

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 13th March, 2013

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

Also in attendance: Councillors Rob Appleyard, Barry Macrae, Robin Moss, Paul Myers, Vic Pritchard and Chris Watt

139 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

140 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not desired

141 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Doug Nicol and Martin Veal and their respective substitutes were Councillors Manda Rigby and Sally Davis. There was also an apology from Councillor Malcolm Lees.

142 DECLARATIONS OF INTEREST

Councillor Eleanor Jackson declared a pecuniary interest in the planning application at St Peter's Factory, Wells Road, Westfield, Radstock (Item 3, Report 10), as she was a shareholder in the Radstock Co-op. She would therefore make a statement before leaving the meeting for its consideration. Councillor Brian Webber declared an interest in the applications at Bath Abbey (Items 1&2, Report 10) as he was on the Abbey Management Committee. He would therefore make a statement and leave the meeting for their consideration. Councillor Manda Rigby declared an interest in the Abbey applications as she had predetermined the applications and therefore she would also make a statement and then leave the meeting for their consideration.

143 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of Urgent Business

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

The Senior Democratic Services Officer informed the meeting that there were speakers on the Enforcement Report 11 relating to Red Hill House, Camerton, who would be able to make their statements when reaching that Item on the Agenda.

There were also a number of speakers on the planning applications in Report 10 and they would be able to do so when reaching those items in that Report.

145 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Councillors

146 MINUTES: 13TH FEBRUARY 2013

The Minutes of the previous meeting held on Wednesday 13th February 2013 were approved and signed by the Chair as a correct record

147 MAJOR DEVELOPMENTS

The Senior Professional – Major Development updated the Committee on the Victoria and Destructor Bridges off Upper Bristol Road, Bath. The refurbishment programmes were progressing and an exhibition would be held in the Museum of Bath at Work. Any queries could be directed to the Projects Team.

At Members' requests, the Senior Professional updated the Committee on (1) the plastic barriers in Dorchester Street, Bath, which would be removed in the next few weeks when the light-controlled pedestrian crossings were installed – the three crossings would line up with the pedestrian routes in and out of Southgate; (2) water ingress at the Units in Brunel Square - the source had been identified and a solution was in hand.

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

The Committee considered

- The report of the Development Manager on various applications for planning permission etc
- An Update Report by the Development Manager on Item Nos. 2-7, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Item Nos. 1-6, the Speakers List being attached as *Appendix 2* to these Minutes

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

Items 1&2 Abbey Church of St Peter and St Paul, Abbey Churchyard, Bath – (1) Provision of improved public and ancillary support facilities to Bath Abbey; alterations to Nos. 8-13 Kingston Buildings, basement to Abbey Chambers, the 1920s Jackson Extension to Bath Abbey, the Clergy Vestry and adjoining vaults and cellars south of The Abbey; creation of newly excavated below ground spaces north of Kingston Buildings and below the Jackson Extension; associated landscape improvement works to the public realm and to the garden north of the Seventh Day Adventist Church (Ref 12/03335/FUL); and (2) Internal and external alterations for the provision of improved public and ancillary support facilities to Bath Abbey; alterations to Nos. 8-13 Kingston

Buildings, basement of Abbey Chambers, the 1920s Jackson Extension to Bath Abbey, the Clergy Vestry and adjoining vaults and cellars south of The Abbey; creation of newly excavated below ground spaces north of Kingston Buildings and below the Jackson Extension; associated landscape improvement works to the public realm and to the garden north of the Seventh Day Adventist Church (Ref 12/03336/LBA) – The Case Officer reported on these applications and the recommendations to authorise the Development Manager to grant permission/consent subject to various provisos including appropriate conditions. The Update Report corrected the Decision Making Statement for the listed building application. She drew attention to the fact that the Conservation Officer's views regarding the loss of residential use of Kingston Buildings were not specifically included in the report; however, they were summarised in Officer's comments. The Case Officer went on to inform Members that a large number of representations had been received but that the vast majority were supportive of the proposals. The Bath Preservation Trust and the Bath Heritage Watchdog had withdrawn their objections as had English Heritage but who maintained their concerns regarding the structural work proposed at Kingston Buildings. The Georgian Group still objected to the proposals.

The public speakers made their statements in support of the applications which were followed by a statement by Councillor Alan Hale who supported the proposals.

The Ward Councillor Brian Webber made a statement representing his constituents supporting the proposals and referred to the benefits of the proposals. Ward Councillor Manda Rigby echoed these sentiments. (Note: Both Councillors then left the meeting for consideration of the applications in view of their interests declared earlier in the meeting.)

Members asked questions about the proposals to which the Case Officer responded. The Team Leader – Development Management advised that the public use of The Abbey was a material consideration and that any harm to the building had to be balanced against the public benefits that would be provided. Councillor Bryan Organ could not see any reason to object to the proposals and moved the Officers' recommendations accordingly. These were seconded by Councillor Les Kew.

Members debated the motion. Councillor Eleanor Jackson felt that there would be loss of history and architecture and did not support the proposals. Most Members considered that the benefits outweighed the harm to the buildings. The Chair summed up the debate and put the motions to the vote. The (separate) voting on both applications was 9 in favour and 1 against.

Item 3 St Peter's Factory, Wells Road, Westfield, Radstock – Erection of food store and petrol filling station with associated development – The Case Officer reported on this application and her recommendation to refuse permission. She made reference to the Update Report which referred to various issues and recommended the deletion of reason for refusal 4 pertaining to highway contributions. Reference was made to another site at The Hollies, Midsomer Norton, which could be considered as a sequentially preferable site given its location and the fact that it accorded with various policies.

The public speakers made their statements against and in favour of the application. Councillor Barry Macrae (Midsomer Norton North) and Councillors Paul Myers and

Chris Watt (Midsomer Norton Redfield) made statements on various issues pertaining to this proposal.

Councillor Eleanor Jackson made a statement against the proposal and advised that, whilst there were no comments from Radstock Town Council in the Report,, they had in fact discussed the proposal and resolved to make an objection. She then left the meeting in view of her interest declared earlier in the meeting. Councillors Robin Moss and Rob Appleyard then made statements in favour of the application as Ward Councillors for the site. With regard to a statement about the Council benefiting from development of the South Road site as it was owned by the Council, the Chair pointed out that ownership was not a material consideration. The Officers supported this statement.

Councillor Nicholas Coombes opened the debate. He stated that policies determine sites and their planning applications and a supermarket was best located in a town centre. There were 3 sequentially preferable locations identified – South Road was a better site than Westfield. He went through the reasons for refusal (excluding No 4) each of which he supported. He therefore moved the Officer recommendation to refuse permission. This was seconded by Councillor David Martin.

Members supported the motion making reference to loss of jobs, local shops and the needs of Westfield. The Chair summed up the debate and put the motion to the vote. Voting: Unanimously in favour of refusal.

(Note: After this decision, there was a 10 minute adjournment until 4.27pm when the meeting resumed)

Item 4 Parcel 3567 Stitchings Shord Lane, Bishop Sutton – Erection of 35 dwellings and associated infrastructure – The Case Officer reported on this application and his recommendation to Authorise the Development Manager, in consultation with the Planning and Environmental Law Manager, to enter into a S106 Agreement as detailed in his report and, upon completion of the Agreement, authorise the Development Manager to permit the application subject to conditions. The Update Report amended Condition 4 of the recommendation relating to affordable housing in order to accord with revised Core Strategy policy agreed by Council recently, namely, 30%. However, the applicants were agreeable to 35%. He referred to the receipt of a further objection and the lodging of a Petition against the proposal.

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

Councillor Les Kew opened the debate. He considered that the application was premature – it did not accord with the Core Strategy and the Place Making Plan had not been formulated. The site was outside the housing boundary and there were objections by the Parish Council and local residents. He therefore moved that the application be deferred until the Place Making Plan had been agreed so that there was proper control over housing development. The motion was seconded by Councillor David Veale.

Members debated the motion. It was considered that the Place Making Plan would not be provided for some time and there was a duty to determine this application.

There was still the Local Plan and the National Planning Policy Framework policies. The Team Leader – Development Management stated that the Core Strategy had been approved by Council for development control purposes and could be given some weight. It included policy RA1 regarding development in villages which met the listed criteria. This and another application on the Agenda exceeded the numbers required but it was broadly compliant with the strategy for the area. He referred to recent appeal decisions where the Council had not been able to demonstrate a 5 year land supply for housing. It was likely that, if the Committee deferred the application, there would be an appeal against non-determination.

Members continued to debate the motion. However, on hearing the views of other Members, Councillor Les Kew withdrew his motion and moved that the application be refused as it was premature to formulation of the Place Making Plan. Councillor David Veale seconded. Members felt that the grounds for refusal were not strong enough as there were other planning policies under which the application could be considered. The Officers felt that there were no technical reasons to refuse the application – there were no adverse effects from the development to outweigh the benefits. The 5 year land supply needed to be demonstrated. The grounds of prematurity would be difficult to defend on appeal. With the seconder's agreement, Councillor Les Kew amended his motion to Delegate to Officers to formulate reasons for refusal along the lines of premature to the Place Making Plan, the Core Strategy situation, outside the housing boundary, not supported by local residents and the Parish Council, number of houses too high etc. After a short debate, the amended motion was put to the vote. Voting: 5 in favour and 7 against. Motion lost.

Councillor Eleanor Jackson therefore moved the Officer recommendation on the basis that affordable housing be 35% which Officers had indicated that the applicants had agreed. The motion was seconded by Councillor Liz Hardman and put to the vote. Voting: 7 in favour and 4 against with 1 abstention. Motion carried.

Item 5 Parcel 9181 Wick Road, Bishop Sutton – Erection of 41 two, three, four and five bedroom dwellings including 14 affordable housing units along with the provision of informal public open space, vehicular access from the A368, landscaping and drainage – The Senior Planning Officer reported on this application and the recommendation to authorise the Development Manager, in consultation with the Planning and Environmental Law Manager, to enter into a S106 Agreement as detailed in the report and, upon completion of the Agreement, authorise the Development Manager to permit the application subject to conditions. The Update Report amended the recommendation so that the affordable housing was amended to accord with the Core Strategy approved by Council recently, namely, 30%, and also grant free housing with a maximum 75/25 split between Social Rent and Intermediate Market housing. He stated that 35% affordable housing was now being recommended. He reported the receipt of a further objection from a local resident. He referred to wildlife habitat and the area set aside for a detention pond.

The public speakers made their statements against and in favour of the development. This was followed by a statement by the Ward Councillor Vic Pritchard.

Councillor Eleanor Jackson made reference to an area set aside for flooding. She moved the Officer recommendation which was seconded by Councillor Liz Hardman to include flooding, rights of way and ecological issues for consideration.

Members debated the motion. This was a full application as opposed to outline as for the previous proposal in Bishop Sutton. One Member felt that the density was fine, another that it was too cramped. Members were not convinced on other issues of flooding, design, footpath and hedgerow maintenance arrangements. The Officers commented on some of the issues raised. The motion was put to the vote. Voting: 3 in favour and 7 against and 2 abstentions. Motion lost.

Councillor Les Kew therefore moved that the application be refused on the grounds of poor design, flooding, hedgerow maintenance difficulties, poor pedestrian access to the village, impact on the amenities of the adjoining neighbours, sustainability and contrary to Policy RA1 in the Draft Core Strategy which seeks to limit residential development in such settlements to around 50 houses. This was seconded by Councillor David Martin. On being put to the vote, the motion was carried, 7 voting in favour and 3 against with 2 abstentions.

Item 6 Pack Horse Farm, Old Midford Road, Midford – Change of use of land to equestrian, retention of 2 mobile stable units for current DIY livery business and conversion of existing outdoor turnout area/starvation paddock to an all-weather riding arena (Revised resubmission) – The Case Officer reported on this application and her recommendation to refuse permission. She slightly amended the wording in the reason for refusal. The Officer referred to the Update Report and a further objection received from a local resident and the South Stoke Parish Council.

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

Councillor Neil Butters opened the debate. He considered that this was inappropriate development in the Green Belt and the AONB with no special circumstances to support the proposal. He therefore moved the Officer recommendation, including enforcement action as soon as possible, which was seconded by Councillor Nicholas Coombes.

Members asked questions regarding the use of the site for horses and interpretation of the NPPF as regards Green Belt to which Officers responded. Some Members felt that the proposed equestrian use would be damaging to the openness of the Green Belt. Other Members considered that the alternative of agricultural use could be intensive and far worse than the proposal. Councillor Neil Butters queried why previous authorised enforcement action had not been taken. The Team Leader – Development Management responded that the starvation field was permitted development as part of the agricultural use of the site. The motion was then put to the vote. Voting: 5 in favour and 7 against. Motion lost.

Councillor Les Kew considered that there was no material change, it was small scale within the overall development of the site, the site had previously been used by horses for grazing and these were very special circumstances to justify the development in the Green Belt. He therefore moved that Officers be delegated to grant permission with appropriate conditions including the limiting of the number of

horses and events using the site. The motion was seconded by Councillor Bryan Organ.

Members debated the motion and asked questions to which Officers responded. The motion was put to the vote and was carried, 7 voting in favour and 3 against with 2 abstentions.

Item 7 City of Bath College, Avon Street, Bath – Installation of public sculpture and plinth – The Team Leader – Development Management reported on this application and the recommendation to Permit subject to conditions. He stated that a block plan had now been received and he referred to the Update Report which comprised an objection received from the Bath Preservation Trust.

It was moved by Councillor Manda Rigby and seconded by Councillor Brian Webber to approve the Officer recommendation. The motion was put to the vote and was carried unanimously.

149 ENFORCEMENT REPORT - RED HILL HOUSE, RED HILL, CAMERTON

Referring to the Minutes of the previous meeting, the Enforcement Officer presented her report on the unauthorised material change of use of this property to a mixed use of daily yoga classes, weekend retreats and associated business activities. She informed the meeting of further representations received and of the owner's consultation with the Council regarding removal of trees near the entrance to the property. The Enforcement Officer concluded that enforcement action was expedient and therefore recommended that such action be authorised. The public speakers made their statements for and against enforcement action.

Councillor David Veale, as Ward Councillor, sympathised with the owner but considered that enforcement action should be authorised and the owner given time to submit a planning application to ameliorate the situation as regards the access. Councillor Eleanor Jackson echoed the sentiment that time should be given for an application to be submitted but did not support enforcement action at this time. Councillor Nicholas Coombes considered that enforcement action should be authorised in order that the owner would have to submit an application to try to remedy the problems associated with the use and then the Planning Authority could consider the application on its merits. He therefore moved the Officer recommendation which was seconded by Councillor Les Kew.

After a short debate, the motion was put to the vote.

RESOLVED that delegated authority be granted to the Development Manager, in consultation with the Planning and Environmental Law Manager, to take any necessary enforcement action on behalf of the Local Planning Authority in respect of the alleged planning contravention outlined in the report by exercising the powers and duties of the Authority (as applicable) under Parts VII and VIII of the Town and Country Planning Act 1990 (including any amendments to or re-enactments of the Act or Regulations or Orders made under the Act) in respect of this property.

General Note:

This specific delegated authority will, in addition to being the subject of a subsequent report back to Members in the event of enforcement action being taken, not being taken or subsequently proving unnecessary as appropriate, be subject to:

- (a) All action being taken on behalf of the Council and in the Council's name;*
- (b) All action being subject to statutory requirements and any aspects of the Council's strategy and programme;*
- (c) Consultation with the appropriate professional or technical officer of the Council in respect of matters not within the competence of the Head of Planning Services; and*
- (d) Maintenance of a proper record of action being taken.*

Voting: 9 in favour and 0 against with 1 abstention (Note: Councillor Bryan Organ had left the meeting before consideration of this matter as he knew one of the objectors; and Councillor Liz Hardman was absent from the meeting for this item.)

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

Councillor David Martin drew attention to 3 appeals allowed by the Inspector for the installation of photovoltaic cells at farms in the District.

The Committee noted the report.

151 UPDATE ON FORMER FULLERS EARTHWORKS, COMBE HAY, BATH

The Principal Solicitor gave an update on the current situation at this site. The Inspector ruled on 2 Preliminary Issues at the opening of the Inquiry, namely, the "Fall back" B2 use and the "Res Judicata" point. However, the Appellant disagreed with this ruling and had made an application for Judicial review and/or a S289 challenge against this ruling and the Council had been named as an interested party in proceedings. He stated that the Council would like to make representations on the matter and bring certain documentation to the Court's attention through the Treasury Solicitor but there would be cost implications which may not be recoverable as the Council was not the defendant in the matter. Whilst he advised that the Committee would continue to have their monthly updates, he recommended that delegated authority be given to the appropriate Officer to take any necessary action to protect the Council's position should matters arise that cannot be brought to Committee for a decision.

The Principal Solicitor responded to Members' queries.

It was moved by Councillor Eleanor Jackson and seconded by Councillor Les Kew and **RESOLVED** that delegated authority be granted to the Divisional Director of Planning and Transport Development, in consultation with the lead Members of the political groups on the Committee, to take any necessary action that he considers necessary in order to protect the Council as local planning authority in respect of the claim made under Section 289 of the Town and Country Planning Act 1990 and/or for a Judicial Review of the Planning Inspector's Ruling dated 31st January 2013 in respect of the former Fuller's Earthworks, Fosseyway, Combe Hay, Bath.

The meeting ended at 7.45 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL**Development Control Committee****13th March 2013****OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA****ITEM 10****ITEMS FOR PLANNING PERMISSION**

Item No.	Application No.	Address
2	12/03336/LBA	Abbey Church of St Peters & St Pauls, Abbey Churchyard Bath

It has come to light that an inaccurate decision taking statement was included in the published Committee agenda. The decision taking statement is recommended to be replaced with the following text;

'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 Committee report, a positive view of the revised proposals was taken and consent was granted'.

Item No.	Application No.	Address
3	12/05418/FUL	St Peters Factory Wells Road, Westfield, Radstock

Additional Submissions by the applicant

Since the main agenda report the applicant has made further submissions which

- a) Confirm that Sainsbury's would be prepared to make the infrastructure contributions relating to highways matters as set out in the consultation response from David Horne dated 6 February (updated 26 February).
- b) Provided a copy of a letter sent to the Environment Agency regarding outstanding drainage matters.

REPRESENTATIONS**Consultee Comments**

Planning Policy Officer Additional comments made 6th March 2013

- 1.1 This note has been prepared in order to set out the Planning Policy position in response to and to clarify advice set out in the GVA Report in respect of The Hollies.
- 1.2 In the GVA Report it is stated that the whether this site is to be considered further as a sequentially preferable site will depend on whether the aspirations set out in the ERDP are pursued. If the ERDP takes precedence the GVA Report correctly states that The Hollies would be dismissed on the basis of lack of suitability.
- 1.3 In terms of the Council's Development Plan the future of The Hollies site will be considered through work on the Council's Place making Plan (Site Allocations and Development Management Policies DPD) which will be prepared in order to complement and deliver the spatial strategy set out in the Core Strategy. Policy SV2 of the Submitted Core Strategy seeks to focus retail development (including some larger retail units) at the southern end of the High Street as the retail core within the town centre. Work on the Place making Plan will be informed by and test a range of evidence including the ERDP.
- 1.4 In the meantime should the site become available it would need to be considered as a potentially sequentially preferable site. Given the location of the site within the town food retail provision would accord with current planning policy, both at a national level set out in the NPPF and local level set out in the B&NES Local Plan.

Ecology Officer Additional comments made 11th March 2013

The lighting assessment now includes assessment of impacts on ecological receptors. It goes on to make recommendations for measures required to further reduce light levels to make the scheme ecologically acceptable, and its conclusions rely on implementation of all these mitigation measures for lighting. Firm proposals are yet needed, demonstrating implementation of these mitigation measures, including details such as use of baffles, lighting times and durations, and positions and numbers of lights that would remain on for 24 hours, before the ecological acceptability of the lighting scheme can be demonstrated.

The letter also confirms that additional planting, and a greater proportion of native species, and provision of nest boxes, can be provided.

The additional submitted information does not however address the key ecology concerns raised nor demonstrate that sufficient additional planting can be achieved within the current proposed layout, therefore I do not withdraw my objection to this proposal.

Highway Officer – Additional comments made 11th March 2013 – verbal updates received from highway officers in respect of the Co-Op transport critique confirm that the highway position of Officers is unchanged by this submission. More detailed comments are expected to be provided for committee.

Economic Regeneration Officer – Additional comments made 5th March 2013 do not revise the conclusions previously made but add more clarity and explanation to the regeneration position. In that regard it is clarified that employment targets are not being reached in the area and the site should be retained for employment purposes. It is confirmed that the site is not sequentially in a preferred location for retail development and the regeneration department are actively supporting the development of a town centre retail site for a large foodstore and in that regard this is not considered to be an appropriate retail site. However in the event that retail on this site were considered acceptable the current proposals do not make sufficient provision for employment providing less jobs than the current use and measures to address the shortfall would be sought.

Third Party Representations

Radstock Co-Operative Transport Consultants – a representation has been received by a consultant appointed on behalf of Radstock Co-op which critiques the transport submission made by the applicant.

The owner of the Hollies' in Midsomer Norton High Street (the Greater Manchester Pension Fund). – a further representation has been made by a planning consultant appointed on behalf of the owner of the Hollies asserting that the Hollies site should be regarded as Sequentially preferable to the applications site.

In a further representation the consultant queried comments made by the planning policy officer and made reference to the status of the EDRP and Core Strategy Policies in doing so reinforcing the point that the Hollies site is available and sequentially preferable. It is noted that the consultant has also made direct representations to the committee on this issue.

1 Letter - A further objection has been received from a resident on the basis of traffic and the size of the store.

Officer Assessment

Transport

The applicant has now confirmed agreement to the Section 106 contributions required by the Highway Officer. This addresses concerns relating to the highway reason for refusal stated at 4 and this is now removed.

Whilst formal comments have not been received from the Highway officers it has been verbally confirmed that the critique report from the Co-op Transport comments does not result in changes to the highway recommendations. Full comments will be provided verbally.

Retail

It is agreed that the Hollies should not be discounted as a Sequentially preferable site over the application site (see policy Officers comments above) As the current

proposal is already subject to a sequential reason for refusal that does not however effect the officer recommendations.

Drainage

Correspondence would suggest that the applicant has been in direct discussion with the Environment Agency to address drainage matters. To date the Agency have not withdrawn their objection. Consequently no revisions are made to the drainage considerations as set out within the main agenda.

Recommendation

As per the main agenda with the deletion of Reason for refusal 4 pertaining to highway contributions.

Item No.	Application No.	Address
4	12/04238/OUT	Parcel 3567 Stitching Shord Lane,Bishop Sutton

Following the Full Council meeting on 4th March 2013, the amended Core Strategy has been adopted for Development Control purposes and can be afforded significant weight in planning decisions. Policy CP.9 (Affordable Housing) has been amended to require affordable housing at rate of 40% in Bath and 30% in rural locations such as Bishop Sutton.

The wording of the recommendation for the proposed development has been amended so as to bring the Affordable Housing requirements into alignment with the amended policy.

Recommendation:

Delegate to PERMIT

4. The provision, on site, of **30%** Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council

Item No.	Application No.	Address
5	12/05279/FUL	Parcel 9181, Wick Road, Bishop Sutton

Following the Full Council meeting on 4th March 2013, the amended Core Strategy has been adopted for Development Control purposes and can be afforded significant weight in planning decisions. Policy CP.9 (Affordable Housing) has been amended to require affordable housing at rate of 40% in Bath and 30% in rural locations such as Bishop Sutton.

The wording of the recommendation for the proposed development has been amended so as to bring the Affordable Housing requirements into alignment with the amended policy.

Recommendation:

Delegate to PERMIT

DRAFT PLANNING OBLIGATIONS:

Housing:

- **30%** of the overall residential provision to be secured as affordable and grant free housing with a max 75 /25 percent split between Social Rent and Intermediate Market housing.

Item No.	Application No	Address
06	12/04834/FUL	Pack Horse Farm Old Midford Road Bath

Representations: The following representations have been received since the main report was written:

Cotswolds Conservation Board: An additional representation has been made by the Cotswolds Conservation Board with a list of suggested conditions should permission be granted.

Local Residents: A further letter has been received from an objector which reiterates their existing objection and comments that the additional information provided as part of the application does not constitute very special circumstances to outweigh the harm to the Green Belt.

Officer Assessment:

The additional representations received raise no new issues and are already covered within the main report and there is no change to the recommendation.

Item No.	Application No	Address
7	13/00154/REG 03	City of Bath College Avon Street

1 objection comment has been received from Bath Preservation Trust. This can be summarised as follows:

BPT welcome the principle of a statue on this site, but are concerned that the proposal is not supported by detailed justification for design choices such as the reason for this siting. BPT would like to see a current landscaping application base-map in this application since the out-dated base-map is not helpful. Overall, it is considered that this application should not be approved until more precise information is provided.

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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE MEETING
OF THE DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY, 13TH
MARCH 2013**

PLANS LIST – REPORT 10		
Abbey Church of St Peter and St Paul, Abbey Churchyard, Bath (Items 1&2, Pages 62-116)	Jeremy Key-Pugh (Churchwarden) <u>AND</u> Robin Kirkland (Churchwarden)	For – To share up to 6 minutes
St Peter's Factory, Wells Road, Westfield, Radstock (Item 3, Pages 117-134)	Councillor Jane Lewis, Midsomer Norton Town Council 1.Roger Daniels, Pegasus Planning 2.Richard Hambleton (Residents Association) 3.Rupert Bevan 4.George Bailey (for Radstock Action Group) 5.Colin Currie 6.Patricia Flagg (Midsomer Norton Society) 7.Andrew Butcher Simon Metcalfe, WYG (Applicants' Agents) <u>AND</u> David Broadway, CFH	Against Against – Up to 8 minutes For – To share 8 minutes
Parcel 3567, Stitchings Shord Lane, Bishop Sutton (Item 4, Pages 135-160)	Keith Betton, Chairman, Stowey Sutton Parish Council Ian Gibson Ian Jewson (Applicant's Agent)	Against Against For
Parcel 9181, Wick Road, Bishop Sutton (Item 5, Pages 161-191)	Keith Betton, Chairman, Stowey Sutton PC Matthew Burke <u>AND</u> Bernadette Braidley Ralph Hawkins, Barratt Homes (Applicants)	Against Against – To share 3 minutes For

<p>Pack Horse Farm, Old Midford Road, Midford, Bath (Item 6, Pages 192-201)</p>	<p>Robert Hellard, Vice Chairman, South Stoke Parish Council</p> <p>Simon Metcalfe, WYG (Agents for objector)</p> <p>John White (Applicant's Agent)</p>	<p>Against</p> <p>Against</p> <p>For</p>
<p>ENFORCEMENT REPORT 11</p>		
<p>Red Hill House, Red Hill, Camerton (Pages 207-215)</p>	<p>Chris Taylor, Chairman, Camerton Parish Council</p> <p>Tony Fry <u>AND</u> Jacky Lithgo <u>AND</u> Gerry Cole</p> <p>Michelle Wake <u>AND</u> Charlotta Martinus (Owner)</p>	<p>Statement in favour of enforcement action – Up to 3 minutes</p> <p>Statements in favour of enforcement action – To share 3 minutes</p> <p>Statements against enforcement action – To share up to 6 minutes</p>

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

13th March 2013

DECISIONS

Item No:	01	
Application No:	12/03335/FUL	
Site Location:	Abbey Church Of St Peter & St Paul, Abbey Churchyard, City Centre, Bath	
Ward: Abbey	Parish: N/A	LB Grade: I
Application Type:	Full Application	
Proposal:	Provision of improved public and ancillary support facilities to Bath Abbey, alterations to 8-13 Kingston Buildings, basement of Abbey Chambers, the 1920s Jackson Extension to Bath Abbey, the Clergy Vestry and adjoining vaults and cellars south of the Abbey, creation of newly excavated below ground spaces north of Kingston Buildings and below the Jackson Extension, associated landscape improvement works to the public realm and to the garden north of the Seventh Day Adventist chapel	
Constraints:	Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, Prime Shop Front, World Heritage Site,	
Applicant:	Bath Abbey	
Expiry Date:	27th September 2012	
Case Officer:	Rachel Tadman	

DECISION Authorise the Development Manger to permit subject to conditions

1. The submission of additional information to clarify the proposed structural work and the thermal upgrading within Kingston Buildings.
2. Attaching appropriate conditions.
3. Awaiting the consultation period to lapse on the 28th March 2013 and no further material considerations being raised in representations received subsequent to the Committee meeting which have not been considered during the processing of this application which may indicate a required change to the recommendation.

Item No:	02
Application No:	12/03336/LBA
Site Location:	Abbey Church Of St Peter & St Paul, Abbey Churchyard, City Centre, Bath
Ward: Abbey	Parish: N/A LB Grade: I
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Internal and external alterations for the provision of improved public and ancillary support facilities to Bath Abbey, alterations to 8-13 Kingston Buildings, basement of Abbey Chambers, the 1920s Jackson Extension to Bath Abbey, the Clergy Vestry and adjoining vaults and cellars south of the Abbey, creation of newly excavated below ground spaces north of Kingston Buildings and below the Jackson Extension, associated landscape improvement works to the public realm and to the garden north of the Seventh Day Adventist chapel
Constraints:	Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, Prime Shop Front, World Heritage Site,
Applicant:	Bath Abbey
Expiry Date:	27th September 2012
Case Officer:	Lisa Bartlett

DECISION Authorise the Development Manger to Consent subject to conditions

1. The submission of additional information to clarify the proposed structural work and the thermal upgrading within Kingston Buildings.
2. Attaching appropriate conditions.

Item No:	03
Application No:	12/05418/FUL
Site Location:	St Peter's Factory, Wells Road, Westfield, Radstock
Ward: Westfield	Parish: Westfield LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of foodstore and petrol filling station with associated development.
Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, General Development Site, Tree Preservation Order,
Applicant:	Sainsbury's Supermarkets Ltd & CFH Total Document Management
Expiry Date:	10th April 2013

DECISION REFUSE

1 The proposed development is not in accordance with the requirements of the sequential approach to development contrary to the Bath and North East Somerset adopted Local Plan Policy S4, Joint Replacement Structure Plan Policy 40, and paragraphs 24 and 27 of the National Planning Policy Framework. The development would as a result be harmful to the Council's retail strategy.

2 The proposed development would give rise to an unacceptable and significant adverse impact on the vitality and viability of the Midsomer Norton Town centre and a clear adverse impact on the Radstock town centre contrary to Policies S1 and S4, of the adopted Bath and North East Somerset Local Plan, Joint Replacement Structure Plan Policies 38 and 40 and paragraph 27 of the National Planning Policy Framework.

3 Inadequate information has been submitted to demonstrate that surface water run off from the site can be properly and appropriately discharged contrary to Policy ES5 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007, paragraph 103 of the National Planning Policy Framework and the advice contained within the NPPF Technical Guidance on flood risk.

4 The proposed development would result in the removal of existing trees and woodland whereby inadequate mitigation planting is proposed. This woodland provides important habitat and its removal would be harmful to ecology and visual amenity contrary to Policy NE4, NE12, D4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 and paragraph 118 of the National Planning Policy Framework.

5 The proposed development by virtue of its layout, inadequate landscaping and poor relationship with off site development would be harmful to the residential amenities of adjoining occupiers and the visual amenities of the area contrary to planning policies D2 and D4 of the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 and paragraphs 58 and 64 of the National Planning Policy Framework.

PLANS LIST:

31080-139 PL002 A, 31080-139 PL003 C, 31080-139 PL004 A, 31080-139 PL005 A, 31080-139 PL006 A, 31080-139 PL007 A, 31080-139 PL0010 A, 31080-139 PL0011 A, 31080-139 PL012 A, 31080-139 PL0013 A, 31080-139 PL0014 A, 40141_LP(90)001 A, 40141_LP(90)002 B, 40141_LP(90)003 A, 40141_LP(90)004 A, 40141_LP(90)005 A, 40141_LP(90)006 B, 40141_LP(90)007 B, 40141_LP(90)008 B, 40141_LP(90)009, 916-01, 916-02, 916-03, 31080-139 PL008 B, 31080-139 PL009 B, 69/11, 04/13

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. Notwithstanding the advice that was provided to the applicant in connection with this current application at pre-application stage and discussions in relation to the issues arising during the

consideration of the current planning application whereby the unacceptable nature of the proposals have been clearly conveyed to the applicant, and the applicant has been offered opportunities to meet to discuss those concerns both on site and at the office, the applicant has chosen to pursue the development in its current form and has chosen not to withdraw the application. Consequently and having regard to the need to avoid unnecessary delay the Local Planning Authority has moved forward and issued its decision.

Item No:	04	
Application No:	12/04238/OUT	
Site Location:	Parcel 3567, Stitchings Shord Lane, Bishop Sutton, Bristol	
Ward: Chew Valley South	Parish: Stowey Sutton	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Erection of 35no. dwellings and associated infrastructure.	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Greenfield site, Water Source Areas,	
Applicant:	Edward Ware Homes Ltd	
Expiry Date:	8th January 2013	
Case Officer:	Daniel Stone	

DECISION Authorise the Development Manager, in consultation with the Planning and Environmental Law Manager, to enter into a section 106 agreement as follows

Transport

1. Contributions of £16,000 towards the upgrading of local bus-stops (raised kerbing, real-time info.) - £16,000
2. Contributions of £4,000 towards an improved pedestrian crossing facility of the A368 (on route to local facilities) to address the severance effect of Wick Road.
3. Contributions of £7,289.60 - strategic transport schemes within the Authority

Affordable Housing

4. The provision, on site, of 35% Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council

Open Space and Recreational Facilities

5. Contributions to fund the provision of formal open space and allotments off-site to serve the population, and fund the maintenance of any open space provided within the development, the amount of the contribution to be calculated prior to reserved matters

consent being granted in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the occupation of the development.

6. A landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. This shall set out ongoing management objectives for any green community space and areas of retained and new planting provided within the development and not to be adopted by the Local Authority, shall indicate the areas to be managed and set out the scope, timing and frequency of specific maintenance operations to achieve these objectives.

Education

7. Contributions to fund the need for primary and secondary school places and Youth Services provision places arising from the development, the amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be provided prior to the commencement of development.

Upon completion of the Agreement, authorise the Development Manager to Permit subject to the following conditions:-

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 Approval of the details of the (a) layout, (b) scale, (c) appearance, and (e) landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

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).

3 The proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking 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.

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

4 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

5 Plans showing access, parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All areas shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and constructed to the satisfaction of the Local Planning Authority before the dwellings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

6 The garaging hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

7 Prior to the commencement of the development,

a.) 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, construction access, wheel wash arrangements and traffic management procedures. The development shall thereafter be carried out in full accordance with the physical and procedural measures set out in the approved Construction Management Plan.

b.) A photographic condition survey (annotated to a survey plan) shall be carried out recording the condition of the construction approach roads to the site (within 400 metres of the site) prior to the commencement of development. The survey shall be submitted to and approved in writing by the Local Planning Authority. All damage resulting from development shall be made good in accordance with details and a timetable submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the safe operation and ongoing condition of the highway.

8 Prior to the commencement of development, the intrusive investigation works recommended within Section 5 of the Coal Mining Risk Assessment shall be implemented in full. In the event that the site investigations confirm that remedial works are required to treat any areas of shallow mine workings, and/or any other mitigation measures (e.g. gas protection) to ensure the safety and stability of the proposed development, these works should also be undertaken prior to commencement of development, in accordance with details submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of ensuring that land stability issues are dealt with properly, in the interests of health and safety.

9 No development shall take place until full details of a Wildlife Management and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Wildlife friendly planting including native planting to strengthen retained hedgerows
- (ii) Habitat creation including provision of rough grassland
- (iii) details of long term habitat and hedgerow management
- (iv) findings of pre-commencement checks and details any resulting precautionary measures for the protection of wildlife
- (v) Measures to enhance the value of the site to bats and birds
- (vi) Details of all other ecological mitigation and enhancement measures as appropriate

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

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

10 No development shall commence 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 first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains.

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

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

12 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in

accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

13 Development shall not commence until a drainage design for each plot or parcel of land, incorporating 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.

i. The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).

ii. A clearly labelled drainage layout plan should be submitted showing the pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes. Confirmation of the agreed discharge rate, with any flow control devices

iii. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing.

iv. Adoption and maintenance of the drainage system must be addressed and stated.

v. Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

REASON: To prevent the increased risk of flooding and to improve water quality.

PLANS LIST:

This decision relates to drawing nos:

- 725/101E ILLUSTRATIVE SITE PLAN
- 725/102E ILLUSTRATIVE MASTER PLAN
- 725/103A PROPOSED SITE ACCESS PLAN
- 725/110 EXISTING AND PROPOSED SECTION AA
- 725/111 EXISTING AND PROPOSED SECTION BB
- 725/112 EXISTING AND PROPOSED SECTION CC
- 725/113 EXISTING AND PROPOSED SECTION DD
- 725/114 EXISTING AND PROPOSED SECTION EE
- 725/100 SITE LOCATION PLAN
- WESSEX WATER PLAN

- AFFORDABLE HOUSING STATEMENT
- ARBORICULTURAL REPORT
- ARCHAEOLOGICAL ASSESSMENT
- CFSH PRE-ASSESSMENT
- DESIGN & ACCESS STATEMENT
- ECOLOGICAL SURVEY
- ENERGY & SUSTAINABILITY STATEMENT
- FLOOD RISK ASSESSMENT
- HOUSING LAND SUPPLY ASSESSMENT
- LANDSCAPE AND VISUAL IMPACT ASSESSMENT
- PLANNING STATEMENT
- STATEMENT OF COMMUNITY INVOLVEMENT
- TRANSPORT STATEMENT
- COAL MINING RISK ASSESSMENT
- AGENT - E-MAIL RE: ARCHAEOLOGICAL DESK-B...
- ARCHAEOLOGICAL DESK-BASED ASSESSMENT
- REPTILE SURVEY
- FLOOD RISK ASSESSMENT ADDENDUM dated 12th December 2012

Coal Mining and Land Stability Issues

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <http://coal.decc.gov.uk/en/coal/cms/services/permits/permits.aspx>

Public Right of Way

The development proposal affects the line of a public right of way and wherever possible the integrity of the way should be retained. In circumstances where there is no alternative other than to attempt to stop up or divert the way to enable the development to be carried out, early negotiations with the Authority to secure an order is advised. The route should be safeguarded throughout the whole of the order making process, which can be lengthy and the outcome of this is not guaranteed.

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 case officer's report, a positive view of the submitted proposals was taken and consent was granted.

Reasons for Decision

Taking account of Section 38(6) of the Planning and Compulsory Purchase Act 2004, it has been concluded that the development accords with the National Planning Policy

Framework - March 2012 and all other material planning considerations including those listed below and emerging Development Plan policies.

The site falls outside of the adopted development boundary and the proposals were considered contrary to policies SC.1 and HG.4 of the Adopted Local Plan and policy RA1 of the submission draft Core Strategy. However, the Authority is presently unable to demonstrate a 5-year-housing land supply, and the authority neither has an Adopted Core Strategy or up-to-date Local Plan. Therefore, in accordance with the guidance in the National Planning Policy Framework the application is to be considered against the policies in the NPPF, with consent being granted unless there are any adverse impacts in doing so that would "significantly or demonstrably outweigh the benefits of the scheme".

In this case the development would give rise to locally significant landscape harm, due to its location on a greenfield site beyond the established footprint of the settlement. However the adverse impacts of the development would not significantly or demonstrably outweigh the benefits of the scheme in terms of the delivery of housing and therefore, in accordance with national policy, the application has been approved.

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

Drainage and Riparian water rights

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected. Applicants or developers should be made aware of their responsibilities to ensure that the operations do not interfere with riparian owner's common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licenses, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.

Item No:	05
Application No:	12/05279/FUL
Site Location:	Parcel 9181, Wick Road, Bishop Sutton, Bristol
Ward: Chew Valley South	Parish: Stowey Sutton LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 41 no. two, three, four and five bedroom dwellings including 14 no. affordable housing units along with the provision of informal public open space, vehicular access from the A368, landscaping and drainage.
Constraints:	Airport Safeguarding Zones, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Greenbelt, Greenfield site, Public Right of Way, Water Source Areas,
Applicant:	Barratt Homes (Bristol) Ltd And Messrs
Expiry Date:	5th March 2013
Case Officer:	Richard Stott

DECISION REFUSE

1 The proposed development, together with other permitted development and development reasonably expected to come forward through the Core Strategy Plan period (2011 - 2029) would result in an excessive scale of development and set an unsustainable trajectory of growth for what is a small village with relatively few facilities. As such the proposed development would be contrary to policies RA1, DW1 of the Schedule of Proposed Changes to the Submitted Core Strategy March 2013, saved policies SC.1 and HG.4 of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007, and the guidance set out in the National Planning Policy Framework.

2 The proposed development would have an unacceptable and unsafe pedestrian link with the centre of the village (and school) by virtue of the lack of a formal crossing on the A368 and the lack of pavements of adequate width between Gordon Cottage and the Methodist church. As such, the proposed development would be contrary to saved policies T.1, T.3 and T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007 and the guidance set out in the National Planning Policy Framework.

3 The application, which proposes achieving Code for Sustainable Homes level 3 would be contrary to policy CP2 of the Schedule of Proposed Changes to the Submitted Core Strategy March 2013

4 Due to its design, layout, the treatment of parking and parking areas and creation of spaces between buildings, the proposed development would fail to respond adequately to the local context and character of Bishop Sutton, introducing a suburban form of development which would not reinforce the distinctive rural characteristics of the village. Furthermore insufficient information has been submitted as to how the boundary hedges which are of landscape and ecological value will be managed, maintained and protected over the long-term. As such, the proposed development would be contrary to saved policies NE.4, NE.12, D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007, policy CP6 of the Schedule of Proposed Changes to the Submitted Core Strategy March 2013 and the guidance set out in the National Planning Policy Framework.

5 Insufficient information has been submitted to demonstrate that the development would not exacerbate flooding and drainage problems in the vicinity of the detention pond. As such, the proposed development would be contrary to saved policies ES.5 of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007, policy CP5 of the Schedule of Proposed Changes to the Submitted Core Strategy March 2013 and the guidance set out in the National Planning Policy Framework.

6 The development by virtue of the siting of plot 33 and its proximity and relationship with neighbouring properties, would result in an unacceptable loss of privacy and amenity for the occupiers of Highland Villas and the future occupiers of plot 33. As such, the proposed development would be contrary to saved policy D.2 (f) of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007.

PLANS LIST:

This decision relates to the documents and drawings date stamped as follows:

28th November 2012:

- APPLICATION FORM and SITE LOCATION PLAN

4th December 2012:

- AFFORDABLE HOUSING STATEMENT, ARBORICULTURAL CONSTRAINTS REPORT, ARCHAEOLOGICAL DESK-BASED ASSESSMENT, B&NES VALIDATION CHECKLIST, DESIGN & ACCESS STATEMENT, DRAFT HEADS OF TERMS S106, DRAINAGE STATEMENT, ECOLOGICAL REPORT
GEOTECHNICAL INVESTIGATION AND CONTAMINATED LAND REPORT, HOUSING LAND SUPPLY ASSESSMENT, LANDSCAPE & VISUAL ASSESSMENT, PLANNING STATEMENT, REQUEST FOR A SCREENING OPINION, STATEMENT OF COMMUNITY INVOLVEMENT, SUPERSEDED - FLOOD RISK ASSESSMENT, SUPERSEDED - PARKING SCHEDULE, SUSTAINABILITY STATEMENT, SUSTAINABLE CONSTRUCTION CHECKLIST and the TRANSPORT STATEMENT

Drawings:

- 0475-100, 0475-106, 0475-109, 0475-110, 0475-200, 0475-201, 0475-202, 0475-203, 0475-204, 0475-205, 0475-206, 0475-207, 0475-208, 0475-209, 0475-210, 0475-211,

0475-212, 0475-213, 0475-214, 0475-215, 0475-216, 0475-217, 0475-218, 0475-219, 0475-220, 0475-221, 0475-222, 0475-223, 0475-224, 0475-225, 0475-226, 0475-227, 0475-228, 0475-229, 0475-230, 0475-231, 0475-232, 0475-233, 0475-234, 0475-235, 0475-236, 0475-237, 0475-302, 0475-320, 0475-321 A, BRS.3841_05, BRS.3841_12, BRS.3841_13 and D28 18 P3

14th December 2012:

- WESSEX WATER PLAN

17th January 2013:

- Drawings BRS 3841_11A, BRS 3841_13A, SK03 REV A

5th February 2013:

- Drawing SK03 A

8th February 2013:

- REVISED FLOOD RISK ASSESSMENT, REVISED PARKING SCHEDULE

- Drawings 0475-102 C, 0475-103 C, 0475-104 C, 0475-105 C, 0475-107 C, 0475-108 C, 0475-320 D, 0475-321 B, BRS 3841_13B

INFORMATIVE PUBLIC RIGHTS OF WAY

Clause 10 of the Draft Growth and Infrastructure Bill is to amend section 257 of the Town and Country Planning Act, 1990 to enable the authority to make a rights of way order where it is satisfied that an application for planning permission has been made. The measure will enable the rights of way order to be considered alongside the planning application, instead of having to wait until after planning permission has been granted.

CONTAMINATED LAND

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. Contamination may be indicated by soils that have unusual characteristics such as: unusual colour, odour, texture or containing unexpected foreign material.

Gas monitoring and risk assessment should be carried out in accordance with CIRIA C665. Any gas protection measures required shall be proposed in accordance with the appropriate guidance. A Verification Report of the installed gas protection measures shall be submitted to the Local Planning Authority for consideration

ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

A

LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

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

- o D.2 General design and public realm considerations
- o D.4 Townscape Considerations
- o IMP.1 Planning obligations
- o CF.3 Contributions from new development to community facilities
- o SR.3: Provision of recreational facilities to meet the needs of new developments
- o BH.12 Important archaeological remains
- o HG.4 Residential Development in R.1 Settlements
- o HG.7 Minimum residential density
- o HG.8: Affordable Housing on allocated and large windfall sites
- o HG.10 Housing Outside Settlements
- o GB.1 Control of Development in the Green Belt
- o GB.2 Visual amenities of the Green Belt
- o ES.5 Foul and surface water drainage
- o ES.12 Noise and Vibration
- o NE.1 Landscape character
- o NE.4: Trees and woodland conservation
- o NE.10 Nationally important species and habitats
- o NE.11 Locally important species & habitats
- o NE.12 Natural features: retention, new provision and management
- o NE.14 Flood Risk
- o T.1 Overarching access policy
- o T.3 Promotion of walking and use of public transport
- o T.24 General development control and access policy
- o T.26 On-site parking and servicing provision

BATH AND NORTH EAST, SOMERSET, BRISTOL, NORTH SOMERSET, SOUTH GLOUCESTERSHIRE JOINT REPLACEMENT STRUCTURE PLAN (ADOPTED SEPTEMBER 2002)

- o Policy 1 Sustainable Development
- o Policy 17 Landscape Character
- o Policy 54 Car Parking

DRAFT CORE STRATEGY, MAY 2011

The Draft core strategy is currently suspended following an Examination in Public however remains a material consideration. At this stage the Core Strategy has limited weight but

should be read in conjunction with ID28, the Inspector's Preliminary Conclusions on Strategic Matters and Way Forward, June 2012:
Chapter 3, Rural Areas of ID28 is pertinent to this application

Draft Core Strategy Policies:

- o RA1 - Development in the Villages meeting the listed criteria
- o RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
- o CP2 - Sustainable Construction
- o CP6 Environmental Quality
- o CP8 Green Belt
- o CP9 - Affordable Housing
- o CP10 - Housing Mix
- o CP13 - Infrastructure Provision

SUPPLEMENTARY PLANNING GUIDANCE

- o Planning Obligations Supplementary Planning Document, Adopted July 2009
- o Mendip Hills AONB Management Plan 2009 -2014
- o Rural Landscapes of Bath and North East Somerset - A Landscape Character Assessment, April 2003

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF came into effect on the 27th March 2012 replacing all previous Planning Policy Statements (PPS's) and Guidance Notes (PPG's). The NPPF is of primary consideration in the determination of this application.

In the case of the B&NES Local Plan, although adopted in 2007 this was made in accordance with 1990 Town and Country Planning Act and therefore Para 215 of the NPPF is applicable where it is stated "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

Item No:	06	
Application No:	12/04834/FUL	
Site Location:	Pack Horse Farm, Old Midford Road, Midford, Bath	
Ward: Bathavon South	Parish: South Stoke	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Change of use of land to equestrian, retention of 2no. mobile stable units for current DIY livery business and conversion of existing outdoor turnout area/starvation paddock to an all-weather riding arena (revised resubmission).	

Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Greenbelt, Listed Building, Water Source Areas,
Applicant:	Mr Robert Barrett
Expiry Date:	11th February 2013
Case Officer:	Rachel Tadman

DECISION Delegate to permit subject to appropriate conditions

PLANS LIST:

This decision relates to drawing nos 035 004 Rev C, 035 002 Rev D, 035 011, 035 012, Longcross Stables 05, S4926/001 A, S4926/100.

Item No:	07
Application No:	13/00154/REG03
Site Location:	City Of Bath College, Avon Street, City Centre, Bath
Ward: Abbey	Parish: N/A LB Grade: N/A
Application Type:	Regulation 3 Application
Proposal:	Installation of a public sculpture and plinth.
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Bath And North East Somerset Council
Expiry Date:	26th March 2013
Case Officer:	Tessa Hampden

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 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:

Plan: 1133/03 date stamped 25 Jan 2013 and 1133/03A date stamped 25th February 2013 and Design Statement date stamped 14th January 2013

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 & 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.6 Conservation Area

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 relocation 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 character and appearance of this part of the Conservation Area or setting of the wider World Heritage Site. The development does not impact upon highway safety.

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 submitted proposals was taken and permission was granted.

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