

Town and Country Planning Act 1990

NOTIFICATION OF DECISION

Application Type: **Full Application** Application No: **16/05632/FUL**

Address to which the proposal relates: **Cleveland Bath Cleveland Row Hampton Row Bathwick Bath**

Description of Proposal: **Restoration of historic open-air public swimming pool and associated facilities**

Application submitted by: **Cleveland Pools Trust**

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 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.

3 External Lighting (Bespoke Trigger)

Lighting for the development hereby permitted shall be installed and operated thereafter so that lux levels fall within the predicted light spill levels shown on the external lighting isoline drawing number CP-HYD-XX-GF-DR-E-2001 Revision PO1 by Hydrock dated 22nd February 2017. Prior to installation of new lighting, full details of proposed lighting design must be first submitted to and approved in writing by the LPA. These details shall include:

1. Full specifications of proposed lighting including spectral composition and colour temperature of lamps and plans showing numbers, types, positions and heights of lamps
2. A lux contour plan showing predicted light spill levels arising from the proposed lighting scheme, which shall not exceed the predicted lux levels as shown on the approved plan CP-HYD-XXGF- DR-E-2001 Revision PO1 dated 22nd February 2017
3. details of all measures that shall be incorporated into the scheme to minimise light spill onto vegetation and avoid light spill onto adjacent land, thus minimising impacts on bats and other wildlife; for example, through use of: "warm white" LED; directional lighting, baffles and screening; time switches and remote sensors; adherence to specified times of use and use of dimming regimes.

Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: to avoid harm to protected species including bats and reptiles and to avoid harm to existing and retained habitats

4 Wildlife Protection Scheme (Bespoke Trigger)

No development shall take place until full details of a Wildlife Protection Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Findings of all necessary repeat or update surveys and pre-commencement checks for protected species, and/or proposed methods and scope of pre-commencement survey and proposed means of notification of the outcome of these to the LPA, prior to commencement of works.
- (ii) A method statement providing details of all proposed precautionary working methods, protection measures and construction materials necessary for the avoidance of harm to bats and their habitats.
- (iii) Details of a scheme designed to avoid harm to slow-worms and other reptiles, to include details and a mapped site boundary of proposed reptile translocation receptor site/s or provision of suitable retained reptile habitat within the site, as applicable.
- (iv) Proposed monitoring of the translocated rigid hornwort and proposed reporting of monitoring findings.
- (v) Details of all other necessary measures to avoid harm to wildlife and retained habitats and avoidance of harm to adjacent habitats including the River Avon.

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: to avoid harm to protected species including bats and reptiles and to avoid harm to existing and retained habitats.

5 Demonstration of Compliance (Bespoke Trigger)

The development hereby permitted shall be carried out only in accordance with the approved Wildlife Protection Scheme. A report by a suitably experienced ecologist confirming and demonstrating, through written confirmation and use of photographs, implementation of the each of the measures required by the Scheme shall be submitted to the local planning authority and approved in writing prior to use of the development.

Reason: to demonstrate satisfactory implementation of all necessary measures to avoid harm to ecology and protected species.

6 Flood Emergency Plan (Bespoke Trigger)

No occupation of the development shall commence until a Flood Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall address the matters required pursuant to section 10 of the National Planning Policy Framework and the National Planning Practice Guidance. Thereafter the approved Flood Emergency Plan shall be implemented in perpetuity.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with paragraph 17 and section 10 of the National Planning Policy Framework.

7 Noise Assessment (Bespoke Trigger)

The applicant shall submit a noise assessment to determine the impact arising from the construction and operational phases of the development. The assessment shall make reference to appropriate national guidance and standards and shall propose appropriate methods of noise mitigation. The proposed mitigation measures shall be fully implemented and maintained.

Reason: To protect neighbouring residents from noise arising from the construction and operation of the development.

8 Arboricultural Method Statement with Tree Protection Plan (Bespoke Trigger)

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

9 Arboricultural Certificate of Compliance (Bespoke Trigger)

No occupation of the development shall commence until a signed certificate of compliance with the Arboricultural Method Statement and tree protection plan by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East Somerset Local Plan. To ensure that the approved method statement is complied with for the duration of the development.

10 Hard and Soft Landscape Scheme (Bespoke Trigger)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

11 Hard and Soft Landscape Scheme (Bespoke Trigger)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

12 Landscape Management Plan (Bespoke Trigger)

No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority in consultation with the Environment Agency.

The scheme shall include the following elements:

- o detail extent and type of new planting
- o details of maintenance regimes
- o details of any new habitat created on site
- o details of treatment of site boundaries and/or buffers around water bodies
- o details of management responsibilities

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

13 Flood Risk Assessment (Bespoke Trigger)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- 1) Inclusion of all resistance/resilience measures detailed within section 6.3 of the FRA.
- 2) Toilet and storage block in the north east corner must be of a floodable design and not adversely affect flood flows.

The mitigation measures shall be fully implemented prior to occupation and maintained for the lifetime of development unless otherwise agreed in writing, by the local planning authority in consultation with the Environment Agency.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

14 Flood Safety and Occupation of Cottage (Compliance)

The onsite accommodation cottage shall only be used as accommodation ancillary to the use of the pools. The ancillary accommodation shall not be occupied until such time as the high level walkway has been installed providing access/egress to higher ground.

Reason: Self-contained residential accommodation is inappropriate in this area and to allow for safe access/egress to occupants during times of flood.

15 Floodplain Compensation Storage (Bespoke Trigger)

No development shall take place until a scheme for the provision of floodplain compensation storage has been submitted, and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The operation of the scheme shall thereafter be carried out in accordance with the approved details.

Reason: To prevent any increase in flood risk elsewhere as a result of this development.

16 Highways - 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 Policies T.24 and D.2 of the Bath and North East Somerset Local 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.

PLANS LIST:

CPT 1000A, CPT 1001A, CPT 1002A, CPT 1003A, CPT 1200A, CPT 1201A, CPT 1202A, CPT 1203, CPT 2001A, CPT 2002A, CPT 2003B, CPT 2004A, CPT 2005A, CPT 2006A, CPT 2200, CPT 2201A, CPT 2202, CPT 2203, CPT 2501, CPT 3200, CPT 3201, CPT 3202, CPT 3203, CPT 3204, CPT 3205, CPT 3206, CPT 3207, CPT 3208, CPT 3209, CPT 3210, CPT 3220, CPT 3800, CPT 3900, CPT 3901, CPT 3902, CPT 4000(1), AQUATIC VEGETATION SURVEY, BAT DETECTOR SURVEY, BAT SEARCH SURVEY, PHASE ONE HABITAT SURVEY, REPTILE SURVEY, RIGID HONWORT TRANSLOCATION, CONSERVATION MANAGEMENT PLAN, DESIGN AND ACCESS STATEMENT, HERITAGE STATEMENT, PLANNING STATEMENT, TRAVEL PLAN, PROJECT DEVELOPMENT AND COMMUNITY ENGAGEMENT and CONSERVATION MANAGEMENT PLAN GAZETTEER date stamped 17 November 2016.

C151598 5001 B, C151598 5002 B, CPT 2000B, CPT 2500A, CPT 3221A, CPT 3222A, 181/4050/2, DIA.174_REV.4, CONSTRUCTION OPTIONS and OPERATING STATEMENT date stamped 20 February 2017.

CP-HYD-XX-GF-DR-E-2001 Rev P01 date stamped 22 February 2017.

CP-HYD-XX-ZZ-DR-M-4000 and CP-HYD-XX-ZZ-DR-ME-9000, CONSTRUCTION ACCESS OPTIONS PLAN, EMERY CONSTRUCTION MANAGEMENT PLAN, ACCESS OPTIONS, CPT 3223A and email correspondence date stamped 16 March 2017.

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised and submitted proposals was taken and permission was granted.

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 a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Environment Agency Informative

Under the Environmental Permitting (England and Wales) Regulations 2010 permission from the Environment Agency may be required should any site/site infrastructure works take place in, under, over or within 8 metres of the bank top of the River Avon, a designated main river. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Under the terms of the Water Resources Act 1991, an Abstraction Licence may be required from the Environment Agency for the abstraction of water from any inland water or underground strata. This is dependent on water resource availability and may not be granted.

Date of Decision: 10th April 2017



Mark Reynolds
Group Manager (Development Management)

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.