

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**13th March 2013**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	12/03335/FUL	
<b>Site Location:</b>	Abbey Church Of St Peter & St Paul, Abbey Churchyard, City Centre, Bath	
<b>Ward:</b> Abbey	<b>Parish:</b> N/A	<b>LB Grade:</b> I
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Provision of improved public and ancillary support facilities to Bath Abbey, alterations to 8-13 Kingston Buildings, basement of Abbey Chambers, the 1920s Jackson Extension to Bath Abbey, the Clergy Vestry and adjoining vaults and cellars south of the Abbey, creation of newly excavated below ground spaces north of Kingston Buildings and below the Jackson Extension, associated landscape improvement works to the public realm and to the garden north of the Seventh Day Adventist chapel	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, Prime Shop Front, World Heritage Site,	
<b>Applicant:</b>	Bath Abbey	
<b>Expiry Date:</b>	27th September 2012	
<b>Case Officer:</b>	Rachel Tadman	

**DECISION** Authorise the Development Manger to permit subject to conditions

1. The submission of additional information to clarify the proposed structural work and the thermal upgrading within Kingston Buildings.
2. Attaching appropriate conditions.
3. Awaiting the consultation period to lapse on the 28th March 2013 and no further material considerations being raised in representations received subsequent to the Committee meeting which have not been considered during the processing of this application which may indicate a required change to the recommendation.

<b>Item No:</b>	02
<b>Application No:</b>	12/03336/LBA
<b>Site Location:</b>	Abbey Church Of St Peter & St Paul, Abbey Churchyard, City Centre, Bath
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> I
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Internal and external alterations for the provision of improved public and ancillary support facilities to Bath Abbey, alterations to 8-13 Kingston Buildings, basement of Abbey Chambers, the 1920s Jackson Extension to Bath Abbey, the Clergy Vestry and adjoining vaults and cellars south of the Abbey, creation of newly excavated below ground spaces north of Kingston Buildings and below the Jackson Extension, associated landscape improvement works to the public realm and to the garden north of the Seventh Day Adventist chapel
<b>Constraints:</b>	Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, Prime Shop Front, World Heritage Site,
<b>Applicant:</b>	Bath Abbey
<b>Expiry Date:</b>	27th September 2012
<b>Case Officer:</b>	Lisa Bartlett

**DECISION** Authorise the Development Manger to Consent subject to conditions

1. The submission of additional information to clarify the proposed structural work and the thermal upgrading within Kingston Buildings.
2. Attaching appropriate conditions.

<b>Item No:</b>	03
<b>Application No:</b>	12/05418/FUL
<b>Site Location:</b>	St Peter's Factory, Wells Road, Westfield, Radstock
<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 foodstore and petrol filling station with associated development.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, General Development Site, Tree Preservation Order,
<b>Applicant:</b>	Sainsbury's Supermarkets Ltd & CFH Total Document Management
<b>Expiry Date:</b>	10th April 2013

<b>Case Officer:</b> Sarah James
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## **DECISION REFUSE**

1 The proposed development is not in accordance with the requirements of the sequential approach to development contrary to the Bath and North East Somerset adopted Local Plan Policy S4, Joint Replacement Structure Plan Policy 40, and paragraphs 24 and 27 of the National Planning Policy Framework. The development would as a result be harmful to the Council's retail strategy.

2 The proposed development would give rise to an unacceptable and significant adverse impact on the vitality and viability of the Midsomer Norton Town centre and a clear adverse impact on the Radstock town centre contrary to Policies S1 and S4, of the adopted Bath and North East Somerset Local Plan, Joint Replacement Structure Plan Policies 38 and 40 and paragraph 27 of the National Planning Policy Framework.

3 Inadequate information has been submitted to demonstrate that surface water run off from the site can be properly and appropriately discharged contrary to Policy ES5 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007, paragraph 103 of the National Planning Policy Framework and the advice contained within the NPPF Technical Guidance on flood risk.

4 The proposed development would result in the removal of existing trees and woodland whereby inadequate mitigation planting is proposed. This woodland provides important habitat and its removal would be harmful to ecology and visual amenity contrary to Policy NE4, NE12, D4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 and paragraph 118 of the National Planning Policy Framework.

5 The proposed development by virtue of its layout, inadequate landscaping and poor relationship with off site development would be harmful to the residential amenities of adjoining occupiers and the visual amenities of the area contrary to planning policies D2 and D4 of the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 and paragraphs 58 and 64 of the National Planning Policy Framework.

### **PLANS LIST:**

31080-139 PL002 A, 31080-139 PL003 C, 31080-139 PL004 A, 31080-139 PL005 A, 31080-139 PL006 A, 31080-139 PL007 A, 31080-139 PL0010 A, 31080-139 PL0011 A, 31080-139 PL012 A, 31080-139 PL0013 A, 31080-139 PL0014 A, 40141\_LP(90)001 A, 40141\_LP(90)002 B, 40141\_LP(90)003 A, 40141\_LP(90)004 A, 40141\_LP(90)005 A, 40141\_LP(90)006 B, 40141\_LP(90)007 B, 40141\_LP(90)008 B, 40141\_LP(90)009, 916-01, 916-02, 916-03, 31080-139 PL008 B, 31080-139 PL009 B, 69/11, 04/13

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding the advice that was provided to the applicant in connection with this current application at pre-application stage and discussions in relation to the issues arising during the

consideration of the current planning application whereby the unacceptable nature of the proposals have been clearly conveyed to the applicant, and the applicant has been offered opportunities to meet to discuss those concerns both on site and at the office, the applicant has chosen to pursue the development in its current form and has chosen not to withdraw the application. Consequently and having regard to the need to avoid unnecessary delay the Local Planning Authority has moved forward and issued its decision.

<b>Item No:</b>	04	
<b>Application No:</b>	12/04238/OUT	
<b>Site Location:</b>	Parcel 3567, Stitchings Shord Lane, Bishop Sutton, Bristol	
<b>Ward:</b> Chew Valley South	<b>Parish:</b> Stowey Sutton	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Erection of 35no. dwellings and associated infrastructure.	
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Greenfield site, Water Source Areas,	
<b>Applicant:</b>	Edward Ware Homes Ltd	
<b>Expiry Date:</b>	8th January 2013	
<b>Case Officer:</b>	Daniel Stone	

**DECISION** Authorise the Development Manager, in consultation with the Planning and Environmental Law Manager, to enter into a section 106 agreement as follows

#### Transport

1. Contributions of £16,000 towards the upgrading of local bus-stops (raised kerbing, real-time info.) - £16,000
2. Contributions of £4,000 towards an improved pedestrian crossing facility of the A368 (on route to local facilities) to address the severance effect of Wick Road.
3. Contributions of £7,289.60 - strategic transport schemes within the Authority

#### Affordable Housing

4. The provision, on site, of 35% Affordable Housing the housing mix to be agreed in writing with Bath and North East Somerset Council

#### Open Space and Recreational Facilities

5. Contributions to fund the provision of formal open space and allotments off-site to serve the population, and fund the maintenance of any open space provided within the development, the amount of the contribution to be calculated prior to reserved matters

consent being granted in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be paid prior to the occupation of the development.

6. A landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. This shall set out ongoing management objectives for any green community space and areas of retained and new planting provided within the development and not to be adopted by the Local Authority, shall indicate the areas to be managed and set out the scope, timing and frequency of specific maintenance operations to achieve these objectives.

#### Education

7. Contributions to fund the need for primary and secondary school places and Youth Services provision places arising from the development, the amount of the contribution to be calculated prior to reserved matters consent being granted and calculated in accordance with the Supplementary Planning Document entitled Planning Obligations, adopted July 2009. The agreed contributions shall be provided prior to the commencement of development.

Upon completion of the Agreement, authorise the Development Manager to Permit subject to the following conditions:-

1 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.

2 Approval of the details of the (a) layout, (b) scale, (c) appearance, and (e) landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

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).

3 The proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

4 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.

5 Plans showing access, parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All areas shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and constructed to the satisfaction of the Local Planning Authority before the dwellings are occupied 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.

6 The garaging 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.

7 Prior to the commencement of the development,

a.) 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, construction access, wheel wash arrangements and traffic management procedures. The development shall thereafter be carried out in full accordance with the physical and procedural measures set out in the approved Construction Management Plan.

b.) A photographic condition survey (annotated to a survey plan) shall be carried out recording the condition of the construction approach roads to the site (within 400 metres of the site) prior to the commencement of development. The survey shall be submitted to and approved in writing by the Local Planning Authority. All damage resulting from development shall be made good in accordance with details and a timetable submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the safe operation and ongoing condition of the highway.

8 Prior to the commencement of development, the intrusive investigation works recommended within Section 5 of the Coal Mining Risk Assessment shall be implemented in full. In the event that the site investigations confirm that remedial works are required to treat any areas of shallow mine workings, and/or any other mitigation measures (e.g. gas protection) to ensure the safety and stability of the proposed development, these works should also be undertaken prior to commencement of development, in accordance with details submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of ensuring that land stability issues are dealt with properly, in the interests of health and safety.

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

- (i) Wildlife friendly planting including native planting to strengthen retained hedgerows
- (ii) Habitat creation including provision of rough grassland
- (iii) details of long term habitat and hedgerow management
- (iv) findings of pre-commencement checks and details any resulting precautionary measures for the protection of wildlife
- (v) Measures to enhance the value of the site to bats and birds
- (vi) Details of all other ecological mitigation and enhancement measures as appropriate

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

Reason: In order to safeguard protected species at and around the site.

10 No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains.

11 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains.

12 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in

accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

13 Development shall not commence until a drainage design for each plot or parcel of land, incorporating 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. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

i. The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).

ii. A clearly labelled drainage layout plan should be submitted showing the pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes. Confirmation of the agreed discharge rate, with any flow control devices

iii. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing.

iv. Adoption and maintenance of the drainage system must be addressed and stated.

v. Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

REASON: To prevent the increased risk of flooding and to improve water quality.

## **PLANS LIST:**

This decision relates to drawing nos:

- 725/101E ILLUSTRATIVE SITE PLAN
- 725/102E ILLUSTRATIVE MASTER PLAN
- 725/103A PROPOSED SITE ACCESS PLAN
- 725/110 EXISTING AND PROPOSED SECTION AA
- 725/111 EXISTING AND PROPOSED SECTION BB
- 725/112 EXISTING AND PROPOSED SECTION CC
- 725/113 EXISTING AND PROPOSED SECTION DD
- 725/114 EXISTING AND PROPOSED SECTION EE
- 725/100 SITE LOCATION PLAN
- WESSEX WATER PLAN



- AFFORDABLE HOUSING STATEMENT
- ARBORICULTURAL REPORT
- ARCHAEOLOGICAL ASSESSMENT
- CFSH PRE-ASSESSMENT
- DESIGN & ACCESS STATEMENT
- ECOLOGICAL SURVEY
- ENERGY & SUSTAINABILITY STATEMENT
- FLOOD RISK ASSESSMENT
- HOUSING LAND SUPPLY ASSESSMENT
- LANDSCAPE AND VISUAL IMPACT ASSESSMENT
- PLANNING STATEMENT
- STATEMENT OF COMMUNITY INVOLVEMENT
- TRANSPORT STATEMENT
- COAL MINING RISK ASSESSMENT
- AGENT - E-MAIL RE: ARCHAEOLOGICAL DESK-B...
- ARCHAEOLOGICAL DESK-BASED ASSESSMENT
- REPTILE SURVEY
- FLOOD RISK ASSESSMENT ADDENDUM dated 12th December 2012

### **Coal Mining and Land Stability Issues**

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <http://coal.decc.gov.uk/en/coal/cms/services/permits/permits.aspx>

### **Public Right of Way**

The development proposal affects the line of a public right of way and wherever possible the integrity of the way should be retained. In circumstances where there is no alternative other than to attempt to stop up or divert the way to enable the development to be carried out, early negotiations with the Authority to secure an order is advised. The route should be safeguarded throughout the whole of the order making process, which can be lengthy and the outcome of this is not guaranteed.

### **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. For the reasons given, and expanded upon in the case officer's report, a positive view of the submitted proposals was taken and consent was granted.

### **Reasons for Decision**

Taking account of Section 38(6) of the Planning and Compulsory Purchase Act 2004, it has been concluded that the development accords with the National Planning Policy

Framework - March 2012 and all other material planning considerations including those listed below and emerging Development Plan policies.

The site falls outside of the adopted development boundary and the proposals were considered contrary to policies SC.1 and HG.4 of the Adopted Local Plan and policy RA1 of the submission draft Core Strategy. However, the Authority is presently unable to demonstrate a 5-year-housing land supply, and the authority neither has an Adopted Core Strategy or up-to-date Local Plan. Therefore, in accordance with the guidance in the National Planning Policy Framework the application is to be considered against the policies in the NPPF, with consent being granted unless there are any adverse impacts in doing so that would "significantly or demonstrably outweigh the benefits of the scheme".

In this case the development would give rise to locally significant landscape harm, due to its location on a greenfield site beyond the established footprint of the settlement. However the adverse impacts of the development would not significantly or demonstrably outweigh the benefits of the scheme in terms of the delivery of housing and therefore, in accordance with national policy, the application has been approved.

**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).

**Drainage and Riparian water rights**

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. Applicants or developers should be made aware of their responsibilities to ensure that the operations do not interfere with riparian owner's common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licenses, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.

<b>Item No:</b>	05
<b>Application No:</b>	12/05279/FUL
<b>Site Location:</b>	Parcel 9181, Wick Road, Bishop Sutton, Bristol
<b>Ward:</b> Chew Valley South	<b>Parish:</b> Stowey Sutton <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of 41 no. two, three, four and five bedroom dwellings including 14 no. affordable housing units along with the provision of informal public open space, vehicular access from the A368, landscaping and drainage.
<b>Constraints:</b>	Airport Safeguarding Zones, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Greenbelt, Greenfield site, Public Right of Way, Water Source Areas,
<b>Applicant:</b>	Barratt Homes (Bristol) Ltd And Messrs
<b>Expiry Date:</b>	5th March 2013
<b>Case Officer:</b>	Richard Stott

## **DECISION REFUSE**

1 The proposed development, together with other permitted development and development reasonably expected to come forward through the Core Strategy Plan period (2011 - 2029) would result in an excessive scale of development and set an unsustainable trajectory of growth for what is a small village with relatively few facilities. As such the proposed development would be contrary to policies RA1, DW1 of the Schedule of Proposed Changes to the Submitted Core Strategy March 2013, saved policies SC.1 and HG.4 of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007, and the guidance set out in the National Planning Policy Framework.

2 The proposed development would have an unacceptable and unsafe pedestrian link with the centre of the village (and school) by virtue of the lack of a formal crossing on the A368 and the lack of pavements of adequate width between Gordon Cottage and the Methodist church. As such, the proposed development would be contrary to saved policies T.1, T.3 and T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007 and the guidance set out in the National Planning Policy Framework.

3 The application, which proposes achieving Code for Sustainable Homes level 3 would be contrary to policy CP2 of the Schedule of Proposed Changes to the Submitted Core Strategy March 2013

4 Due to its design, layout, the treatment of parking and parking areas and creation of spaces between buildings, the proposed development would fail to respond adequately to the local context and character of Bishop Sutton, introducing a suburban form of development which would not reinforce the distinctive rural characteristics of the village. Furthermore insufficient information has been submitted as to how the boundary hedges which are of landscape and ecological value will be managed, maintained and protected over the long-term. As such, the proposed development would be contrary to saved policies NE.4, NE.12, D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007, policy CP6 of the Schedule of Proposed Changes to the Submitted Core Strategy March 2013 and the guidance set out in the National Planning Policy Framework.

5 Insufficient information has been submitted to demonstrate that the development would not exacerbate flooding and drainage problems in the vicinity of the detention pond. As such, the proposed development would be contrary to saved policies ES.5 of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007, policy CP5 of the Schedule of Proposed Changes to the Submitted Core Strategy March 2013 and the guidance set out in the National Planning Policy Framework.

6 The development by virtue of the siting of plot 33 and its proximity and relationship with neighbouring properties, would result in an unacceptable loss of privacy and amenity for the occupiers of Highland Villas and the future occupiers of plot 33. As such, the proposed development would be contrary to saved policy D.2 (f) of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007.

## **PLANS LIST:**

This decision relates to the documents and drawings date stamped as follows:

28th November 2012:

- APPLICATION FORM and SITE LOCATION PLAN

4th December 2012:

- AFFORDABLE HOUSING STATEMENT, ARBORICULTURAL CONSTRAINTS REPORT, ARCHAEOLOGICAL DESK-BASED ASSESSMENT, B&NES VALIDATION CHECKLIST, DESIGN & ACCESS STATEMENT, DRAFT HEADS OF TERMS S106, DRAINAGE STATEMENT, ECOLOGICAL REPORT  
GEOTECHNICAL INVESTIGATION AND CONTAMINATED LAND REPORT, HOUSING LAND SUPPLY ASSESSMENT, LANDSCAPE & VISUAL ASSESSMENT, PLANNING STATEMENT, REQUEST FOR A SCREENING OPINION, STATEMENT OF COMMUNITY INVOLVEMENT, SUPERSEDED - FLOOD RISK ASSESSMENT, SUPERSEDED - PARKING SCHEDULE, SUSTAINABILITY STATEMENT, SUSTAINABLE CONSTRUCTION CHECKLIST and the TRANSPORT STATEMENT

Drawings:

- 0475-100, 0475-106, 0475-109, 0475-110, 0475-200, 0475-201, 0475-202, 0475-203, 0475-204, 0475-205, 0475-206, 0475-207, 0475-208, 0475-209, 0475-210, 0475-211,

0475-212, 0475-213, 0475-214, 0475-215, 0475-216, 0475-217, 0475-218, 0475-219, 0475-220, 0475-221, 0475-222, 0475-223, 0475-224, 0475-225, 0475-226, 0475-227, 0475-228, 0475-229, 0475-230, 0475-231, 0475-232, 0475-233, 0475-234, 0475-235, 0475-236, 0475-237, 0475-302, 0475-320, 0475-321 A, BRS.3841\_05, BRS.3841\_12, BRS.3841\_13 and D28 18 P3

14th December 2012:

- WESSEX WATER PLAN

17th January 2013:

- Drawings BRS 3841\_11A, BRS 3841\_13A, SK03 REV A

5th February 2013:

- Drawing SK03 A

8th February 2013:

- REVISED FLOOD RISK ASSESSMENT, REVISED PARKING SCHEDULE

- Drawings 0475-102 C, 0475-103 C, 0475-104 C, 0475-105 C, 0475-107 C, 0475-108 C, 0475-320 D, 0475-321 B, BRS 3841\_13B

#### INFORMATIVE PUBLIC RIGHTS OF WAY

Clause 10 of the Draft Growth and Infrastructure Bill is to amend section 257 of the Town and Country Planning Act, 1990 to enable the authority to make a rights of way order where it is satisfied that an application for planning permission has been made. The measure will enable the rights of way order to be considered alongside the planning application, instead of having to wait until after planning permission has been granted.

#### CONTAMINATED LAND

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.

Gas monitoring and risk assessment should be carried out in accordance with CIRIA C665. Any gas protection measures required shall be proposed in accordance with the appropriate guidance. A Verification Report of the installed gas protection measures shall be submitted to the Local Planning Authority for consideration

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).

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#### LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

#### BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

- o D.2 General design and public realm considerations
- o D.4 Townscape Considerations
- o IMP.1 Planning obligations
- o CF.3 Contributions from new development to community facilities
- o SR.3: Provision of recreational facilities to meet the needs of new developments
- o BH.12 Important archaeological remains
- o HG.4 Residential Development in R.1 Settlements
- o HG.7 Minimum residential density
- o HG.8: Affordable Housing on allocated and large windfall sites
- o HG.10 Housing Outside Settlements
- o GB.1 Control of Development in the Green Belt
- o GB.2 Visual amenities of the Green Belt
- o ES.5 Foul and surface water drainage
- o ES.12 Noise and Vibration
- o NE.1 Landscape character
- o NE.4: Trees and woodland conservation
- o NE.10 Nationally important species and habitats
- o NE.11 Locally important species & habitats
- o NE.12 Natural features: retention, new provision and management
- o NE.14 Flood Risk
- o T.1 Overarching access policy
- o T.3 Promotion of walking and use of public transport
- o T.24 General development control and access policy
- o T.26 On-site parking and servicing provision

#### BATH AND NORTH EAST, SOMERSET, BRISTOL, NORTH SOMERSET, SOUTH GLOUCESTERSHIRE JOINT REPLACEMENT STRUCTURE PLAN (ADOPTED SEPTEMBER 2002)

- o Policy 1 Sustainable Development
- o Policy 17 Landscape Character
- o Policy 54 Car Parking

#### DRAFT CORE STRATEGY, MAY 2011

The Draft core strategy is currently suspended following an Examination in Public however remains a material consideration. At this stage the Core Strategy has limited weight but

should be read in conjunction with ID28, the Inspector's Preliminary Conclusions on Strategic Matters and Way Forward, June 2012:  
Chapter 3, Rural Areas of ID28 is pertinent to this application

Draft Core Strategy Policies:

- o RA1 - Development in the Villages meeting the listed criteria
- o RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
- o CP2 - Sustainable Construction
- o CP6 Environmental Quality
- o CP8 Green Belt
- o CP9 - Affordable Housing
- o CP10 - Housing Mix
- o CP13 - Infrastructure Provision

#### SUPPLEMENTARY PLANNING GUIDANCE

- o Planning Obligations Supplementary Planning Document, Adopted July 2009
- o Mendip Hills AONB Management Plan 2009 -2014
- o Rural Landscapes of Bath and North East Somerset - A Landscape Character Assessment, April 2003

#### NATIONAL PLANNING POLICY FRAMEWORK

The NPPF came into effect on the 27th March 2012 replacing all previous Planning Policy Statements (PPS's) and Guidance Notes (PPG's). The NPPF is of primary consideration in the determination of this application.

In the case of the B&NES Local Plan, although adopted in 2007 this was made in accordance with 1990 Town and Country Planning Act and therefore Para 215 of the NPPF is applicable where it is stated "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

<b>Item No:</b>	06	
<b>Application No:</b>	12/04834/FUL	
<b>Site Location:</b>	Pack Horse Farm, Old Midford Road, Midford, Bath	
<b>Ward:</b> Bathavon South	<b>Parish:</b> South Stoke	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use of land to equestrian, retention of 2no. mobile stable units for current DIY livery business and conversion of existing outdoor turnout area/starvation paddock to an all-weather riding arena (revised resubmission).	

<b>Constraints:</b>	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Greenbelt, Listed Building, Water Source Areas,
<b>Applicant:</b>	Mr Robert Barrett
<b>Expiry Date:</b>	11th February 2013
<b>Case Officer:</b>	Rachel Tadman

**DECISION** Delegate to permit subject to appropriate conditions

**PLANS LIST:**

This decision relates to drawing nos 035 004 Rev C, 035 002 Rev D, 035 011, 035 012, Longcross Stables 05, S4926/001 A, S4926/100.

<b>Item No:</b>	07
<b>Application No:</b>	13/00154/REG03
<b>Site Location:</b>	City Of Bath College, Avon Street, City Centre, Bath
<b>Ward:</b> Abbey	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Regulation 3 Application
<b>Proposal:</b>	Installation of a public sculpture and plinth.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
<b>Applicant:</b>	Bath And North East Somerset Council
<b>Expiry Date:</b>	26th March 2013
<b>Case Officer:</b>	Tessa Hampden

**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.

**PLANS LIST:**



Plan: 1133/03 date stamped 25 Jan 2013 and 1133/03A date stamped 25th February 2013 and Design Statement date stamped 14th January 2013

## 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 & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

BH.1 World Heritage Site

BH.6 Conservation Area

2. All other material considerations, including the views of third parties, have been considered and they do not outweigh the reasons for approving the proposed development.

3. The relocation of this art installation which is currently in situ has been carefully sited and designed so as not to adversely harm the setting of the character and appearance of this part of the Conservation Area or setting of the wider World Heritage Site. The development does not impact upon highway safety.

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