

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

31st July 2013

DECISIONS

Item No:	01	
Application No:	13/01965/FUL	
Site Location:	Old Colliery Yard, Wick Lane, Pensford, Bristol	
Ward: Clutton	Parish: Stanton Drew	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Use of land for 12 pitches for Gypsy and Traveller use with associated works - 12 dayrooms and hardstanding (resubmission).	
Constraints:	Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Sites of Nature Conservation Imp (SN), Tree Preservation Order,	
Applicant:	Mr T Smart	
Expiry Date:	7th August 2013	
Case Officer:	Jonathan Fletcher	

DECISION REFUSE

1 The proposed Gypsy and Traveller site would constitute an inappropriate form of development within the green belt which would conflict with the purpose of safeguarding the open countryside from encroachment and would be detrimental to the openness of the green belt and the character of the area. No very special circumstances have been demonstrated which would serve to clearly outweigh the harm to the green belt and other areas of identified harm and therefore the proposal is contrary to policies GB.1, GB.2 and NE.1 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007 and the guidance within Planning Policy for Traveller Sites 2012 and the National Planning Policy Framework 2012.

2 The proposed Gypsy and Traveller site, by reason of the unsustainable location of the site which is remote from local services and public transport, would lead to future occupiers of the site being dependent on private car journeys contrary to policies HG.16 and T.1 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007 and the guidance within the National Planning Policy Framework 2012.

3 The proposed Gypsy and Traveller site, by reason of the intensification of the use of an access with substandard visibility and the increased number of vehicular movements on a section of the highway with restricted width carriageways and substandard visibility, would have an adverse impact on highway safety contrary to policy T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

4 Insufficient information has been submitted to demonstrate that the proposal would not have an adverse impact on the ecological interest of the site contrary to policies NE9, NE.10, NE.11 and NE.12 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

5 Insufficient information has been submitted to demonstrate that the proposed development would not be adversely affected by potential sources of land contamination on the site contrary to policy ES.15 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

6 Insufficient information has been submitted to demonstrate that the proposed development and adjacent sites would not be adversely affected by the potential dangers from land instability contrary to policy ES.14 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

7 Insufficient information has been submitted to demonstrate that the proposed development would not be adversely affected by flood risk contrary to the guidance within the National Planning Policy Framework 2012.

PLANS LIST:

1271/01, 1271/02a, 1271/03, 1271/04, 1271/05, 1271/06 received 08 May 2013.

1271/SP received 02 July 2013.

Item No:	02			
Application No:	12/05477/OUT			
Site Location:	Land Between Hillside View And Bath Road, Greenlands Road, Peasedown St. John, Bath			
Ward:	Peasedown St John	Parish:	Peasedown St John	LB
Grade:	N/A			
Application Type:	Outline Application			
Proposal:	Erection of 89 dwellings (72 houses/17 flats) and 288 sq m of Class B1 floorspace. Provision of public open space (including allotments) and landscaping. 2 no. vehicular accesses from Greenlands Road. Undergrounding of existing overhead lines			
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Tree Preservation Order,			
Applicant:	Edward Ware Homes Ltd			
Expiry Date:	3rd April 2013			
Case Officer:	Rachel Tadman			

DECISION DELEGATE TO REFUSE for reasons for refusal to be drafted by Officers

Item No:	03
Application No:	13/02028/FUL
Site Location:	Trident Works, Marsh Lane, Clutton, Bristol
Ward: Clutton	Parish: Clutton LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of two storey extension to provide new rest room and office including new roof over existing rear stores.
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Hazards & Pipelines,
Applicant:	MC Roberts And Sons
Expiry Date:	8th July 2013
Case Officer:	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 hereby approved shall not be used other than for purposes ancillary to Trident Works.

Reason: To ensure that there is no significant increase in vehicular movements

3 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:

Plans: 001, 002 and site location plan date stamped 10th May 2013

REASONS FOR GRANTING APPROVAL:

1. The proposed development by reason of its design, siting, scale and use of materials does not harm the character of this building, the site, or the visual amenities of the wider area. Due to limited additional accommodation which is ancillary to the main building, there are not considered to be any significant issues with regards to highway safety or residential amenity.

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.

Bath and North East Somerset Local Plan (including minerals and waste policies) 2007

D2 - Design, public realm and residential amenity.

D4 - Townscape

ET4 - Core Employment Sites

ES15 - Contaminated Land

T24 - General development control and access policy

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework

The National Planning Policy Framework was published in March 2012 and will be given full consideration.

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

No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings. (Copy attached).

Item No:	04
Application No:	13/02218/FUL
Site Location:	Cutting Edge , 7 North Parade Passage, City Centre, Bath
Ward: Abbey	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of use of No. 7 North Parade Passage at ground floor level only from Hairdressers (Use Class A1) to Tea Shop (Use Class A3)
Constraints:	Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, Prime Shop Front, World Heritage Site,
Applicant:	Bath Bun Tea Shoppe
Expiry Date:	30th July 2013
Case Officer:	Rebecca Roberts

DECISION REFUSE

1 The proposed development for change of use from A1 to A3 would lead to the loss of an A1 use from a ground floor unit within the city centre which is protected within the Primary Shopping Frontage designation and would result in the over intensification of an A3 use which would have an unacceptable impact on the vitality and viability of the shopping area in this locality. This would be contrary to policy S.5 and S.6 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

PLANS LIST:

This decision relates to drawing no's G08, G09, G10 date stamped 22nd May 2013 and G12 date stamped 4th June 2013.

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the agent 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 this the Local Planning Authority moved forward and issued its decision.

Item No:	05
Application No:	13/02112/FUL
Site Location:	4 Lime Grove, Bathwick, Bath, Bath And North East Somerset
Ward: Bathwick	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Conversion of student lets into 2no maisonettes and 1no self contained apartment with first floor extension at the rear (Resubmission of 12/01925/FUL).
Constraints:	Agric Land Class 3b,4,5, Article 4, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Mr Lionel Tonizzo
Expiry Date:	15th July 2013
Case Officer:	Rebecca Roberts

DECISION Defer consideration to allow members to visit the site.