

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 7th May, 2014

Present:- Councillor Gerry Curran in the Chair

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

Also in attendance: Councillors Rob Appleyard, John Bull, David Martin and Geoff Ward

166 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

167 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not desired

168 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Les Kew whose substitute was Councillor Tim Warren.

169 DECLARATIONS OF INTEREST

Councillor Tim Warren declared an interest in the planning application at Parcel 0153 Chelwood Road, Marksbury (Item 1, Report 10) as he had previously made public statements which suggested that he had predetermined the application. He would therefore leave the meeting for its consideration. Councillor Ian Gilchrist declared an interest in the same application as he was a shareholder in Bath and West Community Energy and therefore he would also leave the meeting for its consideration.

170 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

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

The Senior Democratic Services Officer explained the procedure for public speaking and indicated that there were a number of people wishing to make statements on planning applications in Reports 9 and 10 and that they would be able to do so when reaching their respective items in those Reports.

The Chair informed the Committee of a request from 1 of the 2 people wishing to speak against the Fosse Way School application (Item 3, Report 10) to have up to 3 minutes each instead of sharing 3 minutes. He put the request to the Members to which they acceded on this occasion.

172 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

173 MINUTES: 9TH APRIL 2014

The Minutes of the previous meeting held on 9th April 2014 were approved as a correct record, subject to the third and fourth sentences of the 3rd paragraph of Item 6, Minute No 164 on page 5 of the Minutes being transposed.

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

The Committee considered

- The report of the Divisional Director – Development on an application for planning permission etc.
- An oral statement by a representative of the applicant on the Item the subject of the report, the Speakers List being attached as *Appendix 1* to these Minutes

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

Bath Soft Cheese, Park Farm, Church Lane, Kelston – Erection of extension to existing agricultural building to create a cheese dairy – The Case Officer reported on this application and her recommendation to refuse permission. She updated Members on matters since the report was published.

The applicant made his statement in favour of the proposal which was followed by a statement by the Ward Councillor Geoff Ward supporting the application.

Councillor Martin Veal, as the Ward Member on the Committee, opened the debate. He considered that the site visit had been a useful exercise. The dairy farm was a successful business which needed to expand its cheese-making facility and it was appropriate to do this all on the one site. There were a number of benefits from the scheme in that the business would become more sustainable, it would increase job opportunities, it would improve the layout and appearance of the site, it would have no significant effect on the landscape and only a limited impact on the Green Belt. He considered that these amounted to very special circumstances which outweighed the harm to the Green Belt and therefore moved that the recommendation be overturned and permission be granted subject to a 6 month crossover period as a trial basis to allow the business to develop into its new premises. The motion was seconded by Councillor Bryan Organ.

Members debated the motion. It was generally agreed that there would be economic benefits arising from the scheme and that there would be little impact on the Green

Belt. The Chair reminded Members that this was an industrial unit proposed to be located in the Green Belt and the AONB and due regard needed to be given to this and possible implications for the future. Discussion ensued on possible conditions to be added such as screening and buildings to be removed. The Group Manager – Development Management sought clarification regarding the 6 months crossover period to which Councillor Martin Veal responded. The Officer stated that there were 2 containers that would be removed from the yard. There would be an improvement to the setting of the farmhouse which was a Grade II listed building. Conditions could be added such as landscaping and removal of the containers and he recommended that the motion be amended to delegate to Officers to grant permission subject to appropriate conditions. This was accepted by the mover and seconder.

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

(Note: Councillor Doug Nicol was not present for the voting)

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

The Committee considered

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

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

Item 1 Parcel 0153 Chelwood Lane, Marksbury – Erection of solar pv farm and associated works (Resubmission) – The Case Officer reported on this application and his recommendation (A) that the application be referred to the Secretary of State to give him the opportunity to consider whether to exercise his call-in powers in accordance with the Town and Country Planning (Consultation) (England) Direction 2009; and (B) subject to the Secretary of State not calling in the application, authorise the Group Manager – Development Management to permit the application subject to conditions. The Update Report referred to letters of support being received and to an error in the report regarding the amount of installed renewable energy capacity in the district.

The applicant's representative made a statement in support of the application.

Members asked questions about the scheme to which the Officer responded. Councillor Liz Hardman considered that the scheme provided good clean renewable energy which was a much needed commodity. The site would be screened from the road (A368) and there was a 25 year limited permission. She therefore moved the Officer's recommendation which was seconded by Councillor Manda Rigby.

Members debated the motion. There was some support for the proposal as it would provide clean renewable energy on a site that was not prominent and which would become more screened with further landscaping and thickening of hedgerows.

The motion was put to the vote and was carried 5 voting in favour and 3 against with 1 abstention.

(NOTE: 1) Councillors Ian Gilchrist and Tim Warren had left the meeting for consideration of this application in view of their interests declared earlier in the meeting; and 2) Councillor Doug Nicol left the meeting during the Case Officer's report as he felt unwell and did not return to the meeting)

Item 2 Somerset Inn, Bath Road, Paulton – Conversion from a public house (Use Class A4) to form a single dwelling (Use Class C3) and associated works

– The Case Officer reported on this application and his recommendation to grant permission subject to conditions. He referred to an error in the report regarding the site being outside the housing development boundary when it was actually within the boundary.

The public speakers made their statements against and in favour of the proposal. This was followed by a statement by the Ward Councillor John Bull expressing concerns about the proposal.

Councillor Liz Hardman, as the Ward Member on the Committee, opened the debate. She stated that the Parish Council and local residents were opposed to the loss of the public house as it was a community asset and should be retained. There had been other bids for the property with the intention to run it as pub/restaurant but they had been outbid by the developer who eventually purchased the building at the same price as the private bid. She queried whether the viability issue of continuing as a pub had been fully investigated.

During Members' discussion, the possible development on the paddock at the rear of the building (currently under appeal) was mentioned but Officers stated that this did not have any bearing on this application. The report by independent consultants retained by the Council was queried by the Chair to which the Group Manager – Development Management responded that it was an independent report commissioned by the Council to appraise the applicants' viability report. Councillor Ian Gilchrist supported the proposal and moved the Officer's recommendation which was seconded by Councillor Bryan Organ.

Members debated the motion. There was a brief discussion about the marketing of the property after which the motion was put to the vote. Voting: 5 in favour and 5 against. The Chair used his casting vote against the motion which was therefore lost, 5 in favour and 6 against.

Councillor Liz Hardman therefore moved that permission be refused on the grounds that there would be a loss of a public house as a community use for which it was safeguarded under Policy CF7 of the Local Plan and the assessment of the non-viability of its original use as a public house had not been proven to their satisfaction. The motion was seconded by Councillor Manda Rigby.

After a short discussion, the motion to refuse permission was put to the vote and was carried, 6 voting in favour and 5 against.

(NOTE: After this Item at 3.52pm, there was an adjournment for a natural break and the Committee resumed proceedings at 4pm)

Item 3 Fosse Way School, Longfellow Avenue, Westfield, Radstock – Provision of new building to accommodate Post 16 teaching area – The Case Officer reported on this application and her recommendation to grant permission subject to conditions.

The public speakers made their statements against the proposal which was followed by a statement by the Ward Councillor Rob Appleyard expressing concerns about the proposal.

The Group Manager – Development Management gave some amended wording for the recommended Condition 4.

Councillor Eleanor Jackson referred to the problems of car parking by school staff and the congested parking problems on this road which was a bus route. The Chair referred to the requirement for a large number of teachers at the School. Parking problems were an issue for the Highways Department and the Police. There was however the issue of the loss of a sports facility but on balance he supported the proposal. The Senior Development Control Engineer informed Members that the School already had a Travel Plan in place.

Councillor Ian Gilchrist supported the proposal and therefore moved the Officer's recommendation which was seconded by Councillor Bryan Organ. The Officer pointed out that, due to an objection by Sport England to the loss of a sports facility, the application would need to be submitted to the National Planning Casework Unit. This was accepted by the mover and seconder.

After a short discussion, the amended motion was put to the vote and was carried, 8 voting in favour and 3 against.

Item 4 Sherbourne Cottage, Redland Lane, Bishop Sutton – Proposed dwelling on land to the rear of Sherbourne Cottage – This application was withdrawn from the Agenda and was not considered

Item 5 Land between access road and Kennet and Avon Canal, Sham Castle Lane, Bathwick, Bath – Erection of 1 detached dwelling (Revised resubmission) – The Case Officer reported on this application and her recommendation to grant permission subject to conditions. She stated that there was an error in the report where it referred to the balcony being 5.9m from the boundary wall when it was actually 5m. The Update Report referred to an amendment required to the list of Plans submitted with the application in relation to the outbuilding erected on the site.

The public speaker made a statement against the proposal which was followed by a statement by the Ward Councillor David Martin expressing concerns about the proposal.

After a short discussion, Councillor Manda Rigby moved that the application be deferred for a site visit in order that this fairly prominent site could be viewed from surrounding vantage points. The motion was seconded by Councillor Liz Hardman.

The Chair put the motion to the vote which was carried without dissension.

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

Councillor Eleanor Jackson congratulated the Planning Officers on their success rate in winning appeals.

The Committee noted the report.

177 COUNCILLOR BRIAN WEBBER

The Chair stated that this could be Councillor Brian Webber's last appearance on the Committee as a full time Member. On behalf of the Committee, he extended his thanks to Councillor Webber for his past services to the Committee.

The meeting ended at 4.45 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
MEETING OF THE DEVELOPMENT CONTROL COMMITTEE ON
WEDNESDAY 7TH MAY 2014**

SITE VISIT/REPORT 9		
Bath Soft Cheese, Park Farm, Church Lane, Kelston (Pages 34-44)	Hugh Padfield (Applicant)	For
MAIN PLANS LIST REPORT 10		
Parcel 0153, Chelwood Road, Marksbury (Item 1, Pages 49-67)	Roy Amner (representing the applicants)	For
Somerset Inn, Bath Road, Paulton (Item 2, Pages 68-78)	Chris Macey Chris Beaver, Planningsphere (Applicants' Agents)	Against For
Fosse Way School, Longfellow Road, Westfield, Radstock (Item 3, Pages 79-87)	Dan Corbett <u>AND</u> Richard Hambleton	Against – To share up to 6 minutes
Land between access road and K&A Canal, Sham Castle Lane, Bathwick, Bath (Item 5, Pages 94-100)	Jim Philbrook	Against

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

7th May 2014

SITE VISIT DECISION

Item No:	001	
Application No:	14/00140/FUL	
Site Location:	Bath Soft Cheese Park Farm, Church Lane, Kelston, Bath	
Ward: Bathavon North	Parish: Kelston	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of extension to existing agricultural building to create a cheese dairy.	
Constraints:	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas,	
Applicant:	Park Farm LTD	
Expiry Date:	18th March 2014	
Case Officer:	Sasha Coombs	

DECISION Delegate to permit to officers subject to appropriate conditions.

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

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

2 The development hereby permitted shall not be occupied until a Site Management Plan, including Traffic Management for the proposed development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall not be operated other than in accordance with that plan or any replacement plan that may be submitted and approved in writing.

Reason: In the interests of highway safety.

3 No new external lighting shall be installed without the prior approval, in writing, from the local planning authority.

Reason: to prevent harm to bats and visual amenity of the area

4 The cumulative noise level from plant associated with the development should not exceed 30dBLAeq, 5min at the façade of the nearest noise sensitive premises.

Reason: To protect residential amenity

5 Prior to occupation of the building a soft landscape scheme is to be submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all trees, hedgerows and other planting which are to be retained; details of all new planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

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

6 The containers identified as Containers A and B on Drawing 'REFRIGERATED CONTAINERS PLAN' received by the Local Planning Authority on 08 May 2014 shall be removed from the Park Farm complex and the land reinstated within 6 months of the dairy hereby approved being first brought into use.

Reason: In the interest of visual amenity, setting of listed building and openness of the Green Belt

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:

Drawing	20 Jan 2014	1876 100	REVISION B	SITE LAYOUT AS EXISTING
Drawing	20 Jan 2014	1876 101	REVISION B	SITE LAYOUT AS PROPOSED
Drawing	20 Jan 2014	1876 102	REVISION B	FLOOR/ROOF LAYOUT AS PROPOSED
Drawing	20 Jan 2014	1876 103	REVISION B	ELEVATIONS AS PROPOSED
Drawing	20 Jan 2014	1876 104	REVISION A	SECTIONS AS EXISTING
Drawing	20 Jan 2014	1876 105	REVISION B	PROPOSED SECTIONS
Drawing	20 Jan 2014	1876 106	REVISION A	ELEVATION AND ROOF PLAN AS EXISTING
Drawing	21 Jan 2014	1876 - 107		EXISTING FLOOR PLANS
Drawing	14 Jan 2014	1876 - 004		PERSPECTIVE VIEW
OS Extract	20 Jan 2014	1876-008	REVISION A	LOCATION PLAN
Drawing	08 May 2014			REFRIGERATED CONTAINERS 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 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 the encouragement for pre-application dialogue, the applicant did not seek to enter into correspondence with the Local Planning Authority and submitted the scheme. The proposal was considered unacceptable for the reasons given and, having regard to the need to avoid unnecessary delay, the Local Planning Authority moved forward and issued its decision

BATH AND NORTH EAST SOMERSET COUNCIL**Development Control Committee****Date: 7th May 2014****OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA****ITEM****ITEMS FOR PLANNING PERMISSION**

Item No.	Application No.	Address
1	14/00424/FUL Marksbury, Bath	Parcel 0153, Chelwood Road,

Correction: The committee report misquotes the amount of installed renewable energy capacity in the district. As of 2013 BANES has 5.04 MW of installed capacity, against a Core Strategy target of 110 MW of renewable electricity generation by 2029. Thus the development would result in a 45% increase in the amount of installed capacity within the district.

Update: Following the finalisation of the committee report, a further 7 letters of support have been received, referring to benefits delivered in terms of CO2 reductions, wildlife, the fact that the solar farm would be community owned, and the low landscape impact of the development. One of the letters of support questions the Very Special circumstances justifying development in the Green Belt.

5	14/00591/FUL	Land between access road and Sham Castle Lane
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The applicant has constructed an outbuilding on site and was added to the proposed drawings in order to regularise it. Whilst this was shown in the proposed drawings the height of the outbuilding was incorrect. The applicant has submitted revised drawings indicating the correct height of the outbuilding. Therefore the plans list has been amended as follows.

Plans List:

Location plan

Roof plan 1655 2.6H

Site plan 1655 2.7H

Lower ground floor plan 1655 2.0H

Upper ground floor plan 1655 2.1H

Section A-A- 1655 2.8.1F

Section B-B 1655 2.8.2H

Proposed elevations 1655 2.9H

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BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

7th May 2014

DECISIONS

Item No:	01	
Application No:	14/00424/FUL	
Site Location:	Parcel 0153, Chelwood Road, Marksbury, Bath	
Ward: Farmborough	Parish: Marksbury	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of Solar PV Farm and associated works to Parcel 0153, Chelwood Road. (Resubmission)	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Public Right of Way,	
Applicant:	TGC Renewables Ltd	
Expiry Date:	12th May 2014	
Case Officer:	Daniel Stone	

DECISION

A. that the application be referred to the Secretary of State to give him the opportunity to consider whether to exercise his call-in powers in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, and

B. Subject to the Secretary of State not calling in the application, authorise the Group Manager, Development Management to PERMIT the application, subject to the following conditions:-

1 This permission shall expire within 25 years from the date when electricity is first exported from the solar farm to the electricity grid (the 'First Export Date'). Written notification of the First Export Date shall be given to the local planning authority no later than 14 days after this event

Reason: A temporary consent is sought and to avoid the permanent loss of agricultural land, to protect the character of the countryside and below ground archaeology and to protect the Green Belt from unnecessary development.

2 Within 6 months of the point where the Solar Farm permanently ceases to produce electricity, or the expiration of this permission, whichever is the sooner, the solar panels together with any supporting apparatus, mountings, cabling, foundations, inverter stations, fencing, CCTV cameras and other associated equipment shall be removed from the land, and the land restored to agricultural use or to a condition to be agreed in writing by the local planning authority.

Prior to the decommissioning of the site a method statement shall be submitted to and

approved in writing by the Local Planning Authority. This shall set out the approach to be taken to remove the array support poles, cable runs and other below ground structures whilst minimising harm to below ground archaeology. The decommissioning of the site shall take place in accordance with the decommissioning method statement.

Reason: To avoid the permanent loss of agricultural land, to protect the character of the countryside and below ground archaeology and to protect the Green Belt from unnecessary development.

3 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of construction access, deliveries (including storage arrangements and timings), contractor parking, traffic management measures, temporary signage. Thereafter, the development shall not be constructed other than in full accordance with that approved plan.

Reason: To ensure the safe operation of the highway.

4 Prior to the commencement of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority setting out the site management and access arrangements during the lifetime of the development. The operational statement shall include, but not be limited to:

- a. Highway safety procedures during routine, 1-day maintenance access visits by light vehicles,
- b. Construction Management plan (including Traffic Management measures, contractor parking, signage and highway safety measures) for exceptional plant installation or replacement visits by Heavy Goods Vehicles or multi-day maintenance works.

Thereafter, the development shall not be operated other than in full accordance with the approved details.

Reason: To ensure that adequate traffic management and safety measures are undertaken during subsequent maintenance works, appropriate to the nature and length of the works, in the interests of the safe operation of the highway.

5 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

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

6 No development shall take place within the site (including any site clearance or

landscaping works) until the applicant, or their agents or successors in title, has produced detailed drawings of all underground works, including foundations, drainage, cable runs and those of statutory undertakers, which have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.

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

7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 07/09/2012 by H2OK and the following mitigation measures detailed within the FRA:

a. Limiting the surface water run-off generated by all return periods up to and including the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent any increased risk of surface water flooding associated with installation of the solar farm development.

8 The development hereby permitted shall not be commenced until such time as a scheme to clarify the intended future ownership and maintenance for all drainage works serving the site has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the LPA.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

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

- (i) Details of planting specifications for existing and new native species hedgerows
- (ii) Details of methodology, species composition and seed source for the creation and management of species rich calcareous grassland
- (iii) Specifications for fencing that allows free movement of mammals into, across and from the site from all boundaries
- (iv) Details of any necessary precautionary measures and methods of working

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

Reason: for the protection of wildlife and wildlife habitats

10 There shall be no external or security lighting shall be installed within the application site.

Reason: To protect the character and appearance of the open countryside and for the prevention of harm to bat and other wildlife activity

11 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.

12 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.

13 Prior to its installation, full details of the following shall be submitted to and agreed in writing by the Local Planning Authority:

- The perimeter security fencing including proposed finish.
- the location of security cameras around the site.

The development shall be undertaken in accordance with the agreed details.

Reason: To protect the character and appearance of the open countryside and minimise the visual impact of the development.

14 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:	02
Application No:	13/04607/FUL
Site Location:	Somerset Inn, Bath Road, Paulton, Bristol
Ward: Paulton	Parish: Paulton LB Grade: N/A
Application Type:	Full Application
Proposal:	Conversion from a Public House (Use Class A4) to form a single dwelling (Use Class C3) and associated works.
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Housing Development Boundary,
Applicant:	Poulton Ltd
Expiry Date:	20th December 2013
Case Officer:	Daniel Stone

DECISION REFUSE

1 Inadequate information has been submitted to demonstrate that the Somerset Inn has been effectively marketed and is unviable as a public house. As such, the proposals are contrary to policy CF.7 of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007 and the guidance in the National Planning Policy Framework.

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.

Explanatory note to condition 2

The application proposes substantial works to the junction and an access road passing through the car park to the paddock to the rear of the site, which is the subject of a pending planning appeal (reference 13/04606/OUT) for a residential development of 22 dwellings. Whilst these works are considered acceptable in principle in highway terms and would be necessary should the appeal be allowed, should the appeal be dismissed these works will not be necessary or proportionate to the needs of the converted property.

This decision relates to drawing nos

Drawing 127 P04 PROPOSED ELEVATIONS
 Drawing 127 P05 PROPOSED ELEVATIONS
 Drawing 127 P02 Rev A PROPOSED FLOOR PLANS
 SITE LOCATION PLAN
 VIABILITY REPORT
 BAT SURVEY AND BUILDING INSPECTION REPORT

ECOLOGICAL APPRAISAL REPORT
HERITAGE STATEMENT
PHASE 1 GEOENVIRONMENTAL ASSESSMENT

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 Council did consider the application positively and pro-actively, however following consideration of 3rd party comments on the viability of the pub and marketing process, concluded that the application had failed to demonstrate that the property was unviable and had been properly marketed. This issue ran to the heart of the application, and therefore the Local Planning Authority moved forward and issued its decision to refuse the application.

Item No:	03	
Application No:	13/05256/FUL	
Site Location:	Fosse Way School, Longfellow Road, Westfield, Radstock	
Ward: Westfield	Parish: Westfield	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Provision of new building to accommodate Post 16 teaching area	
Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,	
Applicant:	Fosse Way School	
Expiry Date:	14th February 2014	
Case Officer:	Tessa Hampden	

DECISION Given the decision to grant planning permission which is against Sport England's advice, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 and the DCLG letter of 10 March 2011, the application shall be referred to the National Planning Casework Unit to determine whether this application should be called in by the Secretary of State for Communities and Local Government.

Subject to this application not being 'called in', authorise the Group Manager, Development Management to PERMIT the application, subject to the following conditions:-

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

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

2 No development shall take place until an Arboricultural Method Statement with tree protection plan identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority and details within the

approved document implemented as appropriate. The statement shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

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

3 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

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

4 The school shall not increase pupil attendance over its existing capacity of students, which shall first be submitted to and agreed in writing by the Local Planning Authority, without planning permission being granted for increased parking and access provision, and improved Travel Planning.

Reason: In the interest of highway safety and local amenity

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.

Item No:	04	
Application No:	14/00875/OUT	
Site Location:	Sherbourne Cottage, Redland Lane, Bishop Sutton, Bristol	
Ward: Chew Valley South	Parish: Stowey Sutton	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Proposed dwelling on land to the rear of Sherbourne Cottage	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Water Source Areas,	
Applicant:	Mr Barrie Lake	
Expiry Date:	21st April 2014	
Case Officer:	Rebecca Roberts	

DECISION Application Withdrawn

Item No:	05
Application No:	14/00591/FUL
Site Location:	Land Between Access Road And Canal, Sham Castle Lane, Bathwick, Bath
Ward: Bathwick	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 1no. detached dwelling (revised resubmission).
Constraints:	Agric Land Class 1,2,3a, Article 4, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, Sites of Nature Conservation Imp (SN), World Heritage Site,
Applicant:	Mr R Mohr
Expiry Date:	4th April 2014
Case Officer:	Alice Barnes

DECISION Defer consideration to allow members to visit the site