

**BATH AND NORTH EAST SOMERSET COUNCIL**

**PLANNING COMMITTEE**

**25th August 2021**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	20/03071/EFUL	
<b>Site Location:</b>	Dick Lovett (bath) Ltd, Wellsway Garage, Lower Bristol Road, Westmoreland	
<b>Ward:</b> Westmoreland	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application with an EIA attached	
<b>Proposal:</b>	Demolition of existing buildings and mixed-use redevelopment of the site comprising the erection of residential units (Class C3); erection of purpose built managed student accommodation (Sui Generis); flexible commercial floorspace (Class E); associated parking; landscaping; improvements to the public realm; and new vehicular access from Lower Bristol Road.	
<b>Constraints:</b>	Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Contaminated Land, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, Policy ST2 Sustainable Transport Routes,	
<b>Applicant:</b>	Watkin Jones Group	
<b>Expiry Date:</b>	27th October 2021	
<b>Case Officer:</b>	Chris Griggs-Trevarthen	

**DECISION** Delegate to permit subject to S106 and conditions

<b>Item No:</b>	02
<b>Application No:</b>	20/03166/FUL
<b>Site Location:</b>	Regency Laundry Service, Lower Bristol Road, Westmoreland, Bath
<b>Ward:</b> Westmoreland	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bays following demolition of existing buildings.
<b>Constraints:</b>	Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Lower Bristol Road Bath Limited
<b>Expiry Date:</b>	26th August 2021
<b>Case Officer:</b>	Chris Griggs-Trevarthen

**DECISION**                      Defer for site visit

<b>Item No:</b>	03
<b>Application No:</b>	20/02399/FUL
<b>Site Location:</b>	110 West Avenue, Oldfield Park, Bath, Bath And North East Somerset
<b>Ward:</b> Westmoreland	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Development of 2 no. self contained flats on land adjacent to existing building.
<b>Constraints:</b>	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr Richard Cross
<b>Expiry Date:</b>	27th August 2021
<b>Case Officer:</b>	Emma Watts

**DECISION**                      REFUSE

1 The proposed development would, by reason of its unsuitable access, be detrimental to highway safety contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan and the National Planning Policy Framework.

2 The overbearing impact of the scale of development to the detriment of access to natural light would cause an unacceptable impact on the amenities of neighbouring occupiers contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan and the National Planning Policy Framework.

3 The proposed development would result in loss of green open space and would be out of keeping with the local pattern of development and the character of the area contrary to Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and the National Planning Policy Framework.

**PLANS LIST:**

- 22 Sep 2020    1805-07B    PROPOSED SITE PLAN
- 22 Sep 2020    1805-08B    PROPOSED ELEVATIONS
- 10 Jul 2020    1805-05    EXISTING SITE PLAN
- 10 Jul 2020    1805-06    EXISTING ELEVATIONS

<b>Item No:</b>	04
<b>Application No:</b>	21/01200/OUT
<b>Site Location:</b>	2 Ellsbridge Close, Keynsham, Bristol, Bath And North East Somerset
<b>Ward:</b> Keynsham East	<b>Parish:</b> Keynsham Town Council <b>LB Grade:</b> N/A
<b>Application Type:</b>	Outline Application
<b>Proposal:</b>	Outline application (with all matters reserved) for the erection of 1no. detached house with a private driveway and 2 parking spaces on land to rear of 2 Ellsbridge Close.
<b>Constraints:</b>	Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
<b>Applicant:</b>	M Smith
<b>Expiry Date:</b>	27th August 2021
<b>Case Officer:</b>	Emma Watts

**DECISION** REFUSE

1 The proposed backland development would be contrary to the character of the area and fails to respond appropriately to the site context contrary to the Bath and North East Somerset Development Plan, in particular Placemaking Plan Policies D1, D2, D4, D5 and D7 and the aims of the National Planning Policy Framework.

**PLANS LIST:**

001 OS Site Location Plan, 100 Existing Site Plan & Strip Elevation, 200 Revision A Proposed Site Plan & Strip Elevation, 'Technical Note 1: Highways and Transport'

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>	05	
<b>Application No:</b>	20/04949/FUL	
<b>Site Location:</b>	97-101 Walcot Street, City Centre, Bath, Bath And North East Somerset	
<b>Ward:</b>	<b>Parish:</b>	<b>LB Grade:</b>
Walcot	N/A	N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Conversion of existing warehouse to Use Class E, including installation of mezzanine floor and alterations to roof. Erection of attached building to create Use Class E on ground floor and Residential Use Class C3 on 1st and 2nd floors.	
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr Paul Haskins	
<b>Expiry Date:</b>	1st September 2021	
<b>Case Officer:</b>	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 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 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.

#### **4 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 dwellings hereby approved have 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 safeguard the amenities of future occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

#### **5 Sequence of Development (Pre-Occupation)**

The conversion of the existing building to Use Class E shall be completed prior to the occupation of the residential units hereby permitted.

Reason: In order to ensure an acceptable relationship between the residential units and neighbouring occupiers in the interests of residential amenity in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

#### **6 Hours of Use (Compliance)**

The class E use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 7.30am-10pm Monday to Sunday.

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

#### **7 Café/ restaurant Use (Bespoke Trigger)**

No part of the building shall be brought into use as a café/ restaurant (Class E(b)) until a detailed scheme for the ventilation and extraction of fumes/cooking smells has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including: the stack height; the design and position of all ductwork; the noise/power levels of the fan(s); the number, type and attenuation characteristics of any silencers; details of anti -vibration mounts and jointing arrangements in the ductwork; the number of air changes per hour, and the efflux velocity. The scheme shall be implemented as approved prior to the commencement of the use and thereafter maintained as such.

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

### **8 Restricted Use (Compliance)**

The first and second floors of the premises hereby approved shall be used only as offices (Class E(g)(i)) and for no other purpose (including any purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

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

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

No occupation of the development shall commence until bicycle storage for at least 11 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.

### **10 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.

### **11 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.

## **12 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:

- o Table 2.4 (Calculations);
- o 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).

## **13 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.

## **14 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.

## **15 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:

- 23 Dec 2020 001 P2 Site Location Plan
- 23 Dec 2020 012 P2 Proposed North Side Elevation and Section
- 23 Dec 2020 014 P2 Proposed Mezzanine Section
- 21 May 2021 007 P3 Proposed Ground Floor Plan
- 21 May 2021 007 P3 Proposed Second Floor Plan
- 21 May 2021 008 P3 Proposed First Floor Plan
- 21 May 2021 013 P3 Proposed Site Section
- 21 May 2021 015 P3 Visualisations
- 11 Jun 2021 010 P4 Proposed Roof Plan
- 11 Jun 2021 011 P5 East Front Proposed Elevation



## 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.

### 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.

## Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **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 any development commences**.

**Do not commence development** until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

## Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto:cil@BATHNES.GOV.UK)

### **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>	06
<b>Application No:</b>	21/02476/VAR
<b>Site Location:</b>	The Nest, 7 Bladud Buildings, City Centre, Bath
<b>Ward:</b> Walcot	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Application for Variation of Condition
<b>Proposal:</b>	Variation of condition 5 of application 18/04797/FUL (Conversion of existing nightclub to a public house to include ventilation and extract equipment, detached bar kiosk, covered seating area and terrace seating area to rear)
<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 CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
<b>Applicant:</b>	The City Pub Group PLC
<b>Expiry Date:</b>	27th August 2021
<b>Case Officer:</b>	Helen Ellison

**DECISION**                      PERMIT

**1 Time Limit (Compliance)**

The development hereby approved shall be begun before the expiration of three years from 21st March 2019.

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 at the rear of the site 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, and terrace areas, 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 Conservation Area and 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 Noise from Ventilation and Extraction (Pre-commencement of use)**

The use hereby permitted shall not commence until a noise assessment has been undertaken by a competent person in relation to the installation of the extraction system unit to the rear of the property in accordance with BS4142:2014. The assessment shall determine the rating level of noise arising from unit installed as part of the development, at

the boundary of the nearest noise sensitive premises and identify the mitigation measures necessary to avoid complaints of noise nuisance. Noise levels shall be designed to be 5db below measured background noise levels at the rear of the property.

Reason: In the interests controlling odours and protecting residential amenity in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

#### **4 Noise from activities (Compliance)**

The applicant shall ensure that all doors and windows remain closed except for access and egress from 23.00hrs. There shall be no amplified music or other entertainment in the outside area at any time.

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

#### **5 Time limited timings - use of external area (Compliance)**

The external area to the rear of the premises hereby permitted shall be closed to the public and cleared by 23.00hrs from Sunday to Thursday and Bank Holidays and by 00.00hrs on Fridays and Saturdays.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and to enable the Local Planning Authority to review the impact of the development.

#### **6 Storage of refuse and waste materials (Compliance)**

Prior to the occupation of approved buildings, suitable and sufficient waste storage facilities shall be provided for the safe and secure on-site storage of waste derived from the business to ensure that no detriment to amenity from smell, flies or vermin arises

Reason: In the interests controlling odours and protecting residential amenity in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

#### **7 Use of Refuse and Recycling facilities (Compliance)**

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

#### **8 Construction Management (Compliance)**

- No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

- The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

- The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings

Reason: To protect the amenities of the occupants of adjacent residential properties in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and in accordance with the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities.

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

The external area to the rear of the premises shall not be brought into use until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of a planting specification to include numbers, size, species and positions of all new shrubs, details of existing and any 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 HE1 of the Bath and North East Somerset Placemaking Plan

### **10 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 external area to the rear of the premises being brought in to use or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any 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 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 HE1 of the Bath and North East Somerset Placemaking Plan.

### **11 Emergency escape gate - Submission of details (Bespoke Trigger)**

No works to the rear of the building shall commence until full details of a gate (to include plan, elevation, materials and colour/finish) leading to the emergency fire escape route to Walcot Street as shown on the drawing number 857.4 Rev B 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 and gate installed prior to the rear garden area being brought into use.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

### **12 Emergency Escape Only (Compliance)**

The emergency means of escape shown on the drawing number 857.4 Rev B shall be used solely as an emergency means of escape and for no other purpose.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

### **13 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 residential properties. The lighting shall be installed and operated thereafter in accordance with the approved details.

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

### **14 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

This decision relates to the following drawings;

Date: 26.10.2018 Drwg. No. 857.2 Drwg. title: Existing drawings

Date: 26.10.2018 Drwg. No. 857.3 Drwg. title: Proposed lower ground floor plans

Date: 26.10.2018 Drwg. No. 857.7 Drwg. title: Window joinery details

Date: 20.03.2019 Drwg. No. 857.1 C Drwg. title: Location & site plans

Date: 19.12.2018 Drwg. No. 857.9 Drwg. title: Proposed roof plan

Date: 30.01.2019 Drwg. No. 857.4 Rev B Drwg. title: Proposed garden & roof plans

Date: 27.02.2019 Drwg. No. 857.6 Rev E Drwg. title: Proposed elevations & section AA

Date: 28.02.2019 Drwg. No. 857.5 Rev E Drwg. title: Proposed elevations

Date: 01.03.2019 Drwg. No. 857.8 Rev A Drwg. title: Amended proposed garden details section CC

Date: 01.03.2019 Drwg. No. 857.10 Rev A Drwg. title: Amended acoustic screen

#### Advisories

##### Environmental Protection Act 1990

Under the environmental protection act 1990, the local authority has a duty to investigate complaints of nuisance and should a complaint be received, irrespective of planning consent, the local authority may on determination of a statutory nuisance serve a legal notice requiring any said nuisance to be abated and failure to comply may result in prosecution. Further advice may be sought from the local authority's environmental protection team on this matter where necessary.

##### Food premises

As the current premises is classed as a wet sales only establishment, a revised registration form will need to be submitted with the food safety team at Bath and North East Somerset Council at least 28 days prior to operation.

Further information can be found here:  
[HTTP://WWW.BATHNES.GOV.UK/SERVICES/ENVIRONMENT/FOOD-SAFETY/ADVICE-NEW-BUSINESSES](http://www.bathnes.gov.uk/services/environment/food-safety/advice-new-businesses)

### **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 - General Note for all Development**

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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.



<b>Item No:</b>	07
<b>Application No:</b>	21/02584/FUL
<b>Site Location:</b>	St Andrews, Old Lane, Farmborough, Bath
<b>Ward:</b> Clutton And Farmborough	<b>Parish:</b> Farmborough <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of ground floor extension, addition of new first floor and associated garage, including storage for refuse, recycling and bicycles.
<b>Constraints:</b>	Clutton Airfield, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
<b>Applicant:</b>	Mr & Ms Craig & Danielle Smith & Sewell
<b>Expiry Date:</b>	23rd July 2021
<b>Case Officer:</b>	Chloe Buckingham

**DECISION**                      Overturned. Refused

<b>Item No:</b>	08
<b>Application No:</b>	21/02181/FUL
<b>Site Location:</b>	Archway Cottage, Bath Road, Tunley, Bath
<b>Ward:</b> Bathavon South	<b>Parish:</b> Camerton <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of two storey side extension and demolition of existing converted garage (Resubmission).
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mark Donaldson
<b>Expiry Date:</b>	27th August 2021
<b>Case Officer:</b>	Rebecca Robinson

**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 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.

### 3 Materials (Compliance)

All external walling and roofing materials to be used shall match those of the existing building in respect of size, type, profile, texture, coursing and jointing.

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 Sequence of Demolition (Compliance)

Construction of the proposed side extension shall not commence until the rear garage has been demolished as per the plans permitted under this application.

Reason: To prevent detriment to the green belt through over-development of the site by an accumulation of buildings.

### 5 Retention of Arched Car-Port (Compliance)

The car-port hereby permitted shall be retained for parking, and the arched form on the north and south sides shall remain unenclosed and unobstructed in perpetuity.

Reason: In the interest of the appearance of the development, to retain adequate off-street parking provision and to prevent detriment to the green belt by ensuring the light-weight character of the development is preserved.

## **PLANS LIST:**

This decision relates to the following plans:

Drawing - 05 May 2021 - 2009.2 D01 - EXISTING BLOCK AND SITE PLANS  
Drawing - 05 May 2021 - 2009.2 D02 - EXISTING GROUND PLAN  
Drawing - 05 May 2021 - 2009.2 D04 - EXISTING ROOF PLAN  
Drawing - 05 May 2021 - 2009.2 D05 - EXISTING FRONT ELEVATION AND SECTION AA  
Drawing - 05 May 2021 - 2009.2 D06 - EXISTING REAR AND SIDE ELEVATIONS  
Drawing - 05 May 2021 - 2009.2 D11 - PROPOSED BLOCK PLAN  
Drawing - 05 May 2021 - 2009.2 D13 - PROPOSED FIRST FLOOR PLAN  
Drawing - 05 May 2021 - 2009.2 D14 - PROPOSED ROOF PLAN  
Drawing - 05 May 2021 - 2009.2 D15 - PROPOSED FRONT ELEVATION AND SECTION AA  
Drawing - 05 May 2021 - 2009.2 D16 - PROPOSED SIDE AND REAR ELEVATIONS  
Drawing - 12 May 2021 - 2009.2 D03 - EXISTING FIRST FLOOR PLAN  
Revised Drawing - 24 Jun 2021 - 2009.2 D12A - PROPOSED GROUND PLAN

## **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.

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

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