

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

Wednesday, 16th March, 2011

Present:- Councillor Les Kew in the Chair
Councillors Rob Appleyard (In place of Eleanor Jackson), Neil Butters (In place of Sharon Ball), Nicholas Coombes, Gerry Curran, Colin Darracott, Malcolm Lees, Martin Veal (In place of Bryan Organ), Brian Webber, John Whittock and Stephen Willcox

120 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

121 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

122 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Sharon Ball (substituted by Councillor Neil Butters), Councillor John Bull (substituted by Councillor Rob Appleyard) and Councillor Bryan Organ (substituted by Councillor Martin Veal).

123 DECLARATIONS OF INTEREST

Councillor Martin Veal declared a personal and prejudicial interest in respect of application 4 of agenda item 10.

Councillor Brian Webber declared a personal and prejudicial interest in respect of application 5 of agenda item 10 as the applicant.

124 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

125 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Committee noted that there were members of the public wishing to make statements on planning applications and that they would be able to do so when those items were reached on the agenda.

126 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were none.

127 MINUTES: 16 FEBRUARY 2011

These were approved as a correct record and signed by the Chair.

128 MAJOR DEVELOPMENTS

The Development Manager said that there was nothing to report.

Councillor Eleanor Jackson requested that a report on the redevelopment of railway land at Radstock be brought to the next meeting of the Committee.

129 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered

- The report of the Development Manager on the applications
- Oral statements by members of the public, the Speakers List being attached as Appendix 1 to these Minutes
- The update report by the Development Manager, attached as Appendix 2 to these Minutes

RESOLVED that, in accordance with their delegated powers, the planning applications be determined as set out in the Decisions List attached as *Appendix 3* to these Minutes.

NOTES: Decisions were made by the Committee as per the Officers' recommendations set out in the Report with the Agenda, and were carried unanimously or without dissension unless stated otherwise. Where the Officer's recommendation was overturned, or there were amendments whether lost or carried, or there were decisions on matters other than on planning applications, these are listed below.

Item 1: 2 Silver Street, Midsomer Norton: conversion of an existing building to 220sqm of commercial office space and 5no. 1 & 2 bed apartments and erection of 4no. terraced houses in adjacent car park (Resubmission) (10/03141/FUL) – the case officer made a presentation on the application and his recommendation to permit. He drew attention to the update report and informed the Committee that a further letter had been received from Norton Radstock Town Council stating that they still objected to the proposal. He felt that the current proposal had struck an acceptable balance between the desirability of retaining commercial space and the need for additional housing. He suggested that the recommendation be amended from permit to delegate to permit. The public speakers were heard. Councillor Willcox moved to refuse the application because of inadequate access, loss of parking spaces and loss of commercial space. Councillor Jackson seconded this motion. She believed that the proposal would cause additional traffic delays in the vicinity and an increase in air pollution, something that had not been addressed in the report. The town could not afford to lose commercial space and the loss of parking spaces would cause great inconvenience for those making deliveries to commercial premises. Councillor Whittock said that he was concerned that the report did not contain an assessment of potential demand for the commercial space and that he would support the motion to refuse. Councillor Darracott said that he was unable to support the motion to refuse. He was surprised that the report contained no information about potential demand for the commercial

space, but he did not think that the loss of parking spaces was a significant issue. Councillor Curran said that he was unable to support the motion, though he would have preferred that a commercial use could have been found for the site. He agreed that a potential increase in air pollution was a relevant issue. Responding to a question from Councillor Curran, the case officer drew attention to the fact some of the new parking spaces would be available to bank customers. Councillor Coombes felt that a better solution could be found for the site than a small residential terrace; a couple of flats and a couple of commercial units beneath would be better for the town.

The motion was put and the application was it was **RESOLVED** by 7 votes to 5 to refuse the application.

REASON: the proposal was unsatisfactory because of a reduction in the number of parking spaces, restricted access and the loss of commercial space.

Item 2: Bidstone, 29 Church Street, Bathford, Bath: erection of 1no 5-bedroom house and detached 2 bay garage following demolition of existing detached house (10/04952/FUL) – the officer made a presentation on the application and the recommendation to delegate to permit. The public speakers were heard. The Development Manager reported that the additional letter to residents referred to on page 53 of the agenda had not in fact been sent and would have to be sent to them, if the Committee accepted the recommendation to delegate to permit. Councillor Veal said that he knew the road past the application site well. He considered that the additional two metres in height of the new dwelling would have a significant impact on neighbouring properties and he was therefore unable to support the officer's recommendation. Councillor Coombes said that he was surprised by the proposal. It was not often that the opportunity arose to develop a large plot enclosed by a boundary wall within a conservation area, and yet instead of locating it further from the road it was proposed to site it at the boundary and build it higher than the existing dwelling. He felt that when considering the possibility of overshadowing daylighting needed to be taken into account as well as direct insolation. He moved to refuse the application. This was seconded by Councillor Veal. Councillor Willcox agreed that the dwelling should have been located further from the road. He believed that overshadowing could be particularly acute in winter. The motion was put and it was **RESOLVED** by 9 votes to 2 with 1 abstention to refuse the application.

REASON: Members felt that that increased height of the proposed dwelling would impact adversely on residential amenities of adjoining occupiers and the character and appearance of the Conservation Area .

Item 3: Vodafone Ltd, Street Record, Poolemead Road, Whiteway, Bath: erection of a 13.8m MK3 dual user column with ground based cabinets and ancillary development (10/05365/FUL) – the case officer made a presentation on the application and his recommendation to permit. The public speaker was heard. Councillor Curran said that he agreed with most of what the public speaker had said. He believed that mobile phone masts should be sited away from residential properties and be less visible and intrusive. He did acknowledge that there were gaps in Vodafone coverage in the area, but moved to refuse the application on the grounds of visual amenity, clutter on the highway and highway visibility. Councillor Appleyard seconded the motion and said that modern technology should make it possible to design less intrusive installations. Councillor Darracott agreed that the

mobile phone companies should try to make them more pleasing aesthetically. Councillor Jackson recalled that when a previous application for a mobile phone mast had been considered by the Committee, the applicants had shown a full-size mock-up of the street cabinet, which had been very helpful in assessing its intrusiveness. She thought that the mast proposed in this application was simply too large for the site. Councillor Veal said that he would support the motion. He thought that the mobile phone companies would have no incentive to improve the aesthetics and reduce the impact of masts unless permission for unsatisfactory designs continued to be refused. Members noted the concerns expressed in representations to the application about the possible adverse impacts on human health from mobile phone masts. The Planning and Environmental Law Manager referred to the late representation on this application, which highlighted the need to take into account health concerns or perceived health concerns in the determination of this matter. She advised Members that these need to be taken into account as they are material considerations. It is however a matter of what weight should be given to such concerns in each case. She then drew the Committee's attention to the section "Impact on Health" in the report and the quotation from PPG 8 that "it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary for a local planning authority, in processing an application for planning permission, to consider further the health aspects and concerns about them." The question that the Committee therefore needed to ask was: have any exceptional circumstances been put forward allowing or requiring departure from Paragraph 98 of PPG8? Members accepted that whilst this was a material consideration, they concluded that it carried little weight in their determination of this application since the applicant had submitted the appropriate International Commission on Non-Ionizing Radiation Protection (ICNIRP) certification.

The motion was put and it was **RESOLVED** by 11 votes to 1 to refuse the application.

REASON: the proposal is unacceptable because of its impact on visual amenity, highway clutter and highway visibility.

Item 4: BANES, Tourism, Leisure & Culture: Street Record, Kingston Parade, City Centre, Bath Somerset: use of area as exhibition space to include the erection of 29 triangular structures for the display of 80 images and erection of a temporary structure to house a retail unit associated with the exhibition in Kingston Parade/Abbey Churchyard (11/00066/REG04): the case officer gave a presentation on the application and her recommendation to refuse. She referred to the update report in which she advised the Committee that the Highway Development Officer had withdrawn his objection and therefore the second reason for refusal could be omitted. The public speaker was heard.

Councillor Veal withdrew in accordance with his declaration of interest.

Councillor Darracott said that in recent years the Council had allowed its facilities to be used in an imaginative way and that there had been many favourable comments about events that had taken place. However, he thought that the limit of acceptability was not far off in relation to street events. He commented that the appearance of the proposed retail unit was not appropriate for the location. However, on balance he would move to delegate to permit the application. This was seconded by Councillor

Willcox, who thought the event would be of benefit to the City. Councillor Jackson, however, thought the officer's recommendation to refuse should be accepted and commended the report. She said that the proposal was entirely out of character with the location next to the Abbey and in an important public open space. Councillor Coombes said that site was unsuitable for commercial activity and he thought that empty shop units could be used instead of the proposed retail unit. Councillor Curran said that the Abbey was the most significant heritage building in the City and that the proposal was entirely out of keeping with it. Councillor Webber believed that the Abbey had striven to engage with the City and that most street events in recent years had been worthwhile and successful. However, he thought that Bath should not become merely a backdrop for public exhibitions. The location was a sensitive one and there should be a pause to take stock of what was appropriate in Bath.

The motion to delegate to permit was put and lost by 3 votes in favour, 8 against with 1 abstention.

It was then proposed by Councillor Curran and seconded by Councillor Jackson and **RESOLVED** to delegate to refuse the application for the reasons set out in the update report. Voting: 6 in favour, 4 against with 1 abstention.

Item 5: Cllr Brian Webber: 21 - 22 High Street, City Centre, Bath,,: internal alterations for the provision of a street lantern to the ceiling of the passageway which runs through the building from the high street to Northumberland Place (10/05325/LBA)

Councillor Veal returned to the room.

The case officer made a presentation on the application and his recommendation to grant consent.

Councillor Webber made a statement in favour of the application and then withdrew in accordance with his declaration of interest.

Councillor Darracott said that he thought that the proposal was unacceptable. The passage way was very short and did not require lighting and the design of the proposed lamp was entirely inappropriate in a context of listed buildings. He moved to refuse the application. Councillor Curran agreed and seconded the motion. Councillor Willcox said that the passageway could be cluttered at times and that if those occupying premises in the vicinity wanted additional lighting, they should be allowed to have it. Councillor Veal said that he agreed that the application should be refused.

The motion was put and it was **RESOLVED** by 9 votes in favour, 1 vote against with 1 abstention to refuse consent.

REASON: The inappropriate design of the proposed lamp would detract from the character and appearance of the listed building.

Speakers' List

Update Report

Decisions List

130 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES

RESOLVED to note the report.

The meeting ended at 4.21 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

**SPEAKERS LIST
BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

**MEMBERS OF THE PUBLIC ETC WISHING TO MAKE A STATEMENT AT
DEVELOPMENT CONTROL COMMITTEE AT ITS MEETING ON
WEDNESDAY 16TH MARCH 2011**

ITEM 10: MAIN PLANS LIST		
SITE	NAME/REPRESENTING	FOR/AGAINST
Linhope Properties, 2 Silver Street, Midsomer Norton, BA3 2HB (Item 1, pages 45-51)	Paul Myers (Midsomer Norton and Radstock Chamber of Commerce)	Against
	Will Lakin (Agent)	For
Bidstone, 29 Church Street, Bathford (Item 2, pages 52-62)	Councillor Gabriel Batt	Against
	Mrs Margaret Waugh (neighbour)	Against
	Simon Morray-Jones (Simon Morray-Jones Architects and Designers)	For
Vodafone Ltd Street Record, Poolemead Road, Whiteway, Bath, (Item 3, pages 62-73)	Jo Scofield (Resident)	Against
BANES, Tourism, Leisure & Culture Street Record, Kingston Parade, City Centre, Bath (Item 4, pages 74-79)	David Lawrence (Divisional Director: Tourism, Leisure & Culture)	For
	Councillor Terry Gazzard	For

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

16 March 20112

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

ITEM 11

ITEMS FOR PLANNING PERMISSION

Item No	Application No	Address	Page No
01	10/03141/FUL	2 Silver Street, Midsomer Norton	45

Amend recommendation to read:- “delegate to permit subject to the completion of a Section 106 agreement securing appropriate contributions to the provision of open space”.

Internal Consultations:-

Open Space Team:- note that the site is within an area of shortfall of green spaces and request an appropriate contribution.

Development & Regeneration Team:- seek confirmation that Lloyds Bank are happy with the proposal and that they can operate in the reduced space.

Comment:- Lloyds TSB objected to the original application, but since the submission of revised plans, have withdrawn their objection, stating that they are content with the proposals.

Item No	Application No	Address	Page No
02	10/04952/FUL	Bidstone, 29 Church Street, Bathford, Bath BA1 7RR	52

- Amended plans have been received showing the proposed log and bin store and detached double garage ‘swopped around’ from the original plans so that the garage would not be visible from Church Street behind the listed wall; and
- A set of 64 diagrams have been received, showing the shadow cast on Squirrel Lodge in existing and proposed circumstances at 9am, 12 noon, 3pm, and 6pm on 22nd December, 6th Feb, 20th March, 6th May, 21st June, 6th August, 23rd September, and 6th November. This represents an ‘average’ of the impact throughout the year during

daylight hours and shows that at most times the proposal would have no shadowing effect, either because the sun would be high enough that the proposed building would not cast a shadow on Squirrel Lodge or because the sun would be low enough that Squirrel Lodge would already be in shadow from existing structures.

Item No	Application No	Address	Page No
04	11/00066/REG04	Kingston Parade, City Centre, Bath	74

Further Information:

Additional information has been submitted by the applicant in support of the application.

The submission states that the previous exhibitions have attracted 250'000 visitors to the City, and increased dwell time in the City by approximately 45minutes. The additional information received gives an explanation of how these figures were produced and this is outlined below.

Prior to 'Earth from the Air Exhibition' some very detailed figures from Swansea and Oxford were provided including detailed interviews with people viewing the exhibition as an initial guide.

In Bath blue tooth counters were used on Kingston Parade and the immediate areas (counting bluetooth enabled phones in visitor's pockets). The exhibition organisers interviewed 200 people who visited the site regarding the reason for their visit to the City etc.

The shop based in York Street had specific counters on the doors and counts were taken from the 'book of pledges' that related to the contribution people wished to make to reducing carbon emissions. This gave a geographic spread of visitors that hadn't previously been available.

In addition 'transfers' on the web sites that lead to business transactions were counted as well as column inches of editorial copy in magazines that the Bath Tourism Plus offer wouldn't otherwise have access to.

It is stated that Britain from the Air, by observation is considered to be more popular to visitors although as many specific counting/surveys have not been undertaken as the costs of securing a more refined set of figures became prohibitive.

The Committee Report also states than no evidence has been submitted to illustrate that other sites within the City had been explored. Additional information has now been submitted with regards to this.

It is stated that alternative sites for the Wild Planet Exhibition were considered before applying for Kingston Parade and the surrounding area. - Queens

Square & Orange Parade (both pedestrian access across a main traffic route) Union Street, Stall Street and the Square in South Gate Shopping Centre.

With regards to Southgate there are legal 'site line' agreements signed with each of the major stores (and Multi Developments) in South Gate that effectively prevents anything from occurring in the square or the surrounding pedestrian areas.

Revised Plans

Revised plans were submitted on the 12th March 2011. 3 of the display units to the east of the Abbey in the narrow walkway have been removed, and the agent has confirmed that the bench to the front of the retail unit entrance will be removed as part of this development. The Senior Highway Officer has assessed these revised plans and is satisfied that the removal of these displays units and the bench in front of the retail unit will ensure that pedestrian safety is not compromised. Therefore subject to the inclusion of informatives on any permission, the Senior Highway Development Officer has withdrawn his objection to this application.

The Case Officer is satisfied with regards to the above, and the second reason for refusal which related to pedestrian safety can be removed from the recommendation. If the application is granted permission a condition which ensures that the necessary bench is removed prior to the commencement of development should be included.

Further representations received

Support

1 supporting comment has been received from the Administrator, Bath Abbey and the comments can be summarised as follows:

- There has been no blockage of public rights of way during the previous exhibitions and it is not considered that the current proposals would cause any blockage or prejudice the safety and amenity of pedestrians.
- The proposed location of the retail unit is the same as where the spoil from the archaeological digs that is being conducted which has not caused any blockage.
- There have been increased numbers of people visiting the Abbey over the last 2 years and it is believed a major factor causing these increases has been the exhibitions.
- The 2 previous exhibitions have had had a very positive impact on the character and appearance of the city centre. The Wild Place exhibition in Brighton is very high quality.

1 supporting comment has been received from the Bath Chamber of Commerce and the Initiative in B&NES. The comments can be summarised as follows:

- The exhibition fits perfectly with the aspiration for the public spaces of Bath to be animated with lively, attractive, high quality exhibits.
- This new exhibition will add lustre to the reputation of Bath as being a place where there is always something to be enjoyed. The first exhibitions have added to the enjoyment of visitors.
- There is an educational benefit to be gained from the exhibition.
- The public exhibitions and events makes a contribution to the economic well-being of the City.

Objection

Bath Preservation Trust object to this application and the comments can be summarised as follows:

- The cultural value of open air exhibitions is recognised and the Trust is generally supportive of these temporary installations in appropriate parts of the city. These exhibitions have been entertaining and instructive and have created vibrancy and interaction within streets which has seen much decline in Bath.
- There is concern with the permanence of such exhibitions, especially in this location. The Trust would welcome a policy in line with the Public Realm and Movement Strategy (PRMS) and cultural strategy, which would ensure a design approach appropriate for Bath and prevent an over dominance of such installations.
- The positioning of a large number of exhibition stands in the location proposed, high level cabling and illumination and the appearance of the stands and materials combined with the store structure would have a harmful visual and physical impact on the setting and significance of the Abbey and adjacent listed buildings, the character and appearance of the Conservation Area, and the World Heritage Site.
- The exhibition would reduce the opportunity for informal sitting and entertainment in this area. Abbey Church Yard is recognised as a destination space in the PRMS. There are other parts of the city, such as Southgate, which have yet to be recognised as such and could benefit from the cultural stimulus and animation that the exhibition would provide. There are also several vacant shops that could be used to accommodate the store and enhance the vitality of a primary shopping frontage and have more positive impact on the character and appearance of the conservation area.

- The planning application fails to accord with policies D2, D4, BH, BH2, and BH6 of the B&NES Local Plan and national planning policy PPS5 and should therefore be refused.

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

16th March 2011

DECISIONS

Item No:	01	
Application No:	10/03141/FUL	
Site Location:	2 Silver Street, Midsomer Norton, BA3 2HB,	
Ward: Midsomer Norton Redfield	Parish: Norton Radstock	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Conversion of an existing building to 220sqm of commercial office space and 5no. 1 & 2 bed apartments and erection of 4no. terraced houses in adjacent car park (Resubmission)	
Constraints:	Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Coal fields, Conservation Area, Forest of Avon, Housing Development Boundary,	
Applicant:	Linhope Properties	
Expiry Date:	25th October 2010	
Case Officer:	Mike Muston	

DECISION REFUSE for the following reasons:

1 The proposal would result in an unacceptable loss of office floorspace in the central area of Midsomer Norton, contrary to Policy ET.2 of the Bath and North-East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

2 The proposal would be likely to result in an increased use of the substandard access between the bank and town hall, to the detriment of highway safety, contrary to Policy T.24 of the Bath and North-East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

3 The proposal would result in the loss of a public car park and would be likely to result in an increase of parking on the public highway in the vicinity of the application site, to the detriment of highway safety, contrary to Policy T.24 of the Bath and North-East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

PLANS LIST: Design and Access Statement, Planning Statement, Desk Study, Road Traffic Noise Report, Sustainable Construction Checklist and Transportation Statement, and Drawings (TP)001, (TP)002, (TP)003, (TP)005, (TP)009, (TP)020, (TP)021 all date stamped received 6 July 2010

Drawings (TP)022_A, (TP)023_A, (TP)024_A, (TP)033 all date stamped received 29 November 2010

Drawings (TP)010_A, (TP)011_A, (TP)012_A, (TP)030_B, (TP)031_A, (TP)032_C all date stamped received 4 January 2011.

Item No:	02
Application No:	10/04952/FUL
Site Location:	Bidstone, 29 Church Street, Bathford, Bath
Ward: Bathavon North	Parish: Bathford LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 1no 5-bedroom house and detached 2 bay garage following demolition of existing detached house
Constraints:	Agric Land Class 1,2,3a, Conservation Area, Forest of Avon, Housing Development Boundary,
Applicant:	Mr Giuseppe Pascuzzi
Expiry Date:	7th February 2011
Case Officer:	Andrew Strange

DECISION REFUSE for the following reasons:

1 The proposed development would, because of its size and position in relation to the neighbouring property to the north, result in an unacceptable loss of daylight and sunlight to that property and would have an overbearing impact on the amenity and outlook for occupiers of that property, contrary to policy D.2 of the adopted Bath and North East Somerset Local Plan (2007).

2 The proposed development would, by reason of its scale, siting, height, mass, bulk and design, harm the character and appearance of the Bathford Conservation Area and is therefore contrary to policies D.4 and BH.6 of the adopted Bath and North East Somerset Local Plan (2007).

PLANS LIST: This decision relates to the following documents:

1. Drawing numbers: -

- 1014/S/01 - Site Survey
- 1014/P/01- Proposed Site and Location Plan
- 1014/S/02 - Existing Plans
- 1014/S/03 - Existing Elevations
- 1014/S/04 - Existing Elevations
- 1014/P/03 Revision B - Proposed Ground Floor Plan
- 1014/P/04 Revision B - Proposed First Floor Plan
- 1014/P/05 Revision B - Proposed Attic Floor Plan
- 1014/P/06 Revision B - Proposed Roof Plan
- 1014/P/07 Revision B - Proposed East and South Elevations
- 1014/P/08 Revision B - Proposed West and North Elevations
- 1014/P/09 Revision B - Proposed Sections
- 1014/P/10 - Proposed Garage Plans, Section and Elevations
- 1014/P/11 Revision B - Plan and Section showing Proposed Replacement buildings positioning in relation to Squirrel Cottage
- 1014/D/001- Proposed Typical Window Detail

2. Design and Access Statement, received 26th November 2010
3. Addendum to Design and Access Statement, received 23rd February 2011
4. Heritage Statement, received 25th January 2011
5. Shadowing Diagrams, received 20th January 2011 and 27th January 2011.
6. Isometric views of proposal, received 21st February 2011
7. Contextual Elevation, received 10th January 2011

Item No:	03
Application No:	10/05365/FUL
Site Location:	Street Record, Poolemead Road, Whiteway, Bath
Ward: Twerton	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a 13.8m MK3 dual user column with ground based cabinets and ancillary development.
Constraints:	Agric Land Class 3b,4,5, Coal fields, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	Vodafone Ltd
Expiry Date:	10th February 2011
Case Officer:	Richard Stott

DECISION REFUSE for the following reasons:

1 The proposed antenna and associated equipment would contribute towards an undesirable cluttered appearance of this part of the street scene, to the detriment of the visual amenities of this residential area, contrary to Policies D.2, D.4, and ES.7 of the Bath and NorthEast Somerset Local Plan (including minerals and waste policies) adopted October 2007.

2 The proposed development is likely obscure visibility at the junction of Poolemead Road and Wedgewood Road and result in undue danger to the drivers of vehicles on the public highway. The proposed development is therefore contrary to Policy T.24 of the adopted Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

PLANS LIST: This decision relates to the Design and Access Statement, General Background Information and Site Specific Supplementary Information and to drawings titled 100A, 200A, 300A, 400A and 500A: date stamped 16th December 2010 by the Council and to the photomontage information received via email on the 4th February 2011.

Item No:	04
Application No:	11/00066/REG04
Site Location:	Street Record, Kingston Parade, City Centre, Bath
Ward: Abbey	Parish: N/A LB Grade: N/A
Application Type:	Regulation 4 Application
Proposal:	Use of area as exhibition space to include the erection of 29 triangular structures for the display of 80 images and erection of a temporary structure to house a retail unit associated with the exhibition in Kingston Parade/Abbey Churchyard
Constraints:	Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Article 4, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant:	BANES, Tourism, Leisure & Culture
Expiry Date:	30th March 2011
Case Officer:	Tessa Hampden

DECISION REFUSE for the following reasons:

1 The temporary retail unit by reason of its inappropriate siting, scale, design, and materials, and the display units by reason of their number, siting, design, and means of illumination, combined with the duration for which these are to be in place, are considered to result in a significant detrimental impact upon the character and appearance of this part of the City of Bath Conservation Area, the setting of the nearby listed buildings and the Scheduled Ancient Monument and the World Heritage Site. This development is therefore contrary to Policies BH1, BH2, BH6, BH11, D2 and D4 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

PLANS LIST: Drawing nos.

373.NHM.10.01.SITE_LOCATION_PLAN_BATH REV A and
373.NHM.10.01.SITE_PLAN_BATH REV A date stamped 1st February 2011
373.NHM.10.03.UNIT_1 REV B
373.NHM.10.03.UNIT_2 REV B
373.NHM.10.04.RETAIL_UNIT
373.NHM.10.04.SHOP_LAYOUT all date stamped 2 February 2011

Item No:	05
Application No:	10/05325/LBA
Site Location:	21 - 22 High 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 alterations for the provision of a street lantern to the ceiling of the passageway which runs through the building from the high street to Northumberland Place
Constraints:	Agric Land Class 3b,4,5, Article 4, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
Applicant:	Cllr Brian Webber
Expiry Date:	4th March 2011
Case Officer:	Adrian Neilson

DECISION REFUSE for the following reasons:

1 The proposal would cause detrimental visual harm to, in heritage and historic architectural terms, a highly sensitive part of the city by reason of the proposed utilitarian, unsympathetic nature of the lighting, which is regarded as inappropriate for use within the context of the historic environment. The accumulative impact of such inappropriate public realm fixtures and fittings such as the proposed lighting would have a significant detrimental impact on the protected building, adjacent protected buildings and this part of the Conservation Area. Furthermore the application information is of an inferior quality and there is a lack of information for instance no heritage statement was included which could have provided an analysis of the protected building and its context. Furthermore, the application fails to demonstrate or justify that the need for lighting within this area is a genuine requirement in an area of the city where there is already significant provision regarding street lighting that the covered passage way benefits from. For these reasons the proposals are regarded as contrary to Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Statement 5: Planning for the Historic Environment.

PLANS LIST: Industry product information regarding the proposed lights (Alternative A & Alternative B), HS/1, HS/2 and photograph date stamped 13 December 2010 and Design and Access Statement and photographs date stamped 7 January 2011.

