

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 21st October, 2020, 2.00 pm

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

#### 48 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

#### 49 DECLARATIONS OF INTEREST

The following members made declarations of interest:

- Cllr Manda Rigby declared an interest in planning application no. 20/01893/LBA – Cleveland Bridge, Bathwick, Bath. Cllr Rigby stated that she would not take part in the debate or vote on this item. She would be addressing the committee in her capacity as a local ward member.
- Cllr Manda Rigby declared an interest in planning application no. 20/02921/FUL – Site of Former Ministry of Defence Offices, Warminster Road, Bathwick, Bath. Cllr Rigby stated that she had attended the exhibitions relating to this development along with the Planning Case Officer.
- Cllr Eleanor Jackson declared an interest in planning application no. 18/05623/OUT – Co-operative Store A, Wells Road, Westfield as she is a member of the co-operative and holds a very small number of shares. She stated that she would not take part in the debate or vote on this item.

#### 50 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

#### 51 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.

#### 52 MEMBER/OFFICER PROTOCOL

Cllr Jackson apologised for an inadvertent breach of the member/officer protocol following a comment she made at the August Planning Committee meeting.

## 53 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 23 September 2020 were confirmed and signed as a correct record.

## 54 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 and 6 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.

### Item No. 1

#### Application No. 20/02854/FUL

**Site Location: 43 Elliston Drive, Southdown, Bath – Change of use from a 4-bedroom dwelling (Use Class C3) to a 6-bedroom House in Multiple Occupation (HMO) (Use Class C4).**

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

The applicant spoke in favour of the application.

Cllr Dine Romero, Local Ward Member, spoke against the application. She felt that it would have an adverse impact on the local area. She also stated that parking is already difficult in this area and an HMO property was likely to exacerbate this. It would also undermine the viability of schools and community facilities due to the loss of a family home.

Cllr Paul Crossley, Local Ward Member, spoke against the application. He highlighted the negative impact of the spread of HMO properties on the functioning of the city leading to the loss of family homes. Students do not pay Council Tax and the increase in student accommodation would have an adverse economic impact and could result in the loss of community facilities.

Officers then responded to questions as follows:

- The application passes stage 1 of the test for HMO properties and is acceptable and in line with policy H2 of the Placemaking Plan (2017) and the HMO SPD (2017).
- The provision of double yellow lines in the area would be a matter for the Highways Team.
- A footpath upgrade can be secured by a legal agreement where it is

necessary and relevant to the development, however, this development does not generate a need for such work.

- Very little weight, if any, can be given to emerging policies.
- An HMO property would not necessarily be occupied by students.
- The room sizes for the property would be 8.7sqm, 8.6sqm, 6.54sqm, 7.1sqm, 6.9sqm and 9sqm. The communal space would be 23.71sqm and the kitchen would be 12.66sqm. These measurements are in line with the HMO space standards.
- There would be parking for 2 cars using the garage and the driveway.
- There is a need in Bath for both HMO properties and family homes.

Cllr Jackson moved the officer recommendation to permit stating that there was no policy reason to refuse. She pointed out that there would be no external changes to the property. Cllr Davis seconded the motion and stated that the application was policy compliant and that a refusal would be difficult to defend on appeal.

Cllr Hodge felt that the application represented the unacceptable loss of a family property and was incompatible with the character and amenity of the area which consists of family housing. This was contrary to Policy H2.

The Deputy Head of Planning explained that, if the Committee was minded to refuse the application they should specify how the proposal would be harmful.

Cllr Rigby stated that more data would be helpful when assessing the need for HMO properties. She acknowledged that the application was policy compliant.

The motion was put to the vote and it was RESOLVED by 7 votes in favour, 2 votes against and 1 abstention to PERMIT the application subject to the conditions set out in the report.

## **Item No. 2**

### **Application No. 20/01893/LBA**

#### **Site Location: Cleveland Bridge, Bathwick, Bath – The refurbishment, repair and strengthening of a Grade II\* listed structure.**

The Chair noted that there were widespread public concerns about the use of this bridge for traffic and how this proposal fits into the wider context of the management of the road network. He clarified that the committee's remit was relatively limited. The application was for listed building consent and the law states that the Committee's focus has to be on the desirability of preserving the bridge or its setting or any features of special architectural or historic interest which it possesses. In law, members had to concentrate on the effect of the proposed works on the historic bridge and this was not the forum in which to have a wider debate about the highways network. That was not to say that such issues were unimportant, but simply that the Committee had to follow the law and these matters were not before members at this meeting. However, there were other Council forums in which they could be debated.

The Case Officer reported on the application and her recommendation to grant consent. She referred members to the responses to questions submitted by Cllr Dine Romero and by Bath Preservation Trust which were set out in the update

report. She confirmed that the application could be determined at this meeting.

A representative of Pulteney Estates Residents' Association, Cleveland Bridge Residents and the Federation of Bath Residents' Associations spoke against the application. A local resident also spoke against the application.

Cllr Yuktेशwar Kumar, local ward member, spoke against the application. Local residents did not want heavy goods vehicles to use the bridge and allowing this would appear to be at odds with the Council policy regarding the Clean Air Zone. There were concerns for the health and wellbeing of people in this area. He stated that a weight limit should be imposed on the bridge.

Cllr Tom Davies, local ward member, spoke against the application. He stated that a number of residents were concerned about this proposal. He noted that additional information had been provided at the last minute including the engineering assessment. He was keen to conserve and enhance the structure of the bridge and was concerned at the potential return of heavy goods vehicles which could cause further damage.

Cllr Manda Rigby, pointed out that there are residential dwellings on Cleveland Bridge and that the proposed repairs were no longer like for like. The kerbs had been extended to prevent water ingress but this was also to allow the use of the bridge by heavy goods vehicles rather than to conserve and enhance this Grade II\* listed bridge. She was concerned that people, including Historic England, had not had sufficient opportunity to comment on the new information provided in the update report. She felt that this was a highways application and that highways matters should be taken into consideration. She asked the Committee to either refuse or defer the application to enable external expert legal advice to be provided.

*(Note: At this point Cllr Rigby was moved to the virtual waiting room).*

Cllr Hounsell stated that it was not for the Planning Committee to decide on the weight limit for the bridge. Not all the repairs would be like for like but the works would strengthen the bridge. Just because the bridge would be able to take greater weight did not necessarily mean that it would be compelled to do so. He moved the officer recommendation to grant listed building consent. This was seconded by Cllr Jackson.

Cllr Craig stressed the difficulties of weighing the public benefit against the harm in this case. She queried the approach that was being taken and felt that the asset could be repaired for long-term light use to avoid any further damage.

Cllr Jackson pointed out that, whilst it was right to raise transport issues, this was a listed building application. It was important to save the bridge, and the concerns relating to the use of the bridge by lorries and the need for a weight restriction could be considered at other forums. If only general repairs were carried out, then further work may still be required at a later date.

Cllr Hodge stated that this matter must be considered in context taking into account the future-proofing of the bridge. She was concerned that members were being put under pressure not to consider certain issues. It was important to consider the concrete elements of the repair which go beyond conservation. She felt that the

application should come back to the Committee at a later date with a clear future use of the bridge in mind.

Cllr Davis pointed out that this was a listed building application and that the Committee has a clear remit with regard to this decision.

Cllr McCabe stated that heavy goods vehicles were not desirable on the bridge but that there were other forums where the weight limit and use of the bridge can be debated. Any proposals would then need to be considered by the Secretary of State.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour and 2 votes against to GRANT listed building consent subject to the conditions set out in the report.

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

### **Item No. 3**

#### **Application No. 20/02921/FUL**

**Site Location: Site of former Ministry of Defence Offices, Warminster Road, Bath – Proposed construction of 42 new dwellings and 2 new blocks of apartments to provide a total of 70 new homes on part of the former MOD site at Warminster Road (Resubmission of ref: 19/03838/FUL).**

The Case Officer reported on the application and his recommendation to permit. He clarified that the delegation to enter into a legal agreement should be to the Director of Legal and Democratic Services, that the reference to a Deed of Variation should be changed to a s106 agreement, and that the legal agreement should include all obligations from the original s106 agreement with the exception of the original affordable housing obligations which would be replaced.

A representative from the Bath Preservation Trust spoke against the application.

The agent spoke in favour of the application.

Officers responded to questions as follows:

- Under the current policy 14 visitor parking spaces are required and this application provides 8 spaces. The existing development was approved prior to the adoption of the minimum standards in the Placemaking Plan and the difference is marginal and is therefore considered to be adequate.
- There is not a specific policy relating to building height, but the development must preserve and enhance the area and landscape character of the city. The design has been reviewed by the landscape officer who considers this to be an improvement over the existing approved scheme.
- The area is considered to be a suburban location. The site has been allocated for at least 150 dwellings which dictates the density required. The style of dwellings in this area has already been accepted and some building has already taken place.
- The site is on the main A36 road and is well served by bus services.
- The area will be enhanced through the inclusion of landscaping conditions. If

additional trees were included in the development, then this would have to be at the expense of dwellings or parking spaces.

- If required, the Committee could add a condition requiring electric car charging points.
- The affordable housing would encompass a range of products. This would include rental properties and the social discount market/shared ownership. In the context of the viability statement the current offer of 20 discount market units was in excess of what is considered to be viable.
- The affordable housing would be contained within a single apartment block and the building would be of a similar quality to the other blocks.
- The discounted properties would be available to those people on the home-search register for affordable housing.

Cllr Rigby, local ward member on the committee, stated that the application has now attempted to obtain a more acceptable target for affordable housing. It was disappointing that the expansion of the local primary school had not happened and that the proposed shop was now considered to be unviable. The development was originally intended to be a mixed community. The development is already part-built but she felt that the developer could have followed the contours of the hill.

Cllr Jackson stated that this was the best proposal that could be obtained and moved the officer recommendation to permit. This was seconded by Cllr Hounsell.

Cllr MacFie proposed the inclusion of a condition requiring electric car charging points and the mover and seconder of the motion accepted this proposal. The motion would therefore be to delegate to permit the application.

Cllr Clarke supported the proposal for the affordable units to be located in one place rather than spread throughout the development.

Cllr McCabe hoped that the lack of visitor parking could be addressed in the next application for this site and that more trees could be included on site.

Cllr Rigby stated that the viability assessment had been completed and that 25% affordable housing would be better than none, however, this was still a good deal less than the policy requirement of 40%.

Cllr Hodge noted that this was a crucial site in the city and hoped that the Council would not have to keep compromising on developments in this way.

The motion was put to the vote and it was RESOLVED by 8 votes in favour, 1 vote against and 1 abstention to DELEGATE TO PERMIT the application subject to:

- the conditions set out in the report
- entering into a s106 Agreement as set out in the report (and subsequently clarified by the case officer)
- the inclusion of a condition to provide electric car charging points for the apartments
- Holding further discussions to attempt to increase the number of trees on the site.

**Item No. 4**

**Application No. 18/05623/OUT**

**Site Location: Hybrid planning application for the mixed-use redevelopment of the Co-Operative store and associated car park in Radstock comprising – 1. Full planning permission for the demolition of existing store and construction of 1795sqm retail floorspace including replacement store (Class A1), 722sqm office floorspace (Class B1) and 28 dwellings (Class C3) with associated car and cycle parking, works to existing access, landscaping, public realm, drainage and infrastructure.**

**2. Outline planning permission for 26 dwellings with associated car parking, landscaping, drainage and infrastructure (access, scale and landscaping determined; all other matters reserved).**

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

A representative from Radstock Town Council spoke in favour of the application.

The applicant spoke in favour of the application.

Cllr Eleanor Jackson, local ward member and Westfield Parish Councillor, spoke in favour of the application. She stated that local residents were keen for the development of this site to progress. There is a demand for housing in the area, the development accords with the Local Plan and this is also a crucial employment site. The Co-op answers to its shareholders and new modern premises are crucial for its viability. She also declared an interest regarding donations made by Radco staff to Radstock in Bloom, of which, she is Secretary.

*(Note: Having declared an interest in this application Cllr Jackson took no further part in the debate and did not vote).*

Cllr Davis moved the officer recommendation to delegate to permit. This was seconded by Cllr Hodge.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application as per the officer recommendation.

**Item No. 5**

**Application No. 20/02727/FUL**

**Site Location: 24 Broadway, Widcombe, Bath, BA2 4JA – Change of use from a three-bed dwelling house (Use Class C3) to a five-bed House in Multiple Occupation (HMO) (Use Class C4).**

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

Cllr Alison Born, local ward member, spoke against the application. Cllr Born raised concerns regarding the number of HMO properties in this area, the adverse impact on the local community and the suitability of this particular house for the purpose of an HMO.

Officers then responded to questions as follows:

- The Supplementary Planning Document (SPD) guidance states that the central point of the property must be used when calculating the number of HMOs within a particular radius. There is no level of tolerance or discretion when carrying out this calculation.
- The Stage 2 Test regarding HMO properties refers to more than 10% of households within a 100-metre radius of the application property.
- An HMO property would not necessarily be occupied by students.
- There are a number of HMO properties in this vicinity, however, guidance must be taken from the SPD, and the trigger has not been reached, although the numbers are very close.

Cllr Hounsell noted that 9.6% of properties within the specified radius were HMOs and was surprised that there was no tolerance level as it was so close to the 10% figure specified in the policy.

Cllr MacFie felt that the spirit of the 10% threshold was clear and that the amount of HMOs in the area would have a disruptive effect. He pointed out that there were a number of such properties on the edge of the area covered by the radius.

Cllr McCabe pointed out that, in this case, the application was only 0.5% away from triggering the policy.

Cllr Hodge felt that the HMO use was unacceptable as it would lead to the loss of a family home in an area close to schools and community facilities. She felt that this was not compliant with Policy H2. She moved refusal for this reason. This was seconded by Cllr MacFie.

Cllr Jackson stated that she did not believe that there were grounds to refuse this application.

Cllr Clarke felt that the HMO policy was relevant in this case because the application was so close to the necessary trigger for refusal. The property would be cramped if it were to become an HMO and it would be detrimental to lose another family home in the area.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 4 against and 1 abstention to REFUSE the application for the following reasons:

- The application is close to the trigger of 10% set out in the HMO Supplementary Planning Document.
- The proposal is contrary to Policy H2, criterion 5.

#### **Item No. 6**

#### **Application No. 20/01408/VAR**

**Site Location: Building between The House and Old Orchard, The Street, Ubley – Variation of condition 2 of application 17/00295/FUL (Erection of detached dwelling house and detached garage).**

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

A representative from Ubley Parish Council spoke against the application.

Two local residents spoke against the application.

The applicant spoke in favour of the application.

Cllr Vic Pritchard spoke against the application stating that this was a complex site. He explained that there were concerns as to whether the correct plan had been used when considering the variation application and its footprint. The development would have a major impact on The House, which was the neighbouring property.

Officers then responded to questions as follows:

- An application cannot be made under section 73 of the Town and Country Planning Act 1990 if the proposal constitutes a fundamental alteration to the development which was originally permitted, or if it results in a change to the description of the development in the original planning permission. Officers have considered this application and accepted that, in their professional view, it can be made under s73.
- The application is for a 3-bedroom property. It is limited by the scale and envelope of the building.
- The Legal Advisor stated that there appears to be nothing to suggest that this application should not have been made under s73. He advised members to determine the application on its planning merits, otherwise the only other option was to defer.

Cllr MacFie stated that claims have been made that the original plans were different from the plans that have been used in the variation application. It was also important to look at the floor areas.

Cllr MacFie moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Jackson.

Members also asked that the following issues be clarified prior to the next meeting:

- Whether the correct plans had been used when considering this application.
- Clarification of the floor plans.
- Would it be open to the committee to refuse on the basis that this was not a valid s73 application?

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 1 abstention to DEFER consideration of the application pending a SITE VISIT.

*(Note: Cllr Hounsell did not vote on the above application as he lost connection and missed part of the debate).*

*(Note: At this point Cllr Jackson left the meeting).*

**Item No. 7**

**Application No. 20/02738/FUL**

**Site Location: 91 Fairfield Park Road, Fairfield Park, Bath, BA1 6JR – Proposed off street parking.**

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

The agent spoke in favour of the application.

Cllr Appleyard, local ward member, spoke in favour of the application. He explained that there were lots of requests for off-street parking in this area. The wall is substantial and does not enhance the street scene. The area has a mix of properties and frontages and a number of other properties have created off-street parking areas.

Officers then responded to questions as follows:

- There were no highway objections to the application. There had initially been some concern regarding the gradient of the garden, but this has now been addressed. Visibility was acceptable.
- The front garden is raised, and the wall adds to the street scene. Removing half of the garden to provide parking is considered to be harmful. There are currently no off-street parking spaces in this block of houses.
- Under permitted development rights a hardstanding can be created, however, as this is considered to involve engineering operations, then a planning application is required.
- Double yellow lines would not be appropriate in front of the property but, if necessary, a white keep-clear line could be provided.

Cllr Hounsell stated that personal circumstances are not a material consideration. He would welcome the provision of an electric vehicle charging point if the application were permitted. He did not feel that this would set a precedent. He then moved that the Committee delegate to permit the application subject to appropriate conditions, a requirement to provide a charging point for an electric vehicle and a requirement to re-use the stone for the retaining wall, as appropriate. This was seconded by Cllr Rigby.

Cllr Clarke felt that this could set a precedent which could reduce the number of on street parking spaces available for both residents and visitors.

Cllr Hodge stated that the dwelling was a prominent house in this location and did not support the proposal.

Cllr McCabe pointed out that due to the gradient of the garden and the need for engineering works planning permission was required, however, if the garden was at street level then off-street parking could be created under permitted development rights.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 3 votes against to DELEGATE TO PERMIT the application subject to appropriate conditions to include a requirement to provide a charging point for an electric vehicle

and a requirement to re-use the stone from the existing wall for the retaining wall, as appropriate.

**55 POLICY DEVELOPMENT**

The Chair informed the committee that the recommended change to the Planning Scheme of Delegation will be considered at the Special Council Meeting to be held on 21 January 2021.

**56 QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2020**

The Committee considered the quarterly performance report for July to September 2020.

RESOLVED: To note the report.

**57 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 7.40 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Planning Committee**

**21 October 2020**

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

**ITEM**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01.	20/02854/FUL	43 Elliston Drive, Southdown

The reference to the duty under Section 72 in relation to a conservation area at the end of the policy section and within the conclusion of the report should be removed as the site is not located within the conservation area.

02.	20/01893/LBA	Cleveland Bridge, Bathwick
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The following further comments, in summary, have been received **Pulteney Residents Association** maintaining their objection to the proposals:

- Repositioning of the kerbs is not like for like repair. The reason given in the application for repositioning of the kerbs is a design fault leading to water ingress which is causing decay. The Departure from Standards document sets out a different reason relating to weight limits and to enable an Assessment Live Loading of 40 Tonnes to be achieved. The application therefore relates to traffic considerations.
- It is questioned whether Historic England were properly consulted.
- The true impact of the extension of the kerbs in front of the tollhouses is not shown.
- Neither the application nor the Departure from Standards mentions the question of whether repositioning of the kerbs would impact on their function of preventing vehicles striking the historically valuable but structurally weak parapets. If the repositioning of the kerbs exposes the original parapets to greater risk of destruction this should be addressed in the application.
- None of the technical assessment documents include anything beyond a superficial examination of the structural condition of the original abutments (which are subject to the same loading as the road slab).

**Letter of 21/9/2020** received on 19/10/2020 from Mr P Turner addressed to all Members of the Development Management Committee entitled; Examination of Conscience.

## Response to Councillor Dine Romero 21/10/2020

1. In the departure from standards report (p 30-34) it is stated that the kerb stones are being moved to facilitate an allowable weight to return to 44T, is this over-specification of the repair? In the covering report it does state that the kerb stones are not being moved for this purpose however the background report is still in the public domain and has not been corrected.

### *Planning Officer response;*

The changes to the kerbs are part of the drainage strategy to deal with water ingress and reduce the associated degradation of the bridge. They are also to protect the lodges and pedestrian safety, and this is covered and assessed in the application committee report.

Moving the kerbs allows the waterproofing joint to be improved, it does not strengthen the bridge. The bridge could be refurbished with the kerbs remaining in their current position and on completion of the refurbishment, the weight restriction would be removed. However, this would result in a reduced effectiveness of the waterproofing and the kerb would not be extended to protect the lodges. This would be less beneficial in terms of the listed structure and it is not what is proposed by the application.

The 2017 assessment identified the ongoing deterioration and the deck started to fall below the structural level for the 40 tonnes ALL rating. Various mitigation options were listed, and it was concluded that the deck is adequate for continued use providing the road surfacing was kept in good order. One of the alternative mitigation options listed was to move the kerbs. This option would have made subtle changes to the loading pattern on the deck as vehicles location would have changed, this option was never progressed as maintaining the deck in good order was the preferred mitigation of the applicant.

The 2017 and earlier assessments have been superseded by the WSP more detailed analysis that has identified the extent of the refurbishment works that are required and are included in the current application. WSP Bridge Engineers have confirmed that moving the kerbs allows the waterproofing joint to be improved, it does not strengthen the Bridge.

The reports submitted are provided by the applicant and officers are satisfied that the information provided is sufficient to consider the effects of the proposal in listed building terms which is what is relevant here.

2. Restricting the width in this way will mean that a separate cycle path cannot be achieved across the bridge.

### *Planning Officer response;*

The suitability of the width of road and path is not relevant to the listed building application.

3. The waterproofing measures direct excess water into the toll houses.

*Planning officer response;*

The waterproofing measures do not impact on the special historic and architectural interest of the listed structure in terms of physical alteration, as they are under the modern carriageway. They extend to the end of junction of the bridge structure and the 'normal' carriageway. The bridge abutments in effect house vaults beneath and the condition of these and any work needed will need to be reviewed when the repairs are undertaken. There is a modern concrete blockwork wall within the vaults that separates each of the toll houses from the remainder of the bridge. The applicant has confirmed that they will liaise with the owner of No. 4 where there appears to be a possible damp issue, however, this has no bearing on this decision.

4. There is also a legal point on ownership of a listed building. Is there a duty to impose any or all conditions on a listed structure as part of any consent that preserves or conserves that structure? The point here is can a weight limit be imposed in order that the repair lasts longer than the suggested 15 years currently likely to be the increase life span of the bridge before more repair is required if no weight restriction is imposed?

*Planning Officer response;*

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 contains a general power to impose conditions and under 16(2) in considering whether to grant listed building consent for any works, the local planning authority or the Secretary of State shall 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. Section 17 of the same Act lists some particular conditions which can be imposed which are not relevant here. Officers advise that a weight limit condition would not be reasonable to impose given that the bridge has an established use as a traffic bridge and the works are at least partly to facilitate that use. A weight restriction condition would add unreasonable and unnecessary conditions given what has been applied for as works which are of benefit to the listed structure. In addition, such a condition would be unenforceable by the LPA and as a consequence of these factors it would not meet the conditions Tests.

5. There is also concern that this application is being rushed through without these concerns being fully addressed. Would you explain why this application must be taken now?

*Planning Officer response;*

An application for listed building consent may be made by any person, whether or not they are the owner of the building. Section 11 of the Planning (LB & CA) Act 1990 makes provision for requiring the notification of applications for listed building consent to owners of the building concerned so they can make representations to the LPA. This procedure has been correctly carried out in this case, being undertaken ahead of the application being registered on the 5/6/2020. The planning legislation requires

that all applications are determined without delay and in this case the application made is able and should be determined on its merits, on the basis of what the applicant has included in their application.

6. Finally should the statement from Cabinet members for transport be withdrawn?

*Planning Officer response;*

It is a matter for Cllr Wright if she wishes to withdraw her statement

Summary of Response from Bath Preservation Trust received 20/10/2020;

- Generally supportive of the proposed repair works to historic masonry and ironwork. Maintain that further details, such as the proposed painted finish of metalwork, stone cleaning methods, masonry samples, and the proposed mortar and shelter coating would need to be conditioned as part of the application.
- Consider that the extent of the proposed works are, in large, remedial, and deemed a necessary response to structural faults to ensure the continued structural stability of the bridge, within the context of its ongoing use.
- There would be some minor visual change due to the proposed thickening of the concrete trusses by 50mm as part of repairs, and the insertion of fibre reinforced polymer plates may have some limited visibility.
- Existing concrete trusses already provide a distinct visual contrast with the original ironwork; therefore, feel that the slight thickening of the early 20<sup>th</sup> trusses would constitute less than substantial harm to the architectural and historic interest of a listed building, and would be outweighed by the need for structural repairs to a significant load-bearing aspect of the bridge's structure.
- Surprised that there appears to be a lack of sufficient consideration of potential visual impact within the Heritage Statement.
- Retain concerns regarding reasons for certain changes, in particular the movement of the cast iron kerb and are of the view that this would be to *quoting BPT*; ["reduce[s] the eccentricity of the assessment live loading" to allow for an increase in Assessment Live Load from the current 18 tonnes restriction to the original 40 tonnes.]
- Despite the officer's claim that any weight restrictions or traffic routing are "not appropriate for consideration under this application", we would assert that this LBA proposes works in order to reinstate the 40 ton capacity from current 18 ton limit, without due consideration of the

impact this intensive vehicular use would have on the long-term conservation and preservation of a listed building.

- The historic abutment walls remain load-bearing due to their support of the concrete trusses, and continued use by heavier vehicles would continue to place these more historically and architecturally significant areas of the bridge under undue stress.
- The material changes proposed would facilitate the continued use of Cleveland Bridge but:
  - Assert that inadequate justification has been provided for the bridge's proposed use that would be consistent with its material and aesthetic conservation.
  - Increase in weight capacity would in their opinion exacerbate material deterioration.
  - It has not been explained as to why a permanent weight limit would be unfeasible.

06

20/01408/VAR

Land between The  
House and Old  
Orchard, The Street,  
Ubley.

To clarify this site is not within the Conservation Area and s72 only applies to sites within Conservation Areas (CA).

The setting of the CA is a material consideration and this proposal due to its mass bulk siting and design is not seen to have a detrimental impact on the setting of the Conservation Area.

A further letter of objection has been received:

Points raised in summary:

- Development too large in the AONB, out of character and is a 5 bedroomed house.
- Contrary to the mission statement, aims and objectives set out in the CVNP.
- The application is not a variation.

These points have been raised in the committee report.

#### SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The list of main issues raised should include

- Inaccurate site boundary
- loss of amenity for neighbours due to flue.
- Noise disturbance particularly during construction

Concerns have been raised in respect of noise disturbance. It is recognised that a three bedroomed house will be likely to have a higher number of occupants than a two bedroomed house but once built it is not considered that the proposed 3 bed house would result in an unacceptable level of noise disturbance to the neighbours

There will be a period of disturbance, particularly from noise, during the construction period for neighbours, however this matter would not justify refusal of this application.

The flue that was shown on the submitted plans and was a concern raised by an interested party has been removed from the proposal.

Additional notes and the removal of the flue have been shown on amended plans submitted.

The approved plan numbers are as follows:

A 101 Rev F and A 102 Rev A both dated 13<sup>th</sup> October 2020.

In the section Impact on the character and appearance of the locality and AONB and Impact on amenity it should read 300mm.

A letter has been received from applicant in support of the scheme:

Main issues raised:

In principle residential is acceptable in this RA2 village outside the greenbelt and conservation area.

This application description is the same as that permitted in 2017.

This variation application seeks to amend the approved plans and as a s73 application goes through a thorough and robust consideration process.

The amendments are relatively small

The garage remains as permitted

The materials are stone render and timber

The roof is raised by 300mm

The property proposed is a 3 bed dwelling

The distances to the boundaries east west remain as permitted

The proposal is neighbourhood plan compliant

Parking access and drainage agreed by Consultees

No objections raised by Council Consultees

The modest proposal has been amended to reflect concerns raised.

**BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SUBMITTING A WRITTEN STATEMENT AT THE VIRTUAL MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 21 OCTOBER 2020**

<b>MAIN PLANS LIST</b>				
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>NAME</b>	<b>FOR/AGAINST</b>	
1	43 Elliston Drive, Southdown, Bath	Matthew Ashton (Applicant)	For	
		Cllr Dine Romero (Local Ward Member)	Against	
		Cllr Paul Crossley (Local Ward Member)	Against	
2	Cleveland Bridge, Bathwick, Bath	Alison Peach	Against (To share 5 minutes)	
		Ceris Humphreys (on behalf of Pulteney Estates Residents' Association, Cleveland Bridge Residents, Federation of Bath Residents' Associations)		
		Cllr Dr Yuktेशwar Kumar (Local Ward Member)		Against
		Cllr Tom Davies (Local Ward Member)		Against
		Cllr Manda Rigby (Local Ward Member)	Against	
3	Site of Former Ministry of Defence Offices, Warminster Road, Bath	Joanna Robinson (Bath Preservation Trust)	Against	
		Charlotte Taylor-Drake (Agent)	For	

4	Co-Operative Store A, Wells Road, Westfield, BA3 3RQ	Cllr Rupert Bevan (Radstock Town Council)	For
		Jonathan Orton (Agent)	For
		Cllr Eleanor Jackson (Local Ward Member and Westfield Parish Councillor)	For
5	24 Broadway, Widcombe, Bath, BA2 4JA	Cllr Alison Born (Local Ward Member)	Against
6	Building between The House and Old Orchard, The Street, Ubley	Cllr Phil Collins (Ubley Parish Council)	Against
		Nick Aspinall  Richard Gordon-Smith	Against (To share 3 minutes)
		Anna Honeyfield (Applicant)	For
		Cllr Vic Pritchard (Local Ward Member)	Against
7	91 Fairfield Park Road, Fairfield Park, Bath, BA1 6JR	Martin Blake (Agent)	For
		Cllr Rob Appleyard (Local Ward Member)	For

**BATH AND NORTH EAST SOMERSET COUNCIL**

**PLANNING COMMITTEE**

**21st October 2020**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	20/02854/FUL	
<b>Site Location:</b>	43 Elliston Drive, Southdown, Bath, Bath And North East Somerset	
<b>Ward:</b> Southdown	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use from a 4 bedroom dwelling (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4).	
<b>Constraints:</b>	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr M Ashton	
<b>Expiry Date:</b>	6th October 2020	
<b>Case Officer:</b>	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 Number of Occupants (Compliance)**

The development hereby permitted shall not be occupied by (rented to) more than 6 unrelated occupants without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 and H2 of the Bath and North East Somerset Placemaking Plan.

**3 Bicycle Storage (Prior to occupation)**

No occupation of the development shall commence until bicycle storage for at least two bicycles has been provided 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 ST7 of the Bath and North East Somerset Placemaking Plan 2017.

#### **4 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 plan references;

Location Plan, Existing Plans and Proposed Plans received 10th August 2020.

#### **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](http://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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

<b>Item No:</b>	02	
<b>Application No:</b>	20/01893/LBA	
<b>Site Location:</b>	Cleveland Bridge, Cleveland Bridge, Bathwick, Bath	
<b>Ward:</b> Bathwick	<b>Parish:</b> N/A	<b>LB Grade:</b> IISTAR
<b>Application Type:</b>	Listed Building Consent (Alts/exts)	
<b>Proposal:</b>	The refurbishment, repair and strengthening of a Grade II* listed structure.	
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 1,2,3a, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	WSP	
<b>Expiry Date:</b>	28th October 2020	
<b>Case Officer:</b>	Caroline Power	

## **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 Construction Environmental Management Plan (CEMP)(Pre-commencement)**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following;

- A) Risk assessment of potentially damaging construction activities and identification of "biodiversity protection zones".
- B) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including on nesting birds, bats and otter and the adjacent Site of Nature Conservation Interest.
- C) The location and timings of sensitive works to avoid harm to biodiversity features.
- D) The times during which construction when specialist ecologists need to be present on site to oversee works.
- E) Responsible persons and lines of communication.
- F) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- G) Use of protective fences, exclusion barriers and warning signs if applicable.
- H) Details of any construction lighting.
- I) A specification for the installation of bird nesting prevention mesh.

The approved CEMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To comply with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) and to ensure no net loss of biodiversity in accordance with Bath and North East Somerset Placemaking Policy NE3.

## **3 Implementation of Compliance Report (Compliance)**

Within six months of the completion of works, a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the recommendations detailed in Section 4 of Combined Technical Report for Bat, Otter and Water Vole (WSP, June 2020) and the approved Construction Environmental Management Plan (CEMP: Biodiversity) in accordance with the approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of ecological recommendations and commitments, to prevent ecological harm and to provide biodiversity gain in accordance with UK law, the NPPF and policy NE3 of the Bath and North East Somerset Local Plan.

## **4 Protecting Architectural Features (Pre-commencement)**

No development shall commence until detailed drawings identifying how each of the 4no. toll houses and any associated architectural features and land which belong to them and the method by which these parts of the bridge will be safeguarded during the carrying out of the approved development have been submitted to and approved in writing by the Local Planning Authority. The approved protective measures shall be implemented and kept in

place in accordance with the details so approved for the duration of the development works.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the 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 Stone and Iron Cleaning Samples (Pre-commencement)**

No work shall commence on the stone cleaning of the bridge abutments or the iron work of the balustrade and arches; until sample panels have been provided in-situ to establish the final parameters of the stone cleaning and approved in writing by the Local Planning Authority. The approved panels shall be kept on site for reference until the development is completed. Thereafter the work shall only be carried out in accordance with the approved sample panels.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the 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 Mortar Mix (Bespoke Trigger)**

No re-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 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.

#### **7 Schedule of Repairs (Bespoke Trigger)**

Following the cleaning of the bridge stone abutments; in accordance with the approved method and prior to any further works being undertaken a detailed schedule of any repair work, including methods and materials to be 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 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.

#### **8 Submission of Schedule of Work and Samples (Pre-commencement)**

No works shall commence until a schedule of works setting of the phasing, construction techniques, materials and finishes, and samples of the materials and colour to be used in the construction of the external surfaces has 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, D5, D6 and HE1 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

#### **9 Paint Sample (Compliance)**

No work shall commence on the repainting of the bridge parapet features and iron work until paint samples have been taken to establish the historic paint scheme and to establish final parameters of the proposed paint constituents and colours and approved in writing by the Local Planning Authority. The approved panel shall be kept on site for reference until the development is completed. Thereafter the redecoration shall only be carried out in accordance with the approved sample panel.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the 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.

#### **10 Cast Iron Repair Details (Bespoke Trigger)**

No repairs to the historic iron structure shall commence until full details comprising 1:20 drawings and a schedule of work 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 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.

#### **11 Kerb Details (Bespoke Trigger)**

No installation of the extended kerb shall commence until full details comprising 1:20 drawings in plan and section, showing the base of the toll house columns and paving slabs and how they will be treated 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 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.

#### **12 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:**

Drawing	05 Jun 2020	0001 T03	LOCATION PLAN AND GENERAL ARRANGEMENT PL...
Drawing	05 Jun 2020	0007 T03	EXISTING STEEL PORTAL BEAM DETAILS
Drawing	05 Jun 2020	0008 T03	EXISTING CAST IRON ARCH DETAILS
Drawing	05 Jun 2020	0009 T03	ABUTMENT GALLERY DETAILS
Drawing	05 Jun 2020	0010 T03	PROPOSED LONGITUDINAL JOINT
Drawing	05 Jun 2020	0011 T03	INDICATIVE STEEL AND CAST IRON REPAIR DE...
Drawing	05 Jun 2020	0012 T03	CONCRETE REPAIR DETAILS
Drawing	05 Jun 2020	0013 T03	TESTING RESULTS SUMMARY CHLORIDE ION CON...
Drawing	05 Jun 2020	0015 T03	PROPOSED DECK JOINTS, DRAINAGE AND WATER...
Drawing	05 Jun 2020	0017 T03	RESURFACING DETAILS
Drawing	05 Jun 2020	0018 T03	TRANSVERSE METALWORK AND CONCRETE DEFECT...
Drawing	05 Jun 2020	0019 T03	LOCATION OF CONCRETE DEFECTS - TRUSSES 1...
Drawing	05 Jun 2020	0020 T03	LOCATION OF CAST IRON DEFECTS - ARCHES 1...
Drawing	05 Jun 2020	0021 T03	LOCATION OF CAST IRON DEFECTS - ARCHES 5...
Drawing	05 Jun 2020	0022 T03	MAINTENANCE OF PAINTWORK
Drawing	05 Jun 2020	0023 T04	PAINT SYSTEM FOR STEELWORK ELEMENTS
Drawing	05 Jun 2020	0024 T03	PAINT SYSTEM FOR CAST IRON ELEMENTS
Drawing	05 Jun 2020	0027 T03	SCHEDULE OF DEFECTS AND REMEDIAL ACTIONS...
Drawing	05 Jun 2020	0028 T03	SCHEDULE OF DEFECTS AND REMEDIAL ACTIONS...
Drawing	05 Jun 2020	0029 T03	EXISTING GENERAL ATTANGEMENT AND SITE CL...
Drawing	05 Jun 2020	0030 T03	ABUTMENT DEFECT LOCATIONS, SCHEDULE OF D...
Drawing	05 Jun 2020	0033 T03	LOCATION OF CONCRETE DEFECT CONSTRAINT: ...
Drawing	05 Jun 2020	0034 T03	LOCATION OF CONCRETE DEFECT CONSTRAINTS:...
Drawing	05 Jun 2020	0035 T03	LOCATION OF CONCRETE DEFECT CONSTRAINTS:...
Drawing	05 Jun 2020	0036 T03	GENERAL BREAKOUT CONSTRAINTS FOR TRUSS M...
Drawing	05 Jun 2020	0037 T03	GENERAL BREAKOUT CONSTRAINTS FOR TRUSS M...
Drawing	05 Jun 2020	0038 T03	BAR BENDING SCHEDULE MEMBER REFERENCES A...
Drawing	05 Jun 2020	0039 T03	METHODOLOGIES FOR THE REPLACEMENT OF LIN...
Drawing	05 Jun 2020	0040 T03	DECK AND SOFFITT GALVANIC ANODE ARRANGEM...

Drawing 05 Jun 2020 0041 T03 TRUSS GALVANIC ANODES: GENERAL ARRANGEME...

Drawing 05 Jun 2020 0042 T04 TRUSS GALVANIC ANODES: DETAIL Public

Drawing 05 Jun 2020 0043 T04 HANGER BAR PROTECTION AND AUXILIARY DETA...

Drawing 05 Jun 2020 0050 T04 DECK STRENGTHENING: GENERAL

Drawing 05 Jun 2020 SIG1 T03 LOCATION PLAN AND DECK REINFORCEMENT ARR...

Drawing 05 Jun 2020 SIG2 T03 ABUTMENT GALLERY - CONCRETE REPAIRS AND ...

OS Extract 05 Jun 2020 LOCATION PLAN

31 JULY 2020 76007-WSP-DWG-BR-00P1P02-PROPOSED GENERAL ARRANGEMENT

31 JULY 2020- KERB DETAILS

### **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](http://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](http://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.

### **Submission of Samples**

Any samples required by condition should not be delivered to the Council's offices. Please can you ensure that samples are instead available for inspection on site - as soon as the discharge of condition application has been submitted. If you wish to make alternative arrangements please contact the case officer direct and also please make this clear in your discharge of condition application.

If the works of the proposal contained within the application require access scaffolding to be erected it is incumbent on all interested parties to ensure that it is undertaken adopting conservation best practice. Methods of erection which entail bolting scaffolding to the building using anchor ties will require listed building consent and are unlikely to be acceptable.

<b>Item No:</b>	03
<b>Application No:</b>	20/02921/FUL
<b>Site Location:</b>	Site Of Former Ministry Of Defence Offices, Warminster Road, Bathwick, Bath
<b>Ward:</b> Bathwick	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Proposed construction of 42no. new dwellings and 2no. new blocks of apartments to provide a total of 70 new homes on part of the former MOD site at Warminster Road (Resubmission of ref. 19/03838/FUL).
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure

Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

**Applicant:** Hardrock Developments Ltd

**Expiry Date:** 12th November 2020

**Case Officer:** Chris Griggs-Trevarthen

**DECISION** Delegate to permit

### PLANS LIST:

153300-STL-XX-ZZ-DR-A-01001 PL01 PHASE 3A-1 - GA PLANS  
153300-STL-XX-ZZ-DR-A-01002 PL01 PHASE 3A-2 - GA PLANS  
153300-STL-XX-ZZ-DR-A-01004 PL01 PHASE 5 LOWER TERRACE - GA PLANS  
153300-STL-XX-ZZ-DR-A-01005 PL01 PHASE 5 UPPER TERRACE - GA PLANS  
153300-STL-XX-ZZ-DR-A-01006 PL02 BF13 & BF14 - GA PLANS  
153300-STL-XX-ZZ-DR-A-02001 PL01 PHASE 3A-1 ELEVATIONS  
153300-STL-XX-ZZ-DR-A-02002 PL01 PHASE 3A-2 ELEVATIONS  
153300-STL-XX-ZZ-DR-A-02004 PL01 PHASE 5 ELEVATIONS - 1 OF 2  
153300-STL-XX-ZZ-DR-A-02005 PL01 PHASE 5 ELEVATIONS - 2 OF 2  
153300-STL-XX-ZZ-DR-A-02006 PL01 BF13 BF14 ELEVATIONS  
153300-STL-XX-ZZ-DR-A-02006 PL02 BF13 & BF14 ELEVATIONS  
153300-STL-XX-ZZ-DR-A-03001 PL02 LONG SECTIONS 1  
153300-STL-XX-ZZ-DR-A-03002 PL02 LONG SECTIONS 2  
153300-STL-XX-ZZ-DR-A-09001 PL02 LOCATION PLAN - EASTERN PARCEL  
153300-STL-XX-ZZ-DR-A-09002 PL02 SITE PLAN  
153300-STL-XX-ZZ-DR-A-09006 PL02 SITE PLAN - EASTERN PARCEL  
1902-MWA-00-XX-DR-L-0001A\_11 C STRATEGIC LANDSCAPE PLAN  
1902-MWA-00-XX-DR-L-0020\_05 P HARD LANDSCAPE PLAN 1 OF 3  
1902-MWA-00-XX-DR-L-0025\_06 P SOFT LANDSCAPE PLAN 1 OF 3  
153300-STL-XX-ZZ-DR-A-09003 PL02 BF13 & BF14 CYCLES, REFUSE AND RECYCLING

### 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](http://www.bathnes.gov.uk/cil)

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### 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.

This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

<b>Item No:</b>	04	
<b>Application No:</b>	18/05623/OUT	
<b>Site Location:</b>	Co-Operative Store A, Wells Road, Westfield, BA3 3RQ	
<b>Ward:</b> Westfield	<b>Parish:</b> Westfield	<b>LB Grade:</b> II
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Hybrid planning application for the mixed-use redevelopment of the Co-Operative store and associated car park in Radstock comprising -	

1. Full planning permission for the demolition of existing store and construction of 1795sqm retail floorspace including replacement store (Class A1), 722sqm office floorspace (Class B1) and 28 dwellings (Class C3) with associated car and cycle parking, works to existing access, landscaping, public realm, drainage and infrastructure.

2. Outline planning permission for 26 dwellings with associated car parking, landscaping, drainage and infrastructure (access, scale, and landscaping determined, all other matters reserved).

**Constraints:** Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Policy CR3 Primary Shopping Frontages, Flood Zone 2, Flood Zone 3, Housing Development Boundary, Listed Building, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones,

**Applicant:** The Radstock Co-Operative Society

**Expiry Date:** 25th September 2019

**Case Officer:** Chris Gomm

**DECISION** Delegate to permit

#### **PLANS LIST:**

The plans/drawings hereby approved are as follows:

- o L(00)001\_Site Location Plan\_revA
- o L(00)005\_Existing Site Plan\_revC
- o L(00)006\_Existing Site Plan\_revB
- o L(00)010\_Existing Store
- o L(00)050\_Proposed Site Plan\_revU
- o L(00)051\_Proposed Site Plan\_Mixed Use\_revU
- o L(00)052\_Proposed Site Plan\_Residential\_revJ
- o L(00)054\_Proposed Ground Plan\_Mixed Use\_revC
- o L(00)060\_Site Sections\_Elevations\_revJ
- o L(00)061\_Site Sections\_Elevations\_revB
- o SK.002\_View From Across Roundabout\_revD
- o SK.003\_View From Across Roundabout\_revD
- o SK.004\_VIEWS From Fortescue Road\_revD
- o SK.005\_View Along The Street\_revD
- o SK.006\_View From The Street\_revD
- o SK.012\_View From The Shambles\_revA
- o SK.013\_View North Along Wells Road\_revA
- o L(00)100\_General Arrangement Ground Floor Plan\_revF
- o L(00)101\_General Arrangement First Floor Plan\_revF

- o L(00)102\_General Arrangement Second Floor Plan\_revG
- o L(00)110\_General Arrangement Elevations\_revI
- o L(00)111\_General Arrangement Elevations\_revI
- o L(00)112\_Bay Study\_revA
- o L(00)113\_Bay Study\_revB
- o L(00)200\_General Arrangement Ground Floor Plan\_revF
- o L(00)201\_General Arrangement First Floor Plan\_revG
- o L(00)202\_General Arrangement Second Floor Plan\_revG
- o L(00)210\_General Arrangement Elevations\_revF
- o L(00)211\_General Arrangement Elevations\_revF
- o 173290\_G\_07\_Swept Path Analysis
- o 173290\_G\_06\_General Arrangement and Visibility
- o 173290\_G\_08\_B\_General Arrangement and Visibility
- o 173290\_G\_09\_B\_Swept Path Analysis
- o 173290\_G\_10\_B\_Swept Path Analysis
- o 709-3-100-rev06\_General Arrangement Mixed Use
- o 709-3-101-rev04\_General Arrangement Residential
- o 709-3-200-rev04\_Tree Plan
- o 709-3-201-rev06\_Planting Plan Mixed Use
- o 709-3-202-rev03\_Planting Plan Residential
- o 709-3-500\_Tree Pit Details
- o 709-3-501\_Planter and Slope Section
- o 709-3-502\_SUDs Basin and Steps
- o 709-3-Illustrated Masterplan\_rev03
- o D14\_354\_P3\_East\_AIA Plan
- o D14\_354\_P3\_West\_AIA Plan\_revE
- o D14\_354\_P4\_Tree Protection Plan revF

### **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](http://www.bathnes.gov.uk/cil)

### **Coal Mining - Low Risk Area (but within coalfield)**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

## 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.

## 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 must be given to the Local Planning Authority under ss.80 and 81 of the Building Act 1984 at least six weeks before demolition work commences.

## S.106 Agreement

This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

## Environmental Permitting Regulations

This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

<b>Item No:</b>	05	
<b>Application No:</b>	20/02727/FUL	
<b>Site Location:</b>	24 Broadway, Widcombe, Bath, Bath And North East Somerset	
<b>Ward:</b> Widcombe And Lyncombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use from a three bed dwelling house (Use Class C3) to a five bed House in Multiple Occupation (HMO) (Use Class C4).	
<b>Constraints:</b>	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, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network,	

Policy NE5 Ecological Networks, Railway, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

**Applicant:** Thevathasan  
**Expiry Date:** 22nd October 2020  
**Case Officer:** Hayden Foster

## DECISION REFUSE

1 The proposed House in Multiple Occupation (HMO) Use would result in the unacceptable loss of accommodation in a locality in terms of mix, size and type. The proposal is therefore, contrary to policy H2(v) of the Bath and North East Somerset Placemaking Plan.

### PLANS LIST:

This decision relates to the Proposed Site Plan, and Floor Plans received 31st July 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. Whilst the application was recommended for permission by Officers the Development Management Committee considered the proposal to be unacceptable for the stated reasons.

### 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](http://www.bathnes.gov.uk/cil)

<b>Item No:</b>	07	
<b>Application No:</b>	20/02738/FUL	
<b>Site Location:</b>	91 Fairfield Park Road, Fairfield Park, Bath, Bath And North East Somerset	
<b>Ward:</b> Lambridge	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Proposed off street parking	
<b>Constraints:</b>	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr and Mrs Malcolm	
<b>Expiry Date:</b>	23rd October 2020	

## 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 Electric charging point (Compliance)

The off-street parking spaces hereby permitted shall not be brought in to use until the electric car charging point shown on plan 561/P/02 has been installed and is fully operational.

Reason: To secure the use of the electric car charging point to promote sustainable transport in accordance with policy ST7 of the Bath and North East Somerset Placemaking Plan.

### 3 Retaining wall materials

The proposed retaining walls shown on plan 561/P/02 shall reuse the stone from the existing retaining wall to be demolished, or an alternative stone with a similar appearance details of which have been submitted to and approved in writing by the Local Planning Authority.

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.

### 4 Parking (Compliance)

The area allocated for parking, as indicated on submitted plan reference 561/P/02 Revision A, shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

### 5 Driveway Gradient (Compliance)

The gradient of the access shall not at any point be steeper than 12.5% (1 in 8) fall towards the highway, for a distance of 5-metres from its junction with the public highway.

Reason: In the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

### 6 Bound/Compacted Vehicle Access (Compliance)

The vehicular access shall be 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.

### **7 Drainage (Compliance)**

The off-street parking spaces permitted shall not be brought in to use until the channel drain linked to new soakaway as shown on plan 561/P/02 has been installed.

Reason: To ensure that surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

### **8 Visibility Splay (Compliance)**

The visibility splays of 2-metres by 2-metres, as indicated on submitted plan reference 561/P/02 Revision A, shall be provided and there shall be no on-site obstruction exceeding 900mm above ground level within the visibility splays. The visibility splays shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

### **9 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. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;

The construction of 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 policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

### **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 the following plans:

Drawing - 30 July 2020 - 561-P-01 - Location Plan and Existing Plans

Drawing - 30 July 2020 - 561-P-02A - Proposed Plans

### **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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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](http://www.bathnes.gov.uk/cil)

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