

**Town and Country Planning Act 1990**

**NOTIFICATION OF DECISION**

Application Type: **Full Application**      Application No: **19/02276/FUL**

Address to which the proposal relates: **Bath City Football Club High Street Twerton  
Bath**

Description of Proposal: **Mixed-use redevelopment of Twerton Park and adjoining land, comprising of; replacement spectator stand, new east terrace and playing pitch (levelling with 3G surface); 12no. affordable dwellings (C3 Use), 33no. co-living apartments (Sui Generis); 356 beds of student accommodation (Sui Generis); community function space (D1 Use); gymnasium (D2 use); commercial units (A1/A2/A3/A4/A5 and AA Uses); modifications to the external appearance of the existing retail and residential units (providing 6no. additional apartments) between 105 and 116 High Street; associated landscaping and public realm works.**

Application submitted by: **Bath City Football Club & Greenacre Capital Ltd**

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

**1 Poor Design**

The proposed development, due to its height, massing, scale, roofscape, form, layout, materials, detailing, landscaping and public realm, represents poor design which would be visually intrusive, unduly prominent and out of keeping with the local character and context. The proposed development is therefore considered contrary to the development plan, in particular policies D1, D2, D3, D4, D5, D6 and D10 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy, and is contrary to the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide.

**2 Harm to Conservation Area**

The proposed development, due to its scale, height, massing, form, materials and detailing, would cause significant and serious harm to the Bath Conservation Area and is not outweighed by the public benefits of the proposed development. The proposed development is therefore contrary to the development plan, in particular policy HE1 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy, and is contrary to the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide.

**3 Harm to Residential Amenity**

The proposed development, due to the poor outlook, quantity and quality of amenity spaces, room sizes and layouts, would create a poor quality and oppressive living environment for the future occupiers of the student and co-living accommodation. The proposed development is therefore contrary to the development plan, in particular policy D6 of the Bath and North East Somerset Placemaking Plan, and is contrary to the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide.

**4 Lack of Parking**

The proposed development, due to a failure to provide an appropriate level of on-site

Bath & North East Somerset Council  
(RFFULZ)

**Please read the notes that accompany this decision notice.**

parking, would result in an increase in on-street parking in the vicinity of the site which would adversely affect highways safety and residential amenity. The proposed development is therefore contrary to the development plan, in particular policy ST7 of the Bath and North East Somerset Placemaking Plan, and is contrary to the National Planning Policy Framework.

**FOOTNOTE:**

32495-STL-XX-XX-DR-A-XXXX-09001 LOCATION PLAN  
32495-STL-XX-XX-DR-A-XXXX-09003 PROPOSED SITE PLAN  
32495-STL-XX-XX-DR-A-XXXX-09004 DEMOLITION PLAN  
32495-STL-XX-ZZ-DR-A-XXXX-02014 DETAIL ELEVATION (1)  
32495-STL-XX-ZZ-DR-A-XXXX-02015 DETAIL ELEVATION (2)  
32495-STL-XX-ZZ-DR-A-XXXX-02012 PROPOSED ELEVATIONS (8)  
32495-STL-XX-ZZ-DR-A-XXXX-02011 PROPOSED ELEVATIONS (6)  
32495-STL-XX-ZZ-DR-A-XXXX-02010 PROPOSED ELEVATIONS (5)  
32495-STL-XX-ZZ-DR-A-XXXX-02009 PROPOSED ELEVATIONS (4)  
32495-STL-XX-ZZ-DR-A-XXXX-02008 PROPOSED ELEVATIONS (3)  
32495-STL-XX-ZZ-DR-A-XXXX-02005 PROPOSED ELEVATIONS (2)  
32495-STL-XX-ZZ-DR-A-XXXX-02004 PROPOSED ELEVATIONS (1)  
32495-STL-XX-ZZ-DR-A-XXXX-02003 LOWER GROUND FLOOR HIGH STREET LEVEL  
32495-STL-XX-ZZ-DR-A-XXXX-02003 UPPER GROUND FLOOR STUDENT  
ACCOMMODATION ENTERANCE LEVEL  
32495-STL-XX-03-DR-A-XXXX-01004 SECOND FLOOR AFFORDABLE HOUSING  
ENTRANCE AND PITCH LEVEL  
32495-STL-XX-04-DR-A-XXXX-01005 THIRD FLOOR  
32495-STL-XX-05-DR-A-XXXX-01006 FOURTH FLOOR GRANDSTAND UPPER LEVEL  
32495-STL-XX-06-DR-A-XXXX-01007 FIFTH FLOOR  
32495-STL-XX-07-DR-A-XXXX-01008 ROOF PLAN  
32495-STL-XX-XX-DR-L-ZZZZ-09030 PL01 LANDSCAPE MASTERPLAN  
32495-STL-XX-XX-DR-L-ZZZZ-09001 PL01 LANDSCAPE GENERAL ARRANGEMENT  
PLAN  
32495-STL-XX-XX-DR-L-ZZZZ-09160 PL01 HARD LANDSCAPE WORKS PLAN  
32495-STL-XX-XX-DR-L-ZZZZ-09140 PL01 SOFT LANDSCAPE WORKS PLAN  
32495-STL-XX-XX-DR-L-ZZZZ-09407 PL01 RETAINING WALL  
32495-STL-XX-XX-DR-L-ZZZZ-09406 PL01 PAVING DETAILS  
32495-STL-XX-XX-DR-L-ZZZZ-09405 PL01 GREEN WALL DETAILS  
32495-STL-XX-XX-DR-L-ZZZZ-09404 PL01 FURNITURE DETAILS  
32495-STL-XX-XX-DR-L-ZZZZ-09403 PL01 STEP DETAILS  
32495-STL-XX-XX-DR-L-ZZZZ-09402 PL01 SOIL DEPTH PROFILES  
32495-STL-XX-XX-DR-L-ZZZZ-09401 PL01 TYPICAL TREE PIT DETAIL IN SOFT  
32495-STL-XX-XX-DR-L-ZZZZ-09301 PL01 LANDSCAPE SITE SECTIONS  
32495-STL-XX-XX-DR-L-ZZZZ-09180 PL01 BOUNDARY TREATMENT/KERB AND  
EDGING PLAN  
32495-STL-XX-XX-DR-L-ZZZZ-09101 PL01 TREE PROTECTION, REMOVAL AND  
RETENTION PLAN  
SP001 PL01 LANDSCAPE MATERIAL SHEET FOR PAVING, FURNITURE AND  
FEATURES  
SP001 PL01 LANDSCAPE MATERIAL SHEET FOR SOFT LANDSCAPE

**DECISION TAKING 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. The Local Planning Authority identified concerns with the scheme at the pre-application stage and sought to work positively and proactively to overcome the concerns raised. Despite detailed advice

and suggestions being made, no amendments to address the concerns were forthcoming. The Local Planning Authority has carefully considered all the information submitted, but for the reasons indicated above, the application is considered unacceptable and is recommended for refusal.

### **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)

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Date of Decision: 12th 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.
- There is a reduced time limit to submit your appeal should your application relate an Enforcement Notice or it is for minor commercial development.
- For a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. For more information of the types of applications classed as minor commercial development please refer to Annex C of the [Procedural Guide Planning Appeals](#) available on the <https://www.gov.uk/> website.
- 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.
- 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.
- 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](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

## **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.

Date registered: 29th May 2019

Applicant: Bath City Football Club & Greenacre Capital Ltd

Dear Sir/Madam

With reference to the above application for 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='19/02276/FUL'&history=bc0fada027c64c128e82abaabe46c93f&SearchLayer=DCApplcations>.

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.

Bath & North East Somerset Council  
Planning Services  
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Telephone: (01225) 394041  
Email: [Development\\_management@bathnes.gov.uk](mailto:Development_management@bathnes.gov.uk)

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