

# Planning Committee

**Date: Wednesday, 9th February, 2022**

**Time: 11.00 am**

**Venue: Banqueting Room - Guildhall, Bath**

## **Agenda**

To: All Members of the Planning Committee

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 - 15 DECEMBER 2021

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Planning Committee**

**Date: 9<sup>th</sup> February 2022**

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

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01	21/04147/FUL	Frome House Lower Bristol Road Westmoreland Bath Bath And North East Somerset BA2 1EY

**COMMENTS:**

Bath Heritage Watch Dog made a further comment on the scheme on 31<sup>st</sup> Oct 2021 which has not be explicitly recorded in the report. They raise concerns with the revised plans not being reconsulted on, and the lack of amendments made to address previous heritage and design concerns. They concur with the Conservation and archaeology officers. They strongly object.

For clarity in their original consultation response on the 21<sup>st</sup> September 2021, the Bath Heritage Watch Dog objected on the impact to the World Heritage Site, poor design, the use a student accommodation, the adverse impact to the highways network and lack of adequate public consultation.

**HERITAGE BALANCE:**

So that members are aware the heritage planning balance is a tilted balance giving great weight to heritage significance. This balance has been undertaken in the planning report as outlined in the planning balance section.

**CONSERVATION:**

For clarity, whilst S72 P(LBCA)A 1990 has been referred to in the report the site is not within the Conservation Area so the S72 duty to not directly apply, nevertheless the impact on the setting of the conservation area is a material consideration as discussed in the report.

#### EIA:

It is concluded, having regard to the characteristics of the development and its location, that whilst the development will have a number of local impacts that will need to be carefully considered, none of these impacts (individually or taken together as a whole) will be significant in EIA terms. The proposed development is NOT therefore EIA development and an Environmental Statement is not required to accompany any subsequent planning application.

#### PUBLIC SECTOR EQUALITIES DUTY:

The Public Sector Equalities Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposal does not raise any particular concern in respect of those people with protected characteristics.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
02	21/04507/FUL	Proposed Cafe 223 Trajectus Way Keynsham Bath And North East Somerset

The recommendation for this application PERMIT. However, an additional condition has been added to the Committee report which means the recommendation is permission subject to the completion of the Unilateral Undertaking referred to in the officer's report which secures an education contribution and one affordable dwelling. This is as follows:

- A.) Authorise the Head of Legal and Democratic Services to complete an Unilateral Undertaking to secure:
  - 1. a financial contribution of £24, 964.16 towards the creation of additional primary school capacity in the Keynsham and Saltford Primary School Planning Area and
  - 2. 1no. 3-bedroom shared ownership affordable dwelling
- B.) Subject to the prior completion of the above agreement, authorise the Head of Planning to PERMIT subject to the following conditions:

Item No.	Application No.	Address
04	21/05004/FUL	Clarkson House 5 Great Stanhope Street Kingsmead Bath

With regard to the impact of the proposal upon nearby listed buildings, Members are reminded of the statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that when considering whether to grant planning permission for development which affects a listed building or its setting, 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.

Members are also reminded of paragraph 199 of the NPPF which states that:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

A full analysis of the impacts upon designated heritage assets including listed buildings is contained in the report and there are no changes to the analysis or conclusions.

The reason for refusal has been updated to list the harm to specific heritage assets (e.g. the conservation area, the World Heritage Site and listed buildings). The updated reason for refusal is as follows:

*The application would not preserve or enhance the appearance or character of the conservation area and would be harmful to the setting of the World Heritage Site and multiple listed buildings in this part of the city centre. Public benefits would not outweigh the harm caused. The proposal is contrary to policy B4 and CP6 of the Core Strategy, HE1, D1 and D5 of the Placemaking Plan, the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and relevant advice from Historic England.*