

## **DEVELOPMENT MANAGEMENT COMMITTEE**

### **Minutes of the Meeting held**

Wednesday, 13th January, 2016, 2.00pm

Councillor Rob Appleyard	- Bath & North East Somerset Council
Councillor Jasper Martin Becker	- Bath & North East Somerset Council
Councillor Paul Crossley	- Bath & North East Somerset Council
Councillor Matthew Davies	- Bath & North East Somerset Council
Councillor Sally Davis (Chairman)	- Bath & North East Somerset Council
Councillor Eleanor Jackson	- Bath & North East Somerset Council
Councillor Les Kew	- Bath & North East Somerset Council
Councillor Bryan Organ	- Bath & North East Somerset Council
Councillor Caroline Roberts	- Bath & North East Somerset Council
Councillor David Veale	- Bath & North East Somerset Council

Also attending: Councillors June Player and Tim Warren

#### **92 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer read out the procedure

#### **93 ELECTION OF VICE CHAIRMAN (IF DESIRED)**

A Vice Chairman was not required

#### **94 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies

#### **95 DECLARATIONS OF INTEREST**

There was none. However, Councillor Eleanor Jackson informed the meeting that, with regard to the planning application at Broad Mead, Broadmead Lane, Keynsham (Report 9), she had served as the Chair of the Scrutiny Panel concerning river travellers. However, she did not have an interest in the application and was simply better informed about the issue.

#### **96 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none

#### **97 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 who would be able to do so when reaching their respective items in Reports 9 and 10

## 98 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were no items from Members. However, the Chairman stated that, with reference to the recent request by Councillor Paul Crossley for these meetings to be webcasted, it had been agreed that this be undertaken as from this March for a trial period of 3 months. Councillor Crossley welcomed the decision.

## 99 MINUTES: 16TH DECEMBER 2015

The Minutes of the previous meeting held on Wednesday 16<sup>th</sup> December 2015 were approved as a correct record and signed by the Chairman, subject to the following amendments:

- 1) In Minute 90 Item 12 relating to 15 Station Road, Keynsham, a sentence being inserted before "The motion was put to the vote ..." as follows: "It was moved by Councillor Les Kew to accept the Officer recommendation which was seconded by Councillor Eleanor Jackson."
- 2) In Minute 90 Item 8 relating to Castle Farm, Midford Road, Midford, the voting be amended to read "8 in favour and 0 against and 0 abstentions."

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

The Committee considered

- The report of the Group Manager – Development Management on an application for planning permission
- An Update Report by the Group Manager on this application, the Report being attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc., the Speakers List being attached as *Appendix 2* to these Minutes

**RESOLVED** that, in accordance with their delegated powers, the application be determined as set out in the Decision List attached as *Appendix 3* to these Minutes

**Broad Mead, Broadmead Lane, Keynsham – Development of land off Broadmead Lane, Keynsham, for a marina which comprises 326 berths and designed to accommodate a variety of craft sizes; a marina facilities building with 24 hour access to toilets, showers and laundry with daytime access to a reception and chandlery; car parking for a maximum of 144 cars will be designed as a series of satellite car parks screened by suitable vegetation; and a tearoom and office included within the facilities building** – The Case Officer reported on this application and her recommendation to refuse permission. She referred to the Update Report which provided further information on ecology and the impact on highway safety and recommended that the wording of the first reason for refusal be amended for clarity purposes.

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

Councillor Bryan Organ, Ward Member on the Committee, commented on the application. He stated that a lot of work had been undertaken on the proposal in

recent years and some of the problems overcome. However, there were still other issues such as ecology that needed to be addressed. This was a leisure proposal and not residential as he had previously thought. Overall, he supported the application but it still required more work. It was a high number of berths and he felt that some monitoring of occupation was needed. Improvements in the area would be good for the river as a whole.

Councillor Paul Crossley agreed with the Officer recommendation and moved refusal of permission. He considered that a number of issues, including parking, ecology and housing displacement, had not been adequately addressed. Some form of masterplan was required for this area of the Broadmead peninsula. The motion was seconded by Councillor Rob Appleyard.

Members debated the motion. It was generally felt that, although the principle of the development could be supported, there still too many issues that required further work. Councillor Jasper Becker raised a couple of issues regarding the loss of existing moorings and the need for a masterplan for this length of the river. A number of Members raised concerns about the loss of existing residential moorings and the consequent effect on the occupants. The Case Officer responded that the loss of moorings had been considered but there were no policies for their protection; the Principal Solicitor advised Members that the human rights of the residents of the moorings should be considered. The Team Manager – Development Management stated that Officers were considering a more strategic approach to the use and development of the river.

After some further discussion regarding two houseboats being included in the application and the loss of moorings, the motion was put to the vote and was carried, 5 voting in favour and 1 against with 4 abstentions.

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

The Committee considered

- A report by the Group Manager – Development Management on various applications for planning permission etc.
- An Update Report on Items 1 and 3, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc. on Items 1-3, a copy of the Speakers List being attached as *Appendix 2* to these Minutes

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

**Item 1 Former Bath Press premises, Lower Bristol Road, Bath – Demolition of existing buildings and redevelopment of the site to provide a residential-led mixed use comprising 244 dwellings (Use Class C3) and 1,485.2sq m GIA flexible employment space (Use Class B1), basement car park, substation, associated landscaping and access** – The Case Officer reported on this application and his recommendation to delegate to permit, namely, subject to the submission of further and satisfactory details about the treatment of the retained

windows in the retained façade fronting Lower Bristol Road and the treatment of the rear of this façade; details of the retained south boundary wall and details of the proposed pedestrian access through this wall; amendments to the windows and balconies to the southernmost housing and flats to safeguard the privacy of existing residents to the south of the site; amendments to the on-site pedestrian links to the new pedestrian access through the southern boundary wall to ensure that there is a ramped access instead of, or in addition to, the steps serving this access; confirmation of the unrestricted pedestrian and cycle routes through the development; and to add, amend or remove conditions as appropriate as a result of the submission of any further or revised information/plans; and (A) authorise the Head of Legal and Democratic Services to enter into a S106 Agreement and a S278 Agreement to secure the requirements set out in the Recommendation on the Main Report and the subsequent Update Report; and (B) subject to the completion of (A), authorise the Group Manager – Development Management to grant permission subject to conditions. The Case Officer also informed Members that there was an additional matter that needed to be agreed with the applicants to the satisfaction of Officers before planning permission was granted, namely, the minimum clearance under the building for access for refuse vehicles, and the S106 Agreement should include provisions to secure a minimum 14% affordable housing delivered in accordance with the Council's Planning Obligations SPD and to ensure that there is permanent public access to the publicly accessible footpaths through the site. It was also possible due to recent alterations to the proposed pedestrian access from the south side of the site which affects a proposed planting area that the financial contributions towards tree planting outside of the site might need to be recalculated. Additional planning conditions should also be added to the planning permission to ensure that the publicly accessible pedestrian/cycle routes are not gated or otherwise enclosed without planning permission and that details of the proposed boundary treatment on the corner of Dorset Close and Lower Bristol Road are submitted for approval. The Case Officer also advised that Condition 34 would require amending as regards facing materials. The Update Report contained information on Parking and comments from the Parks Department and recommended an amended Condition 3.

The applicants' representative made a statement in support of the proposed development which was followed by a statement by the Ward Councillor June Player who objected to the application.

Members asked questions for clarification to which Officers responded. Councillor Paul Crossley opened the debate by moving the Officer recommendation as he considered that it was a good mixed use with partial red brick for materials at the rear and a link to the old building and retained façade. However, he had some concerns regarding the existing clock, the potential for residents of the development to use adjoining parking zones (where Permits were required), and the low level of 14% affordable housing. However, the removal of flat roofs was a good feature but he would like to see more balconies included. The motion was seconded by Councillor Bryan Organ who felt that the development should not be occupied until any new school provision was developed or made available. The Officers responded to some of the points raised. Residents' parking was a scheme operated by Parking Services and it was possible to refuse permits from adjoining areas – Parking Services could be advised accordingly. The parking area for the commercial units could be used by residents at night. Councillor Rob Appleyard expressed concern regarding vehicular egress onto the busy Lower Bristol Road and the houses to be

built opposite the school in Dorset Close as regards dropping off and picking up times. He hoped that the proposed houses would not become HMOs. Despite these concerns, there were numerous benefits of the scheme. The Team Manager – Development Management responded that a yellow hatched box could be painted on the Road to allow vehicular egress from the site; Parking Services would be able to manage any issues arising from the School; and any applications for HMOs would be considered as and when received. Councillor Les Kew rounded off the debate by stating that there were a number of positives from the scheme which was welcomed but that the low level of affordable housing was regrettable. The use of red brick was acceptable and he agreed that the clock should be kept in working order. The Team Manager clarified that the brick to be used was not red and clarified the actual brick to be used as in the Officer's report. She also advised against imposing a Condition to ensure that the clock was kept in working order as such a Condition would not meet the relevant test and suggested that this matter be delegated to the Officer to consider what could reasonably be agreed by Condition. These points were accepted by the mover and seconder.

The motion was put to the vote and was carried, 9 voting in favour and 0 against with 1 abstention.

**Item 2 Parcel 3300 Temple Inn Lane, Temple Cloud – Approval of reserved matters with regard to outline application 13/03562/OUT allowed on appeal on 19.08.15 for 70 dwellings and associated roads, drainage, landscaping, open space, parking, layout, scale and appearance** – The Case Officer reported on this application and his recommendation to grant permission subject to conditions.

The public speakers made their statements against and in favour of the proposals which was followed by a statement by the Ward Councillor Tim Warren.

Members asked questions for clarification to which Officers responded. Concern was expressed regarding the close proximity to an end house on the existing adjoining development, the provision of Grow Spaces and maintenance of the hedgerow and proposed Management Company. It was felt that a bit more work was required and that the Parish Council should be involved in the maintenance issue.

Councillor Paul Crossley moved that the application be deferred to enable negotiations to take place between the applicants and Officers on the long term maintenance of the green space on the site including the Grow Spaces. The motion was seconded by Councillor Les Kew. The Team Manager – Development Management advised that the Unilateral Undertaking, which accompanied the outline permission, required that a Landscape Scheme Management Plan be agreed prior to the development being commenced and that was currently being discussed as covered in the Officer's report. There was no reason for not determining the application at this meeting as the two matters were not linked. She pointed out that the wording in Condition 2 required an amendment for clarity. She suggested that, as the maintenance issue was a separate matter, the Case Officer could enter into negotiations with the developer and report back to the Spokespersons. However, this was not acceptable to Members. There was further debate and the Principal Solicitor advised that it was possible for the Committee to defer the application.

Members debated the motion. There was still concern about the hedgerow and adjoining fence and water supply for the Grow Patches. The Chairman suggested

that the matter could be brought back to Committee at its next meeting to allow the negotiations to take place which was accepted by the mover and seconder.

The motion was then put to the vote and was carried, 8 voting in favour and 1 against.

(Note: Councillor Caroline Roberts was not present for the vote on this matter)

**Item 3 Kings Cottage, Nempnett Street, Nempnett Thrubwell – Change of use of a traditional stone barn and its curtilage to create a 2 bed holiday cottage with associated external works** – The Case Officer reported on this application and her recommendation to refuse permission. She referred to the Update Report which provided amendments to the text of the main report as regards Impact on the Green Belt and on Amenity.

The applicant made a statement in support of the proposal.

Councillor Les Kew moved that the Officer recommendation be overturned and permission granted on the basis that the building was capable of conversion without much reconstruction or major external works and would be in keeping with its surroundings, it would not result in replacement agricultural buildings, and it would not have a materially greater impact than the present use on the openness of the Green Belt. The motion was seconded by Councillor Eleanor Jackson.

Members debated the motion. Councillor Rob Appleyard suggested that a Condition be added to ensure that the holiday lets continued in perpetuity which was accepted by the mover and seconder who therefore amended the motion to Delegate to Officers to grant permission subject to appropriate conditions.

The motion was put to the vote and was carried, 9 voting in favour and 0 against with 1 abstention.

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

The report was noted

The meeting ended at 5.00pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 13<sup>th</sup> January 2016**

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

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address.</b>
001	13/04822/EFUL	Broad Mead Broadmead Lane Keynsham

Following the Members site visit the following further information is provided by Officers:

**Ecology**

It is considered that the proposed development has the potential to cause harm to bats and otters, both of which are European Protected Species ("EPS").

The site is known to be used by otters which also breed close to the site. It is considered that otters may be affected by the proposed development to the extent that an EPS licence is required from Natural England. Impacts upon protected species are a material consideration and the local planning authority needs to be provided with sufficient information to be able to assess the extent to which otters are present and the extent to which they would be affected by the development. If an EPS licence were to be required (which is considered likely) then the local planning authority also has a legal duty to consider the likelihood of a licence being granted. The local planning authority cannot fulfil these duties unless the developer provides sufficient scientific information to enable the relevant assessments to be made. In this case, the information provided by the developer is inadequate and, for that reason, permission should be refused.

With regard to bats, the River Avon is considered to provide functional habitat for bats of the Bath & Bradford on Avon Bats Special Area of Conservation ("SAC") which is protected by European law. Any disturbance to the river habitat may therefore impact upon the bats of the SAC. In summary, and so far as relevant, regulation 61 of the Conservation of Habitats and Species

Regulations 2010 states that, where a project is likely to have a significant effect on a SAC, the local planning authority may grant planning permission only after having ascertained that the proposed development will not adversely affect the integrity of the SAC. Regulation 61(2) states that it is the responsibility of the applicant to provide the local planning authority with such information as it may reasonably require for the purposes of assessing the impact upon the SAC. The information which has been provided by the developer is, again, inadequate so that it is not possible for the local planning authority and Natural England to properly assess the impact on the SAC. Permission should therefore be refused for that reason also.

### **Impact on Highway Safety:**

With respect to the adopted status of road adjoining the site, it can be confirmed that Stidham Lane and Pixash Lane are adopted for their entire length. Broadmead Lane is not adopted beyond its junction with Stidham Lane.

In relation to cycle routes close to the site, the applicant has referred to a cycle route passing through the Broadmead Lane tunnel and along Stidham Lane. The source of the information regarding this route is the [betterbybike.org](http://betterbybike.org) website (which is not a Council website), which shows a route using “quiet roads” from B3116 Bath Road via Unity Road and Broadmead Lane to access the Waitrose Store, or onwards from there via Stidham Lane to Avon Valley Country Park.

It can therefore be confirmed that the route does not form part of the Council’s formal cycle network and has no formal designation.

### **Recommendation:**

Reason for refusal No 1, in order to aid clarity, should be amended to read:

The proposed development, due to a lack of information, would result in an unacceptable risk of harm to the ecology of the River Avon which is a designated Site of Nature Conservation Interest, and an unacceptable risk of harm to protected species including otter and bats, including bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and habitats on which they may depend, which is contrary to Policy NE.9, NE.10, NE.11 and NE.15 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007, and Policy CP6 of the Bath & North East Somerset Core Strategy (2014) along with the policies of the National Planning Policy Framework.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01	15/02162/EFUL	Former Bath Press Premises Lower Bristol Road Bath

### **Parking**

In recent discussions with the applicant's agent it has been clarified that the total number of parking spaces within the site serving the residential accommodation will be 174 rather than 162 referred to within the agenda report in addition to 30 spaces for the employment areas.

### **Parks Department**

Members will note from the comments of the Parks Department within the main agenda that it has been suggested that the central play area could be extended. However, the adjoining land on which it is suggested that the play area could be extended onto is required for the turning of large vehicles, particularly refuse vehicles. In light of this a representative of the Parks Department has made the following comments:

"Previous comments made the suggestion that the Central Avenue Play Space could be extended to the east into the courtyard. I acknowledge that a requirement has been made for this space to be used as a turning area for large refuse vehicles preventing its use as greenspace.

Summary of the greenspace demands and provision from the proposal based on an occupancy of 561 persons:

The development will generate an unmet demand for allotments of 1683m<sup>2</sup>. The proposal provides 1443m<sup>2</sup> of onsite greenspace, the demand generated is 7293m<sup>2</sup>. There is a deficit in the Westmoreland ward of Parks of 4.39ha. Therefore this development generates a demand for greenspace of 5850m<sup>2</sup> which will not be met by existing or proposed greenspace infrastructure.

Following the adoption of funding through the Community Infrastructure Levy, the Council can use these funds for greenspace projects. The unmet demand for greenspace and allotments as a result of this development will need to be funded using CIL."

### **Conclusion**

The clarification of the total number of on-site parking spaces has confirmed that the number of spaces was higher than originally thought and supports the view that there is no objection to the proposal from a highway safety point of view. Also, as any shortfall in open space/allotments can be compensated for by the Community Infrastructure Levy. Accordingly, there is no change to the recommendation on the main agenda.

### **Revised Wording of Condition No.3**

In order to allow demolitions works to commence on site before a sample of the roofing materials is approved the words 'other than demolition works' should be added to the condition so that it reads as follows:

3 No development shall commence other than demolition works until a sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority.

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

### **Section 106 Agreement**

The appointment of a Travel Plan Co-ordinator needs to be secured through the Section 106 Agreement rather than the Section 278 Agreement referred to within the recommendation to permit this application.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
03	15/04391/FUL	Kings Cottage Nempnett Street Nempnett Thrubwell Bristol BS40 8YW

### **AMENDMENTS TO TEXT**

#### **Impact on the Green Belt**

Policy CP8 reflects the guidance given within the NPPF, which considers that the reuse of rural buildings can be a form of not inappropriate development. As the proposal is not considered to comply with policy ET.9, it is considered that it does **not** represent inappropriate development within the Green Belt. Given the modest works to the building, the openness, of the Green Belt is not considered to be harmed as a result of this proposal.

#### **Impact on amenity**

The site is set up from the adjacent road however, the proposed accommodation is single storey and therefore all windows are at first floor level. There is a large hedge along the south western boundary which in part screens the proposal. There are windows proposed in all elevations except the SW elevation immediately adjacent to the road. It is not considered that this proposal would result in an unacceptable loss of privacy to adjacent properties and in particular the property on the other side of the lane.

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

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE MEETING  
OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON WEDNESDAY 13<sup>TH</sup>  
JANUARY 2016**

<b>SITE/REPORT</b>	<b>NAME/REPRESENTING</b>	<b>FOR/AGAINST</b>
<b>SITE VISIT LIST – REPORT 9</b>		
Broad Mead, Broadmead Lane, Keynsham (Pages 59-85)	Jo Donaghue <u>AND</u> Dan Boulden  Chris Whitehouse, Next Phase Developments (Applicants' Agents)	Against – To share 3 minutes  For
<b>MAIN PLANS LIST – REPORT 10</b>		
Former Bath Press Premises, Lower Bristol Road, Bath (Item 1, Pages 89-124)	Jamie Pearson, Meyer Homes (Applicants)	For
Parcel 3300, Temple Inn Lane, Temple Cloud (Item 2, Pages 125-139)	Tony Hooper, Chairman, Cameley Parish Council  Michael Dean  Cecilia Hughes, Barratt Developments (Applicants)	Against  Against  For
Kings Cottage, Nempnett Lane, Nempnett Thrubwell (Item 3, Pages 140-146)	Peter Hellier (Applicant)	For

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**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**13th January 2016**

**Site Visit Decision**

<b>Item No:</b>	001	
<b>Application No:</b>	13/04822/EFUL	
<b>Site Location:</b>	Broad Mead, Broadmead Lane, Keynsham,	
<b>Ward:</b> Keynsham East	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application with an EIA attached	
<b>Proposal:</b>	Development of land off Broadmead Lane, Keynsham, for a marina which comprises: 326 berths and designed to accommodate a variety of craft sizes; a marina facilities building with 24-hour access to toilets, showers and laundry, together with day time access to a reception and chandlery; car parking for a maximum of 144 cars will be designed as a series of satellite car parks screened by suitable vegetation; and a tearoom and office included within the facilities building.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Agric Land Class 3b,4,5, British Waterways Major and EIA, British Waterways Minor and Householders, Coal - Standing Advice Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Greenbelt, Railway, Sites of Nature Conservation Interest,	
<b>Applicant:</b>	Enzygo Limited	
<b>Expiry Date:</b>	25th June 2014	
<b>Case Officer:</b>	Rachel Tadman	

**DECISION REFUSE**

1 The proposed development, due to a lack of information, would result in an unacceptable risk of harm to the ecology of the River Avon which is a designated Site of Nature Conservation Interest, and an unacceptable risk of harm to protected species including otter and bats, including bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and habitats on which they may depend, which is contrary to Policy NE.9, NE.10, NE.11 and NE.15 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007, and Policy CP6 of the Bath & North East Somerset Core Strategy (2014) along with the policies of the National Planning Policy Framework.

2 The proposed development, due to a lack of information, has failed to demonstrate that the development would not have a unacceptable impact on existing trees and hedges, or provide acceptable mitigation or compensation measures, which is considered to be contrary to Policy CP7 of the Bath & North East Somerset Core Strategy (2014) and Policy NE.4 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007.

3 The proposed development, due to the lack of safe pedestrian and cycle routes and being located some distance from the town centre, bus stops and local facilities, would result in a reliance on the private car and represent unsustainable development that is harmful to highway safety which is considered contrary to Policy T1 and T24 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 and the policies within the National Planning Policy Framework.

4 The development would result in the loss of agricultural land designated as Grade 3a as amongst the best and most versatile. In the absence of a justification for the loss of this land this is contrary to Paragraph 112 of the National Planning Policy Framework.

5 The proposed development is considered to represent inappropriate development within the Green Belt that would have a harmful impact on openness and would be contrary to the purposes of including land within it. In the absence of very special circumstances to outweigh this harm the proposal is contrary to Policy CP8 of the Bath & North East Somerset Core Strategy (2014) and the policies within the National Planning Policy Framework.

6 The proposed development, due to its size, design and location, would have a harmful impact on the rural character of the site and the surrounding landscape, and would have a harmful visual impact on the wider landscape particularly in medium and long range views of the site including those from the River Avon Trail, Monarchs Way and Bristol to Bath Cycle Path. It would also have a harmful visual impact on the Green Belt. This is considered to be contrary to Policies D4, NE.1 and GB.2 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 and Policy CP6 of the Bath & North East Somerset Core Strategy (2014).

7 The proposed development would have an unacceptable impact on landscape character and nature conservation interests and would have a detrimental impact on the character and amenity value of the area, potentially giving rise to light pollution, and has also failed to demonstrate that it cannot be located elsewhere. This would be contrary to Policy SR.5 and SR.11 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007.

#### **PLANS LIST:**

PLANS LIST:

This decision relates to drawing nos 2089/006, 2089/007, 2098/008, 2089/009, 2089/010,

1.1

SK21225-007

2089/SCHEME E/001 Rev B, 2089/SCHEME E/002 Rev B, 2089/SCHEME E/003 Rev B, 2089/SCHEME E/004 Rev B, 2089/SCHEME E/005 Rev B, 2089/SCHEME E/011 Rev B, 2089/SCHEME E/014

### 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. 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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**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**13th January 2016**

**Main Agenda Decisions**

<b>Item No:</b>	01	
<b>Application No:</b>	15/02162/EFUL	
<b>Site Location:</b>	Former Bath Press Premises, Lower Bristol Road, Westmoreland, Bath	
<b>Ward:</b> Westmoreland	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application with an EIA attached	
<b>Proposal:</b>	Demolition of existing buildings and redevelopment of the site to provide a residential-led mixed-use development comprising 244 dwellings (Use Class C3) and 1,485.2 square metres (GIA) flexible employment space (Use Class B1), basement car park, substation, associated landscaping and access.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Flood Zone 2, Forest of Avon, HMO Stage 2 test required, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Spennyhill Developments Limited	
<b>Expiry Date:</b>	25th January 2016	
<b>Case Officer:</b>	Andrew Ryall	

**DECISION** Delegate to PERMIT – subject to the receipt of further/revised information, the signing of a S106 Agreement and conditions.

<b>Item No:</b>	02	
<b>Application No:</b>	15/04215/RES	
<b>Site Location:</b>	Parcel 3300, Temple Inn Lane, Temple Cloud, Bristol	
<b>Ward:</b> Mendip	<b>Parish:</b> Cameley	<b>LB Grade:</b> N/A
<b>Application Type:</b>	PI Permission (ApprovalReserved Matters)	
<b>Proposal:</b>	Approval of reserved matters with regard to outline application 13/03562/OUT allowed on appeal on 19.08.2015 for 70 dwellings and associated roads, drainage, landscaping, open space, parking, layout, scale and appearance.	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site, Housing Development Boundary, Public Right of Way, SSSI - Impact Risk Zones, Tree Preservation Order,	

<b>Applicant:</b>	Barratt Homes Bristol
<b>Expiry Date:</b>	29th January 2016
<b>Case Officer:</b>	Chris Gomm

**DECISION**    **Deferred** pending further negotiations.

<b>Item No:</b>	03
<b>Application No:</b>	15/04391/FUL
<b>Site Location:</b>	Kings Cottage, Nempnett Street, Nempnett Thrubwell, Bristol
<b>Ward:</b> Chew Valley South	<b>Parish:</b> Nempnett Thrubwell <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Change of use of a traditional stone barn and its curtilage to create a two bed holiday cottage with associated external works.
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones, Water Source Areas,
<b>Applicant:</b>	Mr & Mrs Peter Hellier
<b>Expiry Date:</b>	15th January 2016
<b>Case Officer:</b>	Christine Moorfield

**DECISION**    **PERMIT**

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

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

2 The development/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.

3 All work of making good of the stone walls shall be finished to match the existing stone walls in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

4 The holiday accommodation shall not be occupied until space has been laid out within the site in accordance with the approved plan for the parking and turning of vehicles, and such area shall not thereafter be used for any purpose other than the parking and turning

of vehicles associated with the development, in accordance with the details of the approved drawings.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

5 The development hereby approved shall not be occupied other than for purposes of holiday accommodation and shall not be let for more than ten months in any calendar year and shall not be let to the same person(s) for more than 28 days in any calendar year, or such other period as may be first approved in writing by the Local Planning Authority, in accordance with written records of letting and occupiers to be available for inspection by the Local Planning Authority if required.

Reason: The Local Planning Authority wish to control occupancy of the development in the interests of residential amenity.

6 The development hereby permitted shall be carried out in accordance with the submitted bat report and the mitigation and compensation measures contained therein. The scheme for the retention of the bats' roost and the retention of the bats' existing accesses, or the provision of alternative roost space and new accesses, as shown shall be carried out only in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

Reason: To safeguard bats and their roosts.

7 The proposed new extension to this barn shall not commence until detailed plans and sections at a scale of 1:10 1:20 have been submitted to and approved by the local planning authority which clearly indicate the construction details of the timber framed extension above the enclosed pen. 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.

#### **PLANS LIST:**

1259-15-001 rev D

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. Following consideration of the issues in relation to this scheme, a positive view of the submitted proposals was taken by the development management committee and officers were authorised to grant permission.

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