

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Planning Committee**

**Date 16<sup>th</sup> December 2020**

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

**ITEMS FOR PLANNING PERMISSION**

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

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

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

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

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

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

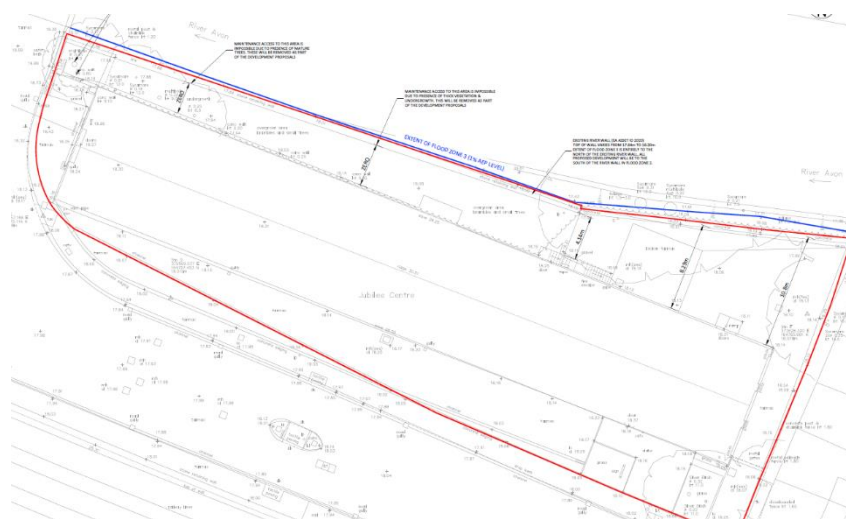
Item No.	Application No.	Address
004 AM	20/01794/FUL	Jubilee Centre Lower Bristol Road Twerton Bath Bath And North East Somerset BA2 9ES

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

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

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

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



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

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

This should be amended as follows;

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

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

This should be updated to;

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

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

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

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

These alterations do not change the outcome of the recommendation.

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

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

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

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

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

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

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

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

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