

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 16th January, 2013

Present:- Councillor Gerry Curran in the Chair

Councillors Neil Butters, Nicholas Coombes, Liz Hardman, Eleanor Jackson, Les Kew, Malcolm Lees, David Martin, Douglas Nicol, Bryan Organ, Martin Veal, David Veale and Brian Webber

Also in attendance: Councillors Ian Gilchrist, Paul Myers, Manda Rigby and Chris Watt

110 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

111 ELECTION OF VICE CHAIR (IF DESIRED)

A Vice Chair was not required

112 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There was none

113 DECLARATIONS OF INTEREST

Councillor Martin Veal declared an interest in the planning application at Beechen Cliff School (Item 5, Report 10) as his son was a pupil there. However, he did not consider that this would influence his judgement and he would therefore speak and vote on the application. Councillor Les Kew declared an interest in the application at the Old Coal Yard, Marsh Lane, Clutton (Item 6, Report 10) as he owned land in the area and, as he felt that this could be considered to be prejudicial, he would leave the meeting for its consideration. Councillor Bryan Organ declared an interest in Report 11 Tree Preservation Order at 35 West Hill Gardens, Radstock, as he knew the owner and therefore he would leave the meeting for its consideration. Regarding the former Bath Press site (Item 1, Report 10), Councillor Eleanor Jackson stated that she was a member of the Co-operative Party and clarified that this was not connected to the Co-operative Society which ran the store in Moorland Road. She was also a shareholder in the Radstock Co-operative Society; however, the store in Moorland Road was in a different federation.

114 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business

115 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Senior Democratic Services Officer informed the meeting that there were various members of the public etc wishing to make statements on planning applications and that they would be able to do so when reaching their respective items in Report 10. He pointed out that the Chair had extended the time for statements on the Former Bath Press site in view of this being a large development which had created a lot of public interest with a number of speakers.

116 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There was none

117 MINUTES: 12TH DECEMBER 2012

The Minutes of the previous meeting held on Wednesday 12th December 2012 were approved as a correct record and signed by the Chair subject to the following:

Minute 99 6th line Delete "neighbour" and insert "architect"

Minute 106 Items 4&5, 3rd paragraph, 2nd line After "...neighbours", insert "on the other side of the road ..."

118 MAJOR DEVELOPMENTS

The Development Manager updated Members as follows:

- Former Cadbury's site, Somerdale, Keynsham – Archaeological investigations now completed and report by Taylor Wimpey's Archaeologist would be presented to English Heritage for a decision on Ancient Monument Scheduling. It was anticipated that it would not impact materially on the developable area or housing numbers. Discussions were being held with the Environment Agency regarding floodplain and riverbank issues.
- Bath Western Riverside – The Reserved Matters applications for the next 2 stages were currently being registered.
- Bath Spa Station Vaults – The problem with water ingress was being addressed so that remaining users could begin fit-out works. The Highways Development Control Team Leader stated that the temporary barriers in Brunel square would be removed shortly.
- Former Railway Land, Radstock – Pre-application discussions had commenced for a reworked project to be submitted to the Council with Linden Homes on board. A timetable for the project would be submitted to a future Committee meeting.
- Rail Electrification – No details likely to be available until March. An update would be made at a future meeting.

119 PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Development Manager on various applications for planning permission etc
- An Update Report by the Development Manager on Item Nos. 2 – 4, a copy of which is attached as *Appendix 1* to these Minutes
- Oral statements by members of the public etc on Item Nos. 1 – 6, the Speakers List being attached as *Appendix 2* to these Minutes

RESOLVED that, in accordance with their delegated powers, the applications be determined as set out in the Decisions List attached as *Appendix 3* to these Minutes.

Item 1 Former Bath Press site, Lower Bristol Road, Bath – Mixed use redevelopment comprising 6,300sq m of retail (Class A1), 4,580sq m of creative work space (Class B1), 2,610sq m of offices (Class B1), 220sq m of community space (Class D1/D2), 10 residential houses, basement car park, landscape and access (including realignment of Brook Road)(Ref 12/01999/EFUL) – The Case Officer updated Members on this proposal including late representations from Crest Nicholson regarding the gas holders; and further representations from the applicant regarding the retail issues. She advised that there was no change to her recommendation as a result of these representations. A correction was made to the 3rd line of the 2nd reason for refusal of the Recommendation to Refuse permission, namely, that “in out data” should read “input data”. She gave a power point presentation on the scheme to the Committee.

The public speakers made their statements against and in support of the proposal. The Chair stated that the Ward Councillor June Player, if able to attend, would have objected to the scheme in its present form as would the other Ward Councillor Sharon Ball.

Councillor Eleanor Jackson opened the debate. She expressed doubt regarding benefits to the economy from this scheme and felt for a number of reasons that this was not the right site for this scheme. Traffic issues had not been properly addressed and, importantly, the proposal would have a significant impact on the nearby Moorland Road shopping centre. She therefore moved the Officer recommendation to refuse permission which was seconded by Councillor Martin Veal.

Members debated the motion. It was considered that the reasons for refusal were substantial with the Health and Safety Executive advising that there was a potential danger to human life by virtue of proximity to the gas holders. Traffic problems were still anticipated, the requirements of the sequential test had not been met and there would be an adverse impact on the Moorland Road District Shopping Centre. A number of Members indicated that they supported the motion. Councillor Martin Veal considered that the report was detailed and balanced but the lack of more detailed highway plans in the Officer presentation was an oversight. The highway implications

of the scheme were a major issue particularly because the Council had its own highway improvement scheme and the implications of both schemes needed to be made clear for Members.

At the suggestion of the Chair, the Senior Transport Planner gave a detailed presentation using the application site plan which showed the proposed junction arrangement adjacent to the site. He explained the proposals being put forward by the applicant and the Council and explained the implications of both schemes at the junction and the wider highway network. He answered questions by Members on this aspect of the proposals.

Some Members considered that this was a good scheme which would clear a derelict site and help to regenerate the area. It would provide employment for a lot of people and funding for decommissioning the gas holders would be provided by the private sector. In response to a Member's query, the Development Manager gave advice regarding the West of England LEP: Revolving Infrastructure Funding (RIF) and the Development Agreement with Crest Nicholson regarding a staged implementation of the Bath Western Riverside development. Reference was made by Members to the benefits from the Tesco store in Keynsham but the Development Manager advised that this was a different situation as that proposal was in accord with Local Policies and it was not a good comparison to this site where the proposal was contrary to Policy. The proposed development would impact on the viability of Moorland Road District Shopping Centre a short distance away.

Members generally supported the motion to refuse permission which was put to the vote. Voting: 9 in favour and 4 against. Motion carried.

Items 2&3 No 17 George Street, Bath – (1) Change of use of upper floors from offices (Use Class B1) to 7 residential units (Use Class C3) and associated works (Resubmission)(Ref 12/04296/FUL); and (2) internal and external alterations to enable conversion of upper floors from residential, and associated internal access alterations at ground floor level (Ref 12/04297/LBA)
– The Historic Environment Team Leader reported on these applications and the recommendations to refuse planning permission and listed building consent. The Update Report commented on further representations received. The applicants' agent made a statement in support of the proposal.

Councillor Brian Webber as local Member opened the debate. He referred to the possible conflict between conservation of a building and use for modern day needs. Residential use had been accepted by the Officers and there were various benefits from such use. It was not a Grade I listed building and there would be no external changes. He felt that, on balance, the benefits from conversion to residential use outweighed any possible harm to the layout of the interior of the building and, on that basis, moved that the recommendations be overturned and that permission and consent be granted. The motions were seconded by Councillor Bryan Organ. The other Ward Member, Councillor Manda Rigby, indicated that she agreed with Councillor Webber.

Members debated the motions. Some Members felt that fewer units would be better and that the proposal affected the grandeur of this Georgian Town House. Other Members felt that the proposal should be approved as the rooms were still a good size with no major alterations and the fireplaces unaffected.

The motions were put to the vote separately and were both carried, voting being 9 in favour and 4 against. It was clarified that the applications would be delegated to Officers for the imposition of appropriate conditions.

Item 4 Lloyds TSB Bank Plc, 2 Silver Street, Midsomer Norton – Erection of 4 terraced dwellings on land to the north east of 2 Silver Street (Ref 12/04456/FUL) – The Case Officer reported on this application and her recommendation to (A) authorise the Development Manager, in consultation with the Planning and Environmental Law Manager, to enter into a Unilateral Undertaking to secure a contribution of £7,387.55 for Education Services; and (B) upon completion of the Undertaking, authorise the Development Manager to Permit subject to conditions. She referred to the Update Report which amended the recommendation by adding conditions; also, a further representation about a fence.

The public speakers made their statements against and in favour of the proposal which was followed by statements by the Ward Councillor Paul Myers, and also Chris Watt, speaking against the proposal.

Members asked questions about the proposal to which Officers responded. Councillor Eleanor Jackson referred to a previous refusal for residential development on this site and felt that retail or some form of employment use would be better. She made reference to another local site Gladys House where offices had been converted to residential use. Councillor Jackson also felt that the design was not good and furthermore the development would result in overdevelopment of the site; two semi-detached houses with front gardens would be better. Access and parking close to a busy junction was also a concern. For these reasons, she moved that permission be refused which was seconded by Councillor Doug Nicol.

The Development Manager gave advice regarding the proposal. The site was not protected for commercial use and was in line with housing policy. The policy position had been different in the Gladys House case.

Members debated the motion. Most Members supported the motion. However, one Member considered that for various reasons it would be difficult to refuse permission.

The motion was put to the vote. Voting: 11 in favour and 2 against. Motion carried.

Item 5 Beechen Cliff School, Kipling Avenue, Bear Flat, Bath – Alterations and extension to existing 6th Form Block to form new Student Accommodation and Classroom Block (Ref 12/04515/FUL) – The Case Officer reported on this application and her recommendation to Permit with conditions. She referred to representations (previously circulated) from Councillor David Bellotti, Ward Member for the adjoining Ward, supporting the proposal.

The public speakers made their statements against and in favour of the proposal which was followed by a statement by the Ward Councillor Ian Gilchrist objecting to the development.

Members debated the application. Councillor Les Kew considered that this was a good proposal that would enhance the site and commended the Officer for her presentation. He therefore moved the Officer recommendation which was seconded

by Councillor Eleanor Jackson. The motion was then put to the vote and was carried unanimously. (Note: Councillor Nicholas Coombes subsequently declared an interest in this application as he used to work for the architects a number of years ago; however, he did not consider this to be significant.)

Item 6 Old Coal Yard, Marsh Lane, Clutton – Erection of steel framed building with external cladding to roof rear and two sides, front elevation to remain as open portal (Ref 12/05093/FUL) – The Case Officer reported on this application and her recommendation to Permit with conditions. The public speakers made their statements against and in favour of the proposal.

Councillor David Veale as local Member stated that Marsh Lane was a single track road and this intensified use demanded a better access onto a sensibly constructed road. He considered that there would be more lorries and some form of study should be undertaken on lorry movements. Councillor Eleanor Jackson considered that the development would be screened and would not cause any harm to the area. She therefore moved the Officer recommendation which was seconded by Councillor Liz Hardman.

Members briefly debated the motion and issues raised in the applicant's statement. The motion was put to the vote and was carried, 10 voting in favour and 2 against. (Note: Councillor Les Kew was absent for consideration of this Item in view of his declared interest earlier in the meeting.)

120 TREE PRESERVATION ORDER - 35 WEST HILL GARDENS, RADSTOCK

Referring to the Minutes of the Committee meeting held on 24th October 2012, the Senior Arboricultural Officer reported on this Tree Preservation Order (1) informing that it had been provisionally made on 31st October 2012 to protect a Sycamore tree which makes a contribution to the landscape and amenity of the Conservation Area; (2) stating that objections had been received from the occupiers of adjoining properties; and (3) recommending that the Order be confirmed without modification.

The Officer added that the condition of the wall had been assessed by the Council's Building Surveyor who confirmed that it was not dangerous and that the small section affected could be rebuilt. Councillor Eleanor Jackson considered that this landmark tree was worthy of retention and therefore moved the Officer recommendation which was seconded by Councillor Liz Hardman. The motion was put to the vote.

RESOLVED to confirm the Tree Preservation Order entitled "Bath and North East Somerset Council (35 West Hill Gardens, Radstock No 29A) Tree Preservation Order 2012" without modification

Voting: 10 in favour and 0 against with 2 abstentions (Note: Councillor Bryan Organ was absent from the meeting for this Item in view of his earlier declared interest.)

121 TREE PRESERVATION ORDER - 17 THE LINLEYS, BATH

The Committee considered the report of the Senior Arboricultural Officer which (1) informed that this Tree Preservation Order had been provisionally made on 11th October 2012 to protect an Ash tree which makes a contribution to the landscape

and amenity of the area; (2) indicated that objections had been received from occupiers of the adjoining property; and (3) recommended that the Order be confirmed without modification.

Members discussed the matter. It was felt that the tree was worthy of retention. It was therefore moved by Councillor Eleanor Jackson and seconded by Councillor Neil Butters that the Officer recommendation be approved. The motion was put to the vote.

RESOLVED that the Tree Preservation Order entitled "Bath and North East Somerset Council (17 The Linleys, Bath No 279) Tree Preservation Order 2012" be confirmed without modification

(Voting: Unanimously in favour)

122 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES

After some comments by Members, the Committee noted the report.

123 FORMER FULLERS EARTHWORKS, COMBE HAY, BATH

The Development Manager reported that the appeal documents were on the Council's website and that the appellants would be applying for costs against the Council.

The Committee noted.

The meeting ended at 5.45 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET COUNCIL**Development Control Committee****16th January 2013****OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA****ITEM 10****ITEMS FOR PLANNING PERMISSION**

Item No.	Application No.	Address
2	12/04296/FUL	16-18 George Street, Bath

One further representation has been received. The comments are from the new owner of the adjoining public house who has highlighted concerns regarding the development of residential units next to a licensed premise and therefore the risk that this may lead to confrontation in the future from residents regarding noise etc.

Officer comments:

The points raised by the third party are noted, but do not outweigh the conclusion reached within the Committee report. The development is within a city centre location where a degree of noise and disturbance is to be expected. There are a number of established commercial units within this area including public houses and clubs. The area also comprises a number of residential units and in this city centre location, these uses are considered to be compatible. Any future occupiers would be aware of the context of the site, in terms of the uses surrounding the site. The development is not considered to result in unsatisfactory living conditions for the future occupiers of the proposed flats.

Item No.	Application No.	Address
2 & 3	12/04296/FUL &12/04297/LBA	16-18 George Street, Bath

A further letter has been received from the agents making the following comments;

Factual inaccuracies

The current scheme deletes six partitions compared to the refused scheme.

The number of units has been reduced from 9 at pre application stage to 7 units.

Significant changes in the sub division are proposed compared to the refused scheme.

Officer comment – the report identifies the key changes between the schemes.

- The applicant is adamant that a scheme of less than 7 units would not be viable.
- A dilapidations survey has indicated repair work costing £196,290.80 (inclusive of fees).

Conclusion

- The reason for refusal is not well founded. The proposals are for a sensitive conversion scheme.
- The work to the third floor should be acknowledged as uncontentious.
- Following expiry of the ground floor lease and administration of the basement restaurant the applicant could be left with an empty building.

Item No.	Application No.	Address
4	12/04456/FUL	2 Silver Street, Midsomer Norton

Summary of Consultation/Representations:

CONTAMINATED LAND: The application has been submitted with a Phase 1 Desk Study report by Hydrock Consulting Limited Dated July 2009.

The Desk Study report made the following conclusions and recommendations:

- “The possible pollution linkages.... are defined as potentially unacceptable risks in line with guidelines published in CLR 11. These require further consideration, either in the subsequent tiers of risk assessment against generic or site-specific assessment criteria, or by proceeding directly to some form of risk management strategy (including possible remedial actions).”
- “Should existing structures present on the site require demolition, consideration should be given to a pre-demolition asbestos survey.”
- “An intrusive ground investigation with associated laboratory testing should be undertaken to determine the underlying ground conditions and provide sufficient information to allow development at the site.”

On the basis of the conclusions and recommendations made within the desk study report and due to the sensitive nature of the development I recommend that the conditions be applied.

OTHER REPRESENTATIONS:

A total of 2 additional objections have been received since the main Committee Report was written. The letters raise the following concerns:

- Impact on neighbouring property (party wall)
- Loss of parking provision within the town centre

- Impact on highway safety
- Loss of land that should be retained for commercial uses

Officer Assessment:

Contaminated Land: The comments from the Contaminated Land Officer, and the conclusions of the submitted Phase 1 Desk Study, indicate that the site is likely to be subject to some contamination. Therefore the suggested conditions are considered appropriate and have been attached at the end of this report.

Local Representations: The additional objection letters raise no new issues that are not already covered in the main report.

Other amendments: The wording of the recommendation for the proposed development has been amended slightly for reasons of clarity and accuracy although the recommendation of Delegate to Permit remains the same.

Recommendation:

Delegate to PERMIT

A) Upon receipt of an acceptable Unilateral Undertaking to secure a contribution of £7,387.55 for Education Services, authorise the Development Manager to permit the application subject to the following conditions:

As the main report with the following additional conditions:

11 Site Characterisation - An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 Submission of Remediation Scheme - A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13 Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14 Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This page is intentionally left blank

**SPEAKERS LIST
BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC ETC WHO MADE A STATEMENT AT THE
MEETING OF THE DEVELOPMENT CONTROL COMMITTEE ON
WEDNESDAY 16TH JANUARY 2013**

SITE/REPORT NAME/REPRESENTING FOR/AGAINST

PLANS LIST – REPORT 10		
Former Bath Press, Lower Bristol Road, Bath (Item 1, Pages 50-75)	Mark Felgate, Peter Brett Associates (Agents for Co-op Group) <u>AND</u> Robin Kerr (Fobra) <u>AND</u> Andrea Robinson	Against – To share up to 6 minutes
	Ann Bartaby, TOR Ltd (Applicants' Agents) <u>AND</u> Sophie Akokhia, Corporate Affairs Manager, Tesco (Applicants)	For – To share up to 6 minutes
17 George Street, Bath (Items 2&3, Pages 76- 87)	Chris Beaver, GL Hearn (Applicants' Agents)	For – Up to 6 minutes
Lloyds TSB Bank, 2 Silver Street, Midsomer Norton (Item 4, Pages 88-96)	Jane Lewis, Midsomer Norton Town Council	Against
	Patricia Flagg, Midsomer Norton Society	Against
	Clare Spearman, CSJ Planning (Applicants' Agents)	For
Beechen Cliff School, Kipling Avenue, Bear Flat, Bath (Item 5, Pages 97-104)	Sue Kinchin-Smith	Against
	Andrew Davies, Headmaster	For
Old Coal Yard, Marsh Lane, Clutton (Item 6, Pages 105-110)	Ian Myatt, Clutton Parish Council	Against
	Nick Towens (Applicant)	For

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

16th January 2013

DECISIONS

Item No:	01	
Application No:	12/01999/EFUL	
Site Location:	Former Bath Press Premises, Lower Bristol Road, Westmoreland, Bath	
Ward: Westmoreland	Parish: N/A	LB Grade: N/A
Application Type:	Full Application with an EIA attached	
Proposal:	Mixed-use redevelopment comprising 6,300sqm of retail (Class A1), 4,580sqm of creative work space (Class B1), 2,610sqm of offices (Class B1), 220sqm of community space (class D1/D2), 10 residential houses, basement car park, landscape and access (including realignment of Brook Road)	
Constraints:	Agric Land Class 3b,4,5, , Flood Zone 2, Forest of Avon, General Development Site, Hazards & Pipelines, Hotspring Protection, Tree Preservation Order, World Heritage Site,	
Applicant:	Tesco Stores Limited	
Expiry Date:	3rd September 2012	
Case Officer:	Sarah James	

DECISION REFUSE

1 The proposed development would give rise to a potential danger to human lives by virtue of its proximity to the nearby operational gasholder site contrary to planning policies ES9 and ES13 of the adopted Bath and North East Somerset Local Plan and contrary to the advice of the Health and Safety Executive.

2 The applicant has failed to justify trip generation, parking demand and trip distribution assumptions made in their Transport Assessment and analysis. Insufficient information has been submitted in respect of these issues and all other modelling input data to enable the soundness of the analysis to be verified. Therefore, the applicant has failed to demonstrate that the proposed development includes satisfactory provision for access from the public highway, car parking and servicing. The site is located at a critical point on the strategic highway network where the existing junction is frequently operating at capacity. The development would therefore be prejudicial to highway capacity and safety. The proposed development is, therefore, contrary to Policies T1, T3, T5, T16, T24 and T26 of the adopted Bath and North East Somerset Local Plan, including minerals and waste policies and paragraph 32 of the NPPF and having regard to additional developments already committed in this part of Bath

3 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, Regional Planning Guidance Policy EC6 and paragraphs 24 and 27 of the NPPF. The development would as a result generate unsustainable travel patterns contrary to paragraph 30 and 32 of the NPPF and be harmful to the Council's retail strategy.

4 The proposed development would give rise to an unacceptable and significant adverse impact on the vitality and viability of the Moorland Road District Shopping Centre contrary to Policies S1 and S4, of the adopted Bath and North East Somerset Local Plan, Joint Replacement Structure Plan Policies 40 and 41 and Regional Planning Guidance Policy EC6 and paragraph 27 of the NPPF.

PLANS LIST:

Plans list - 011 GD04398 ISSUE 02 (sheets 1-4), 030 GD04398 ISSUE 02 040, GD04398 ISSUE 01, 4664/001 REVISION NUMBER P, 4664/002 REVISION K, 4664/003 REVISION I, 4664/004 REVISION H, 4664/005 REVISION I , PN0500 REV NO. 00, PN0501 REV NO. 00, PN0502 REV NO.00, PN0503 REV NO.00 , PN0504 REV NO.00, PN0505 REV NO.00, PN2009 REV NO.00, PN2010 REV NO.00, PN2011 REV NO.00, PN2012 REV NO.00, PN2013 REV NO.00, PN2110 REV NO.00, PN2121 REV NO.00, PN2122 REV NO.00, PN2123 REV NO.00, PN2124 REV NO.00, PN2200 REV NO.00, PN2201 REV NO.00, PN2202 REV NO.00, PN2610 REV NO.00, PN2620 REV NO.00, PN2621 REV NO.00, PN2630 REV NO.00, PN2640 REV NO.00

ADVISE NOTE:

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 protracted discussions that have taken place in relation to this site with the applicant in connection with two previous proposals of a similar nature raising similar issues of principle that have resulted in those applications being rejected by the Local Planning Authority and subsequently meetings that took place 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, the applicant has chosen to pursue the development in its current form and has chosen not to withdraw the application. The applicant has requested that the application is reported to the planning committee at the earliest opportunity for a determination to be made and having regard to the need to avoid unnecessary delay the Local Planning Authority has moved forward and issued its decision.

Item No:	02
Application No:	12/04296/FUL
Site Location:	17 George Street, City Centre, Bath, Bath And North East Somerset
Ward: Abbey	Parish: N/A LB Grade: II
Application Type:	Full Application
Proposal:	Change of use of upper floors from offices (Use Class B1) to 7no. residential units (Use Class C3) and associated works (Resubmission)
Constraints:	Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
Applicant:	Rannoch Investments Ltd
Expiry Date:	23rd November 2012
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 On completion of the works but prior to any occupation of the approved residential development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dBLAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time weighting) shall not (normally) exceed 45dBLAmax.

Reason: To ensure that future occupiers benefit from satisfactory living conditions

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:

Drawings 11164(L)101A (site location plan), 11164(L)102A (site plan), 11164(L)105A (existing street level), 11164(L)106A (existing ground floor), 11164(L)107A (existing first floor), 11164(L)108A (existing second floor) 11164(L)109A (existing third floor), 11164(L)110A (existing section A-A), 11164(L)112A (existing roof plan), 11164(L)120B (proposed ground floor plan), 11164(L)121B (proposed first floor plan),

11164(L)122B (proposed second floor plan), 11164(L)123B (proposed first floor plan), 11164(L)124B (proposed roof plan), 11164(L)125B (proposed section), 11164(D)101A (detail secondary glazing), 11164(D)102A (detail glazed junction with wall/cornice), survey photographs, Heritage Statement, Design and Access Statement date stamped: 28th September 2102

Financial Appraisal date stamped: 6th November 2012

Drawings 11164(SK)017 (third floor thermal and acoustic upgrade), 11164(SK)018A (proposed drainage layout) date stamped: 9th November 2012

Drawing 11164(SK)015B (external wall/intermediate floor upgrade), 11164(SK)016B (thin party wall intermediate floor upgrade), 11164(SK)019B (proposed MVHR layout for first second and third floors), 11164(SK)020A (fireplace/intermediate floor acoustic upgrade), 011164(SK)021A (panelling/intermediate floor acoustic upgrade) date stamped: 22nd November 2012

REASONS FOR GRANTING APPROVAL:

The proposed residential development is acceptable within this sustainable location. The number of residential units proposed is considered to be at an acceptable level and will not result in significant harm to the historic fabric of the listed building. No other significant harm has been identified.

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.

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

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.

BH.2: Listed buildings and their settings

Bh4 Change of use of a listed building

BH.6: Development within or affecting Conservation Areas

HG1 residential development in the urban areas

HG.12: Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and re-use of empty dwellings

ET.1: Employment Land Overview

ET.2: Office development

T26 On site parking and servicing provision

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 NPPF was published in March 2012 but is not considered to directly conflict with the above policies

Decision Making 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 Committee Members considered the advice put before them and a positive view of the submitted proposals was taken and permission was granted.

Item No:	03
Application No:	12/04297/LBA
Site Location:	17 George Street, City Centre, Bath, Bath And North East Somerset
Ward: Abbey	Parish: N/A LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Internal and external alterations to enable conversion of upper floors to residential, and associated internal access alterations at ground floor level.
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
Applicant:	Rannoch Investments Ltd
Expiry Date:	23rd November 2012
Case Officer:	Caroline Waldron

DECISION CONSENT

1 The works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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:

Drawings 11164(L)101A (site location plan), 11164(L)102A (site plan), 11164(L)105A (existing street level), 11164(L)106A (existing ground floor), 11164(L)107A (existing first floor), 11164(L)108A (existing second floor) 11164(L)109A (existing third floor),11164(L)110A (existing section A-A), 11164(L)112A (existing roof plan), 11164(L)120B (proposed ground floor plan), 11164(L)121B (proposed first floor plan),

11164(L)122B (proposed second floor plan), 11164(L)123B (proposed first floor plan), 11164(L)124B (proposed roof plan), 11164(L)125B (proposed section), 11164(D)101A (detail secondary glazing), 11164(D)102A (detail glazed junction with wall/cornice), survey photographs, Heritage Statement, Design and Access Statement date stamped: 28th September 2102

Financial Appraisal date stamped: 6th November 2012

Drawings 11164(SK)017 (third floor thermal and acoustic upgrade), 11164(SK)018A (proposed drainage layout) date stamped: 9th November 2012

Drawing 11164(SK)015B (external wall/intermediate floor upgrade), 11164(SK)016B (thin party wall intermediate floor upgrade), 11164(SK)019B (proposed MVHR layout for first second and third floors), 11164(SK)021A (fireplace/intermediate floor acoustic upgrade), 011164(SK)021A (panelling/intermediate floor acoustic upgrade) date stamped: 22nd November 2012

Reasons for granting consent:

The decision to grant consent subject to conditions has been made in accordance with relevant legislation, The National Planning Policy Framework and in light of views of third parties. The Council regards that the revised proposals because of their location, design, detailing and use of materials, will preserve the building, its setting and its features of special architectural or historic interest and will preserve or enhance the character and appearance of the Conservation Area.

Decision-taking Statement:

In determining the application the Local Planning Authority considers it has complied with the aims of the paragraphs 186 and 187 of the National Planning Framework. The Committee Members considered the advice put before them and a positive view of the submitted proposals was taken and consent granted.

Item No:	04
Application No:	12/04456/FUL
Site Location:	Lloyds Tsb Bank Plc, 2 Silver Street, Midsomer Norton, BA3 2HB
Ward: Midsomer Norton Redfield	Parish: Midsomer Norton LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 4no. terraced dwellings on land to the North East of No. 2 Silver Street.
Constraints:	Agric Land Class 1,2,3a, City/Town Centre Shopping Areas, Coal - Standing Advice Area, Conservation Area, Forest of Avon, Housing Development Boundary,
Applicant:	Linhope Properties Limited
Expiry Date:	26th December 2012
Case Officer:	Rachel Tadman

DECISION REFUSE

1 The proposed development is of a poor quality design and layout that does not adequately reflect the character of this part of the Midsomer Norton Conservation Area and would have a detrimental impact on the street scene and represent overdevelopment of the site. Overall the development would have an unacceptable detrimental impact on the street scene and the character and appearance of this part of the Midsomer Norton Conservation Area. This is contrary to Policy D2, D4 and BH6 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

2 The proposed development, due to the location of the access onto the highway and the size of the proposed off street parking area, would have poor manoeuvrability for vehicles using the parking spaces resulting in users reversing onto the highway close to an existing junction. This would have a harmful impact on highway safety and would be contrary to Policy T24 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

PLANS LIST:

The application relates to drawing nos (TP)001, (TP)010 Rev B, (TP)011 Rev B, (TP)012 Rev B, (TP)022 Rev A, (TP)024 Rev A, (TP)030 Rev A.

The Local Planning Authority has, as far as possible and respecting the democratic process, complied with the requirements of paragraphs 186 and `87 of the National Planning Policy Statement.

In accordance with the Local Planning Authority's scheme of delegation the application was referred to the Development Control Committee and Members resolved that the proposed development was unacceptable and contrary Policies within the Local Plan. The Development Control Committee resolved to refuse the application.

The Local Planning Authority has listed the reasons why the Development Control Committee resolved to refuse the application but would still offer advice, by entering into

pre-application discussions, on how the reasons for refusal maybe overcome within a revised submission.

Item No:	05	
Application No:	12/04515/FUL	
Site Location:	Beechen Cliff School, Kipling Avenue, Bear Flat, Bath	
Ward: Widcombe	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Alterations and extension to existing Sixth Form Block to form a new Student Accommodation and Classroom Block	
Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,	
Applicant:	Mr Andrew Davies	
Expiry Date:	21st December 2012	
Case Officer:	Alice Barnes	

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 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 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, signing, etc. 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 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:

Site location plan 00
Existing block plan 01
Existing ground floor plan 02
Existing first floor plan 03
Existing north and south elevation 04
Existing east and west elevation 05
Existing site for proposed staff parking 10
Existing site for proposed visitor parking 11
Proposed staff parking 110
Proposed visitor parking 111
Proposed ground floor plan 102 rev A
Proposed FF plan 103 rev A
Proposed roof plan 105
Proposed north and south elevations 106 rev A
Proposed east and west elevations 107 rev A
Proposed sections 108 rev A

REASONS FOR GRANTING APPROVAL:

1. The proposed development would not have an adverse impact upon the streetscene or the amenity of the surrounding residential occupiers. Due to the use of appropriate materials and built form the proposed development will preserve the character of the Conservation Area in both close and long range views. The proposed development will provide adequate on site parking and will not cause harm to highway safety.

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.

D2, D4, Bh.1, Bh.6 and T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

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 revised proposals was taken and consent was granted.

Item No:	06
Application No:	12/05093/FUL
Site Location:	Old Coal Yard, Marsh Lane, Clutton, Bristol
Ward: Clutton	Parish: Clutton LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of steel framed building with external cladding to roof rear and two sides, front elevation to remain as open portal
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Core Employment Area, Forest of Avon, Hazards & Pipelines,
Applicant:	Towens Of Weston Ltd
Expiry Date:	23rd January 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 Before the development is commenced, a plan indicating the areas for parking, turning and external storage on the site shall be submitted to and approved in writing by the Local Planning Authority. The areas shall subsequently be maintained for those purposes only.

Reason: In the interests of highway safety.

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:

TOWENS/MARSH/001, TOWENS/MARSH/002, dated 19th November 2012,
TOWENS/MARSH/003 dated 28th November 2012

REASONS FOR GRANTING APPROVAL:

The proposed building is acceptable in this Core Employment Site. It is of an acceptable design, scale and siting within this existing industrial site. There will be no undue harm to the residential amenity of the neighbouring occupiers or to highway safety, and no other significant issues have arisen as a result of this planning application.

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.

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

NE1 - Landscape character

NE5 Forest of Avon

NE4 Tree and Woodland Conservation

ES14 Unstable land

ES15 - Contaminated Land

T24 - General development control and access policy

T26 On site parking and service provision

SUBMISSION CORE STRATEGY, MAY 2011

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.

National Planning Policy Framework - March 2012 - is not considered to conflict with the above policies

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.

This page is intentionally left blank