

**BATH AND NORTH EAST SOMERSET COUNCIL**

**PLANNING COMMITTEE**

**11th March 2020**

**DECISIONS**

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

**DECISION REFUSE**

**1 Poor Design**

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

## **2 Harm to Conservation Area**

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

## **3 Harm to Residential Amenity**

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

## **4 Lack of Parking**

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

## **PLANS LIST:**

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

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

#### DECISION TAKING STATEMENT

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

#### **Community Infrastructure Levy**

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

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

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

#### **PLANS LIST:**

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

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

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

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

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

## **Community Infrastructure Levy**

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

## **Permit/Consent Decision Making Statement**

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

## **Demolition Notice**

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

## **Condition Categories**

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

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

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

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

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

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

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

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

## **DECISION REFUSE**

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

## **PLANS LIST:**

This decision relates to the following plans:

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

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

## Community Infrastructure Levy

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

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

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

## **DECISION PERMIT**

### **1 Standard Time Limit (Compliance)**

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

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

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

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

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

### **3 Bound/Compacted Vehicle Access (Pre-occupation)**

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

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

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

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

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



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

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

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

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

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

#### **6 External Lighting (Bespoke Trigger)**

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

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

#### **7 Water Efficiency - Rainwater Harvesting (Pre-occupation)**

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

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

#### **8 Water Efficiency (Compliance)**

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

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

## **9 Sustainable Construction Checklist (Prior to first occupation)**

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

Table 2.1 Energy Strategy (including detail of renewables)

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

Table 2.4 (Calculations);

Building Regulations Part L post-completion documents

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

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

## **10 Plans List (Compliance)**

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

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

### **PLANS LIST:**

This decision relates to plan references;

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

014 and 015 received 9th December 2019.

002B and 003B received 10th December 2019.

011B received 18th December 2019.

### **Permit/Consent Decision Making Statement**

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

### **Community Infrastructure Levy**

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

## **Responding to Climate Change (Informative):**

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

### **Condition Categories**

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

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

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

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

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

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

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

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

## **DECISION REFUSE**

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

### **PLANS LIST:**

This decision relates to plan references;

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

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

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

### **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application

has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

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

## **DECISION PERMIT**

### **1 Standard Time Limit (Compliance)**

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

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

### **2 Bicycle Storage (Pre-occupation)**

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

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

### **3 Construction Management Plan (Pre-commencement)**

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

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

### **4 Hard and Soft Landscaping (Pre-occupation)**

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

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

### **5 Hard and Soft Landscaping (Compliance)**

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

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

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

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

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

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

### **7 Plans List (Compliance)**

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

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

### **PLANS LIST:**

This decision relates to the following drawings;

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

### **Condition Categories**

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

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

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

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

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

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

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

### **Permit/Consent Decision Making Statement**

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

### **Community Infrastructure Levy**

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

### **Responding to Climate Change (Informative):**

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



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

## DECISION    CONSENT

### 1 Time Limit - Listed Building Consent (Compliance)

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

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

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

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

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

### 3 Mortar Mix (Bespoke Trigger)

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

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

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

#### **4 Large Scale External Details (Bespoke Trigger)**

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

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

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

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

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

#### **6 Archaeology - Watching Brief (Pre-commencement)**

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

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

#### **7 Plans List (Compliance)**

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

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

### **PLANS LIST:**

This decision relates to the following drawings;

Date: 13.01.2020 Drwg. No. Drwg. title: Site plan  
Date: 13.01.2020 Drwg. No. 4142 - 001 Drwg. title: Location plan  
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Date: 10.02.2020 Drwg. No. 4142 - 0014J Drwg. title: Front and rear elevations - as proposed

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

## **Responding to Climate Change (Informative):**

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

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

**DECISION** Defer consideration to allow members to visit the site

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

**DECISION** Defer consideration to allow members to visit the site