

Planning Committee

Date: Wednesday, 5th May, 2021

Time: 11.00 am

Venue: Virtual Meeting – Public Access via YouTube
<https://youtube.com/bathnescouncil>

Agenda

To: All Members of the Planning Committee

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

Permanent Substitutes:- Councillors: Rob Appleyard, Alison Born, Gerry Curran, Michael Evans, Andrew Furse, Liz Hardman, Ruth Malloy, Vic Pritchard, Brian Simmons and Ryan Wills

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



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NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Recording at Meetings**

The Council will broadcast the images and sounds live via YouTube
<https://youtube.com/bathnescouncil>

The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group.

Advance notice is required not less than two working days before the meeting. This means that for Planning Committee meetings held on Wednesdays, notice must be received in Democratic Services by 5.00pm the previous Monday.

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Planning Committee- Wednesday, 5th May, 2021

at 11.00 am in the Virtual Meeting - Zoom - Public Access via YouTube
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A G E N D A

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS
2. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number and site in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

3. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR
4. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

(1) At the time of publication, no items had been submitted.

(2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Democratic Services Officer will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, i.e. 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

5. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 34)

To confirm the minutes of the meeting held on 7 April 2021.

6. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 35 - 78)
7. POLICY DEVELOPMENT

8. QUARTERLY PERFORMANCE REPORT - JANUARY TO MARCH 2021 (Pages 79 - 92)

The Committee is asked to note the quarterly performance report.

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 93 - 98)

The Committee is asked to note the appeals report.

The Democratic Services Officer for this meeting is Marie Todd who can be contacted on 01225 394414.

Delegated List Web Link: <http://www.bathnes.gov.uk/services/planning-and-building-control/view-and-comment-planning-applications/delegated-report>

PLANNING COMMITTEE**Minutes of the Meeting held**

Wednesday, 7th April, 2021, 11.00 am

Councillors: Sally Davis (Vice-Chair, in the Chair), Rob Appleyard (Reserve) (in place of Matt McCabe), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Hal MacFie and Manda Rigby

94 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Matt McCabe – Cllr Rob Appleyard attended the meeting as a substitute.

The Committee noted that Cllr McCabe was currently unwell and wished him a speedy recovery.

95 DECLARATIONS OF INTEREST

Cllr Rob Appleyard declared a non-pecuniary interest in planning application nos. 20/02817/FUL and 20/02818/LBA – Cedar Park Care Centre, 27-28 Oldfield Road, Bath. Cllr Appleyard is the Cabinet Member for Adult Services which commissions care beds from the planning applicant. He stated that he would withdraw from the meeting when the applications were discussed and would not speak or vote.

96 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

97 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.

98 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 10 March 2021 were confirmed as a correct record.

99 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.

- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 1* 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 2* to these minutes.

Item Nos. 1 & 2

Application Nos. 20/02817/FUL and 20/02818/LBA

Site Location: Cedar Park Care Centre, 27-28 Oldfield Road, Oldfield Park, Bath – Erection of a single and two storey extension to the south following demolition of the existing extension and link staircase, minor internal and external alterations to retained building, landscaping and minor amendments to existing access and parking (revised scheme). Internal and external alterations for the erection of a single and two storey extension to the south following demolition of the existing extension and link staircase, minor internal and external alterations to retained building, landscaping and minor amendments to existing access and parking (revised scheme).

The Case Officer reported on the applications and her recommendation to grant planning permission and listed building consent. She informed the committee that 24 additional objections had been received since the publication of the report. These expressed concerns regarding issues such as scale and massing, overdevelopment, overlooking, harm to residential amenity, highway safety and biodiversity loss.

A representative of the local objectors and a representative from the Bath Preservation Trust spoke against the application.

The agent and a representative of the applicant spoke in favour of the application.

Cllr Shaun Stephenson-McGall, local ward member, spoke against the application. He pointed out the large number of objections that had been received. He expressed concern about the potential harm to residential amenity, the scale, height and character of the proposal, ecological harm, the overbearing nature of the proposal and overdevelopment. He felt that there was a lack of consideration for the heritage of the building and that the considerable harm that would be caused to the local amenity had not been given full consideration. He stated that the public benefits would be marginal.

Officers then responded to questions as follows:

- The Highways Officer confirmed that he considered the parking to be adequate, bearing in mind that not all staff would be on site at the same time.
- The entrance porch and reception area would remain unchanged, and the western access would be slightly widened.
- There are currently 50 rooms in the care home containing 52 bed spaces. The Orchard Wing contains 18 bed spaces which are currently used for staff and storage meaning that 34 spaces are operational. The proposal is for 49 rooms with 49 bed spaces.
- Fern Cottage is the nearest dwelling to the Cedar Care Centre. There are

- three windows on the front elevation of the Care Centre with one which overlooks the Cottage. The overlooking window will be removed.
- The proposal is legally compliant and none of the technical consultees have raised any objections. The Conservation Officer stated in their comments that any harm needs to be weighed against the public benefits.
 - The Orchard Wing is no longer fit for purpose because the rooms are not large enough to accommodate the specialist equipment that is required. En-suite bathrooms are also needed.
 - The applicants have submitted a contemporary design rather than a pastiche of the existing building. The new building will be constructed of Bath stone ashlar and will contain windows with aluminium frames. There will be privacy screens on the rear of the building and flat roofs.
 - If the Orchard Wing were simply refurbished, then this would result in the loss of bed spaces.
 - Building Control Officers have confirmed that suitable building techniques and foundations would prevent any subsidence. This is a civil matter rather than a planning issue.
 - The arboricultural officer has raised no objection to the application.

Cllr Jackson stated that the building is already substantial, and she felt that the proposal would tidy up the site and would be an improvement giving some symmetry. She noted the need to update and modernise the current facilities. On balance she felt that the public benefit outweighed the harm to the heritage building. She then moved the officer recommendation to permit and to grant listed building consent with an additional condition requesting that the proposals for the planting of the green roof be submitted to officers for prior approval before implementation.

Cllr Hounsell seconded the motion noting the public benefit of the scheme. He also felt that the design was an improvement on the existing building.

Cllr MacFie supported the motion and acknowledged that the needs of care home residents has changed and that the building requires alteration to accommodate this. He noted that the applicant has reduced the height of the building.

Cllr Hughes felt that the building was very dominant and that the design should be more sympathetic to the heritage building.

Cllr Craig was pleased to see that no internal changes would now be made to the old building.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the planning application and to GRANT listed building consent subject to the conditions set out in the report and an additional condition requesting that the proposals for the planting of the green roof be submitted to officers for prior approval before implementation.

Item No. 3**Application No. 20/04939/FUL**

Site Location: 30A Lyncombe Hill, Lyncombe, Bath – Erection of mansard roof with living accommodation following demolition of side extension to the house.

The Team Manager, Development Management, informed the committee that an appeal decision had just been received regarding 30A Lyncombe Hill. As this would form a material consideration, he recommended that consideration of the application should be deferred to enable the Case Officer to fully review the implications of the appeal decision.

Cllr Rigby then moved deferral which was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED unanimously to DEFER consideration of the application pending further information on the implications of the recent appeal decision.

Item No. 4**Application No. 20/04902/FUL**

Site Location: 138 Wells Road, Lyncombe, Bath – Erection of 7 residential apartments, internal reconfiguration of existing flat and ancillary works.

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

The agent spoke in favour of the application.

Cllr Winston Duguid spoke in favour of the application. He noted the issues and concerns that had been raised by some neighbours but also noted that more homes were needed in the city. This proposal was preferable to student accommodation. It would be important to be clear to potential buyers that they would not qualify for a parking space. There is a car share club nearby and bus stops very close to the property. He had some concerns regarding the size of the second-floor apartments and the storage arrangements for refuse. He felt that, on balance, he could support the proposal providing the necessary conditions were put in place.

Officers then responded to question as follows:

- The nearest parking spaces are located on Wellsway or Bear Flat.
- Residents living in these apartments would not be entitled to a residents' parking permit.
- It would not be acceptable to specify that future residents could not own a car as this would not meet the relevant tests and would be unenforceable.
- There are currently some flats in the building, but no information is available on car ownership for current residents.
- The closest parking bays allow limited waiting time of between 1 and 3 hours. However, availability may be limited.
- The Committee should give only limited weight to the emerging local plan.

Cllr Jackson stated that, considering the green policy agenda and the declaration of a climate emergency this application should be permitted. She pointed out that the

location is very sustainable with a number of different buses stopping in the area. The city centre is within walking distance and she did not feel that the lack of parking is a strong enough reason to refuse the application given that affordable property is much needed in Bath. She then moved that the Committee delegate to permit the application subject to conditions. This was seconded by Cllr Hodge.

The Team Manager, Development Management, explained that role of the Committee was to apply the Development Plan which includes the parking policy. The Committee can come to a different view, recognising that this would be a departure from the Development Plan and parking standards, if material considerations indicate otherwise.

Cllr Hodge felt that there were exceptional circumstances in this case as it is a very sustainable location and there is a high demand for properties in the area. She also pointed out that, if necessary, changes could be made to the length of time permitted for on street parking in the area.

Cllr Rigby supported the application and did not wish the building to fall into disrepair. She also felt that affordable housing would be preferable to student accommodation in this instance.

Cllr Appleyard stated that the Council is keen for people to walk and cycle in the city. He highlighted the need for appropriate conditions to be put in place, in particular regarding the provision of refuse storage facilities to prevent littering.

Cllr Hughes had concerns regarding the lack of parking in an already congested location. He felt that some residents were likely to have cars and that this could create a problem in the local area.

Cllr Hounsell pointed out that many people who live in city centres do not own cars.

The Team Manager, Development Management, explained that student accommodation was not necessarily the fallback position. If members were to permit the application, then he advised that the key reason for this would be the high sustainability of the area.

Cllr Clarke stated that he could not support the proposal because of the potential parking problems. Even if residents did not own cars, they may still require parking facilities for visitors or tradespeople.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to DELEGATE TO PERMIT the application subject to conditions, including a condition regarding refuse storage.

Item No. 5

Application No. 20/04390/FUL

Site Location: Crewcroft Barn, Hinton Hill, Hinton Charterhouse, Bath – Conversion of stone barn and replacement of existing timber clad extension at Crewcroft Barn to provide a (straw bale) Passivhaus standard dwelling (Resubmission).

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

A representative from Wellow Parish Council spoke in favour of the application.

The applicant spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke in favour of the application. He pointed out that the design and volume meant that the barn would remain subservient to the main dwelling. It would be built into the hillside and would not be visible from public viewpoints. The timber cladding would not be visible, and the construction would be low-carbon and sustainable. The proposal is supported by both local Parish Councils and local people. Car parking would be screened, and the ecologist had identified a biodiversity net-gain. The Highways Team had raised no objection. This would also safeguard the long-term use of the building and enable the family to live on site.

Officers then responded to questions as follows:

- There is no evidence available regarding the original building.
- The gable end of the building would be the prominent view. Officers have concerns regarding the timber element of the design.
- Policy RE6 allows for the conversion of a building in the greenbelt but this should not be a substantial alteration. Officers feel that this proposal is disproportionate and would lean towards being a development rather than a conversion.
- No special circumstances have been specified in the application.
- There was no mention of the building being for an agricultural worker and, if this were the case, then certain tests would have to be met.

Cllr Rigby could not identify any exceptional circumstances which would support the application. However, she noted the strong local support for the proposal and noted that the building would not be visible. The development would also protect the heritage building.

Cllr Craig noted that the conversion would enable the family to remain living locally.

Cllr MacFie stated that it would be very difficult to see the building and noted the support of the Parish Councils and neighbours. There was an ecological net gain and many positive aspects to the application.

Cllr Hounsell felt that the Committee should be led by its policies and that it was important not to undermine these. This application represented development in the greenbelt and considerations were not purely about views. Any development in the greenbelt is considered to be harmful and no exceptional circumstances had been referred to in the application. Cllr Clarke supported this view and felt that the policy should be adhered to.

Cllr Jackson felt that the application could be considered to be a conversion rather than a new development and felt that it did not impact on the greenbelt.

Cllr Hodge stated that, on balance, she felt that the volume increase of approximately 91% was an issue and that the application was contrary to policy.

Cllr Hughes felt that it would be advantageous to repurpose the building to become a family home.

The Team Manager, Development Management, explained that there is no objection to a conversion of the building in principle. However, officers object to this particular scheme and that policy RE6 does not support new dwellings in open countryside. Barn conversions can be permitted, but this would be a large extension to the barn resulting in an impact on the greenbelt causing harm to a non-designated heritage asset. The benefits of the proposal are not considered to outweigh the harm.

Cllr Appleyard stated that he had concerns regarding the design and effect on the greenbelt. He then moved the officer recommendation to refuse. This was seconded by Cllr Hounsell.

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

100 **POLICY DEVELOPMENT**

The Chair informed the Committee that there have recently been a number of changes to permitted development rules, with further new measures on the way. Officers will provide a more comprehensive summary of these changes at a future meeting.

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

The Committee considered the appeals report.

Officers agreed to send an update by email to committee members regarding enforcement action at Marsh Lane, Clutton and Wells Square, Westfield.

RESOLVED to NOTE the report.

The meeting ended at 3.30 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT THE
VIRTUAL MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 7 APRIL
2021**

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1 & 2	Cedar Park Care Centre, 27-28 Oldfield Road, Bath	Richard Dellar	Against (To share 6 minutes)
		Alexandra Best (Bath Preservation Trust)	
		Dale Evans (Agent)	For (To share 6 minutes)
Minal Desai (Cedar Care – Applicant)			
		Cllr Shaun Stephenson-McGall (Local Ward Member)	Against
4	138 Wells Road, Lyncombe, Bath	Coral Curtis (Agent)	For
		Winston Duguid (Local Ward Member)	For
5	Crewcroft Barn, Hinton Hill, Hinton Charterhouse, Bath	Cllr Pat Caudle (Wellow Parish Council)	For
		Will Drewett (Applicant)	For
		Cllr Neil Butters (Local Ward Member)	For

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BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
7th April 2021
DECISIONS

Item No:	01	
Application No:	20/02817/FUL	
Site Location:	Cedar Park Care Centre, 27-28 Oldfield Road, Oldfield Park, Bath	
Ward: Oldfield Park	Parish: N/A	LB Grade: II
Application Type:	Full Application	
Proposal:	Erection of a single and two storey extension to the south following demolition of the existing extension and link staircase, minor internal and external alterations to retained building, landscaping and minor amendments to existing access and parking (revised scheme)	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,	
Applicant:	Cedar Care Homes	
Expiry Date:	9th April 2021	
Case Officer:	Samantha Mason	

DECISION **PERMIT**

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission

2 Arboricultural Survey, Impact Assessment, Method Statement and Tree Protection Plan (Pre-commencement)

No development shall commence until a detailed Method Statement and Tree Protection Plan following the recommendations contained within BS5837:2012 have been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of the site office, service run locations including soakaway locations and movement of

people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: to ensure that trees to be retained are not adversely affected by the development proposals in accordance with policy NE6 of the Bath and North East Somerset Local 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.

3 Arboricultural Method Statement (Pre-occupation)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed compliance statement from the appointed Arboriculturalist has been submitted and approved in writing by the Local Planning Authority.

Reason: to ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Local Plan. To ensure that the approved method statement is complied with for the duration of the development.

4 Hard and Soft Landscape Implementation (pre-occupation)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the use of the site or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: to ensure that the agreed hard and soft landscape scheme is implemented.

5 Hard and Soft Landscaping Maintenance to Completion (compliance)

Any trees or plants indicated in the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. Hard landscaping will be maintained in perpetuity.

Reason: to ensure that the agreed hard and soft landscaping scheme has been established and maintained.

6 Surface Water Drainage (Pre-commencement)

No development shall commence, except ground investigations and remediation, until detailed design of the surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The submission is to include results from onsite infiltration testing (conducted in accordance with BRE Digest 365) which are to be used to inform the soakaway design, calculations demonstrating no flooding at the critical 1in100+40% storm event and plans. The soakaways are to be designed to allow inspection and maintenance to be undertaken.

If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority prior to commencement. This alternative should follow the drainage hierarchy.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core

7 Reporting of Unexpected Contamination (Compliance)

In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by soils or materials with unusual colour, odour, texture or containing unexpected foreign material.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.

8 Methodology for dismantling, storing gatepier and reconstructing (Bespoke Trigger)

Prior to any work commencing on dismantling the gatepier a detailed methodology for carrying out all the stages of the work including the storage arrangements to be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

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

9 Sample panel gatepier (Bespoke Trigger)

Prior to any work commencing on reconstructing the entrance gatepier a sample panel showing the coursing and pointing of the stonework to be provided on site for the inspection and approval in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved sample.

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

10 Parking (Compliance)

The areas allocated for parking and turning, as indicated on submitted plan reference 342 Revision A, shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

11 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 30 bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

12 Travel Plan (Pre-occupation)

No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

13 Construction Management Plan (Pre-commencement)

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

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

14 Precautionary Working Methods for the protection of wildlife (Compliance condition)

Demolition and site preparation works must proceed only in accordance with the following measures for the protection of bats and birds:

- o a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the building and its roof, and any crevices and concealed spaces, immediately prior to and during any works affecting these areas
- o active nests shall be protected undisturbed until the young have fledged
- o works to the roof and any areas with concealed spaces or crevices shall be carried out by hand, lifting tiles (not sliding) to remove them, and checking beneath each one.
- o If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.

Reason: to avoid harm to protected species (bats and nesting birds) in accordance with NPPF and policies NE3, NE5, and D5e of the Bath and North East Somerset Local Plan.

15 Wildlife Mitigation and Enhancement Scheme (Compliance condition)

The development hereby approved shall be implemented only in accordance with the recommendations and ecological mitigation and enhancement measures described in

Appendix 1 and Figure 4 of the approved Ecological Appraisal by Engain dated 8th October 2020; all features and ecological measures shall be installed and retained and maintained thereafter for the purposes of providing wildlife benefit.

Reason: to prevent of ecological harm and provide biodiversity gain in accordance with NPPF and policies NE3, NE5, and D5e of the Bath and North East Somerset Local Plan.

16 Ecology Follow-up 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, completed implementation of all ecological mitigation and biodiversity enhancement measures in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

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

17 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.

18 Green Roof Details (Bespoke Trigger)

Prior to the construction of the roof of the approved development a detailed specification of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall include section drawings of the roof, a planting schedule, a timetable for implementation and a maintenance schedule. The green roof shall be implemented in accordance with the approved details prior to the occupation of the development or in accordance with the approved timetable for implementation.

Reason: To ensure the successful implementation of the green roof in the interests of preserving the character and appearance of the 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.

PLANS LIST:

PLANS LIST:

This decision relates to the following plans:

- 05 Aug 2020 3841-331 Topographic Survey
- 05 Aug 2020 3841-332 Existing Block Plan
- 05 Aug 2020 3841-333 Existing Site Plan
- 05 Aug 2020 3841-334 Existing Lower Ground
- 05 Aug 2020 3841-335 Existing Ground Floor
- 05 Aug 2020 3841-336 Existing First Floor

05 Aug 2020 3841-338 Existing Elevations 1
05 Aug 2020 3841-339 Existing Elevations 2
05 Aug 2020 Npa11154 301 Proposed Landscape Plan
12 Nov 2020 Swept Path 01
12 Nov 2020 Swept Path 02
12 Nov 2020 3841-361 Existing And Proposed Entrance
12 Nov 2020 3841-Sk10 Proposed Bathroom Pods
12 Nov 2020 Npa11154 301 Landscape Ga And Planting Plan
15 Jan 2021 809.0003.001 Vehicle Tracking - Refuse From West
15 Jan 2021 809.0003.002 Vehicle Tracking - Fire Tender From West
15 Jan 2021 809.0003.003 Vehicle Tracking - Refuse From East
15 Jan 2021 809.0003.004 Vehicle Tracking - Fire Tender From East
15 Jan 2021 809.0003.005 Vehicle Tracking - Delivery From West
15 Jan 2021 809.0003.006 Vehicle Tracking - Delivery From East
12 Nov 2020 3841-341b Block Plan
12 Nov 2020 3841-342b Site Plan
12 Nov 2020 3841-344e Proposed Lower Ground Floor
12 Nov 2020 3841-345e Proposed Ground Floor
12 Nov 2020 3841-346c Proposed First Floor
12 Nov 2020 3841-347c Proposed Second Floor
12 Nov 2020 3841-348c Proposed Roof Plan
12 Nov 2020 3841-349b Proposed Detailed Lower Ground
12 Nov 2020 3841-350b Proposed Detailed Ground Floor
12 Nov 2020 3841-351b Proposed Detailed First Floor
12 Nov 2020 3841-352b Proposed Detailed Second Floor
12 Nov 2020 3841-353b Proposed South Elevations
12 Nov 2020 3841-354b Proposed North Elevations
12 Nov 2020 3841-355b Proposed East And West Elevations
12 Nov 2020 3841-356b Proposed Long Elevations
27 Nov 2020 Sk01 A Soakaway Plan

Advisory Note - Desk Study and Walkover Survey

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The Contaminated Land Officer has advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey could be undertaken to develop a conceptual site model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. Should the Phase 1 investigation identify potential pollutant linkages then further investigation and assessment will be required. Any unexpected contamination should be reported in line with the above conditions

Condition Categories

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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.

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Permit/Consent Decision Making Statement

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

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Responding to Climate Change (Informative):

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

Item No:	02
Application No:	20/02818/LBA
Site Location:	Cedar Park Care Centre, 27-28 Oldfield Road, Oldfield Park, Bath
Ward: Oldfield Park	Parish: N/A LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	Internal and external alterations for the erection of a single and two storey extension to the south following demolition of the existing extension and link staircase, minor internal and external alterations to retained building, landscaping and minor amendments to existing access and parking (revised scheme)
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,
Applicant:	Cedar Care Homes
Expiry Date:	9th April 2021
Case Officer:	Samantha Mason

DECISION CONSENT

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission

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

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

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

3 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

This decision relates to the following plans:

05 Aug 2020 3841-331 Topographic Survey
05 Aug 2020 3841-332 Existing Block Plan
05 Aug 2020 3841-333 Existing Site Plan
05 Aug 2020 3841-334 Existing Lower Ground
05 Aug 2020 3841-335 Existing Ground Floor
05 Aug 2020 3841-336 Existing First Floor
05 Aug 2020 3841-338 Existing Elevations 1
05 Aug 2020 3841-339 Existing Elevations 2
05 Aug 2020 Npa11154 301 Proposed Landscape Plan
12 Nov 2020 Swept Path 01
12 Nov 2020 Swept Path 02
12 Nov 2020 3841-361 Existing And Proposed Entrance
12 Nov 2020 3841-Sk10 Proposed Bathroom Pods
12 Nov 2020 Npa11154 301 Landscape Ga And Planting Plan
15 Jan 2021 809.0003.001 Vehicle Tracking - Refuse From West
15 Jan 2021 809.0003.002 Vehicle Tracking - Fire Tender From West
15 Jan 2021 809.0003.003 Vehicle Tracking - Refuse From East
15 Jan 2021 809.0003.004 Vehicle Tracking - Fire Tender From East
15 Jan 2021 809.0003.005 Vehicle Tracking - Delivery From West
15 Jan 2021 809.0003.006 Vehicle Tracking - Delivery From East
12 Nov 2020 3841-341b Block Plan
12 Nov 2020 3841-342b Site Plan
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12 Nov 2020 3841-350b Proposed Detailed Ground Floor
12 Nov 2020 3841-351b Proposed Detailed First Floor
12 Nov 2020 3841-352b Proposed Detailed Second Floor
12 Nov 2020 3841-353b Proposed South Elevations
12 Nov 2020 3841-354b Proposed North Elevations
12 Nov 2020 3841-355b Proposed East And West Elevations
12 Nov 2020 3841-356b Proposed Long Elevations
27 Nov 2020 Sk01 A Soakaway Plan

Condition Categories

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

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

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

Permit/Consent Decision Making Statement

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

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Responding to Climate Change (Informative):

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

Item No:	03
Application No:	20/04939/FUL
Site Location:	30A Lyncombe Hill, Lyncombe, Bath, Bath And North East Somerset
Ward: Widcombe And Lyncombe	Parish: N/A LB Grade: II
Application Type:	Full Application
Proposal:	Erection of mansard roof with living accommodation following demolition of side extension to the house
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs T SIMPSON
Expiry Date:	16th February 2021
Case Officer:	Caroline Power

DECISION Deferred

PLANS LIST:

Drawing	22 Dec 2020	1631.30A.P.100 E	PROPOSED LOCATION PLAN
Drawing	22 Dec 2020	1631.30A.P.102 E	PROPOSED SITE PLAN
Drawing	22 Dec 2020	1631.30A.P.107 F	PROPOSED ROOF PLAN
Drawing	22 Dec 2020	1631.30A.P.200 F	PROPOSED WEST ELEVATION
Drawing	22 Dec 2020	1631.30A.P.201 G	PROPOSED SOUTH ELEVATION
Drawing	22 Dec 2020	1631.30A.P.203 F	PROPOSED LONG WEST ELEVATION
Drawing	22 Dec 2020	1631.30A.P.204 F	PROPOSED LONG WEST ELEVATION
Drawing	22 Dec 2020	1631.30A.P.300 G	PROPOSED SECTION AA
Drawing	22 Dec 2020	1631.30A.P.301 F	PROPOSED SECTION BB
Drawing	22 Dec 2020	1631.P.001 A	EXISTING LOCATION PLAN
Drawing	22 Dec 2020	1631.P.002 A	EXISTING BLOCK PLAN
Drawing	22 Dec 2020	1631.P.011 A	EXISTING GROUND FLOOR PLAN
Drawing	22 Dec 2020	1631.P.012 A	EXISTING FIRST FLOOR PLAN
Drawing	22 Dec 2020	1631.P.014 A	EXISTING ROOF FLOOR PLAN
Drawing	22 Dec 2020	1631.P.021 A	EXISTING EAST ELEVATION
Drawing	22 Dec 2020	1631.P.022 A	EXISTING SOUTH ELEVATION
Drawing	22 Dec 2020	1631.P.023 A	EXISTING WEST ELEVATION
Drawing	22 Dec 2020	1631.P.031 A	EXISTING SECTION B-B
Drawing	22 Dec 2020	1631.P.101 E	PROPOSED BLOCK PLAN
Drawing	22 Dec 2020	1631.P.105 F	PROPOSED GROUND FLOOR PLAN
Drawing	22 Dec 2020	1631.P.106 F	PROPOSED FIRST FLOOR PLAN
Drawing	22 Dec 2020	1631.P.202 F	PROPOSED EAST ELEVATION

Condition Categories

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Responding to Climate Change (Informative):

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

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:	04	
Application No:	20/04902/FUL	
Site Location:	138 Wells Road, Lyncombe, Bath, Bath And North East Somerset	
Ward: Widcombe And Lyncombe	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 7 residential apartments, internal reconfiguration of existing flat and ancillary works.	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	SAR Group Sipp	
Expiry Date:	8th April 2021	
Case Officer:	Tessa Hampden	

DECISION PERMIT

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Sound attenuation (Pre-occupation)

On completion of the development 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. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect future residents from unreasonable adverse impact from existing noise

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

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

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

4 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until secure and covered bicycle storage for at least 14 bicycles has been provided in accordance with the approved details. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan

5 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.

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.

6 Construction Management Plan (Pre-commencement)

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

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

7 Travel Plan (Pre-occupation)

No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Local Plan.

8 Refuse and recycling provision (Pre-occupation)

No occupation of the development shall commence until the approved refuse/recycling facilities has been provided in accordance with the approved details. This storage shall be retained permanently thereafter.

Reason: To ensure adequate refuse and recycling provision is provided in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan

9 Water Efficiency (Compliance)

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

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

10 Sustainable Construction (Pre-occupation)

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

- Table 2.4 (Calculations);
- Building Regulations Part L post-completion documents

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 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:

21 Dec 2020	AP(0)03	EXISTING GROUND FLOOR PLAN
21 Dec 2020	AP(0)04	EXISTING FIRST FLOOR PLAN
21 Dec 2020	AP(0)05	EXISTING SECOND FLOOR PLAN
21 Dec 2020	AP(0)06	EXISTING ROOF PLAN
21 Dec 2020	AP(0)07	EXISTING ELEVATIONS (N-S)
21 Dec 2020	AP(0)08	EXISTING ELEVATIONS (E-W)

21 Dec 2020	AP(0)09	EXISTING SECTIONS
21 Dec 2020	AP(0)14	PROPOSED ROOF PLAN_REVA
21 Dec 2020	AP(0)17	PROPOSED ELEVATIONS (N-S)_REVA
21 Dec 2020	AP(0)18	PROPOSED ELEVATIONS (E-W)_REVA
21 Dec 2020	AP(0)19	PROPOSED SECTIONS_OPTION2
21 Dec 2020	AP(0)20	PROPOSED ELEVATIONS (CONTEXT)_REVA
21 Dec 2020	AP(0)30	PROPOSED VISUALISATION
21 Dec 2020	AP(0)31	PROPOSED VISUALISATION
21 Dec 2020	AP(2)10	PROPOSED GROUND FLOOR PLAN_OPTION2
21 Dec 2020	AP(2)11	PROPOSED FIRST FLOOR PLAN_OPTION2
21 Dec 2020	AP(2)12	PROPOSED SECOND FLOOR PLAN_OPTION2
21 Dec 2020	AP(2)13	PROPOSED THIRD FLOOR PLAN_OPTION2
21 Dec 2020	AP(0)01	SITE LOCATION PLAN

Permit/Consent Decision Making Statement

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

Community Infrastructure Levy

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Item No:	05
Application No:	20/04390/FUL
Site Location:	Crewcroft Barn, Hinton Hill, Hinton Charterhouse, Bath
Ward: Bathavon South	Parish: Hinton Charterhouse LB Grade: N/A
Application Type:	Full Application
Proposal:	Conversion of stone barn and replacement of existing timber clad extension at Crewcroft Barn to provide a (straw bale) Passivhaus standard dwelling (Resubmission).
Constraints:	Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,
Applicant:	Mr William Drewett
Expiry Date:	29th January 2021
Case Officer:	Chloe Buckingham

DECISION REFUSE

1 The proposed scheme constitutes inappropriate development in the Green Belt; the extension to the original (stone-built) barn represents a disproportionate volume increase and amounts to a major extension of the building. The application site is in a prominent hillside location; the scheme will be harmful to and will significantly undermine the openness of the Green Belt (and the purposes of including land within it) by virtue of its substantial extension, change in character from agricultural to domestic, introduction of domestic paraphernalia and car parking. No 'very special circumstances' are present. The proposal is contrary to Policy CP8 of the adopted Core Strategy and policies RE6, GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

2 The proposed dwelling represents an over-development of the existing building. The proposed design is not of a high quality and would not be in-keeping with the rural character nor the visual amenities of the Green Belt and Area of Outstanding Natural Beauty. The proposed scheme, by virtue of its poor design, will be harmful to the significance of this non-designated heritage asset. Accordingly the proposal is contrary to policies RE6, D2, D5, NE2, HE1 and GB1 of the Bath and North East Somerset Placemaking Plan (2017).

PLANS LIST:

This decision relates to plan references;

8QT-01 REV E received 4th February 2021.

8QT - 10, 8QT - 09A and 8QT - 11 received 8th January 2021.

8QT-03 F, 8QT-04 A, 8QT-05, 8QT-06, 8QT-07B and WHL-1053-01 D received 19th November 2020.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Community Infrastructure Levy

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

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	5th May 2021
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.

- [2] Department work sheets relating to each application/proposal as above.

- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)

 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal

- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

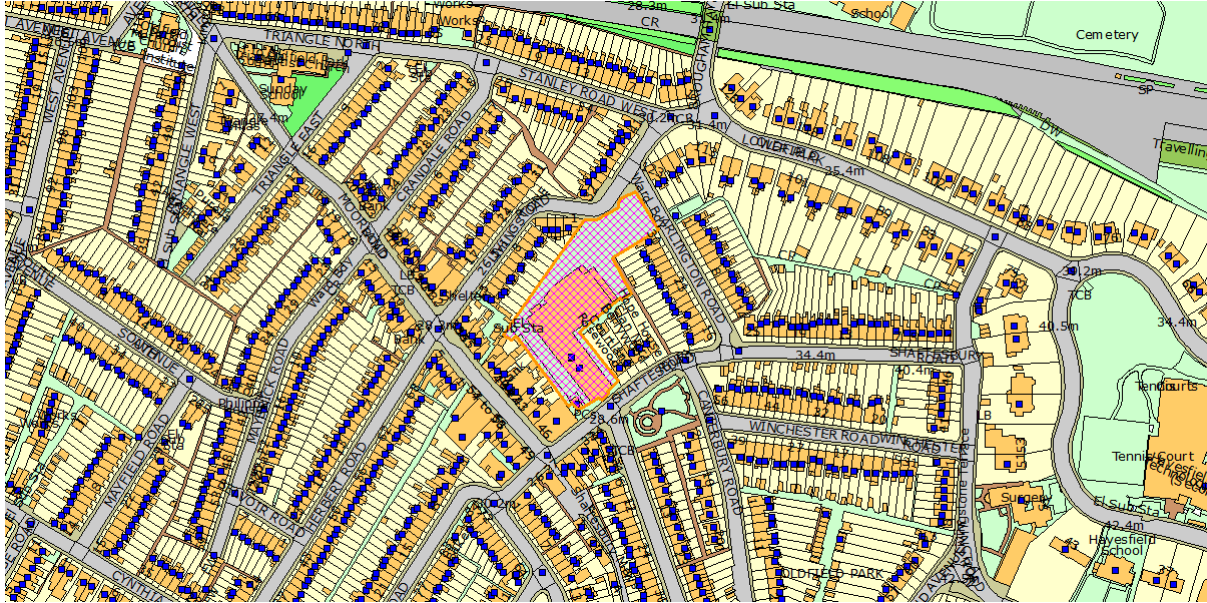
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	20/00552/FUL 12 February 2021	Rengen (Scala) Ltd The Scala, Shaftesbury Road, Oldfield Park, Bath, BA2 3LH Mixed Use Redevelopment of The Scala site including the demolition of existing extensions and new extensions to improve retail store at ground floor level, provide a new dance centre space (Use Class E) and residential accommodation at first floor (including affordable apartments). Erection of student accommodation including 92no. student bedrooms and associated ancillary space. Erection of residential accommodation (16 no. total residential units). Parking for cars and cycles and associated landscaping	Westmoreland	Tessa Hampden	PERMIT
02	21/00738/FUL 19 April 2021	Mrs Sue Craig 21 Victoria Buildings, Westmoreland, Bath, Bath And North East Somerset, BA2 3EH Reinstatement of metal boundary fences.	Westmoreland	Emily Smithers	PERMIT
03	21/00739/LBA 5 May 2021	Miss Sue Craig 21 Victoria Buildings, Westmoreland, Bath, Bath And North East Somerset, BA2 3EH External alterations to reinstate metal boundary fences.	Westmoreland	Emily Smithers	CONSENT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 20/00552/FUL
Site Location: The Scala Shaftesbury Road Oldfield Park Bath BA2 3LH



Ward: Westmoreland **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Colin Blackburn Councillor June Player

Application Type: Full Application

Proposal: Mixed Use Redevelopment of The Scala site including the demolition of existing extensions and new extensions to improve retail store at ground floor level, provide a new dance centre space (Use Class E) and residential accommodation at first floor (including affordable apartments). Erection of student accommodation including 92no. student bedrooms and associated ancillary space. Erection of residential accommodation (16 no. total residential units). Parking for cars and cycles and associated landscaping

Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Indicative Extent, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

Applicant: Rengen (Scala) Ltd

Expiry Date: 12th February 2021

Case Officer: Tessa Hampden

To view the case click on the link [here](#).

REPORT
REASON FOR REPORTING TO COMMITTEE

This application was called to committee by Cllr Player, the reasons for this are set out within the representation section of this report.

The Chair of the Committee, Cllr McCabe concluded that although the applicant has made a number of changes to meet the requirements of officers, the size, scale and location of this development has raised considerable concerns amongst the local community; for these reasons this application should be resolved in the public domain.

The Vice Chair, Cllr Davis agreed, advising that the application has been modified as it has progressed through the planning process to address issues raised and although some concerns have been resolved it remains controversial therefore, it is recommended that the application be determined by the planning committee allowing the outstanding concerns to be debated in the public arena.

SITE DESCRIPTION AND PROPOSAL

The site is situated within the Oldfield Park area of Bath and the site is designated as part of the Moorland Road district centre. The main part of the site, the Scala building, fronts on to Shaftesbury Road and is considered as a non-designated heritage asset because of its local historic significance. The building has been extended over the years and there are large buildings and a carpark to the rear of the site which has a frontage to Arlington Road and Livingstone Road. The site is within Flood Zone 1.

The application seeks planning permission for a mixed use redevelopment of the Scala site including the demolition of existing extensions and the erection of new extensions to improve the retail store at ground floor level; the provision of a new dance centre space (Use Class E) and residential accommodation at first floor; the erection of student accommodation including 92no. student bedrooms and associated ancillary space and; the erection of residential accommodation (16 no. total residential units). Parking for cars and cycles as well as associated landscaping is also proposed.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development Officer - No objection subject to conditions

Archaeology - No objection subject to conditions

Parks and Open Space - No objection subject to s106 contribution for improved off site provision.

Landscape - Not acceptable in current form/scope for revision (no comments received on revised plans). It would be unlikely to have a significant adverse landscape or visual impact on its wider setting or the Outstanding Universal Value of the World Heritage Site., but there are likely to be impacts from more immediate views. The proposals would appear to compound historical problems of vehicular and pedestrian access. The proposals are dominated by vehicular access and parking.

Conservation - No objection to the Scala extension, raises some concerns with the details of the Mews block, and the overall monolithic nature of the Courtyard Block

Ecology - No objection subject to conditions

Environmental Protection - No objection subject to conditions

Drainage - No objection subject to conditions

Housing - Following further discussion, no objections subject to negotiations at s106 stage.

Arboricultural Officer - Not acceptable in current form due to the lack of tree planting

Contaminated Land - No objection subject to conditions

Cllr Player - Objection. The reasons can be summarised as follows:

- Impact upon the housing mix and over supply of student accommodation in Oldfield Park;
- Loss of community facility;
- Impact upon local occupiers, in particular those on Shaftesbury Road and Arlington Road. The scale of the block and proximity of the block will result in overlooking, loss of light and overbearing impact. Concern raised with the submitted daylight/sun light assessment;
- Highway safety issues - particularly due to the shared access for pedestrians and for the parking area to the rear of Shaftesbury Road;
- Zero parking for students unrealistic;
- Due to its size and height and poor design this PBSA will be visible far beyond the surrounding streets in a detrimental manner and so will not be enhancing the locality;
- Mews is not considerate and responsive to its immediate context;
- Development does not provide clear navigable pedestrian access through the site;
- Flood risk issues

Cllr Shaun Stephenson-McGall - Objection. The comments can be summarised as follows:

There are aspects of this application which are to be welcomed:

1. The retention of the Co-op store, admittedly much smaller than present but in line with their business model;
2. The inclusion of housing for long term residents with an aspect of affordable provision;
3. The retention of community space, admittedly much smaller than present;

Areas of concern:

1. This area of Oldfield Park are saturated in HMOs, so building further PBSA is contrary to policy CP10;
2. Any proposed restrictions on parking for the student tenants are not enforceable;
3. Core Strategy & Placemaking Plan polices D2, D3, D5 & D6 on design, massing and materials are not adhered to;
4. There will be additional pressure on already overloaded infrastructure (such as bus services and parking) and are thus not sustainable in this context;

5. The proposed blocks are too high and exceed the Bath Building Heights Strategy guidelines for the hill slopes zone. This has impact on the WHS sitting and the views across the city;

Bath Preservation Trust - Object - the comments can be summarised as follows:

- BPT remains supportive of the principle of development, and the proposed mix of uses across the site;
- The development will offer improved permeability of the site;
- Supportive of the proposed removal of the 1960s extension to the original Scala building and are pleased to see that revisions have resulted in a more sympathetic built interaction with the historic envelope of the Scala, and the vaulted roof will be retained in its current form;
- Objects to the loss of existing community space;
- Maintain concerns regarding the ambiguity of PBSA provision on site;
- BTP concerns with the central courtyard building, with regards to its height which appears 4 storeys. The visibility of the scheme has been highlighted particularly from Shaftesbury to the east, and the proposed courtyard aspect of the proposal would loom above the otherwise predominantly low-profile, terraced form of the townscape setting of the conservation area;
- The reduction of C3 accommodation across the site from is better aligned with the proposed allocation of 14 parking spaces for residential use;
- The student accommodation continues to be excluded from parking provisions, and we note that high numbers of students can result in increasing pressures on on-street parking. A s106 agreement may be necessary;
- The integration of several more trees and a green verge is welcome, and we continue to emphasise the positive opportunity this development offers for the further breaking up of a large, detrimental area of hard standing, and the integration of green space with beneficial amenity to future occupiers;

Bath Heritage Watchdog - Objection

- Generally unsupportive of the works to the Scala but concerns with metal cladding;
- Concerns that the flats will be turned into student housing;
- Object to the height, design and siting of the Mews Block;
- Concerns with impact upon driver visibility from the Mews Block;
- Object to the Courtyard block due to it being overscaled, being far too tall and a monolithic block. The materials are not typical of the city;
- No need for the PBSA;
- Associated parking issues;

157 objection comments have been received. These can be summarised below:

- Objection to PBSA - lack of need and this will not reduce HMOs;
- Inadequate parking and associated highway safety issues;
- Loss of current parking space;
- Parking restrictions are not realistic;
- Objections to the reduction in the community space;
- Overdevelopment of the site;
- Impact upon Moorland Road due to smaller store and loss of parking;

- Loss of retail space for those that need a bigger store;
- Pressure on infrastructure;
- Lack of attention to environmental issues;
- Noise issues;
- Insufficient affordable housing;
- Design not in keeping with the surrounding context. Associated concerns with regards to siting, scale and design;
- Scale of courtyard building excessive;
- Social imbalance with more students in the area;
- Lack of green space;
- Refuse and waste concerns;
- Air quality;
- Impact upon neighbouring amenity - including the loss of light/sun to the gardens and windows, the overbearing impact and impact upon outlook, and general noise and disturbance.
- Lack of information in the Daylight/sunlight survey

33 general comments. Some of these referenced points raised above but in addition can be summarised below

- Supportive of the increased size of the community space within the revised plans;
- Supportive of the flexibility of the space;
- Requests that consideration is given to the compatibility of the community and residential use;

8 support comments

- Opportunity for regeneration and the general community in Oldfield Park;
- Redeveloping an underused site in a sustainable environment;
- Provision of jobs, entertainment and retail opportunities;
- Retention of the community facility;
- The current store needs modernising;

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan

RELEVANT CORE STRATEGY POLICIES

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- SD1 Presumption in favour of sustainable development
- DW1 District Wide Spatial Strategy

- B1 Bath Spatial Strategy
- B4 Bath World Heritage Site
- CP2 Sustainable Construction
- CP3 Renewable Energy
- CP4 District Heating
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure
- CP9 Affordable Housing
- CP10 Housing Mix
- CP12 Centres and Retailing
- CP13 Infrastructure Provision

RELEVANT PLACEMAKING PLAN POLICIES

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- SCR1 On-site Renewable Energy Requirement
- SCR2 Roof-mounted/Building-integrated Scale Solar PV
- SCR5 Water Efficiency
- SU1 Sustainable Drainage
- D1 General Urban Design Principles
- D2 Local Character and Distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D5 Building Design
- D6 Amenity
- D8 Lighting
- D9 Advertisements and & Outdoor Street Furniture
- D10 Public Realm
- HE1 Historic Environment
- NE2 Conserving and Enhancing the Landscape and Landscape Character
- NE2ALandscape Setting of Settlements
- NE3 Sites, Species and Habitats
- NE6 Trees and Woodland Conservation
- NE1 Development and Green Infrastructure
- PCS1 Pollution and Nuisance
- PCS2 Noise and Vibration
- PCS3 Air Quality
- PCS5 Contamination
- PSC7AFoul Sewage Infrastructure
- H7 Housing Accessibility
- LCR1 Safeguarding Local Community Facilities
- LCR2 New or Replacement Community Facilities
- LCR5 Safeguarding Existing Sport and Recreational Facilities
- LCR6 New and Replacement Sports and Recreational Facilities
- LCR7BBroadband
- LCR9 Increasing the Provision of Local Food Growing

CR1 Sequential Test
CR2 Impact Assessments
ST1 Promoting Sustainable Travel
ST7 Transport Requirements for Managing Development
BD1 Bath Design Policy
SB14 Twerton Park

SUPPLEMENTARY PLANNING DOCUMENTS & OTHER GUIDANCE

The following supplementary planning documents (SPDs) and other guidance are relevant to this application:

- o Bath City-Wide Character Appraisal SPD
- o Bath Western Riverside SPD
- o City of Bath World Heritage Site Setting SPD
- o Sustainable Construction Checklist SPD
- o Planning Obligations SPD
- o Draft Twerton, Character Appraisal, Bath Conservation Area
- o Bath Building Heights Strategy

NATIONAL POLICY

National Planning Policy Framework (February 2019), National Planning Practice Guidance and the National Design Guide (October 2019) can be awarded significant weight.

CLIMATE EMERGENCY

The Council declared a climate emergency in March 2019 and this is considered to be a material consideration in the determination of this application.

LEGISLATION

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

There is also a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding conservation area.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the

policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

Principle of development

The development comprises a mixed use development that has been led by the need to remodel the existing Co Op Store to reflect the current operational requirements of the Co-op group. The submission explains that the secondary elements of the proposal (i.e. student and residential development) are enabling developments to make this feasible. The proposals also include a replacement community dance centre above the retail store.

Retail

The site is located within Moorland Road District Centre. Policy CP12 of the Core Strategy states that designated centres will be maintained and enhanced; that retail development will be primarily located within centres; that uses which contribute to the vitality, viability and diversity of centres will be encouraged; and that retail development within centres will be permitted where it is of a scale and type consistent with the existing retail function and character of the centre and well-integrated into the existing pattern of the centre. The scheme proposes the redevelopment of an existing retail use.

The proposed development has been driven by Co-Op's requirements to adapt the existing store to meet modern retail and consumer requirements. The submission explains that as presently configured, the retail unit is too large for the Co-Op requirements and it does not meet the demands of modern convenience shoppers in this location.

Placemaking Plan Policy CR3 explains that the development should not result in a loss of retail floorspace of a scale harmful to the shopping function of the centre. As the proposal would result in the loss of retail floorspace, consideration must be had as to whether the development would have an unacceptable impact on the vitality, viability and diversity of the centre.

The Co-op is considered to be the anchor store of Moorland Road. Its presence therefore is considered to play a vital role in maintaining the vitality and viability of the District Centre in which it is located. This appears to be through both the size of the store and products sold all of which complements the facilities on Moorland Road.

Co-op's reasoning for reducing the floor space is that they are developing the store to tailor the needs to their customer base. Changes to be made include the use of self-scan tills, which take up less space than belted checkouts and they plan to reduce product duplication. The store currently contains an area of disused space which was previously used by a clothing retailer and is too large a space for this type of food retailer to use. Overall, the proposed floor space has been reduced to echo what the store requires to serve the types of convenience shoppers in this location. Shopping habits have changed in these urban locations, where customers now have smaller basket sizes and make more frequent visits. The proposed reduction in floor space reflects these updated habits.

Based on the above, it is considered that the store can continue to play the anchor role and will not result in any significant consequences on how the District Centre functions and as a result the vitality and viability of the wider District Centre.

Residential units (C3)

The site is within the built up area of Bath in a sustainable location close to local services and public transport provisions. The provision of residential units (C3) on this site can be supported subject to compliance with the relevant policies of the Development Plan.

Core Strategy Policy CP10 explains that new housing development should contribute to providing choice in tenure and housing type, having regard to the existing mix of dwellings in the locality and the character and accessibility of the location. The provision of one-bedroom and two bedroom accommodation within this area of Oldfield Park, which is predominated by terraced family housing or House of Multiple Occupancies, will contribute positively to the local housing mix.

Student accommodation

As the site lies outside the Central Area and Enterprise Area, Core Strategy Policy B5 relating to purpose built student accommodation will not apply. The preamble to Policy B5 states that new student accommodation blocks should be limited to windfall sites that are not identified for other uses in the Housing and Economic Land Availability Assessments (HELAA) or allocated in the Place Making Plan. The provision of additional student housing at this windfall site is considered to be supported in principle. The layout as clusters is supported, as this provides more affordable student housing than studio accommodation.

It is recognised that the provision of purpose-built student accommodation (PBSA) was given significant weight at a recent appeal at the Plumb Centre, Locksbrook Road in Bath. The Inspector advised that making significant inroads into reducing the dominance of the private rented sector in meeting the demand for student accommodation in Bath would be likely to result in a substantial future demand for PBSA. He confirmed that the likely demand for dedicated student accommodation was a consideration that weighed heavily in favour of that appeal scheme.

Given the above there is no objection in principle to student accommodation on the site.

Community use

The first floor of the existing Scala Building accommodates a dance studio. This space is therefore viewed as a community facility and the importance of this is recognised within many of the third party comments received. Placemaking Plan Policy LCR1 explains that development involving the loss of a site used, or last used for community facilities will only be permitted in certain circumstances. The NPPF also echoes this policy highlighting the need to guard against unnecessary loss of valued facilities and services particular where this would reduce the community's ability to meet its day to day needs.

The submission sets out that there are several other community use sites within approximately 500 metres of the site which allows the community to meet their day to day

needs. However, little information has been provided as to whether these have capacity to meet the full needs of the community.

The proposed scheme does however retain a community use and this is welcomed. During the application process, the space has been increased in size. Whilst there is still a reduction in footprint, this does not necessarily result in the community being disadvantaged.

The space proposed appears flexible for a number of community uses and can be accessed independently of the other parts of the building. The overall value of the site will not be lost and can be argued to be more fit for purpose, containing fitting rooms, showers and overall a high quality flexible space. It is noted that the space is located adjacent to residential units and this will need to be constructed with measures to ensure that these uses are compatible with one another. This matter is dealt within the submitted noise assessment and the mitigation measures can be secured via condition.

The development is considered to therefore be compliant with Policy LCR1.

Overall, the principle of development is supported. In order to safeguard that the retail element and community use gets delivered as expected by the Local Planning Authority, any planning permission should be accompanied by a legal agreement that contains an obligation to secure a phasing plan to ensure that the retail element is fitted out to at least shell and core, and the community use provided, prior to the occupation of any of the residential/student units.

During the construction period, it is proposed to provide a temporary store on site to ensure that the Co Op can remain fully functional and be delivered as the first phase of development. This temporary store is the subject to a separate planning application.

Character and Appearance/Design matters

Placemaking Plan (PMP) Policy CP12 specifically supports higher density forms of residential development within designated centres (subject to design considerations). Paragraph 118 of the NPPF advises that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

While the proposed development lies within the boundary of the Bath World Heritage Site it is not within the Bath Conservation Area and none of the buildings on or surrounding the site are listed. The City of Bath Conservation however lies relatively close to the site.

The development provides the opportunity to redevelop a site which to the rear is dominated by a large car park and wire mesh fencing. Although to the rear, this part of the site benefits from two street frontages; Arlington Road and Livingstone Road.

The proposed layout is considered to be an appropriate response to the site's existing form and context. The redevelopment of the site will result in improved permeability of the site and safe pedestrian access from Shaftesbury Road, Livingstone Road, and Arlington Road. This has been the benefit of integrating the development with the surrounding streets.

During the application process a series of changes have been made to respond to officer and third party comments and the Design and Access Statement and the Landscape and Visual Assessment (LVIA) have been updated accordingly. The LVIA and visually verified montages demonstrate that the visual impact of the proposed development on middle distant views from the higher ground to the north and south is unlikely to be significant. The impact of the development will be primarily therefore from the adjacent local streets.

The development comprises three main elements, and these will be looked at in in turn.

The Scala Building

Formerly a cinema, the building known as the Scala sits in the heart of Oldfield Park, in close association with other local facilities such as the shops. Built in 1919, it started out as a combined cinema and music hall. The conscious use of a classical design for the entrance elevation gives the building a grand eye catching quality compared to the surrounding buildings as you would expect from an entertainment venue.

It is officers' view that the Scala is a non-designated heritage asset; any redevelopment scheme must therefore engage with paragraph 197 of the National Planning Policy Framework which states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. The significance stems from both the principal elevation and the former auditorium behind the frontage. When viewed from various points the front elevation and the flank walls share an intimate physical and functional connection.

Whilst the 1960s extensions to the rear of the site have no significance and are of no architectural merit, it does leave the form and design of the original Scala intact and legible. The 1960s extension will be removed to facilitate its redevelopment and this can be supported.

During the application process, the extension to the Scala building has been significantly reduced in height to ensure that the extension is subservient in scale to the heritage asset. This allows the original part of the building retained to be read as the primary building form, with the extension being sub-servant in height and mass to the heritage asset. The triple roof running in the opposite direction to the cinema roof is considered to be a neat solution to resolving the relationship between the old and new for this site. Overall the interventions into the historic fabric have been minimised to avoid harm to the character and appearance of the non-designate heritage asset.

The standing seam metal cladding that was originally proposed has been replaced with rubble stone materials to match the flank walls of the existing building. This is considered to be a more successful approach. There is no objection in principle to the use of some small areas of cladding as a secondary material. The final details of the materials can be secured via condition on any permission.

Overall, the proposed extension is considered to be a successful addition to the non-designated heritage asset.

The Mews

A new terrace of buildings will be erected in the existing car park area at the Corner of Livingstone Road and Arlington Road. This will contain a total of 10 flats and will provide a street frontage within the site as well as an active frontage to Livingstone Road. This provides the opportunity to fix a broken part of the streetscape replacing a large area of car parking, with a building that responds well to the public realm. The overall scale of the building has been reduced during the application negotiations and is now two storeys plus the roof storey. The dormers within the roof have been reduced in size which whilst allowing 2 flats to be accommodated in the roof space, are more traditional in scale. The roof which is an asymmetrical double pitch is sympathetic to context.

The building will contain 10 flats and the design has been revised so that externally, the fenestration, detailing, such as chimneys, and the overall rhythm better reflects the design of traditional terraced housing. Overall the design, which is broadly a contemporary interpretation of the local terraces is considered to be acceptable.

The materials on this facade have been amended from brick to ashlar stone which is considered the most appropriate response for this corner location, aiding in integrating the development within the existing streetscape

The concerns that this building may conceal some views to the green hillside beyond are noted. However, this needs to be balanced against the benefits of the removal of this large car park area. Overall, the siting, scale and appearance of the Mews Building is considered to be acceptable.

The Courtyard Building

The Courtyard building will be in similar location to the existing 1960s extension but will not be attached to the Scala building. Whilst the new building will be of a greater overall height than the existing extension, the building, including the roof will be articulated in a way to break up the overall massing of the built form.

The overall height of the building has been reduced with the building now dropping in height towards the southern boundary with a storey having been removed at that level. Whilst this results in an element of a flat roof, the overall dominant roof on this building is a pitched roof which responds to local context. The northern elevation which faces into the site has also been reduced in height and is now 3 storeys plus a roof storey. In order to allow accommodation in the roof, dormers have been included, but these are considered to be of an acceptable design which reflects those in the surrounding area.

The courtyard building will be contained within the site and will not have a frontage onto the existing streets. This will help reduce the impact of the increased roof height when viewed against the existing built form. However, as a taller building it will be visible from transitory views from adjacent streets. Nevertheless, this does not necessarily result in overall harm, and the overall improvement in built form needs to be balanced against the increase in height. As referenced above, the roof form takes cues from the surrounding area and is designed to break up the overall massing of the building. Design features, including the use of materials has also been used to place a horizontal emphasis on the building and break up the perceived height and mass.

The submission explains that this building design is kept simple and efficient. A regular, repetitive façade of openings provides near symmetry to the street that runs through the site. A central open courtyard forms the centre of this block, enhanced with planting to provide an exterior amenity space. The northern elevation will create an active frontage facing the new internal street and provide a positive response to the public realm. The main entrance will be to the east of the building, creating a meeting point and activity within the site. The overall design approach is considered to be acceptable.

Brick has been chosen as the primary material for this building, combined with areas of Bath Stone. The buff brick, which will be the dominant material on the external elevations, has a similar tone and weathering texture as stone. It is accepted that brick maintains the masonry and monolithic nature of the surrounding areas and can be a high quality material. Given the context of the building within the site, and the contemporary nature of the building, the use of brick is considered to be acceptable. It is considered necessary to secure the final details of the brick, including a sample panel, via a condition on any permission.

Any harm resulting from the height of this building, and its visibility from outside of the site, must be balanced against the improvements in appearance of the replacement building, and the redevelopment of the site overall. As noted above, the articulation in the roof, and the fact that the building drops in height towards the southern boundary, reduces the overall impact. When viewed with the scheme as a whole, the Courtyard development is considered to be acceptable.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Whilst the site is outside of the Conservation Area, it is close enough for development to impact on the setting. In this instance detailed attention has been given to this duty, and when looking at the scheme overall, there is not considered to be any harm to the setting of the Conservation Area.

Soft and hard landscaping/Arboricultural

The Council's Landscape/Arboricultural officer advised that the original plans did not include sufficient tree planting within the site and the spaces between these buildings would be mainly given over to hard surfaced pedestrian and vehicular access and parking areas. The applicant has responded to this and further soft landscaping/tree planting is now included. Policy NE6 states that development will only be permitted where it includes the appropriate new planting of trees. Given the existing context of the site where the site is dominated by hardstanding, the overall landscape strategy is considered to be acceptable and an improvement on the current situation. Additional planting is now proposed in the main street through the site which aids in breaking up the parking area, as well as within the new small public community garden, in the front garden for the Mews and the internal garden for the Courtyard.

Overall, whilst it is noted that there are still large areas of hardstanding within the site, this is necessary to meet the needs of the development, particularly the need for Co- Op

delivery vehicles to access the site. The proposed landscape strategy is considered to be acceptable.

Archaeological implications

The Heritage Assessment states that the Scala cinema will now be retained as part of the development proposal. It also states that given the presence of several possible courses of the Fosse Way (HER 60139, 60140 & 60141) there is a low to medium potential for the presence Roman activity within the application area. It also suggests that there is a medium to high for potential for the presence of Post Medieval activity. However, the extent of damage resulting from construction groundwork in the late 19th/20th century upon any subsurface remains is currently unknown. Likewise, as stated in the assessment, any assessment of significance can only be based upon 'the identified archaeological potential and must be considered only provisional'.

Given the current use of the application area, the limited area currently available for investigation combined with the impacts of intrusive investigations, we accept that further field evaluation and mitigation will need to be carried out as a condition of the application.

Highway safety

The site is located within close proximity of a number of key bus routes, and the Oldfield Park rail station is also a short walking distance from the site.

Parking provision

Whilst the existing car park is currently used by multiple users, this is private and could be closed by the operator at any time. The applicant is only responsible for providing off-street, car parking for the proposed commercial unit and that the adopted car parking standards for this use are a 'maximum'. Based upon the adopted car parking standards, the commercial unit requires a 'maximum' of 37 spaces with the applicant proposing to provide 30. Without a 'minimum' requirement, officers consider that the proposed 30 off-street, spaces are adequate, given the accessible nature of the application site.

The proposed residential dwellings require the minimum provision of 20 off-street, car parking spaces, including visitor parking. Applying the 25% discount permitted by the submitted 'Accessibility Assessment' reduces this number to 15, compared to the 14 proposed by the applicant. On balance, officers would struggle to sustain an objection on highway grounds with regards to a shortfall of just one space. There is no evidence that the shortfall of one space would have an unacceptable impact on highway safety. On balance, officers accept the proposed number of 14 spaces. In order to aid in mitigating the reduced number, subject to agreement from the operators of the scheme, the agent has committed to the provision of a car club space or provision or other measures such as electric scooters.

Overall 3 of the proposed spaces will be provided with electric vehicle charging point (EVCP) and 6 spaces will be provided with passive provision, which is welcomed. However, only one residential space will be provided by EVCP and that the remainder of these spaces should be provided with passive provision. This can be secured via a condition on any permission.

The proposed development identifies that no parking would be provided for the student accommodation element of the scheme which accords with policy. A zero-parking policy would be applied to the scheme and that this would be enforced by a Parking Management Plan. This would be enforced in the leases of the occupiers of the development and would prevent students from bringing a car within 1km of the site. Measures to manage this will need to be clearly identified in a Student Management Plan which will be secured via condition. This approach is similar to many other approved Purpose-Built Student schemes within the City.

The scheme proposes to provide a total number of 116 cycle spaces, which is acceptable as it exceeds the authority's minimum requirement of 95.

Access and general layout

The existing vehicular access arrangements will remain as at present i.e. Shaftesbury Road entrance only with HGVs prohibited and Arlington Road entrance for service traffic only and egress for all traffic. The private refuse contractor is also expected to access and egress the site via Arlington Road. Pedestrian access locations will also remain as at present with the Livingstone Road access enhanced.

The swept path plans that a 10-metre long rigid vehicle can drive into the site from Arlington Road and manoeuvre within the car park before reversing into the loading bay. The service area would result in large service vehicles reversing and manoeuvring in close proximity to the student accommodation reception area. The scheme proposes a 'segregated' 'loading area', surrounded by bollards which will both deter entry for pedestrians. It is acknowledged that a 10-metre long rigid vehicle can manoeuvre within the car park before reversing into the 'loading bay'. Officers would expect any such manoeuvring, which may require the vehicle to enter the footway to be undertaken under the supervision of a banksman. The use of the Loading Bay by students at the start and end of term will be included in the Student Management Plan, which is acceptable.

The swept path plan demonstrate that a 10-metre long rigid vehicle can turn left when exiting the site onto Arlington Road in a forward gear. this will require a Traffic Regulation Order to return Arlington Road, between the vehicular access and Livingstone Road, to two-way, together with all implementation costs. The applicant will be expected to meet the cost of, together with any associated implementation costs in terms of carriageway markings and highway signage.

The scheme has been revised to ensure that the pedestrian accesses are designed appropriately, and routes are of a sufficient width and are demarked appropriately on site. Following these revisions, the site is considered to provide safe routes though the site for pedestrians and cyclist.

The current vehicular access to the rear of five properties on Shaftesbury Road, immediately to the east of the site, will be retained,. The access will also accommodate pedestrian and cycle access to the application site. This currently provides pedestrian access to the side of the retail store. Given the relatively small amount of vehicular movements in this location, this is not considered to raise significant concerns. However,

additional markings on the access road (virtual footways etc) would be beneficial. This can be secured via a condition.

Parks and Open Space

The 2015 Oldfield and Westmoreland wards have deficits in the provision of Parks and Recreation Ground and Children/Youth Play Space. Existing greenspace in the vicinity of the development will therefore not be able to effectively absorb the increased demand from this development for these typologies. In the absence of new greenspace there will be an impact on existing facilities. These impacts could potentially be provided for with a S106 payment to a local greenspace improvement project to make the development acceptable in planning terms and comply with policy LCR6.

Formal allotments are located nearby at Monksdale Road, and there is capacity at this site to accommodate increased demand. The cost of providing green space have been calculated in accordance with the Green Space Strategy 2015.

There are a number of greenspaces in the vicinity of the development where a S106 funded project can be utilised, estimated project costs have been provided. There is a need to improve the Memorial Park opposite the Scala entrance (£10K), the development is also fortunate to be located near the Linear Park Green Infrastructure corridor (£25K), this park links Bloomfield Green (£50K), Sandpits Open Space (£70K) and Brickfields Rec (£70K).

The Parks & Green Spaces Department has no objection to this application subject to a S106 agreement securing a payment of £169,184 for greenspace enhancement projects in the local area to make the development compliant with policy LCR6 and the Planning Obligations SPD.

Contaminated land

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. Taking account of the previously developed nature of the site and the potentially contaminative historical use of the Brick and Tile Works site with potential infilling, if planning permission is granted, conditions should be included to ensure further contaminated land investigation and potentially remediation works are undertaken.

Ecological implications

Surveys have been completed to best practice standards and are sufficient to inform the application. No evidence of roosting bats was found, although there is potential for bats to colonise the building before works proceed. Evidence and potential for nesting birds including Herring Gull to be present in the building was recorded.

The recommendations provided in Section 6 of the Ecology Report are generally supported. These include seasonal timing and pre-works inspection by an ecologist. Avoidance and mitigation measures will need to be secured by condition. Native planting and a total of two swift nest boxes, two house sparrow terraces and four integrated bat

boxes are recommended. For a scheme of this scale, a higher number of bird boxes would be expected. Details of ecological enhancement measures will need to be secured by condition to provide no net loss and net gain of biodiversity.

The site is unlikely to be used by light sensitive bat species and will not impact on any nearby habitats which may be used by these species. Therefore, a sensitive external lighting design is not required for ecological reasons.

Subject to the above, the scheme is considered to be ecologically acceptable.

Residential amenity

PMP policy D6 requires that development must allow for appropriate levels of amenity and allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light. Further it should not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbances.

Careful consideration has been given to the third-party representations. A number of occupiers of the nearest residential properties have concerns in relation to how the development will impact upon their amenity, through matters including loss of light, outlook, privacy and increase noise and disturbance.

Whilst the development will clearly change how nearby occupiers experience the site, an assessment needs to be made as to whether the siting of the development in this location, as well as the development overall, will result in unacceptable harm.

To avoid overlooking issues for the properties on Shaftesbury Road and Arlington Road, the student rooms at first and second floor would be provided with a faceted facade with angled windows facing towards the Scala and Mews buildings respectively. Moreover, the separation distances between the buildings are such that any overlooking wouldn't result in a significant loss of privacy for those nearby occupiers. The distance between the rear of Shaftesbury Road and the new Courtyard Building is at least 25 metres.

The proposed Mews block would be opposite the terrace on the northern section of Livingstone Road. Any overlooking would be across a street which is a traditional arrangement and is not considered to result in any significant loss of privacy for these occupiers.

The submission includes a detailed Daylight and Sunlight Amenity Assessment in support of the application which analysed the impact on 72 relevant neighbouring properties. This has been undertaken in accordance with the Building Research Establishment (BRE) Report 209 - 'Site layout planning for daylight and sunlight' - A Guide to Good Practice. It should be noted that the study is just one tool on which to base the judgement of the acceptability of the development, and officers have the benefit of site visits and detailed plans. It is also relevant that this study was undertaken prior to the revisions to the scheme, and as noted above, the overall scale of the development has been reduced which should aid in alleviating some of the identified impacts.

The aforementioned study identified a moderate impact on Courtland and Clan Nor with the other properties on Shaftesbury achieving satisfactory results. For Courtland, only one window would be affected. The window where the harm would result would appear to be a window/utility room. The results for Clan Nor are similar with only one window shown to result in moderate harm. It is understood that this is a bathroom window.

Of the properties on Arlington Road only 27 and 28 Arlington Road are the only properties identified as being affected within the report. The impact on 27 Arlington Road is marginal, and moderate on 28 Arlington Road. It should be noted that this window is a secondary window.

As discussed above, whilst some moderate impact has been identified, the BRE guidance should be interpreted flexibly since natural lighting is only one of the main factors in site layout design. Given the above assessment, and the fact that any impact is primarily to bathrooms or secondary windows, and likely to be reduced through the reductions in the schemes massing, the overall impact upon daylight/sun light is considered to be acceptable.

Whilst it is noted that the outlook of those residents at the adjoining properties would change, it is not considered that the proposed buildings would dominate the outlook, or be significantly overbearing in this urban environment, to such an extent to unduly compromise the residential amenity of these occupiers. The impact on the outlook of the neighbours facing the Courtyard Building has been reduced through the amendments to the scheme.

The applicant has submitted an acoustic report which addresses most concerns relating to both internal and external aspects of the application in respect to noise. The report makes a number of recommendations and if implemented should address noise activities to both the external and internal aspects.

However, conditions to ensure that these aspects are addressed at the build and operational stage can be included on any permission. This will include a restriction on delivery times to ensure that the residential occupiers of the site have satisfactory living condition.

Whilst the use of the site will intensify, this is not considered to be to a level to result in undue noise and disturbance. A Student Management Plan can be secured via condition, and this will ensure that the Local Plan Authority has comfort that there are suitable measures in place to control the operation of this part of the development.

Therefore, whilst it is recognised that the development will change how the site is experienced by surrounding residents, this is not to a degree that would significantly harm their residential amenity through loss of light, increased noise, overlooking or any other disturbance. Further, the development is considered to result in satisfactory living conditions for the future occupants of the development.

Sustainable construction

The benchmark for demonstrating that energy efficiency has been "maximised" as required by PMP CP2 is a 19% reduction in regulated emissions compared to that

required by the Building Regulations. The development accords this policy with the submission confirming that the original plans achieve a 25.9% reduction. As this development is defined as a major development, 10% of this reduction must be from renewable sources. The submitted sustainable construction checklist confirms that this will be achieved with a 22.7 % reduction. A condition will be attached to any permission to ensure that the necessary reductions are achieved.

In order to achieve this, the development seeks to replace old inefficient buildings with new one which have modern construction and insulation methods and incorporates renewable energy measures. These methods/measures include:

- Air source heat pumps
- Photo voltaic panels are proposed for the residential uses
- High efficiency LED lighting
- High efficiency mechanical extract ventilation

Overall, the development is compliant with the aforementioned policies.

Other technical matters

Policy H.7 of the Placemaking Plan requires residential development to have enhanced accessibility standards and meet the optional technical standard 4(2) in the Building Regulations Approved Document. 19% of the market residential properties must meet this requirement to comply with policy H7. The submission confirms that the requisite number of units meets these standards and therefore the development satisfies this policy requirement.

Provision must be made on site for rainwater harvesting and local food growing in line with polices SCR5 and LCR9 of the Placemaking Plan. The scheme benefits from communal gardens area which will ensure that these policies can be complied with.

Drainage

The SuDS Strategy proposes using a crate system and flow control to manage the surface water of the development. This is acceptable, and the discharge rate to the surface water sewer and the attenuation volume are acceptable. The design will provide betterment over the existing conditions.

The drainage proposal makes mention of a flow control to achieve the desired attenuation and discharge rate. A condition on any permission can secure a detailed drawing of the proposed drainage network in the site and the point of connection to the existing drainage network. Further calculations are also required detailing the size of the flow control and showing that it will function as per the proposed discharge rates. This will also form part of the detailed drainage strategy secured via condition.

Planning Obligations

Affordable housing

Policy CP9 of the Core Strategy requires 30% affordable housing to be provided in this part of the city. 16 residential apartments are proposed which triggers the needs for 5 units to be provided as affordable housing. When considering tenure, the starting point would be 25% intermediate and 75% social rent. However, it is recognised that it can be difficult to achieve a Registered Provider to deliver social rent for a small unit number, particularly with flats.

The application has offered Discount Market Sales, but when considering intermediate, the Council's first preference would be Shared Ownership. This again is dependent upon the applicant securing a Registered Provider to deliver these units. The success of these negotiations with the Registered Provider may depend on which units in the site are offered as the affordable housing units. The final location and tenure will be agreed as part of a s106 agreement.

Parks and Green Spaces

A contribution of £169,184 for or towards the enhancement and maintenance of Public Open Space within the Westmoreland, Oldfield, Moorlands and Southdown wards.

Other obligations.

Obligations to secure off-site highway works together with funding of the required Traffic Regulation Order together with implementation costs will be required as set out above. Further, as identified in this report, the phasing of the development will need to be secured.

Planning balance/conclusions

The retention and modernisation of the anchor Co-op retail store will retain and improve the retail offer in Oldfield Park, and it will continue to positively contribute to the Moorland Road shopping area. It will also continue to provide employment for local people. These are significant economic benefits to the scheme. The redevelopment of the site will also comprise residential housing (including affordable) housing and student housing, both of which have economic and social benefits.

The development will result in the redevelopment of a brownfield site and this should be given substantial weight in the overall planning balance. The overall redevelopment will safeguard the non-designated heritage assets, which again has social and environmental benefits. When looking at the scheme as a whole, the overall scale, siting and design of the proposal has been deemed to be acceptable.

No significant harm has been found to the residential amenity of the neighbouring occupiers or to highway safety, and no other significant issues have arisen.

For the above reasons it is recommended that planning permission is granted subject to conditions and a s106 agreement securing the planning obligations as set out in this report.

RECOMMENDATION PERMIT

CONDITIONS

0 A Authorise the Director of Legal and Democratic Services to enter a Section 106 Agreement to secure the terms outlined

1. 30% of the residential development to be provided as affordable housing
2. A contribution of £169,184 for or towards the enhancement and maintenance of Public Open Space within the Westmoreland, Oldfield, Moorlands and Southdown wards.
- 3 Details of management company and operation of the site and open space
4. Obligations to secure off-site highway works together with funding of the required Traffic Regulation Order together with implementation costs.
- 5 The phasing of the development to ensure the delivery of the retail unit and community use in the first phase.
- 6 The provision of fire hydrants on the development where necessary and a financial contribution towards their maintenance for 5 years

B Subject to the prior completion of the above agreement authorise the Head of Planning to PERMIT subject to the following conditions:

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

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

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

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

3 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, car share, car club information etc., to encourage residents to try public transport.

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.

4 Parking (Compliance)

The areas allocated for parking and turning, as indicated on submitted plan reference 1743 AP(0)10 AL, shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

5 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 116 bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

6 Student Management Plan (Pre-occupation)

Prior to the opening of the development a Student Management Plan setting out the agreed arrangements for managing student drop off/collection procedures and location, at the start/end of semester/academic year shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Student Management Plan.

To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

7 Travel Plan (Pre-occupation)

No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Local Plan.

8 Construction Management Plan (Pre-commencement)

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because any initial construction or

demolition works could have a detrimental impact upon highways safety and/or residential amenity.

9 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme produced by a suitably experienced ecologist have been submitted to and approved in writing by the local planning authority. These details shall be consistent with Section 6 of Ecology Report (Ashgrove Ecology, 2020) and shall include:

- (i) Method statement for pre-construction and construction phases to provide full details of all necessary wildlife protection and mitigation measures, including, where applicable, proposed pre-commencement surveys and seasonal timing, for the avoidance of harm to wildlife including nesting birds and bats and proposed reporting of findings to the LPA prior to commencement of works; and
- (ii) Detailed proposals for wildlife mitigation and enhancement measures including wildlife-friendly and native planting; locations, specifications and numbers of bat and bird boxes; and connectivity measures in boundary features to allow movement of wildlife including hedgehog.

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

Reason: To prevent ecological harm in accordance with the Wildlife and Countryside Act 1981 (as amended) and to provide biodiversity gain in accordance with policies NE3 and D5e of the Bath and North East Somerset Placemaking Plan.

NB 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.

10 Implementation Wildlife Protection and Enhancement Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, 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.

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

11 Site Specific Construction Environmental Management Plan(Pre-occupation)

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

-Procedures for maintaining good public relations including complaint management, public consultation and liaison

-All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only

between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

-Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

- Procedures for emergency deviation of the agreed working hours.

- Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

12 Noise Mitigation Measures (Compliance)

The development shall be constructed in accordance with the recommendations referred to throughout the acoustic report Reference: 7929/BL/PR Dated January 20 and maintained thereafter unless an alternative plan is agreed in writing by the LPA.

Reason: In the interests of the amenities of surrounding occupiers.

13 Noise assessment (Pre occupation)

On completion of the development 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.

The following levels shall be

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

Reason: In the interests of the amenities of surrounding occupiers.

14 Deliveries - retail use (Compliance)

No deliveries or dispatches shall be made to or from the site to include waste servicing vehicles, and no delivery or despatch vehicles shall enter or leave the site before the hours of 07.00 nor after 22.00 Monday to Saturday, or at all on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of surrounding occupiers.

15 External lighting (Pre occupation)

Prior to the first occupation of the development hereby approved, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the

curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.

Reason: In the interests of the amenities of surrounding occupiers.

16 Sustainable Construction (Pre-occupation)

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

- Table 2.4 (Calculations);
- Building Regulations Part L post-completion documents

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).

17 Drainage Strategy (Pre-occupation)

No development shall commence, except ground investigations, until detailed design of the proposed drainage layout, and calculations for flow control have been submitted to, and approved by, the Local Planning Authority.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy. This is a condition precedent because it is necessary to understand whether the discharge rates are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

18 Water Efficiency (Compliance)

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

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

19 Housing Accessibility (Compliance)

The following dwellings hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M:

Reason: Reason: To ensure that the optional technical standards for accessibility are met in accordance with policy H7 of the Bath and North East Somerset Council Placemaking Plan.

20 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which,

within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

21 Electric Vehicle Charging Points (Pre-Occupation)

Prior to first occupation of the development hereby approved electric vehicle charging points shall be installed (and shall be fully operational) in accordance with an Electric Vehicle Charging Point Plan/Strategy which shall have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure that electric vehicles are adequately accommodated for and encouraged in accordance with Policy ST7 of the Bath & North East Somerset Core Strategy.

22 Virtual footway (Pre-Occupation)

Prior to the occupation of the development, details of a virtual footway or equivalent on the shared access from Shaftesbury Road (to the site and the rear of the properties at Shaftesbury Road) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of the development.

Reason: In the interest of highway and pedestrian safety.

23 Community use- Use Class E (Compliance)

Notwithstanding the provisions of the The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, (or any order revoking and re-enacting that Order with or without modification), the approved dance centre shall only be used for a dance or sports hall/community hall or a community use as otherwise agreed in writing by the Local Planning Authority, ; and for no other purpose in Class E (or other class) of the schedule to that Order.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

24 Provision of a temporary retail store (Compliance)

Prior to the ceasing of the operation of the existing retail use to allow for redevelopment, details of a temporary store which shall be accommodated on the site, shall be submitted to and approved in writing by the Local Planning Authority. These details should include dates for which the store will be in place. The development shall be carried out in accordance with these approved details.

Reason: To ensure retail space is retained on the site in the interests of vitality and viability of the Local Centre.

25 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:

15 Apr 2021	AP(0)81	BOUNDARY WALL DETAIL
15 Apr 2021	AP(0)10 REV AN	SITE PLAN - GROUND FLOOR
06 Apr 2021	AP(0)14 REV M	SITE PLAN - ROOF
06 Apr 2021	AP(3)10 REV P	MEWS - PROPOSED PLANS
06 Apr 2021	AP(3)20 REV M	MEWS PROPOSED ELEVATIONS
06 Apr 2021	AP(3)20 REV M (COLOUR)	MEWS PROPOSED ELEVATIONS (COLOUR)
15 Jan 2021	AP(0)11 REV U	SITE PLAN - FIRST FLOOR
15 Jan 2021	AP(0)11 REV U	SITE PLAN - SECOND FLOOR
15 Jan 2021	AP(0)13 REV Q	SITE PLAN - THIRD FLOOR
15 Jan 2021	AP(0)30 REV H	PROPOSED SITE SECTIONS AA BB
15 Jan 2021	AP(0)31 REV F	PROPOSED SITE SECTIONS CC DD EE
15 Jan 2021	AP(1)10 REV N	SCALA - PROPOSED GF 1F LAN
15 Jan 2021	AP(1)11 REV K	SCALA - PROPOSED RF PLAN
15 Jan 2021	AP(1)20 REV F	SCALA - PROPOSED ELEVATIONS
15 Jan 2021	AP(1)31 REV A	SCALA - DETAILED SECTION
15 Jan 2021	AP(2)10 REV M	COURTYARD - PROPOSED GF 1F PLAN
15 Jan 2021	AP(2)11 REV L	COURTYARD - PROPOSED 2F 3F PLAN
15 Jan 2021	AP(2)12 REV A	COURTYARD - PROPOSED RF PLAN
15 Jan 2021	AP(2)20 REV J	COURTYARD - PROPOSED ELEVATIONS
15 Jan 2021	AP(2)31 REV A	COURTYARD - DETAILED SECTION
10 Feb 2020	AP(0)05	SITE PLAN - SURVEY
10 Feb 2020	AP(0)09	SITE PLAN - DEMOLITION
10 Feb 2020	AP(0)20	EXISTING SITE ELEVATION
10 Feb 2020	AP(1)01	EXISTING GF PLAN
10 Feb 2020	AP(1)02	EXISTING 1F PLAN
10 Feb 2020	AP(1)05	EXISTING ELEVATIONS Public
10 Feb 2020	AP(1)06	EXISTING SECTIONS
10 Feb 2020	AP(0)01	SITE PLAN - LOCATION

2 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.

3 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

4 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.

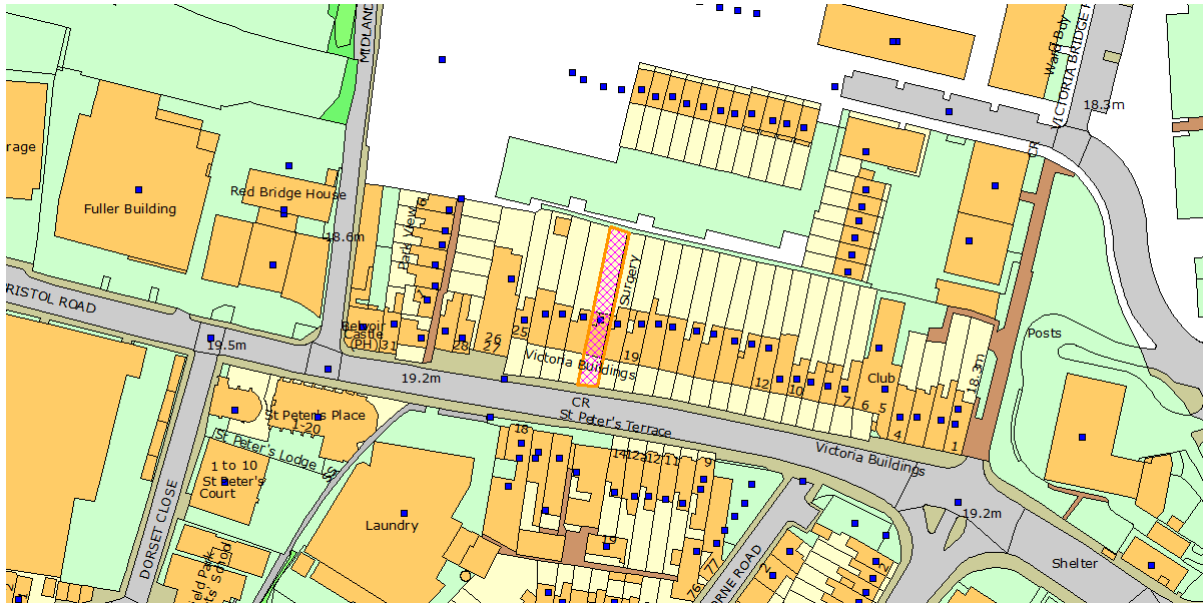
Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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.

5 Local Highway Authority require an agreement (Section 106, Section 278, Section 38)
The Local Highway Authority (LHA) requires the developer to enter into legally binding agreements to secure off-site highway works together with funding of the required Traffic Regulation Order (TRO) together with implementation costs. Further information in this respect may be obtained by contacting the LHA.

Item No: 02
Application No: 21/00738/FUL
Site Location: 21 Victoria Buildings Westmoreland Bath Bath And North East Somerset BA2 3EH



Ward: Westmoreland **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Colin Blackburn Councillor June Player

Application Type: Full Application

Proposal: Reinstatement of metal boundary fences.

Constraints: Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, LLFA - Flood Risk Management, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Mrs Sue Craig

Expiry Date: 19th April 2021

Case Officer: Emily Smithers

To view the case click on the link [here](#).

REPORT

The applicant is a Councillor for Bath and North East Somerset Council. According to the scheme of delegation the application should therefore be referred to the Development Management Committee.

Site description

The building is Grade II listed and part of an historic terrace of houses dating from the mid C19. It is two storeys and constructed in limestone ashlar with a slate roof with one-over-one plate glass sash windows. It is located in the city of Bath World Heritage Site.

Proposal

This application seeks permission for the installation of metal railings to the front boundary and subdividing boundaries to the front garden.

Planning History

DC - 11/00709/LBA - CON - 19 May 2011 - External alterations for the removal of rear boundary walls that comprise curtilage of listed buildings (No's 6-25).

DC - 16/04878/FUL - PERMIT - 20 December 2016 - Erection of new extension following demolition of existing rear extension

DC - 16/04879/LBA - CON - 20 December 2016 - Erection of new extension following demolition of existing rear extension, replacement of aluminium windows with timber and revisions to the internal layout

DC - 17/00095/COND - DISCHG - 7 March 2017 - Discharge of conditions 2, 3 and 4 of application 16/04879/LBA (Erection of new extension following demolition of existing rear extension, replacement of aluminium windows with timber and revisions to the internal layout)

DC - 20/00006/LBA - CON - 3 July 2020 - Installation of secondary glazing to all windows.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Bath Preservation Trust:

Comment:

Whilst the terrace remains largely homogenous in appearance, there is a varied use of boundary treatments along the roadside including coursed and ashlar stone walling, iron railings, timber fencing, and green planting which has consequently broken up the otherwise uniform appearance of the terrace within public views.

We are therefore supportive of the principle for the replacement of the existing timber fencing with iron railings in the existing dwarf stone wall which would reinstate part of the traditional appearance and character of the building's historic boundary treatment. However, we query the absence of information such as the proposed context elevations of the site and further detailing regarding the measurements and design of the proposed railings. We note that the document 'Elevations and Details' refers to multiple fence designs without clarification as to which design is being proposed. We therefore strongly recommend that the case officer requests further design information and drawings to enable a full assessment of the proposed railings within the setting of a Grade II building.

Considering the current, 'piecemeal' approach to boundary appearance and treatment along the terrace, we feel this application could be a positive opportunity to reinstate part of the homogeneity of appearance that forms part of the special architectural and historic

interest of the terrace. We suggest the proposed new railing design could draw on examples of railing types already present along the terrace.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- B4 - The World Heritage Site
- CP2 - Sustainable Construction
- CP6 - Environmental Quality

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- HE1 Historic Environment
- D1: General Urban Design Principles
- D2: Local Character and Distinctiveness
- D.5: Building Design
- D.6: Amenity

Guidance:

- Historic England Advice Note 2 'Making Changes to Heritage Assets' (2016)
- BaNES Draft City Centre Character Appraisal Bath (2015)

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

Policy HE1 states that alterations to a listed building will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.

The application seeks consent to replace the existing timber fence to the front boundary with metal railings and replace the existing front garden subdividing boundary treatments with metal estate style treatment with split forged head.

The terrace would have originally had cast iron railings throughout its front garden boundaries, these were presumably removed during the last war. Currently there is a mixture of front boundary treatments including metal treatments of varying design, picket fences and hedges.

The design for the east and west subdividing boundary treatments has been based on the railings found at no.10 Victoria Buildings. The simple design is considered acceptable for the location.

The proposed design for the front boundary treatment (southern boundary) is based on the treatment found at no.15 Victoria Buildings. The design approach is considered appropriate for the character of the principal building and is considered acceptable. The reinstatement of railings along the terrace is welcomed, reintroducing a historic boundary character and appearance.

Detailed drawings of the boundary treatments have been provided and are considered to demonstrate an appropriate design. The front rails will be attached to the existing sphere nubs on the stone plinth, helping to avoid intervention/damage to the stone. Spacing between the rails will be 100mm.

The concerns raised by Bath Preservation Trust are noted, however, it is considered that the proposed drawings are clear in what is being proposed and the submitted designs are based on treatments found on the wider terrace which are considered to be appropriate for the character of the listed building and terrace.

There would be no impact to amenity as a result of the proposed boundary treatments compared to the existing situation.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the significance of the principal building is preserved due to the appropriate design and scale of boundary treatments proposed.

Accordingly it is considered that the proposed works are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposal would result in an acceptable level of alteration to the listed building that would preserve the significance of the designated Heritage asset and character of the wider area. The proposal accords with polices, D1, D2, D5 and HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

Low Carbon and Sustainable Credentials:

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. An informative will be included to recommend the applicant consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Conclusion:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Painting of railings (Compliance)

The approved railings at time of installation or within the first 3 months of installation shall be painted black and retained as such thereafter unless otherwise agreed in writing.

Reason: To safeguard the character and appearance of the building in accordance with Policy HE.1 of the Bath and North East Somerset Placemaking Plan.

3 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:

1 OS Extract	16/02/2021	SITE LOCATION PLAN
Drawing	16/02/2021	ELEVATIONS AND DETAILS

2 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.

3 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

4 Civil or legal consents

This permission does not convey or imply any civil or legal consents required to undertake the works.

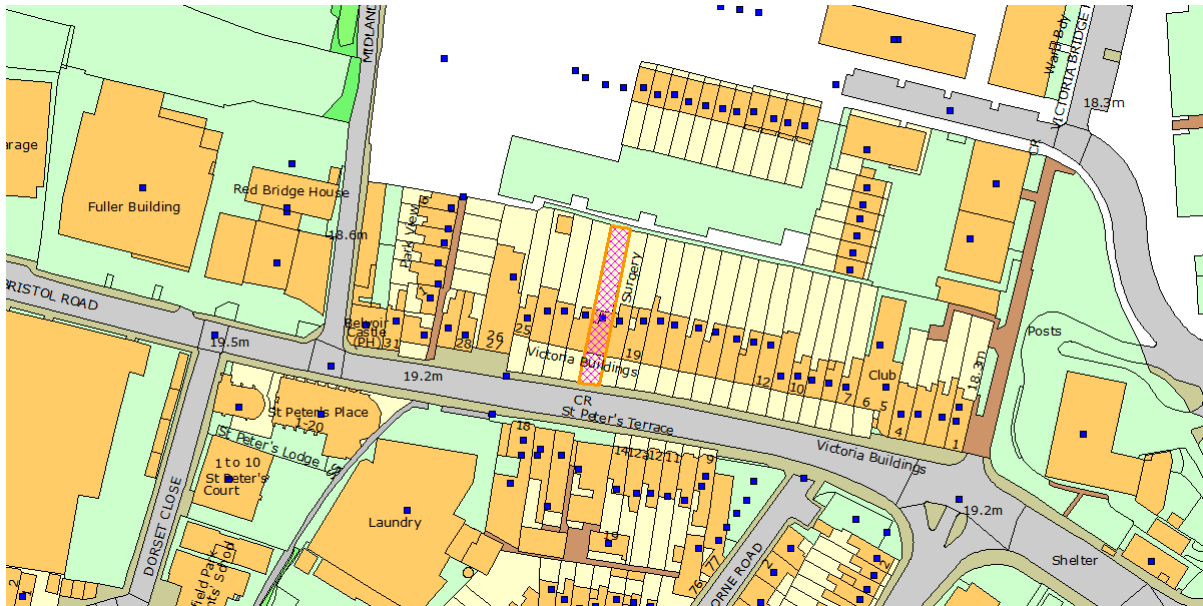
5 Responding to Climate Change (Informative):

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

6 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.

Item No: 03
Application No: 21/00739/LBA
Site Location: 21 Victoria Buildings Westmoreland Bath Bath And North East Somerset BA2 3EH



Ward: Westmoreland **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Colin Blackburn Councillor June Player
Application Type: Listed Building Consent (Alts/exts)
Proposal: External alterations to reinstate metal boundary fences.
Constraints: ,
Applicant: Miss Sue Craig
Expiry Date: 5th May 2021
Case Officer: Emily Smithers
To view the case click on the link [here](#).

REPORT

The applicant is a Councillor for Bath and North East Somerset Council. According to the scheme of delegation the application should therefore be referred to the Development Management Committee.

Site description

The building is Grade II listed and part of an historic terrace of houses dating from the mid C19. It is two storeys and constructed in limestone ashlar with a slate roof with one-over-one plate glass sash windows. It is located in the city of Bath World Heritage Site.

Proposal

This application seeks consent for the installation of metal railings to the front boundary and subdividing boundaries to the front garden.

Planning History

DC - 11/00709/LBA - CON - 19 May 2011 - External alterations for the removal of rear boundary walls that comprise curtilage of listed buildings (No's 6-25).

DC - 16/04878/FUL - PERMIT - 20 December 2016 - Erection of new extension following demolition of existing rear extension

DC - 16/04879/LBA - CON - 20 December 2016 - Erection of new extension following demolition of existing rear extension, replacement of aluminium windows with timber and revisions to the internal layout

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DC - 20/00006/LBA - CON - 3 July 2020 - Installation of secondary glazing to all windows.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Bath Preservation Trust:

Comment:

Whilst the terrace remains largely homogenous in appearance, there is a varied use of boundary treatments along the roadside including coursed and ashlar stone walling, iron railings, timber fencing, and green planting which has consequently broken up the otherwise uniform appearance of the terrace within public views.

We are therefore supportive of the principle for the replacement of the existing timber fencing with iron railings in the existing dwarf stone wall which would reinstate part of the traditional appearance and character of the building's historic boundary treatment. However, we query the absence of information such as the proposed context elevations of the site and further detailing regarding the measurements and design of the proposed railings. We note that the document 'Elevations and Details' refers to multiple fence designs without clarification as to which design is being proposed. We therefore strongly recommend that the case officer requests further design information and drawings to enable a full assessment of the proposed railings within the setting of a Grade II building.

Considering the current, 'piecemeal' approach to boundary appearance and treatment along the terrace, we feel this application could be a positive opportunity to reinstate part of the homogeneity of appearance that forms part of the special architectural and historic interest of the terrace. We suggest the proposed new railing design could draw on examples of railing types already present along the terrace.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- B4 - The World Heritage Site
- CP2 - Sustainable Construction
- CP6 - Environmental Quality

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

HE1 Historic Environment

Guidance:

- Historic England Advice Note 2 'Making Changes to Heritage Assets' (2016)
- BaNES Draft City Centre Character Appraisal Bath (2015)

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

Policy HE1 states that alterations to a listed building will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.

The application seeks consent to replace the existing timber fence to the front boundary with metal railings and replace the existing front garden subdividing boundary treatments with metal estate style treatment with split forged head.

The terrace would have originally had cast iron railings throughout its front garden boundaries, these were presumably removed during the last war. Currently there is a mixture of front boundary treatments including metal treatments of varying design, picket fences and hedges.

The design for the east and west subdividing boundary treatments has been based on the railings found at no.10 Victoria Buildings. The simple design is considered acceptable for the location.

The proposed design for the front boundary treatment (southern boundary) is based on the treatment found at no.15 Victoria Buildings. The design approach is considered appropriate for the character of the principal building and is considered acceptable. The reinstatement of railings along the terrace is welcomed, reintroducing a historic boundary character and appearance.

Detailed drawings of the boundary treatments have been provided and are considered to demonstrate an appropriate design. The front rails will be attached to the existing sphere nubs on the stone plinth, helping to avoid intervention/damage to the stone. Spacing between the rails will be 100mm.

The concerns raised by Bath Preservation Trust are noted, however, it is considered that the proposed drawings are clear in what is being proposed and the submitted designs are based on treatments found on the wider terrace which are considered to be appropriate for the character of the listed building and terrace.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the significance of the principal building is preserved due to the appropriate design and scale of boundary treatments proposed.

Accordingly it is considered that the proposed works are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposal would result in an acceptable level of alteration to the listed building that would preserve the significance of the designated Heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

Low Carbon and Sustainable Credentials:

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. An informative will be

included to recommend the applicant consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Conclusion:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Painting of railings (Compliance)

The approved railings at time of installation or within the first 3 months of installation shall be painted black and retained as such thereafter unless otherwise agreed in writing.

Reason: To safeguard the character and appearance of the building in accordance with Policy HE.1 of the Bath and North East Somerset Placemaking Plan.

3 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:

1 Drawing	16/02/2021	ELEVATIONS AND DETAILS
OS Extract	16/02/2021	SITE LOCATION PLAN

2 Condition Categories

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4 Civil or legal consents

This permission does not convey or imply any civil or legal consents required to undertake the works.

5 Responding to Climate Change (Informative):

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

6 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.

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	5 May 2021
TITLE:	Quarterly Performance Report – January - March 2021
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Analysis of Chair referral cases	

1 THE ISSUE

At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across a range of activities within the Development Management function.

This report covers the period from 1 January – 31 March 2021.

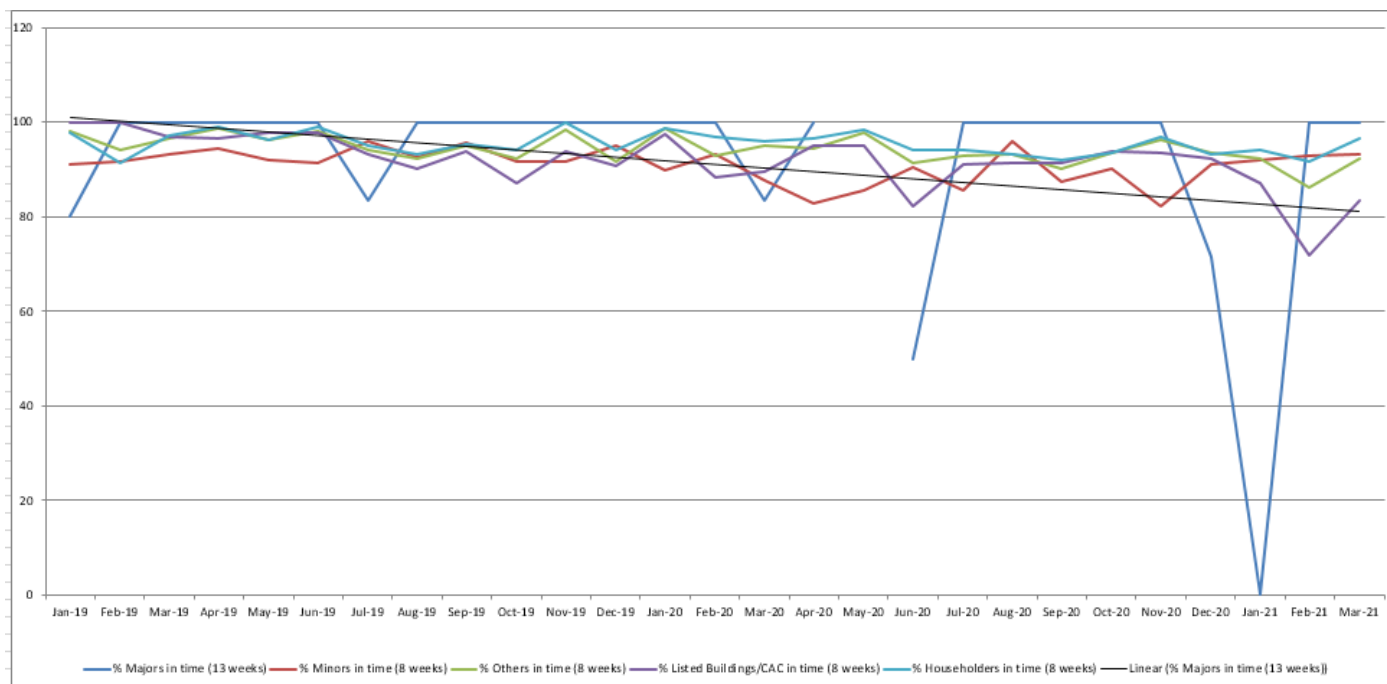
2 RECOMMENDATION

Members are asked to note the contents of the performance report.

3 THE REPORT

Tables, charts and commentary

1 - Comparison of Applications Determined Within Target Times



% of planning applications in time	2019/20				2020/21			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
% Majors in time	(11/11) 100%	(11/12) 92%	(8/8) 100%	(18/20) 90%	(3/5) 60%	(9/9) 100%	(9/11) 82%	(4/5) 80%
% Minors in time	(125/135) 93%	(142/150) 95%	(115/124) 93%	(108/120) 90%	(81/94) 86%	(80/90) 89%	(89/101) 88%	(129/139) 93%
% Others in time	(485/497) 98%	(421/449) 94%	(373/397) 94%	(333/347) 96%	(325/344) 94%	(336/365) 92%	(370/393) 94%	(401/443) 91%

Highlights:

- All three categories have been above target consistently every quarter for over 5 years.

Note:

Major - 10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over

Minor - 1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare

Other - changes of use, householder development, adverts, listed building consents, lawful development certificates, notifications, etc

2 - Recent Planning Application Performance

Application nos.	2019/20				2020/21			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	689	635	647	604	491	599	695	768
Withdrawn	45	50	51	49	58	67	41	58
Delegated no. and %	630 (98%)	587 (96%)	518 (97%)	474 (97%)	436 (98%)	436 (94%)	486 (96%)	570 (97%)
Refused no. and %	31 (5%)	37 (6%)	30 (6%)	39 (8%)	39 (9%)	34 (7%)	50 (10%)	30 (5%)

Highlights:

- An 1% fall in planning application numbers compared to the previous 12 months – the last published national trend figure was a 5% decrease (Year ending Dec 2020).

- 27% rise in planning application numbers compared to the same quarter last year.
- The current delegation rate is marginally above the last published England average of 96% (Year ending Dec 2020).
- Percentage of refusals on planning applications remains very low compared to the last published England average of 13% (Year ending Dec 2020) and we put this down to the high level of use and overall success of our Pre-application advice service which also brings income into the service.

3 – Dwelling Numbers

Dwelling numbers	2019/20				2020/21			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Major residential (10 or more dwellings) decisions	3	4	1	7	3	8	0	1
Major residential decisions granted	3	4	1	6	1	5	0	1
Number of dwellings applied for on Major schemes	158	140	201	50	0	300	100	423
Number of dwelling units permitted on schemes (net)	264	420	93	265	176	64	280	393

Highlights:

- There was one major residential planning decision last quarter and it was granted

4 - Planning Appeals

	Apr – Jun 2020	Jul – Sep 2020	Oct – Dec 2020	Jan – Mar 2021
Appeals lodged	17	11	19	29
Appeals decided	13	13	17	23
Appeals allowed	4 (30%)	4 (30%)	6 (35%)	3 (13%)
Appeals dismissed	9 (70%)	9 (70%)	11 (65%)	20 (87%)

Highlights:

- Over the last 12 months performance on Appeals Allowed (26%) is better than the national average of approx. 30%
- Planning Appeal costs awarded against council in last quarter: None
- Planning Appeal costs awarded against the council in this financial year: £3807.00

5 - Enforcement Investigations

	Apr – Jun 2020	Jul – Sep 2020	Oct – Dec 2020	Jan – Mar 2021
Investigations launched	140	150	105	137
Investigations in hand	257	258	252	300
Investigations closed	106	163	122	97
- No breach of planning	39	48	41	49
- Not Expedient	7	34	16	9
- Compliance negotiated	20	28	20	20

- Retrospective PP Granted	18	27	20	19
Enforcement Notices issued	1	1	4	0
Planning Contravention Notices served	2	2	2	4
Breach of Condition Notices served	0	2	0	2
Stop Notices	0	0	0	0
Temporary Stop Notices	0	0	0	0
Injunctions	0	0	0	0
Section 16 Notices	4	3	0	2
Section 215 Notices	1	0	0	0

The above breakdown of cases closed lists those cases where: on investigation it was found there was no breach of planning control; it was deemed not expedient to take the matter further (usually related to trivial or technical breaches); voluntary compliance was negotiated (i.e. resulting in a cessation of use of removal of structure); or on application, retrospective permission was granted to regularise the breach. Other cases not listed above were closed due to insufficient information, the breach being identified as permitted development, the breach being identified as lawful through passage of time or where the complaint was withdrawn.

6 – Other Work (applications handled but not included in national returns)

The service also processes other statutory applications (discharging conditions, prior approvals, prior notifications, non-material amendments etc) and discretionary services like pre-application advice. The table below shows the number of these applications received

	Apr – Jun 2020	Jul - Sep 2020	Oct – Dec 2020	Jan – Mar 2021
Other types of work	263	336	347	445

7 – Works to Trees

	Apr – Jun 2020	Jul – Sep 2020	Oct – Dec 2020	Jan – Mar 2021
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	16	24	42	21
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	100%	100%	100%	100%
Number of notifications for works to trees within a Conservation Area (CA)	117	217	294	187
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	100%	100%	99%	99%

Highlights:

- Performance on works to trees remains excellent.

8 – Corporate Customer Feedback

The latest quarterly report is published here:

<https://beta.bathnes.gov.uk/view-complaint-reports>

9 - Ombudsman Complaints

When a customer remains dissatisfied with the outcome of the Corporate Complaints investigation, they can take their complaint to the **Local Government Ombudsman** for an independent view.

Ombudsman Complaints	Apr – Jun 20	Jul – Sep 20	Oct – Dec 20	Jan – Mar 21
Complaints upheld	0	0	0	0
Complaints Not upheld	0	0	0	0

Highlights:

There have been no upheld complaints over the last year.

10 – Latest News – Covid-19

The Government was very clear from the outset that they expected all Planning authorities to continue to deliver services in order to support the economy and, following some minor changes as a result of Covid-19 restrictions, we are now operating a near normal service. The Government is also updating legislation to support recovery such as allowing restaurants to operate as takeaways, extending permission deadlines, changing construction operating hours and pavement licensing.

For further details see our website <https://beta.bathnes.gov.uk/planning> and the government website <https://www.gov.uk/government/collections/draft-planning-guidance-to-support-the-business-and-planning-bill>

11 – Section 106 Agreements and Community Infrastructure Levy (CIL)

Members will be aware of the Planning Obligations SPD first published in 2009. Planning Services have spent the last few years compiling a database of Section 106 Agreements. This is still in progress but does enable the S106/CIL Monitoring Officer to actively monitor the delivery of agreed obligations. S106 and CIL financial overview sums below will be refreshed for every quarterly report. CIL annual reports, Infrastructure Funding Statement and Infrastructure Delivery Plan 2020 are also published on our website: <https://beta.bathnes.gov.uk/policy-and-documents-library/annual-cil-spending-reports>

(Note: figures are for guidance only and could be subject to change due to further updates with regards to monitoring S106 funds)

S106 Funds received (2020/21)	£2,386,337.81
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CIL sums overview - Potential (April 2015 to date)	£11,032,349.32
CIL sums overview - Collected (April 2015 to date)	£17,232,410.63

12 – Chair Referrals

Table 12 below shows the numbers of planning applications where Chair decision has been sought to either decide the application under delegated authority or refer to Planning Committee. ***A further analysis of Chair referral cases is attached as an Appendix item to this report.***

	Apr – Jun 2020	Jul – Sep 2020	Oct – Dec 2020	Jan – Mar 2021
Chair referral delegated	21	17	28	23
Chair referral to Planning Committee	5	15	12	8

13 – 5 Year Housing Land Supply

5 year housing land supply

	Standard methodology			
A	Calculation based on standard method			
B	5 year supply requirement (648x5)		3,240	
C	Deliverable supply		3,755	
D	5 year requirement		3,240	Supply as a % of a requirement
E	5 year requirement + 5% buffer		3,402	Supply in years
				110%
				5.52

The figures within the housing trajectory have been collected as of March 2020 when the councils Core Strategy is more than 5 years old. Therefore the five year supply for 2020-2025 is calculated on the basis of the standard method for calculating local housing need which is an annual requirement of 648 per year.

The housing requirement within the Core Strategy does not include the student population so Purpose Built Student Accommodation is not included in the housing trajectory. However, the standard method makes no such alteration and includes student population growth. Therefore, if student accommodation were to be factored into the five year supply the following sites would be taken into account. The ratio of 2.5 bed spaces to one dwelling from the Housing Delivery Test Measurement Rule Book would apply.

The Old Bakery – 63 beds, ratio delivery of 25 dwellings
 Bath Cricket Club – 136 beds, ratio delivery of 54 dwellings
 Pickfords – 204 beds, ratio delivery of 82 dwellings

Total – 161

If the number of bed spaces are added to the deliverable supply this results in a deliverable supply of 3916. **This amounts to a house land supply of 5.72 years.**

The monitoring reports are also published on our website: <https://beta.bathnes.gov.uk/policy-and-documents-library/five-year-housing-land-supply-and-housing-and-economic-land>

Contact person	John Theobald, Project/Technical and Management Support Officer, Planning 01225 477519
Background papers	CLG General Development Management statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics
Please contact the report author if you need to access this report in an alternative format	

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Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
20/03714/LBA	1 Cambridge PlaceWidcombe HillWidcombeBathBath And North East SomersetBA2 6AB	External alterations to install secondary glazing to existing windows, 2no. on front elevation, 2no. to side elevation, and 2no. to rear elevation.	COMMDC	11-Feb-21	CON	Application is called to Committee as the applicant is a Local Ward Member
20/00806/LBA	Keynsham Conservative Club 22 High StreetKeynshamBristolBath And North East SomersetBS31 1DQ	External alterations for the installation of replacement windows (Regularisation).	COMMDC	11-Mar-21	CON	Application is on behalf of a political party.
20/00914/FUL	Keynsham Conservative Club 22 High StreetKeynshamBristolBath And North East SomersetBS31 1DQ	Installation of replacement windows on front elevation (Retrospective).	COMMDC	11-Mar-21	PERMIT	Application is on behalf of a political party.
20/02921/FUL	Site Of Former Ministry Of Defence OfficesWarminster RoadBathwickBathBath And North East Somerset	Proposed construction of 42no. new dwellings and 2no. new blocks of apartments to provide a total of 70 new homes on part of the former MOD site at Warminster Road (Resubmission of ref. 19/03838/FUL).	COMMDC	08-Mar-21	PERMIT	Application is subject to a viability assessment in respect of affordable housing
20/02926/FUL	Additional Development AreaHolburne ParkBathwickBathBath And North East Somerset	Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath (Resubmission of 19/04772/FUL)	COMMDC	08-Mar-21	PERMIT	Application is subject to a viability assessment in respect of affordable housing.
20/04142/FUL	Lower Tunley FarmStoneage LaneTunleyBathBath And North East SomersetBA2 0DS	Erection of a farm building.	CHAIR	04-Jan-21	PERMIT	Chair referral delegated decision
20/00647/FUL	SpringfieldHigh StreetWellowBathBA2 8PU	Change of use of agricultural land to residential curtilage and alterations to the levels of an agricultural land adjacent to the residential property to provide level access and address cattle safety and maintenance.	CHAIR	05-Jan-21	PERMIT	Chair referral delegated decision
20/00274/FUL	9 Van Diemen's LaneLansdownBathBath And North East SomersetBA1 5TW	Erection of two storey rear and front extensions, single storey side extension and associated alterations	CHAIR	05-Jan-21	PERMIT	Chair referral delegated decision
20/04045/FUL	47 Garrick RoadWhitewayBathBath And North East SomersetBA2 1QX	Change of use from 3 bedroom dwelling (Use Class C3) to 5 bedroom House of Multiple Occupation (HMO) (Use Class C4). Erection of a single storey extension.	CHAIR	13-Jan-21	PERMIT	Chair referral delegated decision
20/01475/LBA	20 Avon RoadKeynshamBristolBath And North East SomersetBS31 1LJ	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.	CHAIR	19-Jan-21	CON	Chair referral delegated decision
20/01474/FUL	20 Avon RoadKeynshamBristolBath And North East SomersetBS31 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.	CHAIR	19-Jan-21	PERMIT	Chair referral delegated decision
20/04530/FUL	20 Dragons Hill GardensKeynshamBristolBath And North East SomersetBS31 1LN	Erection of single storey side and rear extensions and internal alterations.	CHAIR	19-Jan-21	PERMIT	Chair referral delegated decision
20/04601/FUL	Stowey House FarmThe StreetStoweyBristolBath And North East SomersetBS39 5TQ	Extension to grain store.	CHAIR	26-Jan-21	PERMIT	Chair referral delegated decision

20/04743/FUL	ElmleighStockwood ValeKeynshamBristolBath And North East SomersetBS31 2AP	Erection of first floor roof extension to provide enlarged bedrooms and bathroom with gable extension to the front and rear elevations, introduction of ground floor glazed doors and new single storey porch.	CHAIR	28-Jan-21	PERMIT	Chair referral delegated decision
20/03390/FUL	Under GalleriesFreshford LaneFreshfordBathBath And North East SomersetBA2 7TY	Erection of a two storey extension, to follow demolition of existing garage, store and conservatory.	CHAIR	29-Jan-21	PERMIT	Chair referral delegated decision
20/04629/FUL	19 Fieldfare CloseKeynshamBristolBath And North East SomersetBS31 2FQ	Erection of single storey extension to front of garage and side of house	CHAIR	29-Jan-21	PERMIT	Chair referral delegated decision
20/04938/FUL	2 Kelston ViewWhitewayBathBath And North East SomersetBA2 1NW	Change of use from a four bedroom dwelling house (Use class C3) to a six bedroom house in multiple occupation (HMO) (Use class C4). To include provision of bike storage in the existing shed, with access from bike storage to front of the property external	CHAIR	12-Feb-21	PERMIT	Chair referral delegated decision
20/04884/FUL	Midford PlaceMidford RoadMidfordBathBath And North East SomersetBA2 7BX	Repositioning the kitchen on the ground floor, reconfiguring the master bedroom suite and converting a portion of the building into a separate dwelling. Redesign of the bay windows on the west elevation, redesign of the glazing for the previously approve	CHAIR	15-Feb-21	PERMIT	Chair referral delegated decision
20/04924/FUL	Gasex CentreFrome RoadRadstockBath And North East SomersetBA3 3PY	Installation of 3no. antennas following removal of 3 antennas. Installation of 6no. MHA and 6no. RRH together with ancillary development.	CHAIR	15-Feb-21	PERMIT	Chair referral delegated decision
20/04754/FUL	Laurel CottageThe CoombeCompton MartinBristolBath And North East SomersetBS40 6JD	Enlargement of existing garage and erection of reinforced concrete platform over garage	CHAIR	16-Feb-21	PERMIT	Chair referral delegated decision
20/04937/FUL	The Coach HouseChurch LaneEast HarptreeBristolBath And North East SomersetBS40 6BE	Proposed rebuild of garage/workshop.	CHAIR	16-Feb-21	PERMIT	Chair referral delegated decision
20/04804/FUL	31 Claverton RoadSaltfordBristolBath And North East SomersetBS31 3DW	Erection of single storey rear extension with part double storey side and front extension	CHAIR	22-Feb-21	PERMIT	Chair referral delegated decision
21/00068/VAR	12 Milton RoadWestfieldRadstockBath And North East SomersetBA3 3XH	Variation of condition 7 (Plans List) of application 19/01114/FUL (Erection of two storey, 3 bed dwelling attached to existing property at 12 Milton Road).	CHAIR	01-Mar-21	PERMIT	Chair referral delegated decision
20/01795/FUL	165 Rush HillOdd DownBathBath And North East SomersetBA2 2QZ	Erection of 8no. houses with associated access and parking following demolition of existing buildings and structures at 163-165 Rush Hill.	CHAIR	09-Mar-21	PERMIT	Chair referral delegated decision

20/04924/FUL	Gasex Centre Frome Road Radstock Bath And North East Somerset BA3 3PY	Installation of 3no. antennas following removal of 3 antennas. Installation of 6no. MHA and 6no. RRH together with ancillary development.	CHAIR	10-Mar-21	PERMIT	Chair referral delegated decision
21/00337/FUL	1 Chew Vale Chewton Road Chewton Keynsham Keynsham Bristol Bath And North East Somerset BS31 2SU	Creation of annexe using existing garage and sitting room of main house, erection of infill extension between garage and house and erection of balcony to the front elevation.	CHAIR	23-Mar-21	PERMIT	Chair referral delegated decision
20/04564/FUL	Christmas Cottage Packhorse Lane South Stoke Bath Bath And North East Somerset BA2 7DL	Extension and conversion of the existing garage building into living accommodation, new front porch on front elevation and associated external works	CHAIR	23-Mar-21	PERMIT	Chair referral delegated decision
20/04151/FUL	Greenacres Farm Bristol Road Compton Martin Bristol Bath And North East Somerset BS40 6NQ	Erection of a building for a garage and an annexe following removal of stables (Retrospective) (resubmission).	CHAIR	30-Mar-21	PERMIT	Chair referral delegated decision
20/00259/FUL	Homebase Ltd Pines Way Westmoreland Bath Bath And North East Somerset BA2 3ET	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.	COMMD C	05-Jan-21	RF	Chair referral to committee. I have looked at the application and note the comments from both statutory and third party consultees. The application is on a strategic site and therefore I recommend it should be determined by the planning committee.
20/04365/PIP	113 Wellsway Keynsham Bristol Bath And North East Somerset BS31 1HZ	Permission in Principle Planning Application for the erection of one dwelling.	COMMD C	11-Feb-21	PERMIT	Chair referral to committee. I have looked at the application, and the issues raised by the PC. I feel that matters should be further discussed at Committee.
20/03162/FUL	Camerton And Peasedown Croquet Club Whitebrook Lane Peasedown St. John Bath Bath And North East Somerset	To relocate the old buildings and install a new prefabricated building. Install a bio-digester waste water treatment system and a rain collection system and secure permissions for low level advertising board on small sections of the perimeter fencing.	COMMD C	25-Feb-21	PERMIT	Chair referral to committee. I have looked at this application and the objections from officers. I note the supportive comments of the Ward Cllrs. It would appear that in attempting to re-use an existing building, the applicants have brought themselves into conflict with certain policies. The Committee may wish to further consider the balance between the harm as defined by policy, and the community and environmental benefits the application offers.

20/03255/FUL	Larkhall Sports ClubCharlcombe LaneCharlcombeBathBath And North East SomersetBA1 8DL	Erection of a 20m high monopole supporting 3no. antennas and 2no. 0.3mm dishes above the top of the pole, the installation of 1no. equipment cabinet on new base and the installation of ancillary equipment.	COMMDC	11-Feb-21	PERMIT	studied the application and association information, some of which is very detailed, all points raised have been considered as the application has been assessed against relevant planning policies. It is clearly controversial, as was a similar one which was determined by the planning committee, and the Ward Cllr has requested this one be determined by the planning
20/00023/FUL	Plumb CenterLocksbrook RoadNewbridgeBathBath And North East SomersetBA1 3EU	The demolition of the former Plumb Centre and Genesis Lifestyle Centre and the erection of a 3 storey (plus mezzanine) mixed use building for 1180m2 of B1c Light Industrial, 290m2 of D2 Assembly and Leisure, and 72 student ensuite rooms in cluster flat. (COMMDC	23-Feb-21	PERMIT	Chair referral to committee. In the interests of continuity of consideration of this site, the clear intentions of the Local Plan and Core Strategy, and the over-ruling conclusions of the planning inspector, the application should be considered in the public domain.
20/04720/FUL	143 Calton RoadLyncombeBathBath And North East SomersetBA2 4PP	Erection of 2no townhouses following demolition of existing 1 bed apartment.	COMMDC	11-Mar-21	PERMIT	Chair referral to committee. The application seeks to extend an extant permission that expires this May. I have noted the comments by consultees, and the responses of officers in the report. The committee may wish to further consider whether the conditions go far enough to warrant approval.
20/04801/LBA	Friends Meeting HouseYork StreetCity CentreBathBath And North East SomersetBA1 1NG	External alterations for the installation of 4no. hand painted timber signs fixed onto side and front elevations and 1no. hand painted sign applied over existing painted signage to portico.	COMMDC	11-Mar-21	RF	Chair referral to committee. This application for signage on a listed and important historical building has been assessed by officers, and has been found wanting in a number of respects. In the interests of seeking to support businesses in these difficult times, the committee may wish to consider these issues in the public domain.
20/04802/AR	Friends Meeting HouseYork StreetCity CentreBathBath And North East SomersetBA1 1NG	Installation of 4no. hand painted timber signs fixed onto side and front elevations and 1no. hand painted sign applied over existing painted signage to portico.	COMMDC	11-Mar-21	RF	Chair referral to committee. This application for signage on a listed and important historical building has been assessed by officers, and has been found wanting in a number of respects. In the interests of seeking to support businesses in these difficult times, the committee may wish to consider these issues in the public domain.

20/04296/VAR	Paglinch Farm Access Road To Paglinch Farm Shoscombe Bath Bath And North East Somerset BA2 8NQ	Variation of condition 2 of application 06/03707/FUL (Alterations to garage to form 1 no garage and self-contained holiday let unit) Condition Number(s): 2 Conditions(s) Removal: To enable lawful use of the building as a self-contained residential unit	COMMD C	11-Feb-21	PERMIT	The applicant has direct links with the Planning Service. According to the scheme of delegation the application should therefore be referred to the Development Management Committee.
18/05623/OUT	Co-Operative Store A Wells Road Westfield BA3 3RQ	Hybrid planning application for the mixed-use redevelopment of the Co-Operative store and associated car park in Radstock comprising - 1. Full planning permission for the demolition of existing store and construction of 1795sqm retail floorspace including	COMMD C	11-Mar-21	PERMIT	This application is the subject of a viability assessment in respect of affordable housing (and other planning obligations). It is therefore necessary (pursuant to Section 1A Paragraph 6 of the Scheme of Delegation) for the application to come before the Planning Committee for its consideration and determination.
20/03391/FUL	Little Pear Tree Cottage Tadwick Lane Tadwick Bath Bath And North East Somerset BA1 8AH	Redevelopment of previously developed garage site for an office, gym and annexe to be used in connection with Pear Tree Cottage.	COMMD C	11-Feb-21	RF	This planning application is taken before the Planning Committee in the interests of transparency.

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	5th May 2021
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

AGENDA ITEM NUMBER

APPEALS LODGED

App. Ref: 20/00236/FUL
Location: Site Adjacent To Old School House Chapel Row Bathford Bath
Proposal: Erection of a one bedroom detached house and installation of a temporary caravan for the duration of the works. (Resubmission of 17/04472/FUL)
Decision: REFUSE
Decision Date: 6 November 2020
Decision Level: Delegated
Appeal Lodged: 29 March 2021

App. Ref: 20/01407/FUL
Location: Land Between Stonelodge And Naishes Cottages North Stoke Lane North Stoke Bath
Proposal: Erection of a 3no bedroom dwelling with vehicular access on land adjacent to Manor Farm.
Decision: REFUSE
Decision Date: 14 August 2020
Decision Level: Delegated
Appeal Lodged: 9 April 2021

App. Ref: 20/04696/FUL
Location: 26 Tennis Court Avenue Paulton Bristol Bath And North East Somerset BS39 7LZ

Proposal: Erection of an attached dwelling.
Decision: REFUSE
Decision Date: 17 February 2021
Decision Level: Delegated
Appeal Lodged: 9 April 2021

App. Ref: 20/03899/FUL
Location: 39 Waterloo Road Radstock Bath And North East Somerset BA3 3ER
Proposal: Removing section of boundary wall and excavation of existing ground to include installation of a new retaining wall for provision of safe off street parking.
Decision: REFUSE
Decision Date: 22 December 2020
Decision Level: Delegated
Appeal Lodged: 12 April 2021

App. Ref: 21/00231/ADCOU
Location: Cinderlands Cameley Road Cameley Bristol Bath And North East Somerset
Proposal: Prior approval request for change of use from agricultural building to 1 no. dwelling (C3) and for associated operational development.
Decision: REFUSE
Decision Date: 8 March 2021
Decision Level: Delegated
Appeal Lodged: 15 April 2021

APPEALS DECIDED

App. Ref: 20/00603/EVAR
Location: Former Ministry Of Defence Ensleigh Granville Road Lansdown Bath
Proposal: Variation of condition 18 (hours of operation (Retail)) of application 16/05360/EVAR (Variation of condition 30 (plans list) of application 14/01853/EFUL (Full planning permission sought for the erection of 181 residential units (Use Class C3), a neighbourhood retail store of up to 267 sqm GIA (Use Class A1), associated highways works, infrastructure and public open space. Outline planning permission sought for a 72 unit Extra Care Facility (Use Class C3).))
Decision: REFUSE
Decision Date: 4 May 2020
Decision Level: Delegated
Appeal Lodged: 2 December 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 23 March 2021

App. Ref: 20/00299/FUL
Location: 2 Greenhill Cottages Britten's Hill Paulton Bristol Bath And North East Somerset
Proposal: Erection of two dwellings and relocation of existing double garage.
Decision: REFUSE
Decision Date: 9 June 2020
Decision Level: Delegated
Appeal Lodged: 3 February 2021
Appeal Decision: Appeal Allowed
Appeal Decided Date: 30 March 2021

App. Ref: 20/00807/FUL
Location: Town Mills Mill Road Radstock Bath And North East Somerset BA3 3PB
Proposal: Conversion and change of use from storage and office building into 2no flats
Decision: REFUSE
Decision Date: 9 October 2020
Decision Level: Delegated
Appeal Lodged: 25 November 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 31 March 2021

App. Ref: 20/01194/FUL
Location: 1 St Saviour's Terrace St Saviour's Road Larkhall Bath Bath And North East Somerset
Proposal: New driveway with proposed dropped curb and removal of existing bus stop.
Decision: REFUSE
Decision Date: 22 October 2020
Decision Level: Delegated
Appeal Lodged: 23 February 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 31 March 2021

App. Ref: 20/01265/ADCOU
Location: The Nursery Folly Lane Stowey Bristol BS39 4DW
Proposal: Prior approval request for change of use from Agricultural Building to 1 no. Dwelling (C3) and for associated operational development.
Decision: REFUSE
Decision Date: 2 June 2020
Decision Level: Delegated
Appeal Lodged: 26 January 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 31 March 2021

App. Ref: 20/02601/LBA
Location: 2A Lambridge Mews Lambridge Bath Bath And North East Somerset BA1 6QE
Proposal: Internal and external alterations for the erection of a single storey extension and refurbishment of mews house.
Decision: REFUSE
Decision Date: 6 October 2020
Decision Level: Delegated
Appeal Lodged: 25 January 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 31 March 2021

App. Ref: 20/02609/FUL
Location: 2A Lambridge Mews Lambridge Bath Bath And North East Somerset BA1 6QE
Proposal: Erection of a single storey extension and refurbishment of mews

house.

Decision: REFUSE
Decision Date: 6 October 2020
Decision Level: Delegated
Appeal Lodged: 25 January 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 31 March 2021

App. Ref: 20/02857/FUL
Location: 17 St Mark's Road Widcombe Bath Bath And North East Somerset BA2 4PA
Proposal: Erection of outbuilding in rear garden (Retrospective).
Decision: REFUSE
Decision Date: 3 November 2020
Decision Level: Delegated
Appeal Lodged: 23 February 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 6 April 2021

App. Ref: 20/03069/FUL
Location: 30A Lyncombe Hill Lyncombe Bath Bath And North East Somerset BA2 4PQ
Proposal: Erection of mansard roof with living accommodation following demolition of side extension to the house
Decision: REFUSE
Decision Date: 11 November 2020
Decision Level: Delegated
Appeal Lodged: 15 February 2021
Appeal Decision: Appeal Allowed
Appeal Decided Date: 6 April 2021

App. Ref: 19/05507/FUL
Location: Old House Northend Batheaston Bath Bath And North East Somerset
Proposal: Erection of a parking area gate mechanism, boundary pier and replacement walling. (Retrospective)
Decision: REFUSE
Decision Date: 7 May 2020
Decision Level: Planning Committee
Appeal Lodged: 29 December 2020

Appeal Decision: Appeal Dismissed
Appeal Decided Date: 15 April 2021
Officer recommendation: Refusal

App. Ref: 19/05508/LBA
Location: Old House Northend Batheaston Bath Bath And North East Somerset
Proposal: External alterations for the erection of a parking area gate mechanism, boundary pier and replacement walling. (Regularisation)
Decision: REFUSE
Decision Date: 7 May 2020
Decision Level: Planning Committee
Appeal Lodged: 29 December 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 15 April 2021
Officer recommendation: Refusal

App. Ref: 20/03289/FUL
Location: The Cottage 21 Steam Mills Midsomer Norton Radstock Bath And North East Somerset
Proposal: Conversion of an existing outbuilding into a self contained annexe accommodation.
Decision: REFUSE
Decision Date: 3 November 2020
Decision Level: Delegated
Appeal Lodged: 2 February 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 15 April 2021
