

**BATH AND NORTH EAST SOMERSET COUNCIL**  
**PLANNING COMMITTEE**  
**5th May 2021**  
**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	20/00552/FUL	
<b>Site Location:</b>	The Scala, Shaftesbury Road, Oldfield Park, 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>	Mixed Use Redevelopment of The Scala site including the demolition of existing extensions and new extensions to improve retail store at ground floor level, provide a new dance centre space (Use Class E) and residential accommodation at first floor (including affordable apartments). Erection of student accommodation including 92no. student bedrooms and associated ancillary space. Erection of residential accommodation (16 no. total residential units). Parking for cars and cycles and associated landscaping	
<b>Constraints:</b>	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Indicative Extent, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Rengen (Scala) Ltd	
<b>Expiry Date:</b>	7th May 2021	
<b>Case Officer:</b>	Tessa Hampden	

**DECISION REFUSE**

1 The Courtyard building, due to its inappropriate height, massing and design, fails to reflect or enhance the local vernacular The scheme is therefore not in accordance with policy CP 6 of the Core Strategy (July 2014) and policies D1, D2, D3, D4 and D5 of the Bath and North East Somerset Placemaking Plan (July 2017) and guidance in the National Planning Policy Framework.

2 The proposed development, due to the overall massing and scale of the development is considered to represent the overdevelopment of the site. The scheme is therefore not in accordance with policy CP6 of the Core Strategy (July 2014) and policies D1, D2, D3, D4 and D5 of the Bath and North East Somerset Placemaking Plan (July 2017) and guidance in the National Planning Policy Framework.

3 The proposed development is considered to result in an adverse impact upon the residential amenity of the neighbouring occupiers, including through loss of privacy. The

scheme is therefore not in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan (July 2017)

#### **PLANS LIST:**

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Whilst the application was recommended for permission by Officers the Development Management Committee considered the proposal to be unacceptable for the stated reasons.

#### **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>	21/00738/FUL		
<b>Site Location:</b>	21 Victoria Buildings, Westmoreland, Bath, Bath And North East Somerset		
<b>Ward:</b>	Westmoreland	<b>Parish:</b>	N/A
		<b>LB Grade:</b>	II
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Reinstatement of metal boundary fences.		
<b>Constraints:</b>	Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, LLFA - Flood Risk Management, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Mrs Sue Craig		
<b>Expiry Date:</b>	19th April 2021		
<b>Case Officer:</b>	Emily Smithers		

## 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 Painting of railings (Compliance)

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

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

### 3 Plans List (Compliance)

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

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

## PLANS LIST:

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

## **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**

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)

## **Civil or legal consents**

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

## **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.

## **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.

<b>Item No:</b>	03
<b>Application No:</b>	21/00739/LBA
<b>Site Location:</b>	21 Victoria Buildings, Westmoreland, Bath, Bath And North East Somerset
<b>Ward:</b> Westmoreland	<b>Parish:</b> N/A <b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	External alterations to reinstate metal boundary fences.
<b>Constraints:</b>	,
<b>Applicant:</b>	Miss Sue Craig
<b>Expiry Date:</b>	5th May 2021
<b>Case Officer:</b>	Emily Smithers

## 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 Painting of railings (Compliance)

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

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

### 3 Plans List (Compliance)

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

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

## PLANS LIST:

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

### **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)

### **Civil or legal consents**

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

### **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.

### **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.

