

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 11th March, 2020, 2.00 pm

Councillors: Matt McCabe (Chair), Sally Davis (Vice-Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Eleanor Jackson, Hal MacFie, Manda Rigby and Brian Simmons

95 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

96 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

97 DECLARATIONS OF INTEREST

Cllr Rigby declared an interest in planning application number 19/02276/FUL – Bath City Football Club, High Street, Twerton, Bath. Cllr Rigby is a former Chair of the football club and is also a shareholder. Cllr Rigby stated that she would sit in the public gallery, out of sight of the Committee, while this item was discussed and would not speak or vote.

Cllrs MacFie, McCabe and Rigby declared interests in planning application numbers 20/00098/FUL and 20/00099/LBA – 31 James Street West, Bath. The interests related to their work for the Liberal Democrat Party. The Councillors stated that they would leave the meeting when this item was discussed and would not speak or vote.

The Monitoring Officer had granted dispensations for Cllrs Sue Craig, Lucy Hodge and Duncan Hounsell to enable them to speak and vote on the Liberal Democrat HQ planning applications – 31 James Street West, Bath.

98 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

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

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

100 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 12 February 2020 were confirmed and signed as

a correct record.

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

The Committee considered:

- A report by the Head of Planning on various planning applications.
- An update report by the Head of Planning on items 1, 2, 3, 8 and 9 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

(Note: At this point Cllr Rigby moved to the public gallery, out of sight of the Committee, having declared an interest in the following planning application).

Item No. 1

Application No. 19/02276/FUL

Site Location: Bath City Football Club, High Street, Twerton, Bath, BA2 1DB – Mixed-use redevelopment of Twerton Park and adjoining land, comprising of; replacement spectator stand, new east terrace and playing pitch (levelling with 3G surface); 12 affordable dwellings (C3 use), 33 co-living apartments (Sui Generis); 356 beds of student accommodation (Sui Generis); community function space (D1 use); gymnasium (D2 use); commercial units (A1/A2/A3/A4/A5 and AA uses); modifications to the external appearance of the existing retail and residential units (providing 6 additional apartments) between 105 and 116 High Street; associated landscaping and public realm works.

The Case Officer reported on the application and his recommendation to refuse.

Three people spoke against the application including local residents and a representative from the Bath Preservation Trust.

Five people spoke in favour of the application including the agent and the applicant.

Cllr Sarah Moore, local ward member, spoke against the application. She stated that she supported proposals to improve the local facilities, however, not in the current form. WECA funding is already in place to improve the High Street. The large block of purpose-built student accommodation would harm the residential amenity of the area, both for existing residents of Twerton and for students living in the block. The effect of this on local infrastructure also caused concern as parking is already difficult in this area and the streets are particularly busy on match days. She also had concerns about the sustainability of the shops and the installation of a 3G pitch which would have an adverse effect on local wildlife. The impact of floodlighting until late in the evening would also adversely affect residents. The

football club needs redevelopment but not in this form. Cllr Moore hoped that a new proposal could be put forward that works for both the football club and local residents.

The Case Officer then responded to questions as follows:

- The proposal includes plans for undercroft parking but not underground parking.
- Plant could be located on the lower ground floors.
- The non en-suite student rooms would be 9sqm and the en-suite student rooms would be 12sqm. The student accommodation would consist of cluster flats.
- Considerations for the World Heritage Site related to its outstanding universal values; however, this site is at the bottom of a slope and would not impact on the green setting or the Georgian city. The Bath City Farm is an important green hill site, but the development would not impact on these views.
- The retail floor space would remain the same as currently and there would be some alterations on Dominion Road which would lead to the loss of some on-street parking spaces.
- The application meets the previous standard regarding daylight and window provision but has not been assessed against the new standards.
- The Highways Officer stated that she had no evidence regarding the number of students who brought cars with them to the city.
- The policy required that 30% of the properties should be affordable housing. There is currently some dispute as to whether this applies to the co-living units. Officers believe that there should be 15 units of affordable housing whereas there are currently 12 units. If student units were let as Airbnb properties over the summer, then enforcement action could be taken if appropriate.
- Conditions can be put in place to restrict student parking and this can be enforced.

Cllr Jackson acknowledged the importance of the decision to be made. She then moved the officer recommendation for refusal for the reasons set out in the officer report. She felt that the development would have an adverse effect on the Conservation Area and would represent overdevelopment of the site. She did not feel that the mix of accommodation was appropriate in this location and the application was not policy compliant. It was important to consider local residents and also to support the football club.

Cllr Davis seconded the motion. She had concerns about the student accommodation and co-living proposals.

Cllr Craig stated that she greatly valued Bath City Football Club and was keen to secure the future of the club. However, she had concerns about the use of a 3G pitch which was not in line with the Council's wish to address the climate emergency declaration. Plastic waste and waste disposal is an issue. She urged the applicant to consider other options. She also noted the proposals in the business plan to use the pitch until 10pm which would cause light pollution in a residential area. She expressed concerns about the size of the rooms in the student accommodation and the lack of light.

Cllr Hounsell had concerns about the design of the student accommodation blocks and hoped that an improved scheme could be submitted. He was also concerned about the lack of a travel plan for match days.

Cllr Hodge acknowledged the importance of the football club to the city and thanked people for their support for the club and the interest they had shown. However, she did not support the proposals for the student block as submitted.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application for the reasons set out in the report.

(Note: At this point Cllr Rigby returned to the Committee).

Item No. 2

Application No. 19/01854/OUT

Site Location: Hartwells of Bath, Newbridge Road, Newbridge, Bath, BA1 2PP – Outline application with all matters reserved except for access and layout comprising the demolition of the existing buildings on the site; construction of replacement buildings ranging in height from 3 to 5 storeys providing a mixed use development comprising up to 104 residential units (Class C3 use), up to 186 student bedrooms (Sui Generis Use), and a commercial retail unit (flexible A1/A3 use); formation of new vehicular access from Newbridge Road, construction of new access ramp, and provision of vehicle parking spaces; provision of new shared bicycle and pedestrian sustainable transport route through the site and formation of new access and linkages on the eastern and western boundary; provision of hard and soft landscaping scheme across entire site.

The Case Officer reported on the application and his recommendation to delegate to permit. He gave a number of verbal updates:

- Restrictions on car use for the occupants of the student accommodation would now be dealt with by condition instead of by s106 agreement. This will include a travel management plan.
- He confirmed that the Council owns the former railway line which would enable the delivery of the Strategic Transport Route. The s106 would provide that there will be no occupation until the route is delivered. The sum would include the Council's reasonable on-costs.
- An additional condition would be included to require a full management plan to be submitted and approved prior to the occupation of the student accommodation.
- An additional clause would be included in the Section 106 Agreement to restrict the ability of the landlord to charge for parking on the site.
- He clarified that this is an outline application which deals with layout and means of access.

A local resident, planning consultant and representative of the Bath Preservation Trust spoke against the application.

The Agent spoke in favour of the application.

Cllr Mark Roper, local ward member, spoke against the application. He stated that the preferred use of the site was for residential use rather than student accommodation. He noted that the agent claimed that the site was only viable for student accommodation but did not accept this. There were no affordable homes proposed for the site. He felt that the application was contrary to the Placemaking Plan. The aim is now for student accommodation to be provided on campus and he noted that Bath is becoming saturated with blocks of purpose-built student accommodation when homes were needed for local people. Residents were also fearful of the student accommodation being used for Airbnb over the summer period. He felt that the high concentration of accommodation was contrary to policy CP10.

Cllr Michelle O'Doherty, local ward member, spoke against the application. She pointed out that there had been no letters of support. The proposed units were cramped and would provide inadequate accommodation for students. There are already parking issues in the area and this would create more problems for local residents. Students could not be prevented from bringing cars with them. She had concerns about the safety of the entrance to the site. Bath needs more affordable housing and the viability of larger units has not been considered. Residents want to see good quality accommodation on the site rather than student accommodation.

Officers then responded to questions as follows:

- Officers have interpreted Policy SB15 to mean that the site is allocated for 80-100 dwellings to meet housing supply targets. However, this proposal does not prejudice the wider supply of housing. The site is outside the Policy B5 area.
- The Legal Advisor informed members that the correct approach to policy interpretation was set out by the Supreme Court in the case of *Tesco Stores Ltd v Dundee City Council*. In summary, members should consider policy statements objectively, in context and give the words their natural meaning.
- The site is not in a student accommodation cluster and this is the first in the Newbridge area. The nearest student block is on the Lower Bristol Road.
- Policy SB15 would allow 80-100 dwellings and, in officers' view, the policy did not rule out student accommodation in addition to that.
- The Deputy Head of Planning stated that the policy does not set a cap on development or, in the view of the Case Officer, exclude student accommodation that has been proposed in addition to meeting the policy requirements. However, the Committee could interpret the policy differently.

Cllr Craig expressed concerns regarding the lack of green infrastructure on the site. She felt that the climate emergency declaration is a material consideration and that the proposal could cause harm to the environment. Compensatory planting is not the same as the protection of mature trees. She felt that the application represented overdevelopment and was not conducive to the wellbeing of residents.

Cllr Rigby felt that when the policy had been written it had not been intended to apply to blocks of student accommodations.

Councillor Hounsell felt that the wording of policy SB15 was ambiguous and open

to different interpretations. In his view, having regard, in particular, to the supporting text to the policy, the site was allocated for 80-100 dwellings and could not include student accommodation. He also felt that the proposal was against Policy D1(b) as it did not enrich the character of the area and also against Policy D2 as it was not positive to the context of the site. He then moved that the application be refused.

Cllr Hodge seconded the motion. She stated that the layout and buildings were not policy compliant. She noted the comments put forward by the Landscape officer and the Ecologist. The site does not have capacity to accommodate this number of units. The development is contrary to Policy CP10 as it does not allow a mixture of development and is too dense. It is also contrary to Policy NE5 relating to the ecological network. Also, CP6, NE6, LCR6 and LCR9. Connections were not enhanced, and more green space was required.

Cllr Jackson pointed out that in the Placemaking Plan it stated that any development should be sympathetic to the Victorian terraced housing on the Upper Bristol Road. She also felt that student accommodation was precluded by planning policy in this location. The proposal was not in keeping with the overall urban design pattern of Newbridge. She also felt that policy required a positive contribution to the Conservation Area. The development would have a detrimental effect on the amenity of the area. If, in the future, there were not enough students to fill the accommodation then the site would be left with sub-standard accommodation.

Cllr Davis could see the need to redevelop the site, but she had concerns about the access and layout and the density. She felt that the proposal would be out of keeping with the area and would have an adverse impact on local amenity.

Cllr Rigby supported the motion and felt that more than 100 units would cause harm in this location. She was disappointed that there were no minimum standards adopted for the size of student accommodation and felt that this should be demanded for all residents. The effect of the development would be detrimental for existing residents and would not enhance the community. There were also likely to be parking problems. She was not convinced regarding the viability argument put forward by the developer and felt that there could be an oversupply of student accommodation in Bath if these blocks continued to be built.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application as it was contrary to the following planning policies:

- D1
- D2
- CP10
- NE5
- NE6
- LCR6
- CP6
- CP7
- CP9

- SB15

The Committee agreed to delegate power to officers to draft the specific wording for the reasons for refusal based on the above policies.

Item No. 3

Application No. 19/03734/FUL

Site Location: Combe Grove, Brassknocker Hill, Monkton Combe, Bath, BA2 7HS – Erection of 1 polytunnel, reconfiguration of car park and associated landscaping works.

The Case Officer reported on the application and her recommendation to refuse.

The Agent spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke in favour of the application. He stated that if the application was not successful then it could undermine the aims of the Elmhurst Foundation. The application presents an opportunity and is in line with the Council's goals regarding the climate emergency.

The Case Officer then responded to questions as follows:

- There are 168 parking spaces on site and the proposed changes would increase this to 176. There is a bus stop near to the site which is served by one bus route.
- There is a master plan for the site and officers would encourage the sharing of this with Committee members. However, individual applications are currently being submitted.
- The Legal Advisor explained that the Committee could, if it wished, approve one element of the application and not the other.
- There are bats on the site and an ecological survey has been carried out.
- There is an existing poly tunnel and officers have discussed the historic walled garden on the site with the applicant.

Cllr Clarke stated that the application was inappropriate for a Green Belt location.

Cllr MacFie stated that poly tunnels are not an essential part of the garden.

Cllr Jackson stated that she would welcome the reinstatement of the Victorian walled garden. She did not accept that there are exceptional circumstances which would allow the Committee to grant permission. She then moved the officer recommendation to refuse. This was seconded by Cllr Davis who stated that she would like to see the masterplan for the site to provide some context.

Cllr Rigby supported the motion and recommended that the applicant bring forward the masterplan for consideration.

The Deputy Head of Planning advised that, if members had divided opinion in respect of some aspects of the development, they may decide to refuse the development as submitted but give clear comment as to the elements that they do not object to.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 abstention to REFUSE the application for the reasons set out in the report.

Item No. 4

Application No. 19/05225/FUL

Site Location: 35 Hantone Hill, Bathampton, Bath, BA2 6XD – Demolition of existing dwelling and erection of replacement dwelling.

The Case Officer reported on the application and her recommendation to permit.

Cllr Colin Blackburn, the applicant, spoke in favour of the application.

The Case Officer confirmed that she had no concerns regarding the space around the property boundary. She also confirmed that the points raised by the Parish Council had been satisfactorily addressed.

Cllr Clarke moved the officer recommendation to permit and this was seconded by Cllr Davis.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 abstention to PERMIT the application subject to the conditions set out in the report.

Item No. 5

Application No. 19/04764/OUT

Site Location: Former Builders' Yard, Temple Inn Lane, Temple Cloud – Outline planning permission for demolition of existing storage building and erection of single dwelling.

The Case Officer reported on the application and her recommendation to refuse.

The Agent spoke in favour of the application.

The Deputy Head of Planning responded to a question stating that the Committee could permit the application with a condition restricting the building to a single storey, which is what had been applied for. However, the applicant, or a future applicant, could reapply for permission for a two-storey dwelling once the principal of development had been agreed. If a dwelling were permitted on the site, then any future planning application for infill development would have to be considered in the new context.

Cllr Clarke stated that, although he supported brownfield development generally, the business on the site was now defunct and only a hut remained. Any development could lead to future encroachment of buildings in the area.

Cllr Jackson moved the officer recommendation to refuse and this was seconded by Cllr Simmons.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 2 votes against to REFUSE the application for the reasons set out in the report.

(Note: At this point Cllrs MacFie, McCabe and Rigby left the meeting having

declared interests in the following planning application. The Vice-Chair, Cllr Davis, then took the Chair).

Item Nos. 6 & 7

Application Nos. 20/00098/FUL and 20/00099/LBA

Site Location: 31 James Street West, Bath, BA1 2BT – External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL).

The Case Officer reported on the applications and her recommendations to permit and to grant consent. She confirmed that the applications were being considered by the Committee because the Bath and North East Somerset Liberal Democrats are the applicants.

Cllr Clarke moved the officer recommendations to permit and to grant consent and this was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 1 abstention to PERMIT the planning application and by 5 votes in favour and 2 abstentions to GRANT listed building consent subject to the conditions set out in the report.

(Note: At this point Cllrs MacFie, McCabe and Rigby returned to the meeting and Cllr McCabe resumed the Chair).

Item Nos. 8 & 9

Application Nos. 19/05507/FUL and 19/05508/LBA

Site Location: Old House, Northend, Batheaston, Bath – Erection of a parking area gate mechanism, boundary pier and replacement walling (Retrospective). External alterations for the erection of a parking area gate mechanism, boundary pier and replacement walling (Regularisation).

The Case Officer reported on the applications and her recommendation to refuse.

The Agent spoke in favour of the application.

Officers then responded to questions as follows:

- The Case Officer did not have details of the other property which the public speaker referred to in his presentation.
- The Committee can give weight to the public benefits of this application.
- The Highways Officer explained that there is no traffic data for this particular street but that it is a quiet road with limited numbers of vehicles and pedestrians. Highways consider this application to be beneficial. The use of on-street parking as a traffic calming measure depends on the setting.
- The gates have not been authorised.
- If the application were refused, then the Planning Enforcement Team would investigate and consider what action to take.

Cllr Craig moved that consideration of the application be deferred pending a site visit

which would also enable officers to provide further details of the neighbouring property referred to by the public speaker including whether it is listed. This was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 3 votes against and 1 abstention to DEFER consideration of the application pending a SITE VISIT.

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

The Committee considered the appeals report.

RESOLVED to NOTE the report.

The meeting ended at 6.00 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 11.03.2020

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

ITEMS FOR PLANNING PERMISSION

Item No.	Application No	Address
001	19/02276/FUL	Bath City Football Club High Street Twerton Bath BA2 1DB

Third Parties

Two additional objection comments have been received. No new planning issues are raised, but one provides photographs of on-street parking around the site before, during and after football matches.

Three additional support comments have been received, including a comment from First West of England Ltd. They have indicated that they would look to work with stakeholders to help make public transport take a much bigger role in transporting people to and from matches. However, no specific proposals have been put forward. No other new planning issues have been raised.

Highways and Parking

A response to the Highways Officer's comments has been provided by the applicant's consultants, PJA. The Highways Officer has now had opportunity to review this document and has made the following supplementary comments:

Further to the formal highways advice provided in response to this application, I write to offer comment on the PJA post submission response issued by email on 27 February 2020. These comments should be read as supplemental to previous highways advice. They do not replace it.

PJA highlight current policy including:

NPPF para 109 which states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. and

POLICY ST7: Transport Requirements for Managing Development in which clauses 4a, b & c require:

- 4a *“An appropriate level of on-site servicing and vehicle parking and cycle parking should be provided in accordance with the parking standards as set out in Schedule 2 – Parking Standards”;*
- 4b *“There should be no increase in on-street parking in the vicinity of the site which would affect highway safety and/or residential amenity” and*
- 4c *“To ensure that parking standards are applied using a flexible approach departures from the prescribed minimum and maximum parking standards are able to be sought where specific circumstances can be demonstrated. Any reduction in minimum residential parking standards will require the completion of an accessibility assessment which will form the basis for any discount from the prescribed standard”.*

In response to 4a the application does not provide for the parking requirements of the new elements of the scheme which do not exist on site at the present time. The full standards for the Affordable Flats and Co-living units would be 31 spaces to which could be applied an accessibility discount that would reduce this to 23. Whilst an accessibility discount is accepted the applicant is proposing zero provision for these and thus the application fails to comply with ST7 Clause 4a.

Any parking associated with the Affordable and co-living units will be expected to take place on nearby streets and as such the proposal will fail to comply with ST7 4b. In addition the proposal reduces the level of on-site provision currently available within the Twerton Park and ‘rear of shops’ car parking areas. As such this will displace the difference between current and proposed provision also, presumably to nearby streets, again contrary to ST7 4b.

Whilst the standards accept use of an accessibility discount the use of 100% discount is not. As such the application will also fail to comply with ST7 4c.

The applicants parking surveys cover a limited number of streets in the local area and it is well known that parking by football club supporters takes place over a wider area than surveyed. Photographic evidence submitted by objectors cover the wider geographic area and, whilst the survey could not be considered fully independent (neither could the applicants’), I have no reason to doubt it.

The applicant claims that any on-street parking that does take place does not give rise to highway safety issues as there is no evidence in highway accident records of parking related accidents in the surrounding streets. This is not surprising as the road accident records only record incidents involving personal injury. What might be expected here would be minor bumps and scrapes between vehicles because of inconsiderate parking, hazards to pedestrians and inconvenience to residents. In any event the test of policy ST7 4b is whether the application would affect **highway safety** and/or **residential amenity**.

The applicants suggestion that the reduced Twerton Park car park could accommodate more vehicles than indicated by marked spaces by block parking is alarming. This would mean that the main pedestrian accesses to the ground would be congested by additional parked vehicles. This is clearly unacceptable and against the interests of public safety.

Finally, the applicant states that current parking policy is out of date as it fails to recognise the Climate Emergency. Whether or not that is the case, it is still current policy which needs to be satisfied for the application to be acceptable.

02

19/01854/OUT

Hartwells, Newbridge Rd, Bath

Please note that it is recommended that Condition 17 be amended to read as follows:

17) In the event that the commercial unit hereby approved is used for a purpose falling within Use Class A3 of the Uses Classes Order 1987 (as amended) that use shall not commence until an acoustic survey and odour survey have first been submitted to and approved in writing by the local planning authority. The use shall thereafter operate in accordance with the details so approved.

Reason: To protect future residents from unreasonable adverse impact from noise and odour in accordance with Policy D6 of the Bath & North East Somerset Placemaking Plan.

Condition 17 has been amended because as originally drafted (in the main report) the requirement to submission noise and odour information unnecessarily referred to use class A1 use as well as A3.

03

19/03734/FUL

Combe Grove, Brassknocker Hill

1) Additional new drawings were received and uploaded onto the file on the 4th March 2020 to indicate:

- Proposed bin and laundry store elevations (ref. 085-518 P1). The store enclosure measures W8m x L:10m x H:2m and is to be constructed of oak waney edge cladding to the north and east elevations, and dead hedging to the south and western elevations;
- Comparison plan of existing and proposed car park (ref. 085-018 P1)
- Existing plan of the car park (ref. 085-017 P1)

2) As stated in the report, there is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or it's setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this instance, it is not considered that the proposals would directly affect the listed buildings or their setting.

The indirect effects are discussed in the body of the report (see Other Considerations).

08 & 09

19/05508/LBA
& 19/05507/FUL

Old House, Northend
Batheaston

2 Report errors:

Proposal section of report relating to 19/05508/LBA incorrectly refers to a 5-bar gate design being applied to the front face of the solid gate; this relates to previous application 19/01229/LBA that was withdrawn.

Policies/legislation section of same report incorrectly includes reference to requirements under S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is confirmed that the application site is NOT within a conservation area.

The applicant's agent confirmed on 2nd March widths of vehicular entrance as follows;

*Original width of vehicular entrance i.e. prior to works: 3.96m

Existing (following works): 5.7m

Proposed: 5m (reduced by 0.7m following vehicle tracking)

*Since confirmation of widths, as set out above, the applicant's agent observed (4th March) that given the original posts were inward of the actual wall opening the opening width would have been greater than the actual gate width. The applicant's agent highlights this because the actual increase in the proposed width of opening may be less than the 1m increase confirmed above.

The applicant's agent understands that the original gates were authorised following notification from the former owner to the former planning authority (Wansdyke) prior to their fixing. The Officer has been unable to verify this.

The applicant's agent has drawn the officer's attention to vertical boarded gates at Valley View, St Catherine Lane (located a mile or so north of Old House). The planning history confirms that the gates at Valley View were granted consent under 11/01860/FUL. However, the circumstances at Valley View differ from Old House as follows; Valley View is not a listed building whereas Old House is. The delegated report for Valley View notes that; (1) the parking area and gates will be screened from the wider valley by existing vegetation in the garden; (2) the existing parking for the property is on the public highway, outside the property; (3) the proposed parking area will result in an improvement in the existing situation as it will remove parking from the public highway. At Old House the parking area and gates are not screened from the wider valley – the application site is open and exposed. Old House has always had off street parking within the site and therefore such improvement would not result in this case. As such the example given is not considered comparable.

BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A STATEMENT AT THE MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 11 MARCH 2020

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	Bath City Football Club, High Street, Twerton, Bath, BA2 1DB	Joe Schofield	Against (To share 10 minutes)
		Ian Herve	
		Joanna Robinson (Bath Preservation Trust)	For (To share 10 minutes)
		Dave Dixon	
2	Hartwells of Bath, Newbridge Road, Bath, BA1 2PP	Paul Haworth (Agent)	
		Joy Saunders (Bath City Football Club – Applicant)	
		Patrick Anketell-Jones	
		John Reynolds	Against
		Cllr Sarah Moore (Local Ward Member)	
2	Hartwells of Bath, Newbridge Road, Bath, BA1 2PP	Rebecca Marsh	Against (To share 5 minutes)
		Simon Neate	
		Joanna Robinson (Bath Preservation Trust)	For (5 minutes)
		Mark Krassowski (Agent)	
2	Hartwells of Bath, Newbridge Road, Bath, BA1 2PP	Cllr Mark Roper (Local Ward Member)	Against
		Cllr Michelle O'Doherty (Local Ward Member)	Against

3	Combe Grove, Brassknocker Hill, Monkton Combe, Bath	Chris Beaver (Agent)	For
		Cllr Neil Butters (Local Ward Member)	For
4	35 Hantone Hill, Bathampton, Bath, BA2 6XD	Colin Blackburn (Applicant)	For
5	Former Builders' Yard, Temple Inn Lane, Temple Cloud	Dan Foster (Agent)	For
8 & 9	Old House, Northend, Batheaston, Bath	Nigel Whitehead (Agent)	For (6 minutes)

BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

11th March 2020

DECISIONS

Item No:	01	
Application No:	19/02276/FUL	
Site Location:	Bath City Football Club, High Street, Twerton, Bath	
Ward: Twerton	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Mixed-use redevelopment of Twerton Park and adjoining land, comprising of; replacement spectator stand, new east terrace and playing pitch (levelling with 3G surface); 12no. affordable dwellings (C3 Use), 33no. co-living apartments (Sui Generis); 356 beds of student accommodation (Sui Generis); community function space (D1 Use); gymnasium (D2 use); commercial units (A1/A2/A3/A4/A5 and AA Uses); modifications to the external appearance of the existing retail and residential units (providing 6no. additional apartments) between 105 and 116 High Street; associated landscaping and public realm works.	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, Policy LR6A Local Green Spaces, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, SSSI - Impact Risk Zones,	
Applicant:	Bath City Football Club & Greenacre Capital Ltd	
Expiry Date:	13th March 2020	
Case Officer:	Chris Griggs-Trevarthen	

DECISION REFUSE

1 Poor Design

The proposed development, due to its height, massing, scale, roofscape, form, layout, materials, detailing, landscaping and public realm, represents poor design which would be visually intrusive, unduly prominent and out of keeping with the local character and context. The proposed development is therefore considered contrary to the development plan, in particular policies D1, D2, D3, D4, D5, D6 and D10 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy, and is contrary to the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide.

2 Harm to Conservation Area

The proposed development, due to its scale, height, massing, form, materials and detailing, would cause significant and serious harm to the Bath Conservation Area and is not outweighed by the public benefits of the proposed development. The proposed development is therefore contrary to the development plan, in particular policy HE1 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy, and is contrary to the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide.

3 Harm to Residential Amenity

The proposed development, due to the poor outlook, quantity and quality of amenity spaces, room sizes and layouts, would create a poor quality and oppressive living environment for the future occupiers of the student and co-living accommodation. The proposed development is therefore contrary to the development plan, in particular policy D6 of the Bath and North East Somerset Placemaking Plan, and is contrary to the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide.

4 Lack of Parking

The proposed development, due to a failure to provide an appropriate level of on-site parking, would result in an increase in on-street parking in the vicinity of the site which would adversely affect highways safety and residential amenity. The proposed development is therefore contrary to the development plan, in particular policy ST7 of the Bath and North East Somerset Placemaking Plan, and is contrary to the National Planning Policy Framework.

PLANS LIST:

32495-STL-XX-XX-DR-A-XXXX-09001 LOCATION PLAN
32495-STL-XX-XX-DR-A-XXXX-09003 PROPOSED SITE PLAN
32495-STL-XX-XX-DR-A-XXXX-09004 DEMOLITION PLAN
32495-STL-XX-ZZ-DR-A-XXXX-02014 DETAIL ELEVATION (1)
32495-STL-XX-ZZ-DR-A-XXXX-02015 DETAIL ELEVATION (2)
32495-STL-XX-ZZ-DR-A-XXXX-02012 PROPOSED ELEVATIONS (8)
32495-STL-XX-ZZ-DR-A-XXXX-02011 PROPOSED ELEVATIONS (6)
32495-STL-XX-ZZ-DR-A-XXXX-02010 PROPOSED ELEVATIONS (5)
32495-STL-XX-ZZ-DR-A-XXXX-02009 PROPOSED ELEVATIONS (4)
32495-STL-XX-ZZ-DR-A-XXXX-02008 PROPOSED ELEVATIONS (3)
32495-STL-XX-ZZ-DR-A-XXXX-02005 PROPOSED ELEVATIONS (2)
32495-STL-XX-ZZ-DR-A-XXXX-02004 PROPOSED ELEVATIONS (1)
32495-STL-XX-ZZ-DR-A-XXXX-02003 LOWER GROUND FLOOR HIGH STREET LEVEL
32495-STL-XX-ZZ-DR-A-XXXX-02003 UPPER GROUND FLOOR STUDENT
ACCOMMODATION ENTRANCE LEVEL
32495-STL-XX-03-DR-A-XXXX-01004 SECOND FLOOR AFFORDABLE HOUSING
ENTRANCE AND PITCH LEVEL
32495-STL-XX-04-DR-A-XXXX-01005 THIRD FLOOR
32495-STL-XX-05-DR-A-XXXX-01006 FOURTH FLOOR GRANDSTAND UPPER LEVEL
32495-STL-XX-06-DR-A-XXXX-01007 FIFTH FLOOR
32495-STL-XX-07-DR-A-XXXX-01008 ROOF PLAN

32495-STL-XX-XX-DR-L-ZZZZ-09030 PL01 LANDSCAPE MASTERPLAN
 32495-STL-XX-XX-DR-L-ZZZZ-09001 PL01 LANDSCAPE GENERAL ARRANGEMENT
 PLAN
 32495-STL-XX-XX-DR-L-ZZZZ-09160 PL01 HARD LANDSCAPE WORKS PLAN
 32495-STL-XX-XX-DR-L-ZZZZ-09140 PL01 SOFT LANDSCAPE WORKS PLAN
 32495-STL-XX-XX-DR-L-ZZZZ-09407 PL01 RETAINING WALL
 32495-STL-XX-XX-DR-L-ZZZZ-09406 PL01 PAVING DETAILS
 32495-STL-XX-XX-DR-L-ZZZZ-09405 PL01 GREEN WALL DETAILS
 32495-STL-XX-XX-DR-L-ZZZZ-09404 PL01 FURNITURE DETAILS
 32495-STL-XX-XX-DR-L-ZZZZ-09403 PL01 STEP DETAILS
 32495-STL-XX-XX-DR-L-ZZZZ-09402 PL01 SOIL DEPTH PROFILES
 32495-STL-XX-XX-DR-L-ZZZZ-09401 PL01 TYPICAL TREE PIT DETAIL IN SOFT
 32495-STL-XX-XX-DR-L-ZZZZ-09301 PL01 LANDSCAPE SITE SECTIONS
 32495-STL-XX-XX-DR-L-ZZZZ-09180 PL01 BOUNDARY TREATMENT/KERB AND
 EDGING PLAN
 32495-STL-XX-XX-DR-L-ZZZZ-09101 PL01 TREE PROTECTION, REMOVAL AND
 RETENTION PLAN
 SP001 PL01 LANDSCAPE MATERIAL SHEET FOR PAVING, FURNITURE AND
 FEATURES
 SP001 PL01 LANDSCAPE MATERIAL SHEET FOR SOFT LANDSCAPE

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The Local Planning Authority identified concerns with the scheme at the pre-application stage and sought to work positively and proactively to overcome the concerns raised. Despite detailed advice and suggestions being made, no amendments to address the concerns were forthcoming. The Local Planning Authority has carefully considered all the information submitted, but for the reasons indicated above, the application is considered unacceptable and is recommended for refusal.

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

Item No:	02	
Application No:	19/01854/OUT	
Site Location:	Hartwells Of Bath, Newbridge Road, Newbridge, Bath	
Ward: Newbridge	Parish: N/A	LB Grade: N/A
Application Type:	Outline Application	
Proposal:	Outline application with all matters reserved except for access and layout comprising the demolition of the existing buildings on the site; construction of replacement buildings ranging in height from 3 to 5 storeys providing a mixed use development comprising up to 104 residential units (Class C3 Use), up to 186 student bedrooms (Sui Generis Use), and a commercial retail unit (flexible A1/A3 Use); formation of new vehicular access from Newbridge Road, construction of new access ramp, and provision of vehicle parking spaces; provision of new shared bicycle and pedestrian sustainable transport route through the site and formation of new access and linkages on the eastern and western boundary; provision of hard and soft landscaping scheme across entire site.	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Contaminated Land, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Placemaking Plan Allocated Sites, SSSI - Impact Risk Zones,	
Applicant:	Oakhill Group	
Expiry Date:	30th August 2019	
Case Officer:	Chris Gomm	

DECISION Overturn to be refused on the basis of policies SB15, D1b, D2a,c, CP10, NE5, NE6, CP6, LCR6, CP7, CP9.

PLANS LIST:

This decision has been taken on the basis of the following plans/drawings:

- o Site Location Plan: Drawing No. 0100 P3
- o Proposed Site Plan: Drawing No 0110 P4

The following plans are illustrative only (i.e. permission is not granted)

- o Proposed Floor Plan -001: Drawing No. 0202 P2
- o Proposed Floor Plan -002 (Lower Ground Floor): Drawing No. 0201 P2
- o Proposed Floor Plan 000 (Newbridge Road): Drawing No. 0203 P2
- o Proposed Floor Plan 001: Drawing No. 0204 P2
- o Proposed Floor Plan 002: Drawing No. 0205 P2
- o Proposed Floor Plan 003 (Roof Plan): Drawing No. 0206 P2
- o Landscape General Arrangement Plan: Drawing No NPA 11063 301 Rev P01
- o Illustrative Elevations: Drawing No. 0300 P3

- o Site Sections Sheet 1: Drawing No. 0400 P3
- o Site Sections Sheet 2: Drawing No. 0401 P3
- o Proposed Illustrative Sections Through Cycle Path: Drawing No. 0410 Rev P3

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. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Demolition Notice

Please note that notice of demolition works must be given to the Local Planning Authority under s.80 and 81 of the Building Act 1984 at least six weeks before demolition work commences.

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Item No:	03		
Application No:	19/03734/FUL		
Site Location:	Combe Grove, Brassknocker Hill, Monkton Combe, Bath		
Ward: Bathavon South	Parish: Monkton Combe	LB Grade: II	
Application Type:	Full Application		
Proposal:	Erection of 1 no. polytunnel, reconfiguration of car park and associated landscaping works.		
Constraints:	Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,		
Applicant:	Elmhurst Foundation		
Expiry Date:	15th October 2019		
Case Officer:	Sasha Berezina		

DECISION REFUSE

1 The proposal would result in inappropriate development within the Green Belt, which is harmful by definition. The potential harm to the Green Belt by reason of inappropriateness, and harm to Green Belt openness resulting from the proposal, would not be clearly outweighed by other considerations. As such, the proposal is contrary to the National Planning Policy Framework (February 2019) and the Policy CP8 of The Core Strategy for Bath and North East Somerset (July 2014).

PLANS LIST:

This decision relates to the following plans:

OS Extract	21 Nov 2019	085-009 P3	SITE LOCATION PLAN
Drawing	21 Nov 2019	085-012 P5	GENERAL ARRANGEMENT PLAN 1 OF 2
Drawing	04 Mar 2020	085-013 P4	GENERAL ARRANGEMENT PLAN 2 OF 2
Drawing	04 Mar 2020	085-017 P1	EXISTING PLAN (CAR PARK)
Drawing	04 Mar 2020	085-018 P1	COMPARISON OF EXISTING AND PROPOSED CAR PARKS
Drawing	21 Nov 2019	085-406 P4	POLYTUNNEL DETAILS

Drawing	21 Nov 2019	085-514 P4	LONG SECTION A-A
Drawing	21 Nov 2019	085-515 P3	LONG SECTION B-B
Drawing	21 Nov 2019	085-516 P3	CROSS SECTION C-C
Drawing	21 Nov 2019	085-517 P3	SECTION D-D
Drawing	04 Mar 2020	085-518 P1	BIN AND LAUNDRY STORE ELEVATIONS E-E AND F-F
Drawing	21 Nov 2019	085-019 P2	TREE RETENTION AND REMOVALS PLAN
Drawing	21 Nov 2019	085-023 P1	EXISTING AND PROPOSED CAR PARKING IN CP5

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 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.

Item No:	04	
Application No:	19/05225/FUL	
Site Location:	35 Hantone Hill, Bathampton, Bath, Bath And North East Somerset	
Ward: Bathavon North	Parish: Bathampton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Demolition of existing dwelling and erection of replacement dwelling.	
Constraints:	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,	
Applicant:	Mr Colin Blackburn	
Expiry Date:	12th March 2020	
Case Officer:	Chloe Buckingham	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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 permission.

2 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

4 Bat and Wildlife Mitigation and Enhancement Scheme (Pre-commencement)

No development shall take place until full details of a Bat and Wildlife Mitigation and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to bats, reptiles, nesting birds and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;
- (ii) Detailed proposals for a bat mitigation and compensation scheme (which may take the form of an EPS Licence Method Statement) to include replacement and additional roost provision; dark corridors and landscaping to provide connective bat flight routes;
- (iii) Detailed proposals for implementation of additional wildlife mitigation and enhancement measures, including wildlife-friendly planting and landscape details; provision of bird boxes and wildlife habitats;
- (iv) proposed specifications, models, dimensions, numbers and positions shall be fully incorporated into the scheme and shown to scale on all relevant plans and drawings; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife;

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development, and maintained for the purposes of bat and wildlife conservation thereafter.

Reason: To avoid harm to bats and their roosts, prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Placemaking Plan (2017).

5 Follow-up Report: Bat and Wildlife Mitigation and Enhancement Scheme (Pre-Occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the Bat and Wildlife Mitigation and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Bat and Wildlife Mitigation and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Placemaking Plan 2017.

6 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights, details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby vegetation and adjacent land, and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

7 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

8 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

9 Sustainable Construction Checklist (Prior to first occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted for approval to the local planning authority together with the further documentation listed below:

Table 2.1 Energy Strategy (including detail of renewables)

Table 2.2 Proposals with more than one building type (if relevant)

Table 2.4 (Calculations);

Building Regulations Part L post-completion documents

Microgeneration Certification Scheme (MCS) Certificate/s (if renewables have been used)

Reason: To ensure that the approved development complies with Policy CP2 of the Core Strategy (sustainable construction).

10 Plans List (Compliance)

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.

PLANS LIST:

This decision relates to plan references;

001, 005A, 006A, 007A, 008A, 010A, 012A and 013A received 2nd December 2019.

014 and 015 received 9th December 2019.

002B and 003B received 10th December 2019.

011B received 18th December 2019.

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

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. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Item No:	05
Application No:	19/04764/OUT
Site Location:	Former Builders Yard, Temple Inn Lane, Temple Cloud, Bristol
Ward: Mendip	Parish: Temple Cloud With Cameley Parish Council
LB Grade:	N/A
Application Type:	Outline Application
Proposal:	Outline planning permission for demolition of existing storage building and erection of single dwelling
Constraints:	Bristol Airport Safeguarding, Clutton Airfield, Agricultural Land Classification, Coal - Standing Advice Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Greenfield site, Policy M1 Minerals Safeguarding Area, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
Applicant:	Mr Gerald Cox
Expiry Date:	12th March 2020
Case Officer:	Chloe Buckingham

DECISION REFUSE

1 The proposed development is outside of a housing development boundary within the open countryside and as the proposed dwelling is not a conversion or a dwelling intended for an agricultural worker, the proposal is contrary to policies DW1, RA1, RE4 and RE6 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2019).

PLANS LIST:

This decision relates to plan references;

PL4003/1 and PL4003/2 received 31st October 2019.

PL4003/3 and PL4003/4C received 9th January 2020.

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 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.

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

Item No:	06	
Application No:	20/00098/FUL	
Site Location:	31 James Street West, City Centre, Bath, Bath And North East Somerset	
Ward: Kingsmead	Parish: N/A	LB Grade: II
Application Type:	Full Application	
Proposal:	External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL).	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Bath And North East Somerset Liberal Democrats	
Expiry Date:	13th March 2020	
Case Officer:	Helen Ellison	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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 permission.

2 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least two bicycles has been provided in accordance with in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy T.6 of the Bath and North East Somerset Local Plan.

3 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

4 Hard and Soft Landscaping (Pre-occupation)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D2, D5 and NE2 of the Bath and North East Somerset Placemaking Plan.

5 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D2, D5 and NE2 of the Bath and North East Somerset Placemaking Plan.

6 External Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials (including rainwater goods) and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to

and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D2 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

7 Plans List (Compliance)

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.

PLANS LIST:

This decision relates to the following drawings;

Date: 13.01.2020	Drwg. No.	Drwg. title: Site plan
Date: 13.01.2020	Drwg. No. 4142 - 001	Drwg. title: Location plan
Date: 13.01.2020	Drwg. No. 4142 - 0011A	Drwg. title: Ground and first floor plans - as existing
Date: 13.01.2020	Drwg. No. 4142 - 0012A	Drwg. title: Front and rear elevations - as existing
Date: 18.02.2020	Drwg. No. 4142 - 0015E	Drwg. title: Sections A-A B-B and C-C - as proposed
Date: 13.01.2020	Drwg. No. 4142 - D02A	Drwg. title: Internal door detail
Date: 18.02.2020	Drwg. No. 4142 - 0013K	Drwg. title: Ground and first floor plans - as proposed
Date: 10.02.2020	Drwg. No. 4142 - 0014J	Drwg. title: Front and rear elevations - as proposed

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

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. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Item No:	07	
Application No:	20/00099/LBA	
Site Location:	31 James Street West, City Centre, Bath, Bath And North East Somerset	
Ward: Kingsmead	Parish: N/A	LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA).	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Bath And North East Somerset Liberal Democrats	
Expiry Date:	13th March 2020	
Case Officer:	Helen Ellison	

DECISION CONSENT

1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of all materials (to include rainwater goods), colours and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

3 Mortar Mix (Bespoke Trigger)

No pointing shall be carried out until details of the specification for the mortar mix and a sample area of pointing demonstrating colour, texture, jointing and finish have been provided in situ for the inspection and approval in writing by the Local Planning Authority and

retained for reference until the work has been completed. Once approved the works shall be completed in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the listed building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

4 Large Scale External Details (Bespoke Trigger)

No installation of the windows, doors or roof lantern shall commence until full details comprising 1:5 and/or 1:20 scale plans, sections and elevations (as appropriate), and, materials, colours and finishes have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan

5 Schedule of works - railings and external lift (Bespoke Trigger)

No installation of railings or external lift shall commence until full details including detailed drawings to include 1:5 and/or 1:20 scale plans, elevations and sections, and, a schedule of works, methodology, materials, colours and finishes have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the listed building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

6 Archaeology - Watching Brief (Pre-commencement)

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

7 Plans List (Compliance)

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.

PLANS LIST:

This decision relates to the following drawings;

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Date: 13.01.2020 Drwg. No. 4142 - 001 Drwg. title: Location plan
Date: 13.01.2020 Drwg. No. 4142 - 0011A Drwg. title: Ground and first floor plans - as existing
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Permit/Consent Decision Making Statement

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Item No:	08	
Application No:	19/05507/FUL	
Site Location:	Old House, Northend, Batheaston, Bath	
Ward: Bathavon North	Parish: Batheaston	LB Grade: II
Application Type:	Full Application	
Proposal:	Erection of a parking area gate mechanism, boundary pier and replacement walling. (Retrospective)	
Constraints:	Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	Mr & Mrs Humphrey	
Expiry Date:	13th March 2020	
Case Officer:	Helen Ellison	

DECISION Defer consideration to allow members to visit the site

Item No:	09		
Application No:	19/05508/LBA		
Site Location:	Old House, Northend, Batheaston, Bath		
Ward: Bathavon North	Parish: Batheaston	LB Grade: II	
Application Type:	Listed Building Consent (Alts/exts)		
Proposal:	External alterations for the erection of a parking area gate mechanism, boundary pier and replacement walling. (Regularisation)		
Constraints:	Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
Applicant:	Mr & Mrs Humphrey		
Expiry Date:	13th March 2020		
Case Officer:	Helen Ellison		

DECISION Defer consideration to allow members to visit the site

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