

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 15th January, 2014

Present:- Councillor Gerry Curran in the Chair

Councillors Sally Davis (In place of Les Kew), Ian Gilchrist, Liz Hardman, Eleanor Jackson, Malcolm Lees, Douglas Nicol, Bryan Organ, Manda Rigby, Nigel Roberts, Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Neil Butters, Charles Gerrish and June Player

110 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

111 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

112 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was an apology for absence from Councillor Les Kew whose substitute was Councillor Sally Davis. It was noted that Councillor Malcolm Lees would be late due to a Mayoral function.

113 DECLARATIONS OF INTEREST

Councillors Brian Webber and Eleanor Jackson stated that they had connections with allotments or allotment holders but that these were not prejudicial and therefore they would speak and vote on the planning application on the allotment site at King Georges Road, Twerton, Bath (Report 9 on the Agenda). Councillor Ian Gilchrist stated that he had known the partner of the applicant for the application at Candywood Leys, Meadow Lane, Bathampton (Item 5, Report 10) in a professional capacity but this did not prejudice his ability to vote on the application.

114 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business

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

The Chair informed the meeting that notice had been received from Kirsty Pristo to present a Petition objecting to the proposed development at King Georges Road, Twerton, Bath (Report 9). At the Chair's request, she presented the Petition which had 405 signatures. The Chair received the Petition which would be taken into account when the application was considered under that Report.

116 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

The Chair read out a statement provided by Councillor Sharon Ball regarding the planning application at King Georges Road, Twerton, Bath, which would be taken into account when that application was considered under Report 9.

117 MINUTES: 11TH DECEMBER 2013

The Minutes of the previous meeting held on Wednesday 11th December 2013 were approved as a correct record and signed by the Chair

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

The Committee considered

- A report by the Development Manager on an application for planning permission at King Georges Road, Twerton, Bath
- Oral statements by members of the public etc, the Speakers List being attached as *Appendix 1* 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 2* to these Minutes

Proposed development site, King Georges Road, Twerton, Bath – Erection of 11 houses and 10 flats following the demolition of half an existing apartment building – The Team Leader – Development Management reported on this application and the recommendation to grant permission with conditions. He informed the meeting of revisions to the plans and contributions by the applicants to provision of open space, allotments, together with improvements to the highways under a S106 Agreement.

The Chair informed the meeting that the speaking time for public speakers on this application had been extended to 15 minutes which would give the objectors one and a half minutes each. The public speakers then made their statements. The Ward Councillor June Player made a statement on the proposal.

Members asked questions about the proposal for clarification to which the Officer responded. An earlier refusal of permission for development was discussed together with density, parking and highways issues and whether there was a badger sett on the site. The Transportation Planning Manager responded to queries on highways matters. Councillor Bryan Organ considered that there were various drawbacks to the proposal particularly the access and moved that the application be refused contrary to the Officer recommendation. This was seconded by Councillor Martin Veal.

Members debated the motion. The need for affordable housing was appreciated but it was generally felt that this was overdevelopment with a poor access which would affect the residential amenity of occupiers of adjoining properties. Furthermore, there had not been an adequate assessment of pedestrian and vehicular movements in

the area to demonstrate that there would be no detriment to highway and pedestrian safety, Councillor Bryan Organ reaffirmed his motion based on these reasons.

Members considered the reasons for refusal. A Member requested the Officers' views on the reasons. It was stated by Officers that the road network could accommodate the development. The proposal was in a sustainable area of existing high density development. It would provide 100% affordable housing on unused land. The Council were not in a position to demonstrate a 5 year supply of housing as required under the NPPF. Good reasons were required to run contrary to the Officer's recommendation. If the applicants decided to appeal against a refusal, there was a possibility that it would be successful and costs could be awarded against the Council. In response to a Member's query about Policy CF8 in the Local Plan and this being an allotment site, the Team Leader – Development Management stated that this had been considered. Other allotment provision was available within 1000m of the site at Monksdale Road, Oldfield Park, to compensate for the loss of allotments and therefore it complied with this Policy. In response to another Member's query on ecology issues, he stated that further survey work was required but that Condition 17 would cover issues of badgers and bats etc.

Members continued to discuss the proposal. It was considered that the scheme could be allowed if amended to reduce the density and improve the access. The Chair gave reasons why he would support the motion to refuse. The motion was then put to the vote. Voting: 10 in favour and 2 against with 1 abstention. Motion carried.

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

The Committee considered

- A report by the Development Manager on various applications for planning permission etc
- Oral statements by members of the public etc, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Development Manager on Item Nos. 1-3, 5 and 6, a copy of which is attached as *Appendix 3* to these Minutes

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

Items 1&2 Cross Keys Inn, Midford Road, Combe Down, Bath – (1) Erection of single storey single dwelling incorporating the conversion of existing listed outbuilding, boundary walls, parking and garden; and (2) internal and external alterations to existing listed outbuilding as part of development of self-build single storey single building – The Case Officer reported on these applications and his recommendations to grant permission/consent with conditions. The Update Report included a reference to a Decision Taking Statement to be added to the Recommendations if approved.

The applicant made a statement in favour of the proposal.

Councillor Nigel Roberts considered that the key point of the application was its effect on the Cross Keys Inn which was a listed building. He felt that this was minimal as the proposal was low level. He supported the Officer's recommendations and moved accordingly. This was seconded by Councillor Doug Nicol.

Members debated the motions, It was considered that the proposal would enhance the area. The motions were put to the vote and were carried unanimously.

Item 3 Church Hall, School Lane, Batheaston, Bath – Erection of a new single storey village hall building including multi-use main hall, activity rooms, kitchen, toilets and stores and associated external works to provide accessible access to the hall and fields following demolition of the existing Church Hall (Resubmission) – The Case Officer reported on this application and her recommendation to grant permission with conditions. She referred to the Update Report which added a further Condition relating to a Construction Management Plan and an amendment to Condition 7. She also made reference to a letter from solicitors acting for objectors as regards hours of operation.

The public speakers made their statements on the application.

Councillor Martin Veal read a statement provided by Ward Councillor Gabriel Batt and referred to a letter to Councillor Batt supporting the proposal. He clarified that, whilst he had been lobbied by both sides of the debate, and he was a member of the local theatre group and an occasional user of the existing hall, this did not prejudice his ability to vote on the application. He spoke in favour of the proposal which was to be built on the existing site of the Hall close to the centre of the village and was of a sympathetic design. He stated that it was a desperately needed facility and was supported by the community and the Ward Councillors. He therefore moved the Officer recommendation to grant permission with conditions which was seconded by Councillor Liz Hardman. Councillor Veal then presented a Petition signed by 282 people supporting the application.

Members debated the motion and generally spoke in favour of the application. In response to queries by the Chair, the Team Leader – Development Management stated that there was a condition which limited the use of the hall to certain hours. This type of condition was commonly used and there were no significant changes to the proposal on which further consultation would have been required.

The motion was put to the vote and was carried, 11 voting in favour and 1 against.

(Notes: (1) Councillor Malcolm Lees was absent for the voting on this application; and (2) there then followed an adjournment at 5.10pm for approximately 10 minutes)

Item 4 Parcel 7100, Woollard Lane, Whitchurch – Removal of Condition 1 attached to planning permission 10/03798/FUL (Change of use of land (retrospective) to a small private gypsy site to site 1 mobile home, 1 touring caravan and associated ancillary development including the construction of a new access) - The Case Officer reported on this application and her recommendation to grant permission with conditions.

The public speakers made their statements on the application.

Councillor Bryan Organ raised queries concerning the 3 year temporary permission previously granted and the Gypsy and Traveller Development Plan Document (DPD). The Team Leader – Development Management responded that the timescale of the DPD had slipped and it was now likely to be December 2016. He explained the difference between a temporary and a permanent permission in this instance. This pitch would not prejudice the Council's strategy as regards gypsy and traveller site provision.

Councillor Liz Hardman considered that very special circumstances needed to be demonstrated for inappropriate development in the Green Belt. In this case, there were the personal circumstances of the applicant and his family and the site was in a sustainable location for a gypsy site. She therefore moved the Officer recommendation to grant permission with conditions which was seconded by Councillor Eleanor Jackson.

The motion was debated by Members. Issues were considered regarding the DPD, siting in the Green Belt, other gypsy sites, the needs of the applicant etc. The Team Leader – Development Management responded to some of the questions about some of these issues. After a thorough debate, the Chair expressed some concerns but supported the Officer recommendation based on very special circumstances. He put the motion to the vote.

Voting: 11 in favour and 1 against with 1 abstention. Motion carried.

Item 5 Candywood Leys, Meadow Lane, Bathampton, Bath – Stationing of 1 mobile home for residential use by 1 traveller family (Retrospective) – The Case Officer reported on this application and his recommendation to grant permission with conditions. The Update Report made a very small amendment to the wording of Condition 2.

The public speakers made their statements on the application.

Councillor Martin Veal read a statement provided by Ward Councillor Geoff Ward who supported the proposal. He spoke in favour of the applications based on the very special circumstances of the applicant and therefore moved the Officer recommendation to grant permission with conditions and additionally that, if the applicant leaves the site, the land should be returned to Green Belt and remedial work be undertaken to return it to its previous state. The motion was seconded by Councillor Malcolm Lees.

Members debated the motion and asked questions to which Officers responded. Issues were discussed relating to a temporary permission, agricultural use of the site, the fact that this is a retrospective application, the type of dwelling proposed and the personal circumstances of the applicant. After a thorough debate but with a little dissension, it was generally felt that the personal circumstances of the applicant tipped the balance in favour of the application being approved.

The Chair summed up the debate and put the motion to the vote. Voting: 8 in favour and 2 against with 3 abstentions. Motion carried.

Item 6 Church Farm Barn, Washing Pound Lane, Whitchurch – Repair and rebuilding of existing dilapidated workshop/outbuilding to provide new one and a half storey dwelling with associated engineering works, access, car parking area and garden area (Resubmission of 13/03692/FUL) – The Case Officer reported on this application and his recommendation to refuse permission.

The Applicant's Agent made a statement in favour of the application.

Councillor Nigel Roberts could not support the application for the reasons cited and moved the Officer recommendation to refuse permission which was seconded by Councillor Malcolm Lees.

Members briefly debated the motion. After a brief discussion, the motion was put to the vote and was carried, 11 voting in favour and 0 against with 2 abstentions.

Item 7 Street Record, Midford Road, Combe Down, Bath – Display of internally illuminated poster cabinets of proposed advertisements in bus shelter serving the No 11 Foxhill - Bathford route to be located along Midford Road – The Planning Officer reported on this application and the recommendation to grant consent with conditions.

The public speakers made their statements on the application which was followed by a statement by the Ward Councillor Neil Butters who spoke against the application.

Members discussed the proposal. Issues were raised regarding the level of illumination of the poster and times of operation. The Officer advised that a Condition could be added to cover these items.

Councillor Eleanor Jackson considered that the proposal would not cause any significant problems and moved that delegated authority be given to the Officers to grant consent subject to the conditions recommended and appropriate condition(s) regarding lighting (at a level acceptable to Officers) and times of operation. This was seconded by Councillor Liz Hardman.

After a brief debate, the motion was put to the vote and was carried, 11 voting in favour and 1 against with 1 abstention.

(Note: This application was taken earlier in the meeting after Items 1 and 2 above)

120 FORMER CADBURY FACTORY SITE, SOMERDALE, KEYNSHAM - SECTION 106 AGREEMENT

Referring to the Minutes of the meeting held on 25th September 2013 and the planning application for the redevelopment of the former Cadbury Factory site, Somerdale, the Development Manager submitted a report which (1) informed Members that it had been decided that a Section 106 Agreement be authorised to secure, amongst other matters, the fit-out and delivery of employment space on the site to an agreed specification and programme; (2) advised that negotiations with the applicants on the fit-out of the employment space had stalled and therefore authority was being sought for the specification and for alternative provision.

The Ward Councillor Charles Gerrish made a statement expressing some concerns about the changes recommended.

The Council's Planning Consultant reported on the matter and answered Members' queries.

Members discussed the matter. It was felt by some Members that changes needed to be made to give Officers flexibility to negotiate. The Buildings B and C should remain as employment space. The Team Leader – Development Management advised that a marketing strategy had still to be arranged for employment use and that the buildings would be fitted-out later. If no payment was received, within the 5 year timescale recommended, the monies could be used for other developments in the area.

Having listened to the discussion, Councillor Nigel Roberts considered that no changes should be made to the specification of the Section 106 Agreement and to keep the status quo. This was seconded by Councillor Martin Veal. The motion was debated. The Officers responded to queries. The Officers needed a fall-back position in case for example the applicants applied for change of use say to residential and the proposed changes would protect the Council's position regarding provision of employment in the area. It was generally felt by Members that this was a better course of action to follow. The motion was put to the vote. Voting: 5 in favour and 8 against. Motion lost.

Councillor Bryan Organ then moved the Officer recommendation which was seconded by Councillor Malcolm Lees. The motion was put to the vote and was carried, 8 voting in favour and 4 against with 1 abstention.

RESOLVED That the Planning and Environmental Law Manager be authorised to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure amongst other matters:

- (a) The fit out and delivery of employment space on the site to an agreed specification and programme; and
- (b) Provision of a financial contribution towards the delivery of employment off site should Buildings B and/or C not be refurbished and occupied within an agreed timescale (5 years) and an alternative use be proposed for the use of the buildings or land.

(Note: After this item, Councillors Sally Davis and Manda Rigby left the meeting)

121 TREE PRESERVATION ORDER - GAY COURT, LONDON ROAD WEST, BATHEASTON, BATH

The Committee considered a report (1) drawing attention to objections received to the making of a Tree Preservation Order at Gay Court, London Road West, Bath which sought to protect 8 individual trees which made a contribution to the landscape and visual amenity of the area; and (2) recommending that the Order be confirmed but with a modification to rectify the identification of trees T7 and T8 (Note: The Update Report had slightly amended the Recommendation in the Report.)

The Senior Arboricultural Officer reported on the matter and answered Members' queries.

Members discussed the matter. Councillor Martin Veal pointed out that there was a problem with falling leaves from T1 onto the adjoining public footpath and that the residents would like to see a study of the tree being undertaken over the next few years. Councillor Eleanor Jackson felt that this was a separate issue and moved the Officer recommendation which was seconded by Councillor Doug Nicol.

The motion was debated. Various issues were raised including whether the Council could be liable for any damage to property from trees covered by a TPO and also that insurance companies were sometimes unwilling to insure properties with nearby trees. The Team Leader – Development Management and the Senior Arboricultural Officer responded to the points raised. Councillor Martin Veal stated that the residents of Gay Court have denied that they own the tree T1 and therefore he enquired whether Officers knew who owned it. The Senior Arboricultural Officer stated that she would respond to Cllr Veal on this aspect subsequent to the meeting. The motion was then put to the vote.

RESOLVED to confirm the Tree Preservation Order entitled “Bath and North East Somerset Council (Gay Court, London Road West, Bath No 289) Tree Preservation Order 2013” subject to a modification to rectify the identification of T7 which is a Horse Chestnut (not Sycamore) and T8 which is a Sycamore (not Horse Chestnut). (Voting: 9 in favour and 0 against with 2 abstentions)

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

The report was noted

The meeting ended at 7.55 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE
DEVELOPMENT CONTROL COMMITTEE AT ITS MEETING ON WEDNESDAY,
15TH JANUARY 2014**

SITE/REPORT	NAME/REPRESENTING	FOR/AGAINST
SITE VISIT – REPORT 9		
King Georges Road, Twerton, Bath (Pages 29-47)	1.Lesley Gillard 2.Kirsty Pristo 3.Jenny Bakhoff 4.Mike Hill 5.Virginia Williamson, B&nes Allotments Association 6.Chrissie Hamilton 7.Mr Harvey 8.Sue Pristo 9.Mr Cottey 10.Jane Parfitt (read by Cllr June Player)	Against – To share up to 15 minutes
	Craig Macdonald, Curo (Applicants)	For – Up to 15 minutes
MAIN PLANS LIST – REPORT 10		
Cross Keys Inn, Midford Road, Combe Down, Bath (Items 1&2, Pages 52-62)	Jenni Radford (Applicant)	For – Up to 6 minutes
Church Hall, School Lane, Batheaston, Bath (Item 3, Pages 63-88)	Vito Pecchia, Chairman, Batheaston Parish Council	Against
	David Hill	Against
	1.Wolfgang Beese, Batheaston Society 2.Carole Bond, Chairman, Village Hall Trust 3. Chris Dance, LPC (Applicants’ Agents)	For – To share 3 minutes
Parcel 7100, Woollard Lane, Whitchurch (Item 4, Pages 89-105)	Adrian Rogers, Clerk to Compton Dando Parish Council	Against
	Mary Walsh, Joint Chair, Whitchurch Village Action Group	Against
	Maggie Smith Bendell, Ruston Planning Ltd (Applicant’s Agents)	For

Candywood Leys, Meadow Lane, Bathampton, Bath (Item 5, Pages 106-127)	Tony McCann, Chairman, Bathampton Parish Council Mrs McCann Cathy Wood (Applicant) AND Paul Falkus	Against Against For – To share 3 minutes
Church Farm Barn, Washing Pound Lane, Whitchurch (Item 6, Pages 128-136)	Kit Stokes, Aspect 360 (Applicant's Agents)	For
Street Record, Midford Road, Combe Down, Bath (Item 7, Pages 137-141)	Robert Hellard, Chairman, South Stoke Parish Council Tristan Dewhurst, GVA (Applicants' Agents)	Against For

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

15th January 2014

SITE VISIT DECISION

Item No:	001	
Application No:	13/03835/FUL	
Site Location:	Proposed Development Site, King George's Road, Twerton, Bath	
Ward: Westmoreland	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 11 houses and 10 flats following the demolition of half of an existing apartment building.	
Constraints:	Agric Land Class 3b,4,5, Allotments, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Curo Places Ltd.	
Expiry Date:	19th December 2013	
Case Officer:	Mike Muston	

DECISION REFUSE

1 The proposed ramped access to the site is inadequate to serve the level of development proposed and the applicant has not submitted an adequate assessment of pedestrian and vehicular movements in the area to demonstrate that there will be no detriment to highway and pedestrian safety. This is contrary to policy T.24 of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted October 2007.

2 The proposed development, which involves the loss of an undeveloped site, would result in the over development of the site to the detriment of the character and appearance of the area, contrary to policies D.2 and D.4 of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted October 2007.

3 The use of the proposed access ramp would be detrimental to the residential amenity of the occupiers of No's 1, 7 and 8 King George's Road contrary to policy D.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted October 2007.

PLANS LIST:

This decision relates to drawings LP(90)001 Rev A, P(00)001, 002, 003, 004 Rev B, 005, 006, LP(90)001, IMA-13-017/009 Rev C, 010 Rev A and 011A Rev A received 6th September 2013, LP(90)003 Rev D received 22nd November 2013 and LP(90)004 Rev C and 002 Rev E received 9th January 2014.

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. Notwithstanding the Officer recommendation to permit, Members of the Development Control Committee have visited this site and considered the issues surrounding this application and concluded that the proposal is unacceptable for the reasons given.

BATH AND NORTH EAST SOMERSET COUNCIL**Development Control Committee****15th January 2014****OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA****ITEM 10****ITEMS FOR PLANNING PERMISSION**

Item No.	Application No.	Address
1	13/04349/FUL	Cross Keys Inn Midford Road Odd Down

Update 1

Please note that the following consultation response has been received from the Highway Development Officer subsequent to the submission of the Committee Report.

'I refer to the above planning application received on 2nd October 2013.

The proposal involves the construction of a 4 bedroom, fully accessible, sustainable dwelling on currently derelict land.

The maximum parking standard for a 4 bedroom dwelling is 3 spaces. This application proposes 2 disability spaces. A bus stop is situated directly outside the property, providing a choice in mode of travel. As a sustainable property, 2 spaces is an appropriate provision.

The site is restricted in area and when both parking spaces are in use, it will not be possible for a vehicle to enter and leave the site in a forward gear.

To exit the property, vehicles must cross the adjacent entrance to the Cross Keys. Visibility here is sub standard due to the boundary wall and vegetation.

The decision on whether the proposal is acceptable in highway terms is finely balanced, especially when the special needs of the applicant's family is noted. However it is clear that the site currently has the benefit of a vehicular access and could be used more intensively by vehicles. Whilst the Highway Authority would prefer that an improved access was provided as part of the proposal there is NO OBJECTION to the application.

The applicants should ensure they have full legal right of access to cross from the public highway to the proposed dwelling, especially if that manoeuvre requires use of any part of the land belonging to the public house.'

For the reasons set out above, it is recommended that no objection is raised to the application on the basis of highway safety.

Update 2

Please note that the following Decision-taking Statement should have been included in the Committee Report:

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, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and planning permission was granted.

2

13/04349/FUL

Cross Keys Inn
Midford Road
Odd Down

Update 1

Please note that the following Decision-taking Statement should have been included in the Committee Report:

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, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and listed building consent was granted.

Impact on highway safety:

It appears that a condition relating to highway safety and requiring the submission of a Construction Management Plan has not been attached to the recommendation.

Recommendation: As per the main report with the following additional condition:

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.

AMENDMENT TO WORDING OF SUGGESTED CONDITION

Suggested condition 2 is currently worded as follows:

The use hereby approved shall enure for the benefit only of Ms Catherine Wood, her partner and their dependents.

Reason: The development hereby approved is only acceptable in this location because of the special circumstances of the applicant and her family.

It is recommended that condition 2 be amended to the following:

The development hereby approved shall enure for the benefit only of Ms Catherine Wood, her partner and their dependents.

Reason: The development hereby approved is only acceptable in this location because of the special circumstances of the applicant and her family.

This amendment is recommended on the basis that the development has been assessed as a building, not a mobile home, so it is more appropriate to refer to the development hereby approved, instead of the use hereby approved.

Update 1

Please note that there is an appeal in progress in relation to the previous application ref: 13/01606/FUL for a similar development which was refused by the Committee at its meeting on 03 July 2013. Officers will be submitting a statement by 14 January 2014 in relation to this appeal.

Update 2

Please note that the following Decision-taking Statement should have been included in the Committee Report:

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. 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 chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

ITEM 12

There is an error in the TPO report Tree Preservation Order: Bath and North East Somerset Council (Gay Court, London Road West, Bath No.289) Tree Preservation Order 2013.

An error has been identified within paragraph 2 and should be substituted for:

2.1 The Development Control Committee is asked to confirm the Tree Preservation Order entitled Bath and North East Somerset Council (Gay Court, London Road West, Bath No.289) Tree Preservation Order 2013 with a modification to rectify the identification of T7 which is the Horse Chestnut (not Sycamore) and T8 which is the Sycamore (not Horse Chestnut).

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

15th January 2014

DECISIONS

Item No:	01	
Application No:	13/04239/FUL	
Site Location:	Cross Keys Inn, Midford Road, Odd Down, Bath	
Ward: Combe Down	Parish: N/A	LB Grade: II
Application Type:	Full Application	
Proposal:	Erection of single-storey single dwelling incorporating the conversion of existing listed outbuilding, boundary walls, parking and garden.	
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,	
Applicant:	And Design (Bath) Ltd	
Expiry Date:	16th December 2013	
Case Officer:	Jonathan Fletcher	

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 No development shall commence until samples of all external walling and roofing materials have been provided for inspection on site and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out strictly in accordance with the approved details and the samples shall be kept on site for inspection until the development is completed.

Reason: In the interest of the appearance of the development and the setting of the adjacent listed buildings.

3 No development shall commence until details of the treatment for the junction between the ashlar and rendered elevations have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out strictly in accordance with the approved details.

Reason: In the interest of the appearance of the development and the setting of the adjacent listed buildings.

4 No development shall commence until details of the proposed new stone boundary walls on the road frontage and between the listed building and the new dwelling have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out strictly in accordance with the approved details.

Reason: In the interest of the appearance of the development and the setting of the adjacent listed buildings.

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

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

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

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

8 No part of the development hereby permitted shall be occupied until details demonstrating implementation of the following recommendations of the ecological survey report, and their outcomes as applicable, have been submitted to and first approved in writing by the Local Planning Authority. Such details shall demonstrate implementation of recommendations described in sections 6.4.7; 6.4.8; 6.4.9; 6.4.10; 6.4.11 of the approved ecological survey report entitled ECOLOGICAL SURVEY REPORT. LAND ADJACENT CROSS KEYS INN, BATH by Michael Woods Associates dated December 2013 ; and shall include:

- (i) a report produced by a suitably experienced ecologist confirming dates and personnel for ecological supervision or watching brief provided at the site;
- (ii) confirmation of timing of works as recommended in the ecological report;
- (iii) photographic evidence of completed measures;
- (iv) specifications and details of materials used including use of bitumastic roofing felt; and specifications and details of additional ecological enhancements as applicable

Development shall proceed in accordance with the approved details.

Reason: To avoid harm to wildlife including protected species

9 No works to shrubs trees or buildings shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no tree shrub or building shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme.

Reason: To avoid harm to wildlife including protected species

10 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:

101, 102, 103, 104, 105, 106, 107A, 108, 109, 110B, 111A, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122

Item No:	02
Application No:	13/04240/LBA
Site Location:	Cross Keys Inn, Midford Road, Odd Down, Bath
Ward: Combe Down	Parish: N/A LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Internal and external alterations to existing listed outbuilding as part of development of self-build single-storey single dwelling.
Constraints:	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
Applicant:	And Design (Bath) Ltd
Expiry Date:	16th December 2013
Case Officer:	Jonathan Fletcher

DECISION CONSENT

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

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

2 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:

101, 102, 103, 104, 105, 106, 107A, 108, 109, 110B, 111A, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122

Item No:	03
Application No:	13/04349/FUL
Site Location:	Church Hall, School Lane, Batheaston, Bath
Ward: Bathavon North	Parish: Batheaston LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a new single storey village hall building including multi-use main hall, activity rooms, kitchen, toilets and stores and associated external works to provide accessible access to the hall and fields following demolition of the existing Church Hall. (Resubmission)
Constraints:	Agric Land Class 3b,4,5, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas,
Applicant:	Batheaston New Village Hall
Expiry Date:	10th December 2013
Case Officer:	Rachel Tadman

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 building shall not be used for any purpose outside of the following hours, save for works to clean the building;

Monday to Saturday and Bank Holidays	8am - midnight
Sundays	8am - 10.30pm
New Year's Eve into New Year's Day	8am - 1.00am

Reason: In the interests of residential amenity.

3 No ground preparation, demolition or construction activities shall take place until a Detailed Arboricultural Method Statement with scaled Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. It should include the following details:

- o Provisional programme of works;
- o Supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion.
- o Details of the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning,
- o Location of any site office
- o Service run locations including soakaway locations and movement of people and machinery.
- o Details of the method of tree removal to avoid the use of herbicides on tree stumps to avoid any transfer to adjacent trees

o Construction details to ensure that no ground works extend beyond the position of the tree root trial trenches.

The development shall thereafter be carried out in strict accordance with the approved details.

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

4 The local planning authority is to be notified in writing 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.

5 No development shall be commenced on site until a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority to include a planting specification to include numbers, density, size, species and positions of all new shrubs and replacement tree planting and a programme of implementation.

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

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

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

7 The area allocated for parking for disabled persons on the submitted plans shall be provided in accordance with the approved details and prior to the building being first brought into use. The disabled parking shall thereafter be kept clear of obstruction and shall not be used for any other purpose.

Reason: In the interests of amenity and highway safety.

8 The cycle parking shown on the submitted plans shall be provided prior to the building being first brought into use. Details of the cycle hoops to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of sustainable travel.

9 Prior to the first occupation of the approved development the high level windows (i.e. those above ground floor level) to the main hall on the north elevation shall be obscure glazed and fixed shut and shall remain so in perpetuity.

Reason: In the interests of residential amenity.

10 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of construction. The development shall then be carried out in accordance with the approved details and maintained as such.

Reason: To prevent flood risk to the site and to third parties.

11 The development hereby permitted shall be carried out only in accordance with the recommendations of the approved Bat Search Survey dated December 2013.

Reason: to ensure adequate ecological and bat protection measures during works

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

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

PLANS LIST:

This decision relates to drawing nos 6186 D 0001 A, 6186 D 0101 A, 6186 D 0102 D, 6168 D 0104 F, 6186 D 0105 A, 6186 D 0201 A, 6168 D 0301 E, 6168 D 0302 E, 6186 D 0303, 130307-BVH-TPP-Rev B-LI&AM

INFORMATIVE:

Information regarding Condition 10: Surface water from the proposed redevelopment should be discharged via SUDS features. Due to the close proximity of an ordinary watercourse, we would encourage surface water discharge into that watercourse. The Applicant would need to apply for a Land Drainage Consent from this office in order to do this.

The Applicant has indicated that surface water will be disposed of via soakaways. Infiltration testing to BRE Digest 365 should be carried out to ensure a suitable soakaway design is possible (the test results should be submitted to support the discharge of the above condition).

Discharge to the main sewer is the least favourable method of surface water discharge and should be considered as the last resort. A confirmation from Wessex Water would be required to confirm that they are happy with the applicant proposal and that there is a sufficient capacity within their network to accept the additional flows.

The developer should be mindful of the presence of asbestos and ensure that the removal and disposal of this hazardous substance is contained according to the Control of Asbestos Regulations 2012 and to protect the health of site workers and future occupiers of the site.

Consideration should be given to proofing any roof/flat surfaces against gulls nests and guidance notes on this can be found on the Council's website.

No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings, a copy of which can be found on the Council's website.

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 Policy Framework. The application has undergone extensive consultation and consideration has been given to all the submissions from consultees, local residents and other representations. Furthermore due consideration has been given to all material considerations and as a result the development has been found to be, on the whole acceptable, and where concerns do remain it has been found that these do not outweigh the overall benefits of the scheme and are not so significant as to justify the refusal of planning permission.

Item No:	04
Application No:	13/03640/VAR
Site Location:	Parcel 7100, Woollard Lane, Whitchurch, Bristol
Ward: Publow And Whitchurch	Parish: Whitchurch LB Grade: N/A
Application Type:	Application for Variation of Condition
Proposal:	Removal of condition 1 and variation of condition 2 attached to planning permission 10/03798/FUL (Change of use of land (Retrospective) to a small private gypsy site to site 1no mobile home, 1no touring caravan and associated ancillary development including the construction of a new access)
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,
Applicant:	Mr J Jones
Expiry Date:	17th October 2013
Case Officer:	Kay Mann

DECISION PERMIT

1 The use hereby approved shall enure for the benefit only of Mr John Jones and his immediate family in accordance with the details set out in the submissions in support of this planning application.

Reason: The proposed development would provide a site that would help to satisfy the national, regional and local need for such sites, and would assist in providing for the applicant family's medical and educational needs. These benefits when allied to a grant of would clearly outweigh the harm to the Green Belt and loss of openness inherent in the proposals, so as to amount to very special circumstances.

2 Within 6 months of the date of this permission, hedging across the previous access shall be planted in accordance with details to be first submitted to and approved by the Local Planning Authority. If any of these plants die, are removed or become diseased within 5 years of the date of this permission they shall be replaced with the same species of plant.

Reason: In the interests of protecting the appearance of the Green Belt.

3 Within 3 months of the date of this permission, the storage container on site shall be permanently removed from the site.

Reason: To preserve the openness of the Green Belt.

PLANS LIST:

This decision relates to an unnumbered site plan, drawing 0954/02A, as received on 27 September 2010, and drawing 18135_100 Rev A, as received on 25 August 2010.

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

Item No:	05
Application No:	13/02745/FUL
Site Location:	Candywood Leys, Meadow Lane, Bathampton, Bath
Ward: Bathavon North	Parish: Bathampton LB Grade: N/A
Application Type:	Full Application
Proposal:	Stationing of one mobile home for residential use by one traveller family (retrospective)
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Cycle Route, Forest of Avon, Greenbelt, Hotspring Protection, Housing Development Boundary, Listed Building, Public Right of Way, Sites of Nature Conservation Imp (SN),
Applicant:	Ms Catherine Wood
Expiry Date:	22nd January 2014
Case Officer:	James Jackson

DECISION PERMIT

1 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.

2 The use hereby approved shall enure for the benefit only of Ms Catherine Wood, her partner and their dependents.

Reason: The development hereby approved is only acceptable in this location because of the special circumstances of the applicant and her family.

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 openness of the green belt and landscape character.

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 free standing buildings shall be erected within the curtilage of the dwelling 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 openness of the green belt and landscape character.

5 Within three months of the date of this permission, a plan shall be submitted to, and approved in writing by, the local planning authority detailing the extent of the residential curtilage associated with the dwelling hereby approved. Any domestic paraphernalia shall be contained within the defined curtilage as approved and shall not be sited on any other part of the site.

Reason: to safeguard the openness of the green belt and landscape character.

6 In the event that the applicant sells, or otherwise disposes of the site, or ceases to permanently reside at the site, the dwelling shall be removed and the site shall be returned to agricultural land in accordance with a scheme of remediation which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: The planning permission has been issued on the basis of the circumstances that apply to the applicant and her family and the occupation of the site by other persons would therefore be inappropriate.

7 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:

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.

Plans List:

This decision relates to drawings detailing front, rear, left side and right side elevation, plan view, floor plan, site location plan and block plan date stamped 25 June 2013; supporting documents entitled 'Catherine Wood and Family', Canal & River Trust Briefing Paper 'Non Compliant Continuous Cruising' and letter from Ann Robins to the applicant date stamped 25 June 2013; petition submitted by applicant, childrens' letters entitled 'The Good Life', Bristol County Court Judgment between British Waterways Board and Paul Davies date stamped 4 July 2013; photographs date stamped 8 July 2013; and photographs date stamped 17 July 2013; and Flood Risk Assessment date stamped 13 August 2013.

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, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and planning permission was granted.

Item No:	06
Application No:	13/04777/FUL
Site Location:	Church Farm Barn, Washing Pound Lane, Whitchurch, Bristol
Ward: Publow And Whitchurch	Parish: Whitchurch LB Grade: N/A
Application Type:	Full Application
Proposal:	Repair and rebuilding of existing dilapidated workshop/outbuilding to provide new one and half storey dwelling with associated engineering works, access, car parking area and garden area. (Resubmission of 13/03692/FUL)
Constraints:	Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Greenbelt,
Applicant:	Mrs L Maddocks
Expiry Date:	30th December 2013
Case Officer:	Jonathan Fletcher

DECISION REFUSE

1 The proposal would result in construction of a new dwelling which would constitute an inappropriate form of development within the green belt which would be harmful to the openness of the green belt, the semi-rural character of the area and would conflict with the purposes of preventing neighbouring towns from merging and safeguarding the countryside from encroachment. The very special circumstances put forward by the applicant are not considered to be sufficient to clearly outweigh the harm caused by the development. The proposal is therefore contrary to policies GB.1 and GB.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007 and the guidance set out in the National Planning Policy Framework 2012.

2 The proposed development, by reason of its scale, the required excavation works and the visibility from the surrounding area, would be harmful to the openness of the green belt and the semi-rural character of the area contrary to policies D.2, D.4 and GB.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

PLANS LIST:

Site location plan, 001, 002, 201C, 202A, 203A, 204B, 205A

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. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was

to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No:	07
Application No:	13/04340/AR
Site Location:	Street Record, Midford Road, Odd Down, Bath
Ward: Bathavon South	Parish: South Stoke LB Grade: N/A
Application Type:	Advertisement Consent
Proposal:	Display of internally illuminated poster cabinets of proposed advertisements in bus shelter serving the No.13 Foxhill-Bathford Route; to be located along Midford Road.
Constraints:	Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Forest of Avon, Greenbelt, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Imp (SN), World Heritage Site,
Applicant:	Mr Derek Quilter
Expiry Date:	30th December 2013
Case Officer:	Alice Barnes

DECISION CONSENT subject to conditions, yet to be finalised

PLANS LIST:

Site location plan A00

Advertisement display units single and double sided 16581 sheet 1 B

LED advertisement display single sided 16581/sheet 2 B

GA advertisement display double sided 16581/sheet 3 B

Cross Keys R13, S13 Shelter 16576 A

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