

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**6th June 2012**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	12/00722/OUT	
<b>Site Location:</b>	Land Rear Of Holly Farm, Brookside Drive, 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>	Residential development comprising 35 dwellings with associated access, car parking and landscaping (Resubmission)	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site, Housing Development Boundary, Public Right of Way, Safeguarded Land,	
<b>Applicant:</b>	Blue Cedar Homes	
<b>Expiry Date:</b>	13th June 2012	
<b>Case Officer:</b>	Tessa Hampden	

**DECISION**

(A) Application be referred to Secretary of State as a departure from the Development Plan.

(B) Authorise the Planning and Environmental Law Manager to secure an Agreement under Section 106 of the Town and Country Planning Act 1990 as detailed in the report to Committee.

(C) The revocation of the existing S52 Agreement.

(D) Upon completion of the Agreement and the revocation authorise the Development Manager to PERMIT the application subject to conditions:

**REASONS FOR GRANTING APPROVAL:**

1 The proposed development is considered to be acceptable in principle, and it is not considered reasonable to refuse the application on the prematurity grounds. Although the development is not within the Green Belt, policy GB1 applies. The applicant is considered to have provided very special circumstances which allow for a departure from the normal policies of constraint. An acceptable access is to be provided for the development and the scheme is not considered to result in significant harm to highway safety. Although there are concerns with the indicative layout, the concerns can be addressed at reserved matters stage. The development is not considered to result in an increase in flooding, or significantly harm residential amenity. Subject to a satisfactory design, siting and scale, it is considered that the development will integrate successfully with the surrounding area.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the

Policies set out below at A.

A.

IMP1, D2, D4, ET7, GB1, GB2, CF1, CF2, SR1A, SR3, S9, ES14, HG1, HG7, HG8, HG10, NW1,

NE4, NE10, NE11, NE12, BH12, T1, T25, T26, of the Bath & North East Somerset Local Plan

including minerals and waste policies - adopted October 2007.

The developer is advised to contact the development engineer Peter Weston (01225 522157) at Wessex Water to discuss the options above to ensure that the layout of the on site sewers meet existing and imminent legislation

<b>Item No:</b>	02	
<b>Application No:</b>	12/00558/FUL	
<b>Site Location:</b>	Bowling Green And Tennis Courts, Royal Avenue, City Centre, Bath	
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of temporary ice rink 23rd November - 7th January for two consecutive years 2012/13 - 2013/14.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,	
<b>Applicant:</b>	Excel Tennis Ltd	
<b>Expiry Date:</b>	24th April 2012	
<b>Case Officer:</b>	Tessa Hampden	

## DECISION PERMIT

1 The use hereby permitted shall operate only between 23rd November 2012 - 7th January 2013, and 23rd November 2013 - 7th January 2014. The use hereby permitted shall be discontinued and the land reinstated to its use as tennis courts outside of these dates.

Reason: To enable the Local Planning Authority to review the impact of the development in particular in relation to the impact of the development upon the living conditions of neighbouring occupiers.

2 Noise from any amplified music or amplified voices shall not be audible at the nearest noise sensitive property outside the hours of 1000 to 1900 hours on any day.

Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interest of amenity.

3 The use hereby approved shall not be carried on and no customer shall be served or remain on any part of the premises outside the hours of 1000 to 2100 hours on any day.

Reason: To safeguard the amenities of nearby occupiers.

4 No works or deliveries required to implement this permission shall take place outside the hours of 0800 and 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. No works or deliveries shall take place on Sundays or Public Holidays.

Reason: To safeguard the amenities of nearby occupiers.

5 No development shall commence until an Operational Statement has been submitted to and approved in writing by the Local Planning Authority to include details of an emergency 24 hour contact number, a programme of works relating to the setting up and dismantling of the ice rink and other structures, refuse collection, details of associated music facilities, and emergency access. The development shall be carried out in accordance with the approved Operational Statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity of the neighbouring occupiers

6 Noise emissions from the ice rink shall not exceed 55 dB LAeq (30min) at the nearest noise sensitive premises.

Reason: In the interest of residential amenity.

7 At all times during the operation of the ice rink, the noise mitigation measures detailed in section 9 of Environmental Noise Report dated February 2012 shall be fully complied with.

Reason: In the interest of residential amenity

8 No development shall take place on site until details of the external lighting to be installed on the site have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include details of the measures to be taken in order to prevent the spillage of light beyond the site boundaries and the lighting shall thereafter be installed and maintained in accordance with the approved plans. No additional lighting shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of local residents and in order to safeguard the character and appearance of this part of the Conservation Area and World Heritage Site.

9 The external lighting approved under condition No 8, with the exception of the scheme for security lighting, shall not be used outside the hours of 1000 to 2130 hours on any day.

Reason: To protect the amenity of nearby occupiers and the character and appearance of this part of the Conservation Area and World Heritage Site.

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

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

**PLANS LIST:** 3515/002, 3515/003, 3515/010, 3515/011, 3515/15, 3515/016, design and access statement and environmental noise report date stamped 6th February 2012

#### REASONS FOR GRANTING APPROVAL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A Bath and North East Somerset Local Plan (including minerals and wastes) adopted October, D.2, D.4, S.6, S.7 BH.1, BH.2, BH.6, BH22, NE5, NE11, NE13a T.24, T26, ES12

Subject to conditions, the development is not considered to result in a detrimental impact upon the living conditions of neighbouring occupiers. Given the temporary nature of the development, there is not considered to be significant harm to the character and appearance of this part of the City of Bath Conservation Area, the setting of listed buildings, or the wider World Heritage Site. Given the sustainable location there are not considered to be any significant issues with regards to highway safety. No other significant issues have arisen as a result of the proposed development.

<b>Item No:</b>	03	
<b>Application No:</b>	12/00426/FUL	
<b>Site Location:</b>	Parcel 1100, Compton Martin Road, West Harptree, Bristol	
<b>Ward:</b> Mendip	<b>Parish:</b> West Harptree	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use of land from agricultural (Sui Generis) to the keeping of horses (Sui Generis) and erection of stables and formation of replacement access and track.	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,	
<b>Applicant:</b>	Mr Richard Curry	
<b>Expiry Date:</b>	16th April 2012	
<b>Case Officer:</b>	Tessa Hampden	

**DECISION REFUSE**

1 Due to the size of the stables, the development has the potential to have a similar impact as a commercial enterprise, and the noise and disturbance resulting from the use of the stables and the track in close proximity to the neighbouring dwelling is considered to result in undue harm to these neighbouring occupiers. The development is therefore considered to be contrary to policy D2 of the Bath and North East Somerset Local Plan, October 2007

**PLANS LIST:** PL 2995/2A, PL3045/1A, PL2995/5, PL3045/3A, PL2995/3A, PL2995/4 date stamped 20th February 2012 and PL3045/3A date stamped 27th January 2012

<b>Item No:</b>	04	
<b>Application No:</b>	12/00107/FUL	
<b>Site Location:</b>	Designer Composites, Fosseway, Westfield, Midsomer Norton	
<b>Ward:</b> Westfield	<b>Parish:</b> Westfield	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 4no. four bed detached dwellings, 2no. two bed detached dwellings and 1no. three bedroom detached dwelling following demolition of existing industrial buildings.	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, General Development Site, Housing Development Boundary, Tree Preservation Order,	
<b>Applicant:</b>	Oval Estates (Bath) Limited	
<b>Expiry Date:</b>	7th March 2012	
<b>Case Officer:</b>	Rebecca Roberts	

## DECISION

A. Authorise the Planning and Environmental Law Manager to prepare an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure ; - a contribution of £9,923.72 for education and £10,084.80 for Highways.

B. Upon completion of the Agreement authorise the Development Manager to PERMIT the application subject to the following conditions:-

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

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

2 No development shall commence 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.

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

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

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

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

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or

without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

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

8 The garage(s) hereby approved shall be retained for the purpose of parking a motor vehicle(s) associated with the dwelling.

Reason: To retain adequate off-street parking provision.

9 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 ORD-002, ORD-008, ORD-009, ORD-001 and the design and access statement date stamped 21st December 2011. Drawing no. ORD-006 date stamped 11th January 2012 and ORD-002 Rev D, RD00007A, RD00007A, RD00008A and RD00012A date stamped 28th May 2012.

#### REASONS FOR GRANTING APPROVAL

1. The proposed development is considered acceptable in terms of design, layout, scale and siting and is considered to have a neutral impact on the local built environment in this locality.

The proposed development is not considered to cause significant harm to the amenity of neighbouring occupiers.

The proposed development is not considered to impact highway safety in this locality and provides adequate parking and turning in accordance with the Local Plan.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

SC.1 - Settlement Classification

HG.4 - Residential Development in the urban areas and R.1 settlements

CF.3 - Contributions from new development to community facilities

D.2 - General Design and public realm considerations

D.4 - Townscape considerations

NE1 - Landscape character

T24 - General development control and access policy

T26 - On site parking and servicing provision

of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

SV1 - Somer Valley Spatial Strategy (replaces policy HG.4)

D.2, D.4, CF.3, NE.1, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

National Planning Policy Framework (March 2012) should be awarded significant weight, however this proposes little change to the policies of the Local Plan that are relevant to this application.

**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).

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to the Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of the Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

<b>Item No:</b>	05	
<b>Application No:</b>	12/01627/FUL	
<b>Site Location:</b>	17 Lockingwell Road, Keynsham, Bristol, Bath And North East Somerset	
<b>Ward:</b> Keynsham North	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a two storey side and single storey side/rear extension (Resubmission)	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,	
<b>Applicant:</b>	Mr B Pollock	
<b>Expiry Date:</b>	20th June 2012	
<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 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

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

3 The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

4 The area allocated for access and parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

5 Any entrance gates erected or maintained within the site access shall be hung to open away from the highway only and shall not be capable of opening out over any part of the public highway, including footway.

Reason: In the interests of highway safety and amenity.

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

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

**PLANS LIST:** BLOCK PLAN, EXISTING AND PROPOSED ELEVATIONS, EXISTING AND PROPOSED PLANS, SITE LOCATION PLAN received 11 April 2012.

#### REASONS FOR GRANTING APPROVAL

1. The proposed development is considered to be of an acceptable siting, scale, size and design and uses appropriate material which complements the design of the existing dwelling and would not be visually detrimental to the character and appearance of the street scene. The proposal is not considered to have a detrimental impact on the residential amenity of the occupiers of the neighbouring properties.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.1: Impact of development on World Heritage Site of Bath or its setting.

Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

Bath & North East Somerset Draft Core Strategy - December 2010. Consideration has also been given to the Bath & North East Somerset Draft Core Strategy however only limited weight can be attached to this document until it is formally adopted.

The National Planning Policy Framework was published on 27 March 2012 and has been considered in relation to this application. The NPPF guidance in respect of the issues which this particular application raises is in accordance with the Local Plan policies set out above.

<b>Item No:</b>	06	
<b>Application No:</b>	12/01706/FUL	
<b>Site Location:</b>	9 Old Newbridge Hill, Newbridge, Bath, BA1 3LX	
<b>Ward:</b> Newbridge	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Provision of a loft conversion including side dormers (revised resubmission).	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,	
<b>Applicant:</b>	Mr George And Mrs Joanne Rowntree	
<b>Expiry Date:</b>	18th June 2012	
<b>Case Officer:</b>	Jonathan Fletcher	

## **DECISION REFUSE**

1 The proposed side dormer windows, by reason of their design, scale, massing and prominent siting, would have a detrimental impact on the character and appearance of the host building and the street scene contrary to policies D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

**PLANS LIST:**01 A received 13 April 2012.