

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.