

NOTIFICATION OF DECISION

Application Type: **Outline Application**

Address to which the proposal relates:
Hartwells Of Bath Newbridge Road Newbridge Bath

Application No: **19/01854/OUT**

Description of Proposal:

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.

Application submitted by: **Oakhill Group**

The above development is **REFUSED** in accordance with the application, plans and drawings submitted by you for the reason(s) set out below:

1. The application seeks outline consent for, amongst other things, the provision of up to 186 student bedrooms (Sui Generis) in addition to 104 residential units (Class C3). The application site is allocated for residential redevelopment by Policy SB15 of the Placemaking Plan. This policy, and its supporting text, is clear that the site (including the adjacent concrete batching plant) is allocated for 80-100 dwellings and that this cannot include student accommodation. By including student accommodation the proposal is therefore in direct conflict with Policy SB15 of the Bath & North East Somerset Placemaking Plan and as such is unacceptable in principle.
2. The proposed development by virtue of its inappropriate layout which comprises of 4 blocks of deep plan form with limited space around that is uncharacteristic and alien to the locality, and which is principally a consequence of the excessive quantum of development, fails to enrich the character and quality of Newbridge and fails to contribute positively to local distinctiveness, identity and history. The submitted illustrative scheme fails to demonstrate that a development of the quantum/uses proposed can be achieved on this site whilst also responding positively to the site's context; the illustrative scheme fails to do so and accordingly is contrary to Policy CP6 of the Bath & North East Somerset Core Strategy and Policy D1 and D2 of the Bath & North East Somerset Placemaking Plan.
3. The proposed development fails to provide an appropriate mix of housing. The non-student element of the scheme comprises one and two bedroom flats only, alongside the purpose built student accommodation. The housing mix put forward is therefore contrary to the objectives of Policy CP10 of the Bath & North East Somerset Core Strategy which requires new housing development to provide a variety of housing types and sizes.

4. The proposed development does not incorporate sufficient habitat creation, protection or enhancement; in particular there is a lack of adequate connective green infrastructure connecting existing habitats on and off site. Furthermore the proposed layout fails to avoid unacceptable adverse impacts on trees, trees of value are not retained and their loss has not been justified. The application is therefore contrary to Policy CP6 of the Bath & North East Somerset Core Strategy and policies CP7, NE5 and NE6 of the Bath & North East Somerset Placemaking Plan.

5. The proposed development generates a need for additional recreational open space but fails to meet this need on site or off site. The application is therefore contrary to Policy LCR6 of the Bath & North East Somerset Placemaking Plan as well as the Council's 'Green Space Strategy' and the Council's 'Planning Obligations' Supplementary Planning Document (SPD).

6. The proposed development fails to make a satisfactory or policy compliant contribution to affordable housing. The proposed contribution of 12.5% falls significantly below that required by Policy CP9 of the Core Strategy which requires a 40% contribution on this site. Whilst the Council accepts the conclusions of the viability assessment (that only a 12.5% contribution is financially viable) the NPPG is clear that the weight to be given to a viability assessment is a matter for the decision maker having regard to the circumstances in each case. In this case the Council affords limited weight to the viability assessment because the development plan is up-to-date and it has not been demonstrated by the applicant that there have been any material changes in circumstances since adoption. The application is therefore contrary to Policy CP9 of the Bath & North East Somerset Placemaking Plan.

FOOTNOTE:

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

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

and the following illustrative plans and drawings:

- Proposed Floor Plan -001: Drawing No. 0202 P2
- Proposed Floor Plan -002 (Lower Ground Floor): Drawing No. 0201 P2
- Proposed Floor Plan 000 (Newbridge Road): Drawing No. 0203 P2
- Proposed Floor Plan 001: Drawing No. 0204 P2
- Proposed Floor Plan 002: Drawing No. 0205 P2
- Proposed Floor Plan 003 (Roof Plan): Drawing No. 0206 P2
- Landscape General Arrangement Plan: Drawing No NPA 11063 301 Rev P01
- Illustrative Elevations: Drawing No. 0300 P3
- Site Sections Sheet 1: Drawing No. 0400 P3
- Site Sections Sheet 2: Drawing No. 0401 P3
- 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. 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

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.

Date of Decision: 16th March 2020

Simon de Beer

Head of Planning

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#)
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

COMPENSATION

- In certain circumstances compensation may be claimed from the local planning authority if permission or consent is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Date registered: 1st May 2019

Applicant: Oakhill Group

Dear Sir/Madam

With reference to the above application for outline planning permission, please find enclosed a copy of the Local Planning Authority's notification of decision. For further information about the decision please refer to the case officer's report for your application on our website labelled as 'Committee Report' in the Associated Documents tab. This can be accessed using the link below.

<https://isharemaps.bathnes.gov.uk/data.aspx?requesttype=parsetemplate&template=DevelopmentControlApplication.templt&basepage=data.aspx&Filter=%5erefval%5e='19/01854/OUT'&history=bc0fada027c64c128e82abaabe46c93f&SearchLayer=DCApplications>.

Please also refer to the committee minutes for the Development Management Committee on the Minutes, agendas and reports pages of our website - <http://democracy.bathnes.gov.uk/meetings>. We aim to publish the committee minutes within 7 working days of the meeting.

Your attention is drawn to the notes that accompany the decision notice which give guidance on matters such as making appeals, serving purchase notices and compensation issues. However, if you require further assistance on any of the above areas, please contact Planning Services.

It is important to us to find out what our customers think about the service we provide. To help us in this respect, we would be very grateful if you could take a few moments to complete our online planning applicants survey which can be accessed using the below web address.

<https://www.surveymonkey.com/r/WBND26T>

We will use the information you give us to monitor and improve our services.

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