

**Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisements) Regulations 2007**

NOTIFICATION OF DECISION

Application Type: **Advertisement Consent**

Address to which the proposal relates:
57 - 59 Walcot Street Bath BA1 5BN

Application No: **16/05423/AR**

Description of Proposal:

**Identification of business operation and building number, hand painted on principal elevation.
(Resubmission)**

Application submitted by: **Melanie Giles Hairdressing Ltd**

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

1 The proposed advertisement, by reason of its design and positioning, is considered detrimental to visual and residential amenity and to the appearance of the building and street scene where they are displayed, contrary to Saved policy BH.17 of the Bath and North East Somerset Local Plan; emerging Placemaking Plan policy D.9; and the guidance for commercial signage and tables and chairs on the highway, adopted 2016.

2 The advertisement, by reason of its design and positioning on the host building, is considered to have an overall negative impact upon the character and appearance of the Bath Conservation Area and World Heritage Site, contrary to Core Strategy Policy B4; Saved Policy BH.6 of the Bath and North East Somerset Local Plan; emerging Placemaking Plan policy H1; and the guidance for commercial signage and tables and chairs on the highway, adopted 2016.

3 The advertisement by reason of its design and positioning on the host building is not considered to conserve or enhance the character of the public realm and does not respond to the local context in terms of appearance, siting, spacing and layout contrary to Saved Policies D.2 and D.4 of the Bath and North East Somerset Local Plan; emerging Placemaking Plan policy D.2; and the guidance for commercial signage and tables and chairs on the highway, adopted 2016.

FOOTNOTE:

This decision relates to the Location Plan 863/001 dated 28.04.16; drawing 863/020 'Existing Elevation' dated 25.04.16; and drawing 863/040 Rev A dated 04.11.16; all submitted to the Council 04 November 2016.

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 stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose 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. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Date of Decision: 7th April 2017

A handwritten signature in black ink, appearing to read 'Mark Reynolds', written in a cursive style.

Mark Reynolds
Group Manager (Development Management)

APPEALS TO THE FIRST 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 8 weeks. Should your application relate to an Enforcement Notice then there is a reduced time limit as described in the note below.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- 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.
- 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.

NOTE:

As of the 6th April 2010 the time limit for submitting a planning appeal will be reduced where the same or substantially the same development is subject to an enforcement notice.

The new time limits are:

- 28 days from the date of the refusal or the expiry of the period which the local planning authority (LPA) had to determine the application, where the enforcement notice is served before the application is submitted;
- 28 days from the date of the refusal or the expiry of the period which the LPA had to determine the application, where the enforcement notice is served before the decision on the application is reached or the determination period has expired; or
- 28 days from the date the enforcement notice is served, where the enforcement notice is served after the decision or expiry of the period which the LPA has to reach a decision on the application, unless the effect would be to extend the period beyond the usual time limit for cases not involving an enforcement notice.

The reduced time limit to submit a planning appeal will apply where an enforcement notice has been served no more than two years before the date on which the application is made or where it is served on or after the date of the application. It will apply regardless of whether an appeal has been lodged against the enforcement notice or not, provided the enforcement notice is not withdrawn prior to the expiry of the reduced period to submit a planning appeal.

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.