

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 8th May, 2013

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

Also in attendance: Councillors Gabriel Batt, Mathew Blankley, Sally Davis, Michael Evans, Barry Macrae, Paul Myers, Vic Pritchard, Geoff Ward and Chris Watt

165 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

166 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not desired

167 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Liz Hardman whose substitute was Councillor Rob Appleyard

168 DECLARATIONS OF INTEREST

There were no declarations of interest

169 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of Urgent Business. However, the Chair announced that the planning application at Bubblers Dytch, High Street, Wellow (Item 17, Report 11) had been withdrawn from the Agenda as had the 2 Enforcement Reports at Opa, North Parade, Bath (Report 12) and The Quarry, Eastcourt Road, Temple Cloud (Report 13).

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

The Senior Democratic Services Officer informed the meeting that there were various speakers on planning applications in Reports 10 and 11 and that they would be able to make their statements when reaching their respective Items in those Reports.

171 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items

172 MINUTES: 10TH APRIL 2013

The Minutes of the previous meeting held on Wednesday 10th April 2013 were approved as a correct record and signed by the Chair

173 MAJOR DEVELOPMENTS

The Development Manager reported that discussions had commenced with the developers of the former Cadbury's site, Somerdale, and that, once the application had been registered, the usual consultation process would follow.

In response to Councillor Eleanor Jackson's query about the Norton Radstock Regeneration proposals, the Development Manager stated that an application was expected in the near future.

The Committee noted.

174 SITE VISIT LIST - APPLICATION FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Development Manager on an application for planning permission at The Chase, Rectory Lane, Compton Martin
- An Update Report by the Development Manager which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc, the Speakers List being attached as *Appendix 2* 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 3* to these Minutes.

The Chase, Rectory Lane, Compton Martin – Erection of extensions including a first floor extension to create a 1.5 storey dwelling (Revised proposal) – The Case Officer reported on this application and her recommendation to Permit with conditions. The Update Report advised Members of further drawings submitted by the applicants and of further representations by the adjoining neighbour.

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

Councillor Les Kew considered that the recent site visit had proved to be very useful. He considered that the amenities of the adjoining property were not affected and that the value of both properties would be improved. He therefore moved that the Officer recommendation be approved which was seconded by Councillor Doug Nicol.

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

175 MAIN 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 2-6, 11 and 14, a copy of which is attached as *Appendix 1* to these Minutes
- oral statements by members of the public etc on Item Nos 2-15, 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 4* to these Minutes.

Items 2-6 Parcels 2866 and 0005 South, Woolley Lane, Woolley – (2) Alterations and extension to existing agricultural building; alterations to access; formation of hard standing and farm track; construction of stock pond; siting of 2 feed hoppers and ancillary works (Retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years on Parcel 2866 (Ref 12/05660/FUL); (3) erection of general purpose agricultural building on Parcel 2866 (Ref 12/05661/FUL); (4) siting of 4 mobile poultry units (Retrospective) on Parcel 2866 (Ref 12/05662/FUL); (5) siting of 3 mobile poultry units (Retrospective) on Parcel 0005 South (Ref 12/05663/FUL); and (6) siting of 3 mobile poultry units (Retrospective) on Parcel 0005 South (Ref 12/05664/FUL) – The Case Officer reported on all 5 applications and his recommendations to refuse permission. The Update Report provided the full comments of the Highways Officer on these applications and the observations of the Planning Officer.

The public speakers made their statements against and in favour of the proposals which were followed by statements by the Ward Councillors Geoff Ward and Gabriel Batt.

Councillor Martin Veal (Ward Member) stated that the applicants were riding roughshod over the community. He considered that the development blighted the visual amenity of the area which was AONB and Green Belt and impacted on the setting of a World Heritage Site. The cumulative effect was unacceptable. He complimented the Case Officer on producing a good report. He raised a query on the wording of the last sentence on page 2 of the Update Report. The Case Officer stated that, instead of “the highway response is open of objection ...” it should read “the highway response is one of objection ...”

Councillor Eleanor Jackson agreed with the Officer’s conclusions on Item 2 and therefore moved the Recommendation to refuse permission which was seconded by Councillor Martin Veal. Councillor Brian Webber referred to the Article 4 Direction which covered the area and removed agricultural permitted development rights over a wide area of the Swainswick Valley. This was an overriding consideration. The motion was then put to the vote and was carried unanimously.

Councillor Martin Veal moved separately that the remaining 4 applications be refused as recommended which were seconded by Councillor Les Kew. Voting was taken separately and these were carried unanimously.

Councillor Les Kew thanked the Case Officer for producing such a good report. In view of the above decisions, Councillor Martin Veal expressed a desire for enforcement action to be considered at the next meeting on 5th June. The Development Manager replied that Officers would aim at producing a report for the next meeting.

Item 7 Parcel 8966 Manor Road, Saltford – Erection of up to 99 dwellings and associated parking on Parcel 8966 and Parcel 0064, 1 vehicular access from Manor Road and separate pedestrian access to Manor Road, associated engineering works and the construction of 2 car parking lay-bys on Manor Road – The Case Officer reported on this application and her recommendation that, if the Council had been in a position to make a decision on the application, then the recommendation would be to refuse the application on the basis that the development would comprise inappropriate development in the Green Belt, harmful to openness that would encroach into the countryside, and for which no very special circumstances had been demonstrated that would clearly outweigh the very significant level of harm caused. The Development Manager explained that the application was the subject of an appeal for non-determination and therefore Members' views were being sought to enable the Inspector to be advised of the Council's recommendation for the application.

The public speakers made their statements against the proposal which was followed by a statement by the Ward Councillor Mathew Blankley against the application.

Councillor Bryan Organ opened the discussion. He stated that the development site was not in the Core Strategy and was outside the housing boundary. The Development Manager gave advice regarding the policy position and stated that the National Planning Policy Framework was a material consideration in planning decisions and should be given more weight than the Local Plan if there was any inconsistency. There was a presumption in favour of sustainable development and it stipulated that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority could not demonstrate a 5 year land supply of deliverable housing. This Council could not demonstrate such land supply until objections had been heard by the Inspector at the forthcoming Examination in Public into the Draft Core Strategy. The outcome was that applications should be assessed against the policies of the NPPF with the amended Draft Core Strategy and the relevant Local Plan policies being given little weight. Where sites were located in the Green Belt, as in this case, the NPPF states that the presumption in favour of sustainable development did not apply even when the Council could not demonstrate a 5 year housing supply. In these cases, such development would remain inappropriate which is harmful by definition and there may also be harm to openness and other harm. Permission could only be granted if very special circumstances existed that clearly outweighed the harm.

Councillor Bryan Organ appreciated the situation and moved the Officer recommendation. This was seconded by Councillor Les Kew.

Members debated the motion. Councillor Nicholas Coombes supported the policy position and saw no reason to grant permission due to the harm to the openness of the Green Belt which was upheld by the NPPF. Councillor Eleanor Jackson referred to the need for Green Belt land and retaining its openness.

The motion was put to the vote and was carried unanimously.

Item 8 Fields north of Orchard Park, Staunton Lane, Whitchurch – Residential development (up to 295 dwellings) including infrastructure, ancillary facilities, open space, allotments and landscaping. Construction of 2 new vehicular accesses from Stockwood Lane (Resubmission) – The Case Officer reported on this application and her recommendation to refuse permission. She pointed out that there had been 385 objections received, not 585 as stated in the report.

The public speaker made her statement against the proposal.

Councillor Les Kew opened the debate. He stated that the Ward Councillor Peter Edwards was unable to be present due to ill health. He agreed with the reasons for refusal as the development would harm the openness of the Green Belt, encroach into the countryside and contribute to the sprawl of Bristol. He therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members debated the motion. It was generally agreed that the reasons for refusal could not be disputed. It was also suggested that the site was not sustainable. Councillor Nicholas Coombes raised the issue of Green Belt status and the safeguarded bypass route through the site. The Officers responded that a detailed design had not been prepared and that the route would be reviewed in the Place Making Plan – funding for the bypass would need to be demonstrated.

The motion was put to the vote and was carried unanimously.

Items 9&10 Parcel 5400 Fosseyway South, Westfield, Midsomer Norton – (1) Outline planning permission for up to 164 residential dwellings (C3), a 60 bed care home (C2), 200sq m of retail/business/community space (A1/A3/B1/D1) along with 2 points of access and public open space (Ref 12/00546/OUT); and (2) outline planning permission for up to 165 residential dwellings (C3), and 60 bed care home, 2 points of access and public open space (Ref 13/00127/OUT) – The Case Officer reported on these proposals and his recommendations to authorise the Development Manager to Permit the applications subject to (1) a S106 Agreement to secure various provisions relating to Affordable Housing, Education, Open Space and Recreational Facilities, and Transport; and (2) various conditions.

The public speakers made their statements against and in favour of the proposals which was followed by statements by the Ward Councillors Paul Myers and Chris Watt

The Development Manager gave advice on the policy position. She stated that the NPPF was a little ambiguous and did not make reference to sub areas. The Somer Valley was due to make a contribution to meet housing requirements. Having made a sequential assessment of the proposals, the Officers considered that there were no reasons to warrant refusal.

Councillor Bryan Organ opened the debate. He felt that the applications should be deferred for 1 month for further consideration and advice regarding the NPPF. He moved accordingly which was seconded by Councillor Martin Veal.

Members debated the motion. It was generally felt that there were insufficient grounds for deferral. At the suggestion of Councillor Les Kew, he amended his motion, with the seconder's agreement, to Defer for a Site Visit. Members debated the amended motion. It was generally felt that little would be achieved by holding a site visit. The motion was put to the vote. Voting: 4 in favour and 7 against with 2 abstentions. Motion lost.

Councillor Eleanor Jackson moved the Officer recommendations which were seconded by Councillor Rob Appleyard. Members raised various issues including the need for jobs and houses, loss of a greenfield site when brownfield sites were still available, sustainability, highways and congestion. Views were expressed for and against the proposals. Some Members considered that there was demand for housing in the area, others not. There were a number of differences of opinion on the application. The motions were separately put to the vote and were carried, 7 voting in favour and 6 against.

Item 11 Parcel 0025 Monger Lane, Welton, Midsomer Norton – Residential development comprising up to 135 dwellings, vehicular access from Monger Lane, public open space and other associated infrastructure – The Case Officer reported on this application and her recommendation to authorise the Development Manager to grant permission subject to (1) entering into a S106 Agreement to cover various provisos under the headings of Affordable Housing, Highways, Highways Drainage, Landscape and Open Space, and Education; and (2) various conditions. The Update Report commented on the Highways Officer's additional comments and added a further condition.

The public speakers made their statements against and in favour of the proposal which was followed by statements by the Ward Councillors Michael Evans and Barry Macrae, and then the Ward Councillors for Midsomer Norton Redfield, Paul Myers and Chris Watt.

Councillor Eleanor Jackson moved that the Recommendation be overturned and that the application be refused which was seconded by Councillor Rob Appleyard. The reasons for refusing were that (1) the development would be harmful to the appearance of the hillside; (2) inadequate highway provision which would create a rat-run; (3) the development was unsustainable with no pavement and a poor bus service; and (4) the site was liable to flooding.

The Development Manager commented on the reasons for refusal. She pointed out that there were no objections by the Highways Officer or by the Environment Agency and Wessex Water.

Members asked questions regarding loss of trees, mine working and the bus service to which the Officers responded. At a Member's request, the Development Manager gave an explanation of a paragraph in the report relating to a contribution of £366,178.05 towards strategic highway and transport works.

After a short debate, the motion was put to the vote and it was carried, 12 voting in favour and 1 against.

(Notes: (1) After this item at 6.07pm, there followed an adjournment for Tea and the meeting resumed at 6.30pm; and (2) Councillors Rob Appleyard and Neil Butters did not return to the meeting)

Item 12 The Glebe, Church Hill, High Littleton – Conversion and extension of garage to form family room, new entry hall, bathroom, garage and attic storage following removal of carport and provision of a pitched roof to existing open oil storage tank – The Case Officer reported on this application and her recommendation to refuse permission.

The applicant's agent made his statement in support of the application.

Councillor Les Kew opened the debate. He considered that the works were minor and couldn't be seen from adjoining sites – the works would improve the appearance of the property and give it character. He added that the proposals were verging on being Permitted Development and would help a growing family to remain in the village. He therefore moved that the Recommendation be overturned and that authority be delegated to Officers to grant permission subject to appropriate conditions. The motion was seconded by Councillor Martin Veal. Members debated the motion. It was generally agreed that the roots of the Yew tree in the garden needed to be protected and an appropriate condition added.

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

Items 13&14 The Hay Barn, Camerton Hill, Camerton – (1) Increase in roof pitch and ridge height, insertion of 5 conservation roof lights, new door and window opening on the south west elevation and internal reorganisation to provide 4 bedroomed holiday accommodation (Retrospective)(Ref 1300690/FUL); and (2) internal and external alterations for the increase in roof pitch and ridge height, insertion of 5 conservation roof lights, new door and window opening on the south west elevation and internal reorganisation to provide 4 bedroom holiday accommodation (Regularisation)(Ref 13/00691/LBA) – The Case Officer reported on these applications and her recommendations to Permit/Consent with conditions. The Update Report informed Members that, if consent was granted as recommended, condition 01 was now no longer required.

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

Councillor David Veale opened the debate and referred to the large amount of earth removed to create the parking space at the front of the property. The letting appeared to provide full time family accommodation. He felt that due process had not been followed by the applicant.

Councillor Les Kew considered that the alterations had been done to a high standard providing an attractive building although consultation had been lacking. He moved that the recommendation to Permit with conditions be approved which was seconded by Councillor Bryan Organ.

Members debated the motion. There was discussion regarding the recommended length of the occupancy of the accommodation by the same person, namely, 6 months. The Officer explained that this was included in the original permission. Councillor Nicholas Coombes moved an amendment that the length of occupancy be reduced to 3 months which was seconded by Councillor David Veale. Members debated the amendment. After a short discussion, the amendment was put to the vote and was carried, 7 voting in favour and 4 against.

The substantive motion with this amendment was put to the vote and was carried, 10 voting in favour and 1 against.

Councillor Eleanor Jackson moved that the Officer recommendation to Consent with conditions be approved which was seconded by Councillor Les Kew. The motion was put to the vote and was carried, 10 voting in favour and 1 against.

Item 15 Land between Old Lane and Conygre Brook, Old Lane, Farmborough – Erection of 12 dwellings and construction of vehicular and pedestrian accesses following demolition of bungalow – The Case Officer reported on this application and his recommendation to authorise the Development Manager to grant permission subject to (1) a S106 Agreement to secure various provisos under the headings of Transport, Affordable Housing, and Open Space and Recreational Facilities; and (2) appropriate conditions.

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

The Development Manager gave advice regarding the policy considerations. The site was within the housing development boundary and the proposal was acceptable in principle subject to satisfactory details and the usual conditions. The protection of visually important hillsides had been removed by the Inspector on the Core Strategy and development sites should be considered on the basis of individual circumstances. It was considered that there was no harm in this instance.

Councillor Les Kew opened the debate. He considered this to be an odd site tantamount to back land development and had concerns regarding the access. He moved that consideration be deferred to enable Members to have a Site Visit to assess the contours of the land and the access. The motion was seconded by Councillor Bryan Organ.

Members debated the motion. Although some Members did not feel it necessary, most Members welcomed a Site Visit in this case. The motion was therefore put to the vote and was carried, 9 voting in favour and 2 against.

(Note: Councillor David Veale left the meeting at this point)

Item 16 Parcel 0087 Walley Lane, Chew Magna – Change of use of filed from agriculture to equestrian and erection of block of 4 stables (Resubmission) – The Case Officer reported on this application and his recommendation to refuse permission.

The public speaker had previously indicated that he had to leave the meeting before this item was considered and left his statement for the Chair to read out which he did.

The Development Manager gave advice on the policy position. The NPPF had removed the previous PPG 2 reference to material changes of use being appropriate “other” forms of development in the Green Belt – therefore this proposed change of use represented inappropriate development in the Green Belt.

Councillor Les Kew referred to the site being in the Green Belt and a pleasant area for walking with a nearby lake and café. He felt that it should be designated an AONB. He therefore moved the Officer recommendation which was seconded by Councillor Bryan Organ. The motion was put to the vote which was carried unanimously.

Item 17 Bubblers Dutch, High Street, Wellow – Erection of 2 detached two storey houses with attached garages following demolition of existing single storey house (Resubmission) – The Officer withdrew this report from the Agenda for further consideration.

176 ENFORCEMENT ITEM - OPA, NORTH PARADE, BATH (WITHDRAWN)

This Report was withdrawn from the Agenda

177 ENFORCEMENT ITEM -THE QUARRY, EASTCOURT ROAD, TEMPLE CLOUD (WITHDRAWN)

This Report was withdrawn from the Agenda

178 QUARTERLY PERFORMANCE REPORT - JANUARY TO MARCH 2013

The Chair extended his thanks on behalf of the Committee to Development Control Officers for their hard work and endeavours during a particularly busy period.

The report was noted.

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

Councillor Eleanor Jackson congratulated Planning Officers for their overall high success rate in winning appeals.

The report was noted.

180 UPDATE ON FORMER FULLERS EARTHWORKS, COMBE HAY, BATH

The Development Manager reported that the appellants had applied for costs as regards the Council’s withdrawal of Enforcement Notice 01. She informed Members that the Statement of Case on the 2nd Bite Notice had been submitted yesterday. No response had been received from the Planning Inspectorate regarding the appeal held in abeyance. She also referred to two statements received from the appellants’ agents.

The Committee noted.

The meeting ended at 7.55 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

8th May 2013

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

ITEM 10

Item No 1 Application No 13/00376/FUL
Address The Chase, Rectory Lane Compton Martin.

Following the presentation of the application at the last committee the applicant decided to submit two further drawings. Drawings 2013/chase/09a and 2013/chase/08a were received on 26th April

2013. These plans were uploaded on the Council's website and shown to Councillors when they visited the site 29th April 2013. The plans were also forward to the objector at the neighbouring property.

Drawing 08a shows a section through the site and 09a showed a street scene elevation.

Further correspondence was received from the neighbouring properties siting inconsistencies in the drawings, the correspondence is as follows:

- The Section Drawing indicates a distance from the rear of the property to the boundary hedge of 8.6 metres instead of the correct 5.7 meters giving the impression that the distance from our living rooms is greater than it is. This does not accord with the site plan dated 15th March 2013.
- The drawing described as 'Street Scene' is of the west facing elevations rather than those facing east - Rectory Lane.
- Confusingly the Section Drawing appears to show the ridge height in imperial but all other measurements in metric.

We remain concerned at the continued inaccuracies of drawings from a professional building design company. As these drawings have been produced to assist the Development Committee in its deliberations, I would be grateful if you would bring this to their attention.

The section drawings show an arrangement which is consistent with the other drawings that have been submitted. It is recognised the 'Street Scene' view is the view of the property from the rear rather than the front. The measurements on the drawing are all metric, the objector may confused in respect of level measurements.

ITEMS FOR PLANNING PERMISSION

**Item No.2 - 6 Application No.12/05660/FUL; 5661/FUL; 05662/FUL;
05663/FUL; 05664/FUL:**
Address Parcel 2866 and 005, Woolley Lane Charlcombe

Further Comments

Following completion of the report, two letters have been received from objectors unable to attend committee but reiterating their previous grounds of objection to the applications.

Highway Comments

The comments from Highways were summarised in the Committee report. The following are the full comments:

Application No. 12/05660/FUL

Site address: Parcel 2886, Woolley Lane, Charlcombe

Proposal: Alterations and extension to existing agricultural building; alterations to access, formation of hardstanding and farm track; construction of stock pond; siting of 2 no. feed hoppers and ancillary works (retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years.

The proposed development would appear to represent an intensification in use of the site. However, no attempt has been made to quantify this situation, the Design and Access Statement looking collectively at 5 applications and giving the applicants 'opinion' rather than making justified statements.

The applicants agent considers there is a need for one worker to be on site at all times, yet the proposed residential unit is a 3 bedroomed, family sized dwelling, which inevitably will result in a potential intensification in use of the site over and above the agricultural use.

However (in mitigation?), the application includes alteration to the access. This has not been quantified or demonstrated, the only plan being of the existing access. At the very least, if there is to be an intensification in use of the site I would wish to see reduction in access gradient, improved visibility and some squaring off of the access to the highway carriageway, to improve ease of use for southbound traffic, with further setting back of the existing gates. This has all been set out in previous highway consultation responses regarding development proposals for the site.

Regarding the farm track, details are very sketchy.

Taking into account the above, I fail to be satisfied regarding the development proposals and highway impact – compliance with Policy T24 has not been demonstrated.

Bearing in mind the above, the highway response is open of OBJECTION in the interests of highway safety.

I refer to your revised plans/information consultation received 15th March 2013. My comments are as follows:

I have drawn attainable visibility at the proposed access onto the submitted plan using the minimum acceptable set-back ('x' distance) of 2.4 metres. Not allowing for any growth of the boundary hedge, attainable visibility scales at 7.0 metres in a southerly direction and 5.0 metres in a northerly direction (see attached plan extract). Whilst Woolley Lane does not equate to a Street, as per Manual for streets, even by the visibility standards set out in that document, which are less than the requirements of the Design Manual for Roads and Bridges, the attainable visibility falls below the requirement of 11 metres for a main road speed of traffic of 10mph. This is totally unacceptable and contrary to the interests of highway safety.

Despite previous comments regarding failure to justify figures/assumptions in the Design and Access Statement, no further information has been received.

Further, no justification has been given for the size of the proposed residential unit and no details have been submitted with regards alterations to the vehicular access previously referred to.

Bearing the above in mind, the highway response remains open of OBJECTION in the interests of highway safety, the proposed development being contrary to Policy T24 of the adopted Bath and North East Somerset Local Plan.

Application No. 12/05661/FUL

Site address: Parcel 2866, Woolley Lane, Charlcombe, Bath
Proposal: Erection of a general purpose agricultural building

The submitted Design and Access Statement is inadequate for me to determine the likely impact of the proposed building. Given the poor access to the site and the single track nature of highway leading to it, it is essential that an adequate Transport Statement, at the very least is submitted.

Three of the other current applications relating to the site relate to the (retrospective) provision of poultry shed. However, this application refers to the need to store hay, bedding, feeds, machinery, use as a workshop, accommodation for lambing and calving, etc.

Clearly, should you be satisfied by the need, such uses would be unlikely to result in intensification in use of the site and no highway objections would be raised.

However, there are existing buildings on the site and, should the intention be to free their use for other purposes, and intensification in use of the site could result which, given the nature of the approach roads and site access, could result in a highway objection.

Bearing in mind the above, clarification is required regarding the existing lawful development and uses on the site in order to be satisfied that the proposed development will not result in a material intensification in use of the site if it is to be permitted.

Application No. 12/05662/FUL, 12/05663/FUL & 12/05664/FUL

Site address: Parcel 2886 and Parcel 0005, Woolley Lane, Charlcombe

Proposal: Siting of: 4 no. mobile poultry units (retrospective); 3 no. mobile poultry units (retrospective); and, 3 no. mobile poultry units (retrospective).

I am responding to these 3 applications (12/05662, 05663 & 05664/FUL) together as they are all retrospective and the submitted Design and Access Statement refers to them collectively and the proposal for 10 such units to accommodate 7,500 birds (750 in each unit).

Bearing in mind the above, I am rather puzzled why separate applications have been submitted – it would appear to be an attempt to minimise the impact of any particular element rather and avoid the collective impact.

The Design and Access Statement states that no Transport Assessment or Travel Plan have been submitted as the impact of the development is not significant.

Each application must be judged on its merits and, given the single track nature of the approach roads and existing authorised developments on the site, it is considered that the proposed development is material and, at the very least, a transport statement should be submitted.

Furthermore, increasing the number of employees, as a result of the proposed development, importing produce from other sites to distribute along with goods produced and sorted on the site, introducing deliveries to individual customers as well as larger scale deliveries, would all point to a substantial intensification in use of the site as a result of the proposed development.

Furthermore, as indicated in responses to previous planning applications, access to the site is also substandard.

Taking into account the above, I fail to be satisfied that the impact of the development proposals has been adequately examined and addressed and believe that the proposed development results in a material intensification in use of the site and traffic generation along narrow rural lanes via substandard accesses.

Bearing this in mind, the highway response is one of OBJECTION, in the interests of highway safety, the development as I am not satisfied that the proposed development complies with Policy T24 of the adopted Bath and North East Somerset Local Plan due to the inadequacy of information submitted.

**Observations of the Planning Officer
12/05660/FUL**

The issue of the use of the land, intensification in the use of the site and the need for the temporary dwelling are addressed in the main report. The planning history and current status of the site access are also addressed in the main report.

The need for further information regarding traffic to/from the site has been requested from the applicant however no further information has been provided at the time of reporting to Committee.

Application No. 12/05661/FUL

The need for further information regarding traffic to/from the site has been requested from the applicant however no further information has been provided at the time of reporting to Committee.

The use of the building would be for agricultural purposes and not considered to result in intensification in the use of the site amounting to a change of use from agriculture.

Application No. 12/05662/FUL, 12/05663/FUL & 12/05664/FUL

The need for further information regarding traffic to/from the site has been requested from the applicant however no further information has been provided at the time of reporting to Committee.

Based on the proposed use of the site, level of employment and identified vehicle movements it is considered that the proposals do not result in intensification in the use of the site amounting to a change of use from agriculture.

Conclusion

The Recommendations and Reasons for Refusal as set out in the main report are considered to be appropriate.

**Item No 11 Application No 12/04590/OUT
ADDRESS Parcel 0025 Monger Lane Welton Midsomer Norton**

Consultations:

Highways Development Officer: Additional Comments – 29th April 2013.

For clarity on the new access road junction visibility, I would request that an additional condition be attached to any permission granted. The previously suggested conditions are also still requested.

Officer Comments: The additional condition in relation to visibility splays is considered to be acceptable and therefore should be attached to any decision issued. All other considerations for this scheme remain as per the main report and the overall recommendation is unchanged.

RECOMMENDATION: Remains as in the main report with the addition of the following condition:

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 new access onto Monger Lane and

points on the carriageway edge 45m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 150mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

**Item No 14 Application No 13/00691/LBA
Address The Hay Barn, Camerton Hill Camerton**

Following further consideration of the Listed Building Application and a further site visit the Conservation Officer has withdrawn the request for condition 1 to be attached to any future consent. It has been considered that as the other buildings in the group of buildings have this rafter

detail it would be difficult to substantiate an argument for their removal on this part of the complex. Therefore should consent be granted the following condition is not required:

Prior to the occupation of the development the exposed rafter feet must be removed and replaced by a traditional eaves detail. Large scale drawings of the detail are to be submitted to and approved by the local planning authority for approval prior to works being completed

Reason: to respect and safeguard the character and appearance of the setting of the listed building and adjacent heritage assets.

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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT
DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY 8TH MAY 2013**

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
SITE VISIT – REPORT 10		
The Chase, Rectory Lane, Compton Martin (Pages 28-35)	John Mapplethorp	Against
	Martin Mackenzie (Applicants' Agent)	For
MAIN PLANS LIST – REPORT 11		
Parcels 2866 & 0005 South, Woolley Lane, Woolley, Charlcombe (Items 2-6, Pages 41-251)	Alistair Mackichan, Charlcombe Parish Council <u>AND</u> Jonathan Miles, Swainswick Parish Council	Against – To share 15 minutes
	Bill Murphy, Save Woolley Valley Action Group <u>AND</u> Caroline Kay, Chief Executive, Bath Preservation Trust	Against – To share 15 minutes
	Mark Willis (Applicants' Agent)	For – Up to 15 minutes
Parcel 8966, Manor Road, Saltford (Item 7, Pages 252-269)	Duncan Houndsell, Saltford Parish Council	Against
	Phil Harding, Saltford Environment Group	Against
Fields north of Orchard Park, Whitchurch (Item 8, Pages 270-294)	Mary Walsh, Whitchurch Village Action Group	Against
Parcel 5400, Fosseyway South, Westfield (Items 9&10, Pages 295-373)	Councillor Jane Lewis (Midsomer Norton Town Council)	Against – Up 6 minutes
	Terry Reynolds <u>AND</u> Cliff Shellard <u>AND</u> Patricia Flagg (Midsomer Norton Society)	Against – To share 6 minutes
	Simon Steele-Perkins (representing the Applicants)	For – Up to 6 minutes
Parcel 0025, Monger Lane, Welton, Midsomer Norton (Item 11, Pages 374-415)	Jeff Humphries, Paulton Parish Council <u>AND</u> Jane Lewis, Midsomer Norton Town Council	Against – To share 3 minutes
	Selena Ashman <u>AND</u> Patricia Flagg (Midsomer Norton Society)	Against – To share 3 minutes
	Alistair Macdonald, Turley Associates (Applicants' Agent)	For

The Glebe, Church Hill, High Littleton (Item 12, Pages 416-420)	John Hooke (Applicant's Agent)	For
The Hay Barn, Camerton Hill, Camerton (Items 13&14, Pages 421-433)	Chris Taylor, Camerton Parish Council	Against – Up to 6 minutes
	Bill Lowe (Applicant's Agent)	For – Up to 6 minutes
Land between Old Lane and Conygre Brook, Old Lane, Farmborough (Item 15, Pages 434-445)	Jean Rogers, Farmborough Parish Council	Against
	Dave Baggely	Against
	Ivor Bridges (Applicant)	For
Parcel 0087, Walley Lane, Chew Magna (Item 16, Pages 446-451)	Note: Statement by Peter Bedingfield, Applicants' Agent, read out by the Chair	For

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

8th May 2013

SITE VISIT DECISIONS

Item No:	01	
Application No:	13/00376/FUL	
Site Location:	The Chase, Rectory Lane, Compton Martin, Bristol	
Ward: Chew Valley South	Parish: Compton Martin	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of extensions including a first floor extension to create a 1.5 storey dwelling (Revised proposal)	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Housing Development Boundary, Water Source Areas,	
Applicant:	Mr And Mrs C & J Linegar	
Expiry Date:	26th March 2013	
Case Officer:	Heather Faulkner	

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the side elevations (north east or south west) at any time unless a further planning permission has been granted.

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

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

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

PLANS LIST:

This decision is taken on the basis of the following drawing numbers:

Received 29th January 2013

Design and Access Statement

2012/Chase01B Location Plan

2013/Chase/03B Existing Elevations

2012/Chase04B Existing Elevations

2013/Chase06B Proposed Ground Floor Plan

2013/Chase07B Proposed First Floor Plan

2013/Chase08B Proposed Elevations

2013/Chase/09B Proposed elevations

Received 1st March 2013

2012/Chase05B Existing Floor Plan

Received 6th March 2013

2013/Chase02D Existing/Proposed Block |Plan

Received 15th March 2013

Site Plan with dimensions

REASONS FOR GRANTING APPROVAL

1 The development is considered to be of an acceptable scale, design and siting , which would preserve the character and appearance of this building and the surrounding Area of Outstanding Natural Beauty. There will be no harm to highway safety or residential amenity as a result of this development.

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

A.

D.2 - General design and public Realm Considerations

D.4 - Townscape considerations

NE.2 - Areas of Outstanding Natural Beauty

NE.4 - Trees and Woodland conservation

Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

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

The National Planning Policy Framework published in March 2012

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. The applicant sought pre-application advice prior to this application being submitted. For the reasons given above the application was recommended for approval.

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BATH AND NORTH EAST SOMERSET COUNCIL**DEVELOPMENT CONTROL COMMITTEE****8th May 2013****DECISIONS**

Item No:	01		
Application No:	12/05660/FUL		
Site Location:	Parcel 2866, Woolley Lane, Charlcombe, Bath		
Ward:	Bathavon North	Parish:	Charlcombe
		LB Grade:	N/A
Application Type:	Full Application		
Proposal:	Alterations and extension to existing agricultural building; alterations to access; formation of hardstanding and farm track; construction of stock pond; siting of 2no. feed hoppers and ancillary works (Retrospective). Siting of a temporary timber cabin for an agricultural worker for a period of up to 3 years.		
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Article 4, Greenbelt, Sites of Nature Conservation Imp (SN), Tree Preservation Order,		
Applicant:	Golden Valley Paddocks Limited		
Expiry Date:	6th May 2013		
Case Officer:	Gwilym Jones		

DECISION REFUSE

1 The functional need and financial justification for a temporary dwelling for an agricultural worker has not been demonstrated and the building would therefore constitute inappropriate development within the Green Belt and open countryside contrary to Policy GB.1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007, policy CP8 of the Draft Core Strategy, and para. 55 and 87 of the National Planning Policy Framework.

2 The siting of the proposed temporary dwelling in this location would detract from the appearance and openness of this part of the Green Belt and from the natural beauty and rural character of this part of the Cotswold Area of Outstanding Natural Beauty contrary to policies GB.2 and NE.1 and NE.3 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and policy CP6 of the Draft Core Strategy.

3 The works to the entrance to the site and the new gates installed are of an inappropriate design for this rural location and detract from the character of this part of Woolley Lane as a narrow rural lane, to the detriment of the appearance and rural character of this part of Woolley Lane and contrary to Policy NE.1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

4 The vehicle access to the site by reason of its steep gradient downwards towards the highway and inadequate visibility is likely to result in a road safety hazard and inconvenience to users of the adjoining highway, contrary to Policy T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

PLANS LIST:

This decision relates to Drawings 2028/002A (Plans and Elevations of Proposed Agricultural Storage Building), 2028/02 (Existing Entrance), 2028/22 (Proposed Temporary Mobile Home Floor Plans), 2028/500/A (Site Plan), 2028/501 (Section Through Stock Pond), 2028/201E (Plan and Elevations as Existing)

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 informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose 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. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No:	02	
Application No:	12/05661/FUL	
Site Location:	Parcel 2866, Woolley Lane, Charlcombe, Bath	
Ward: Bathavon North	Parish: Charlcombe	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of general purpose agricultural building	
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Greenbelt,	
Applicant:	Golden Valley Paddocks Limited	
Expiry Date:	22nd March 2013	
Case Officer:	Gwilym Jones	

DECISION REFUSE

1 The proposed new agricultural building by reason of its size, height and location would be visually detrimental to the Green Belt and would detract from the character of the local landscape and the natural beauty of this part of the Cotswold Area of Outstanding Natural Beauty contrary to Policy GB.2, NE.2, NE.3 and ET.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and policy CP6 of the Draft Core Strategy.

PLANS LIST:

This decision relates to Drawings 2028/DWG1 (Section as Proposed) and 2028/002 (Plan and Elevations of Proposed Agricultural Storage Building)

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 informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose 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. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No:	03	
Application No:	12/05662/FUL	
Site Location:	Parcel 2866, Woolley Lane, Charlcombe, Bath	
Ward: Bathavon North	Parish: Charlcombe	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Siting of 4no. mobile poultry units (Retrospective)	
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Greenbelt,	
Applicant:	Golden Valley Paddocks Limited	
Expiry Date:	30th April 2013	
Case Officer:	Gwilym Jones	

DECISION REFUSE

1 The proposed poultry units by reason of their size and materials, location and permanence would result in harm to the openness of the Green Belt and detract from the rural character and natural beauty of this part of the Cotswold Area of Outstanding Natural Beauty and the local landscape contrary to Policies GB.2, NE.1, NE.2, NE.3, ET.6 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and policy CP6 of the Draft Core Strategy.

PLANS LIST:

This decision relates to Drawings 2028/99.3 (Location Plan) and 2028/001 (Plan and Elevations of Poultry Units)

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 informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose 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. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No:	04
Application No:	12/05663/FUL
Site Location:	Parcel 0005 South, Woolley Lane, Charlcombe, Bath
Ward: Bathavon North	Parish: Charlcombe LB Grade: N/A
Application Type:	Full Application
Proposal:	Siting of 3no. mobile poultry units (Retrospective)
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Greenbelt,
Applicant:	Golden Valley Paddocks Limited
Expiry Date:	22nd March 2013
Case Officer:	Gwilym Jones

DECISION REFUSE

1 The proposed poultry units by reason of their size and materials, location and permanence would result in harm to the openness of the Green Belt and detract from the rural character and natural beauty of this part of the Cotswold Area of Outstanding Natural Beauty and the local landscape contrary to Policies GB.2, NE.1, NE.2, NE.3, ET.6 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and policy CP6 of the Draft Core Strategy.

PLANS LIST:

This decision relates to Drawings 2028/99.4 (Location Plan) and 2028/001 (Plan and Elevations of Poultry Units)

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 informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose 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. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No:	05		
Application No:	12/05664/FUL		
Site Location:	Parcel 0005 South, Woolley Lane, Charlcombe, Bath		
Ward:	Bathavon North	Parish:	Charlcombe
		LB Grade:	N/A
Application Type:	Full Application		
Proposal:	Siting of 3no. mobile poultry units (Retrospective)		
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Greenbelt,		
Applicant:	Golden Valley Paddocks Limited		
Expiry Date:	26th April 2013		
Case Officer:	Gwilym Jones		

DECISION REFUSE

1 The proposed poultry units by reason of their size and materials, location and permanence would result in harm to the openness of the Green Belt and detract from the rural character and natural beauty of this part of the Cotswold Area of Outstanding Natural Beauty and the local landscape contrary to Policies GB.2, NE.1, NE.2, NE.3, ET.6 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007 and policy CP6 of the Draft Core Strategy.

PLANS LIST:

This decision relates to Drawings 2028/99.5 (Location Plan) and 2028/001 (Plan and Elevations of Poultry Units)

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 informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose 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. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No:	06
Application No:	12/05315/OUT
Site Location:	Parcel 8966, Manor Road, Saltford,
Ward: Saltford	Parish: Saltford LB Grade: N/A
Application Type:	Outline Application
Proposal:	Erection of up to 99no. dwellings and associated parking on Parcel 8966 and Parcel 0064, 1 no vehicular access from Manor Road and separate pedestrian access to Manor Road, associated engineering works and the construction of 2no. car parking lay-bys on Manor Road.
Constraints:	Agric Land Class 1,2,3a, Forest of Avon, Greenbelt,
Applicant:	Crest Nicholson (South West) Ltd
Expiry Date:	6th March 2013
Case Officer:	Sarah James

DECISION REFUSE

If the Council had been in a position to make a decision on the application then the recommendation would be to REFUSE the application on the basis that the development would comprise inappropriate development within the green belt, harmful to openness, that would encroach into the countryside and for which no very special circumstances have been demonstrated that would clearly outweigh the very significant level of harm caused.

PLANS LIST:

10350/T08 B, 606, BRS.2656_11B, BRS.2656_12A, BRS.2656_13A

DECISION MAKING 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 in that it has undergone appropriate pre-application engagement with the applicant and entered into discussions and negotiations throughout the application so as to ensure that the applicant had adequate opportunity to consider all of the issues raised.

Item No:	07
Application No:	12/04597/OUT
Site Location:	Fields North Of Orchard Park, Staunton Lane, Whitchurch, Bristol
Ward: Publow And Whitchurch	Parish: Whitchurch LB Grade: N/A
Application Type:	Outline Application
Proposal:	Residential development (up to 295 dwellings) including infrastructure, ancillary facilities, open space, allotments and landscaping. Construction of two new vehicular accesses from Stockwood Lane (Resubmission)

Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Cycle Route, Forest of Avon, Greenbelt, Housing Development Boundary, Public Right of Way, Sites of Nature Conservation Imp (SN), Safeguarded Roads,
Applicant:	Robert Hitchins Ltd
Expiry Date:	11th January 2013
Case Officer:	Sarah James

DECISION REFUSE

1 The introduction of 295 dwellings on a site, which is currently open fields represents inappropriate development harmful to the Green Belt. It would also harm the openness of the Green Belt and it would contribute to the sprawl of Bristol, encroach into the countryside and compromise the character, identity and setting of the village of Whitchurch through closing the gap between the village and Bristol, leading to an erosion of the rural character and the visual amenity of the Green Belt. No very special circumstances have been demonstrated that outweigh the identified harm. The proposal is therefore considered contrary to policies Policy GB.1 and GB.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 and paragraphs 88 and 89 of the National Planning Policy Framework.

2 The proposed residential development would generate a significant educational need which in the absence of any satisfactory proposals from the developer to meet that need is considered not to be satisfactorily provided for. The proposed development is therefore contrary to Policies CF3 and IMP1 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007 and adopted Supplementary Planning Document Planning Obligations 2009 and paragraph 38 of the National Planning Policy Framework.

3 Inadequate information has been submitted to demonstrate that the development would not result in an unacceptable impact on the highway network and sustainable transport routes, and it is therefore contrary to Policies T.24 and T.25 of the Local Plan and paragraph 34 of the National Planning Policy Framework.

PLANS LIST:

This decision relates to the following list 189-000, 189-001 REV. C, 189-002 189-003 REV. C, 189-004, H.0250_02-12, H370/4 REV A, H.0250_01-5

Statement of proactive working

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 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 address the concerns and / or withdraw the proposals submitted 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:	08	
Application No:	12/05546/OUT	
Site Location:	Parcel 5400, Fosseyway South, Westfield, Midsomer Norton	
Ward: Midsomer Norton Redfield	Parish: Midsomer Norton	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Outline planning permission for up to 164 residential dwellings (C3), a 60 bed care home (C2), 200 sq m of retail/business/community space (A1/A3/B1/D1) along with 2 points of access and public open space.	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site,	
Applicant:	Strategic Land Partnerships	
Expiry Date:	4th April 2013	
Case Officer:	Daniel Stone	

DECISION

Authorise the Development Manager to Permit subject to (A) consultation with the Planning and Environmental Law Manager to enter into a S106 Agreement to secure the following;

Affordable Housing

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

Education

2. 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.

Open Space and Recreational Facilities

3. 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. The allocation of funds within the local area will be determined by the Local Planning Authority following the determination of the application.

Transport

4. The implementation of the travel plan submitted in April 2013 in accordance with the timetable set out in Appendix C of the Travel Plan, including but not limited to the following measures:

- Up to £87,757 for a Toucan crossing over A367 and the creation of a widened footway / cycleway from the site to the new pedestrian crossing near Charlton Lane, incorporating signage to the town centre,
- £6,000 for the securing and introduction of a Traffic Regulation Order for the relocation of the 30mph speed limit on the A367
- £8,500 for the introduction of a 'gateway' feature at the location of the proposed relocated speed limit
- £25,000 per year for a period of 5 years for enhancement and ongoing operation of bus-services
- Provision of on-site bus-stop(s) including bus-shelters, timetables, raised kerbs and real-time information.
- The appointment of a Travel Plan co-ordinator to implement the measures set out in Appendix C of the Travel Plan.

5. A programme of travel monitoring (looking at modal shift) and traffic counts over a 3-year period to be assessed against agreed modal targets for travel patterns and critical thresholds for traffic levels, to be agreed by the Council. The methodology of traffic counts, reporting procedures to the Council, modal targets and critical thresholds are to be agreed. If the agreed targets are not met or thresholds are exceeded the following additional traffic demand measures are to be triggered:

- Extension of Area wide Travel Planning to include Norton Hill and Westfield at a cost of £30,000
- £10,000 towards the implementation, consultation and administration of traffic management measures along Charlton Park to combat "rat running".

and (B) upon completion of the S106 Agreement, 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 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:

- Details of native hedgerow planting and boundary treatment to provide wildlife habitat, together with details of long term wildlife friendly management specifications
- Details of all other wildlife habitat provision, native planting and ecological enhancements

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.

4 Details of a surface water drainage masterplan shall be submitted to, and agreed in writing by the Local Planning Authority as part of subsequent applications for reserved matters consent. The masterplan shall be in accordance with the Flood Risk Assessment (FRA) and Addendum (prepared by Robson Liddle and dated 25th February 2013) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

REASON:

To prevent the increased risk of flooding as a result of the development in accordance with the National Planning Policy Framework (NPPF).

5 No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel is completed.

REASON:

To prevent the increased risk of flooding as a result of the development in accordance with the NPPF.

6 No development shall commence until a foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory method of foul sewage drainage and in compliance with policy ES.5 of the adopted Local Plan.

7 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.

8 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.

9 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

10 Plans showing on-site 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 development commences.

Reason: In the interests of amenity and highway safety.

11 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.

12 No ground preparation or development activity shall take place until an 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 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 and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals and to ensure that the approved method statement is complied with for the duration of the development.

13 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.

14 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.

15 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.

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 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.

17 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, 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 take place within the site (including any site clearance or demolition works) until the applicant, or their agents or successors in title, has produced detailed drawings of all underground works, including foundations, drainage and those of statutory undertakers, which have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.

Reason: The site is within an area of major archaeological interest and the Council will wish to protect the archaeological remains.

19 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features, which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

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

20 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 postexcavation 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 has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

21 Prior to the commencement of development at the site details of a Construction Dust Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Construction Dust Management Plan shall comply with the guidance the BRE Code of Practice on the control of dust from construction and demolition activities. The details so approved shall be fully complied with during the construction of the development.

Reason: To protect the amenities of the occupants of adjacent residential properties.

PLANS LIST:

This decision relates to drawing nos:

INDICATIVE MASTERPLAN LAYOUT Drawing MP2 REV C
SITE LOCATION PLAN - OS Extract - Drawing 26126/SB002
SITE SURVEY Drawing 26126/004/SS1
SUPERSEDED PROPOSED SITE ACCESS Drawing 26126/002/002 REVISION
A

AFFORDABLE HOUSING STATEMENT Jan 2013
AIR QUALITY ASSESSMENT
ARBORICULTURAL IMPACT ASSESSMENT REPORT
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CARE HOME LETTER AND REPORT
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DORMOUSE AND BAT HABITAT ASSESSMENT
ECOLOGICAL REPORT
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FOUL DRAINAGE ASSESSMENT
LANDSCAPE AND VISUAL APPRAISAL
LEVEL 2 FLOOD RISK ASSESSMENT V5 09.01.2013
PHASE 1 GEOENVIRONMENTAL DESK STUDY
PLANNING STATEMENT
TRANSPORT ASSESSMENT REPORT
SURFACE WATER DRAINAGE SURVEY
FLOOD RISK ASSESSMENT ADDENDUM - received 25 Feb 2013

ADVICE NOTE:

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

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 Approval

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 emerging Core Strategy policies.

The site falls outside of the adopted development boundary as defined in the adopted Local Plan. However, the authority neither has an Adopted Core Strategy or up-to-date Local Plan and as set out in the draft amended Core Strategy, the Authority is only able to demonstrate a 5-year-housing land supply by allowing additional sites to come forward outside the Development Boundary including (through amended Core Strategy policy SV1) an additional 300 dwellings in the Somer Valley.

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 an agricultural field beyond the established footprint of the settlement, and would give rise to additional traffic congestion in the vicinity of the site. 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.

Informative: Drainage Conditions

Conditions 4 - 6 inclusive have been recommended to ensure that the principles of the agreed FRA are delivered as the development comes forward. It is important that sufficient attenuation storage is provided for each phase of development and this should be clearly demonstrated in an updated FRA / masterplan which show discharge rates and SuDs control measures for each plot.

Each reserved matters application will need to demonstrate a suitable drainage scheme in accordance with the approved masterplan to allow us to recommend approval for any detailed layout proposals.

The surface water drainage scheme for the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to 5l/s/ha or Greenfield run-off rates whichever is lowest.
2. The surface water drainage system must incorporate enough attenuation to 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 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).
3. 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. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

IMPORTANT:

Maintenance of the drainage infrastructure on site must be set out within a comprehensive legal agreement and any commuted sums required agreed within the outline permission. An as-built volume check of the drainage infrastructure must be undertaken once constructed because it is critical that the agreed attenuation volumes are provided for and maintained for the lifetime of the development.

The Council will need to see the following information when the applicant applies to discharge these conditions:

- o A clearly labelled drainage layout plan showing the pipe networks and attenuation. This plan should show any pipe node numbers referred to in the drainage calculations, volume of attenuation provided and the invert and cover levels of manholes.
- o A manhole schedule
- o Simulations to demonstrate how the system functions in a 1 in 100 year plus climate change storm and showing how the storage has been modelled.
- o Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.
- o If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with The NPPF.

Item No:	09	
Application No:	13/00127/OUT	
Site Location:	Parcel 5400, Fosseyway South, Westfield, Midsomer Norton	
Ward: Midsomer Norton Redfield	Parish: Midsomer Norton	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Outline planning permission for up to 165 residential dwellings (C3) and 60 bed care home (C2), 2 points of access and public open space.	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site,	
Applicant:	Strategic Land Partnerships	
Expiry Date:	15th April 2013	
Case Officer:	Daniel Stone	

DECISION

Authorise the Development Manager to Permit subject to (A) consultation with the Planning and Environmental Law Manager to enter into a S106 Agreement to secure the following;

Affordable Housing

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

Education

2. 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.

Open Space and Recreational Facilities

3. 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. The allocation of funds within the local area will be determined by the Local Planning Authority following the determination of the application.

Transport

4. The implementation of the travel plan submitted in April 2013 in accordance with the timetable set out in Appendix C of the Travel Plan, including but not limited to the following measures:

- Up to £87,757 for a Toucan crossing over A367 and the creation of a widened footway / cycleway from the site to the new pedestrian crossing near Charlton Lane, incorporating signage to the town centre,
- £6,000 for the securing and introduction of a Traffic Regulation Order for the relocation of the 30mph speed limit on the A367
- £8,500 for the introduction of a 'gateway' feature at the location of the proposed relocated speed limit
- £25,000 per year for a period of 5 years for enhancement and ongoing operation of bus-services
- Provision of on-site bus-stop(s) including bus-shelters, timetables, raised kerbs and real-time information.
- The appointment of a Travel Plan co-ordinator to implement the measures set out in Appendix C of the Travel Plan.

5. A programme of travel monitoring (looking at modal shift) and traffic counts over a 3-year period to be assessed against agreed modal targets for travel patterns and critical thresholds for traffic levels, to be agreed by the Council. The methodology of traffic counts, reporting procedures to the Council, modal targets and critical thresholds are to be agreed. If the agreed targets are not met or thresholds are exceeded the following additional traffic demand measures are to be triggered:

- Extension of Area wide Travel Planning to include Norton Hill and Westfield at a cost of £30,000
- £10,000 towards the implementation, consultation and administration of traffic management measures along Charlton Park to combat "rat running"

and (B) upon completion of the S106 Agreement, 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 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:

- Details of native hedgerow planting and boundary treatment to provide wildlife habitat, together with details of long term wildlife friendly management specifications
- Details of all other wildlife habitat provision, native planting and ecological enhancements

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.

4 Details of a surface water drainage masterplan shall be submitted to, and agreed in writing by the Local Planning Authority as part of subsequent applications for reserved matters consent. The masterplan shall be in accordance with the Flood Risk Assessment (FRA) and Addendum (prepared by Robson Liddle and dated 25th February 2013) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

REASON:

To prevent the increased risk of flooding as a result of the development in accordance with the National Planning Policy Framework (NPPF).

5 No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the LPA. The scheme shall

subsequently be implemented in accordance with the approved details before the plot or parcel is completed.

REASON:

To prevent the increased risk of flooding as a result of the development in accordance with the NPPF.

6 No development shall commence until a foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory method of foul sewage drainage and in compliance with policy ES.5 of the adopted Local Plan.

7 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.

8 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.

9 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

10 Plans showing on-site 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 development commences.

Reason: In the interests of amenity and highway safety.

11 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.

12 No ground preparation or development activity shall take place until an 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 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 and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals and to ensure that the approved method statement is complied with for the duration of the development.

13 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.

14 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.

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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.

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Reason: The site is within an area of major archaeological interest and the Council will wish to protect the archaeological remains.

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

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Reason: To protect the amenities of the occupants of adjacent residential properties.

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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 an agricultural field beyond the established footprint of the settlement, and would give rise to additional traffic congestion in the vicinity of the site. 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.

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Conditions 4 - 6 inclusive have been recommended to ensure that the principles of the agreed FRA are delivered as the development comes forward. It is important that sufficient attenuation storage is provided for each phase of development and this should be clearly demonstrated in an updated FRA / masterplan which show discharge rates and SuDs control measures for each plot.

Each reserved matters application will need to demonstrate a suitable drainage scheme in accordance with the approved masterplan to allow us to recommend approval for any detailed layout proposals.

The surface water drainage scheme for the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to 5l/s/ha or Greenfield run-off rates whichever is lowest.
2. The surface water drainage system must incorporate enough attenuation to 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 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).
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used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

IMPORTANT:

Maintenance of the drainage infrastructure on site must be set out within a comprehensive legal agreement and any commuted sums required agreed within the outline permission. An as-built volume check of the drainage infrastructure must be undertaken once constructed because it is critical that the agreed attenuation volumes are provided for and maintained for the lifetime of the development.

We will need to see the following information when the applicant applies to discharge these conditions:

- o A clearly labelled drainage layout plan showing the pipe networks and attenuation. This plan should show any pipe node numbers referred to in the drainage calculations, volume of attenuation provided and the invert and cover levels of manholes.
- o A manhole schedule
- o Simulations to demonstrate how the system functions in a 1 in 100 year plus climate change storm and showing how the storage has been modelled.
- o Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.
- o If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with The NPPF.

Item No:	10	
Application No:	12/04590/OUT	
Site Location:	Parcel 0025, Monger Lane, Welton, Midsomer Norton	
Ward: Midsomer Norton North	Parish: Midsomer Norton	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Residential development comprising up to 135 dwellings, vehicular access from Monger Lane, public open space, and other associated infrastructure	
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Public Right of Way,	
Applicant:	Taylor Wimpey	
Expiry Date:	14th February 2013	
Case Officer:	Rachel Tadman	

DECISION REFUSE

1 The site of the proposed development forms part of a visually important hillside with a traditional rural character on the edge of Midsomer Norton that should be protected from development. The proposed development would have a suburbanising impact on the prominent hillside and the associated works to Monger Lane would also significantly

detract from and have a harmful impact on the rural character of the application site which is contrary to Policies NE.1, NE.3, D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007 and the provisions of the National Planning Policy Framework.

2 The proposed development will introduce additional traffic onto the existing rural highway network immediately surrounding the site which will result in increased traffic congestion and risk to highway safety. This is contrary to Policy T.24 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007 and the provisions of the National Planning Policy Framework.

3 The location of the development site is unsustainable being remote from local bus routes and lacking safe pedestrian routes to local schools. This is contrary to Policies T.1, T.3 and T.24 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007 and the provisions of the National Planning Policy Framework.

4 The proposed development would be likely to have an adverse effect on existing flooding within the local area including the neighbouring Thicket Mead development. This is contrary to the guidance within the National Planning Policy Framework and its associated technical guide

PLANS LIST:

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 application was considered by the Development Control Committee and Members took the view that the proposal was unacceptable for the above reasons and in order to ensure a swift decision the application was refused.

Item No:	11	
Application No:	13/00689/FUL	
Site Location:	The Glebe, Church Hill, High Littleton, Bristol	
Ward: High Littleton	Parish: High Littleton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Conversion and extension of garage for form family room, new entry hall, bathroom, garage and attic storage following removal of carport and provision of a pitched roof to existing open oil storage tank.	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Housing Development Boundary, Tree Preservation Order,	
Applicant:	Mr R P Hooke	
Expiry Date:	11th April 2013	
Case Officer:	Heather Faulkner	

DECISION Delegate to 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 No development shall take place until an arboricultural method statement with tree protection plan identifying measures to protect the neighbouring Yew trees, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include a schedule of proposed tree works, protection measures during site preparation and construction and confirmation of the use of pile and beam foundations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site and movement of people and machinery.

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

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

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

4 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.

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

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

PLANS LIST:

This decision relates to the following drawings all received on 14th February 2013:
Site Location Plan, RPH/01, RPH/02, RPH/03, RPH/04, RPH/05 and RPH/06.

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. The application was application was presented to the committee and subsequently 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.

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

Item No:	12	
Application No:	13/00690/FUL	
Site Location:	The Hay Barn, Camerton Hill, Camerton, Bath	
Ward: Bathavon West	Parish: Camerton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Increase in roof pitch and ridge height, insertion of 5no. conservation rooflights, new door and window opening on the South West elevation and internal reorganisation to provide 4no. bedroomed holiday accommodation (Retrospective).	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Listed Building,	
Applicant:	John Scott Builders (Somerset) Ltd	
Expiry Date:	12th April 2013	
Case Officer:	Heather Faulkner	

DECISION PERMIT

1 The development hereby approved shall not be occupied other than for the purposes of holiday lets or other short term lettings and shall not be used by the same person for more than 3 months duration, or any other period as may be first approved in writing by the Local Planning Authority. Written records of lettings and occupiers shall be made available for inspection by the Local Planning Authority up to three times in a calendar year within 7 days of a written request.

Reason : The buildings are by reason of their close position to one another, lack of suitable parking and access arrangements are unsuitable for permanent residential use.

2 Before the accommodation hereby approved is first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed between the public highway and the proposed parking area, details of which shall have first been submitted to the Local Planning Authority for approval.

Reason: In the interests of highway safety.

3 Before the accommodation hereby approved is first occupied provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the public highway, details of which shall have first been submitted to the Local Planning Authority for approval.

Reason: In the interests of highway safety.

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

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

PLANS LIST:

This decision relates to the following drawings and documents all received on 15th February 2013:

Approved Drawings

1119/01

1119/10

1119/11

1119/12

119/13

Planning Statement

Previously approved drawing for information

825/4C

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.

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.

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the character of the area and would not significantly harm any interests of acknowledged importance.

Therefore the proposed development accords with Policies BH.2, BH.4, ET.8, ET.9, T.1, T.24, D.2 & D.4 Bath & North East Somerset Local Plan including waste and Minerals Policies 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 the related case officer's report a positive view of the proposals was taken and the application approved.

Item No:	13	
Application No:	13/00691/LBA	
Site Location:	The Hay Barn, Camerton Hill, Camerton, Bath	
Ward: Bathavon West	Parish: Camerton	LB Grade: N/A
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	Internal and external alterations for the increase in roof pitch and ridge height, insertion of 5no. conservation rooflights, new door and window opening on the South West elevation and internal reorganisation to provide 4no. bedroomed holiday accommodation (Regularisation).	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Listed Building,	
Applicant:	John Scott Builders (Somerset) Ltd	
Expiry Date:	16th May 2013	
Case Officer:	Heather Faulkner	

DECISION CONSENT

1 At no time shall any flues, vents, meter boxes or other fixtures be attached to the exterior of the building other than those approved as part of this permission, without the prior approval in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to be satisfied with the completed appearance of the building.

2 There shall be no external meter boxes whatsoever. The position of meter units internally shall be submitted to and approved by the Local Planning Authority and shall

once agreed be implemented and maintained in strict accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the character of the Listed Building.

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

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

PLANS LIST:

This decision relates to the following drawings and documents all received on 15th February 2013:

Approved Drawings

1119/01

1119/10

1119/11

1119/12

119/13

119/14

1119 Images

Planning Statement

Previously approved drawing for information
825/4C

REASONS FOR GRANTING CONSENT

The decision to grant consent subject to conditions has been made in accordance with Planning (Listed Buildings o& Conservation Areas) Act 1990 and Government Policy: Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework, which sets out the government's high-level policies concerning heritage and sustainable development; the Historic Environment Planning Practice Guide published jointly by CLG, DCMS and English Heritage, which provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites, and in light of views of third parties. The Council regards that the proposal because of its location, design, detailing and use of materials preserves the building and its features of special architectural or historic interest.

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 revised proposals was taken and consent was granted.

Item No:	14
Application No:	12/04318/OUT

Site Location:	Land Between Old Lane And Conygre Brook, Old Lane, Farmborough, Bath		
Ward:	Farmborough	Parish:	Farmborough
		LB Grade:	N/A
Application Type:	Outline Application		
Proposal:	Erection of 12no dwellings and construction of vehicular and pedestrian accesses following demolition of bungalow		
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Sites of Nature Conservation Imp (SN),		
Applicant:	The Executors Of The Estate Of The Late Miss M R James		
Expiry Date:	31st January 2013		
Case Officer:	Jonathan Fletcher		

DECISION DEFER consideration to allow members to visit the site to view the application site in context to the surroundings.

Item No:	15		
Application No:	12/05105/FUL		
Site Location:	Parcel 0087, Walley Lane, Chew Magna, Bristol		
Ward:	Chew Valley North	Parish:	Chew Magna
		LB Grade:	N/A
Application Type:	Full Application		
Proposal:	Change of use of field from agriculture to equestrian and erection of block of 4no stables (Resubmission)		
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Public Right of Way, Water Source Areas,		
Applicant:	Mr David Baron		
Expiry Date:	26th February 2013		
Case Officer:	Richard Stott		

DECISION REFUSE

1 The proposed material change of use of the land from its use as agriculture, to recreational use (equestrian), in the absence of very special circumstances to outweigh any harm to the Green Belt, would comprise inappropriate development within the Green Belt which is, by definition, harmful and therefore unacceptable in principle. The proposed material change of use of the land is contrary to Chapter 9 of the National Planning Policy Framework, 2012.

PLANS LIST:

This decision relates to the Design and Access Statement, Floor Risk Assessment, Agricultural Appraisal, Site Location Plan and drawings 1571A and 1572A date stamped 19th November 2012 and to the gable elevation drawings date stamped 27th November 2012.

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.

Item No:	16	
Application No:	12/05281/FUL	
Site Location:	Bubblers Dytch, High Street, Wellow, Bath	
Ward: Bathavon South	Parish: Wellow	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 2no detached two storey houses with attached garages following demolition of existing single storey house (Resubmission).	
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, Housing Development Boundary,	
Applicant:	Hesketh Ventures Ltd	
Expiry Date:	28th February 2013	
Case Officer:	Tessa Hampden	

DECISION Withdrawn from agenda pending submission of a further bat survey.