

Improving People's Lives

To: All Members of the Planning Committee

Bath and North East Somerset Councillors: Sue Craig (Chair), Sally Davis (Vice-Chair), Shelley Bromley, Vic Clarke, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson and Hal MacFie

Co-opted Voting Members:

Chief Executive and other appropriate officers
Press and Public

Dear Member

Planning Committee: Wednesday, 25th August, 2021

Please find attached a **SUPPLEMENTARY AGENDA DESPATCH** of late papers which were not available at the time the agenda was published. Please treat these papers as part of the agenda.

Papers have been included for the following items:

UPDATE REPORT

Yours sincerely

Marie Todd
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 25th August 2021

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
2	20/03166/FUL	Regency Laundry Lower Bristol Road Westmoreland

Drainage

An updated response from the flood risk and drainage team has been provided. They have reviewed the additional information supplied by Jubb dated 9 October 2020 which they consider has addressed their previous outstanding concerns. They have no objection to the proposals.

Item No.	Application No.	Address
5	20/04949/FUL	97-101 Walcot Street, City Centre, Bath, Bath And North East Somerset, BA1 5BW

The report correctly references s66 P (LBCA) A 1990 in the legislation section but in the analysis it incorrectly refers to s16 and sets out the statutory test for listed building applications. This requires updating to reference s66.

The report currently states:

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the

setting of the surrounding listed buildings and would preserve their significance. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

The report should read:

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the setting of the surrounding listed buildings and would preserve their significance. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

Item No.	Application No.	Address
6	21/02476/VAR	The Nest, 7 Bladud Buildings, Bath, BA1 5LS

The Agent has submitted letter to be passed on to Members and included in the update report to committee for consideration in advance of committee's deliberation of the application.

The content of the Agents letter is as follows (*italics*).

As we have set out in our original application submission, the importance of a useable outdoor space cannot be underestimated at this site in the wake of the Covid-19 pandemic.

Indeed, it is absolutely essential that City Pubs have the comfort and guarantee that the garden area can continue to be used by patrons of the public house before investing the necessary financial sum to repair and restore the building.

The application premises is small and would not be viable as a public house without being able to use the garden area at the rear of the building.

The current 12-month limit on the use of the garden is impractical and makes any attempt to open the premises as a public house along the lines of the extant consent unviable.

There are numerous safeguards already in place to protect neighbouring amenity, including the use of the garden time-limited to certain hours, a condition prohibiting any amplified music or other entertainment in the garden, and separately the premises licence. This gives the Council ample control over noise and general amenity matters, and comfort that there are already a number of mechanisms and safeguards in place to ensure nearby amenity is not adversely impacted.

The Council's Environmental Health team agrees and is not raising an objection to this application.

The application is before committee with an officer recommendation for approval.

Beyond these safeguards already in place, the management of the premises will want to work with neighbours and the local community to ensure a positive relationship – ensuring lines of communication remain open at all times, and that any complaints are dealt with swiftly. City Pubs do not want to be a bad

neighbour, they would not expect it to be necessary to rely on the licence or planning conditions to ensure neighbour amenity isn't affected.

It is simply not in City Pubs' interests to be a bad neighbour. Indeed, they already operate two successful establishments in the City: The Bath Brewhouse, and The Cork. The new premises at The Nest will be a far cry from the former nightclub.

The applicant would be willing to work with Members to agree a management plan to secure certain provisions to protect neighbour amenity, to include clauses such as:

- Contact information of the manager provided to neighbours so that if anything does arise it can be handled via a 'hotline' and dealt with directly, quickly, and efficiently*
- Indoor music to be turned down at least 30 minutes before closing time*
- All windows & doors to the garden to be closed by midnight Monday to Thursday, 00:30 on Fridays and Saturdays, and 23:00 on Sundays*
- Noise checks to be made regularly at the front and rear of the property*
- Secondary glazing to be installed at the rear of the venue to the garden (will require a separate application for listed building consent)*
- Noise limiter installed and agreed with local authority*
- Signs to be positioned at exits asking customers to leave quietly*
- Dispersal policy in agreement with the police and licensing*
- No outside live or recorded music*

These measures go beyond the scope of the extant consent and the conditions attached to it, and provide additional reassurances and measures to ensure any matters which arise can be handled locally and quickly. These measures would be in addition to the licencing and planning measures already in place.

City Pubs' have Covid-19 policies to ensure the safety of its staff and customers. Clearly, useable outdoor space is critical to the business from a safeguarding standpoint as well as a financial viability standpoint. The use of the garden beyond 12 months is critical to the business.

This is a significant financial investment being made by City Pubs to bring back into use the lower floors of this listed building, to provide a vibrant new use for the community and the City. As a local business it will make a contribution towards local employment and business rates to the Council, as well as bring forward the public benefits of bringing the listed building back into use for visiting members of the public. I trust that members appreciate the importance of this application to City Pubs, consider the range of safeguards and management measures in place, and will have regard to the environmental health officer's comments and the officer recommendation for approval when considering this application.

The Agent and Jim Charlton of City Pubs will be present at committee on Wednesday to answer any questions Members may have.

In addition, and for completeness, it is considered that the proposed variation to the planning condition would have no adverse effect on any listed buildings or their setting, or upon the character of the surrounding conservation area.

Item No.	Application No.	Address
8	21/02181/FUL	Archway Cottage Bath Road Tunley Bath Bath And North East Somerset BA2 0DP

Fallback position:

The applicant has submitted additional plans for an alternative scheme. This comprises a side extension which could be erected at the property under Permitted Development Rights if approval is not given for the scheme proposed under this application. However, the officer does not consider this a compelling fallback position as it would not result in a worse or similar impact on the green belt as the scheme proposed under application 21/02181/FUL. The main proposal results in a volume increase of 52.23% over and above the volume of the original dwelling, whilst the PD scheme would result in a volume increase of approximately 23%. Additionally, as the PD scheme is single storey, it is unlikely to have such a significant impact on the openness of the green belt. Therefore, the fallback scheme is not considered to represent very special circumstances that would warrant the approval of the extension proposed under application 21/02181/FUL.

Additional neighbour representation received 19.08.2021:

“We own and live in both Chapel Cottage and 2 Chapel Cottages, the other two cottages in the terrace of 3 with Archway Cottage.

We fully support this application, and note that both parish councils and the local councillor also support the application and view the proposed development as being in accordance with the relevant planning policies.

Chapel Cottage was granted planning permission in 2003 (03/01910/FUL) for a substantial two-story extension that effectively doubled the apparent width of the house, replacing a ‘lean to’ single story extension. The overall increase in volume from that extension was 39%.

Densley View, our next nearest neighbour to the East had a planning application approved by planning committee in 2014 that was a 56% increase in habitable volume.

The proposed extension of Archway Cottage is therefore entirely in keeping with the precedent set for existing extensions to the original terrace of cottages to ensure their continued use and survival and of other properties in the locality.”

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