

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 16th December, 2020, 11.00 am

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

67 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

68 STATEMENT BY THE CHAIR

In the interests of transparency, the Chair explained that members occasionally attend technical briefings from developers. These briefings are for complex applications, where additional factual information may be helpful. In order to protect members from pre-determining themselves in advance of a committee meeting, a number of important measures are taken:

- (i) A senior officer must be present at these meetings. This is to ensure that members have clear guidance on what is relevant to their considerations, and what might be described as (for want of a better expression) a sales pitch. The senior officer can also ensure that information that may be considered is also in the public domain.
- (ii) Members are required to only ask questions and not express opinions.
- (iii) Some members choose not to attend or cannot attend.
- (iv) These briefings should take place either during the public consultation period or before

Political group spokespersons receive a briefing from officers the day before committee. Amongst other things, this allows officers to respond to late issues raised by both developers and members of the public.

All members of the committee arrive at the meeting with an open mind, having familiarised themselves with each application. The decisions are taken in full view of the public and based on information that is in the public domain. The public have an opportunity to put their views to the committee members before a decision is made.

In terms of today's agenda, a technical briefing was held for the Homebase application.

69 DECLARATIONS OF INTEREST

The following members made declarations:

- Cllr Matt McCabe declared an interest in planning application no. 19/05534/FUL – Telecommunications Mast 54146, Woolley Lane, Charlcombe, Bath. Cllr McCabe was co-founder of a company which was a potential competitor to the applicant and also held shares in that company. Cllr McCabe stated that he would not speak or vote on this application and that Cllr Sally Davis, Vice-Chair, would take the chair for this item.
- Cllr Manda Rigby stated that she had been unable to attend the briefing regarding the Homebase item. She was subsequently contacted by the developer but confirmed that she had not communicated with the developer regarding this application.

70 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

71 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.

72 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 18 November 2020 were confirmed and signed as a correct record.

Members requested an update report regarding the enforcement matters relating to the site at Old Station Yard, Avon Mill Lane, Keynsham.

73 SITE VISIT 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.
- Update reports by the Head of Planning attached as *Appendices 1 and 2* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 3* to these minutes.

RESOLVED that in accordance with the Committee's delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 4* to these minutes.

(Note: At this point Cllr Sally Davis, Vice-Chair, took the chair as Cllr Matt McCabe had declared an interest in the following application).

Item No. 1

Application No. 19/05534/FUL

Site Location: Telecommunication Mast 54146, Woolley Lane, Charlcombe, Bath – Erection of 20-metre-high telecommunications monopole accommodating 6 antenna apertures, 4 transmission dishes and 8 ground-based equipment cabinets.

The Case Officer reported on the application and his recommendation to permit. He informed the Committee that additional representations had been received regarding health and safety concerns but that no new issues had been raised.

Two local residents and a representative from the Bath Preservation Trust spoke against the application.

The agent spoke in favour of the application.

Cllr Sarah Warren, local ward member, spoke against the application. She highlighted the duty of the Committee to prevent harm. She stated that some research showed that 5G can have an adverse effect on health. Electromagnetic pollution could also cause environmental harm. There was real concern from local residents regarding the effect of the 5G mast and she felt that the Committee should be cautious about approving the application.

Cllr Kevin Guy, local ward member, spoke against the application. He noted that an exclusion zone was required for areas with high levels of radiation. He pointed out that the mast would be close to a nursery school and community hall and that it would be irresponsible to approve the application.

The Case Officer then responded to questions as follows:

- Health concerns are a material consideration, however, the NPPF guidance is clear on this issue. To go against these guidelines would be going against national planning policy. The applicant has submitted a certificate of compliance with the ICNIRP public exposure guidelines. The key issues for the Committee to consider are visual impact, greenbelt policies, trees and ecology issues. Any refusal on health grounds would be in clear contravention of planning policy.
- The Legal Advisor explained that the NPPF is a material consideration for the Committee, but the weight given to material considerations is a matter for the Committee, as decision maker, to determine.
- The ecologist has not objected to the application and there is no consensus about the effect of 5G on bat populations. The site is currently in use for 4G with no evidence of any adverse effects.
- There is no requirement for an exclusion zone to form part of the application. This is covered by different legislation and is not a planning consideration.
- Alternatives have not been considered at this stage because the site is already in use and meets coverage requirements. The mast would be less intrusive than a completely new mast in the greenbelt and so no other sites have been identified. If the mast were to be used by a combination of operators, then it would have to be larger which would result in a bigger impact. It is considered that there are very special circumstances to permit

this development in the greenbelt.

- Councillors should consider the proposal in front of them as predictions regarding future applications cannot be made.
- The trees on the site are not protected, however, a condition could be included to retain them for a period of time if the Committee felt this was necessary.
- The proposed mast would be taller than the existing mast and would be 6.5m high and 3.5m wide. The additional height is in the mast head.

Cllr Jackson moved the officer recommendation to permit the application. She felt that the NPPF was very clear and that, despite some harm to the natural landscape, the public benefits of 5G are obvious.

Cllr Hounsell seconded the motion stating that he was satisfied regarding the safety of 5G from a health perspective. The mast would provide benefits to the rural business sector. It was also sensible to use the existing site instead of identifying a new one.

Cllr Hodge stated that local people also objected on the grounds of visual impact and inappropriate development in the greenbelt. She felt that the benefits of the proposal did not outweigh the negative aspects.

Cllr MacFie stated that he would like to see more evidence regarding precautionary work and would prefer the mast to be located further away from populated areas.

The Deputy Head of Planning advised that, although the Committee could give weight to the health aspects of the application, given that the applicant has supplied the required certification, if it were refused on health grounds, at appeal the applicant would be able to demonstrate compliance with guidelines and the Council would need its own evidence to weigh against that, and there is none that it could provide.

The motion was then put to the vote and there were 3 votes in favour and 6 votes against. The motion was therefore lost.

Cllr Craig then moved that the application be refused as it represented inappropriate development in the greenbelt as it was too large. It also had an adverse visual impact on the AONB and landscape. This was seconded by Cllr Rigby.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 3 votes against to REFUSE the application for the following reasons:

- Inappropriate development in the greenbelt.
- Visual impact on the AONB and landscape.

(Note: Having declared an interest in the above application Cllr Matt McCabe did not speak or vote on this item).

(Note: At this point Cllr Matt McCabe resumed the Chair).

Item No. 2

Application No. 20/00259/FUL

Site Location: Homebase Ltd, Pines Way, Westmoreland, Bath –

Redevelopment of the site to provide a new care community (Use Class C2) comprising care residences and care suites and ancillary communal, care and well-being facilities, offices in Use Class E(g)(i) together with associated back of house and service areas, pedestrian and vehicular access, car and cycle parking, landscaping, private amenity space and public open space.

The Case Officer reported on the application and his recommendation to delegate to permit. He informed the Committee that Sainsbury's had now withdrawn their objections. He also explained that a noise limit condition was now recommended and that any references in the report to Albert "Terrace" should read Albert "Crescent".

Two local residents and a representative from Bath Preservation Trust spoke against the application.

The applicant's representative spoke in favour of the application.

Cllr Shaun Stevenson-McGall, local ward member, spoke in favour of the application. He noted that the proposal was based on scientific research and aimed to address loneliness experienced by older people and to improve the quality of life for residents. The developer has engaged with the local community and the proposal conforms to policy SP7. There would be a net increase of trees on the site and enhancement to wildlife protection. He felt that the development would bring wider public benefit along with social and economic benefits for the local area.

Cllr June Player spoke against the application. She pointed out the lack of affordable housing provision and the loss of 82 affordable homes on the site if the application were approved. She felt that the design was too tall and too dense and that it would have a negative effect on residents in Albert Crescent and Norfolk Crescent. She also drew attention to the comments from the statutory consultees, including the Conservation Officer, who had expressed concerns.

Officers then responded to questions as follows:

- The Bath Building Height Strategy allows for six-storey buildings on gateway sites and mixed-use sites subject to consideration of the impact.
- If this were a C3 development, then 30% affordable housing would be required, subject to viability, but as this is a C2 development the requirement does not apply. The site is allocated for certain uses and this application does not compromise other parts of the development.
- The minimum age of residents would be 65 years (excluding spouses).
- The site is an allocated site and there is an element of flood risk. However, the proposed mitigation measures are considered to be acceptable.
- It is acknowledged that there would be some impact on the residents of Albert Crescent.
- There are no buildings close by that are built of brick.
- The majority of plant would be moved to the basement to lower the height of the development. Flood risk measures would be secured by condition.

- The majority of plant in buildings A and B would be in the basement with some on the outside of the buildings. An additional condition is recommended regarding noise limits. There would be no control over when equipment can be used as this is a 24-hour facility.
- There is no viability aspect that is material to this application.
- There would be 136 parking spaces in the car park with 16 at street level. This would represent 0.47 spaces per dwelling and evidence shows that for this type of resident, car ownership tends to be lower than average. Visitor parking would be available and is controlled within time limits. An impact study has found this to be acceptable.
- It was acknowledged that there will be an adverse impact on the southernmost dwelling in Albert Crescent.
- Whilst it is recognised that there will be some harm to residential amenity this has to be balanced against the public benefit of the development.
- Whether there is a market for this type of development is not a planning consideration.
- Most of the trees on the site would be felled but these were mainly low-quality trees. Quite significant replacement planting would then take place to compensate for this loss. This would not constitute a reason for refusal.
- A qualifying care assessment would be required as part of the s106 agreement along with the necessary age requirement to become a resident. A minimum level of 2.5 hours of care would be provided.

Cllr Jackson moved that the application be refused for the following reasons:

- Unacceptable design in this location.
- Impact on the World Heritage Site and Conservation Area.
- Inappropriate materials.
- Inadequate parking arrangements.

She felt that the quality of design was not acceptable in this location and also had concerns relating to the landscaping and tree planting.

Cllr Rigby seconded the motion. Whilst she supported the idea of a guild she had concerns regarding the scale, size and massing of this development. She also felt that the car parking provision was insufficient. She stressed the need for affordable housing and had concerns that this could be lost for this part of the site.

Cllr Davis stated that the application had been through a long negotiation process and that she supported the views of the case officer and local ward member. The application was in line with planning policies.

Cllr Hounsell was concerned regarding the six-storey element of the proposal and also felt that the application was contrary to Policy D6 relating to loss of amenity to residents in Albert Crescent.

Cllr Hodge felt that the main issues related to the scale, height and mass of the proposal. She also felt that more green space should be provided.

Cllr Craig supported the principle of C2 development but had concerns regarding the loss of affordable housing on this site. She felt that the design for this part of Bath

should be considered in a more holistic manner. She also expressed concerns regarding residential amenity relating to height, privacy and shade.

Cllr MacFie drew attention to the comments from a number of the consultees and felt that the application was along the right lines but not acceptable in its current form. Height was an issue.

Cllr Rigby requested that an additional reason for refusal should be added relating to lack of affordable housing, as the overall allocation would be lost. This proposal was not accepted and therefore Cllr Rigby withdrew her seconding of the motion.

Cllr Hounsell then seconded the motion to refuse as proposed by Cllr Jackson.

The Deputy Head of Planning explained that the role of consultees is to give advice. There was nothing in the policies to prevent C2 use from coming forward for consideration. There was no policy which could be used to refuse the application on the grounds of lack of affordable housing.

The case officer agreed to provide a further explanation to the Committee regarding Policy SP7 and the issues raised as a general matter in the future.

The motion was then put to the vote and it was RESOLVED, by 6 votes in favour, 3 votes against and one abstention to REFUSE the application for the following reasons:

- Inappropriate design due to scale, height, bulk and massing.
- Inappropriate materials in this location.
- Inadequate parking.
- Lack of green infrastructure, loss of trees and lack of landscaping leading to loss of ecology.
- Adverse effect on the amenity of local residents including overlooking and loss of privacy.
- Adverse impact on the World Heritage Site.

74 **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 4 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 3* 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 4* to these minutes.

Item Nos. 1 and 2

Application Nos. 20/01474/FUL and 20/01475/LBA

Site Location: 20 Avon Road, Keynsham, BS31 1LJ – Erection of 2 storey side extension, removal of existing door and replacement and enlargement of existing dormer window and new conservation roof light to rear roof slope.

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

The applicant spoke in favour of the applications.

The Case Officer then responded to questions as follows:

- The dwelling has a conservation roof light which is flush with the building.
- The planning permission granted in 2005 has now expired and the NPPF changed in 2012. The application must be considered under current policies.
- There will be a new opening to create access and changes will only be made to external walls.
- The applicant was aiming to create as much internal space as possible and this is why the window rim is so large.
- The submitted design means that the dormer window is wider than the windows directly below. The view of the Case Officer is that the dormer should not exceed the width of the window below and should represent the hierarchy of the building.
- The modest enhancement to the building is not considered to outweigh the harm caused by the dormer window.
- There would be no changes to the internal stairs.

Cllr MacFie felt that the proposal would improve the property and moved that the Committee delegate to permit the application. This was seconded by Cllr Rigby.

Cllr Hounsell noted that personal circumstances have no bearing on the application. He felt that, although the proposal would improve the property overall, the size of the dormer window which would cause harm to the listed building.

Cllr Hodge felt that the officer recommendation should be supported as the property is a listed building.

After hearing the debate, Cllr MacFie changed his motion, with the agreement of the seconder, to delegate to permit the application subject to the Case Officer securing the required width of the dormer window and surround as set out in the report.

If it was not possible to resolve the issue to the satisfaction of the Case Officer, then the application should be brought back to the Committee.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application subject to the size and design of the dormer window being resolved to the satisfaction of the Case Officer.

Item No. 3

Application No. 20/03006/FUL

Site Location: 81 Hillcrest Drive, Southdown, Bath, BA2 1HE – Creation of loft conversion and installation of rear dormer.

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

The applicant spoke in favour of the application.

Cllr Paul Crossley, local ward member, spoke in favour of the application. He stated that the occupants need more space and that the proposal does not constitute a loss of local amenity. There is already a diversity of roofscape in this area. The proposal would improve and enhance the property. The applicant has adjusted the design following discussions with planning officers and he felt that this was a good design.

The Case Officer then responded to questions as follows:

- The proportions of the dormer window have been reduced by 1m but are still considered to be overly dominant.
- The Deputy Head of Planning stated that the acceptable dimensions of the dormer window was a matter of planning judgement. Considerations would be whether it is subservient, set into the roof, set down from the ridge line, not top heavy and relatively proportionate.
- In this application the dormer window would be at the ridge line.

Cllr Jackson pointed out that the size of the dormer window was larger than the other windows in the house. She also noted that personal circumstances cannot be taken into account when considering planning applications.

Cllr Craig felt that the dormer window was too large, and she moved that the Committee delegate to permit the application subject to finding an acceptable solution in line with policy. This was seconded by Cllr MacFie.

Cllr Hounsell felt that the proposal was unacceptable due to its location on the ridge line, lack of subservience and incongruous appearance.

The Deputy Head of Planning advised the Committee that they should consider that application for determination as submitted rather than delegating to permit.

Cllr Craig then withdrew her motion with the agreement of the seconder.

Cllr Hounsell then moved the officer recommendation to refuse. This was seconded by Cllr Rigby.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 abstentions to REFUSE the application for the reasons set out in the report.

Item No. 4

Application No. 20/01794/FUL

Site Location: Jubilee Centre, Lower Bristol Road, Twerton, Bath – Mixed-use redevelopment of site for storage and distribution (Class B8) and erection of 121 units of purpose-built student accommodation (sui generis) following demolition of existing building and associated access and landscaping works.

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

A local resident spoke against the application.

The agent and prospective tenant spoke in favour of the application.

Cllr Sarah Moore, local ward member, spoke against the application. She stated that there was too much student accommodation in this area. She also expressed concern about parking in the locality which was already difficult. The building was too high, and this would represent overdevelopment of the site. Good quality homes for local residents were required.

The Case Officer then responded to questions as follows:

- If the development were for C3 use, then this would require parking spaces.
- There would be a 1m balustrade along the boundary with the river and this had been designed with safety in mind. It would be for the landowner to ensure that the site was safe for tenants and residents.
- No viability assessment has been submitted regarding the demand for student accommodation. There is demand for student accommodation in Bath, however, this location in a flood zone is considered to be unsuitable.
- The drainage and flooding team are asked to comment on the infrastructure relating to the proposed development. However, they do not comment on planning policy and the sequential tests which are required. The application had failed these tests.
- The key concern relating to this proposal is the student accommodation which would be located within a flood zone. The position of the most vulnerable users of the building is the over-riding consideration including the provision of safe egress.
- The enterprise zone for the Twerton/Newbridge area allows for more flexibility of use.
- A marketing report was submitted with the application and B8 use is highly marketable. It was confirmed that all the required viability information has been received.
- Policy B5 of the Placemaking Plan relates to the location of student accommodation in the city. In this case it is considered that, on balance, the provision of student accommodation in this area would not harm the vision of the spatial strategy and so this has not been included as a reason for refusal.
- The proposal has been reduced to 4 storeys on the advice of the Conservation Team and it was now considered that there would be less than substantial harm to the nearby listed buildings in Rackfield Place.

Cllr Jackson stated that she felt there would be harm to the local character of the area, including listed buildings and that a tunnel effect would be created. She

moved the officer recommendation to refuse. This was seconded by Cllr Clarke.

Cllr Craig supported the work of Mercy in Action but felt that the officer recommendation was correct noting the risk of flooding within this building.

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

Item No. 5

Application No. 19/05471/ERES

Site Location: Western Riverside Development Area, Midland Road, Westmoreland, Bath – Approval of reserved matters pursuant to outline planning permission 06/01733/EOUT for the erection of 176 dwellings; retail/community space (Use Class A1/D1); access; parking; landscaping and associated infrastructure works following demolition of existing buildings and structures.

The Case Officer reported on the application and his recommendation to permit. He gave a verbal update on views which have been submitted by Historic England stating that they consider the revised scheme to be an improvement.

The agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The materials to be used are rubble stone with metal cladding. The only wooden part of the structure is limited to the internal courtyard and this must meet the necessary safety requirements.
- There is no particular character of buildings in this area and the industrial design is felt to be appropriate. No objections have been received from local residents.
- There would be no student accommodation in this part of the Western Riverside development. The affordable housing aspect of the development was dealt with at the outline stage.
- The schedule for building is not a planning consideration. Work is likely to begin by 2024 but this is for the developer to determine.

Cllr Craig stated that she liked the design but would prefer the red brick to be a lighter shade.

Cllr Hodge stated that this development will obscure the views of open countryside from Victoria Park. She then moved that consideration of the application be deferred pending a site visit to consider local distinctiveness and the impact of the development. This was not seconded.

Cllr Davis then moved the officer recommendation to permit. She noted that there was still some work to be carried out regarding materials but felt that the development would improve the area and reflected the industrial history of the site. This was seconded by Cllr Jackson.

Cllr Hughes did not support the use of metal cladding.

The motion was put to the vote and it was RESOLVED by 8 votes in favour, 1 vote against and 1 abstention to PERMIT the application subject to the conditions set out in the report.

Item No. 6

Application No. 20/01765/FUL

**Site Location: Wansdyke Business Centre, Oldfield Lane, Oldfield Park, Bath –
Erection of a 68-bed care home (Use Class C2) following demolition of the
existing buildings and structures, with associated access, parking and
landscaping.**

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

A local resident spoke against the application.

The agent and a planning consultant spoke in favour of the application.

Cllr Shaun Stevenson-McGall spoke in favour of the application. He stated that the development would provide employment opportunities. He noted that there had been no objections from the statutory consultees. Whilst he understood concerns regarding loss of industrial space, he stressed the need to value the care sector and the jobs it would create. He felt that the location was suitable for this type of development.

The Case Officer then responded to questions as follows:

- There are strong economic reasons for refusal. Although the pandemic has changed the way people work there is still a need for this type of floor space. This was supported by comments from the Economic Development Team.
- This particular use was accepted in this location. As the units are compact only smaller delivery vehicles would be parking in the area.

Cllr McCabe noted that the building had been run down for some time.

Cllr Jackson moved the officer recommendation to refuse. She stated that the industrial site should be protected, and these types of premises were needed. A nursing home would create parking problems in the area. Cllr Hughes seconded the motion and supported the protection of the light industrial use.

Cllr Rigby stated that she was not aware of any pent-up demand for industrial use in this area. She did not wish the building to remain in a run-down state.

Cllr Craig noted that traffic and parking was an issue in this area.

Cllr Davis highlighted the importance of providing jobs in this location and noted that there was not sufficient evidence to justify the loss of the current use.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 2 votes against and 2 abstentions to REFUSE the application for the reasons set out in the report.

75 **POLICY DEVELOPMENT**

There were no policy development matters.

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

The Committee considered the appeals report. Members requested further information regarding the recent successful appeal for Avon Farm, Avon Lane, Salford and the reasons for the Inspector's decision.

RESOLVED to NOTE the report.

The meeting ended at 6.56 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 16th December 2020

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

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
Site Visit 01 PM	19/05534/FUL	Telecommunication Mast, Woolley Lane, Charlcombe

Two additional representations have been received objecting to the proposals. The representations do not raise any significantly new issues that have not already been discussed in the committee report, but they focus on health concerns related to the use of 5G technology.

As set out in the committee report, the position of national government as expressed through the NPPF on this matter is clear:

116. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

The representations received include references to various studies which it is claimed provide evidence of harm arising from 5G technology. None of these provide evidence which is more compelling than that presented by the recent ICNIRP guidelines which set the health safeguards referred to in paragraph 116 of the NPPF.

The current application complies with the ICNIRP public exposure guidelines and is therefore not considered to pose a threat to health or safety. The recommendation is therefore unchanged.

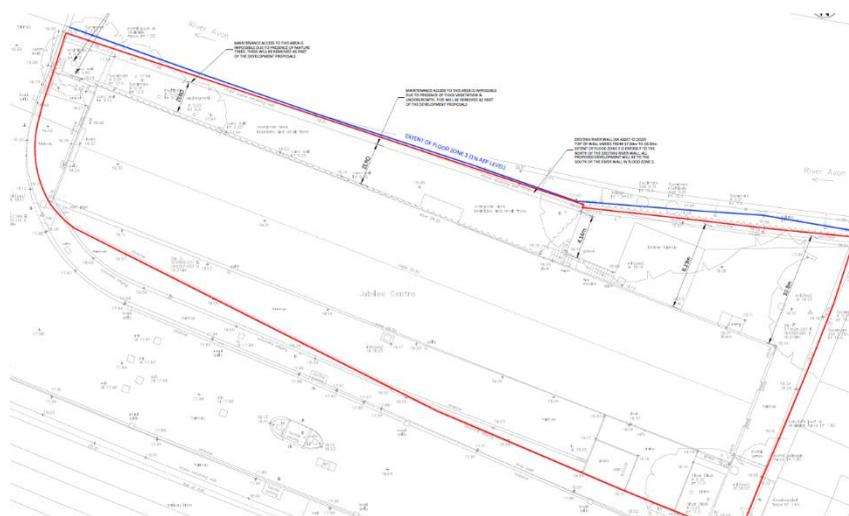
Item No.	Application No.	Address
004 AM	20/01794/FUL	Jubilee Centre Lower Bristol Road Twerton Bath Bath And North East Somerset BA2 9ES

The committee reports states on page 147 ‘This is a resubmission of a proposal to redevelop an industrial site on Lower Bristol Road in Bath currently occupied by a local charity Mercy in Action.’ This is an error; the proposal is not technically a resubmission. This application was formulated by the new site owner who instructed a completely new consultant team. Of course, the site history is a material planning consideration.

The committee report refers to the site being in flood zone 2 and 3a. The agent considers the redline extent of the application site lies wholly within FZ2.

The environment Agency stated in their comments; “Contrary to the statement in the FRA, while the majority of this site is in Flood Zone 2, there are parts of this site located in Flood Zone 3. Therefore, the site should be considered as a Flood Zone 3 site. This does not mean that the entire site is Flood Zone 3, as stated in the first sentence, we are in agreement that the majority of the site is in Flood Zone 2.”

Then the following plan was provided with the revised flood risk assessment



The committee report correct states; The 2008 Strategic Flood Risk Assessment (SFRA) shows the application site is entirely within Flood Zone 2 with the edge to the riverside falling within Flood Zone 3a.

However, in the following paragraphs it states; The Flood Risk Vulnerability and Flood Zone 'Compatibility' Table within the NPPG indicates that 'more vulnerable' development can be appropriate in Flood Zone 3a, provided that the Sequential Test and Exception Test are passed.

This should be amended as follows;

The Flood Risk Vulnerability and Flood Zone 'Compatibility' Table within the NPPG indicates that 'more vulnerable' development can be appropriate in Flood Zone 2, provided that the Sequential Test is passed.

The report goes onto say; It is also considered that ruling out all sites which are within or partly within Flood Zone 2 fails to capture all sites which would be sequentially preferable to the application site. The application site is within Flood Zone 2 and 3a. Alternative sites which are only or partly within Flood Zone 2 should also be included within the area of search as these would represent sequentially preferable sites.

This should be updated to;

It is also considered that ruling out all sites which are within or partly within Flood Zone 2 fails to capture all sites which would be sequentially preferable to the application site. The application site is wholly within Flood Zone 2. Alternative sites which are only or partly within Flood Zone 2 should also be included within the area of search as these would represent sequentially preferable sites.

A further paragraph states 'There is no methodology included within the document, and it has not been made clear why many of the sites are 'not sequentially more suitable' when, for example, some of them sit solely within flood zone 2, rather than 2 and 3a like this site does.'

This should be updated to 'There is no methodology included within the document, and it has not been made clear why many of the sites are 'not sequentially more suitable' when, for example, some of them sit partly within flood zone 2, rather than wholly within zone 2 like this site does.'

Additionally, mention of Flood Zone 3a has been removed from the reason for refusal.

These alterations do not change the outcome of the recommendation.

The agent has put forward a number of statements that comment on the procedure during the course of the application along with comments on the outcome of the sequential test. The officer does not consider that any of the statements would result in a different outcome to the sequential test, which is a matter of planning judgement.

Again, the agent has raised comments in respect to the contents of the officer's report in regards to heritage, visual design impact, and, trees and green infrastructure, the s106 and the reasons for refusal. The officer has written a report that is proportionate to the scheme and considers all material planning considerations have been appropriately covered. Again, this is a matter of planning judgement.

Item No.	Application No.	Address
006 PM	20/01765/FUL	Wansdyke Business Centre Oldfield Lane Oldfield Park Bath Bath And North East Somerset

On Friday 11 December additional information was received from the planning agent, including:

Letter from Colston and Colston
Letter from Knight Frank
Copy of Adult Social Care consultation comments

The above has been added to the application file and is available for reading in full via the council's website.

The letter from Colston and Colston comments on the committee report, in particular the marketing and economic elements of the scheme, the letter provides arguments on these points, however no additional factual evidence is within the contents of the letter which would alter the officer decision to recommend refusal. I will not rebuke in detail but for example Colston and Colston state that there was demonstrably a period of marketing at the site between 2014-2018 and that tenants secured were poor quality. No evidence of marketing has been submitted with this letter, this is purely anecdotal, nevertheless clearly any marketing worked and tenants were secured. To reiterate, the policy requires that 12 months marketing was undertaken prior to the application. any marketing that did happen in 2018 was still 2, nearly 3 years ago now.

The Knight Frank report further highlights the future demand for care bed spaces in Bath and provides context to the methodology and position. The future need is not disputed, however, as the report already covers, the benefits of providing care bed spaces does not outweigh the harm resulting in the loss of vital commercial industrial space of which there is a (growing) shortage in the city.

Additionally, a revised roof plan, along with revised elevations AA and BB have been received. This is to reflect the changes to the roof form of the retained engineering machine room and new element replacing the drawing room, previously agreed and shown on elevations GG and HH.

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BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

16 December 2020

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
Site Visit 002	20/00259/FUL	Former Homebase store, Pines Way, Bath

Revisions are recommended to Conditions 26-28 in order to resolve issues relating to the phasing of construction and subsequent occupation. The recommended revised wording of those conditions is set out below (the reasons are unchanged):

Condition 26: Electric Vehicle Charging Points

No building or use hereby permitted shall be commenced until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority. The Electric Vehicle Charging Points as approved shall be installed prior to occupation of that part of the scheme and retained in that form thereafter for the lifetime of the development.

Condition 27: Bicycle Storage

No occupation of the relevant part of the development shall commence until bicycle storage for at least 86 bicycles (43 stands) 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.

Condition 28: Residents Welcome Pack

A new resident's welcome pack shall be issued to the first occupier/purchaser of each residential unit of accommodation prior to first occupation of that unit. The new resident's welcome pack shall have previously been submitted to and approved in writing by the local planning authority and shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, car share, car club information etc., to encourage residents to try public transport.

Additional Conditions

The following *additional* conditions are recommended alongside those set out in the main report (as amended above):

35. Water Efficiency

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 Placemaking Plan.

36. Sustainable Construction

Prior to first occupation of any part 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, submitted and approved in writing by 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 2.3 (Calculations);
- Building Regulations Part L post-completion documents for renewables;
- Building Regulations Part L post-completion documents for energy efficiency;
- Microgeneration Certification Scheme (MCS) Certificate/s (if renewables have been used)

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

The following late responses have been received since the publication of the main report; they are *summarised* as follows:

B&NES Parks & Open Spaces: No objection (subject to the below)

There will be an increase in population of 288 persons; the total demand for greenspace generated by this development equates to 8352m². The council's Green Space Strategy (2015) identifies a shortfall of 3.18ha in parks & green space and a shortfall of 0.68ha in amenity green space in Widcombe Ward. Elizabeth Park (on the nearby BWR development) which measures 0.9ha does not remove the shortfall.

No publicly accessible Green Space is to be provided on site and so a financial contribution is required as follows:

- Parks & Recreation £936 per person
288 residents x £936 = £269,568
- Natural/Amenity Greenspace £195 per person

288 residents x £195 = £56,160

Total: **£325,728**

These funds will be allocated to the nearby Waterspace River Park / River Line project

Federation of Bath Residents' Association: Recommend Refusal

The principle of providing some care community homes here is supported. There is concern however regarding the heights, density and mass of the buildings as well as harm to the World Heritage Site. There are also concerns regarding the lack of a more mixed type of residential dwellings and lack of affordable homes.

There is surprise that despite objections from Cllr June Player, Planning Policy, Urban Design, Housing and local residents' associations there is still no provision or recognition of the need for affordable housing.

The development does not address Policy C9 and SB7 and limits the development to Use Class C2 care community homes to avoid the CIL contribution? It is agreed that there is a need to develop this site but not at any cost and certainly not if this development contravenes the local authority's ability to meet its objectively assessed need for affordable housing.

Historic England: Concerns

The changes to the height of buildings A/B are significant and other alterations attempt to limit the visual impact of the proposed density; these provide minor enhancements but do not fundamentally change the impact that the scheme will have on the surrounding heritage assets. The overall height and scale of Buildings C and D and the visual density of the scheme as a whole will have a detrimental impact on the setting of the Grade II* listed buildings at Norfolk Crescent, the conservation area and the World Heritage Site.

The development continues to create a visual block or 'wall' that limits views towards the green bowl surrounding Bath, part of the WHS OUV. This creates a barrier of building form that will impose itself upon the edge of the conservation area and within the World Heritage site in a negative way.

Bath Preservation Trust: Objection

The reduction of the development's height by approximately 2.3-2.8m by the introduction of a much shallower roof pitch is an improvement however it will continue to be visually detrimental to its townscape setting and views into/across the WHS; this is due to its continued lack of contextually driven design and material texture.

Scale, massing and density when viewed from Stothert Avenue and Pines Way has not be adequately addressed. The development should be limited to four storeys plus a mansard as per the Bath Building Heights Strategy.

The proposed visual improvement created by the reduced massing of Building A in order to *"create a second viewing corridor to open up views from Bath Western*

Riverside/Stothert Avenue to the green hillsides beyond is not clearly shown; instead it appears to retain a bulky, monolithic presence.

The two-storey aspect of Building A/B is an inappropriate addition which results in a sharp variation in height; this is without precedent. This is a lost opportunity for a more interesting design. There is continued resistance to the incongruous use of brick and industrial-inspired design on this site with its lack of contextual referencing.

There are an increasing number of developments coming forward in Bath with an excessive use of brick; particularly on schemes along Lower Bristol Road; brick is unsuitable in this volume in Bath and is in sharp contrast to Bath stone which is a fundamental aspect of the materials, substance, Georgian architecture OUV of the WHS. The use of brick in this scheme will contribute cumulatively to the harm to the integrity and harmonious appearance of the WHS. Brick can be justified on some sites, such as those facing the river, but its widespread use is not justified independent of townscape context.

There appears to be discrepancies between the proposed and superseded visual montages with regards to colour, particularly the western view of the proposed avenue between Blocks C & D in which the proposed cladding is of a more bronze tone than previously proposed. Colour sections should be provided and revisions clarified.

Hillside views from Norfolk Crescent Green remain severely restricted by Buildings A and B. Part of Norfolk Crescent's (Grade II*) special architectural and historic interest is derived from its rural landscape views and the blending of town and countryside. The overall scale and density of the development will continue to result in the 'closing in' of Norfolk Crescent's immediate setting.

There is an absence of detailed VVMs taken from the Norfolk Green area which are required due to the high concentration of Grade II and Grade II* buildings here. Viewpoint 5 is from Grade II Nelson Place West rather than Norfolk Crescent, therefore conclusions regarding Norfolk Crescent and how it better connects with the hillside (as a result of the revisions) have not been evidenced. Additional VVMs should be submitted.

BPT is pleased to see that the revised scheme includes 253 mixed-type residential units alongside 35 care suites. The site however will retain a single C2 (Residential Institutions) residential usage which would limit the social and age range of potential residents (contrary to policy).

It is queried why a C3 use for the proposed residential units does not appear to have been considered. The lack of affordable or key worker housing provisions is unacceptable given the scale of the development and wider need for affordable housing in Bath.

This application is contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 8, 12, and 16 of the NPPF, and Policies B1, B4, BD1, CP6, D1, D2, D3,

D4, HE1, NE2, CP7, and CP10 of the Core Strategy and Placemaking Plan, and should be refused or withdrawn.

Public Representations

One additional letter of objection has been received from a resident of Albert Crescent. Additional concerns have been raised in respect of the impact of the development on Albert Crescent. Block A is considered too big and obtrusive; it will be like facing the back of a fortress. The density is far greater than the adjacent Riverside development. Six storeys seems excessive for care facilities and there will be insufficient green space. Commercial requirements have been pushed beyond anything appropriate to the surroundings to the detriment of neighbouring residents. The impact on the Mews houses and the properties at the end of Albert Crescent will be wholly unreasonable. The development should be amended or residents compensated due to negative impact on property value as well as loss of light and view.

Clarification Regarding Harm v Benefit Balance

The main report makes reference to the 'less than substantial' harm caused by the development (to heritage assets) and the requirement for this to be weighed against any public benefit(s).

To be clear, NPPF paragraph 193 states that, "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Furthermore, as stated in the main report, "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification" (NPPF Para 194).

The NPPF goes on to state (at Para.196) that, "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

The proposed development will cause a degree of 'less than substantial' harm (as set out in the main report) and alongside that, will generate a number of public benefits; therefore, the aforementioned balancing exercise set out in NPPF Para 196 is necessary. It is important to note however that this not a simple balancing exercise, it must be approached in a manner which is consistent with the statutory obligations in Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In undertaking the balancing exercise, the decision-maker must be mindful (and apply) the need to have "special regard" or "special attention" to the heritage assets as required by the Act. In effect, the question to be addressed is whether there is justification for overring the statutory presumption in favour of preservation [of the conservation area and setting of the referenced listed buildings].

This approach has been followed by the case officer (indeed the statutory nature of the weight is referred to in the main report conclusion) but committee are reminded that this is correct approach and that, as with all material considerations, they must reach their own conclusions.

Case Officer Further Clarification and Discussion

The further comments received from Historic England, Bath Preservation Trust and FoBRA (since the publication of the main agenda) *et al* are noted but do not alter the conclusion or recommendation to permit. The comments reiterate previous concerns and/or are explored in the main report.

The new comments received from the council's Parks & Open Spaces Team (that a substantial financial contribution is required towards off-site enhancement of sports and recreation facilities etc) are noted. This issue, in particular the level of contribution requested, requires further investigation to establish whether the necessary tests for planning obligations have been met. Due to the late request it has not been possible to do so in advance of the meeting.

Accordingly, it is recommended that this matter be delegated to officers to resolve post committee in the event that it is resolved to grant permission. The recommended S.106 Agreement heads of terms are therefore amended to include a financial contribution towards sport/recreation/greenspace if deemed necessary, and if so at a level deemed necessary.

Revised Recommendation

DELEGATE TO PERMIT subject to the conditions set out in the main report, as amended and supplemented above, and subject to the prior completion of a S.106 Agreement as set out in the main report with the addition of a financial contribution towards green infrastructure if deemed necessary by officers.

BATH AND NORTH EAST SOMERSET COUNCIL

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT THE
VIRTUAL MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 16
DECEMBER 2020**

Morning Session

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1 & 2	20 Avon Road, Keynsham	Simon Perkins (Applicant)	For (6 minutes)
3	81 Hillcrest Drive, Southdown, Bath	John Shackleton (Applicant)	For
		Cllr Paul Crossley (Local Ward Member)	For
4	Jubilee Centre, Lower Bristol Road, Bath	John Branston	Against
		Chris Beaver (Agent) John Todd (Mercy in Action)	For (To share 3 minutes)
		Cllr Sarah Moore (Local Ward Member)	Against

Afternoon Session

SITE VISIT LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	Telecommunication Mast 54146, Woolley Lane, Charcombe, Bath	Paul McLachlan	Against (To share 5 minutes)
		David Robinson	
		Joanna Robinson (Bath Preservation Trust)	For (5 minutes)
		Nick Allen (Agent)	
Cllr Sarah Warren (Local Ward Member)	Against		
		Cllr Kevin Guy (Local Ward Member)	Against
2	Homebase Ltd, Pines Way, Westmoreland, Bath	Keith Russell	Against (To share 5 minutes)
		Lesley Payne	
		Caroline Kay (Bath Preservation Trust)	For (5 minutes)
		Andrew Maltby (on behalf of applicant)	
Cllr Shaun Stevenson-McGall (Local Ward Member)	For		
		Cllr June Player (Local Ward Member)	Against

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
5	Western Riverside Development Area, Midland Road, Bath	Chris Beaver (Agent)	For
6	Wansdyke Business Centre, Oldfield Lane, Oldfield Park, Bath	John Branston	Against
		Patrick Marks (Agent) Colin Scragg (Planning Consultant)	For (To share 3 minutes)
		Cllr Shaun Stevenson-McGall (Local Ward Member)	For

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BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

16th December 2020

DECISIONS

Item No:	001	
Application No:	19/05534/FUL	
Site Location:	Telecommunication Mast 54146, Woolley Lane, Charlcombe, Bath	
Ward: Bathavon North	Parish: Charlcombe	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 20 metre-high telecommunications monopole accommodating 6no antenna apertures, 4no transmission dishes and 8no ground-based equipment cabinets	
Constraints:	Article 4 HMO, 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 NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Mobile Broadband Network Limited	
Expiry Date:	22nd October 2020	
Case Officer:	Chris Griggs-Trevarthen	

DECISION REFUSE

1 Green Belt

The proposed mast has a greater impact upon openness than the existing development and is therefore inappropriate development in the Green Belt. Very special circumstances do not exist to justify the development. The proposals are therefore contrary to the development plan, in particular policy CP8 of the Core Strategy, and the National Planning Policy Framework.

2 AONB and Landscape

The proposed mast, due to its height, bulk, scale and appearance, would adversely impact upon the natural beauty of the Cotswolds AONB, local landscape character and local distinctiveness. The trees along the boundaries of the site are not protected and cannot be relied upon to adequately mitigate any adverse impact upon the landscape. The proposals are therefore contrary to the development plan, in particular policies CP6 of the Core Strategy and NE2 of the Placemaking Plan, and the National Planning Policy Framework.

PLANS LIST:

- 002 Site Location Plan
- 215 Max Configuration Site Plan
- 265 Max Configuration Elevation

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 worked positively and proactively with the applicant and was able to recommend the application for permission. Notwithstanding this, the application was refused by the Planning Committee for the reasons stated on matters of planning judgement.

Item No:	002
Application No:	20/00259/FUL
Site Location:	Homebase Ltd, Pines Way, Westmoreland, Bath
Ward: Oldfield Park	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Redevelopment of the site to provide a new care community (Use Class C2) comprising care residences and care suites and ancillary communal, care and well-being facilities, offices in Use Class E(g)(i) together with associated back of house and service areas, pedestrian and vehicular access, car and cycle parking, landscaping, private amenity space and public open space.
Constraints:	Article 4 HMO, Agricultural Land Classification, Policy B1 Bath Enterprise Zone, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Contaminated Land, Policy CP9 Affordable Housing Zones, District Heating Priority Area, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	Senior Living Urban (Bath) Limited
Expiry Date:	24th September 2020
Case Officer:	Chris Gomm

DECISION REFUSE

1 Scale Height Massing Bulk and impact of these on WHS * NEED TO CHECK - did committee also say impact on listed buildings and conservation area

2 Impact on Residential Amenity

3 Materials - possibly incorporate with scale and massing reason

4 Inadequate Parking in particular for staff

5 Loss of Trees and lack of Green Infrastructure

PLANS LIST:

PLANS LIST

The following plans/drawings are hereby approved:

- o A-01_001 Rev P01: EXISTING SITE LOCATION PLAN
- o A-01_100 Rev P01: EXISTING NORTH ELEVATION
- o A-01_101 Rev P01: EXISTING SOUTH ELEVATION
- o A-01_102 Rev P01: EXISTING EAST ELEVATION
- o A-01_103 Rev P01: EXISTING WEST ELEVATION
- o A-10_001 Rev P01: DEMOLITION PLAN
- o A-10_300 Rev P01: DEMOLITION - ELEVATION - NORTH AND SOUTH
- o A-10_301 Rev P01: DEMOLITION - ELEVATION - EAST
- o A-10_302 Rev P01: DEMOLITION - ELEVATION - WEST
- o A-01_002 Rev P03: PROPOSED SITE LOCATION PLAN
- o A-20_001 Rev P03: ROOF LEVEL MASTERPLAN / SITE PLAN
- o A-20_002 Rev P03: LEVEL 00 MASTERPLAN
- o A-20_003 Rev P03: LEVEL 01 MASTERPLAN
- o A-20_004 Rev P03: LEVEL 02 MASTERPLAN
- o A-20_005 Rev P03: LEVEL 03 MASTERPLAN
- o A-20_006 Rev P03: LEVEL 04 MASTERPLAN
- o A-20_007 Rev P03: LEVEL 05 MASTERPLAN
- o A-20_100 Rev P03: BUILDING A & B - LEVEL 00
- o A-20_101 Rev P03: BUILDING A & B - LEVEL 01
- o A-20_102 Rev P03: BUILDING A & B - LEVEL 02
- o A-20_103 Rev P03: BUILDING A & B - LEVEL 03
- o A-20_104 Rev P03: BUILDING A & B - LEVEL ROOF
- o A-20_107 Rev P03: BUILDING C & D - LEVEL 00
- o A-20_108 Rev P03: BUILDING C & D - LEVEL 01
- o A-20_109 Rev P03: BUILDING C & D - LEVEL 02
- o A-20_110 Rev P03: BUILDING C & D - LEVEL 03
- o A-20_111 Rev P03: BUILDING C & D - LEVEL 04
- o A-20_112 Rev P03: BUILDING C & D - LEVEL 05
- o A-20_113 Rev P03: BUILDING C & D - LEVEL ROOF
- o A-20_300 Rev P03: BUILDINGS A-B - NORTH ELEVATION & COURTYARD SECTION
- o A-20_301 Rev P03: BUILDINGS A-B - SOUTH ELEVATION & COURTYARD SECTION
- o A-20_302 Rev P03: BUILDING C - NORTH & SOUTH ELEVATIONS
- o A-20_303 Rev P03: BUILDING D - NORTH & SOUTH ELEVATIONS
- o A-20_304 Rev P03: SITE - EAST ELEVATIONS
- o A-20_305 Rev P03: SITE - WEST ELEVATIONS
- o A-20_306 Rev P03: SITE SECTIONAL ELEVATION E-E
- o A-20_307 Rev P03: SITE SECTIONAL ELEVATION F-F
- o A-20_308 Rev P03: SITE SECTIONAL ELEVATION H-H & I-I
- o A-20_310 Rev P03: CONTEXTUAL ELEVATIONS
- o A-21_300 Rev P03: TYPICAL BAY STUDY - SHEET 01
- o A-21_301 Rev P03: TYPICAL BAY STUDY - SHEET 02

- o A-21_302 Rev P03: TYPICAL BAY STUDY - SHEET 03
- o A-21_303 Rev P03: TYPICAL BAY STUDY - SHEET 04
- o A-21_304 Rev P03: TYPICAL BAY STUDY - SHEET 05
- o A-30_100 Rev P02: TYPICAL UNIT LAYOUTS - 1 BED M4(2) & M4(3)
- o A-30_101 Rev P02: TYPICAL UNIT LAYOUTS - 2 BED M4(2) & M4(3)
- o A-30_102 Rev P02: TYPICAL UNIT LAYOUTS - 3 BED M4(2) & M4(3)
- o A-30_103 Rev P02: TYPICAL UNIT LAYOUTS - AGED CARE SUITES
- o LTS 101(08) 101 Rev C: LANDSCAPE GENERAL ARRANGEMENT PLAN
- o A-20_115 Rev P01: BUILDING A & B - BASEMENT LEVEL
- o A-20_008 Rev P01: LEVEL B1 MASTERPLAN

Environmental Permitting

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Avon, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

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

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.

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.

Item No:	01	
Application No:	20/01474/FUL	
Site Location:	20 Avon Road, Keynsham, Bristol, Bath And North East Somerset	
Ward: Keynsham East	Parish: Keynsham Town Council	LB Grade: II
Application Type:	Full Application	
Proposal:	Erection of 2 storey side extension, removal of existing door and replacement and enlargement of existing dormer window and new conservation roof light to rear roof slope.	
Constraints:	Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro, Tree Preservation Order,	
Applicant:	Mr S Perkins	
Expiry Date:	11th September 2020	
Case Officer:	Emily Smithers	

DECISION PERMIT subject to revisions

PLANS LIST:

This decision relates to the following drawings:

Drawing	29/10/2020	(3)021 REV D	PROPOSED DORMER SASH WINDOW
Revised Drawing	29/10/2020	(3)012 REV D	PROPOSED FIRST FLOOR PLAN
Revised Drawing	29/10/2020	(3)013 REV D	PROPOSED SECOND FLOOR PLAN
Revised Drawing	29/10/2020	(3)015 REV D	PROPOSED SIDE ELEVATION
Revised Drawing	29/10/2020	(3)016 REV D	PROPOSED REAR ELEVATION
Revised Drawing	26/08/2020	(3) 014 A	PROPOSED FRONT ELEVATION
Revised Drawing	26/08/2020	(3) 011 A	PROPOSED GROUND FLOOR PLAN
Revised Drawing	26/08/2020	(3) 020	PROPOSED RAILINGS
Drawing	18/05/2020	(3)017	PROPOSED FRONT DOOR
Drawing	24/04/2020	(3)001	LOCATION PLAN
Drawing	24/04/2020	(3)010	PROPOSED BASEMENT PLAN
Drawing	24/04/2020	(3)002	SITE PLAN

Community Infrastructure Levy

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding 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:	02	
Application No:	20/01475/LBA	
Site Location:	20 Avon Road, Keynsham, Bristol, Bath And North East Somerset	
Ward: Keynsham East	Parish: Keynsham Town Council	LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	Internal and external alterations to include two storey side extension, removal of existing door and replacement and enlargement of existing dormer window and new conservation roof light to rear roof slope.	

Constraints:	Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome, Tree Preservation Order,
Applicant:	Mr S Perkins
Expiry Date:	11th September 2020
Case Officer:	Emily Smithers

DECISION PERMIT subject to revisions

PLANS LIST:

This decision relates to the following drawings:

Drawing	29/10/2020	(3)021 REV D	PROPOSED DORMER SASH WINDOW
Revised Drawing	29/10/2020	(3)012 REV D	PROPOSED FIRST FLOOR PLAN
Revised Drawing	29/10/2020	(3)013 REV D	PROPOSED SECOND FLOOR PLAN
Revised Drawing	29/10/2020	(3)015 REV D	PROPOSED SIDE ELEVATION
Revised Drawing	29/10/2020	(3)016 REV D	PROPOSED REAR ELEVATION
Revised Drawing	26/08/2020	(3) 014 A	PROPOSED FRONT ELEVATION
Revised Drawing	26/08/2020	(3) 011 A	PROPOSED GROUND FLOOR PLAN
Revised Drawing	26/08/2020	(3) 020	PROPOSED RAILINGS
Drawing	18/05/2020	(3)017	PROPOSED FRONT DOOR
Drawing	24/04/2020	(3)001	LOCATION PLAN
Drawing	24/04/2020	(3)010	PROPOSED BASEMENT PLAN
Drawing	24/04/2020	(3)002	SITE PLAN

Community Infrastructure Levy

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding 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:	03
Application No:	20/03006/FUL
Site Location:	81 Hillcrest Drive, Southdown, Bath, Bath And North East Somerset
Ward: Southdown	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Creation of Loft conversion and installation of rear dormer
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant:	Mr John Shackleton
Expiry Date:	6th November 2020
Case Officer:	Samantha Mason

DECISION REFUSE

1 The proposal by reason of its design, siting, scale, and massing, is unacceptable and fails to respond to the local context and maintain the character and appearance of the surrounding area. The proposal fails to accord with policy CP6 of the adopted Core Strategy (2014) and policies D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and parts of the NPPF.

PLANS LIST:

This decision relates to the following plans:

- 01 Nov 2020 0154/1-C1 D Proposed Floor And Roof Plans
- 01 Nov 2020 0154/1-C2 D Construction Elevations & Section
- 20 Aug 2020 0154-0100 Location Plan

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:	04
Application No:	20/01794/FUL
Site Location:	Jubilee Centre, Lower Bristol Road, Twerton, Bath
Ward: Twerton	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Mixed-use redevelopment of site for storage and distribution (Class B8) and erection of 121 units of purpose-built student accommodation (sui generis) following demolition of existing building and associated access and landscaping works.
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, 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,
Applicant:	Toplocation 4 Ltd & Longacre
Expiry Date:	16th December 2020
Case Officer:	Samantha Mason

DECISION REFUSE

1 The proposed development includes 'more vulnerable' use, which would be located within Flood Risk Zone 2. The area of search criteria has not been agreed, and it has not been satisfactorily demonstrated that there are no sequentially preferable sites which are reasonably available for the proposed development in areas with a lower probability of flooding. The proposed development therefore fails the Sequential Test and is contrary to policy CP5 of Bath and North East Somerset Council Core Strategy and Placemaking Plan (July 2017) and Paragraph 158 of the NPPF (2019)

2 The proposed scheme by reason of its bulk, height and design would lead to harm being caused to local character, the setting of the listed building and the wider character of the conservation area, and World Heritage Site. This would materially conflict with the Bath and North East Somerset Placemaking Plan policies D6, HE1 and H3 and the NPPF (2019)

3 The proposed scheme fails to demonstrate that opportunities have been maximised to design Green Infrastructure (GI) into the proposed development, or that the scheme makes a positive contribution to the GI network through the creation, enhancement and management of new, and existing GI assets. The proposal also fails to provide space available for planting or practical tree retention. As such, the application is in conflict with Policies NE1 and NE6 of the Bath and North East Somerset Placemaking Plan (July 2017).

PLANS LIST:

Item No:	05
Application No:	19/05471/ERES
Site Location:	Western Riverside Development Area, Midland Road, Westmoreland, Bath
Ward: Kingsmead	Parish: N/A LB Grade: N/A
Application Type:	Reserved Matters App with an EIA
Proposal:	Approval of reserved matters pursuant to outline planning permission 06/01733/EOUT for the erection of 176 dwellings; retail / community space (Use Class A1/D1); access; parking; landscaping and associated infrastructure works following demolition of existing buildings and structures.
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 B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), 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, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	Aequus Construction Ltd.
Expiry Date:	18th December 2020
Case Officer:	Chris Griggs-Trevarthen

DECISION PERMIT

1 Stage 2 Road Safety Audit (Pre-commencement)

No development shall commence until a brief for an independent Stage 2 Road Safety Audit (in accordance with GG119) of the detailed design has been submitted to and

approved in writing by the Local Planning Authority. The brief shall include the CV of the Audit Team Leader and Audit Team Member.

No development shall commence until the independent Stage 2 Road Safety Audit has been undertaken in accordance with the approved brief and the results submitted to and approved in writing by the Local Planning Authority. A representative of the Local Highways Authority shall be present at the Stage 2 Road Safety Audit site visit as an observer.

Reason: In the interest of highways safety in accordance with policy ST7 of the Placemaking Plan. This is a pre-commencement condition because the stage 2 road safety audit must be undertaken at the detailed design stage. If development were to commence prior to the audit being undertaken it may prejudice its outcomes.

2 Wildlife Protection and Enhancement Scheme (Pre-Commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, consistent with the recommendations in Section 4.19-4.40 of the approved Ecological Assessment report (Tyler Grange, December 2019), have been submitted to and approved in writing by the local planning authority. These details shall include:

(a) A Construction Ecological Management Plan including a location plan and specification for fencing of exclusion zones to protect habitats including the adjacent SNCI, method statements for all necessary measures to avoid or reduce ecological impacts during site clearance and construction, findings of update surveys or pre-commencement checks of the site and details of involvement by an ecological clerk of works;

(b) Full and final details of proposed bat mitigation and enhancement measures (which may if desired take the form of a European protected species licence application method statement), or, a copy of a European Protected Species licence showing that a licence has already been granted, together with details of any additions or minor revisions to the Bat Mitigation and compensation measures described in the approved report;

(c) Detailed specification and location plan detailing ecological compensation and enhancement measures including native and wildlife-friendly planting, provision of bat roosting features and/or bird boxes and provision of gaps in boundary features to allow continued movement of wildlife.

All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat. All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), National Planning Policy Framework and policy NE3 of the Bath and North East Somerset Placemaking Plan. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases. Integrated enhancement measures also need to be specified before construction.

3 Arboricultural Method Statement (Pre-commencement)

No development shall take place until an arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation (including demolition, clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

4 Materials - Submission of Materials Schedule (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

Samples or a sample panel of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

The development shall thereafter be carried out 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.

5 Stage 3 Road Safety Audit (Pre-occupation)

No occupation of any part of the approved development shall commence until a brief for an independent Stage 3 Road Safety Audit (in accordance with GG119) has been submitted to and approved in writing by the Local Planning Authority. The brief shall include the CV of the Audit Team Leader and Audit Team Member.

No occupation of any part of the approved development shall commence until the independent Stage 3 Road Safety Audit has been undertaken in accordance with the approved brief and the results submitted to and approved in writing by the Local Planning Authority. A representative of the Local Highways Authority and Avon and Somerset police shall be invited to attend the daytime and night-time Stage 3 Road Safety Audit site visits.

Reason: In the interest of highways safety in accordance with policy ST7 of the Placemaking Plan.

6 Indoor acoustic insulation (Pre-occupation)

On completion of the works, but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved:

1. Maximum internal noise levels of 35dBLAeq, 16hr and 30dBLAeq, 8hr for living rooms and bedrooms during the daytime and night time respectively.
2. For bedrooms at night individual noise events (measured with F time weighting) shall not (normally) exceed 45dBLAmax.

Reason: To ensure that the occupiers of the proposed development are protected from excessive external noise and disturbance in accordance with policy PCS2 of the Placemaking Plan.

7 Arboricultural Compliance (Pre-occupation)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed certificate of compliance with the statement for the duration of the development shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion and prior to the first occupation.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan.

8 Ecological Compliance Report (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 Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

(a) Confirmation that ecological avoidance and mitigation measures including measures to protect the adjacent River Avon Site of Nature Conservation Interest, bats and nesting birds have been followed;

(b) Evidence that a Natural England bat mitigation licence was in place before works proceeded, including details of the agreed method statement;

(c) Confirmation that proposed measures to enhance the value of the site for wildlife and provide biodiversity gain have been implemented including native and wildlife-friendly planting, hedgehog connectivity measures and provision of bat and bird boxes, with specifications, numbers and positions to be shown on plans and photographic evidence to be provided; and

(d) A specification for ongoing management, monitoring and maintenance of retained and created habitats.

All measures within the scheme shall be retained, monitored and maintained in accordance with the approved details.

Reason: To demonstrate the completed implementation of ecological mitigation and enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) the NPPF and policies NE3, NE5 and D5e of the Bath and North East Somerset Local Plan.

9 Residents Welcome Pack (Pre-occupation)

No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of accommodation. The new resident's welcome pack shall have previously been submitted to and approved in writing by the Local Planning Authority and shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., to encourage residents to try public transport. Please follow this link <https://www.gov.uk/government/publications/smarter-choices-main-report-about-changing-the-way-we-travel>

Reason: To encourage the use of public transport in the interests of sustainable development in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

10 Sustainable Construction (Pre-occupation)

Prior to first occupation of any part 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, submitted and approved in writing by to the Local Planning Authority together with the further documentation listed below:

- o Table 2.1 Energy Strategy (including detail of renewables);
- o Table 2.2 Proposals with more than one building type (if relevant);
- o Table 2.3 (Calculations);
- o Building Regulations Part L post-completion documents for renewables;
- o Building Regulations Part L post-completion documents for energy efficiency;
- o Microgeneration Certification Scheme (MCS) Certificate/s (if renewables have been used)

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

11 Internal and External Lighting (Bespoke Trigger)

Light proposals shall be implemented in accordance with the approved Lighting Scheme and Assessment (e3 Consulting Engineers, January 2020). If any revisions to internal or external lighting schemes are required, full details of the proposed lighting design shall be submitted to and approved in writing by the Local Planning Authority before installation. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights;
2. Predicted lux levels and light spill; and
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

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 policies NE3 and D8 of the Bath and North East Somerset Placemaking Plan.

12 Dwelling Access (Compliance)

Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway.

Reason: To ensure that the development is served by an adequate means of access in accordance with policy ST7 of the Bath and North East Somerset Placemaking Plan.

13 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 Placemaking Plan.

14 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:

153199-STL-XX-XX-DR-L-09146 PL10	REVISED PLANTING SCHEDULE
153199-STL-AA-ZZ-DR-A-01101 PL02	BLOCK A GA PLANS & ELEVATIONS
153199-STL-BB-ZZ-DR-A-01102 PL02	BLOCK B GA PLANS & ELEVATIONS
153199-STL-CC-ZZ-DR-A-01103 PL02	BLOCK C GA PLANS & ELEVATIONS
153199-STL-DD-ZZ-DR-A-01104 PL02	BLOCK D GA PLANS & ELEVATIONS
153199-STL-EE-ZZ-DR-A-01105 PL02	BLOCK E GA PLANS & ELEVATIONS
153199-STL-FF-ZZ-DR-A-01106 PL02	BLOCK F GA PLANS & ELEVATIONS
153199-STL-GG-ZZ-DR-A-01107 PL02	BLOCK G GA PLANS & ELEVATIONS
153199-STL-HH-ZZ-DR-A-01108 PL02	BLOCK H GA PLANS & ELEVATIONS

153199-STL-XX-00_DR-A-09200 PL02	UPPER SITE PLAN - LEVEL 00
153199-STL-XX-01-DR-A-09101 PL02	LOWER SITE PLAN - LEVEL 01
153199-STL-XX-02-DR-A-09102 PL02	LOWER SITE PLAN - LEVEL 02
153199-STL-XX-02-DR-A-09202 PL02	UPPER SITE PLAN - LEVEL 02
153199-STL-XX-03-DR-A-09103 PL02	LOWER SITE PLAN - LEVEL 03
153199-STL-XX-04-DR-A-09104 PL02	LOWER SITE PLAN - LEVEL 04
153199-STL-XX-B1-DR-A-01B01 PL02	BASEMENT CAR PARK PLAN
153199-STL-XX-OO-DR-A-09001 PL02	COMBINED GROUND LEVEL SITE PLAN
153199-STL-XX-OO-DR-A-09100 PL02	LOWER SITE PLAN - LEVEL 00
153199-STL-XX-XX-DR-L-09000 PL08	LANDSCAPE GENERAL ARRANGEMENT
153199-STL-XX-XX-DR-L-09100 PL06	LANDSCAPE MASTERPLAN
153199-STL-XX-XX-DR-L-09141 PL08	SOFT LANDSCAPE WORKS PLAN 1 OF 5
153199-STL-XX-XX-DR-L-09142 PL08	SOFT LANDSCAPE WORKS PLAN 2 OF 5
153199-STL-XX-ZZ-DR-A-00003 PL02	PROPOSED BLOCK PLAN IN CONTEXT
153199-STL-XX-ZZ-DR-A-02101 PL02	CONTEXT ELEVATIONS 01
153199-STL-XX-ZZ-DR-A-02102 PL02	CONTEXT ELEVATIONS 02
153199-STL-XX-ZZ-DR-A-02103 PL02	CONTEXT ELEVATIONS 03
153199-STL-XX-ZZ-DR-A-02104 PL02	CONTEXT ELEVATIONS 04
153199-STL-XX-ZZ-DR-A-02105 PL02	CONTEXT ELEVATIONS 05
153199-STL-XX-ZZ-DR-A-02106 PL02	CONTEXT ELEVATIONS 06
153199-STL-XX-ZZ-DR-A-05001 PL02	UNIT TYPE AREA PLANS
153199-STL-XX-ZZ-DR-A-09000 PL02	SITE PLAN - ROOF PLAN
153199-STL-XX-ZZ-DR-A-ZZZZ-04001 PL02	DETAILED ELEVATIONS 01
153199-STL-XX-ZZ-DR-A-ZZZZ-04002 PL02	DETAILED ELEVATIONS 02
153199-STL-XX-ZZ-DR-L-09180 PL08	BOUNDARY TREATMENT PLAN
153199-STL-XX-ZZ-DR-A-00001 PL02	PLANNING RED LINE PLAN
153199-STL-XX-XX-DR-L-09143 PL_P01	SOFT LANDSCAPE WORKS PLAN 3 OF 5
153199-STL-XX-XX-DR-L-09144 PL_PL01	SOFT LANDSCAPE WORKS PLAN 4 OF 5
153199-STL-XX-XX-DR-L-09145	SOFT LANDSCAPE WORKS PLAN 5 OF 5
153199-STL-XX-XX-DR-L-09300 PL01	SITE SECTIONS 1 OF 2
153199-STL-XX-XX-DR-L-09301 PL01	SITE SECTIONS 2 OF 2
153199-STL-XX-XX-DR-L-09410	SMALL TREE PIT IN SOFT
153199-STL-XX-XX-DR-L-09411 PL01	TREE PIT IN SOFT
153199-STL-XX-XX-DR-L-09420 PL01	TREE PIT IN HARD
153199-STL-XX-XX-DR-L-09430 PL01	TREE PIT IN HARD SURFACE ON PODIUM DETAIL
153199-STL-XX-XX-DR-L-09460 PL01	RECYCLING ENCLOSURE DETAIL
153199-STL-XX-ZZ-DR-A-ZZ-D1001 PL01	DEMOLITION PLAN
153199-STL-XX-XX-DR-L-SP901 PL01	LANDSCAPE MATERIAL SHEET FOR SOFT LANDSCAPE TREES
153199-STL-XX-XX-DR-L-SP902	LANDSCAPE MATERIAL SHEET FOR HARD LANDSCAPE AND FURNITURE
153199-STL-XX-ZZ-DR-A-0002 PL01	BLOCK PLAN COMPARISON

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.

Outline Planning Permission

The applicant is reminded that the development hereby approved is subject to all relevant conditions attached to the outline planning permission (ref: 06/01733/EOUT) including several pre-commencement conditions and an arsenal condition requiring the land to be bound by a s106 agreement.

Public Rights of Way

There must be no effect to the surface, line or width of public footpath BCRIV/1 during or after construction works.

If the proposed works require a temporary closure of the footpath to facilitate development, please find full details of the process involved on the Council's website at: <https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/public-rights-way/public-path-orders/temporary-path>

Please contact Cheryl Hannan of the Public Rights of Way Team on 01225 477623 prior to any works commencing on or near the footpath.

Canal and River Trust

Any new access points to the towpath will require an agreement from the Canal and River Trust. The applicant is advised to contact David Faull, Principal Estates Surveyor on 07824 561677 or by email to David.faul@canalrivertrust.org.uk

Any alterations to the existing drainage outfall, whether it is to be removed or replaced should be discussed further with the Canal and River Trust. The applicant is advised to contact Jacquie Watt, Utilities Surveyor on 07584335885 or 01926 626158 or by email to Jacquie.Watt@canalrivertrust.org.uk.

Due to the proximity of the development to the Canal towpath the applicant should comply with the Trust's Code of Practice for works affecting the Canal and River Trust to ensure that the works do not adversely affect the canal towpath. The applicant is advised to contact Phil J White, Works Engineer on 07710 175496 or by email at PhilJ.white@canalrivertrust.org.uk.

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>

BATH & NORTH EAST SOMERSET COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017
REGULATION 30 STATEMENT
APPLICATION REF: 19/05471/ERES
DEVELOPMENT PERMITTED: Approval of reserved matters pursuant to outline planning permission 06/01733/EOUT for the erection of 176 dwellings; retail / community space (Use Class A1/D1); access; parking; landscaping and associated infrastructure works following demolition of existing buildings and structures.
RESERVED MATTERS APPROVAL DECISION ISSUED ON: 17th December 2020

This statement is made pursuant to Regulation 30(1)(c) of The Town and County Planning (Environmental Impact Assessment) Regulations 2017 and contains-

- (i) details of the matters referred to in regulation 29(2);
- (ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public; and
- (iii) a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results (in particular, in circumstances where regulation 58 applies, the comments received from an EEA State pursuant to consultation under that regulation) have been incorporated or otherwise addressed

(i) This decision can be challenged by way of bringing a claim in judicial review. Any person wishing to do so must bring a claim within six weeks of the date of the decision notice.

This statement is made available for public inspection at the place where the planning register is kept.

The proposals have been the subject of an Environmental Impact Assessment at Outline application stage (ref. 06/01733/EOUT) and reconsidered as part of the current application. The following subject areas were assessed: Townscape and Visual Amenity; Cultural Heritage, Transportation, Ecology and Noise and Vibration. Subject to the mitigation measures secured, it was considered that the proposals will not have any greater impact than the when considered at outline planning permission stage.

The application was considered under by the Planning Committee on 16th December 2020 where it was resolved to approve the Reserved Matters in respect of Layout, Scale, Appearance and Landscaping with conditions. A copy of the decision notice (ref. 19/05471/ERES) is attached to this statement.

(ii) Following consideration of the submitted environmental information the application for approval of Reserved Matters was permitted. The full extent of the considerations, including representations from members of the public and external organisations are set out in the Officer report dated 9th December 2020 which is available to view on the Council's website: www.bathnes.gov.uk.

(iii) A summary of the consultation responses received and considered and the information gathered is provided with the Officer report referred to above. The Officer report sets out how these comments have been incorporated into the proposal or otherwise addressed.

Item No:	06	
Application No:	20/01765/FUL	
Site Location:	Wansdyke Business Centre, Oldfield Lane, Oldfield Park, Bath	
Ward: Oldfield Park	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a 68-bed care home (Use Class C2) following demolition of the existing buildings and structures, with associated access, parking and landscaping.	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SAC and SPA, Policy NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Barchester Health Care Ltd	
Expiry Date:	17th December 2020	
Case Officer:	Samantha Mason	

DECISION

REFUSE

1 The proposal results in the loss of industrial floor space. There are strong economic reasons demonstrating the loss of this site would be inappropriate, furthermore, no evidence/ report of a 12-month marketing period has been undertaken to evidence a lack of demand for the premises as required by policy. Therefore, this proposal for the loss of this industrial site that would further restrict the supply of B1c, B2 or B8 accommodation in Bath is not supported in principle and is considered contrary to Policies B1 and ED2B of the Core Strategy and Placemaking Plan.

PLANS LIST:

This decision relates to the following plans:

22 May 2020 Drainage Strategy Plan
22 May 2020 Tree Protection Plan
22 May 2020 01001 A Site Plan
22 May 02001 Proposed Ground Floor Plan
22 May 2020 02003 Proposed Second Floor Plan
08 Oct 2020 Site Plan with Blue Line
08 Oct 2020 02002 P3 Proposed First Floor Plan
08 Oct 2020 03003 P3 Proposed Section EE And Elevation FF
21 Jul 2020 001 D Proposed Landscape Strategy Plan
05 Nov 2020 03004 P4 Proposed Section GG and Elevation HH
14 Dec 2020 02004-P5 Roof Plan
14 Dec 2020 03001-P4 Proposed Section AA and Elevation BB
14 Dec 2020 03002-P3 Proposed Section DD And Elevation CC
22 May 2020 01002 Location Plan

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