

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

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

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

Wednesday, 12th December, 2012

**Present:-** Councillor Gerry Curran in the Chair

Councillors Neil Butters, Nicholas Coombes, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, David Martin, Douglas Nicol, Martin Veal, David Veale, Brian Webber and Sally Davis (In place of Bryan Organ)

Also in attendance: Councillors Nathan Hartley and Jeremy Sparks

#### **96 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

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

A Vice Chair was not desired

#### **98 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There was an apology from Councillor Bryan Organ whose substitute was Councillor Sally Davis. It was stated that Cllr Organ had broken his ribs in a fall. The Chair on behalf of the Committee extended his best wishes for a speedy recovery.

#### **99 DECLARATIONS OF INTEREST**

Councillor Les Kew declared an interest in the planning application on Parcel 0006 Maynard Terrace, Clutton (Item 2, Report 11) as he was the subject of a complaint arising from an earlier consideration of this application by Committee and, as such, he did not feel it appropriate for him to speak or vote. He would therefore leave the meeting for its consideration. Councillor Eleanor Jackson declared an interest in the application at 5 Bath Road, Peasedown, as she was acquainted with a neighbour but as she did not consider it to be significant and prejudicial, she would speak and vote on the matter.

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

There was none

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

The Senior Democratic Services Officer informed the meeting that there were no speakers on matters other than planning applications. There were a number of people wishing to make statements on planning applications in Reports 10 and 11 and that they would be able to do so when reaching those items on the Agenda.

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

There was none

## **103 MINUTES: 21ST NOVEMBER 2012**

The Minutes of the previous meeting held on Wednesday 21st November 2012 were approved and signed by the Chair as a correct record

## **104 MAJOR DEVELOPMENTS**

The Senior Professional - Major Development informed the meeting that there were no updates to report but he would respond to any queries.

In response to Members' queries, the Officer reported as follows:

Norton Radstock Regeneration - He was not personally involved with the preparation of the proposals for this development but understood that a planning application with a significant package of information was expected to be submitted shortly after Christmas. He would advise Members at that stage.

Brunel Square/Vaults at Bath Spa Railway Station - Not all the units would be occupied before Christmas due to problems with water seepage but it was expected that they would be by mid-January.

Former Cadbury's site, Somerdale - Some significant archaeological discoveries had been found at The Hams part of the site (possible Roman town). More work was to be undertaken on the land south of the factory but it was considered that the impact on the number of houses would be less than feared.

Woolley Valley - Further information concerning this site would be provided at the end of the meeting.

Gasometers, Western Riverside - Although this was being dealt with by the Major Projects Team, he understood that discussions had been held regarding finance for their decommissioning but there was no timetable yet for their removal. The next step would be for the gas suppliers to make further arrangements for equipment/installations elsewhere in the gas network before they could be removed.

## **105 SITE VISIT LIST - APPLICATION FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- a report by the Development Manager on an application for planning permission at Maylou, 118A Rush Hill, Bath
- oral statements by an objector and the applicant's representative, the Speakers List being attached as *Appendix 1* to these Minutes

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

**Maylou, 118A Rush Hill, Bath - Erection of a two-storey extension and a single storey garage extension (Revised resubmission)** - The Case Officer reported on this application and her recommendation to Permit with conditions.

The public speakers made their statements against and in favour of the application.

After receiving clarification to a query, Councillor Eleanor Jackson moved the Officer recommendation which was seconded by Councillor Martin Veal.

The motion was put to the vote and was carried, 10 voting in favour and 2 against with 1 abstention.

## **106 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- a report by the Development Manager on various applications for planning permission etc
- oral statements by members of the public etc, the Speakers List being attached as *Appendix 1* to these Minutes
- an Update Report by the Development Manager on Item 2, a copy of which is attached as *Appendix 3* to these Minutes

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

**Item 1 Former Bath Press site, Lower Bristol Road, Bath - Mixed use redevelopment comprising 6,300sq m of retail (Class A1), 4,580sq m of creative workspace (Class B1), 2,610sq m of offices (Class B1), 220sq m of community space (Class D1/D2), 10 residential houses, basement car park, landscape and access (including realignment of Brook Road)** - The report on this application was withdrawn by the Development Manager as a result of further information being received which could not be assessed in time for this meeting.

**Item 2 Parcel 0006, Maynard Terrace, Clutton - Erection of 36 dwellings and associated works (Revised resubmission)** - The Case Officer reported on this application and his recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement as detailed in the report to the Committee; and (B) upon completion of that Agreement, authorise the Development Manager to permit the application subject to conditions. He referred to the Update Report where 2 further conditions were being recommended and which also referred to a recent appeal decision in which an application for residential development had been allowed by the Inspector who had attached significant weight to the fact that the Council could not demonstrate a 5 year supply of housing land. The Case Officer stated that recent evidence suggested that, nationally, Inspectors appeared to be allowing appeals in respect of residential development outside of housing development boundaries where local planning authorities could not demonstrate a 5 year supply of housing land. He also referred to some of the highways issues relating to the proposal.

The public speakers made their statements against and in favour of the proposal which was followed by a statement by the Ward Councillor Jeremy Sparks.

Members asked questions and commented on the proposals stating that there had been no change to the previous application. The Case Officer and the Senior Highways Development Engineer responded to some of the comments. Councillor Eleanor Jackson referred to paragraphs 14, 47 and 49 of the National Planning Policy Framework. Affordable housing was needed but this was a sensitive site in an unsustainable location with inadequate mitigation measures. It would have a significant impact on the rural aspect of Clutton and destroy its rural character. She also had concerns regarding highway safety. She felt Members should keep to their principles and, on this basis, moved refusal of the application for the same reasons as had been moved at the Committee's September meeting, namely, that the proposal was unsustainable and outside the housing development boundary; and that insufficient information had been submitted with regard to ecology. The motion was seconded by Councillor Martin Veal who also had concerns about the proposed highway arrangements. Councillor Nicholas Coombes agreed and shared their concerns relating to highways. He suggested that a highways reason for refusal should be added.

Members debated the motion. It was felt that this site in the middle of the countryside was inappropriate for this development. Members discussed the highways issues. It was generally felt that the proposed junction was poor and that changing the direction of traffic flow would introduce a conflict which would impact on road safety contrary to Policies T1 and T24. The Senior Highways Development Engineer responded to the queries raised regarding change of direction of traffic flow which would culminate in a cul de sac.

The Chair referred to the new requirement with effect from 1st December to provide a statement setting out how the local planning authority has worked with the applicant in a positive and proactive manner. He considered that this could be based on the fact that there had been a site visit, the application had been considered by the Committee on 3 separate occasions, and there had been extensive correspondence by the local planning authority with the applicants and objectors. Other Members added that comments from the applicants had been welcomed and that some Members had met with the Chief Executive of Curo and had weighed up his comments.

The Chair summed up the debate and put the motion to the vote. Voting: 10 in favour and 2 against. Motion carried (Notes: 1) Councillor Les Kew was not present for consideration of this application; and 2) Councillor Martin Veal considered that, should an appeal be lodged, Committee Members should attend any appeal hearing to put forward their views in support of the refusal against Officer recommendation).

**Item 3 Crescent Office Park, Clarks Way, Odd Down, Bath - Erection of a residential care home (Use Class C2) with associated car parking and servicing** - The Case Officer reported on this application and her recommendation to (A) authorise the Planning and Environmental Law Manager to enter into a S106 Agreement, or secure a Unilateral Undertaking, to relinquish the creche planning application permission ref 10/01532/FUL in the event that the approval hereby granted is implemented; and (B) subject to the above, Permit with conditions. The

Officer recommended that a lighting condition be added together with the requisite positive and proactive statement.

The applicants' agent made her statement in support of the application.

Councillor Eleanor Jackson considered that this was a good scheme and therefore moved the Officer recommendation which was seconded by Councillor Liz Hardman.

Members debated the motion. Although a Member felt that the site should be retained as offices as per the Master Plan, most Members were supportive of the proposal as there was a need for care homes and this was a good location.

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

**Items 4&5 Automobile Services, 37 Coombend, Radstock - 1) Erection of 7 two-bed dwellings with parking, altered site access, landscaping and ancillary works and allotments following demolition of garage workshop (Resubmission); and 2) demolition of garage workshop** - The Case Officer reported on these applications and her recommendations to 1) grant permission with conditions; and 2) grant consent with conditions. She reported the receipt of a request by Councillor Charles Gerrish for a contribution by the applicants to works at the nearby culvert - she stated, however, that the Environment Agency had considered the works to be unnecessary.

The applicants' agent made her statement in support of the applications.

Councillor Eleanor Jackson referred to some revisions to the proposals but still had some concerns about the proposal. However, the neighbours were in favour. She clarified that, although she was a Member of the Town Council, she played no part in any discussions relating to planning. Councillor Les Kew felt that this was a good use of a brownfield site. However, as this was a departure from the Development Plan, the proposal would need to be advertised as such and therefore he moved that the application for planning permission be delegated to Officers to Permit subject to the requisite advertisement and the conditions set out in the Report. This was seconded by Councillor Martin Veal. The motion was put to the vote and was carried unanimously.

Councillor Les Kew moved the Officer recommendation on Item 5 to grant consent to demolish which was seconded by Councillor Martin Veal. The motion was put to the vote and was carried unanimously.

**Item 6 No 5 Bath Road, Peasedown - Erection of one pair of semi-detached dwellings on land at the rear of 5 Bath Road** – The Case Officer reported on this application and his recommendation to refuse permission. He reported on the receipt of an objection from the adjoining property.

The applicant made a statement in support of the application which was followed by a statement by the Ward Councillor Nathan Hartley in favour of the proposal.

Councillor Eleanor Jackson opened the debate. She considered that, although there was a need for more housing, there were a number of issues against this application. A two storey building would be overbearing and impact on neighbouring properties.

There would also be the consequent impact of noise and disturbance from 2 semi-detached properties in this location. She felt, however, that it was possible that a single storey dwelling might be acceptable. In view of the significant impact of this proposal, she moved that the application be refused as recommended. The motion was seconded by Councillor Liz Hardman.

Members debated the motion. Most Members agreed that this proposal was unacceptable but that one dwelling, preferably single storey, might be more appropriate in this location. The Chair summed up the debate and put the motion to the vote. Voting: Unanimously in favour of refusal.

**Item 7 Parcel 5975 St Clements Road, Keynsham - Erection of a new sewage pumping station** – The Case Officer reported on this application and his recommendation to Permit with conditions. He recommended an additional condition regarding the provision of landscaping prior to the use commencing.

The applicants' agent made a statement in support of the proposal.

The Chair stated that the Recommendation should also be amended to Delegate to permit as this was a Departure from the Development Plan and would therefore need to be advertised as such.

Councillor Les Kew supported the proposal and moved the revised recommendation which was seconded by Councillor Eleanor Jackson. After a brief debate, the motion was put to the vote and it was carried unanimously.

**Item 8 Hartley Barn Farm, Barn Lane, Chelwood - Refurbish existing barn into self-contained holiday accommodation with associated parking** – The Case Officer reported on this application and her recommendation to refuse permission.

The public speakers made statements against and in support of the application which were followed by a statement by the Ward Councillor Jeremy Sparks who supported the Officer's reasons for refusal.

Councillor Les Kew queried whether the proposal might require a Site Visit. Councillor Nicholas Coombes considered that this was inappropriate development in the Green Belt with no very special circumstances being demonstrated or attempts to find an alternative use. He therefore moved the Officer recommendation to refuse permission which was seconded by Councillor Neil Butters.

After some brief comments supporting the motion, it was put to the vote and was carried unanimously.

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

The report was noted

**108 FORMER FULLERS EARTHWORKS, COMBE HAY, BATH**

The Development Manager stated that Proofs of Evidence had been drafted and would be exchanged shortly. The Public Local Inquiry would be held on 28th January 2012.

**109 WOOLLEY VALLEY**

Referring to a query raised under Item 9 Update on Major Developments, the Development Manager commented on the current situation regarding Woolley Valley. She stated that the recently submitted planning applications were invalid. If valid planning applications were not received shortly, the development could be the subject of a report to Committee in January regarding possible enforcement action.

The meeting ended at 4.45 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT  
DEVELOPMENT CONTROL COMMITTEE MEETING ON WEDNESDAY,  
12<sup>TH</sup> DECEMBER 2012**

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

<b>SITE/REPORT</b>	<b>NAME/REPRESENTING</b>	<b>FOR/AGAINST</b>
<b>SITE VISIT – REPORT 10</b>		
Maylou, 118A Rush Hill, Bath (Pages 55-62)	Christine Gibbons  Hervinder Rai (for the applicant)	Against  For
<b>MAIN PLANS LIST – REPORT 11</b>		
Parcel 0006, Maynard Terrace, Clutton (Item 2, Pages 91-126)	Tony Marwood (Clutton Parish Council)  Rosemary Naish (Campaign for Protection of Rural Clutton) <u>AND</u> Clive English  James Read (Curo) <u>AND</u> Robert Sawyer (Owner)	Against  Against – To share 3 minutes  For – To share 3 minutes
Crescent Office Park, Clarks Way, Odd Down, Bath (Item 3, Pages 127-140)	Rhian Lees, DPP (Applicants' Agents)	For
Automobile Services, 37 Coombend, Radstock (Items 4&5, Pages 141- 159)	Kathy Curling, Pro Planning (Applicants' Agents)	For – Up to 6 minutes
5 Bath Road, Peasedown (Item 6, Pages 160-170)	Mrs Jory (Applicant)	For
Parcel 5975, St Clements Road, Keynsham (Item 7, Pages 171-182)	Dave Ogborne (Applicants' Agent)	For
Hartley Barn Farm, Barn Lane, Chelwood (Item 8, Pages 183-188)	Janice Gibbons  John White (Applicant's Agent)	Against  For

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**12th December 2012**

**DECISIONS – SITE VISITS**

<b>Item No:</b>	01	
<b>Application No:</b>	12/04102/FUL	
<b>Site Location:</b>	Maylou, 118A Rush Hill, Southdown, Bath	
<b>Ward:</b> Odd Down	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a two storey extension and a single storey garage extension (revised resubmission).	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Forest of Avon, Hotspring Protection, World Heritage Site,	
<b>Applicant:</b>	Mrs Rai	
<b>Expiry Date:</b>	22nd November 2012	
<b>Case Officer:</b>	Sasha Coombs	

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

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

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:**

Site Location Plan 1:1250 received 27 September 2012  
Existing Site and Block Plan rhill5/A, Existing Elevations rhill2/A, Existing Plans rhill1/A, Proposed Elevations rhill4pb/C, Proposed Elevations rhill7p/C, Proposed Site and Block Plan rhill6p/C, Proposed Plans rhill3p/C, Proposed Plans rhill8p/c received 18 September 2012.

Reason For Granting Permission

The development is considered to be acceptable in scale and design, commensurate with the host dwelling and its plot. It will not be detrimental to the character and appearance of the locality or the World Heritage Site. The proposal will not result in unacceptable overlooking of neighbouring property considering the orientation of fenestration, and would have a limited impact in terms of overshadowing, and as such is not detrimental to residential amenity. Therefore the proposal is consistent with the requirements of Policies BH.1, D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.

#### Decision Taking Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and consent was granted.

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**12<sup>th</sup> December 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>
2	12/01882/OUT	Parcel 0006 Maynard Terrace Clutton, Bristol

**Housing and Affordable Housing Provision**

In the recently allowed appeal for 47 houses at Sleep Lane, Whitchurch (ref: 11/02193/FUL) the Inspector reiterated paragraph 49 of the NPPF and confirmed that the relevant (local) policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The Sleep Lane appeal decision endorses the fact that Bath & North East Somerset Council does not have an up-to-date five-year land supply, and confirms that there is evidence of a failure in terms of the delivery of affordable housing within the district. The Inspector attached significant weight to both of these facts stating:

*“there is an acknowledgement that there has been a record of persistent under-delivery of housing...[and] it is evident that the failure in terms of the delivery of affordable housing is especially acute with 565 units having been supplied between 2001 and the latest Annual Monitoring Report, against a requirement of 5,047 units between 2002 and 2009”.*

In concluding, the Inspector stated that in the *“overall context, the provision of housing, and especially the affordable housing, attract considerable weight in favour of it. The Government’s intention to boost significantly the supply of housing is made very plain in the Framework.”*

The recommendation to permit this outline permission with over 50% on-site affordable housing is considered to be consistent with the findings and conclusions of the Sleep Lane appeal and therefore should be regarded as a key material consideration in the determination of this application.

**Highways**

In considering this planning application paragraph 32 of the NPPF is of relevance where it states that *“development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”* and that

decisions should take account of whether “*improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development*”.

The highway works shown with this application are a response to the objections and recommended reason for refusal put forward with the previous (2011) application in order to demonstrate that a satisfactory junction can be achieved. The technical details relating to the junction however are beyond the scope of this planning application.

It is accepted that the current junction arrangements are substandard with poor visibility exiting Maynard Terrace and limited means to slow drivers descending Clutton Hill resulting in an inherent conflict in terms of highway safety. In respect of the proposed alterations, the applicant has demonstrated a solution that could be implemented to improve visibility and reduce vehicle speeds; fundamentally, the proposed alterations are seen as an improvement to the overall situation at present and therefore in terms of highway safety the proposed development is deemed to be in accordance with the extant policies and in line paragraph 32 of the NPPF.

Notwithstanding the current application it should be noted that the Highway Authority could actually implement the proposed changes to the junction and its priorities without any link to a development proposal – that is to say the highway works are not dependent on this application.

In respect of the issue relating to the safety audit that forms part of this application this was raised by objectors and Members at the November Committee Meeting and was clearly explained by the Highway Development Officer. For clarification, there is no mandatory requirement for a Highway Authority to undertake safety audits on local roads. Notwithstanding, as with many applications where there are changes to the highway, whilst it is up to the developer to fund the audit (as they did in this instance) it was the Council who requested it be carried out so as to highlight any potential problems with the proposed change in the highway layout. The audit was carried out by an independent audit team who are bound by a professional code of conduct and the findings of the report led the Highway Development Officer and her Traffic & Safety colleagues to conclude that there were no reasons not to accept the change in layout, as proposed. Comments about inaccurate data having been initially presented with the audit are noted however this issue has been acknowledged and amended and it has since been confirmed that the traffic count date issue does not change the overall outcome of the audit.

The Campaign to Protect Rural Clutton have commissioned and submitted an independent Highway Development Control Report and a Stage 2 Road Safety Audit in response to the original audit submitted with the application. These documents were submitted too late to be fully considered in this update report however can be discussed at the Committee meeting. From an initial assessment it is noted that the reports offer several similar observations to the original safety audit and make recommendations in respect of observed problems. For clarification, several of the recommendations (including drainage, advanced directional signage, skid resistance and visibility) can be addressed and resolved through the technical design of the junction and are again not dependant on this application.

### Flooding

At the November meeting a member of the public raised the issue of flooding from the adjacent brook and showed Members photographs of the application site after the recent heavy rain.

Following the committee meeting, the case officer has discussed the issue with the Environment Agency who have confirmed that their original response to this application remains and that no objection is raised subject to conditions.

In relation to the development of this site the original layout and flood risk assessment demonstrated that 36 dwellings could be adequately accommodated on the site without encroaching into the flood zone. Photos of the flooding from the brook adjacent to the site confirmed that excess water had not (at that stage) flooded over into the application site, notwithstanding, the closest proposed properties would be situated up slope and sufficiently far enough from the waters edge even under extreme flood conditions.

In respect of the recent flooding noted around the junction of Maynard Terrace/Clutton Hill/Station Road, the worst of this appears to have come from surface runoff rather than from the brook which runs below the road. Issues of surface drainage could be addressed through the proposed works and improvements to the highway and it is considered that if anything, the proposed works to this junction could be of overall benefit to runoff thus potentially reducing future risks of standing water.

Overall the proposed development of this site is not considered to be at risk of flooding and as stated, the potential improvements to land drainage and surface water runoff could be seen as an overall benefit to the wider area.

### Ecology

It is confirmed that no licence is required in respect of European protected species and there is no likelihood of a significant effect on any European site resulting from this proposed development.

### Arboriculture

It is recommended that the following conditions are added to any permission:  
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, level changes and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless 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.



**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**12th December 2012**

**DECISIONS**

<b>Item No:</b>	02	
<b>Application No:</b>	12/01882/OUT	
<b>Site Location:</b>	Parcel 0006, Maynard Terrace, Clutton, Bristol	
<b>Ward:</b> Clutton	<b>Parish:</b> Clutton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Erection of 36no. dwellings and associated works (revised resubmission)	
<b>Constraints:</b>	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,	
<b>Applicant:</b>	Somer Community Housing Trust	
<b>Expiry Date:</b>	30th July 2012	
<b>Case Officer:</b>	Richard Stott	

**DECISION REFUSE**

1 The proposed development of this site, located outside of the 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 by private cars. 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.

3 The reprioritisation of the Clutton Hill, Station Road, Maynard Terrace junction is likely to give rise to confusion for drivers resulting in conflicting traffic movements which would be prejudicial to highway safety, contrary to Policy T.24 of the Bath and North East Somerset Local Plan, including minerals and waste policies, October 2007 and Para 32 of the National Planning Policy framework

## 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 Geo environmental 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

## DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers that it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.

Following the withdrawal of an earlier application (11/04300/OUT) the applicant has addressed the majority of the Council's previous concerns relating to this development and has engaged in discussions with Officers in order to resolve the remaining outstanding concerns. Notwithstanding the Officer recommendation, Members have visited this site and considered the issues surrounding this application three times at Development Control Committee concluding that the proposals remain unacceptable for the reasons given.

<b>Item No:</b>	03	
<b>Application No:</b>	12/04063/OUT	
<b>Site Location:</b>	Crescent Office Park, Clarks Way, Odd Down, Bath	
<b>Ward:</b> Odd Down	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Erection of a residential care home (Use Class C2) with associated car parking and servicing	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Forest of Avon, General Development Site, Hotspring Protection, Tree Preservation Order, World Heritage Site,	
<b>Applicant:</b>	Kenwright Developments Ltd	

<b>Expiry Date:</b>	9th January 2013
<b>Case Officer:</b>	Sarah James

**DECISION** Delegate to PERMIT subject to a Unilateral Undertaking and the conditions below plus an additional condition to control external lighting.

1 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3 Approval of the details of the landscaping, scale, appearance and means of access of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Articles 1 and 3 of the General Development Procedure Order 1995 (as amended).

4 Before the development hereby approved is first brought into use the parking indicated on the submitted plan shall be constructed to the satisfaction of the Local Planning Authority in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. This area shall be kept clear of obstruction and available for use as parking for the development at all times.

Reason: In the interests of amenity and highway safety.

5 Before the development hereby approved is first brought into use the service lay-by indicated on the submitted plan shall be constructed to the satisfaction of the Local Planning Authority in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. This area shall be kept clear of obstruction and available for use as servicing/deliveries for the development at all times.

Reason: In the interests of amenity and highway safety

6 Prior to the occupation of the development a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan.

Reason: In the interests of sustainable development.

7 Prior to the occupation of the development sheltered and secure cycle parking shall be provided in accordance with plans which shall have been submitted to and approved in writing by the Local Planning Authority. This area shall not be used other than for the parking of cycles in connection with the development hereby permitted.

Reason: In the interests of sustainable development

8 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dBLAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: In the interest of residential amenity

9 Provision shall be made within the site for the disposal of surface water, details of which including the means of outfall shall be submitted to and approved in writing by the Local Planning Authority prior to construction. The development shall proceed in accordance with the approved details thereafter.

Reason: In the interests of flood risk management

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

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

11 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority. A signed certificate of compliance shall be provided to the local planning authority on completion.

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

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

(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) groundwaters 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.

13 If required under the terms of condition 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.

14 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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 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.

16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition no. 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. 13, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition no. 15.

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

17 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period 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.

18 No development shall be commenced on site until a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority showing details

of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

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

19 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.

20 No development shall commence until a sample panel of all external walling materials to be used shall be 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.

21 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.

22 No occupation or use of the building hereby approved shall take place until details of a lighting scheme are submitted to the Local Planning Authority for approval in writing. Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: In the interest of the appearance of the area

**PLANS LIST:**

PL101

**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 BH1 World Heritage site  
D2, D4, T24, T25, T26, ES5, ES9, ES10, ES12, ES15, NE4, NE9, NE10, NE11, NE12, BH22, SC1, CF6, ET1, ET3

**Advice Note:**

The applicant has indicated on their application form that surface water will be disposed of via the main sewer. Under the Flood and Water Management Act 2010, the automatic right to connect into the public sewer has been removed. Therefore, to support the discharge of the above condition the applicant will need to provide written confirmation from Wessex Water that the proposed development can make connection into their sewer. Discharge rates and connection points will need to be agreed.

<b>Item No:</b>	04	
<b>Application No:</b>	11/04249/FUL	
<b>Site Location:</b>	Automobile Services, 37 Coombend, Radstock, Bath And North East Somerset	
<b>Ward:</b> Radstock	<b>Parish:</b> Radstock	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 7no. two bed dwellings with parking, altered site access, landscaping and ancillary works and allotments following demolition of garage workshop (Resubmission)	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Forest of Avon,	
<b>Applicant:</b>	Henrietta Matthews House Ltd	
<b>Expiry Date:</b>	28th November 2011	
<b>Case Officer:</b>	Tessa Hampden	

**DECISION** Delegate to PERMIT to allow the expiration of the departure advertisement and subject to the following conditions:

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

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

2 The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

3 The development hereby permitted shall not be occupied until the access, parking and turning areas have been properly bound and compacted (not loose stone or gravel) in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

4 The development shall not be occupied until provision has been made within the site for the disposal of surface water so as to prevent its discharge onto the highway, in



accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

5 Before the dwellings hereby permitted are 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 access and the extremities of the site frontage shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

6 Before the dwellings hereby permitted are first occupied, the footway across the frontage of the site shall be constructed and laid out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

7 No development shall commence until details of the proposed internal ventilation system has been approved in writing by the Local Planning Authority. The proposed development shall not be occupied until the approved details have been carried out on site.

Reason: In the interest of the amenity of the residents of the development.

8 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the appearance of the development and the character and appearance of the Conservation Area.

9 Prior to development commencing on site, full details of the retaining structures needed to ensure the stability the slope shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the stability of the slope.

10 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

-all previous uses

-potential contaminants associated with those uses

-a conceptual model of the site indicating sources, pathways and receptors

-potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent pollution of controlled waters.

11 No development shall commence 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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

## 12 Site Characterisation

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

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

(ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;

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

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

## 13 Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the

natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

#### 14 Implementation of Approved Remediation Scheme

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to 3 workers, neighbours and other offsite receptors

#### 15 Reporting of Unexpected Contamination

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

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

#### 16 Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of [x] 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 dwelling shall be occupied until its associated screen walls/fences or other means of enclosure have been erected in accordance with the approved plans and thereafter retained.

Reason: In the interests of privacy and/or visual amenity.

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

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

19 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.

20 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dBLAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To ensure that any future occupiers of the development are safeguarded from an undue level of noise and disturbance

21 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:**

Plans: 01, 02D,03C,04D, 05, 06D date stamped 30th September 2011 and Site location plan date stamped 3rd October 2011

### **REASONS FOR GRANTING APPROVAL**

1 The proposed development is contrary to Policy HG.4 of the Local Plan, being located outside any Housing Development Boundary. However the proposals also need to be considered in the light of the NPPF which promotes sustainable development, the importance of boosting significantly the supply of housing and encouraging the effective use of land by re-using previously developed/brownfield land not of high environmental value. Given the characteristics of this site and its setting, the local environmental benefits of an alternative use to employment, and the lack of a five year supply of housing land it is considered that on balance and subject to conditions the proposed development is acceptable. The development is considered to enhance the character and appearance of this part of the Conservation Area and is not considered to have an adverse impact upon highway safety or residential amenity

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

A

Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007

HG1 Meeting the District housing requirement

HG4 Residential development in the urban areas and R1 settlements

HG10 Housing outside settlements

ES12 Noise and vibration

ET3 Core Employment Sites

ES14 Unstable land

ES15 Contaminated Land

D2 - General Design and public realm considerations

D4 - Townscape considerations

HG4 - Residential development in the urban areas and R.1 settlements

NE3 Important Hill-sides

CF8 Allotments

NE10 - Nationally important species and habitats

NE11 - Locally important species and habitats

BH6 - Development within or affecting Conservation Areas

T24 - General development control and access policy

The National Planning Policy Framework

Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007

The proposed development is not fully in accordance with the Policies set out below at B, but the planning merits of the proposed development outweigh the conflict with these Policies.

B

HG4 Residential development in the urban areas and R1 settlements of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

Bath and North East Somerset Submission Core Strategy (May 2011)

Advise Note:

1. The applicant should be advised that the construction and dedication of the footway will need to be subject of a Section 38 Agreement with the Local Highway Authority.

2. Under the Water Resources Act 1991 and Land Drainage Byelaws, Flood Defence Consent is required from the Environment Agency. This is required for any works taking place in, over, under or within 8m of the Coombend Culvert. The need for Flood Defence Consent is separate to planning permission.

Advice to Planning Authority/Applicant:

3. Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover:

- the use machinery
- storage of oils/chemicals and materials
- the routing of heavy vehicles
- the location of work and storage areas
- the control and removal of spoil and wastes

The applicant should refer to the Pollution Prevention Guidelines, which can be found at:

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

<b>Item No:</b>	05	
<b>Application No:</b>	11/04250/CA	
<b>Site Location:</b>	Automobile Services, 37 Coombend, Radstock, Bath And North East Somerset	
<b>Ward:</b> Radstock	<b>Parish:</b> Radstock	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Conservation Area Consent	
<b>Proposal:</b>	Demolition of garage workshop.	

<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Forest of Avon,
<b>Applicant:</b>	Henrietta Matthews House Ltd
<b>Expiry Date:</b>	28th November 2011
<b>Case Officer:</b>	Tessa Hampden

## DECISION CONSENT

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

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

2 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:

Plans: Site location plan date stamped 3rd October 2011 and 05 date stamped 30th September 2011

## REASONS FOR GRANTING CONSENT:

The decision to grant consent for the proposed demolition subject to conditions has been made in accordance with S 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character and appearance of the Conservation Area. The Council considers the proposal will not detract from the character and appearance of the Conservation Area.

## DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in the related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

<b>Item No:</b>	06
<b>Application No:</b>	12/04286/OUT
<b>Site Location:</b>	5 Bath Road, Peasedown St. John, Bath, Bath And North East Somerset
<b>Ward:</b> Peasedown St John	<b>Parish:</b> Peasedown St John <b>LB</b>
<b>Grade:</b> N/A	
<b>Application Type:</b>	Outline Application

<b>Proposal:</b>	Erection of one pair of semi detached dwellings on land at rear of 5 Bath Road
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
<b>Applicant:</b>	Mr & Mrs N Jory
<b>Expiry Date:</b>	26th November 2012
<b>Case Officer:</b>	Daniel Stone

## **DECISION REFUSE**

1 The proposed development, by reason of its 2-storey scale, proximity to adjoining back gardens, intensity of development and the introduction of vehicles so far into the site would constitute an unacceptable overdevelopment of the site, paying inadequate regard to its backland context. The development would have a detrimental impact on the amenity of surrounding residential occupiers by virtue of overlooking and overbearing effects and the introduction of excessive noise and activity into this quiet back garden location.

As such the development would be contrary to policy D.2 and D.4 of the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted 2007 and to the guidance set out in the National Planning Policy Framework.

### **PLANS LIST:**

This decision relates to drawing nos

- Site Location Plan - drawing 2012/JORY02
- illustrative front elevation - drawing 2012/JORY/03
- Proposed Site plan - 2012/JORY01 received 26th October
- Topographical survey received 26th October
- Design and Access Statement

### **DECISION TAKING PROCESS:**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal and offered the opportunity to withdraw it. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Council's Development Control Committee considered the proposal and refused the application.



Within the Committee report, the case officer has indicated how a revised scheme might be designed to overcome the reasons for refusal, and further informal discussions regarding a revised scheme are welcomed, in principle, by the Local Planning Authority.

<b>Item No:</b>	07	
<b>Application No:</b>	12/02966/FUL	
<b>Site Location:</b>	Parcel 5975, St Clement's Road, Keynsham,	
<b>Ward:</b> Keynsham South	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a new sewage pumping station.	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Greenbelt,	
<b>Applicant:</b>	Wessex Water Services Ltd	
<b>Expiry Date:</b>	7th September 2012	
<b>Case Officer:</b>	Daniel Stone	

**DECISION** Delegate to PERMIT to allow the application to be advertised as a departure subject to no new issues being raised and subject to 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 Prior to the commencement of the development, the street lighting column within the site frontage shall be replaced with two columns, located either side of the access in accordance with details to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of highway safety.

3 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.

4 The sewage pumping station shall be operated in full accordance with the odour management plan.

Reason: In the interests protecting the amenity of surrounding residents.

5 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.

The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

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

6 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.

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

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

8 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 3.

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.

9 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.

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

- Site Location Plan and Proposed Site Layout - Drawing R12904/711 Rev C
- Proposed Elevations - Drawing R12904/712 Rev C
- Dosing Kiosk - Drawing R12904/713 Rev A
- Kiosk Elevations - Drawing R12904/714 Rev A
- Letter dated 9th August 2012 - Site selection process
- Generic Odour Management Plan - January 2012
- Preliminary Noise Assessment July 2011
- Environmental Supporting Statement - July 2012
- Background noise assessment - October 2012

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

**ADVISE NOTE:**

1. The applicants should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a Licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

2. The applicants should be advised to contact the Highway Electrical Team on 01225 394262 with regard to arranging for the street lighting works to be undertaken. The applicants should also be made aware that all costs associated with the works shall be borne by them.

### **REASONS FOR GRANTING APPROVAL:**

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

### **POLICIES**

Adopted Local Plan:

D.2 General design and public realm considerations

D.4 Townscape considerations

ES.12 Noise and vibration

T.26 On-site parking and servicing provision

ES.5 Foul and surface water drainage

ES.9 Pollution and nuisance

ES.10 Air quality

ES.12 Noise and vibration

ES.15 Contaminated land

GB.1 Control of development in the Green Belt

GB.2 Visual amenities of the Green Belt

NE.1 Landscape character

NE.14 Flood risk

Core Strategy

CP5 Flood Risk Management

CP6 Environmental Quality

CP8 Green Belt

National Planning Policy Framework

The Council has worked proactively and positively with the applicants by working with the applicants to resolve issues by seeking additional information, and through applying conditions to the consent.

<b>Item No:</b>	08
<b>Application No:</b>	12/03006/FUL

<b>Site Location:</b>	Hartley Barn Farm, Barn Lane, Chelwood, Bristol		
<b>Ward:</b> Clutton	<b>Parish:</b> Chelwood	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Refurbish existing barn into self contained holiday accommodation with associated parking		
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Greenbelt,		
<b>Applicant:</b>	Mr Colin Archer		
<b>Expiry Date:</b>	13th November 2012		
<b>Case Officer:</b>	Rebecca Roberts		

## DECISION REFUSE

1 The resultant self-contained holiday unit results in a new dwelling in the Green Belt and therefore would represent inappropriate development, which by definition is harmful to the Green Belt. No Very Special Circumstances have been demonstrated that outweigh the identified harm and therefore the proposal is contrary to Policies GB.1, ET.9 and HG.12 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

2 The application fails to demonstrate that every reasonable attempt has been made to secure suitable business re-use for the existing building. Further, the site is in a location remote from public services and community facilities. The proposals are therefore contrary to Policy ET.9 of the Bath and North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007.

3 The proposed alterations to the building, by reason of their scale, massing and appearance, would result in the building losing its simple agricultural and functional appearance leading to an erosion of the rural character of this part of the Green Belt. This is contrary to Policies GB.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

## PLANS LIST:

This decision relates to drawing no's S4960/001, S4960/100C and the Building Inspection Report date stamped 15th August 2012.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the

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