

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**16<sup>th</sup> January 2013**

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN  
AGENDA**

**ITEM 10**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
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 highlight 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.

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
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.*

***Viability***

- 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.

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<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
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.

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.