

BATH AND NORTH EAST SOMERSET

DRAFT MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 20th November, 2013

Present:- Councillor Gerry Curran in the Chair
Councillors Liz Hardman, Eleanor Jackson, Les Kew, Dave Laming (In place of Malcolm Lees), Douglas Nicol, Bryan Organ, Martin Veal, David Veale, Brian Webber, Ian Gilchrist and Manda Rigby

Also in attendance: Councillors Neil Butters, Sally Davis, Loraine Morgan-Brinkhurst MBE and Tim Warren

86 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure

87 ELECTION OF VICE CHAIR (IF DESIRED)

RESOLVED that a Vice Chair was not required on this occasion.

88 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Malcolm Lees, for whom Cllr Dave Laming substituted.

89 DECLARATIONS OF INTEREST

Councillor Kew declared a non-pecuniary interest in Items 1-3 of Agenda Item 10 (Horseworld) because his wife has an interest in a parcel of land adjacent to land owned by Horseworld. He therefore left the room during the consideration of these items.

Councillor Webber declared a non-pecuniary interest in Item 12 of Agenda Item 10 (Little Willows) because he had had dealings with the owners and staff of the establishment and lived close to the site. He left the room during the consideration of this item, and did not return for the rest of the meeting. Because Item 14 was taken immediately after Item 8, he was present during the consideration of Item 14, but not during the consideration of Items 12 and 13.

90 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business

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

The Democratic Services Officer informed the meeting that there were various people wishing to make statements on planning applications in Reports 9, 10 and 11

and that they would be able to do so when reaching their respective items in those Reports.

92 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

Councillor Jackson raised a concern about the wall on the terrace between 118 and 120 Frome Road, Radstock. She said that the wall was unstable following severe weather and there was a danger that it would collapse and harm children living at one of the properties. She hoped that action to deal with it could be expedited. The Development Manager thanked Councillor Jackson for her concern, and informed Members that this was still an open case; she would seek information about it from the appropriate officers.

93 MINUTES: 23RD OCTOBER 2013

The Minutes of the previous meeting held on Wednesday 23rd October 2013 were approved as a correct record and signed by the Chair.

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

Agricultural Haulage Building and Yard, Pinkers Farm, Middle Street, East Harptree – Erection of 8 houses and 4 workshops and provision of a new access road – The Case Officer reported that the application had been withdrawn by the applicant.

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

The Committee considered

- A report by the Development Manager on various applications for planning permission
- Oral statements by members of the public etc on Item Nos 1-14, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Development Manager on Item Nos 4 and 12, the Speakers List being attached as *Appendix 3* to these Minutes

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

Items 1-3 Horseworld, Staunton Lane, Whitchurch – (1) Hybrid planning application for residential development of up to 125 dwellings and associated demolition, highways infrastructure and landscaping works. The outline component comprises up to 118 dwellings including associated demolition, highways infrastructure and landscaping works; and the detailed component comprises the redevelopment of 6 curtilage listed dwellings including associated demolition, highways infrastructure and landscaping works

adjacent to the Grade II listed Staunton Manor; (2) erection of new visitor centre for the Horseworld charity including associated highways infrastructure, parking provision and landscaping; and (3) conversion of curtilage listed buildings to residential including selective demolition, extensions, internal and external works –

Cllr Kew withdrew from the room in accordance with his declaration of interest.

The Case Officer reported on these applications and his recommendations to grant permission with conditions.

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

Members sought clarification on various aspects of the applications. Members discussed the applications. Councillor Organ said that these were among the most difficult applications he had had to consider during his years on the Committee. At present he was unable to support them. He was concerned about the proposal to build 125 homes in the Green Belt and by the fact that only 10% of affordable homes were proposed, rather than the Council target of 35%. There were varying estimates of visitor figures, but in his view the only way of making the centre viable was to attract more visitors and keep them there longer, so that they spent more money.

The Development Manager was asked to comment on the Green Belt issues. She said that the Committee had to look at these applications on their merits and proposals to take land out of the Green Belt in the Draft Core Strategy could only be given limited weight. The Committee should, in relation to the first two applications, focus on the harm that would result from inappropriate development, together with any harm to openness of the Green Belt and other harm. The Committee then needed to decide whether there were very special circumstances that clearly outweighed this harm. In relation to the third application, the Committee should consider the impact of the proposal on the listed building.

Councillor Gilchrist said that while he noted the potential for highways problems in the future, he would move to permit the applications. This was seconded by Councillor Webber. He thought Horseworld was a highly-regarded charity, which made a valuable contribution to tourism and leisure in the Authority's area. It provided useful employment in the area. He did not think that there would be any adverse impact on the listed building or its setting. He thought these factors together formed very special circumstances, which outweighed any harm to the Green Belt. He thought the site was suitable for housing development and noted that the Council had proposed that it be deleted from the Green Belt.

Councillor Nicol said that 10% affordable housing was not good enough and he could not support building in the Green Belt.

Councillor Hardman said that the information given about visitor figures was not clear and that she was not convinced that the proposal would solve Horseworld's problems.

Councillor Roberts said that 10% of affordable housing was not enough; it should be 35%. He was not convinced there were very special circumstances outweighing the

need to protect the Green Belt, and was concerned about setting a precedent for further developments in the Green Belt.

Councillor Laming thought information about transport issues was incomplete. Officers advised that they had received sufficient information on this matter.

Councillor Rigby was concerned about the impact on the listed building. She was also worried about transport issues and the sustainability of Whitchurch as a village.

Councillor Veal congratulated Officers for a well-presented case. However, he could not support their recommendations. He did not think a case had been made for very special circumstances. He was concerned about access and egress to the site and the financial viability of the centre. Horseworld, with 100,000 visitors a year, should already be successful.

Councillor Jackson was also not convinced about the commercial viability of Horseworld. Granting these permissions would be a high cost to pay if Horseworld failed. She was also concerned about the impact of a new housing development on the local primary school, which was already overcrowded.

The motions to approve the Officer's recommendations in respect for Items 1-3 were put to the vote in turn and in each case were defeated by 2 votes in favour and 10 against.

It was then moved by Councillor Organ and seconded by Councillor Jackson to refuse the applications. Members gave their reasons for refusal which related to the Green Belt harm, harm to openness under provision of affordable housing, harm resulting from traffic congestion and harm to the listed building which they felt was not outweighed by the very special circumstances put forward by the applicant. The motions were put to the vote in turn and were in each case carried by 10 votes in favour and 2 against.

Item 4 Car Park, Newbridge Park and Ride Car Park, Newbridge, Bath – Extension of existing Newbridge Park and Ride facility to provide 248 spaces, construction of central amenity building, along with associated landscape and engineering works – The Case Officer reported on these applications and his recommendation to grant permission with conditions. He proposed amendments to Conditions 2, 3, 5, 6, 11 and 12.

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

Cllr Lorraine Morgan-Brinkhurst, the ward councillor, made a statement against the proposal.

The Case Officer referred Members to the update report and also some corrections to the published conditions and the constraints listed at the beginning of the report. Members asked the Case Officer for further information about the potential for flooding and whether the Committee was able to take into account the availability of an alternative site, as mentioned by one of the public speakers. The Case Officer replied that the Environment Agency was happy with the anti-flood measures contained in the proposal and that in general it is not a material consideration that an alternative site might be available, although in this case his report had made

reference to the site to the south of the River Avon, which has been previously considered and discounted by the Local Plan Inspector.

Following discussion, it was proposed by Councillor Kew and seconded by Councillor Hardman to permit the proposal with conditions amended as proposed by the Case Officer. The motion was put and carried by 9 votes in favour, 1 against, with 2 abstentions.

Items 5&6 Parcel 2866 Woolley Lane, Charlcombe – (1) Alterations and extension to existing agricultural building, formation of farm track, construction of stock pond and ancillary works (Retrospective)(Resubmission of 12/05660/FUL); and (2) Certificate of Lawfulness for the existing alterations to access and formation of hard standing and track around existing building – The Case Officer reported on these applications and his recommendations to grant permission and a Certificate of Lawfulness.

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

Councillor Veal congratulated the applicant for working with Officers and for complying with recent directions. However, he felt that these applications were inappropriate. He considered that the stock barn was in fact a self-contained industrial unit, as a speaker had described, and was not fit for the purpose of sheltering livestock, and should be returned to its proper use. The stock pond was built in fuller's earth and was unstable. He believed that enforcement action should be renewed. Permission for development should not be granted. He fully agreed with the well-argued and balanced statement from Charlcombe Parish Council.

Councillor Kew asked for an explanation of a Section 102 Order, referred to by a speaker. The Principal Solicitor explained that section 102 of the Town and Country Planning Act 1990 conferred a discretionary power on a local planning authority to discontinue a use or require any buildings to be altered or demolished if it appeared expedient to do so. The exercise of this power had to be confirmed by the Secretary of State. A proposal to exercise this power would have to be the subject of a separate report to the Committee.

In response to a question from Councillor Gilchrist, the Chair explained that the Article 4 direction applied to a wider area than just this site, and that it had originally been imposed by Wansdyke District Council. In response to questions from members, officers clarified the nature and effect of the Article 4 direction.

Councillor Jackson said that the situation at the site was a historic mess. However, she observed that even though this was an Area of Outstanding Natural Beauty, it was still a working environment. She therefore moved to accept the Officer's recommendations. Councillor Hardman seconded the motion.

The Chair said that he would support the motion. He had visited the site some years ago, and thought that the track had greened over and was now less obtrusive than it had been. He did not think that the stock pond was visually obtrusive. He recalled that when there was poultry on the farm, the stock barn had been modified to allow egg sorting. It still seemed capable of supporting agriculture.

Councillor Laming wondered how the barn would be monitored to prevent residential use. The Chair suggested that the situation was no different from that of any other agricultural building. The Development Manager advised that any allegation relating to a breach of planning control would be investigated in the normal way .

The two motions were put to the vote in turn, and both were carried by 8 votes in favour, 5 against with 2 abstentions.

Item 7 Forge Stud, Hunstrete – Change of use of existing land and stables to a Farrier business and conversion of existing stone barn to provide rural worker’s dwelling – The Case Officer reported on this application and her recommendation to refuse it.

The public speakers made their statements in favour of the proposal.

Councillor Sally Davis, the Ward Councillor, made a statement in favour of the application.

Councillor Kew said that he had struggled with this application, but had finally concluded that it was consistent with government planning advice. He felt that it was critical for this type of business to have people living on the site, because horses were valuable and could not be left by themselves over night. He moved not to follow the Officer’s recommendation, but to permit the application. This was seconded by Councillor Veal.

Councillor Roberts felt that the proposal was not merely to convert the barn, and said that he was unable to support the motion.

Councillor Jackson supported the motion. She suggested that there should be a site visit, if Members had doubts about the proposal. She believed that the proposed house was of an attractive design and would improve the area. There was no ecological reason to preserve the barn. There should be businesses in rural areas, and in his statement Councillor Warren had spoken of the need for a farriers’. She suggested that there should be a condition tying the house to an agricultural or equine business.

Councillor Hardman said that rural businesses should be encouraged and that a case could be made that there were special circumstances to permit this proposal in the Green Belt.

Councillor Webber said that there was no authorised business at the site at the moment and that rules about the Green Belt should be upheld. He would therefore oppose the motion. The business could be established elsewhere.

The Chair asked the Case Officer whether there was an established business at the site. The Case Officer replied that only private use was authorised at the site as recently as 2010. The Development Manager advised that in the view of Officers there was no established business at the site, though the Committee might conclude that there were very special circumstances for allowing the development in the

Green Belt. She suggested that if Members thought there should be an agricultural/equine tie, they should delegate the decision to permit to Officers, so that a legal agreement could be drawn up.

Councillor Jackson suggested that as many traffic movements would be generated if the farrier had to travel round to do his business as would be generated by customers coming to him.

Councillor Kew agreed to amend his motion from permit to delegate to permit subject to conditions and a legal agreement as described.

Councillor Curran reminded the applicant that the application was to convert, not to demolish, the barn and asked that care be taken that it did not collapse during building work.

The motion to delegate to permit was put to the vote, and was carried by 11 votes in favour, 1 against, with 1 abstention.

Item 8 Parcel 0056 Kilkenny Lane, Englishcombe, Bath – Change of use of land to mixed use of agriculture and equestrian and erection of timber stables – The Case Officer reported on this application and her recommendation to refuse it.

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

Councillor Jackson said that she considered that the applicant's agent had made a good case for the application, and moved to delegate to permit it. She suggested that a condition should be included prohibiting any commercial use. Councillor Gilchrist seconded the motion.

Councillor Webber asked why consent was needed for a change of use. The Development Manager explained that the National Planning Policy Framework (NPPF) had not carried forward provisions in PPG2 relating to change of use in the Green Belt, so that by default a change of use was inappropriate, and would have to be justified by very special circumstances. The Committee could put weight on paragraph 81 of the NPPF, though it would have to be certain that it did apply in this case.

Councillor Kew thought it was a matter of how paragraph 89 was interpreted. He did not see how it was possible to build a stable without changing the use of the land. He thought the drafting of paragraph 89 could be improved and he intended to raise the issue with ministers. He could see no objection to the building of a timber structure in the Green Belt for personal use.

The motion to delegate to permit was put to the vote and carried unanimously. The application will also be advertised as a departure from the development plan.

Item 9 No 2 Rush Hill, Southdown, Bath – Change of use from Labour Club (Sui generis) to Office (B1) – The Case Officer reported on this application and his recommendation to refuse it.

The public speaker made his statement in favour of the proposal.

Councillor Roberts said that the alternatives here were to have two dwellings on the site or create jobs in new offices. In NPPF terms it was normal not to have offices out of town, but here they would generate jobs. People would be able to walk to the offices from Oldfield Park. He moved to delegate to permit the proposal. This was seconded by Councillor Laming, who thought jobs should be a higher priority than homes at present.

Councillor Jackson said that it was right to emphasise jobs in this location. There were already other offices in the vicinity.

The Chair said that he was a local resident and used the junction near the site several times a day, which only became congested at peak times.

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

Item 10 Costa Coffee, 50 High Street, Keynsham – Change of use of the highway to place 2 tables and 4 chairs to the south of the existing coffee shop entrance (Resubmission of 13/0412/FUL) – The Case Officer reported on this application and her recommendation to permit it.

The public speaker made his statement against the proposal.

Councillor Organ said that he was completely opposed to the proposal. The site was immediately opposite a zebra crossing, which must be the site of the maximum air pollution in the High Street. He could not see that two tables and four chairs could be accommodated in the space available. He could not see that the proposal was compatible with any of the Council's policies. He moved to refuse the application. This was seconded by Councillor Laming.

Councillor Rigby said that she would support the motion to refuse, because the tables and chairs would be an obstruction for disabled people using the zebra crossing.

Councillor Hardman said that though she had supported the previous application as giving a touch of the continent in England, she now considered that the tables and chairs were too close to the pavement.

Councillor Kew said he disagreed with the motion. He thought that the pavement was at its widest at this point. He thought the biggest obstruction in the High Street was the bicycle stand.

The Chair said that people like to sit outside with their refreshments and he saw no reason why they should not be able to do so in Keynsham as elsewhere.

The motion to refuse was put to the vote and carried by 8 votes in favour and 5 against.

Item 11 No 28 Park Road, Keynsham – Erection of single storey side extension including integral garage and revised access arrangements – The Case Officer reported on this application and her recommendation to permit it.

The public speaker made his statement in favour of the proposal.

Councillor Roberts moved to permit the application. This was seconded by Councillor Webber.

The motion was put to the vote and carried unanimously.

Item 12 Little Willows Day Nursery, Powlett Road, Bathwick, Bath – Installation of modular building for temporary 2 year period –

Councillor Webber left the room and did not return for the rest of the meeting.

The Case Officer reported on this application and her recommendation to permit with conditions.

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

Councillor Kew noted that there would be no increase in the number of children at the nursery and that the application was only for a two-year period, so that it could be reassessed in due course. He moved the recommendation. He pointed out that 2014 in condition 1 should be 2015. Councillor Organ seconded the motion.

The motion to permit was put to the vote and carried by 10 votes in favour and 1 against, with 1 abstention.

Item 13 No 129 Ringswell Gardens, Lambridge, Bath – Change of use from C3 (Dwelling) to C4 (HMO) – The Case Officer reported on this application and her recommendation to permit it.

The public speaker made his statement against the proposal.

Councillor Jackson moved to permit the application. She said that she did not think the number of vehicles associated with the premises would differ whether it was in multiple occupation or occupied by a single family.

Councillor Hardman seconded the motion.

Councillor Laming said that he thought family homes were needed in the area, and that he would therefore oppose the motion.

Councillor Nicol said that there was an eight-year waiting list for single person's accommodation.

Councillor Rigby said that she agreed with Councillor Laming on the need to preserve family homes.

The Development Manager advised that the Council no longer had a policy to preserve family homes, but did have a policy for mixing household types.

Councillor Laming said that the number of occupants was not clear: was it 4, 5 or 6?

The Chair said that the application said 6 or fewer, but a condition was to stipulate 4.

The motion to permit was put to the vote and carried by 7 votes in favour, 4 against with one abstention.

Item 14 Bubblers Dytch, High Street, Wellow – Erection of 2 detached two storey houses with attached garages following demolition of existing single storey house (Resubmission) –

[This item was taken after Item 8 and before Item 9.]

The Case Officer reported on this application and her recommendation to permit it.

Pat Caudle of Wellow Parish Council made a statement against the proposal.

Councillor Neil Butters, the Ward Councillor, made a statement against the proposal.

Councillor Roberts said that he thought the proposal represented overdevelopment and moved to refuse the application for the same reasons that the Committee had refused the previous application. Councillor Kew seconded the motion.

Councillor Jackson seconded the motion and agreed that it would be overdevelopment and would result in loss of amenity for the neighbours.

Replying to a question from Councillor Webber, the Case Officer confirmed that the principle of having two dwellings on the site had been established by virtue of permission being granted for another dwelling on the site (with the retention of the existing house).

The motion to refuse was put to the vote and carried by 11 votes in favour with 2 abstentions.

96 GAMMON PLANT HIRE, ROCK HALL LANE, COMBE DOWN, BATH

Oral statements by members of the public speaking against the application

The Case Officer reported on the application and her recommendation that a Deed of Variation be prepared to remove the financial contribution to Children's Services from the S106 Agreement.

Public speakers spoke in favour of the application.

Members debated the matter. The Chair said that there were exceptional circumstances in this case. Good quality homes were being provided as well as an educational facility, benefitting the community in Bath and visitors. He moved to grant the application. This was seconded by Councillor Nicol.

The motion was put to the vote and carried unanimously.

RESOLVED that a deed of Variation be prepared to remove the financial contribution to Children's Services from the S106 Agreement.

97 QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2013

Councillor Jackson asked why 140 enforcement cases were investigated, but only 10 enforcement notices were issued. The Development Manager replied that many of the cases had turned out not to be breaches of development control, some had been minor and others had been resolved by negotiation. The number of enforcement notices was therefore not the best measure of the effectiveness of enforcement.

Councillor Laming asked whether it would be possible to have a list showing the sites, the issues and progress. The Development Manager said that work was being done to facilitate this. Case details had to be entered into the database; a new member of staff would be appointed to take this work forward.

RESOLVED to note the report.

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

Councillor Kew referred to case 12/00707/FUL summarised on pages 235 and 236 of the agenda. He wondered how the viability of the enterprise would be monitored.

RESOLVED to note the report.

The meeting ended at 8.42 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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

**MEMBERS OF THE PUBLIC ETC WISHING TO MAKE A STATEMENT AT THE
MEETING OF THE DEVELOPMENT CONTROL COMMITTEE ON WEDNESDAY
20TH NOVEMBER 2013**

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
MAIN PLANS LIST – REPORT 10		
Horseworld, Staunton Lane, Whitchurch (Items 1-3, Pages 67-113)	1.Mary Walsh (Whitchurch Village Action Group) 2.Mr Broomfield 1.John Atkinson (RSPCA) 2.Gary Weeks (Avon Fire and Rescue Services) 3.Mark Owen, Horseworld (Applicants)	Against – To share 9 minutes For – To share 9 minutes
Newbridge Park and Ride Car Park, Bath (Item 4, Pages 114-132)	John Weston Jo Davis, GVA Consultants (Applicants' Agents) <u>AND</u> Robin Kerr (Federation of Bath Residents Association)	Against For – To share 3 minutes
Parcel 2866 Woolley Lane, Charlcombe (Items 5&6, Pages 133-149)	Alastair MacKichan (Charlcombe Parish Council) Caroline Kay (Bath Preservation Trust) <u>AND</u> Bill Murphy Stuart Hampton (Applicants' Agent)	Against – Up to 6 minutes Against – To share 6 minutes For – Up to 6 minutes
Forge Stud, Hunstrete (item 7, Pages 150-159)	Tim Warren <u>AND</u> John White (Applicants' Agent)	For – To share 3 minutes
Parcel 0056 Kilkenny Lane, Englishcombe (item 8, Pages 160-164)	Brian Huggett (Englishcombe Parish Council) Jake Smith (Applicant's Agent)	For For
2 Rush Hill, Southdown (item 9, Pages 165-171)	Simon Chambers, LPC (Applicants' Agents)	For
Costa Coffee, 50 High Street, Keynsham (item 10, Pages 172-179)	Mr Evans	Against
28 Park Road, Keynsham (Item 11, Pages 180--185)	David Pingstone (Applicant)	For
Little Willows Nursery, Powlett Road, Bathwick (Item 12, Pages 186-194)	Martyn <u>AND</u> Melita Willis Chris Dance, LPC (Applicants' Agents)	Against – To share 3 minutes For
129 Ringswell Gardens, Lambridge (Item 13,	Mr Chislett	Against

Pages 195-200)		
Bubblers Dytch, High Street, Wellow (Item 14, Pages 201-213)	Pat Caudle (Wellow Parish Council) Cllr Neil Butters	Against
GAMMON PLANT HIRE – REPORT 11		
	Val Lyon (Combe Down Stone Mines Legacy Trust) <u>AND</u> Ian Cox (Developer)	For – To share 3 minutes

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

20th November 2013

SITE VISIT DECISION

Item No:	001	
Application No:	13/03415/OUT	
Site Location:	Agricultural Haulage Building And Yard, Pinkers Farm, Middle Street, East Harptree	
Ward: Mendip	Parish: East Harptree	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Erection of 8no. houses and 4no. workshops and provision of a new access road (resubmission).	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,	
Applicant:	Mr Malcolm Pearce	
Expiry Date:	2nd October 2013	
Case Officer:	Daniel Stone	

DECISION Application Withdrawn

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

20th November 2013

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

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
04	13/03194/REG03	Car Park Newbridge Park & Ride Car Park Newbridge Bath

THIRD PARTY CONTRIBUTIONS

Additional points made by local resident:-

Has made an application to have a footpath designated as a Public Footpath on 3 September 2011. No progress has been made with the application because the footpath runs across the proposed Newbridge Park and Ride extension area. The Council has a legal duty to properly designate all Public Footpaths. The Council appears to have broken the law in order to favour its application and this should be raised as a point of order. The planning application should be adjourned until such as time as the prior application has been determined using due process. The application could have been taken to the Minister but this would have involved residents as ratepayers in extra expense and this should have been taken into account when the Council was assessing footpaths.

OFFICER RESPONSE (Senior Rights of Way Officer/Planning Officer)

In 2011 Bath and North East Somerset Council, in its capacity as the Surveying Authority, received an application to record a public footpath on the Definitive Map and Statement. The route runs from a junction with public footpath BC15/2 and continues in a generally southeasterly direction to the north of the existing Newbridge Park and Ride site to a junction with Newbridge Road ("the Application Route"); a section of the Application Route runs through the site which is proposed for the extension of the Park and Ride. The application has not yet been determined and consequently the Surveying Authority has not yet decided whether the Application Route is indeed a public footpath. The Application Route appears to be physically retrained within the new development and therefore, if the Application Route is subsequently found to be a public footpath, the public would be able to continue to exercise their rights. The access to the expanded Park and Ride, which would be across this public footpath, should it be included on the Definitive Map,

would not prevent public use of this right of way and not detract from their enjoyment of the same.

In light of the above, since the planning application for the extension to the Park and Ride is not regarded to have any material affect upon the claimed public right of way it would not be appropriate to adjourn the application.

RECOMMENDATION

As per officer report.

Item No.	Application No.	Address
12	13/02651/FUL	Little Willows Day Nursery Powlett Road Bathwick Bath BA2 6QH

This update report includes additional representations and information received following the publication of the Committee report.

Additional objections from neighbour at no.18A Powlett Road (summarised):

- The proposal conflicts with Local Plan policies T.24 and T.26
- Safety of children, pedestrians and cyclists is compromised by the vehicles using the access to the site and parking in the area
- Information requested by the highways officer has not been provided in support of the application
- It is not considered that the 'Parking Availability Survey' satisfies a high standard of highway safety
- Evidence is provided to contradict the information submitted by the applicant in the 'Parking Availability Survey'

The highways officer has raised no further comment in respect of the additional objections received.

Conclusion:

Further to the additional representations and consultation with the Highways officer it is recommended that the officer assessment remains as the committee report.

Members are advised that the initial comments provided by the Highways officer raised a number of requests for further details to be submitted as it was understood an increase in the number of children at the nursery was proposed. This is not the case and is not proposed within this application. Relevant conditions are attached to ensure that no further increase in the number of children at the nursery is undertaken which is considered to be acceptable in highway terms.

Agenda Item No. 11

Application to vary S106 agreement relating to planning ref 12/03764/VAR

'Primary School Places Financial Contribution'; means the sum of thirty one thousand four hundred and five pounds and twenty eight pence (£31,495.28) to be paid by the Owner and the Developer to the Council for or towards the provision of primary school places with the Vicinity.

'Youth Services Provision Financial Contribution' means the sum of one thousand six hundred pounds (£1600.00) to be paid by the Owner or Developer to the Council for or towards the provision of youth services within the Vicinity

Consultation Response

Schools Capital & Organisation Team

Their comments can be summarised as follows:

It appears that one of the reasons the allocation for primary school places is being targeted is because this is for 'educational purposes' and the interpretation centre is deemed to have an educational function. This link is tenuous and ignores the purpose of the deed, which is 'for or towards the provision of primary school places within the vicinity'. The interpretation centre/visitor centre/community space does not meet this need.

Has an evaluation been done of the scope for savings on the construction costs? This would be standard practice on school construction projects where there was a budget problem. The fitting out of the interpretation centre includes items like website design and educational materials which it could be argued are not capital costs.

The scope for fund raising could be explored by the Trust.

There is reference to a covenant requiring a payment. Is there any flexibility in its use? Could it be reduced to fund the shortfall?

Schedule 4 (1.1) of the deed states that *'where any contribution referred to in this Deed is stated to be payable for a particular purpose for it will not be used otherwise than towards that purpose'*. This indicates that education contribution can only be used for pupil places and is not available for another purpose regardless of the current difficulty.

The S106 are relatively small but they are also relatively small in the context of the costs of the overall development and there is a matter of principle here. Primary school places in Bath are under pressure with most schools full or projected to fill. The Department for Education provide partial funding for growth in pupil numbers due to population growth but expect places arising from developments to be funded from S.106. In addition the Council is potentially facing a major shortfall in funding of primary school places from some of the major development sites such as the MOD

sites where new schools are required but may not be fully funded through S.106/CIL.
The primary school places contribution if lost, will add to that shortfall.

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

20th November 2013

DECISIONS

Item No:	01	
Application No:	13/02164/OUT	
Site Location:	Horseworld, Staunton Lane, Whitchurch, Bristol	
Ward: Publow And Whitchurch	Parish: Whitchurch	LB Grade: II
Application Type:	Outline Application	
Proposal:	Hybrid planning application for enabling residential development of up to 125 dwellings and associated demolition, highways infrastructure and landscaping works: The outline component comprises up to 118 dwellings including associated demolition, highways infrastructure and landscaping works; and the detailed component comprises the redevelopment of 6 curtilage listed dwellings including associated demolition, highways infrastructure and landscaping works adjacent to the Grade II Listed Staunton Manor Farmhouse	
Constraints:	Airport Safeguarding Zones, 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, Listed Building, Public Right of Way,	
Applicant:	HorseWorld Trust	
Expiry Date:	16th September 2013	
Case Officer:	Daniel Stone	

DECISION REFUSE

REASONS:

Green Belt harm, harm to openness, under provision of affordable housing, harm resulting from traffic congestion and harm to the listed building.

Item No:	02
Application No:	13/02180/FUL
Site Location:	Horseworld, Staunton Lane, Whitchurch, Bristol
Ward: Publow And Whitchurch	Parish: Whitchurch LB Grade: II
Application Type:	Full Application
Proposal:	Erection of new visitor centre for the Horseworld charity including associated highways infrastructure, parking provision and landscaping
Constraints:	Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Public Right of Way,
Applicant:	HorseWorld Trust
Expiry Date:	16th September 2013
Case Officer:	Daniel Stone

DECISION REFUSE

REASONS:

Green Belt harm, harm to openness, under provision of affordable housing, harm resulting from traffic congestion and harm to the listed building.

Item No:	03
Application No:	13/02121/LBA
Site Location:	Horseworld, Staunton Lane, Whitchurch, Bristol
Ward: Publow And Whitchurch	Parish: Whitchurch LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Conversion of curtilage listed buildings to residential including selective demolition, extensions, internal and external works
Constraints:	Airport Safeguarding Zones, 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, Listed Building, Public Right of Way,
Applicant:	HorseWorld Trust
Expiry Date:	12th August 2013
Case Officer:	Daniel Stone

DECISION REFUSE

Item No:	04
Application No:	13/03194/REG03
Site Location:	Car Park, Newbridge Park & Ride Car Park, Newbridge, Bath
Ward: Newbridge	Parish: N/A LB Grade: N/A
Application Type:	Regulation 3 Application
Proposal:	Extension of existing Newbridge Park and Ride facility to provide 248 spaces, construction of a central amenity building, along with associated landscape and engineering works.
Constraints:	Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, British Waterways Major and EIA, British Waterways Minor and Householders, Coal - Standing Advice Area, Flood Zone 2, Forest of Avon, Greenbelt, Hotspring Protection, World Heritage Site,
Applicant:	Bath & North East Somerset Council
Expiry Date:	13th November 2013
Case Officer:	Mike Muston

DECISION PERMIT

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

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

2 The development hereby permitted shall only be carried out in accordance with the recommendations of the submitted Preliminary Ecological Appraisal dated July 2013 and Bat Survey Report dated July 2013 (insofar as these relate to the application site), and the submitted Landscape and Ecological Management Plan dated July 2013 and the addendum dated October 2013 (or any amendment to the Plan as approved in writing by the Local Planning Authority).

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

3 With the exception of works comprising site preparation, surveys, welfare and accommodation set up; vegetation clearance; tree protection; general demolition including retaining walls; topsoil strip; reduce level dig; retaining wall construction; foundations to facilities building; construction of acoustic bund and fence; utilities duct runs and chambers, no development shall be undertaken until a detailed surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with the principles set out in section 5 of the approved flood risk assessment (prepared by Mott MacDonald and dated July 2013) and shall include pollution prevention measures. The development shall subsequently be implemented in accordance with the details of the approved scheme within a timetable to be agreed by the Local Planning Authority.

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

4 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not contribute to an unacceptable risk of water pollution and to ensure that the site is appropriately remediated.

5 Unless with the prior written approval of the Local Planning Authority, the lighting approved for the park and ride facility as part of this application shall only be used/operated between 06.00 - 22.30 Monday to Saturday and 09:00 - 19:00 on Sundays and Bank Holidays.

REASON: To prevent unnecessary light pollution, and in the interests of the ecology of the area.

6 All hard and/or soft landscape works shall be carried out in accordance with the approved details (subject to the precise location of the four pine trees shown on drawing BTP/N/764/P1 being agreed in writing with the Local Planning Authority). The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

7 No site works or clearance shall be commenced until protective fences which conform to British Standard 5837:2005 have been erected around any existing trees and other existing or proposed landscape areas in positions indicated on the approved plans. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

8 Prior to the commencement of any form of site works or clearance the Local Planning Authority shall be given not less than two weeks notice in writing of these works to ensure that appropriate measures of landscape protection required under condition 7 have been implemented in accordance with the approved plans or conditions.

Reason: To ensure that adequate protection is given to the areas to be landscaped and the existing trees and planting to be retained within the site.

9 The development hereby permitted shall not be brought into operation until the approved acoustic barriers shown on drawings BTP/N/765 and 260275/NEW/03/001/P1 have been installed. These acoustic barriers shall be retained at all times thereafter that the Park _ Ride extension is used.

REASON: To protect the living conditions of nearby residents.

10 No site works including clearance or demolition shall take place until an Arboricultural Method Statement (AMS) in accordance with British Standard 5837:2005 has been submitted to and approved in writing by the Local Planning Authority where any development which cannot be avoided is carried out within the Root Protection Area of retained trees. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To ensure that the existing retained trees and their root systems are not damaged during any construction works, including site clearance, demolition of existing structure's installation of services or reinstatement.

11 The programme of archaeological work set out within the written scheme of investigation prepared by Wessex Archaeology (June 2012) and previously approved under application 11/05449/COND shall be completed in accordance with that approved scheme (or such alternative programme that shall first have been agreed in writing by the Local Planning Authority).

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

12 Prior to the construction of an above ground element of the facilities building, a schedule of materials and finishes, and samples of the materials to be used in the construction of that element of the external surfaces, including roofs, of the facilities building, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

REASON: In the interests of the appearance of the development and the surrounding area, including the Cotswolds Area of Outstanding Natural Beauty.

13 Unless agreed in writing with the Local Planning Authority, all construction works in connection with the expansion of the park and ride must comply with the submitted Draft Code of Construction Practice, dated September 2013.

REASON: In the interests of the living conditions of nearby residents, and highway safety.

14 Unless agreed in writing with the Local Planning Authority, lighting on the site during the construction of the expansion of the park and ride must comply with the submitted Code of Construction Practice, which has stated that the workings hours will be confined to Monday - Friday between 0700 and 1900 and Saturday 0700 and 1300.

REASON: To prevent unnecessary light pollution, and in the interests of the ecology of the area.

PLANS LIST:

Drawings BTP/N/202, 400, 501, 502, 601, 603, 755, 756, 757, 758, 759, 760, 762, 764, 765, 260275/NEW/00/01, 01/001A, 01/002, 01/009 (Rev P2), 03/001, 014/001 (Rev P2), 014/002, 05/500 (Rev P2), 260276/NEW/01/007 (Rev P2), 40/001 (all Rev P1 unless stated to be Rev P2), 583-sk-11, 12, 13, 14, all as submitted 29 July 2013.

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 Committee report, a positive view of the proposals was taken and permission was granted.

Item No:	05
Application No:	13/03358/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, formation of farm track, construction of stock pond and ancillary works (Retrospective) (Resubmission of 12/05660/FUL)
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 Ltd
Expiry Date:	4th November 2013
Case Officer:	Gwilym Jones

DECISION PERMIT

1 Prior to any excavations or engineering operations being undertaken on the land the applicant shall submit for approval in writing by the Local Planning Authority a method statement for works to the site of the stock pond. The method statement, prepared in consultation with the Environment Agency and Natural England, shall cover the following matters:

- The plant and machinery to be used in the re-grading operations
- The method for creating and maintaining a final slope on its upper (west) side of less than 1:1
- The disposal and re-grading of any material removed from the stock pond and specification of the type and timing of any re-seeding of excavated soils
- The measures used to control sediment run off from the works
- A programme for the implementation of the works

Reason: To ensure the re-grading works are properly controlled and do not have an unacceptable impact on the environment.

2 Prior to any excavations or engineering operations being undertaken on the land the applicant shall submit for approval in writing by the Local Planning Authority a Wildlife Management and Enhancement Scheme for the land adjoining the stock pond. The Scheme, prepared in consultation with Natural England, shall cover the following matters:

- Works to the land adjoining the pond to create an area of new marshy grassland habitat designed to replicate the waterlogged conditions and botanical composition of the marshy grassland habitat elsewhere within the field
- Details of how the pond and marshy grassland habitat will be maintained and enhanced together with measures to restore and maximise the ecological and botanical value of the grassland within the remainder of the field through appropriate native plant seeding and wildlife friendly stock management and grazing regimes

- Measures of how the recommendations of the submitted ecological report, including temporary stock fencing of the pond and marshy grassland area, shall be implemented
- A programme for carrying out the above works

Upon receiving written approval from the Local Planning Authority all works detailed in the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain and enhance the ecological interest of the Site of Nature Conservation Importance.

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 permission relates to the development shown on the following drawings: 2028/002B (Plans and Elevations of Proposed Agricultural Storage Building dated November 2012); 2028/31 (Block Plan dated November 2009); 2028/200/A/B (Location Plan dated February 2009); 2028/500/A (Site Plan dated October 2010).

The applicant is advised that the approved plans do not include external lighting to the building.

Informative

The applicant is reminded that the site is the subject of an Article 4 Direction - The Swainswick Valley Article 4 Direction (No.1) 1992 - and that alterations to buildings and excavation or engineering operations require planning permission. This includes works of alteration or extension to the existing building, farm track or stock pond.

Item No:	06
Application No:	13/03374/CLEU
Site Location:	Parcel 2866, Woolley Lane, Charlcombe, Bath
Ward: Bathavon North	Parish: Charlcombe LB Grade: N/A
Application Type:	Cert of Lawfulness (Existing) 191
Proposal:	Certificate of lawfulness for the existing alterations to access and formation of hardstanding and track around existing building.
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Greenbelt, Sites of Nature Conservation Imp (SN), Tree Preservation Order,
Applicant:	Golden Valley Paddocks Ltd
Expiry Date:	30th September 2013
Case Officer:	Gwilym Jones

DECISION LAWFUL

1 This decision relates only to the site access (concrete apron and wooden panel gates) and hardstanding (hardcore track plus concrete yard adjacent to the existing building and bounded by wooden fence to the north) within the area of land outlined in red on the attached drawing.

PLANS LIST:

Informative

The applicant is reminded that the site is the subject of an Article 4 Direction - The Swainswick Valley Article 4 Direction (No.1) 1992 - and that excavation or engineering operations require planning permission. This includes works of alteration or extension to the site access and hardstanding/track around the existing building covered by this Certificate.

Item No:	07
Application No:	13/03589/FUL
Site Location:	Forge Stud, Hunstrete, Marksbury, Bristol
Ward: Farmborough	Parish: Marksbury LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of use of existing land and stables to a Farrier business and conversion of existing stone barn to provide rural workers dwelling (Resubmission)
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Public Right of Way, Tree Preservation Order,
Applicant:	Mr Jonathan Hodge
Expiry Date:	2nd December 2013
Case Officer:	Alice Barnes

DECISION Authorise Development Manager to Permit subject to S106 Agreement

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

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

2 The development hereby permitted shall be carried out only in accordance with the recommendations contained within the approved Bat and Barn Owl Survey Ecology Report dated 22 May 2013 updated 17 September 2013 or any amendment to the recommendations of the Report as approved in writing by the Local Planning Authority. These include implementation of:

(i) Paragraph 4.8 specifying provision of two wall mounted and two tree mounted bat boxes

(ii) Wildlife friendly planting as recommended in paragraph 4.7

(iii) Bat-friendly lighting as recommended in paragraph 4.6

Prior to occupation of the development written and photographic information demonstrating that the above measures have been applied shall be submitted to and approved in writing by the Local Planning Authority

Reason: To avoid harm to bats and other wildlife and provide ecological enhancements in line with NPPF

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 extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

4 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 garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of any part of any roof of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

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

6 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:

Existing floor plan, elevations and site plan 001B
Proposed plans and elevations 101D

Item No:	08
Application No:	13/02087/FUL
Site Location:	Parcel 0056, Kilkenny Lane, Englishcombe, Bath
Ward: Bathavon West	Parish: Englishcombe LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of use of land to mixed use of agriculture and equestrian and erection of timber stables
Constraints:	Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Hazards & Pipelines,
Applicant:	Mrs A Allen
Expiry Date:	23rd October 2013
Case Officer:	Alice Barnes

DECISION Authorise Development Manager to Permit subject to application being advertised as a Departure from the Development Plan.

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

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

2 The stables hereby permitted shall only be used for the private stabling of horses and shall not be used for, or in connection with, any commercial use.

Reason: To prevent the introduction of a commercial use on the site.

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.

Item No:	09
Application No:	13/03555/FUL
Site Location:	2 Rush Hill, Southdown, Bath, Bath And North East Somerset
Ward: Odd Down	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of use from Labour Club (Sui Generis) to Office (B1)
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Western Building Consultants
Expiry Date:	11th October 2013
Case Officer:	Chris Griggs-Trevarthen

DECISION PERMIT

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

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

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

Reason: In the interests of amenity and highway safety.

3 The area allocated for cycle parking on the submitted plan shall be provided before the building is occupied and shall not be used other than for the parking of cycles in connection with the development hereby permitted.

Reason: In the interests of sustainable development.

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:

Site Location Plan

- 1
- 2
- 3
- 4

100 Rev A
101 Rev A
102

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. The Local Planning Authority encourages the use of pre-application advice which was not sought in this case. The Local Planning Authority has engaged positively with the applicant and their agent in seeking to resolve the issues with the application including the parking arrangement and the provision of cycle storage. However, for the reasons given in the report above the principle of development is unacceptable.

Item No:	10
Application No:	13/04016/FUL
Site Location:	Costa Coffee, 50 High Street, Keynsham, BS31 1DX
Ward: Keynsham North	Parish: Keynsham Town Council LB Grade: N/A
Application Type:	Full Application
Proposal:	Planning application for the change of use of the highway to place 2 tables and 4 chairs to the south of the existing coffee shop entrance. (Resubmission of 13/01412/FUL)
Constraints:	Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Housing Development Boundary,
Applicant:	South West Coffee Ltd
Expiry Date:	13th November 2013
Case Officer:	Sasha Coombs

DECISION REFUSE

1 The proposed change of use of the public highway for the siting of tables and chairs, by reason of the proximity of the site to the adjacent zebra crossing where pedestrians gather before and after crossing, would fail to maintain an acceptable width on the pavement for safe pedestrian movement contrary to policy T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

2 The proposed change of use of the public highway for the siting of tables and chairs, by reason of the proximity of the site to the adjacent zebra crossing where vehicles wait for pedestrians to cross and the location of the site within the Keynsham Air Quality Management Area, would expose future users of the development to unacceptable levels of air pollution contrary to policy ES.10 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

PLANS LIST:

This decision relates to the following plans and documents:

OS Extract 18 Sep 2013 SITE LOCATION PLAN
 Drawing 18 Sep 2013 PROPOSED PLAN No 0709-KEYNSHAM/02A
 BackGround Papers 18 Sep 2013 COVER LETTER, DESIGN & ACCESS STATEMENT, and FURNITURE SPECIFICATIONS.

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 and council have worked together to overcome the reasons for refusal. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

Item No:	11
Application No:	13/03472/FUL
Site Location:	28 Park Road, Keynsham, Bristol, Bath And North East Somerset
Ward: Keynsham South	Parish: Keynsham Town Council LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a single storey side extension including integral garage and revised access arrangements.
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary,
Applicant:	Mr Pingstone
Expiry Date:	14th October 2013
Case Officer:	Sasha Coombs

DECISION PERMIT

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

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

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

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

4 The accesses hereby permitted shall not be used until the footway/verge crossings have been widened and constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

5 The accesses and area of hardstanding hereby approved shall be properly bound and compacted (not loose stone or gravel).

Reason: In the interests of highway safety.

6 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 plans and documents:

Drawing 13 Aug 2013 310713 02 EXISTING GROUND FLOOR PLAN
Drawing 13 Aug 2013 310713 03 EXISTING FIRST FLOOR PLAN
Drawing 13 Aug 2013 310713 04 EXISTING ELEVATIONS
Drawing 13 Aug 2013 310713 06 PROPOSED FIRST FLOOR PLAN
Drawing 13 Aug 2013 310713 07 PROPOSED ELEVATIONS
OS Extract 13 Aug 2013 310713 01 LOCATION AND BLOCK PLAN
Revised Drawing 23 Oct 2013 310713/05 PROPOSED GROUND FLOOR

Note to applicant:

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

Decision Taking Statement:

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

Item No:	12
Application No:	13/02651/FUL
Site Location:	Little Willows Day Nursery, Powlett Road, Bathwick, Bath
Ward: Walcot	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Installation of modular building for temporary two year period
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Little Willows Day Nursery
Expiry Date:	30th August 2013
Case Officer:	Victoria Griffin

DECISION PERMIT

1 This permission shall expire on 27th November 2015 and the development hereby permitted shall be removed and the land restored to a grassed surface.

Reason: At the request of the applicant and to allow the impact of the development to be monitored.

2 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement dated June 2013 and tree works schedule unless agreed in writing by the Local Planning Authority. A signed certificate of compliance shall be provided by the appointed arboricultural consultant to the local planning authority on completion. Reason: To ensure that the approved method statement is complied with for the duration of the development.

3 The development hereby approved shall retain the existing number of children in attendance at the nursery (66 no.) as documented in the supporting correspondence dated 14th August 2013. Reason: In the interests of highway safety and neighbouring amenity.

4 Prior to the installation of the proposed modular building details of the construction management to include how the building will be delivered, how it will be assembled on-site and how it will be maintained shall be submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.

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:

The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

PBSE3578 rev B, PBSE3578 rev A, PBSE3578 rev C, PBSE3578 rev B date received 05/07/13

This permission does not convey or imply any civil or legal consents required to undertake the works.

Item No:	13		
Application No:	13/03332/FUL		
Site Location:	129 Ringswell Gardens, Lambridge, Bath, Bath And North East Somerset		
Ward:	Walcot	Parish:	N/A
		LB Grade:	N/A
Application Type:	Full Application		
Proposal:	Change of use from C3 (Dwelling) to C4 (HMO)		
Constraints:	Agric Land Class 3b,4,5, Article 4, Article 4, Conservation Area, Flood Zone 2, Forest of Avon, Hotspring Protection, World Heritage Site,		
Applicant:	Mr M Tansley		
Expiry Date:	15th October 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 The development hereby approved shall not be occupied by more than 4 unrelated occupants.

Reason: An increase in the number of occupants would need further consideration by the Local Planning Authority.

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 plans/documents:

Received 2nd August
Site Plan
Site Location Plan

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 Policy Framework. For the

reasons given, a positive view of the revised proposals was taken and permission was granted.

ADVICE NOTE

Please note that you will also require an HMO Licence for your property to operate as an HMO. Planning and HMO licensing are two separate requirements and it is essential that an HMO licence is obtained after receiving planning permission. Although Planning Permission may be granted without an HMO licence, you may legally not be able to use the property as an HMO. If you have any queries, please contact Housing Services by email at hmo_licensing@bathnes.gov.uk or telephone 01225 396269.

Item No:	14
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 REFUSE

1 The proposed development is considered to be of an inappropriate design. The high wall is considered to be out of keeping with the character of the area. Further the glazing element to the south elevation is considered to form a large prominent incongruous element when seen across the valley. The development is therefore considered to be contrary to Policies D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007

2 The proposed development is considered to represent the overdevelopment of the site with the narrowness of the gap between the proposed buildings being considered to be inappropriate. The development is therefore considered to be contrary to Policies D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007

PLANS LIST:

Plans: OS extract, 189/P01 A, 189/P02 B, 189/P10 A, 189/P04 B, 189/P07 A, 189/P03 B, 189/P05 B, 189/P06 A, 189/P08 A, 189/P09 A, 189/P11 A, date stamped 29th November 2012 and MH 2010/1 date stamped 3rd January 2013

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. Whilst the Officer recommendation was to permit, the Development Control Committee did not consider that significant changes had been made since the previous refusal, and voted to refuse the application.

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

20th November 2013

Agenda No. 11

Item No:	Agenda No. 11
Application No:	12/03764/VAR
Site Location:	Gammon Plant Hire, Rock Hall Lane, Combe Down, Bath
Ward: Combe Down	Parish: N/A LB Grade: N/A
Application Type:	Application for Variation of Condition
Proposal:	Variation of condition 30 (plans list) of application 11/04166/FUL (Erection of 1no. Mining Interpretation Centre (rated BREEAM Excellent), 8no. Eco-Homes (rated Code 5 zero carbon), 1no. Apartment (rated Code 5 zero carbon) and all associated hard and soft landscaping following demolition of all existing properties, with the exception of a portion of historic stone wall to Rock Hall Lane (resubmission).)
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Local Shops, Water Source Areas, World Heritage Site,
Applicant:	Ralph Allen Yard Ltd
Expiry Date:	20th November 2012
Case Officer:	Tessa Hampden

DECISION Variation to S106 Agreement agreed

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