

Town and Country Planning Act 1990

NOTIFICATION OF DECISION

Application Type: **Full Application** Application No: **22/01299/FUL**

Address to which the proposal relates: **Frome House Lower Bristol Road
Westmoreland Bath**

Description of Proposal: **Change of use of the existing building (excluding ground floor tyre repair centre) to 25 student bedspaces and associated works.**

Application submitted by: **Crossman Acquisitions Ltd**

The above development is **REFUSED** in accordance with the application, plans and drawings submitted by you for the reason(s) set out below:

1 Loss of offices

The proposed development would result in a loss of commercial office space which would be harmful to economic development and local employment. This is contrary to the objectives of Section 6 of the National Planning Policy Framework (2021) and Policy ED1B of the Bath and North East Somerset Placemaking Plan (2017).

2 Housing mix and need

The proposed development would create a type of housing (purpose built student accommodation) which is well provisioned locally. There is no identified need for further housing of this type and delivery of this form of housing at the site would preclude the delivery of other forms of housing which are undersupplied and there is greater local need. As a result, the development would fail to provide for a variety of housing types to accommodate a range of different households, including families, single people and low income households as evidenced by local needs assessments relating to the area. This is contrary to Section 5 of the National Planning Policy Framework (2021) and Policy CP10 of the Bath and North East Somerset Placemaking Plan (2017).

3 Inappropriate amenity levels

The development would fail to provide an appropriate level of amenity for both existing residents adjacent to the site and residents of the proposed development. The development would fail to safeguard appropriate levels of amenity for existing residents by introducing increased noise and disturbance relating to the proposed use. The development would fail to safeguard appropriate levels of amenity for proposed residents as a result of existing noise emissions in the area relating to transport and commercial premises. This is contrary to Sections 12 and 15 of the National Planning Policy Framework (2021) and Policy D6 of the Bath and North East Somerset Placemaking Plan (2017).

FOOTNOTE:

This decision relates to the following plans:

Bath & North East Somerset Council
(RFFULZ)

Please read the notes that accompany this decision notice.

24 March 2022	W0653-0000 A	Site Location Plan
24 March 2022	W0653-0211 A	Proposed First Floor Plan
24 March 2022	W0653-0212 A	Proposed Second Floor Plan
24 March 2022	W0653-0310 A	Proposed North West Elevation
24 March 2022	W0653-0311 B	Proposed East Elevation
24 March 2022	W0653-0312 B	Proposed South East Elevation
24 March 2022	W0653-0313 A	Proposed South West Elevation
24 March 2022	W0653-0410 B	Proposed Sections
30 March 2022	W0653-0100 A	Existing Site and Roof Plan
30 March 2022	W0653-0111 A	Existing Ground Floor Plan
30 March 2022	W0653-0112 A	Existing First Floor Plan
30 March 2022	W0653-0113 A	Existing Elevations 1
30 March 2022	W0653-0114 A	Existing Elevations 2
13 May 2022	W0653-1150 B	Proposed Site Plan
13 May 2022	W0653-0210 C	Proposed Ground Floor PIN
19 May 2022	W0653-1151 B	Proposed Renewable Energy Layout Plan

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding the recommendation to Planning Committee, the Local Planning Authority has determined that the application is unacceptable for the stated reasons.

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Date of Decision: 5th July 2022

Simon de Beer

Head of Planning

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- There is a reduced time limit to submit your appeal should your application relate to an Enforcement Notice or it is for minor commercial development.
- For a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. For more information of the types of applications classed as minor commercial development please refer to Annex C of the [Procedural Guide Planning Appeals](#) available on the <https://www.gov.uk/> website.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

PURCHASE NOTICES

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

COMPENSATION

- In certain circumstances compensation may be claimed from the local planning authority if permission or consent is refused or granted subject to conditions by the First Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.