

Town and Country Planning Act 1990

NOTIFICATION OF DECISION

Application Type: **Full Application** Application No: **21/04049/FUL**

Address to which the proposal relates: **The Scala Shaftesbury Road Oldfield Park Bath**

Description of Proposal: **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 community space and student accommodation (16no bed spaces) at first floor levels. Erection of student accommodation including 72no. student bedrooms and associated ancillary space. Erection of a residential block (C3) including 9 no. apartments. Parking for cars and cycles and associated landscaping (Resubmission).**

Application submitted by: **Rengen (Scala) Ltd**

The above development is **PERMITTED** in accordance with the application, plans and drawings submitted by you subject to the condition(s) set out below:

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 Parking (Compliance)

The areas allocated for parking and turning, as indicated on submitted plan reference 1743 AP(0)10 Revision B, shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

4 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 116 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.

5 Student Management Plan (Pre-occupation)

Prior to the opening of the development a Student Management Plan setting out the agreed arrangements for managing student drop off/collection procedures and location, at the start/end of semester/academic year shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Student Management Plan.

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.

6 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 Local Plan.

7 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.

8 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, 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.

9 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme produced by a suitably experienced ecologist have been submitted to and approved in writing by the local planning authority. These details shall be consistent with Section 6 of Ecology Report (Ashgrove Ecology, 2020) and shall include:

- (i) Method statement for pre-construction and construction phases to provide full details of all necessary wildlife protection and mitigation measures, including, where applicable, proposed pre-commencement surveys and seasonal timing, for the avoidance of harm to wildlife including nesting birds and bats and proposed reporting of findings to the LPA prior to commencement of works; and
- (ii) Detailed proposals for wildlife mitigation and enhancement measures including wildlife-friendly and native planting; locations, specifications and numbers of bat and bird boxes; and connectivity measures in boundary features to allow movement of wildlife including hedgehog.

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 in accordance with the Wildlife and Countryside Act 1981 (as amended) and to provide biodiversity gain in accordance with policies NE3 and D5e of the Bath and North East Somerset Placemaking Plan.

NB 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.

10 Implementation Wildlife Protection and Enhancement Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, completion and implementation of the Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with policies NE3 and D5e of the Bath and North East Somerset Placemaking Plan.

11 Site Specific Construction Environmental Management Plan (Pre-occupation)

No development shall take place until a site-specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Council's Environmental Protection Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To ensure that the impacts of construction activity and related pollution do not unduly harm environmental amenity in the locality as well as the health and wellbeing of users and occupiers of adjacent sites in accordance with the requirements of local policies D6, D8, PCS1, PCS2, PCS3, ST7 and M5.

12 Noise Mitigation Measures (Compliance)

The development shall be constructed in accordance with the noise control and mitigation measures detailed in the approved Noise Impact Assessment reference 7929/BL/PR.

Reason: To protect future occupants and neighbouring residents from exposure to environmental Noise

13 Noise assessment (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 development has 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: In the interests of the amenities of surrounding occupiers.

14 Deliveries - retail use (Compliance)

No deliveries or dispatches shall be made to or from the site to include waste servicing vehicles, and no delivery or despatch vehicles shall enter or leave the site before the hours of 07.00 nor after 22.00 Monday to Saturday, or at all on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of surrounding occupiers.

15 External lighting (Pre-Occupation)

Prior to the first occupation of the development hereby approved, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.

Reason: In the interests of the amenities of surrounding occupiers.

16 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:

- Table 2.4 (Calculations);
- 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).

17 Flood Risk Mitigation Measures (Compliance)

The mitigation measures recommended in the Flood Risk Assessment reference 72007R3 prepared by FloodSmart shall be implemented as appropriate.

Reason: In the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy.

18 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.

19 Housing Accessibility (Compliance)

Two dwellings in the Mews building hereby approved shall be constructed to meet the optional technical standards 4(2) in the Building Regulations Approved Document M.

Reason: Reason: To ensure that the optional technical standards for accessibility are met in accordance with policy H7 of the Bath and North East Somerset Council Placemaking Plan.

20 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)

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 and proposed numbers / densities

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.

21 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 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.

22 Electric Vehicle Charging Points (Pre-Occupation)

Prior to first occupation of the development hereby approved electric vehicle charging points shall be installed (and shall be fully operational) in accordance with an Electric Vehicle Charging Point Plan/Strategy which shall have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure that electric vehicles are adequately accommodated for and encouraged in accordance with Policy ST7 of the Bath & North East Somerset Core Strategy.

23 Virtual footway (Pre-Occupation)

Prior to the occupation of the development, details of a virtual footway or equivalent on the shared access from Shaftesbury Road (to the site and the rear of the properties at Shaftesbury Road) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of the development.

Reason: In the interest of highway and pedestrian safety.

24 Community use - Use Class E (Compliance)

Notwithstanding the provisions of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, (or any order revoking and re-enacting that Order with or without modification), the approved dance centre shall only be used for a dance or sports hall/community hall or a community use as otherwise agreed in writing by the Local Planning Authority, and for no other purpose in Class E (or other class) of the schedule to that Order.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

25 Provision of a temporary retail store (Compliance)

Prior to the ceasing of the operation of the existing retail use to allow for redevelopment, details of a temporary store which shall be accommodated on the site, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include dates for which the store will be in place. The development shall be carried out in accordance with these approved details.

Reason: To ensure retail space is retained on the site in the interests of vitality and viability of the Local Centre.

26 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:

AP(0)01 B Site Location Plan
AP(0)05 B Existing Site Survey
AP(0)09 B Demolition Site Plan
AP(0)10 B Proposed Site Plan - Ground Floor
AP(0)11 A Proposed Site Plan - First Floor
AP(0)12 A Proposed Site Plan - Second Floor
AP(0)14 A Site Plan - Roof
AP(0)20 A Existing Site Elevations
AP(0)21 Proposed Site Elevations
AP(0)30 A Proposed Site Sections AABB
AP(0)31 A Proposed Site Sections CCDDEE
AP(0)40 B Existing Site Aerial 01
AP(0)41 Proposed Site Aerial 01
AP(0)50 Visualisation 01
AP(0)51 Visualisation 02
AP(0)52 B Visualisation 03
AP(1)01 B Scala Existing Ground Floor Plan
AP(0)02 C Scala Existing First Floor Plan
AP(0)05 C Scala Existing Elevations
AP(0)06 A Scala - Existing Sections
AP(1)10 Scala Proposed Ground Floor & First Floor Plans
AP(1)20 F Scala Proposed Elevations
AP(1)30 Scala - Proposed Sections
AP(1)31 Proposed Scala - Detail Sections

AP(2)10 M Courtyard - Proposed Ground Floor & First Floor Plans
AP(2)11 Courtyard - Proposed Second Floor Plan
AP(2)20 A Courtyard Proposed Elevations
AP(2)30 A Courtyard - Proposed Sections
AP(2)31 Proposed Courtyard - Detail Sections
AP(3)10 Mews - Proposed Plans
AP(3)20 Mews Proposed Elevations
AP(3)30 Mews - Proposed Sections
Planning and Economic Statement, October 2021
Highways Technical Note, October 2021
Transport Statement, document reference 21114/TS/01, September 2021
Framework Travel Plan, September 2021
Design and Access Statement Addendum, August 2021
Visual Impact Assessment, September 2019
Addendum Visual Impact Assessment, document reference NPA/11110/100, September 2021
Visually Verified Montages, document reference NPA 11110 REN, September 2021
Flood Risk Assessment, document reference 72007R3, 23 January 2020
Sustainable Drainage Strategy, document reference 72007.01R3, 23 January 2020
Noise Impact Assessment, document reference 7929/BL-PR, January 2020
Daylight and Sunlight Amenity Study, document reference 19-02567, August 2021
Heritage Impact Assessment, 22 September 2019
Landscape Strategy, document reference 11110 PRE03, October 2019
Sustainability Report, January 2020
Ventilation and Extract Statement, document reference 1329RCS Vent Statement, 27 January 2020
Ecology Report, January 2020
Accommodation Schedule
s.106 Agreement between Bath and North East Somerset Council, Co-Operative Group Limited and Rengen (Scala) Limited, dated 19th April 2022

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 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 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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

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.

Date of Decision: 22nd April 2022

Simon de Beer

Head of Planning

IMPORTANT NOTE - The above decision refers to Planning Permission only and does not grant or imply Listed Building Consent, Advertisement Consent, Building Regulation or other consents under any other legislation.

APPEALS TO THE FIRST 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 (8 weeks for Advertisement appeals).
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- 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.
- 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 First 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.