

**BATH AND NORTH EAST SOMERSET COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**3rd July 2013**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	13/01529/FUL	
<b>Site Location:</b>	169 Newbridge Hill, Newbridge, Bath, BA1 3PX	
<b>Ward:</b> Newbridge	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a 11 bed care home to the rear of the existing care home and associated works	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Tree Preservation Order, World Heritage Site,	
<b>Applicant:</b>	Mr Mehmet Iltas	
<b>Expiry Date:</b>	12th June 2013	
<b>Case Officer:</b>	Sarah James	

**DECISION** Defer for a site visit to allow members to view the site and it's surroundings and to allow further consideration of the site's planning history.

<b>Item No:</b>	02	
<b>Application No:</b>	13/01242/FUL	
<b>Site Location:</b>	Former Little Chef, Bristol Road, Farrington Gurney, Bristol	
<b>Ward:</b> High Littleton	<b>Parish:</b> Farrington Gurney	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Refurbishment of existing restaurant (A3) to create restaurant (A3) and takeaway (A5) including single storey extensions, installation of cod and canopy, installation of drive through lane and associated works to the site (resubmission).	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,	
<b>Applicant:</b>	McDonald's Restaurant Ltd	
<b>Expiry Date:</b>	17th May 2013	
<b>Case Officer:</b>	Daniel Stone	

**DECISION** REFUSE

1 The proposed introduction of the A5 use and associated drive-through Takeaway facility would increase the intensity of the use of the site and would result in increased customer movements into and out of the site and activity within the site itself in the early morning and in the evening until 11:00 PM. The additional activity within the site would result in

increased noise, traffic and other disturbance that would cause unacceptable harm to the amenity and living conditions of the adjoining residents. The proposals would therefore be contrary to saved policy D.2 of the Bath and North East Somerset Local Plan.

2 The proposed development by virtue of the design, materials and appearance of the proposed fences and associated lamp posts, outdoor seating and bins would have an inappropriately hard, urban appearance which would fail to reinforce the local character and rural distinctiveness of the village and the setting of the listed building opposite. As such, the proposals would be contrary to policies D.2 (b) D.4 (a) of the Bath and North East Somerset Local Plan and policy CP6 (1, 2) of the draft Bath and North-East Council Core Strategy and the guidance contained in the National Planning Policy Framework.

### **PLANS LIST:**

This decision relates to drawing nos:

- COD CANOPY
- 4971\_8742\_1002D BLOCK PLAN
- 4971\_8742\_1003 EXISTING SITE PLAN
- 4971\_8742\_1004G PROPOSED SITE PLAN
- 4971\_8742\_1005C EXISTING AND PROPOSED ELEVATIONS
- 4971\_8742\_1006B EXISTING AND PROPOSED INTERNAL LAYOUT
- 4971\_8742\_1001 SITE LOCATION PLAN
- BUTON FURNITURE
- DESIGN AND ACCESS STATEMENT
- FENCING DETAILS WITH PHOTO
- NOISE IMPACT ASSESSMENT
- PATIO FENCING ELEVATION
- PLANNING STATEMENT
- TRANSPORT STATEMENT
- COD AND CANOPY PHOTO
- TYPICAL BARRIER AND LAMP POST DETAIL
- PHOTOGRAPHIC AND PLAN SCHEDULE OF OUTDOOR SEATING

### **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. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the reasons outlined above and the applicant was advised that the application was to be recommended for refusal unless amendments to the scheme were supplied. The applicant was unable to submit revisions in a timely manner, and did not choose to withdraw the application. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	03
<b>Application No:</b>	13/01243/AR
<b>Site Location:</b>	Former Little Chef, Bristol Road, Farrington Gurney, Bristol
<b>Ward:</b> High Littleton	<b>Parish:</b> Farrington Gurney <b>LB Grade:</b> N/A
<b>Application Type:</b>	Advertisement Consent
<b>Proposal:</b>	Installation of 2no. white acrylic 'McDonalds' text signs and 2no. yellow acrylic 'golden arch' symbol signs (revised proposal).
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary
<b>Applicant:</b>	McDonald's Restaurant Ltd.
<b>Expiry Date:</b>	17th May 2013
<b>Case Officer:</b>	Daniel Stone

## **DECISION REFUSE**

1 The proposed illuminated signage, by virtue of the location, size and illumination of the sign on the northern roof slope of the building and its relationship to the dwelling known as Thornton House to the north, would dominate and detract from the 1st floor outlook of this property, and unacceptably harm the living conditions of its residential occupiers. As such, the proposed development would be contrary to policies D.2 (f) and BH.17 (ii) of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

### **PLANS LIST:**

This decision relates to drawing nos:

- 4971\_8742\_1002D BLOCK PLAN
- 4971\_8742\_1007A EXISTING AND PROPOSED ROOF ADVERTISEMENT...
- 4971\_8742\_1009C EXISTING AND PROPOSED ADVERT ELEVATIONS
- SIGN 19 GOLDEN ARCH FASCIA
- SIGN 5 ALFRESCO ROOF LETTERS
- 4971\_8742\_1001 SITE LOCATION PLAN

### **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. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	04
<b>Application No:</b>	13/01244/AR
<b>Site Location:</b>	Former Little Chef, Bristol Road, Farrington Gurney, Bristol
<b>Ward:</b> High Littleton	<b>Parish:</b> Farrington Gurney <b>LB Grade:</b> N/A
<b>Application Type:</b>	Advertisement Consent
<b>Proposal:</b>	Display of 1no. Internally illuminated gateway sign, 4no. Internally illuminated Totem signs 5no. non-illuminated directional signs, 1no. non illuminated banner and 1no. non illuminated hero board. (Revised proposal)
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
<b>Applicant:</b>	MacDonalds Restaurant Ltd
<b>Expiry Date:</b>	30th May 2013
<b>Case Officer:</b>	Daniel Stone

## DECISION REFUSE

1 In culmination with the external structures proposed as part of application 13/01242/FUL (fences, seating, bins) and the totem advert proposed as part of application 13/01388/AR, the signage at the front (north and west) of the building would result in significant visual clutter, which would erode the setting of the Listed Building and the rural character of the village. As such, the proposals would be contrary to policies D.2 (b), D.4 (a) and BH.17 (ii and iii) of the Bath and North East Somerset Local Plan and policy CP6 (1, 2) of the draft Bath and North-East Council Core Strategy and the guidance contained in the National Planning Policy Framework.

### PLANS LIST:

This decision relates to drawing nos

- BANNER UNIT
- DIRECTIONAL SIGNS
- GATEWAY SIGN
- HERO BOARD
- SIGN 34 DRIVE THRU WALL MOUNTED SIGNS
- TOTEM 3 PRESALE BOARD
- TOTEM 4 3 BAY
- 4971\_8742\_1001 SITE LOCATION PLAN
- 4971\_8742\_1002D BLOCK PLAN
- 4971\_8742\_1003 EXISTING SITE PLAN
- 4971\_8742\_1008 REV F PROPOSED SITE ADVERTISEMENT PLAN

### 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. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into

correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	05	
<b>Application No:</b>	13/01388/AR	
<b>Site Location:</b>	Former Little Chef, Bristol Road, Farrington Gurney, Bristol	
<b>Ward:</b> High Littleton	<b>Parish:</b> Farrington Gurney	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Advertisement Consent	
<b>Proposal:</b>	Display of 1no internally-illuminated freestanding 8m totem sign (Revised proposal)	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,	
<b>Applicant:</b>	McDonalds Restaurant Ltd	
<b>Expiry Date:</b>	30th May 2013	
<b>Case Officer:</b>	Daniel Stone	

## **DECISION REFUSE**

1 The proposed sign by virtue of its excessive height would appear unduly prominent and would dominate and detract from the entrance to the village, and the setting of the Farrington Inn, a Grade II Listed Building opposite the site. As such, the proposed development would be contrary to policies D.2 (b), D.4 (a), BH.2 (v) and BH.17 (ii and iii) of the Bath and North East Somerset Local Plan, policy CP6 of the draft Bath and North-East Council Core Strategy and the guidance contained in the National Planning Policy Framework.

### **PLANS LIST:**

This decision relates to drawing nos

- Drawing 4971\_8742\_1102D BLOCK PLAN SIGNAGE
- Drawing PROPOSED TOTEM POLE + SIGN - elevations and cross section
- site location plan

### **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. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Following the previous withdrawn application (12/04934/A) the Authority advised the applicant to reduce the height of the pole sign to that of the pre-existing Little Chef sign, but this advice was not followed. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application, and having regard to the need to

avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	06	
<b>Application No:</b>	13/01606/FUL	
<b>Site Location:</b>	Church Farm Barn, Washing Pound Lane, Whitchurch, Bristol	
<b>Ward:</b> Publow And Whitchurch	<b>Parish:</b> Whitchurch	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Repair and rebuilding of existing dilapidated workshop/outbuilding to provide 1 no. one and half storey dwelling with associated access, car parking area and garden area (resubmission).	
<b>Constraints:</b>	Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Greenbelt,	
<b>Applicant:</b>	Mrs L Maddocks	
<b>Expiry Date:</b>	13th June 2013	
<b>Case Officer:</b>	Jonathan Fletcher	

## **DECISION REFUSE**

1 The proposal would result in construction of a new dwelling which would constitute an inappropriate form of development within the green belt which would be harmful to the openness of the green belt, the semi-rural character of the area and would conflict with the purposes of preventing neighbouring towns from merging and safeguarding the countryside from encroachment. The very special circumstances put forward by the applicant are not considered to be sufficient to clearly outweigh the harm caused by the development. The proposal is therefore contrary to policies GB.1 and GB.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007 and the guidance set out in the National Planning Policy Framework 2012.

2 The proposed development, by reason of its scale, the required excavation works and the visibility from the surrounding area, would be harmful to the openness of the green belt and the semi-rural character of the area contrary to policies D.2, D.4 and GB.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

### **PLANS LIST:**

Site Location Plan, PL001, PL202, PL204, PL205 received 17 April 2013.

PL002, PL003 received 18 April 2013.

PL201 received 18 June 2013.

### **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 Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered

unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	07	
<b>Application No:</b>	13/01412/FUL	
<b>Site Location:</b>	Costa Coffee, 50 High Street, Keynsham, BS31 1DX	
<b>Ward:</b> Keynsham North	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use of highway to the siting of 2 tables and 4 chairs	
<b>Constraints:</b>	City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Housing Development Boundary, Prime Shop Front,	
<b>Applicant:</b>	South West Coffee Ltd	
<b>Expiry Date:</b>	31st May 2013	
<b>Case Officer:</b>	Sasha Coombs	

**DECISION** Member overturn to Refuse

<b>Item No:</b>	08	
<b>Application No:</b>	13/01163/FUL	
<b>Site Location:</b>	54 High Street, Saltford, Bristol, Bath And North East Somerset	
<b>Ward:</b> Saltford	<b>Parish:</b> Saltford	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a detached two storey dwelling and a new double garage for use by no 54, modification works to retaining walls to create wider entrance and associated works following demolition of existing single garage and stone retaining walls	
<b>Constraints:</b>	Agric Land Class 1,2,3a, British Waterways Major and EIA, Conservation Area, Forest of Avon, Housing Development Boundary,	
<b>Applicant:</b>	Mr Luke Pargeter	
<b>Expiry Date:</b>	10th June 2013	
<b>Case Officer:</b>	Chris Griggs-Trevarthen	

**DECISION** Defer for a site visit to allow members to view the site and it's surroundings.

<b>Item No:</b>	09
<b>Application No:</b>	13/00471/FUL
<b>Site Location:</b>	Ashes Hill Farm, Kilkenny Lane, Englishcombe, Bath
<b>Ward:</b> Bathavon West	<b>Parish:</b> Englishcombe <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Change of use of the land and construction of an all weather horse exercise arena (menage)
<b>Constraints:</b>	Agric Land Class 1,2,3a, Forest of Avon, Greenbelt,
<b>Applicant:</b>	Mr Andrew Scurlock
<b>Expiry Date:</b>	13th May 2013
<b>Case Officer:</b>	Sasha Coombs

**DECISION** Member overturn to Delegate to allow the Development Manager to permit with conditions.

<b>Item No:</b>	10
<b>Application No:</b>	13/00596/FUL
<b>Site Location:</b>	Hillside Gardens, Tadwick Lane, Tadwick, Bath
<b>Ward:</b> Bathavon North	<b>Parish:</b> Swainswick <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of a single storey extension and covered terrace connecting to main house following demolition of dilapidated outbuildings, garages and sheds adjoining main house, remodelling of interior to main house, new windows and doors, renovation of outbuilding to create home office, removal of external hard surfacing, restoration of natural landscape and new permeable road surfacing.
<b>Constraints:</b>	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt,
<b>Applicant:</b>	Mr Dan Pearson
<b>Expiry Date:</b>	26th April 2013
<b>Case Officer:</b>	Alice Barnes

**DECISION** Member overturn to Delegate to allow the Development Manager to permit with conditions.



<b>Item No:</b>	11
<b>Application No:</b>	13/01632/FUL
<b>Site Location:</b>	13 Lytton Gardens, Southdown, Bath, Bath And North East Somerset
<b>Ward:</b> Southdown	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Installation of rear dormer.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
<b>Applicant:</b>	Mrs N Tew-O'Mara
<b>Expiry Date:</b>	25th June 2013
<b>Case Officer:</b>	Alice Barnes

**DECISION** Member overturn to Delegate to allow the Development Manager to permit with conditions.

<b>Item No:</b>	12
<b>Application No:</b>	13/01316/FUL
<b>Site Location:</b>	Old Dairy Cottage Claysend Cottages, Clays End Lane, Newton St. Loe, Bath
<b>Ward:</b> Bathavon West	<b>Parish:</b> Newton St. Loe <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of oak-framed outbuilding in rear garden
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,
<b>Applicant:</b>	Mr Harvey G Evans, ACMA, CGMA
<b>Expiry Date:</b>	22nd May 2013
<b>Case Officer:</b>	Sasha Coombs

**DECISION** Member overturn to Delegate to allow the Development Manager to permit with conditions.