

## **DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING**

### **BATH AND NORTH EAST SOMERSET**

#### **MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

Wednesday, 2nd July, 2014

**Present:-** Councillor Gerry Curran in the Chair

Councillors Patrick Anketell-Jones, Neil Butters, Ian Gilchrist, Liz Hardman, Malcolm Lees, Douglas Nicol, Bryan Organ, Vic Pritchard (In place of Les Kew), Manda Rigby, Martin Veal and David Veale

Also in attendance: Councillors Colin Barrett, Sally Davis, Terry Gazzard, David Martin and Geoff Ward

#### **13 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

#### **14 ELECTION OF VICE CHAIR (IF DESIRED)**

A Vice Chair was not desired

#### **15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There was an apology for absence from Councillor Les Kew whose substitute was Councillor Vic Pritchard. There was also an apology from Councillor Eleanor Jackson.

It was pointed out that Cllr Kew was currently recovering from a heart operation and the Chair requested that Councillor Bryan Organ pass on the Committee's best wishes for a speedy recovery.

#### **16 DECLARATIONS OF INTEREST**

There were none. Councillor Malcolm Lees pointed out that, at the previous meeting when the Weston All Saints Primary School planning application was considered, he declared an interest as the Report referred to Vernslade where he owned a property. However, the Report did not refer to it on this occasion and therefore he would speak and vote on the application when it was to be considered at this meeting.

#### **17 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none

#### **18 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

The Senior Democratic Services Officer informed the meeting 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 those respective items.

The Chair requested that, in view of the large public interest in the application at Bath Recreation Ground, the time be extended from the standard 3 minutes to 6 minutes to which the Committee agreed.

## 19 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

## 20 MINUTES: 4TH JUNE 2014

The Minutes of the previous meeting held on Wednesday 4<sup>th</sup> June 2014 were approved and signed by the Chair as a correct record

## 21 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- A report by the Group Manager for Development on various applications for planning permission etc
- Oral statements by members of the public etc on Items Nos 1-4, 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

**Item 1 Weston All Saints Primary School, Broadmoor Lane, Weston, Bath – Provision of a new 6 classroom teaching block and associated external works (Resubmission)** – The Case Officer reported and updated the Committee on this application and his recommendation to grant permission with conditions.

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

Councillors Colin Barrett (Ward Member) and Geoff Ward (Bathavon North) made statements on the application.

Members asked questions about the proposal to which the Officer responded.

Councillor Bryan Organ pointed out that there were usually issues with traffic and schools due to parents using their cars to drop off and collect their children from school. However, regarding this proposal, there were highway and traffic management measures that would mitigate the effect and therefore he moved the Officer recommendation to grant permission with conditions. The motion was seconded by Councillor Liz Hardman.

Members debated the motion. Councillor Manda Rigby considered that a condition should be added to ensure that all outstanding matters be resolved before the buildings are occupied to which the mover and seconder agreed. The Team Manager – Development Management stated that it was not considered necessary to attach a condition to this application requiring a Travel Plan and that it was the applicants' responsibility to satisfy the recommended conditions. However,

Councillor Manda Rigby considered that a condition requiring the submission of a Travel Plan should be added if permission was granted.

Councillor Malcolm Lees (Ward Member) referred to a number of issues with which he was concerned. These included the safety of the pupils, the Highways Officer objection, that the need for the expansion had not been identified, a Travel Plan not being submitted in time on a previous application, a number of “near miss” incidents that had not been recorded, problems with “Park and Stride”.

The Chair summed up the situation and voiced his support. Councillor Malcolm Lees suggested that the Site Visit had been “stage managed” to give a better impression of the situation on the ground.

The Chair put the matter to the vote. Voting: 8 in favour and 4 against. Motion carried.

**Item 2 Court Farm, The Street, Compton Martin – Retention of existing building for use as ancillary accommodation (extension) to Court Farmhouse and retention of access track and alterations to car parking to serve adjacent holiday lets (Part retrospective)** – The Case Officer reported on this application and her recommendation to grant permission with conditions.

The public speakers made their statements.

Councillor Vic Pritchard as Ward Member on the Committee opened the debate. He referred to previous issues on the site not being compliant with planning regulations and to a commercial element being retained. The car park was practically redundant and a landscape condition was required.

After some discussion, Councillor Ian Gilchrist moved the Officer recommendation which was seconded by Councillor Neil Butters. Councillor Liz Hardman considered that the application would regularise the situation but felt that the landscaping condition should be more specific. The Case Officer responded that this could be achieved with removal of some of the tarmac car park and hedging. The Team Manager – Development Management confirmed that the standard condition with additional wording added to require the removal of part of the car park would cover the situation. The mover and seconder agreed that this be included in the motion. There was further discussion about the tarmac car park and it was considered that about half needed to be removed as indicated by the Case Officer on the site plan. Councillor Vic Pritchard felt that this was not enough and that there was further parking available on the site. He considered that the access was excessive.

The Chair summed up the debate and put the motion to the vote. Voting: 6 in favour and 1 against with 5 abstentions. Motion carried.

**Item 3 WT Burden Ltd, Bath Road, Farmborough – Demolition of existing building and redevelopment of site with up to 14 dwellings with associated means of access, access roads, car parking, boundary treatments and landscaping (including recladding) of retained building to private office/workshop accommodation (Class B1) with associated car parking** – The Case Officer reported on this application and her recommendation to refuse permission.

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

The Ward Councillor Sally Davis made a statement in support of the application.

The Team Manager – Development Management informed the meeting that a 5 year land supply had been identified in the Core Strategy but the NPPF still needed to be considered regarding the effect on the openness of the Green Belt which would be adversely affected by the development. A line of trees had been felled but, even if they had not been, the openness would still be affected.

Members discussed the issues of this proposal. It was considered that there were various benefits from the site being developed for residential use. It was within walking distance of the site, affordable housing was included in the proposal and houses would be better than some other commercial or possibly industrial use, Councillor Vic Pritchard agreed and the proposal would tidy up an unsightly site. On this basis and despite it being located in the Green Belt, he moved that the recommendation be overturned and that permission be delegated to Officers for appropriate conditions including landscaping to screen the development. The motion was seconded by Councillor Liz Hardman.

Members debated the motion. It was considered that the fall back position of industrial use would have a greater impact on the Green Belt. The motion was put to the vote and was carried, 10 voting in favour and 1 against with 1 abstention.

However, the Team Manager – Development Management exercised his delegated power under Paragraph 7 of the Committee's Protocol when decisions were contrary to Policy and Officer advice. This rendered the decision of no effect until the application is reconsidered by the Committee at a subsequent meeting when it can make such decision as it sees fit.

**Item 4 The Old Rectory, Anchor Lane, Combe Hay – Erection of garage with staff accommodation and extension of the curtilage of the Old Rectory (Resubmission)** – The Case Officer reported on this application and her recommendation to refuse permission. She updated Members on the applicant's offer of improvements to the public footpath.

The Clerk to Combe Hay Parish Council made a statement on the application which was followed by a statement by the applicant in support of his application.

Councillor Patrick Anketell-Jones opened the debate. He referred to the fact that the proposal was in the Green Belt and outside the housing development boundary. He felt that there could be some suburbanisation being close to Bath and the integrity of the village could be eroded. Councillor Bryan Organ considered that the extension of residential use into the Green Belt was wrong and therefore moved the Officer recommendation to refuse permission which was seconded by Councillor Doug Nicol.

Members debated the motion. It was supported by some Members even though the site was in the Green Belt and located outside the housing development boundary. Other Members considered that for various reasons they could not support the motion.

The motion was put to the vote and was lost, 4 Members voting in favour and 8 against.

Councillor Vic Pritchard therefore moved that Officers be delegated to grant permission subject to appropriate conditions which was duly seconded. This was on the basis of earlier discussion by Members, namely, that development would complement The Old Rectory which was a prestigious property and would enable staff to be located on the premises to maintain the property, there were no existing garage facilities for the property and there would be a planning gain by removal of an unsightly old wall. The Ward Member on the Committee, Councillor David Veale, stated that, on balance, he supported the application. The Team Manager – Development Management stated that, if permission were to be granted, a S106 Agreement may need to be included to ensure that the accommodation was ancillary to the main house which was accepted by Members.

On this basis, the motion was put to the vote and was carried, 9 voting in favour and 3 against.

(Note: After this decision at 4.20pm, the Committee adjourned for a 5 minute comfort break.)

## **22 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered

- A report by the Group Manager for Development on various applications for planning permission etc
- Oral statements by members of the public etc on Item Nos 1-4 and 6 and 7, the Speakers List being attached as *Appendix 1* to these Minutes
- An Update Report by the Group Manager on Item Nos 1 and 3, a copy of which report being attached as *Appendix 3* to these Minutes

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

**Item 1 Recreation Ground, Pulteney Mews, Bathwick, Bath – Retention and/or replacement of, and extensions to, the existing temporary spectator stands along the north, west and eastern sides of the retained playing field (as approved under planning permission references 09/01319/FUL, 10/01609/FUL, 10/01608/FUL, 10/01611/FUL), provision of new hospitality boxes to either side of the retained south stand, new control room and associated works and ancillary facilities comprising toilets and food and bar facilities (temporary application for period of up to 2 years) –** The Case Officer reported on this application and his recommendation to grant permission with conditions. He referred to the Update Report which made a correction to the Main Report and set out further representations received and his further comments.

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

Councillor Manda Rigby stated that Members had not had an opportunity to read all of the submissions from the public and that deferral for a Site Visit would be beneficial. She therefore moved that the application be deferred for a Site Visit for the site to be viewed in the context of its surroundings. This was seconded by Councillor Ian Gilchrist.

The motion was put to the vote and was carried, 7 voting in favour and 0 against with 3 abstentions.

**Item 2 The Old Timber Yard, Tynning Road, Bathampton, Bath – Outline planning application with all matters reserved, except of means of access for a residential development (15 units) following the demolition of existing buildings and associated parking, landscaping and ancillary works and relocation of mast** – The Consultant Planning Officer reported on this application and the recommendation to authorise the Group Manager for Development, in consultation with the Planning and Environmental Law Manager, to a) enter into a S106 Agreement to secure financial contributions towards street lighting improvements and educational provision and the provision of affordable housing; and b) upon completion of the Agreement, grant permission subject to conditions. He stated that this was not agricultural land and not an MOD Safeguarded Area as stated in the Report. The Core strategy had also been found sound but this did not mean that the planned delivery of 13,000 houses was a cap. He continued by stating that the proposal complied with the NPPF in that it proposed development of previously developed land and was not considered to have an adverse impact on the openness of the Green Belt.

The applicants' agent made his statement in support of the application which was followed by statements by the Ward Councillors Geoff Ward and Terry Gazzard who supported the proposal.

Based on the mitigation measures to be imposed, Councillor Bryan Organ moved the Officer recommendation which was seconded by Councillor Vic Pritchard.

Members debated the motion. After a brief discussion regarding the Bath Transport Package and whether the potential use of the site for Park and Ride east of Bath was a material consideration, the motion was put to the vote. Voting: 9 in favour and 1 against. Motion carried.

**Item 3 Radway Service Station, 482 Wellsway, Odd Down, Bath – Demolition of the existing Radway Service Station and dwelling house at 2 Oolite Road to provide 5 small scale student cluster flats (Resubmission)** – The Case Officer reported on this application and his recommendation to (A) authorise the Group Manager for Development to grant permission subject to the applicant entering into an Agreement under S106 of the Town and Country Planning Act 1990 to secure various provisions relating to Public transport, Formal open space and a Site Management plan; and (B) subject to the prior completion of the Agreement, authorise the Group Manager for Development to grant permission subject to conditions (or such conditions as he may determine). He reported the receipt of 2 further objections and corrected a reference in the report to read National Planning Practice Guidance 2014.

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

Members discussed the issues and asked questions to which the Officers responded. Councillor Ian Gilchrist considered that the application was acceptable and moved the Officer recommendation which was seconded by Councillor Bryan Organ.

Members debated the motion. The Chair referred to flooding issues which he felt were not a big problem given its location. He observed that the design was not in the local vernacular and also expressed reservations about attempting to make students park their cars 2km away from the building as recommended in the terms of the S106 Agreement. Members considered that it would be more appropriate to request that tenants do not have cars at all. The mover and seconder agreed to vary the motion accordingly.

The amended motion was put to the vote. Voting: 9 in favour and 0 against with 1 abstention.

(Note: At 5.35pm after this decision, the Committee adjourned for a Tea break for approximately 25 minutes.)

**Item 4 No 21 Woodland Grove, Claverton Down, Bath – Erection of 3 detached dwellings following demolition of a single dwelling and garage** – The Case Officer reported on this application and his recommendation to (A) authorise the Group Manager for Development to grant permission subject to the applicant entering into an Agreement under S106 of the Town and Country Planning Act 1990 to secure financial contributions towards the provision of Formal open space; and (B) subject to the prior completion of the above Agreement, authorise the Group Manager for Development to grant permission subject to conditions (or such conditions as he sees fit).

The Ward Councillor David Martin made a statement raising various concerns about the proposal.

Councillor Ian Gilchrist agreed with these comments and therefore moved that the Officer's recommendation be overturned and permission be refused which was seconded by Councillor Vic Pritchard.

Members debated the motion. It was considered that reasons for refusal would be that it was over development and the design was out of character with the street scene and adjoining properties.

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

**Item 5 Druid Farm, Pensford Lane, Stanton Drew – Erection of new building following the demolition of existing dwelling for storage purposes** – The Case Officer reported on this application and his recommendation to refuse permission.

Councillor Bryan Organ agreed with the Officer's conclusions and therefore moved the Officer's recommendation. The motion was seconded by Councillor Liz Hardman who outlined the reasons for supporting the motion.

The Chair put the motion to the vote which was carried unanimously.

(Note: After this decision, Councillor Doug Nicol left the meeting.)

**Item 6 Abbey Hotel, 1 North Parade, Bath – Change of use of public highway to allow temporary siting of chalet to house outside catering bar –** The Case Officer reported on the application and his recommendation to refuse permission.

The applicant made a statement in support of his proposal and stated that he would accept a 3 year permission.

Councillor Manda Rigby, as Ward Member on the Committee, opened the debate. She considered that the duration of this temporary structure would extend the festive season and it would only be for 3 years. Councillor Vic Pritchard read out a statement prepared by the other Ward Councillor Brian Webber.

Councillor Liz Hardman agreed that this was a temporary structure, the use would extend the festive season in this part of the City and the permission would only be for 3 years. She therefore moved that the Officer recommendation be overturned and that Officers be authorised to grant permission for a 3 year trial period subject to appropriate conditions. The motion was seconded by Councillor Gerry Curran.

Members debated the motion. The number of days that the structure would be erected was discussed. The Team Manager – Development Management stated that the duration would be 45 days in a 12 month period and that a condition would need to be added to remove permitted development rights.

The Chair summed up the debate and put the motion to the vote. Voting: 8 in favour and 0 against with 1 abstention. Motion carried

(Note: Councillors Vic Pritchard and David Veale left the meeting after this decision.)

**Item 7 End Farm, St Catherine Lane, St Catherine – Provision of field gate onto St Catherine Lane adjacent to junction to Beek’s Lane allowing access to 3 agricultural fields east of Beek’s Lane formerly accessed via Beek’s Lane (Retrospective) (Resubmission) –** The Case Officer reported on this application and his recommendation to refuse permission.

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

Councillor Bryan Organ relayed the views of the Ward Councillors Martin Veal and Geoff Ward who supported the recommendation to refuse permission. The Principal Solicitor responded to a Member’s query about the relevance of private ownership rights.

Councillor Bryan Organ agreed with the Officer’s recommendation and therefore moved that permission be refused which was seconded by Councillor Liz Hardman.

The motion was put to the vote and was carried, 6 voting in favour and 0 against with 1 abstention.

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



The report was noted

The meeting ended at 7.02 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE  
MEETING OF THE DEVELOPMENT CONTROL COMMITTEE ON  
WEDNESDAY 2<sup>ND</sup> JULY 2014**

<b>SITE/REPORT</b>	<b>NAME/REPRESENTING</b>	<b>FOR/AGAINST</b>
<b>SITE VISITS – REPORT 9</b>		
Weston All Saints Primary School, Broadmoor Lane, Weston, Bath (Item 1, Pages 55-70)	Lisa Loveridge (Broadmoor Lane Residents Association)	Against
	Tom Peryer, Chairman of the Governing Body	For
Court Farm, The Street, Compton Martin (Item 2, Pages 71-78)	Martin Bailey (representing Mr Preston)	Against
	Richard Curry (Applicant)	For
WT Burden Ltd, Bath Road, Farmborough (Item 3, Pages 79-86)	Chris Pike	Against
	David Roberts (representing the applicants)	For
The Old Rectory, Anchor Lane, Combe Hay (Item 4, Pages 87- 97)	Peter Duppa-Miller, Clerk to Combe Hay Parish Council	For
	Trevor Osborne (Applicant)	For
<b>MAIN PLANS LIST – REPORT 10</b>		
Recreation Ground, Pulteney Mews, Bathwick, Bath (Item 1, Pages 102-124)	1.Martin Farrell 2.Steve Osgood 3.David Greenwood	Against – To share 6 minutes
	1.Nick Blofeld, Chief Executive, Bath Rugby (Applicants) 2.Peter Downey (Chairman, Real Friends of the Rec)	For – To share 6 minutes
The Old Timber Yard, Tynning Road, Bathampton, Bath (Item 2, Pages 125-145)	Dale Evans, Alder King (Applicants' Agents)	For
Radway Service Station, 482 Wellsway, Odd Down, Bath (Item, 3, Pages 146-157)	Margaret Le Couteur <u>AND</u> Kathryn Pond-Barrett	Against – To share 3 minutes
	Rob Lucas, David Brain Partnership (Applicants' Agents)	For

21 Woodland Grove, Claverton Down, Bath (Item 4, Pages 158-169)	Alex Hansen	Against
	Alison Lugsden, Nash Partnership (Applicant's Agents)	For
Abbey Hotel, 1 North Parade, Bath (Item 6, Pages 175-181)	Ian Taylor, Abbey Hotels (Applicant)	For
End Farm, St Catherine Lane, St Catherine, Bath (Item 7, Pages 182-188)	Kate Chubb	Against
	Donald MacIntyre (Applicant)	For

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**2nd July 2014**

**SITE VISIT DECISIONS**

<b>Item No:</b>	001	
<b>Application No:</b>	14/01667/REG03	
<b>Site Location:</b>	Weston All Saints Ce Vc Primary School, Broadmoor Lane, Upper Weston, Bath	
<b>Ward:</b> Weston	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Regulation 3 Application	
<b>Proposal:</b>	Provision of a new 6 classroom teaching block and associated external works. (Resubmission)	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Tree Preservation Order, World Heritage Site,	
<b>Applicant:</b>	Bath And North East Somerset Council	
<b>Expiry Date:</b>	4th July 2014	
<b>Case Officer:</b>	Chris Griggs-Trevarthen	

**DECISION PERMIT**

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

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

2 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.

3 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.

4 No development or other operations shall take place except in complete accordance with the approved Construction Management Plan unless agreed in writing by the local planning authority.

Reason: To ensure the safe operation of the highway.

5 Prior to the occupation of the building hereby approved, the drop-off and collection area, and the associated access alterations, shall be provided in accordance with drawing number 2948\_L\_011 Revision G. The drop-off and collection area shall thereafter be permanently retained.

Reason: In the interests of highways safety and to relieve the traffic pressure on Broadmoor Lane

6 Prior to the occupation of the building hereby approved, details of the provision for covered and secure cycle and scooter parking/storage shall have been submitted to and approved in writing by the Local Planning Authority. The covered and secure cycle and scooter parking/storage shall be provided in accordance with the approved details prior to the occupation of the building hereby approved.

Reason: In the interests of sustainable development.

7 No development shall commence, except works up to and including the ground floor slab, until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

8 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 construction.

Reason: In the interests of flood risk management.

9 Prior to occupation of the development hereby approved a landscape scheme should be submitted and approved to show the reinstatement of the land currently occupied by the temporary classroom. The approved landscaping scheme shall be completed in accordance with the approved details within 12 months of the occupation of the development hereby approved or in accordance with a timescale submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of equivalent recreational open space to offset the loss resulting from the proposed development in accordance with policy SR.1A of the Bath and North East Somerset Local Plan

10 Prior to the occupation of the building hereby permitted an updated travel plan shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter the development shall be used strictly in accordance with the approved Travel Plan.

Reason: To ensure that an update to date travel plan is produced to encourage alternative and sustainable means of travel to school and encourage a reduction in car travel.

11 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:**

2948\_A\_150G  
2948\_A\_010C  
2948\_L\_011M  
2948\_L\_012J  
2948\_L\_050P  
2948\_L\_51L  
2948\_L\_100L  
2948\_L\_170D  
2948\_L\_171D  
4950 PL-AL(90)001  
4950 PL-AL(90)002  
30-01-2010 WASPS - TCPFIN 2  
G919\_L\_1000\_PL\_A  
4950 PL-SL01

#### **DECISION MAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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.

#### **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](http://www.planningportal.gov.uk).

#### **ADVICE NOTE**

In the interests of flood alleviation we would encourage the applicant to investigate the use of a Sustainable Drainage Scheme (SuDS) in order to manage surface water drainage. SuDS infiltration schemes include techniques such as infiltration trenches and basins, rain gardens and soakaway techniques. Other surface level SuDS techniques include swales and attenuation ponds.

For more details about SuDS please refer to the guidance from Ciria (<http://www.susdrain.org/resources/ciria-guidance.html>)

If SuDS techniques are pursued, details of the proposed drainage scheme should be submitted to this office.

We have reviewed the British Geological Survey maps for the site area in terms of infiltration potential and the advice is that 'There is a very significant potential for one or more geohazards associated with infiltration. Only install infiltration SuDS if the potential for or the consequences of infiltration are considered not to be significant'. Based on this advice the applicant may want to consider SuDS techniques other than infiltration.



<b>Item No:</b>	002
<b>Application No:</b>	13/04847/FUL
<b>Site Location:</b>	Court Farm, The Street, Compton Martin, Bristol
<b>Ward:</b> Chew Valley South	<b>Parish:</b> Compton Martin <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Retention of existing building for use as ancillary accommodation (extension) to Court Farmhouse and retention of access track and alterations to car parking to serve adjacent holiday lets (part retrospective)
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Housing Development Boundary, Water Source Areas,
<b>Applicant:</b>	Mr Richard Curry
<b>Expiry Date:</b>	18th March 2014
<b>Case Officer:</b>	Rebecca Roberts

## DECISION PERMIT

1 The residential development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling; Court Farmhouse, The Street, Compton Martin and shall not be occupied as an independent dwelling unit or used for Bed and Breakfast. The principle means of access to the ancillary accommodation via the internal doorway from the existing storage room (proposed snooker room) on the ground floor of the main dwelling into the kitchen shall remain available for use in perpetuity.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

2 Within 6 months of the date of this permission a hard and soft landscape scheme to include details of the removal of part of the car park tarmac shall be submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of the subdivision of the site, all new walls, fences and other boundary treatment and 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: In the interests of the appearance of the development and the character and appearance of this part of the Conservation Area.

3 Within 12 months of the date of this permission all hard and/or soft landscape works to include the removal of part of the car park tarmac shall have been carried out in accordance with the approved details. The works shall be carried out in accordance with the programme agreed in condition 2. 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.

4 Within 3 months of the date of this permission details of enclosing the vertical flu on the south elevation shall be submitted to and approved in writing by the Local Planning Authority and within 6 months of the date of this permission the flu shall be enclosed in accordance with the details approved

Reason: In the interests of the appearance of the development and the character and appearance of this part of the Conservation Area.

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

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

#### **PLANS LIST:**

This decision relates to drawing no's PL3260/2A, PL3260/3, PL3260/4, PL3260/5, PL3260/6 date stamped 15th January 2014 and PL3260/1A date stamped 20th 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 Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

#### **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](http://www.planningportal.gov.uk).

<b>Item No:</b>	003
<b>Application No:</b>	14/00862/OUT
<b>Site Location:</b>	W T Burden Ltd, Bath Road, Farmborough, Bath
<b>Ward:</b> Farmborough	<b>Parish:</b> Farmborough <b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application
<b>Proposal:</b>	Demolition of existing building and redevelopment of site with up to 14 dwellings with associated means of access, access roads, car parking, boundary treatments and landscaping; conversion (including re-cladding) of retained building to provide office/workshop accommodation (Class B1) with associated car parking.
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Hazards & Pipelines,
<b>Applicant:</b>	Boystown Ltd
<b>Expiry Date:</b>	23rd May 2014
<b>Case Officer:</b>	Alice Barnes

**DECISION** Deferred in accordance with paragraph 7 of the Member and Officer Conduct/Roles Protocol the decision of the Development Control Committee to permit this application has been referred to the next meeting of the Committee. This renders the decision of no effect until it is reconsidered by the Committee when it can make such decision as it sees fit.

<b>Item No:</b>	004
<b>Application No:</b>	14/01403/FUL
<b>Site Location:</b>	The Old Rectory, Anchor Lane, Combe Hay, Bath
<b>Ward:</b> Bathavon West	<b>Parish:</b> Combe Hay <b>LB Grade:</b> II
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of garage with staff accommodation and extension of the curtilage of the Old Rectory. (Resubmission)
<b>Constraints:</b>	Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building,
<b>Applicant:</b>	Mr Trevor Osborne
<b>Expiry Date:</b>	20th May 2014
<b>Case Officer:</b>	Sasha Coombs

**DECISION**            Authorise the Group Manager to permit the application subject to the applicant entering into a legal agreement under S106 and subject to the completion of the above agreement, authorise the Group Manager to PERMIT subject to the conditions to be agreed.

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**Date 2<sup>nd</sup> July 2014**

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

**Item No. 1 (1) Page No. 102**

**Application No. 14/02158/FUL**

**Address - Recreation Ground, Pulteney Mews, Bathwick Bath**

**Correction**

In the section IMPACT ON THE CONSERVATION AREA/ WORLD HERITAGE SITE/ SETTING OF LISTED BUILDING/OPEN SPACE the report refers to s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This should be s.66:

“General duty as respects listed buildings in exercise of planning functions.  
(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

**Plans List**

An additional drawing (14.1571.PL22) showing the Control Room at a bigger scale has been submitted and should be added to the Plans List at the end of the report.

**Further Representations**

Since completion of the Committee report a further 1,614 representations have been received.

The Case Officer has reviewed all representations received. Members are advised however that due to the late submission of such a significant number of representations it has not been possible to redact and publish all of the representations to the application prior to reporting the case to this Committee.

1,597 of the representations are in support of the application, citing the following principal reasons:

- i. the need for extra capacity to meet demand for seats
- ii. support for additional capacity during the Clubs 150<sup>th</sup> year
- iii. the benefit the Club brings to the city including expenditure by spectators before and after the game to the benefit of local businesses
- iv. the need for improved facilities for spectators at The Rec.

- v. the importance of Bath Rugby Club being located on The Rec, and the unique character and atmosphere that the location of Club's ground gives both the ground and the city centre

Concern was also expressed in a number of the representations about the possible loss of the Club from The Rec. and the detriment and financial loss to the city that would occur if this happened.

16 further representations have been received objecting to the application on a number of grounds. These are summarised below however full copies can be made available to Members.

- i. Difficulty in downloading files to view on-line. Lack of information regarding the Control Box and its impact and the materials to be used in the construction of the temporary stands. The choice of lurid turquoise for the seating is inappropriate, contrasting with the natural surroundings. The submitted photomontages inaccurately refer to 'summer' views.
- ii. Economic impact of the Club on the city is anecdotal.
- iii. Temporary scaffolding stands do not do the site, or Bath Rugby Club justice.
- iv. Disparity between the application site area and lease boundary area.
- v. Far from increasing the variety of activities on the ground the dominance of rugby demonstrates that undue preference has been shown not only to the sport of rugby, but also to the club.
- vi. The detailed design and materials of the south west hospitality boxes that although slightly hidden in summer, will be on open view all throughout the playing season and the photomontages showing a blank featureless white wall in the view from North Parade Bridge. Also concern at its impact on the views across the ground from North Parade Bridge, a listed heritage asset. There is insufficient information provided in terms of detailed design and materials for this to be acceptable in its current form and this should not be left to be a subject of condition.
- vii. The increased capacity of the East Stand since 2003 will result in an 80% increase in the height of the East Stand from 5m to 9m which is too high and totally inappropriate in the centre of a World Heritage City, with impacts on the views and setting of the Abbey and other heritage receptors and assets as well as across the setting of the wider World Heritage Site.
- viii. Concern at the incremental increase in height and gradual nibbling erosion of views to/from the city.
- ix. The increase in traffic associated with development and impact on air quality in the city (and failure to comply with statutory requirements and adopted planning policy relating to air quality including Air Quality Management Area targets).
- x. The Travel Plan is vague and does very little to mitigate the inevitable effects on traffic, with no evidence of any genuine attempt to incentivise use of alternative methods of transport.
- xi. Since 2003 total capacity will have increased by 66.67% resulting in increased noise disturbance and traffic congestion.

- xii. The deafening noise of the loud music which goes on for hours and the announcer's voice through the tannoy.
- xiii. Flood Evacuation Plan is out of date and inadequate.
- xiv. Leaving the East Stand is a slow process and will worsen with increased capacity. Concerns about spectator safety if there was an emergency.
- xv. The Rec was left in perpetuity to the people of Bath to be an open space and the restrictive covenants on The Rec should be respected. The proposals increase the size of the structures on land that belongs to the citizens of Bath.
- xvi. The proposals represent the thin end of a dangerous wedge in Bath Rugby's continued attempts to establish a major permanent stadium occupying a large part of what should be public land in perpetuity.

In addition, a number of objectors stated that to accommodate its expansion plans Bath Rugby needs to find a more suitable site.

### **Officer Comments**

The additional representations raise a number of issues already addressed in the Committee report however it is relevant to note that:

1. Procedural concerns regarding the submission, validation, availability, accessibility and updating of the application have been addressed during the determination period and information submitted by the applicant to amplify, clarify or correct submitted information has been made published on the Council's website. It is considered that Officers have received sufficient information to appropriately assess the application and conditions are recommended to control the detail, implementation and operation of the proposed development. Issues relating to the Club's lease are dealt with under separate legislation.
2. The photomontages described as 'summer' views with the east stand being visible (as opposed to 'winter') is used to denote when trees are in leaf i.e. between April/May through to October when the east stand will be in position for some this period.
3. This application is for the retention and expansion of spectator capacity at the ground for a period of two years and does not presume or pre-empt a permanent facility at The Rec. In addition, Officers have recommended that a Condition (2) be imposed requiring the removal of the temporary stands each year.
4. The location of the proposed development in the World Heritage Site, conservation area and affecting the setting of several listed buildings (including listed buildings situated on the site) has been taken into consideration when assessing the proposed development. It is considered that sufficient information is available for the Council to assess the effects of the development on heritage assets and an appropriate assessment (as set out in the Planning Practice Guidance) has been undertaken. Special attention has been given to the desirability of preserving or enhancing heritage assets, with appropriate weight being given to the importance of those assets and any harm likely to result. In this case, it is concluded that less than substantial harm to heritage assets will occur. It is acknowledged that even this level of harm gives rise to a strong

presumption against planning permission being granted and this has been weighed against other material planning considerations in reaching a conclusion on this application. It is considered that other material considerations in this case, including the economic and social beneficial impacts of the development to the city and the presumption in favour of sustainable development as set out in the NPPF, outweigh this harm.

5. Officers have reviewed clarifications submitted by the applicant regarding traffic impacts of the scheme and it is considered that these adequately address concerns raised regarding the initial submissions. In addition, the measures set out in the updated Travel Plan and Construction Management Plan are considered to provide appropriate mitigation and will be secured by condition.
6. The proposed development will result in an increase in vehicle trips to Bath and appropriate regard has been had to the impacts on the local environment including air quality and related policies relating to the Air Quality Management Area in the city and the associated Action Plan. Based on existing patterns of travel to the ground, the Transport Assessment submitted with the application estimates that increasing the capacity of the ground by approximately 2,000 spectators will give rise to an additional 374 car trips to the city as a whole. This is well within the daily variability in total traffic movements in Bath. Based on existing travel patterns by spectators, approximately 40% of these vehicles are expected to use the Park and Ride sites located at the edge of the city and as a consequence need not necessarily involve travel through the AQMA. Accordingly, impacts on air quality are not considered to be significant and the Club's proposal to promote public transport and non-car modes of travel to the ground will support the objectives of the Air Quality Action Plan.
7. The Environment Agency has raised no objection to the application or the Flood Risk Assessment submitted with the application. They have recommended that a Flood Evacuation Plan (FEP) be in place and the Club has proposed that the procedures previously submitted in 2010 continue to be in place for a further two years (i.e. to coincide with the timescale of the permission being applied for). The general procedures in terms of warnings under different flood conditions are still considered relevant and reasonable over this timescale.
8. No economic impact assessment has been submitted by the Club to support the current application however the attendance of (currently) 12,000 spectators at The Rec. generates revenue within the city, for example in pubs and restaurants before and after a game.
9. Whilst an additional 2,000 spectators is likely to give rise to greater noise at the ground during matches, objection to the proposals on noise grounds is principally related to the use of the tannoy system. This is an environmental protection issue and is monitored and managed by the Council's Environmental Health team in liaison with the Rugby Club under relevant (non-planning) legislation. This will continue to be monitored and, where appropriate, action taken to address or mitigate impacts.



Officers have considered the additional representations received and have concluded that the Recommendation to grant planning permission subject to conditions set out in the report remains unchanged.

**Item No: 3**

**Application No: 13/04683/FUL**

**Address: Radway Service Station, 482 Wellsway, Bath**

A further representation has been received in objection to the application since the committee report for this application was submitted. This representation raises the issue of affordable housing in addition to other areas of concern which are addressed in the committee report.

The application is proposed for student accommodation and therefore no affordable housing would be provided by this development. The site lies within the Bath World Heritage Site where new residential development would be acceptable in principle. This in itself does not however present justification to refuse alternative form development on the site.

The following conditions have also been added to the recommendation in relation to this proposal:

- *The development hereby permitted shall be occupied as student accommodation only and for no other purpose unless a further planning permission has been granted.*

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

- *The flat roof of the single storey structure to the rear of the site identified on the submitted drawings as the communal kitchen/living for flat 2 shall not be used as a balcony and shall not be accessible from the windows within the development hereby permitted.*

*Reason: In the interest of the residential amenity of adjacent occupiers.*

**Item No: 7**

**Application No: 14/01817/FUL**

**Address: End Farm, St Catherine Lane, St.Catherine, Bath**

The committee report for this application has been reviewed by the Council's Principal Solicitor who has requested that clarification is provided in relation to the issue of private property rights being a 'key material consideration', as indicated in the report.

The assessment of the previous applications for this access which were subsequently withdrawn had been undertaken with the understanding that the applicant would have a fallback position to reinstate the previous access onto Beek's Lane for which planning permission would not be required. The impact

on highway safety was therefore assessed on the basis that granting planning permission would not change the number of vehicular movements on this part of St Catherine Lane. Officers were subsequently made aware that the applicant does not have a legal right of access to use Beek's Lane and therefore the highways assessment was reconsidered to take into account that granting planning permission would also create an intensification of vehicular movements on this part of St Catherine Lane as there would be no fallback position. The intensification of vehicular movement, in addition to the issues relating to visibility and conflicting traffic movements have resulted in a recommendation for refusal.

Although private property rights will not usually be a material consideration, in this case, the ability for the applicant to reinstate an access onto Beek's Lane as a fallback position is relevant to whether planning permission should be granted or refused. This is therefore a material consideration relating to this application.

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**2nd July 2014**

**DECISIONS**

<b>Item No:</b>	01
<b>Application No:</b>	14/02158/FUL
<b>Site Location:</b>	Recreation Ground, Pulteney Mews, Bathwick, Bath
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Retention and/or replacement of, and extensions to, the existing temporary spectator stands along the north, west and eastern sides of the retained playing field, (as approved under planning permission references 09/01319/FUL, 10/01609/FUL, 10/01608/FUL, 10/01611/FUL), provision of new hospitality boxes to either side of the retained south stand, new control room, and associated works and ancillary facilities comprising toilets and food and bar facilities (temporary application for period of up to two years)
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Protected Recreational, World Heritage Site,
<b>Applicant:</b>	Bath Rugby Ltd
<b>Expiry Date:</b>	15th August 2014
<b>Case Officer:</b>	Gwilym Jones

**DECISION** Defer consideration to allow members to visit the site

<b>Item No:</b>	02
<b>Application No:</b>	13/04710/OUT
<b>Site Location:</b>	The Old Timber Yard, Tynning Road, Bathampton, Bath
<b>Ward:</b> Bathavon North	<b>Parish:</b> Bathampton <b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application
<b>Proposal:</b>	Outline planning application with all matters reserved, except means of access, for a residential development (15 units) following the demolition of existing buildings with associated parking, landscaping and ancillary works and relocation of mast.
<b>Constraints:</b>	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas,
<b>Applicant:</b>	Davies Street (Bathampton) Ltd
<b>Expiry Date:</b>	29th January 2014
<b>Case Officer:</b>	Richard Stott

## DECISION

Authorise the Group Manager, in consultation with the Planning and Environmental Law Manager, to: (a) enter into a Section 106 agreement to secure financial contributions towards street lighting improvements and educational provision and the provision of affordable housing, and (b) upon completion of the Section 106 agreement permit with the following conditions:

1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Articles 1 and 3 of the General Development Procedure Order 1995 (as amended).

2 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

3 An application or applications for the approval of the reserved matters for all or parts of the development hereby permitted shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

4 Approval of the reserved matters shall ensure that no more than 15 dwellings shall be erected on the site.

Reason: In the interest of the visual amenities of the area and to ensure the site is not overdeveloped

5 No building on the site hereby approved shall exceed 8.7m in height to the ridge line.

Reason: In the interest of visual amenities and to preserve the setting of the Green Belt

6 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below. For clarification, as this is an outline application, permission is only granted for the development of the site edged red on the site location plan and the access details. All details relating to design, layout, and landscaping shall be addressed at the reserved matters stage in accordance with conditions 1-4.

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

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 phasing programme agreed in writing with the Local Planning Authority. All hard landscape works shall be permanently retained and maintained in accordance with the approved details.

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

8 No development activity shall take place until a detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details in that implemented as appropriate. The final method statement shall incorporate a provisional programme of works, supervision and monitoring details by an Arboricultural Consultant and provision of site records and certificates of completion and compliance. The statement should also include the control of potentially harmful operations such as construction access, storage, handling and mixing of materials on site, burning, location of site office, service run locations including soak-away locations and movement of people and machinery.

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

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

- a. Findings of reptile surveys and proposals for mitigation as applicable;
- b. Full outstanding details of the proposed bat mitigation scheme in accordance with the recommendations of the Avon Wildlife Trust Bat Survey, Oct 2013 (Annex 2 of the LaDellWood Ecology Phase 1 Habitat Survey).
- c. Full details of all external lighting including street lighting and external property or security lighting, demonstrating zero lux light spill levels onto boundary vegetation and

adjacent habitats and the railway embankment and all other locations of darkness as applicable as required for the bat mitigation scheme.

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 or otherwise in accordance with a phasing plan to be submitted to an agreed in writing by the LPA.

Reason: in the interest of ecology

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

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

11 No part of the development hereby approved shall be occupied until parking has been provided to serve that part of the development, in accordance with details submitted to and approved in writing by, and to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and public amenity.

12 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 and traffic management.

Reason: To ensure the safe operation of the highway.

13 Finished floor levels should be set a minimum of 100mm above the existing ground levels.

Reason: To reduce the risk of flooding to the proposed development and future occupants given the proximity of the River Avon to the site and take into account climate change.

14 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

15 No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage

system has been submitted to and approved by the LPA. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

16 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **PLANS LIST:**

This decision relates to the following drawings date stamped 30th October 2013:

- o 1168 AL 10 (Proposed Site Plan in respect of access only)
- o 1168 AL 20 (Development Area Comparison Plans)

- o 1168 AL 40 (Existing Aerial View North)
- o 1168 AL 41 (Existing Aerial View East)
- o 1168 AL 042 (Existing Aerial View - Looking South)
- o 1168 AL 43 (Existing Aerial View West)
- o 1168 AL 80 (Building Height Comparison)
- o 1168 AL 81A (Scale Parameters)
- o 1168 AL 100 (Site Location Plan)
- o 1168 AL 101 (Existing Site Plan)

The following background documents date stamped 30th October 2013 were submitted to inform and justify the proposed development:

- o Ecology Report
- o Ecology Phase 1 Habitat Survey
- o Avon Wildlife Trust Bat Survey
- o Statement Of Community Engagement
- o Transport Statement
- o Landscape Visual Impact Assessment Report
- o Affordable Housing Statement
- o Employment Land Report
- o Heritage Desk Based Assessment
- o Planning Design Access Statement
- o Site Investigation No. K0449
- o Tree Survey Report
- o Noise On Construction Sites
- o Environmental Noise Report
- o Site Specific Flood Risk Assessment
- o Sustainable Construction Checklist

The following drawings date stamped 30th October 2013 have been submitted for information purposes only at this outline stage:

- o 1168 AL 11 (Proposed Site Plan)
- o 1168 AL 50 (Proposed Aerial View North)
- o 1168 AL 51 (Proposed Aerial View East)
- o 1168 AL 52 (Proposed Aerial View South)
- o 1168 AL 53 (Proposed Aerial View West)
- o 1168 AL 70 (Proposed Site Sections)

Indicative Landscape Strategy drawing 2049/13/B/7 date stamped 14th November 2013 has been submitted for information purposes only at this outline stage.

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

## DECISION TAKING STATEMENT

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



#### 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](http://www.planningportal.gov.uk).

#### INFORMATIVES

##### ECOLOGY

A) A European Protected Species Licence will be required before any development can commence - including the demolition of the existing units on site. The Applicant is advised to contact Natural England.

##### SUSTAINABLE TRANSPORT

B) It is recommended that residents should be issued with a Resident's Welcome Packs upon occupation including information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., together with complimentary bus tickets for each household member to encourage residents to try public transport.

##### FLOOD MITIGATION

C) There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

##### LAND DRAINAGE

D) Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SuDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365. The soakage test results and test locations are to be submitted in accordance with BRE digest 365 when discharging the surface water condition.

E) The British Geological Survey maps for the site area suggest that the site area has variable permeability and recommends infiltration tests to confirm suitability for infiltration SuDS. It also suggests a water table at less than 3m.

F) If SuDS are deemed not to be viable then an alternative method of surface water drainage should be proposed with a corresponding drainage strategy at full application stage. To note that surface level attenuation or positive discharge to a watercourse is preferred to underground tanking.

G) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

#### CONSTRUCTION MANAGEMENT

H) 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.

I) 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.

#### CONTAMINATED LAND

J) In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Contamination may be indicated by soils that have unusual characteristics such as: unusual colour, odour, texture or containing unexpected foreign material.

<b>Item No:</b>	03
<b>Application No:</b>	13/04683/FUL
<b>Site Location:</b>	Radway Service Station, 482 Wellsway, Bath, BA2 2UB
<b>Ward:</b> Odd Down	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Demolition of the existing Radway Service Station at 482 Wellsway and dwelling house at 2 Oolite Road to provide five small-scale student cluster flats. (Resubmission)
<b>Constraints:</b>	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,
<b>Applicant:</b>	Legend Strategy Enterprises (UK) Ltd
<b>Expiry Date:</b>	25th December 2013
<b>Case Officer:</b>	Jonathan Fletcher

## DECISION

A. Authorise the Group Manager to permit the application subject to the applicant entering into a legal agreement under S106 to secure:

### Public Transport

A contribution of £28000 is sought in order to maintain the existing level of service for the 20A/C bus route for a period of a year.

### Formal Open Space

A contribution of £28,246.35 is sought to fund the provision of new formal open space, natural open space and allotments off-site to serve the population.

### Site Management Plan

A planning obligation is sought to restrict future occupiers of the development from bringing a car and parking within the City of Bath.

A planning obligation is sought to ensure that the development is managed by a property management company in accordance with a site management plan.

B. Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the following conditions (or such conditions as he may determine):

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 a sample panel of all external walling and roofing materials to be used has been erected on site and approved in writing by the Local Planning Authority. Thereafter, the sample panel shall be kept on site for reference until the development is completed and the development shall be carried out in accordance with the approved details.

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

3 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.

4 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.

5 No part of the development hereby permitted shall be occupied until the parking area shown on the approved plans has been provided. Thereafter, the parking space shall be kept free of obstruction and shall not be used for any other purposes than parking in association with the development hereby permitted.

Reason: In the interests of highway safety and public amenity

6 Prior to the occupation of the development, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with that Travel Plan.

Reason: In the interests of sustainable development.

7 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 and traffic management. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure the safe operation of the highway.

8 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dB LAeq,15min for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F timeweighting) shall not (normally) exceed 45dB LAmax.

Reason: In the interest of residential amenity

9 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (a) a survey of the extent, scale and nature of contamination;
- (b) an assessment of the potential risks to:
  - (c) human health,
  - (d) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - (e) adjoining land,
  - (f) groundwaters and surface waters,
  - (g) ecological systems,
  - (h) archaeological sites and ancient monuments;
  - (i) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in

writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. Condition 11, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition no. Condition 11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14 The flat roof of the single storey structure to the rear of the site identified on the submitted drawings as the communal kitchen/living for flat 2 shall not be used as a balcony and shall not be accessible from the windows within the development hereby permitted.

Reason: In the interest of the residential amenity of adjacent occupiers.

15 The development hereby permitted shall be occupied as student accommodation only and for no other purpose unless a further planning permission has been granted.

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

16 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:**

676/7049/1A, 865/PA/01B, G10C, G12B, G16A, G17A, G18C, G19B, G22, G23C, G25C

**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. 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.

<b>Item No:</b>	04	
<b>Application No:</b>	14/01016/FUL	
<b>Site Location:</b>	21 Woodland Grove, Claverton Down, Bath, Bath And North East Somerset	
<b>Ward:</b>	<b>Parish:</b>	<b>LB Grade:</b>
Bathwick	N/A	N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 3no detached dwellings following demolition of a single dwelling and garage	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,	
<b>Applicant:</b>	Mr Paul Kettleby	
<b>Expiry Date:</b>	23rd July 2014	
<b>Case Officer:</b>	Chris Griggs-Trevarthen	

## DECISION REFUSE

1 The proposed development, due to its layout, materials and design, represents overdevelopment of the site, is harmful to the streetscene and out of keeping with the character and appearance of the area. The proposal is therefore contrary to policies D.2 and D.4 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

## PLANS LIST:

13121 L001B  
13121\_L\_010\_D  
13121\_L\_011\_C  
13121\_L\_012\_C  
13121\_L\_013\_C  
13121\_L\_014\_C  
13121\_L\_015\_C  
13121\_L\_016\_C  
13121\_L\_017\_B  
13121\_L\_018\_C  
13121\_L\_019\_B  
13121\_L\_021\_A  
3655-27NOV13-02  
3655\_27NOV13-01

## DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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.



#### 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](http://www.planningportal.gov.uk).

#### ADVICE NOTE

In the interests of flood alleviation we would encourage the applicant to investigate the use of a Sustainable Urban Drainage Scheme (SuDS) in order to manage surface water drainage.

SuDS infiltration schemes include techniques such as infiltration trenches and basins, filter drains, rain gardens and soakaway techniques. Other surface level SuDS techniques include swales and attenuation ponds.

For more details about SuDS please refer to the guidance from Ciria (<http://www.susdrain.org/resources/ciria-guidance.html>)

If SuDS techniques are pursued, details of the proposed drainage scheme should be submitted to the Council's Flood Risk Management and Drainage Team.

We have reviewed the British Geological Survey maps for the site area and subject to infiltration tests, the ground would appear to be suitable for infiltration SuDS schemes such

INTEML as soakaways.

If discharge to the mains sewer is considered the only viable option, written confirmation from Wessex Water that they are satisfied that that the additional discharge into their network is acceptable must be submitted to the Council's Flood Risk Management and Drainage Team. All discharge rates and connection points will need to be agreed with Wessex Water.

<b>Item No:</b>	05		
<b>Application No:</b>	13/05022/FUL		
<b>Site Location:</b>	Druid Farm, Pensford Lane, Stanton Drew, Bristol		
<b>Ward:</b>	Clutton	<b>Parish:</b>	Stanton Drew
		<b>LB Grade:</b>	N/A
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of a new building following the demolition of existing building for storage purposes		
<b>Constraints:</b>	Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,		
<b>Applicant:</b>	Mrs Helen Curtis		
<b>Expiry Date:</b>	30th May 2014		
<b>Case Officer:</b>	Chris Griggs-Trevarthen		

## **DECISION REFUSE**

1 The proposed replacement building is materially larger than the existing building to be replaced and is therefore considered inappropriate development in the Green Belt. Furthermore, the proposal results in harm to the openness of the Green Belt. Very special circumstances do not exist to clearly outweigh the substantial harm to the Green Belt. The proposal is therefore contrary to policy GB.1 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

2 The proposed replacement building, due to its size, design and domestic features, has the appearance of a domestic bungalow which is out of keeping with the surrounding area and harmful to rural character. The proposal is therefore contrary to policies D.2, D.4 and GB.2 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

3 Insufficient information has been provided for the Local Planning Authority to be confident that the existing building is not used by bats. The proposal is therefore considered to result in potential harm to protected species contrary to policy NE.10 of the Bath and North East Somerset Local Plan, guidance in the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2010.

## **PLANS LIST:**

This decision relates to the Site Location Plan, block plan, existing elevations, existing floor plan, proposed elevations and proposed floor plan received 25th February 2014.

## **DECISION MAKING STATEMENT:**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Council encourages the use of pre-application advice. Unfortunately, this was not sought in the current case. For the reasons given, and expanded upon in a related case officer's report, the proposal was unacceptable and was refused planning permission.

<b>Item No:</b>	06
<b>Application No:</b>	14/00981/FUL
<b>Site Location:</b>	Abbey Hotel, 1 North Parade, City Centre, Bath
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> IISTAR
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Change of use of public highway to allow temporarily siting of chalet to house outside catering bar
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, World Heritage Site,
<b>Applicant:</b>	Abbey Hotel
<b>Expiry Date:</b>	28th April 2014
<b>Case Officer:</b>	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 This permission shall expire on 02/07/2017 and the use hereby permitted shall be discontinued with the land reinstated to its previous use and condition as a pavement in accordance with the dates agreed under condition 3 of this planning permission.

Reason: To enable the Local Planning Authority to review the impact of the development.

3 The use hereby permitted shall be carried out in accordance with an Operational Statement which has been provided in writing by the Local Planning Authority and which shall be submitted no less than 3 months prior to the use being implemented each year. The Operational Statement shall include confirmation of the dates which the use will commence and cease which shall be for a period of no more than 45 days during December and January each year, the proposed opening hours for the bar and details of any moveable structure(s) which will be temporarily sited on the pavement.

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

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) there shall be no temporary changes of use or siting of moveable structures within the application site unless a further planning permission has been granted.

Reason: Any further temporary changes of use require detailed consideration by the Local Planning Authority.

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

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

**PLANS LIST:**

442.10, 442.31, 442.32

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 set out in the minutes of the committee meeting, a positive view of the submitted proposals was taken and planning permission was granted.

<b>Item No:</b>	07
<b>Application No:</b>	14/01817/FUL
<b>Site Location:</b>	End Farm, St Catherine Lane, St. Catherine, Bath
<b>Ward:</b> Bathavon North	<b>Parish:</b> St. Catherine
	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Provision of field gate onto St Catherine Lane adjacent to junction with Beek's Lane, allowing access to three agricultural fields east of Beek's Lane, formerly accessed via Beek's Lane (Retrospective) (Resubmission)
<b>Constraints:</b>	Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Greenbelt,
<b>Applicant:</b>	Mr Donald MacIntyre
<b>Expiry Date:</b>	2nd June 2014
<b>Case Officer:</b>	Jonathan Fletcher

**DECISION REFUSE**

1 The proposed access, by reason of the introduction of conflicting traffic movements on St Catherine Lane, the introduction of an additional entrance onto St Catherine Lane creating an intensification in vehicular movements and the substandard surfacing and visibility being proposed for the access, would create a hazard to all road users. The proposal is therefore contrary to the guidance set out in the National Planning Policy Framework 2012 and Policy T.24 of the Bath & North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

**PLANS LIST:**

- SITE LOCATION 1:2500
- SITE LOCATION FIELD GATE
- BLOCK PLAN, ELEVATION AS EXISTING AND PROPOSED
- STOPPING SIGHT DISTANCE
- VERTICAL SIGHT LINES

**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. 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.

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