within the curtilage of Towerhurst and Sunnyridge, or in such other location as may be agreed. No dwelling shall be occupied until the approved measures have been implemented.

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

10 No external lighting shall be lit until detailed proposals have been submitted to and approved in writing by the local planning authority setting out the type of lighting to be used. External lighting shall then only be installed and operated in accordance with those approved details.

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

11 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 windows, roof lights or openings, other than those shown on the

plans hereby approved, shall be formed in the north-eastern (side) elevation of the house on Plot 7.

Reason: In the interests of the living conditions of occupiers of adjacent residential properties.

12 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: Drawing 9901/RAD/PL01 REV C, received 24 August 2012.

Drawings 9901/RAD/AXB01 A, BEL01 A, BEL02 A, BEL03 A, FEN01 A, GAR01 A, GAR02 A, HAR01 A, HAR02 A, HAR03 A, HAR05 A, LOC/01 A, SE01 A, SOU01 A, WOD01 A, WOD02 A, received 25 April 2012; Drawing 9901/RAD/SCO01 A, received 26 April 2012; Drawing 9901/RAD/PL01 A, received 27 April 2012; Drawing 10547SWG-01, received 2 April 2012

REASONS FOR GRANTING APPROVAL:

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

2. There is a need for additional housing in the Bath & North East Somerset Council area and Government policy in the Framework urges the provision of additional housing, as well as approving without delay applications in accordance with the development plan (as this application is). There would be no unacceptable harm caused to highway safety, the character and appearance of the area, ecology or archaeology. It is considered that the limited harm caused to the living conditions of local residents is clearly outweighed by the benefits of providing additional housing within the urban area.

A

Bath & North East Somerset Local Plan Including Minerals and Waste Policies Adopted October 2007

D.2	General Design and public realm considerations
D.4	Townscape considerations
HG.1	Housing requirements
HG.4	Residential development in urban areas
HG.5	Affordable housing
HG.7	Minimum residential density
T.24	General Development control and access policy
T.26	On-site parking and servicing provision
NE.12	Natural Features
BH.12	Archaeology

Item No:	09
Application No:	12/02970/FUL
Site Location:	41 Elliston Drive, Southdown, Bath, Bath And North East Somerset
Ward: Southdown	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of dormer window
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Mr Graham Bradley
Expiry Date:	3rd September 2012
Case Officer:	Andy Pegler

DECISION Defer consideration to allow members to visit the site

Item No:	10
Application No:	12/02743/FUL
Site Location:	Ivy Cottage, Rectory Lane, Compton Martin, Bristol
Ward: Chew Valley South	Parish: Compton Martin LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a two storey extension (Resubmission)
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Housing Development Boundary, Water Source Areas,
Applicant:	Mr & Mrs Giles Barnes
Expiry Date:	20th August 2012
Case Officer:	Richard Stott

DECISION PERMIT

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

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

2 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 windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the north elevation at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

3 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the development, the character and appearance of this part of the Conservation Area and the setting of the 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 and Site Photos and to Drawings 59.473-1 and 95.473-5 dated 25th June 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.
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 revised size, scale, mass and design of the extension is considered to be proportionate and subservient, retaining and maintaining the appearance of the host dwelling and built in appropriate matching materials.
4. By reason of its location set within existing mature vegetation and seen against the backdrop of existing residential properties, the proposed is unlikely to adversely harm the rural setting of the Area of Outstanding Natural Beauty or harm the character and appearance of this part of the Compton Martin Conservation Area.
5. By reason of its size, scale and mass, the orientation of the application site in respect of the adjoining dwelling to the south and the intervening existing vegetation the proposed development and the presence of the proposed balcony is unlikely to adversely harm residential amenity.

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.6 Conservation Area

NE.2 Area of Outstanding Natural Beauty

DRAFT CORE STRATEGY, MAY 2011 (The Draft Core Strategy is a material consideration but at this stage it has limited weight)
Policies D.2, D.4, BH.6 and NE.2 are all saved.

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

Item No:	11
Application No:	12/03184/REG03
Site Location:	Street Record, Stall Street, City Centre, Bath
Ward: Abbey	Parish: N/A LB Grade: N/A
Application Type:	Regulation 3 Application
Proposal:	Extension of temporary permission for statue at Stall Street/New Orchard Street from 1 November 2012 to 30 April 2013
Constraints:	Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Flood Zone 2, Forest of Avon, General Development Site, Hotspring Protection, World Heritage Site,
Applicant:	BANES Council, Tourism Leisure and Culture
Expiry Date:	3rd October 2012
Case Officer:	Richard Stott

DECISION PERMIT

1 This permission shall expire on 31st March 2013 after which time the development hereby permitted shall be removed, the use hereby permitted discontinued and the ground shall be restored to its former state.

Reason: A six month extension to the current permission is deemed to be sufficient time to allow the applicant to resolve a permanent solution for the siting of this statue as part of the Olympic Legacy programme.

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.

PLANS LIST: This decision relates to the Design and Access Statement and to drawings 1132/01 1132/02, 1132/03 date stamped 21st July 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.

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 retention of this art installation which is currently in situ has been 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 its size, shape, mass and positions, the installation does not adversely harm the character of the streetscape and preserves the character and appearance of the wider Conservation Area.

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

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 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