

**BATH AND NORTH EAST SOMERSET COUNCIL**

**PLANNING COMMITTEE**

**29th June 2022**

**DECISIONS**

<b>Item No:</b>	001		
<b>Application No:</b>	21/04590/FUL		
<b>Site Location:</b>	Homewood Park Hotel, Homewood, Hinton Charterhouse, Bath		
<b>Ward:</b> Bathavon South	<b>Parish:</b> Hinton Charterhouse	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of rear, side and front extension to existing spa, 6no new guest suites, new meeting / events space, admin office and ancillary accommodation following demolition of existing stables, garage and other outbuildings. Provision of additional on-site car parking, soft landscaping and associated external works, drainage and services provision.		
<b>Constraints:</b>	Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Homewood Park Limited		
<b>Expiry Date:</b>	5th July 2022		
<b>Case Officer:</b>	Isabel Daone		

**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 Bat and Wildlife Protection and Mitigation Scheme (Pre-commencement)**

No development shall take place until full details of a Bat and Wildlife Protection and Mitigation Scheme have been submitted to and approved in writing by the local planning authority. These details shall be in accordance with (but not limited to) the recommendations and proposed mitigation measures described in Table 5 of the Ecological Impact Assessment report dated 1st March 2022 produced by Nicholas Pearson Associates including:

(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 trees,

hedgerows, bats, nesting birds, reptiles and badger and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works

- (ii) Full details and method statement of proposed bat mitigation and compensation scheme, including installation of only bitumen type 1F felt in the compensation roost; and
- (iii) Detailed proposals for implementation of the wildlife mitigation measures of the approved ecological report.

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

Reason: To prevent ecological harm to roosting/foraging bats, trees, hedgerows, badger, reptiles & nesting birds in accordance with Policy NE3 of the Bath and North East Somerset Local Plan. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

### **3 Ecological Management Plan (EMP) (Pre-occupation)**

Landscaping shall demonstrate compliance with the approved Soft Landscaping Plan (drawing NPA 11124 500 C02) dated 10th February 2022 produced by Nicholas Pearson Associates. No operation of the development hereby approved shall take place until full details of an Ecological Management Plan, have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) A list of long-term wildlife conservation aims and objectives, to include: habitat-specific; species-specific; and issue-specific objectives (as applicable). Detailed proposals for implementation of ecological enhancement measures including wildlife-friendly planting / landscape details; provision of a sedum roof; and provision of bat & bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable;
- (ii) Proposed management prescriptions and operations; locations, timing, frequency, duration; methods equipment and personnel as required to meet the stated aims and objectives;
- (iii) All details, locations, boundaries of habitats and management units / areas shall be shown on a plan;
- (iv) A list of activities and operations that shall not take place and shall not be permitted within the EMP Plan area (for example use of herbicides, waste disposal, inappropriate maintenance methods, storage of materials);
- (v) All required measures shall be incorporated into and compatible with the wider scheme, and shown to scale on all relevant plans and drawings including landscape design and planting plans; and
- (vi) Proposed monitoring and reporting scheme, to include ongoing review and remediation strategy All works within the scheme shall be carried out and the land managed and maintained and utilised thereafter only in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: in the interests of avoiding net loss and proving net gain of biodiversity, birds in accordance with Policy NE3 of the Bath and North East Somerset Local Plan.

#### **4 External and Internal Lighting (Bespoke trigger - requires approval of details prior to installation of new lighting)**

Lighting shall be installed only in accordance with approved drawings 21/1837E/02, 21/1837E/04 A, 21/1837E/06 A, 21/1837E/07 A, 21/1837E/08 and Table 5 of the Ecological Impact Assessment report (Nicholas Pearson Associates, March 2022). No new external or internal lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority, details to include:

- i) proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan;
- ii) details of predicted lux levels and light spill (light spill onto the newly created habitat and north-western & south-western boundary habitats must be below 0.5lux); and
- iii) details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto existing trees and boundary vegetation and adjacent land to avoid harm to bat activity and other wildlife.

The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with Policies NE3 and D8 of the Bath and North East Somerset Local Plan.

#### **5 Ecological Follow-up Report (Bespoke trigger)**

Within 6 months of completion of the development hereby approved a report produced by a suitably experienced professional ecologist (based on post-completion on-site inspection by the ecologist) confirming in writing and demonstrating, using photographs, full adherence to and completion of all bat and wildlife protection, mitigation and enhancement measures in accordance with approved details, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the bat and wildlife protection, mitigation and enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and Policies NE3 NE5 and D5e of the Bath and North East Somerset Local Plan.

#### **6 Parking (Pre-occupation)**

No occupation of the development shall commence until 78 parking spaces have been provided on-site and should be retained permanently thereafter.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

#### **7 Turning Space (Pre-occupation)**

No occupation of the development shall commence until the turning space shown on drawing number IMA-19-216-10 has been completed in accordance with the approved

details. The turning space shall be kept clear of obstruction and available for use as a turning space at all times.

Reason: To ensure that vehicles can enter and leave the site in a forward gear in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

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

No occupation of the development shall commence until bicycle storage for at least 10 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: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

### **9 Travel Plan (Pre-occupation)**

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

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

### **10 Arboricultural Compliance (Bespoke Trigger)**

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement and Tree Protection Plan (Brynley Andrews September 2021). A signed compliance statement shall be provided by the appointed Arboriculturalist to the local planning authority within 28 days of completion of all works.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE6 of the Placemaking Plan.

### **11 Landscape Design Proposals (Bespoke Trigger)**

No development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)

## 8. Retained historic landscape features and proposals for restoration, where relevant

Soft landscape details shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes, details of tree maturity at planting and proposed numbers / densities
4. A management plan to detail the retention of the proposed "u-shaped" outer hedge to a height of at least 2 metres

Reason: To ensure the provision of amenity and a satisfactory quality of environment afforded by appropriate landscape design, in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

## 12 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works, including the proposed 2m high "u-shaped" outer hedge, shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

## 13 Sustainable Construction (Pre-occupation)

The development hereby approved shall be completed in accordance with all measures within the Sustainable Construction Checklist approved with the application, or with measures agreed in writing by the Local Planning Authority. At all times the development shall achieve at least a 19% reduction in regulated emissions compared to that required by the Building Regulations.

No occupation of the development shall commence until a Sustainable Construction Checklist (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) for the completed development has been submitted and approved in writing by the Local Planning Authority. This shall include:

1. The completion of all relevant tables (see indicated tracks/thresholds in the checklist);
2. All relevant supporting documents/evidence (see indicated tracks/thresholds in the checklist).

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

#### **14 Materials - Submission of Materials Schedule (Bespoke Trigger)**

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

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

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

The development shall thereafter be carried out in accordance with the approved details.

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

#### **15 Hours of Operation (Compliance)**

The event/meeting space (labelled "meeting space" on drawing no. 398 137 A hereby approved shall not be used outside of the following hours:

Monday-Sunday (inclusive): 07:00 to 01:00 hours the next day.

Reason: In the interests of the residential amenity of the surrounding occupiers.

#### **16 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:

- 1398-125 A Site Plan as Proposed - Built Areas and Volumes
- 1398-129 A Land Use as Existing and Proposed
- 1398-135 A Site Plan as Proposed
- 1398-136 A Site Plan Car Park Plan as Proposed
- 1398-137 A Hotel Block Plan as Proposed
- 1398-139 A Hard Landscape Plan as Proposed
- 1398-142 A Ground Floor Plan as Proposed
- 1398-143 A First Floor Plan as Proposed
- 1398-144 A Roof Plan as Proposed

1398-145 A New Guest Accommodation - Elevations as Proposed - Sheet 1  
1398-146 A New Guest Accommodation - Elevations as Proposed - Sheet 2  
1398-147 A Spa Elevations as Proposed  
1398-148 A Site Elevations as Proposed  
1398-150 A Site Sections AA and BB as Proposed  
1398-151 A Site Sections CC and DD as Proposed  
1398-152 A Bat and Swallow Shelter  
1398/SK/138 P1 NE Elevation of Guest Accommodation - Glazing Reduction  
1398/SK/139 P1 Proposals Plan within Wider Site Context.  
1398\_20220210 P2 Site Views Comparison Document  
NPA 11124 500 C02 Proposed Soft Landscape Plan  
1837-E08 Spill Light Site Layout  
1837-E02 Proposed Lighting and Alarms Layout-GF Gen Areas  
1837-E04 Proposed Lighting and Alarms Layout-GF Guest Accommodation  
1837-E06 Proposed Lighting and Alarms Layout-FF Guest Accommodation  
1837-E07 Proposed Electrical Services, Car park, Ramp and Paved Areas

All received 22nd March 2022

1308 120 Site Location Plan. Received 11th October 2022

### **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>	002	
<b>Application No:</b>	21/00677/FUL	
<b>Site Location:</b>	Proposed Development Site, Lansdown View, Twerton, Bath	
<b>Ward:</b> Southdown	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of seven new dwellings with access improvements and associated external works.	
<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), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Railway, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Ian Betts and Anthony Perry	
<b>Expiry Date:</b>	3rd June 2022	
<b>Case Officer:</b>	Chris Griggs-Trevarthen	

**DECISION**   REFUSE