

The Planning Inspectorate

PLANNING APPEAL FORM (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/F0114/W/20/3258121

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

...

Company/Group Name

Oakhill Group Ltd.

Address

c/o Agent
Walsingham Planning, Bourne House, Cores End Road
Bourne End
SL8 5AR

Preferred contact method

Email



Post



B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes



No



Name

Mr Thomas Edmunds

Company/Group Name

Walsingham Planning

Address

Bourne House
Cores End Road
BOURNE END
SL8 5AR

Phone number

01628532244

Email

tom.edmunds@walsingplan.co.uk

Preferred contact method

Email



Post



C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Bath and North East Somerset Council

LPA reference number

19/01854/OUT

Date of the application

18/04/2019

Did the LPA validate and register your application? Yes No

Did the LPA issue a decision? Yes No

Date of LPA's decision

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes No

Does the appeal relate to an existing property? Yes No

Address

Former Hartwell Garage
Newbridge Road
Bath
BA1 2PP

Is the appeal site within a Green Belt? Yes No

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes No

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form? Yes No

Please enter details of the proposed development. This should normally be taken from the planning application form.

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; and provision of hard and soft landscaping scheme across entire site.

Area (in hectares) of the whole appeal site [e.g. 1234.56]

Area of floor space of proposed development (in square metres)

Does the proposal include demolition of non-listed buildings within a conservation area? Yes No

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission for the development.
2. Refused permission to vary or remove a condition(s).
3. Refused prior approval of permitted development rights.
4. Granted planning permission for the development subject to conditions to which you object.
5. Refused approval of the matters reserved under an outline planning permission.

6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.
7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above).
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.
9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation.

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations
2. Hearing
3. Inquiry

You must give detailed reasons below or in a separate document why you think an inquiry is necessary. The reasons are set out in

the box below

A Public Inquiry is considered to represent the most appropriate appeal route given the quantum of development proposed – 13,926sqm of floorspace comprising 104 residential units and 186 student bedspaces – and the complexity of the case.

There are 6 reasons for refusal raising a wide range of issues including the principle of the proposed land use; the degree of impact arising from the proposed development on matters relating to layout, quantum of development, design, recreational open space and amenity; impact on trees and biodiversity; and the weight to be applied to viability which effects the delivery of affordable housing. These will require expert evidence to be presented and cross-examined to enable thorough testing.

There is very strong public interest in the proposals with various amenity societies opposed to the development and over 270 third party objectors. It is the view of Leading Counsel for the appellant that the appeal firmly meets the criteria for a public inquiry contained within Annexe K to the Procedural Guide to Planning Appeals – England - July 2020.

(a) How many witnesses do you intend to call?

(b) How long do they need to give their evidence?

(c) How long do you estimate the inquiry will last?

H. FULL STATEMENT OF CASE

see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case? Yes No

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available) Yes No

(b) Have you made a costs application with this appeal? Yes No

I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's Name: London Road Nottingham Ltd
Address at which notice was served: c/o Property Dept. 1st Floor, Lashford Court, Besselsleigh Road, Wootton OX13 6FD

Date the notice was served: 21/08/2020

Owner's Name: Bath & North East Somerset Council
Address at which notice was served: Lewis House, Manvers Street, Bath BA1 1JG
Date the notice was served: 21/08/2020

Owner's Name: Hanson UK
Address at which notice was served: 14 Castle Hill, Maidenhead SL6 4JJ
Date the notice was served: 21/08/2020

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.

I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.

J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA.

02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form).

03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.

04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.

05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.

05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.

- 05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.
06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
07. A copy of the design and access statement sent to the LPA (if required).
08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.
09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.
09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.
10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.
11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
- (a) the relevant outline application;
- (b) all plans sent at outline application stage;
- (c) the original outline planning permission.
12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.
13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).
14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes No

L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature

Date

Name

On behalf of

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018. Further information about our Data Protection policy can be found on our website under Privacy Statement.

M. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

You will not be sent any further reminders.

The documents listed below were uploaded with this form:

Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the full statement of case.
File name:	Statement of Case.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	01 Application Form.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
File name:	Decision Notice 16.03.20.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	02 4014-0100_P3_Site Location Plan.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	02 4014-0100_P3_Site Location Plan.pdf
File name:	02 4014-0206_P2_Proposed Floor Plan 003 (Roof Plan).pdf
File name:	02 4014-0410_P3_Proposed illustrative sections through cycle route.pdf
File name:	02 4014-0205_P2_Proposed Floor Plan 002.pdf
File name:	02 4014-0203_P2_Proposed Floor Plan 000 (Newbridge Road).pdf
File name:	02 4014-0204_P2_Proposed Floor Plan 001.pdf
File name:	02 4014-0401_P3_Site Sections Sheet 02.pdf
File name:	02 4014-0202_P2_Proposed Floor Plan -001.pdf
File name:	02 4014-0400_P3_Site Sections Sheet 01.pdf
File name:	02 4014-0201_P2_Proposed Floor Plan -002 (Lower Ground Floor).pdf
File name:	02 4014-0300_P3_Illustrative Elevations.pdf
File name:	02 4014-0150_P3_Existing Site Plan.pdf
File name:	02 4014-0110_P4_Proposed Site Plan.pdf
File name:	03 DAS part 3.pdf
File name:	03 DAS part 2.pdf
File name:	03 DAS part 4.pdf
File name:	03 DAS part 1.pdf
File name:	04 LVIA.pdf
File name:	05 VVM Part 10.pdf
File name:	05 VVM Part 12.pdf

File name: 05 VVM Part 9.pdf
File name: 05 VVM Part 8.pdf
File name: 05 VVM Part 11.pdf
File name: 05 VVM Part 6.pdf
File name: 05 VVM Part 13.pdf
File name: 05 VVM Part 1.pdf
File name: 05 VVM Part 14.pdf
File name: 05 VVM Part 4.pdf
File name: 05 VVM Part 2.pdf
File name: 05 VVM Part 3.pdf
File name: 05 VVM Part 5.pdf
File name: 05 VVM Part 7.pdf
File name: 06 Landscaping proposals.pdf
File name: 09 Ventilation Strategy Drawings.pdf
File name: 09 Space Heating Drawings.pdf
File name: 09 Ventilation Strategy.pdf
File name: 07 Planning statement.pdf
File name: 10 Energy Strategy.PDF
File name: 08 Arboricultural Impact Assessment and Method Statement.pdf
File name: 06 Landscape Strategy.pdf
File name: 14 Framework Travel Plan.pdf
File name: 11 Statement of Community Engagement.pdf
File name: 12 Viability Summary Report.pdf
File name: 16 Ecological Appraisal.pdf
File name: 15 Framework Management Plan.pdf
File name: 13 Transport Assessment Part 1.pdf
File name: 13 Transport Assessment Part 2.pdf
File name: 11 Statement of Community Engagement Appendix.pdf
File name: 18 Noise Assessment.pdf
File name: 17 Drainage Strategy Report Part 2.pdf
File name: 19 Geo environmental site assessment report.pdf
File name: 17 Drainage Strategy Report Part 3.pdf
File name: 17 Drainage Strategy Report Part 1.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name: List of documents and drawings.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 08. A copy of a draft statement of common ground.
File name: Draft Statement of Common Ground.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 10. Any relevant correspondence with the LPA, including any supporting information submitted with your application in accordance with the list of local requirements.

File name: 24 letter to Chris Gomm 03.02.2020.pdf
File name: 23 letter to Chris Gomm 12.11.19.pdf
File name: 20 letter to Chris Gomm 12.06.19.pdf
File name: 21 letter to Chris Gomm 21.08.19.pdf
File name: 21 letter to Chris Gomm 21.08.19 appendix.pdf
File name: 20 letter to Chris Gomm 12.06.19 appendix.pdf
File name: 23 letter to Chris Gomm 12.11.19 appendix 2.pdf
File name: 22 email to Chris Gomm 23.10.19.pdf
File name: 23 letter to Chris Gomm 12.11.19 appendix 1.pdf
File name: 22 email to Chris Gomm 23.10.19 appendix.pdf

Completed by MR THOMAS EDMUNDS

Date

21/08/2020 15:09:22