

Bath & North East Somerset Council

MEETING:	Development Control Committee	AGENDA ITEM NUMBER	
MEETING DATE:	21st November 2012		
RESPONSIBLE OFFICER:	Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)		
TITLE:	SITE INSPECTION APPLICATIONS		
WARDS:	ALL		
BACKGROUND PAPERS:			
AN OPEN PUBLIC ITEM			

BACKGROUND PAPERS

List of background papers relating to this report of the Development Manager, Planning and Transport Development about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://isharemaps.bathnes.gov.uk/projects/bathnes/developmentcontrol/default.aspx>

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an

application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	12/02848/FUL 28 August 2012	Bathweston One Limited & Bathweston Two Limited 12 High Street, Upper Weston, Bath, Bath And North East Somerset, BA1 4BX Erection of rear ground floor extension (totalling approximately 206 sq metres) to create an enlarged retail unit together with rear first and second floor extensions to create 6no 2-bed apartments and alterations to existing shop fronts at 12-20 High Street, Weston	Weston	Alice Barnes	Delegate to PERMIT

Item No: 01
Application No: 12/02848/FUL
Site Location: 12 High Street, Upper Weston, Bath, Bath And North East Somerset



Ward: Weston **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor C V Barrett Councillor M J H Lees

Application Type: Full Application

Proposal: Erection of rear ground floor extension (totalling approximately 206 sq metres) to create an enlarged retail unit together with rear first and second floor extensions to create 6no 2-bed apartments and alterations to existing shop fronts at 12-20 High Street, Weston

Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Local Shops, World Heritage Site,

Applicant: Bathweston One Limited & Bathweston Two Limited

Expiry Date:	28th August 2012
Case Officer:	Alice Barnes

REPORT

REASONS FOR REPORTING APPLICATION TO COMMITTEE

The application is being reported to committee at the request of Councillor Colin Barrett and Councillor Malcolm Lees for the following reasons;

Weston village already experiences parking problems and the development will reduce parking spaces. The impact of a larger store may put at risk the viability of the smaller traders as well as destroying the character of the village. There is a lot of resident interest.

The application has been referred to the chairman of the development control committee who has agreed that the application should be considered by the committee.

Following the Committee meeting of the 24th October the application has been deferred for a site visit.

DESCRIPTION OF SITE AND APPLICATION

The existing property is a large retail unit located within the local shopping area of Weston. It is part of the Conservation Area and the World Heritage Site. The application relates to the erection of an extension to the ground floor retail area and the erection of a two storey extension to the rear to accommodate six flats. This would include an alteration to the access to the existing flats above the retail units on the High Street, where all the flats would be accessed from a single entrance on Crown Road.

Weston High Street is a busy local shopping area. The existing shop fronts onto Weston High Street with ancillary retail space to rear fronting onto Crown Road. The proposed flats would be accessed from Crown Road. To the south of the site is the store car park which is accessed from both the High Street and Crown Road. Crown Road is located at a higher level to the High Street and the existing car park slopes downwards towards the High Street. Currently the rear elevation of the site does little to enhance the appearance of Crown Road appearing as the back land of the shopping area.

Permission has been considered lawful under a certificate of proposed use for the existing retail unit to expand into the neighbouring shops of the carpet shop and takeaway.

RELEVANT HISTORY

DC - 11/04022/CLPU - LAWFUL - 8 November 2011 - Change of use of 12-20 High Street (ground floor and first floor to rear only) for use as a single A1 (Shops) unit (Certificate of Lawfulness for a Proposed Use)

DC - 09/00617/FUL - PERMIT - 21 April 2009 - Installation of replacement plant comprising of 1 no. condenser unit and 3 no. air conditioning units and provision of security door to replace existing security door

DC - 09/00619/FUL - PERMIT - 21 April 2009 - Installation of ATM

DC - 09/00621/AR - CON - 21 April 2009 - Display of 1no. externally illuminated fascia sign, 1no. externally illuminated projected sign and non-illuminated frosted manifestations.

DC - 09/00623/FUL - PERMIT - 21 April 2009 - Installation of replacement shopfront and the undertaking of minor external alterations

DC - 09/01734/AR - CON - 31 July 2009 - Display of 1no. non-illuminated fascia and 2no. non-illuminated welcome/goodbye signs.

DC - 96/00273/FUL - APP - 1 November 1996 - Alterations to existing shopfront to provide new automatic entrance doors, roof mounted condenser, and compressor in car park at rear.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Urban Design: The massing, form and broad landscape approach to the proposal is considered acceptable subject to amenity issues. Materials and landscape will be important factors in resolving a successful scheme, which will be a significant intervention into the townscape.

The use of manmade tiles and fibre cement boarding gives cause for concern. The roofscape of the proposal will make a significant intervention into the townscape from elevated views. Natural materials within this conservation area context should be employed. The use of fibre cement panels may be acceptable. However this must be subject to condition.

The use of natural Bath stone rough cut plinth and boundary walling is welcomed. The bonding pattern of this wall will significantly influence its integration into the townscape and should also be conditioned.

Environmental Protection: The assessment demonstrates that the impact of noise could be significant and I would suggest the mitigation measures laid out in Section 7 of the report need to be carried out to ensure an adequate protection from noise. A condition should be attached requiring a further assessment to be submitted on completion of the works to show that the development has been constructed to provide sound attenuation against external noise.

Environment Agency: No comment

Highways: The Transport Statement assesses the likely traffic generation resulting from the development. While an extension will inevitably lead to some increased use, my own experience suggests this will not pro-rata compared to the increase in floor area. I would therefore not disagree with the conclusion of the transport statement that there will not be a significant increase in traffic resulting from this development.

The main issue to be considered therefore is that of parking and servicing of the site. The current arrangement provides 20 marked parking spaces, and there is a 20 minute limit for parking. The observations of the applicant's Transport Consultant (Entran Ltd.) is that this arrangement is not enforced.

The transport statement provides survey information obtained during the traditionally busiest periods for shopping (Friday PM and Saturday mid-day), and this shows that a significant number of spaces are occupied permanently, but that there was generally limited parking available, and only one very short period when the car park was completely full.

My own observations, on a number of occasions, confirm this as being the case and there appears to be some long stay parking at present which reduces parking availability for shoppers.

The application proposes parking provision of 15 spaces, with a similar 20 minute time limit. The justification for the lower parking ratio is based on the observation that there is sufficient parking if the time restriction is enforced. The figures quoted in the T.S. would confirm this as being the case i.e. the current 20 space car-park is reduced to 12 spaces due to permanent occupations. It is worth noting that similar sized food stores operate in both with fewer parking spaces.

The implications of insufficient parking is the potential for increased demand on-street, however this would be no different than as present if the current restrictions were enforced properly. In addition, the loss of the existing two retail units (particularly the takeaway at the evenings and weekends) will result in the loss of a degree of on-street parking demand.

The 15 spaces provided are therefore considered to be appropriate if they are rigorously enforced. I would suggest this can be secured through a parking management plan conditioned to any consent granted.

Space for deliveries through the car park is limited (as it is currently), however as the car park benefits from a through-route, there is less space required for manoeuvring. Notwithstanding this, and to ensure deliveries do not arrive during peak shopping periods, I would recommend the management of deliveries be included within the parking management plan. Vehicle tracking information submitted shows that access by delivery vehicles is possible but needs to be managed. Currently three separate units operate deliveries from this site with differing demands for delivery.

Currently the shop operates without shopping trollies. The original plans indicated no provision for trolley 'parking' which raised concerns in respect of them being generally 'abandoned' in the local vicinity, or around the car park which may cause parking spaces to be obstructed. The recently submitted revised plan indicates a trolley parking area which is sufficient for small store such as this, and does not result in any loss of parking.

While I understand the view that dwellings without parking might result in increased on-street parking in the area, I am minded that an Inspector's decision on a residential development close to this site established the principle that Weston village was a sustainable location and his view that residential development here was "likely to attract occupiers who do not drive or own a car". An objection on these grounds could therefore not be defended.

'Strategic' contributions are required to be secured as per the Planning Obligations SPD contribution of £18,000 toward local public transport infrastructure, which will promote the

use of sustainable travel and therefore mitigate for the reduced level of parking in accordance with para D12.6 of the Local Plan, and the 'Planning Obligations' SPD.

The works to the lower ground floor may be likely to affect a wall which retains the highway. The applicant must therefore be advised of the need to submit plans, section and specifications of the proposed retaining wall for the approval of the Highway Authority in accordance with section 167 of the Highways Act 1980. The applicant should be made aware that this process can take in the region of 6 weeks to conclude. It may be that access for future maintenance of the wall (if considered to be a highway structure) will be required through the building itself.

Highways Drainage: The applicant's proposal is located within flood zones 2 and 3.

Building Control: No comment

Archaeology: The above proposed redevelopment lies within the medieval core of Upper Weston (SMR: MB10141), and may affect significant archaeological deposits and features. Therefore a watching brief condition should be attached to any planning consent.

Councillor Colin Barrett:

Weston village already experiences parking problems.

The building of apartments will further reduce the available parking spaces.

There is already a problem with large delivery vehicles delivering goods in the early morning disturbing the sleep of nearby residents.

There is no provision within the new store for the parking of shopping trolleys.

The impact of a larger store may put at risk the viability of the smaller traders as well as destroying the character of the village.

Representations: Ten representations have been received objecting to the application for the following reasons;

The development will result in a reduction of car parking for shoppers and it will be difficult for deliveries as the high street is already congested.

There are already insufficient car parking spaces.

Deliveries to the High Street are already a problem.

The position of the bike shed will be a problem for nearby dwellings as it may be vandalised.

The new dwellings will reduce the amount of natural light to nearby properties on the High Street and will overlook nearby properties resulting in a loss of privacy.

The stairs to the existing flats should be removed as they attract anti-social behaviour.

There is will be an increase of rubbish in the streets.

If delivery vehicles are parked on the highway they will disrupt the traffic.

Twenty minutes parking is not good enough for a store of this size and would not allow for support of other local stores.

Parking would be displaced onto surrounding streets or result in dangerous parking.

Building flats with no parking will lead to further problems.

The proposals will result in an expansion in the existing supermarket which currently only functions as a local convenience store.

The increase in the size of the store will result in an increase of trips to the site in particular by private car.

The transport statement and highway officer has underestimated the number of shopping trips.

There is currently a low level of trade generated by the existing shops.

The transport statement has only undertaken a limited survey of the existing car park.

The local community centre also increase demand for on street parking.

It is not possible to prevent occupiers of the flats from owning cars.

The proposed development will impact on the parking provision of surrounding residential properties.

The application is contrary to transport policies in the local plan as they do not provide an appropriate level of off street parking and will result in an increase in on -street parking.

People do not shop in the High Street due to a lack of parking.

If the store increases in size there will be more customers who will spend longer in the store increasing the demand for parking.

There is no information regarding staff numbers which will increase. This will be more than the staff employed at the existing carpet shop and takeaway.

There is no staff parking.

The expanded Tesco will have a detrimental impact on other retail uses within the local centre.

An expanded store could improve trade on the High Street if adequate parking was provided.

The time limit of 20 minutes on the car park will mean customers only have time to shop in Tesco and not the rest of the High Street.

The development will ruin the fragile status of Weston as a village. The village needs more small shops not one large one and less cars.

There are never enough parking spaces.

Six flats should not be built without parking.

In addition a petition objecting to the application has been received stating these plans would prove detrimental to the smaller independent traders in the village and will further add to parking problems. The petition includes 476 signatures.

It has also been drawn to my attention that a petition has been collected with 609 signatures to require the retention of the existing takeaway use (use class A5). A change of use from takeaway (use class A5) to retail (use class A1) can occur without planning permission therefore this is not a material consideration of the planning application but the comments are noted.

Two representations have been received in support of the application for the following reasons;

The new store will enable customers to do their weekly shop in walking distance from their homes and this would be of benefit to the community.

It would be an asset

POLICIES/LEGISLATION

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.6: Development within or affecting Conservation Areas

S.2: Retail development proposals within centres defined under policy S.1

S.8: Retention of shops in district, local and village centres
T.24: General development control and access policy
T.26: On-site parking and servicing provision
Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

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. The following policies should be considered:

B4 - The World Heritage Site and its Setting
CP6 - Environmental Quality
CP12- Centres and retailing

National Policy

The National Planning Policy Framework adopted March 2012

OFFICER ASSESSMENT

The application site is located within the centre of Western village local shopping area. The existing shop fronts onto Weston High Street. The car park is accessed from the High Street and Crown Road to the rear. The proposed flats would be located at the rear of the site and would be accessed from Crown Road. It includes creating a new access and entrance to the existing flats above the shop on the high street. The proposed flats will be accessed from Crown Road. The development will result in a private open area on the first floor which provides access to both the proposed and existing flats.

Planning History

Permission has been considered lawful under a certificate of proposed use for the expansion of the existing retail unit into the neighbouring carpet shop and takeaway. The carpet shop is already A1 and the takeaway can revert to A1 under permitted development. Therefore there was no requirement for planning permission to be obtained for the initial expansion of the existing retail unit. Current planning policy encourages the retention of retail uses within local shopping areas. Any alterations to the existing shopfront and signage would be the subject of a separate application.

Principle

The site is located within the city of Bath therefore the principle of residential development is accepted. Policy CP.12 of the core strategy also states that retail centres will also be the focus for high density forms of residential development provided the centre is suitable for such development and has a high level of accessibility by public transport, cycling and walking. Part 23 of the National Planning Policy Framework also states that residential development can play an important role in ensuring vitality of centres.

The existing retail unit is located within the local shopping centre therefore the principle of retail development is accepted. Policy S.2 allows for retail development within existing centres provided it is of a scale consistent with the existing retail function of the centre. The floor space of the retail unit will increase by approximately 26%, when just the shop

floor space is measured this reduces to 13%. The floor space of the retail unit will not substantially increase as a result of this development and therefore the proposed development will comply with policy S.2.

Design

The proposed flats will be accessed from Crown Road. The development will result in a private open area at first floor level which provides access to both the proposed and existing flats.

Currently the existing site does little to enhance the appearance of Crown Road appearing as a gap in the development at the rear of the shopping area. The provision of development at this frontage will improve the appearance of the streetscene drawing attention away from the rear of the shopping area.

The proposed flats will result in the provision of a two storey building at Crown Road dropping to three stories at the High Street due to the topography of the site. The proposed development will enlarge the existing building to the rear of the site and includes the provision of a new stone boundary wall. The site has a dual aspect with frontages to both Crown Road and the High Street.

The massing, form and landscape approach to the proposal is considered to be acceptable. The proposed building to the rear will fit well within the streetscene and the windows on the front elevation increases the verticality and rhythm of the façade. The Urban Designer has raised concern over the proposed materials such as the use of fibre cement boarding. This can be controlled by condition with the submission of material samples.

The provision of a Bath stone plinth and boundary wall will enhance the appearance of the streetscene along Crown Road. The provision of the stone boundary will reduce the dominating appearance of the existing car park. The applicant also proposes to re-pave the car park to improve the general appearance of the public realm as pedestrians move through the car park.

With regards to long range view the proposed building will be clearly visible from Crown Road and as stated above will make a positive contribution to the streetscene. The applicant has also submitted a view study within the design and access statement. This shows that whilst the building will be visible from views such as from nearby Church Road and it will contribute positively to the views.

Overall the development will improve the appearance of the site therefore enhancing the Conservation Area. The new building together with the alterations to the boundary treatment will improve the appearance of the public realm and the surrounding area of Crown Road.

Highways

The applicant has submitted a transport statement in support of the application. This has been referred to the highways officer who has raised no objection to the application.

The transport statement submitted assess the likely traffic generation from the development. Whilst an enlargement of the retail space will lead to increased use this will not be pro-rata compared to the increase in floor space. It is not considered that there will be a significant increase in transport movements.

The current parking arrangements provides 20 parking spaces with a 20 minute time limit. This arrangement is not currently considered to be enforced. On visiting the site the highways officer observed a significant level of long stay parking. The applicant is proposing 15 parking spaces with a similar 20 minute time limit. This is justified by the observation at that the 20 minute time limit would be enforced. The implications of insufficient parking is the potential for increased demand on-street, however this would be no different than as present if the current restrictions were enforced properly. The highways officer has conducted a number of site visits to confirm this. The available spaces would apply to all vehicles related to the development, including those belonging to staff.

In addition, the loss of the existing two retail units (particularly the takeaway at the evenings and weekends) will result in the loss of a degree of on-street parking demand. The 15 spaces provided are therefore considered to be appropriate if they are rigorously enforced. A condition should be attached to any permission requiring a parking management plan to be submitted and approved. This would include details of how the parking area will be enforced. It is worth noting that similar sized food-stores in bath operate with fewer parking spaces than are provided at this location.

Vehicle tracking information submitted shows that access by delivery vehicles is possible but needs to be managed. Currently three separate units operate deliveries from this site with differing demands for delivery. Space for deliveries through the car park is limited (as it is currently), however as the car park benefits from a through-route, there is less space required for manoeuvring. Notwithstanding this, and to ensure deliveries do not arrive during peak shopping periods, the management of deliveries should be included within the parking management plan identified above.

Currently the shop operates without shopping trollies. The original plans indicated no provision for trolley 'parking' which raised concerns in respect of them being generally 'abandoned' in the local vicinity, or around the car park which may cause parking spaces to be obstructed. The recently submitted revised plan indicates a trolley parking area which is sufficient for small store such as this, and does not result in any loss of parking.

Overall it is worth noting that the site currently services three independent retail units and therefore it can be argued that the development will result in fewer deliveries to the site.

With regards to the proposed flats, the flats have been located on an area with local services and good public transport links into Bath. The highways officer has requested that conditions are attached to any permission requiring the submission of a staff travel plan and residents welcome packs to give staff and residents information on sustainable transport options. Secure cycle parking has also been provided within the new development for residents.

Concern has been raised that the residential flats do not include off street parking. Past appeal decisions have stated that the village is considered to be sustainable with its own

shops and services. It is well connected to the city centre via a bus route. Therefore a residential development is considered to be likely to attract occupiers who do not own a car. Previous appeal decisions on a residential development close to the site have stated that Weston village is a sustainable location.

In terms of current planning policy the local plan states that developers will not be required to provide more off-street parking than they themselves wish unless the likely increase in on-street parking would have irresolvable implication for road safety. It is not considered that any parking on-street would have such an impact given the area is well protected against obstructive and dangerous parking by parking restrictions. The same document recognises that the availability of secure off-street parking can encourage residents to leave the car at home and use public transport.

The national planning policy statement states that development should only be refused on transportation grounds where the impacts are "severe". It is not considered that the parking impact of development, if any, would be severe.

'Strategic' contributions are required to be secured as per the Planning Obligations SPD contribution of £18,000 toward local public transport infrastructure, which will promote the use of sustainable travel and therefore mitigate for the reduced level of parking in accordance with para D12.6 of the Local Plan, and the 'Planning Obligations' SPD.

The works to the lower ground floor may be likely to affect a wall which retains the highway. The applicant must therefore be advised of the need to submit plans, section and specifications of the proposed retaining wall for the approval of the Highway Authority in accordance with section 167 of the Highways Act 1980. The applicant should be made aware that this process can take in the region of 6 weeks to conclude. It may be that access for future maintenance of the wall (if considered to be a highway structure) will be required through the building itself. This can be added to any condition as an informative.

Noise

The proposed and existing flats will be located close to the plant room and a busy main road. The applicant has submitted a noise assessment which has been referred to the environmental health officer. The environmental health officer has raised no objection to the application but has stated that the assessment demonstrates that the impact of noise could be significant. The mitigation measures laid out in Section 7 of the report need to be carried out to ensure an adequate protection from noise. A condition should be attached to any permission requiring a further assessment to be submitted on completion of the works to show that the development has been constructed to provide sound attenuation against external noise.

Amenity

The new flats are located approximately 15m away from the existing flats on the high street. Therefore the proposed new flats are not considered to harm the amenity of nearby occupiers from overlooking. Concern has been raised within representations that the proposed new building will cause a loss of light to nearby dwellings on the High Street. As stated above the proposed development would be located approximately 15m from the properties on the High Street.

As stated above the highways officer has requested a parking management plan that would include the control of deliveries. This would also mitigate against deliveries happening at anti-social hours. This would be of benefit to the local area which currently does not benefit from such controls. Furthermore an operational statement will be required by condition to establish the opening hours of the store and its proposed staff numbers.

Other Matters

The representations received raise a number of issues the bulk of which have been covered in the report. The issue of amenity can be controlled by condition whereby deliveries to the site can be made outside anti-social hours and the opening time of the store can be controlled.

Concern was raised over the existing external staircase which provides access to the existing flats being a problem for anti-social behaviour. The new design shows that the external staircase will be removed. The flats existing and proposed will all be accessed from one accessed on Crown Road. Then the flats can be accessed internally.

The archaeological officer has stated that the development lies within the medieval core of Upper Weston and may affect significant archaeological deposits and features. Therefore a watching brief condition should be attached to any planning consent.

CONCLUSION

The principle of residential development is accepted and the development is considered to comply with the policies set out within the development plan and national planning policy framework.

The proposed development will result in a building which will enhance the appearance of the surrounding Conservation Area. The proposed development is not considered to cause harm to highway safety. Appropriate conditions will be added to ensure that the amenity of future occupiers will not be harmed. The proposed development will not harm the amenity of residents surrounding the site.

The committee is therefore recommended to delegate to officer to permit the application with a legal agreement to secure highways contributions.

RECOMMENDATION

A. Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to cover the following;-

1) £18,000 for the improvement of local public transport infrastructure.

B. Subject to the prior completion of the above agreement, authorise the Development Manager for Planning and Transport Development to PERMIT 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 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 No development shall commence until a sample panel of the permitted boundary wall shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

Reason: In the interest of the appearance of the surrounding Conservation Area.

4 Prior to the occupation of the development, an operation statement for the retail unit shall be submitted to and approved in writing by the Local Planning Authority and shall include details of opening hours and deliveries. The development shall thereafter be occupied in accordance with the approved operational statement.

Reason: In the interests of residential amenity and highway safety.

5 The area allocated for parking and manoeuvring on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and manoeuvring of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

6 The area allocated for cycle parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of cycles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

7 Prior to the commencement of the development, a Parking and Service Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of parking enforcement, delivery management (including restricted times as appropriate).

Reason: To ensure the safe operation of the car park and highway.

8 Within two months of occupation of the development the Staff Travel Plan shall have been instigated. The development shall thereafter be operated in accordance with the Travel Plan in liaison with Bath and North East Somerset Council's Transportation Planning Team.

Reason: In the interests of sustainable development.

9 Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., together with complimentary bus tickets for each household to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

10 On completion of the works but prior to any occupation of the approved 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 minimise the impact of noise to existing and future occupiers of the property and the amenity of neighbouring occupiers to the site.

11 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 within the previously undeveloped areas of the site, with provision for excavation of any significant deposits or features encountered.

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

12 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:

Location plan P_050
Existing site plan P_051
Proposed site plan P_052
Topographical Survey 915/6262/1
Streetscapes 2
Ground floor plan 4
First floor plan 5
Lower ground floor (High Street) P_053
Upper ground floor (Crown Road) P_054
First floor plan P_055

Roof plan P_056
North-East Elevation P_057
SE Elevation P_058
North-West Elevation P_059
Section B P_060

Informative

The applicant is advised of the need to submit plans, sections and specifications of the proposed retaining wall for the approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980. This process can take in the region of 6 weeks to conclude. It may be that access for future maintenance of the wall (if considered to be a highway structure) will be required through the building itself.

REASONS FOR GRANTING APPROVAL

1. The proposed development would not have an adverse impact upon the streetscene or the amenity of the surrounding and future residential occupiers. Due to the use of appropriate materials and design the proposed development will enhance the character of the surrounding Conservation Area. The proposed development 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, S.2 and S.8 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007