

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

30th July 2014

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

ITEMS FOR PLANNING PERMISSION

Site Visit

Item No 1

Application No. 14/02158/FUL

Address. Recreation Ground, Pulteney Mews, Bathwick, Bath

Further Representations

Since completion of the Committee report a further 3 representations have been received, 2 in support of the application and 1 against.

The objection is in respect of the Travel plan that has been submitted, noting that the initial set of comments on the application from the Council's Highways expressed a number of reservations about the Travel Plan and that, in the objector's opinion these were not fully reflected in the report to the Development Control Committee report on 2nd July. They consider that the Club should make a financial contribution to various measures to influence match day travel choices.

Officer Observations

Following the initial comments from Highways the Club submitted an updated Travel Plan and this informed the assessment and reporting of the application. Discussions between the Club and Highways have also been on-going regarding a further information to address outstanding concerns.

A condition (9) is proposed requiring a further iteration of the Travel Plan to be submitted and agreed prior to commencement of the 2014/15 Premiership season. This will include further information on the review of traffic flows, crowd management and liaison with P&R / train operators.

It is considered that this provides an appropriate mechanism to monitor and manage transport impacts of the proposed increase in spectator capacity from approximately 12,000 to 14,000 at the ground, as well as provide baseline information should proposals for redevelopment come forward in the future.

Planning Item No 8
Application No. 14/00958/VAR
Address. St James Surgery , 8 - 9 Northampton Buildings, Lansdown, Bath

Since the report has been drafted a further three letters of objection have been received.

The two letters raised largely issues which have been reported in the case officer's report. One further issue has been raised with regards to the application procedure. The objections state that the proposed use constitutes a full retail unit (use class A1) and therefore cannot be considered under a variation of condition application. As stated in the case officer report the council has taken a different view to that of the objectors in that the proposed use of the ground floor of the annexe is considered to be ancillary to the primary use of the surgery. Therefore it is considered to fall within the existing D1 use class and does not constitute a change of use. In this regard the council considers that the application being made for a variation of condition is appropriate.

Reference has been made to a further appeal decision in which it was said that a pharmacy within a surgery was not considered to be ancillary and that the supply of a prescription is considered to be a retail transaction. In this case the proposed pharmacy would operate within opening times far beyond the opening times of the existing surgery which is not the case with this application.

For an operation to be considered to be ancillary it must have a functional link with the existing use of the building. The operational statement submitted by the applicant has stated that the proposed pharmacy does not include a retail element. The permission can be conditioned so that the pharmacy is only used for the dispensing of prescriptions from the related surgery. Thereby retaining a functional link between the surgery and pharmacy. The pharmacy would not operate outside the opening times of the surgery.

In response to the further comments received the conditions to the application have been updated.

A further condition is added to state;

The pharmacy hereby permitted shall operate solely in connection with the dispensing of prescribed medicines from St James Surgery and for no other use.

Reason: To ensure that the ground floor of the annexe continues to operate within the existing D1 use class.

Condition 5 is deleted and replaced with

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

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

Recommendation:

PERMIT, as per the officer report with the following updated 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. The ground floor annexe accommodation hereby permitted shall be ancillary to the principle surgery premises only.

Reason: To prevent a material increase in patient numbers at the surgery, which would result in a significant hazard to highway and pedestrian safety.

3. The pharmacy hereby permitted shall operate solely in connection with the dispensing of prescribed medicines from St James Surgery and for no other use.

Reason: To ensure that the ground floor of the annexe continues to operate within the existing D1 use class.

4. The annexe shall not operate outside the hours of 08:00 to 18:30 Monday to Friday and 09:00 to 12:00 Saturdays in line with the existing surgery opening hours.

Reason: In the interests of residential amenity

5. The annexe shall operate in accordance with the proposed floor layout plan detailed in drawing 9049_L_22 rev A. The existing windows shall not be used as a display area.

Reason: To ensure that the proposed use remains within the D1 use class and ancillary to the existing surgery.

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

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

7. 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.

Site location plan 9049 (L) 001 P3

Proposed ground floor layout 9049_L_22 rev A