



GOVERNMENT OFFICE  
FOR THE SOUTH WEST

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Date: 30 January 2008

Our Ref: SW/THM/5219/641

Your Refs: 06/01733/EOUT & 06/04013/EFUL

Dear Mr Webber

**TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANS AND CONSULTATION) (DEPARTURES) DIRECTIONS 1999  
PLANNING APPLICATIONS BY CREST NICHOLSON FOR THE DEVELOPMENT OF BATH WESTERN RIVERSIDE (WESTERN QUARTER)**

1. I refer to your letter of 21 February 2007 referring to the Secretary of State for Communities and Local Government under the Town and Country Planning (Development Plans & Consultation) (Departures) Directions 1999 an outline application for planning permission for the above development (06/01733/EOUT). On 14 March 2007 the Secretary of State directed under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 that your Council should not grant planning permission on this application without specific authorisation. I also refer to the Secretary of State's direction under Article 14 dated 22 November 2007 in respect of the full planning application for Phase 1A of the scheme (06/04013/EFUL). These directions were issued to enable the Government Office to have a further period in which to consider the proposals.

2. As you may know, the Secretary of State's general approach is not to interfere with the jurisdiction of local planning authorities unless it is necessary to do so. Parliament has entrusted them with responsibility for day-to-day planning control in their areas. Local planning authorities are normally best placed to make decisions relating to their areas and it is right that in general, they should be free to carry out their duties responsibly, with the minimum of interference.

3. There will be occasions, however, when the Secretary of State may consider it necessary to call in a planning application to determine herself instead of leaving it to



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the local planning authority. Her policy is to be very selective about calling in planning applications. She will, in general, only take this step if planning issues of more than local importance are involved and if those issues need to be decided by the Secretary of State rather than at a local level. Each case is, however, considered on its own facts.

4. All the matters raised by these applications have been carefully considered. The issue before the Secretary of State is not whether the applications should be granted planning permission, but whether or not she should call them in for her own determination. In particular, in deciding whether or not the applications raise issues which would justify a decision by her rather than the local planning authority, the Secretary of State considers that the following are the main matters relevant to her decision;

(a) With regard to planning for housing (PPS3), her policies to;

- meet the housing requirements of the whole community (including those in need of affordable housing), widen housing opportunity and create mixed communities; and
- re-use previously developed land within urban areas, in preference to the development of greenfield sites; and
- create more sustainable patterns of development by exploiting and delivering accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services; and
- promote good design in new housing developments, including placing the needs of people before ease of traffic movement.

(b) With regard to planning for town centres and main town centre uses (PPS6), her key objective to promote the vitality and viability of town centres;

- by enhancing consumer choice by making provision for a range of shopping, leisure and local services which allow genuine choice to meet the needs of the entire community, and particularly socially excluded groups; and
- by delivering more sustainable patterns of development and ensuring that locations are fully exploited through high density, mixed use development.

(c) With regard to integrated planning and transport (PPG13), her policies to;

- actively manage the pattern of urban growth to make the fullest use of public transport; focus major generators of traffic demand in city, town and district centres and near to major public transport interchanges; and
- accommodate housing principally within existing urban areas, planning for increased intensity of development for both housing and other uses at locations which are highly accessible by public transport, walking and cycling.



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- (d) With regard to planning and the historic environment (PPG15), her policies to;
- preserve and enhance the character or appearance of conservation areas designated for their special architectural or historic interest; and
  - protect the wider historic environment, including World Heritage Sites.
- (e) With regard to planning and pollution control (PPS23), her policies to encourage the redevelopment and beneficial use of contaminated land and to ensure that any unacceptable risks to human health, buildings and the environment are identified and properly dealt with as new development and land uses proceed.
- (f) With regard to development and flood risk (PPS25), her policies to;
- ensure that development within areas vulnerable to flooding be protected to an appropriate minimum standard, taking account of the likely effects of climate change;
  - ensure that all planning applications in flood risk areas be accompanied by a flood risk assessment; and
  - encourage the use of sustainable drainage systems.
- (g) the relevant provisions of the adopted Bath and North East Somerset Local Plan, the Regional Planning Guidance for the South West and the draft Regional Spatial Strategy.

5. These are substantial proposals involving all the issues set out above, and the applications involve consideration of a number of national policy matters. In considering these policy issues, the Secretary of State has paid particular regard to national guidance relating to the design and scale of the new development, housing delivery, and the potential impact on the Bath World Heritage Site. However, the Secretary of State is satisfied that these matters have been thoroughly addressed by the Council and that they are not of a significance to warrant call in and further examination at a public inquiry. Although these applications have generated opposition locally, they have not given rise to substantial national or regional controversy. Having taken this into account, together with all the representations received, and having carefully considered all the relevant planning issues raised by these applications, and in the light of her policy on call in<sup>1</sup>, the Secretary of State has concluded that in this case there is not sufficient conflict with national planning policies on the above matters, or any other sufficient reason, to warrant calling in the applications for her own determination. She has therefore decided that the decision on whether or not to grant planning permission in this case will remain with Bath and North East Somerset Council.

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<sup>1</sup> The Secretary of State's policy on call in is set out in a Parliamentary reply to Mr Bill Michie, 16 June 1999.



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6. The Article 14 directions issued in the Secretary of State's letters of 14 March and 22 November 2007 are hereby withdrawn.

7. In considering whether to exercise her discretion to call in these applications, the Secretary of State has not considered the adequacy of the Environmental Impact Assessments (EIAs) produced in support of the applications. The local planning authority responsible for determining these applications remains the relevant authority responsible for ensuring that the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 are complied with.

8. A copy of the permissions that may be granted by the Council for the development should be sent to the Secretary of State at the above address in accordance with paragraph 6 of the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999.

Yours sincerely

**TOM KING**