

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

7th May 2014

DECISIONS

Item No:	01	
Application No:	14/00424/FUL	
Site Location:	Parcel 0153, Chelwood Road, Marksbury, Bath	
Ward: Farmborough	Parish: Marksbury	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of Solar PV Farm and associated works to Parcel 0153, Chelwood Road. (Resubmission)	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Public Right of Way,	
Applicant:	TGC Renewables Ltd	
Expiry Date:	12th May 2014	
Case Officer:	Daniel Stone	

DECISION

A. that the application be referred to the Secretary of State to give him the opportunity to consider whether to exercise his call-in powers in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, and

B. Subject to the Secretary of State not calling in the application, authorise the Group Manager, Development Management to PERMIT the application, subject to the following conditions:-

1 This permission shall expire within 25 years from the date when electricity is first exported from the solar farm to the electricity grid (the 'First Export Date'). Written notification of the First Export Date shall be given to the local planning authority no later than 14 days after this event

Reason: A temporary consent is sought and to avoid the permanent loss of agricultural land, to protect the character of the countryside and below ground archaeology and to protect the Green Belt from unnecessary development.

2 Within 6 months of the point where the Solar Farm permanently ceases to produce electricity, or the expiration of this permission, whichever is the sooner, the solar panels together with any supporting apparatus, mountings, cabling, foundations, inverter stations, fencing, CCTV cameras and other associated equipment shall be removed from the land, and the land restored to agricultural use or to a condition to be agreed in writing by the local planning authority.

Prior to the decommissioning of the site a method statement shall be submitted to and

approved in writing by the Local Planning Authority. This shall set out the approach to be taken to remove the array support poles, cable runs and other below ground structures whilst minimising harm to below ground archaeology. The decommissioning of the site shall take place in accordance with the decommissioning method statement.

Reason: To avoid the permanent loss of agricultural land, to protect the character of the countryside and below ground archaeology and to protect the Green Belt from unnecessary development.

3 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of construction access, deliveries (including storage arrangements and timings), contractor parking, traffic management measures, temporary signage. Thereafter, the development shall not be constructed other than in full accordance with that approved plan.

Reason: To ensure the safe operation of the highway.

4 Prior to the commencement of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority setting out the site management and access arrangements during the lifetime of the development. The operational statement shall include, but not be limited to:

- a. Highway safety procedures during routine, 1-day maintenance access visits by light vehicles,
- b. Construction Management plan (including Traffic Management measures, contractor parking, signage and highway safety measures) for exceptional plant installation or replacement visits by Heavy Goods Vehicles or multi-day maintenance works.

Thereafter, the development shall not be operated other than in full accordance with the approved details.

Reason: To ensure that adequate traffic management and safety measures are undertaken during subsequent maintenance works, appropriate to the nature and length of the works, in the interests of the safe operation of the highway.

5 No development shall take place within the site 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 been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered.

6 No development shall take place within the site (including any site clearance or

landscaping works) until the applicant, or their agents or successors in title, has produced detailed drawings of all underground works, including foundations, drainage, cable runs and those of statutory undertakers, which have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.

Reason: The site is within an area of major archaeological interest and the Council will wish to protect the archaeological remains.

7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 07/09/2012 by H2OK and the following mitigation measures detailed within the FRA:

a. Limiting the surface water run-off generated by all return periods up to and including the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent any increased risk of surface water flooding associated with installation of the solar farm development.

8 The development hereby permitted shall not be commenced until such time as a scheme to clarify the intended future ownership and maintenance for all drainage works serving the site has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the LPA.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

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) Details of planting specifications for existing and new native species hedgerows
- (ii) Details of methodology, species composition and seed source for the creation and management of species rich calcareous grassland
- (iii) Specifications for fencing that allows free movement of mammals into, across and from the site from all boundaries
- (iv) Details of any necessary precautionary measures and methods of working

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: for the protection of wildlife and wildlife habitats

10 There shall be no external or security lighting shall be installed within the application site.

Reason: To protect the character and appearance of the open countryside and for the prevention of harm to bat and other wildlife activity

11 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.

12 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.

13 Prior to its installation, full details of the following shall be submitted to and agreed in writing by the Local Planning Authority:

- The perimeter security fencing including proposed finish.
- the location of security cameras around the site.

The development shall be undertaken in accordance with the agreed details.

Reason: To protect the character and appearance of the open countryside and minimise the visual impact of the development.

14 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.

Item No:	02
Application No:	13/04607/FUL
Site Location:	Somerset Inn, Bath Road, Paulton, Bristol
Ward: Paulton	Parish: Paulton LB Grade: N/A
Application Type:	Full Application
Proposal:	Conversion from a Public House (Use Class A4) to form a single dwelling (Use Class C3) and associated works.
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Forest of Avon, Housing Development Boundary,
Applicant:	Poulton Ltd
Expiry Date:	20th December 2013
Case Officer:	Daniel Stone

DECISION REFUSE

1 Inadequate information has been submitted to demonstrate that the Somerset Inn has been effectively marketed and is unviable as a public house. As such, the proposals are contrary to policy CF.7 of the Bath & North East Somerset Local Plan including minerals and waste policies Adopted October 2007 and the guidance in the National Planning Policy Framework.

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.

Explanatory note to condition 2

The application proposes substantial works to the junction and an access road passing through the car park to the paddock to the rear of the site, which is the subject of a pending planning appeal (reference 13/04606/OUT) for a residential development of 22 dwellings. Whilst these works are considered acceptable in principle in highway terms and would be necessary should the appeal be allowed, should the appeal be dismissed these works will not be necessary or proportionate to the needs of the converted property.

This decision relates to drawing nos

Drawing 127 P04 PROPOSED ELEVATIONS
Drawing 127 P05 PROPOSED ELEVATIONS
Drawing 127 P02 Rev A PROPOSED FLOOR PLANS
SITE LOCATION PLAN
VIABILITY REPORT
BAT SURVEY AND BUILDING INSPECTION REPORT

ECOLOGICAL APPRAISAL REPORT
HERITAGE STATEMENT
PHASE 1 GEOENVIRONMENTAL ASSESSMENT

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 Council did consider the application positively and pro-actively, however following consideration of 3rd party comments on the viability of the pub and marketing process, concluded that the application had failed to demonstrate that the property was unviable and had been properly marketed. This issue ran to the heart of the application, and therefore the Local Planning Authority moved forward and issued its decision to refuse the application.

Item No:	03	
Application No:	13/05256/FUL	
Site Location:	Fosse Way School, Longfellow Road, Westfield, Radstock	
Ward: Westfield	Parish: Westfield	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Provision of new building to accommodate Post 16 teaching area	
Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,	
Applicant:	Fosse Way School	
Expiry Date:	14th February 2014	
Case Officer:	Tessa Hampden	

DECISION Given the decision to grant planning permission which is against Sport England's advice, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 and the DCLG letter of 10 March 2011, the application shall be referred to the National Planning Casework Unit to determine whether this application should be called in by the Secretary of State for Communities and Local Government.

Subject to this application not being 'called in', authorise the Group Manager, Development Management 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 take place until an Arboricultural Method Statement with tree protection plan identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority and details within the

approved document implemented as appropriate. The statement shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained.

3 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

4 The school shall not increase pupil attendance over its existing capacity of students, which shall first be submitted to and agreed in writing by the Local Planning Authority, without planning permission being granted for increased parking and access provision, and improved Travel Planning.

Reason: In the interest of highway safety and local amenity

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

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

Item No:	04	
Application No:	14/00875/OUT	
Site Location:	Sherbourne Cottage, Redland Lane, Bishop Sutton, Bristol	
Ward: Chew Valley South	Parish: Stowey Sutton	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Proposed dwelling on land to the rear of Sherbourne Cottage	
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Water Source Areas,	
Applicant:	Mr Barrie Lake	
Expiry Date:	21st April 2014	
Case Officer:	Rebecca Roberts	

DECISION Application Withdrawn

Item No:	05
Application No:	14/00591/FUL
Site Location:	Land Between Access Road And Canal, Sham Castle Lane, Bathwick, Bath
Ward: Bathwick	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 1no. detached dwelling (revised resubmission).
Constraints:	Agric Land Class 1,2,3a, Article 4, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, Sites of Nature Conservation Imp (SN), World Heritage Site,
Applicant:	Mr R Mohr
Expiry Date:	4th April 2014
Case Officer:	Alice Barnes

DECISION Defer consideration to allow members to visit the site