

# Planning Committee

**Date:** Wednesday, 7th April, 2021

**Time:** 11.00 am

**Venue:** Virtual Meeting – Public Access via YouTube  
<https://youtube.com/bathnescouncil>

## Agenda

To: All Members of the Planning Committee

**Councillors:-** Matt McCabe (Chair), Sally Davis (Vice Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Hal MacFie and Manda Rigby

**Permanent Substitutes:-** Councillors: Rob Appleyard, Alison Born, Gerry Curran, Michael Evans, Andrew Furse, Liz Hardman, Ruth Malloy, Vic Pritchard, Brian Simmons and Ryan Wills

Chief Executive and other appropriate officers  
Press and Public

The agenda is set out overleaf.



**Marie Todd**

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## NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

### 3. **Recording at Meetings**

The Council will broadcast the images and sounds live via YouTube  
<https://youtube.com/bathnescouncil>

The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

### 4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group.

**Advance notice is required not less than two working days before the meeting. This means that for Planning Committee meetings held on Wednesdays, notice must be received in Democratic Services by 5.00pm the previous Monday.**

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

### 5. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

## Planning Committee- Wednesday, 7th April, 2021

at 11.00 am in the Virtual Meeting - Zoom - Public Access via YouTube  
<https://www.youtube.com/bathnescouncil>

### A G E N D A

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS
2. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

- (a) The agenda item number and site in which they have an interest to declare.
- (b) The nature of their interest.
- (c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**,  
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

3. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN
4. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

(1) At the time of publication, no items had been submitted.

(2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Democratic Services Officer will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, i.e. 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

5. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 32)

To confirm the minutes of the meeting held on 10 March 2021.

6. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 33 - 124)

The following applications will be considered in the morning session (from 11am):

- 20/02817/FUL and 20/02818/LBA – Cedar Park Care Centre, 27-28 Oldfield Road, Bath
- 20/04939/FUL – 30A Lyncombe Hill, Lyncombe, Bath

The following applications will be considered in the afternoon session (from 2pm):

- 20/04902/FUL – 138 Wells Road, Lyncombe, Bath
- 20/04390/FUL – Crewcroft Barn, Hinton Hill, Hinton Charterhouse, Bath

7. POLICY DEVELOPMENT

8. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 125 - 130)

The Committee is asked to note the report.

The Democratic Services Officer for this meeting is Marie Todd who can be contacted on 01225 394414.

Delegated List Web Link: <http://www.bathnes.gov.uk/services/planning-and-building-control/view-and-comment-planning-applications/delegated-report>

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 10th March, 2021, 11.00 am

**Councillors:** Matt McCabe (Chair), Sally Davis (Vice-Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Hal MacFie and Manda Rigby

#### 86 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

#### 87 DECLARATIONS OF INTEREST

The following declarations were made:

- Cllr Davis stated that, with regard to application nos. 20/00914/FUL and 20/00806/LBA - Keynsham Conservative Club, 22 High Street, Keynsham - the Keynsham Conservative Club was not the same as the Conservative Party and, although she and Cllr Clarke are members of the Conservative Party, they are not members of the Keynsham Conservative Club.
- Cllr Craig stated that she would speak as Ward Councillor, in favour of application nos. 20/04801/LBA and 20/04802/AR – Friends Meeting House, York Street Bath. Cllr Craig stated that she would not take part in the debate or vote on these applications.

#### 88 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

#### 89 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

#### 90 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 10 February 2021 were confirmed and agreed as a correct record.

91 **MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- A report by the Head of Planning on various planning applications.
- An update report by the Head of Planning attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

**RESOLVED** that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

**Item Nos. 1 & 2**

**Application Nos. 20/00914/FUL and 20/00806/LBA**

**Site Location: Keynsham Conservative Club, 22 High Street, Keynsham – Installation of replacement windows on front elevation (Retrospective). External alterations for the installation of replacement windows (Regularisation)**

The Case Officer reported on the applications and her recommendation to grant planning permission and listed building consent.

The Secretary of the Conservative Club spoke in favour of the applications.

In response to a question the Case Officer confirmed that the replacement sash windows would be of a slimline design.

Cllr Clarke, local ward member, stated that he was not aware of any objections to this application and felt that the replacement windows would benefit both this building and the surrounding listed buildings. He moved the officer recommendation to grant planning permission which was seconded by Cllr MacFie. He also moved the officer recommendation to grant listed building consent which was seconded by Cllr Jackson.

Cllr Jackson stated that this was an excellent solution which would improve the Conservation Area and the high street.

The motions were put to the vote and it was **RESOLVED** unanimously to **PERMIT** the planning application and to **GRANT** listed building consent.

**Item No. 3**

**Application No. 20/04939/FUL**

**Site Location: 30A Lyncombe Hill, Lyncombe, Bath, BA2 4PQ – Erection of mansard roof with living accommodation following demolition of side extension to the house**

The Case Officer reported on the application and her recommendation to refuse.

The applicant spoke in favour of the application.

The Case Officer then responded to questions as follows:

- Abbey Lodge has a courtyard in front of 30A Lyncombe Hill which is used as a parking area. There is also Zone 3 residents' permit parking on Lyncombe Hill. Cycle storage would be provided, and the site is in a sustainable location within walking distance of the city centre, bus station and railway station. The Highways Officer confirmed that his team had raised no objections to the proposal.
- 30A Lyncombe Hill is an independent dwelling and not part of Abbey Lodge.
- If members were minded to permit the application then a condition could be included to ensure the construction of a bicycle and bin store.
- The only way the applicants can obtain the required amount of accommodation is by means of a mansard roof or other roof alteration, however, this needs to be balanced against the resulting harm and in this instance is not considered acceptable.
- The proposed windows would be made of aluminium and there are a variety of dormer window styles in Oxford Terrace. If required a condition could be included requiring the windows to be constructed of wood rather than aluminium.
- The Team Manager, Planning and Enforcement, explained that the application before the Committee was for full planning permission. For this reason, the Committee could not decide to grant outline planning permission.

Cllr MacFie felt that the current building was poor and should be replaced. The key issue was the visibility of the windows. He felt that the proposal would improve the view.

Cllrs Rigby and Davis noted that members had raised queries regarding a number of details and felt that it would be helpful to defer consideration of the application to enable officers to provide further information.

Cllr Rigby then moved that consideration of the application be deferred pending a site visit to enable any potential conditions to be fully considered. This was seconded by Cllr Jackson who felt that this would help members to ascertain the impact of the mansard roof and how the buildings were spatially connected.

Cllr Hodge queried the need for a site visit and pointed out that the three key issues that needed to be addressed by condition were:

- Roofing materials.
- Window materials – requesting wood rather than aluminium.
- The construction of a bicycle and bin store.

The motion was put to the vote and it was RESOLVED by 7 votes in favour, 2 votes against and 1 abstention to DEFER consideration of the application pending a SITE VISIT.

**Item Nos. 4 & 5**

**Application Nos. 20/04801/LBA and 20/04802/AR**

**Site Location: Friends Meeting House, York Street, Bath – External alterations for the installation of 4 hand painted timber signs fixed onto side and front elevations and 1 hand painted sign applied over existing painted signage to portico. Installation of 4 hand painted timber signs fixed onto side and front elevations and 1 hand painted sign applied over existing painted signage portico.**

The Case Officer reported on the applications and her recommendation to refuse.

The applicants spoke in favour of the application.

Cllr Sue Craig, local ward member, spoke in favour of the application. She noted that the Committee should assess potential harm to the World Heritage Site and weigh this against the public benefits of the proposal. The building has only been used for occasional events over the last few years. There are plans to develop this part of the city to enable a more vibrant café culture. She welcomed the move of the Toppings bookstore to this part of Bath. She noted that the applicants were investing in the building and felt that the proposed signage was necessary, tasteful and acceptable in size and mass. Traditional materials would be used and there is an eclectic mix of signs in the area.

*(Note: Having spoken in favour of the application as local ward member, Cllr Craig took no further part in the debate and did not vote).*

The Case Officer then responded to questions as follows:

- The date of construction is visible on the building above the frieze and is part of the fabric of the building.
- The proposal is to paint over the ghost signage. The Case Officer would have preferred another option, such as placing new signage over the top of the existing signage rather than removing it completely.
- The lift at the entrance to the building would be retained.
- If required a condition could be included regarding the specific colour palette to be used on the signage.

Cllr Hounsell welcomed the relocation of Toppings to York Street and he felt that this was a good use of the building. There was a balance to be struck between heritage and a live building. The Friends Meeting House is no longer used for its original purpose and it is important to be clear as to its use. He felt that the proposal was tasteful and appropriate and that suitable conditions could be imposed as necessary. He then moved that the committee delegate to permit the application. This was seconded by Cllr MacFie.

Cllr Rigby was disappointed that this application was being considered by the Committee. She felt that there should have been further negotiation to reach an agreement regarding the signage. She acknowledged the fact that a commercial entity must promote themselves but felt that ghost signs were very important.

Cllr Jackson stated that she supported the officer recommendation as this is a

landmark building within the city of Bath with a long and interesting history.

Cllr Hughes welcomed the proposed use of the building but felt that the fabric of the building should not be damaged.

Cllr Clarke admired the venture but was disappointed that the applicants had not reached a mutual agreement with officers regarding appropriate signage. He felt that the proposed signage was unsuitable in this location and stressed the importance of protecting heritage buildings within the city of Bath.

Cllr Hodge was very positive about the move of Toppings to its new accommodation. However, she felt that the applicants should come back with a new proposal and felt that the ghost sign should be preserved.

Cllr Davis felt that the proposed signage was not currently acceptable and hoped that a solution could be found through further discussion.

Cllr McCabe was concerned at the proposal to paint over the existing sign.

The Team Manager, Planning and Enforcement, explained that the current signage was actually painted in the early 1980's and not what would conventionally be considered "Ghost Signage". However, whilst the current signage was not an original historic sign, there was evidence that there had been similar signage in the past and it has been repainted a number of times over the years so should be considered in the context of the historic sign as part of the narrative of the building. Harm to the building would be less than substantial but would still be significant.

Cllr Hounsell stated that, having listened to the debate, he would withdraw his motion to delegate to permit the application as this was very unlikely to be agreed. The seconder, Cllr MacFie, consented to this withdrawal.

Cllr Jackson then moved the officer recommendations to refuse. The proposal to refuse advertisement consent was seconded by Cllr Rigby and the proposal to refuse listed building consent was seconded by Cllr Clarke.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 2 votes against to REFUSE advertisement consent and by 7 votes in favour, 1 vote against and 1 abstention to REFUSE listed building consent.

#### **Item No. 6**

##### **Application No. 20/04390/FUL**

**Site Location: Crewcroft Barn, Hinton Hill, Hinton Charterhouse, Bath – Conversion of stone barn and replacement of existing timber clad extension at Crewcroft Barn to provide a (straw bale) Passivhaus standard dwelling (Resubmission).**

The Chair explained that this application had been withdrawn from the agenda and would be deferred until the next meeting.

**Item No. 7**

**Application No. 20/04720/FUL**

**Site Location: 143 Calton Road, Lyncombe, Bath, BA2 4PP – Erection of 2 townhouses following demolition of existing 1 bed apartment.**

The Case Officer reported on the application and her recommendation to permit. She informed the Committee that further comments had been received since the publication of the agenda objecting to the proposal and raising concerns about overshadowing.

A local resident spoke against the application.

The agent spoke in favour of the application.

Cllr Alison Born, local ward member, spoke against the application. She pointed out that 30 local residents have objected to the application and no-one has supported it. She felt that the application represents over-development of the site and would limit the amenity of a number of neighbouring properties. She raised concerns regarding disruption during the period of development, overlooking and overshadowing of properties on St Mark's Road and the dominant nature of the new houses. There would be no parking for the occupants of the new dwellings and no external space.

Officers then responded to questions as follows:

- The extant permission, which was granted in 2017, is for an identical scheme and therefore constitutes a material planning consideration. This application seeks to effectively extend the life of the existing permission.
- The extant permission is a very significant material consideration. There has been no change in policy or circumstances since it was granted.
- If the Committee voted to refuse planning permission then this would be very difficult to defend if there were an appeal and the Council would be at risk of having costs awarded against it. The applicant could still begin work under the existing permission which is extant until 1 May 2021.
- Whilst the Council's declaration of a climate emergency is a material consideration, the planning policies remain the same. There is currently no specific planning policy relating to the climate emergency.
- To depart from the original decision, members would have to identify a material change in policy or circumstance which would be defensible at appeal.
- The rear gardens would consist of a timber decked area similar to the existing garden.
- There is a pavement on the other side of the road from the property. There is also a small recess which would provide an external porch area.
- The Highways Officer confirmed that Highways have not raised any objections to the application. The development would be for new-build dwellings in an existing parking zone and occupants would not be eligible to apply for a residents' permit in Zone 3. The residents would have to park outside of the residents' permit zone.
- The planning permission was originally due to expire in October 2020, however, due to the Covid-19 pandemic, the Government passed legislation which extended the permission until May 2021.

Cllr Hughes felt that this should be considered as a completely new application as the make-up of the Planning Committee is now very different to the one that made the previous decision.

Cllr MacFie felt that this was a frustrating position for the Committee as the majority of current members had not been involved in the original decision. However, he acknowledged that there were not sufficient reasons to make a strong case for refusal.

Cllr Hodge felt that the climate emergency declaration amounted to a change of circumstances and felt that this Committee should be free to express its view on the application. She was concerned at the lack of green space.

Cllr Jackson then moved the officer recommendation to permit. She felt that the proposal would be an improvement on the existing building and would improve the Conservation Area. This was seconded by Cllr MacFie.

Cllr Rigby stated that this was a very difficult situation and that she would not have supported the original application. However, she noted that the Council, as an organisation, must be consistent in its decision making. As she wished to avoid any cost to the Council, she stated that she would actively abstain from the vote.

Cllr Hughes stated that he would have preferred a site visit as he felt that the design was overbearing and would have a detrimental effect on the properties below.

Cllr Hounsell stated that the proposed development would be an improvement on the existing building and felt that the Committee did not have strong enough reasons to refuse permission.

The motion was put to the vote and it was RESOLVED by 4 votes in favour, 2 votes against and 3 abstentions to PERMIT the application.

*(Note: Cllr Clarke did not vote on this application as he lost connection and missed part of the debate).*

## 92 **POLICY DEVELOPMENT**

There were no policy development items.

## 93 **NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The Committee considered the appeals report. The Team Manager, Planning and Enforcement, agreed to send details of the appeal decision for 231 Wellsway, Bath, to committee members.

RESOLVED to NOTE the report.

The meeting ended at 3.07 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **Planning Committee**

**Date 10th March 2021**

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

ITEM

#### **ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>002</b>	<b>20/00806/LBA</b>	<b>Keynsham Conservative Club</b>

Please note missing paragraph from the Officers Report;

*“There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case the windows will preserve the character of the conservation area and for this reason is recommended for consent.”*

<b>Item No.</b>	<b>Application No.</b>	<b>Address:</b>
<b>003</b>	<b>20/04939/FUL</b>	<b>30A Lyncombe Hill, Bath.</b>

1no. additional comment has been received from Bath Preservation Trust as follows;

BPT objected to a previous iteration of the scheme in 2018 (see 18/04240/FUL). We additionally commented on resubmitted applications 20/03069/FUL & 20/03118/LBA in support of the improved fenestration details and simplified elevational treatment, whilst continuing to highlight the awkward interaction of the proposed mansard roof with the 1886 wing extension and partial obscuration of windows in the south elevation. Therefore, we maintain that the principle of development on this site is acceptable, subject to assessment of height, massing, and design, use of materials, and their associated impact on the listed building.

With regards to the unaltered design aspects of the application, we reiterate our previous comments as previously submitted to applications 20/03069/FUL & 20/03118/LBA as follows: “We are pleased to see that our previous comments have been positively incorporated into a revised design. In particular, the retention of the round windows and the insertion of French doors more in keeping with the established fenestration style of the 1886 wing extension has significantly reduced proposed visual harm to a listed building. We note the drastic reduction of the windows and doors on the proposed east elevation, and although they do remain considerable in size, the use of plain glazing is less visually distracting than the previously proposed crittal-style fenestration.

“We further note the improvements made to the roof in the change of zinc to slate, although we would recommend that the proposed type of slate is confirmed with the planning officer as part of this application. The dormer windows have an improved setting visually ‘grounded’ behind the parapet rather than ‘floating’ mid-way up the roof.”

Whilst the retained proposal of a mansard roof would continue to partially obscure the south elevation of the 1886 wing, the revised reductions in roof height and width are a notable improvement to the scheme and would better reveal the southern elevation’s windows. No material harm or intervention is proposed to the windows. The increased gap created from the 1886 wing means the proposal can be better read as a separate dwelling in close range views, whilst remaining suitably recessive in scale and design and without significant architectural conflict.

The landscape of Lyncombe Hill is characterised by its large Georgian and Victorian dwellings set into the hillside, with semi-detached townhouses and terraces designed to look like individually positioned villas in their wooded landscape setting. The panoramic views from Widcombe to the east are characterised by a medium density of designed, ‘standalone’ development in Bath vernacular such as Bath stone. The area’s roofscape is of particular visual prominence, of a mix of hipped or M-shaped pitched natural slate roofs with some instances of mansard roofs such as 30 Abbey Lodge. As a result, the proposed addition of a slate mansard roof would be more in keeping with the area’s roofscape and material context, although the consequent increased height of the building would result in an increased visual prominence in landscape views and a potential for harm.

However, it appears that the landscape visuals provided are outdated and instead show the previous, refused roofline as proposed. We suggest this is therefore updated to highlight how the reduction in roof height and scale appears within its wider landscape context for the benefit of the case officer.

**Members should note that the landscape visuals that are referred to in BPT’s comments have been revised and submitted by the applicants.**

In addition, it should be made clear that the neighbours objection comments are not fully printed in the report. They are repeated below in full to avoid further confusion;

Comment Reference: 312503

Nature of comment: Objection.

Comment: Further to our comments on the previous planning application, we continue to support the redevelopment of the current derelict building, 30A.

However, we remain concerned that once rebuilding works are complete, that the area between our house, no.32 and 30a could still potentially be used as a car parking space. While we were pleased to see on the plan that this area has a proposed bin and cycle storage, as timber constructions these could be considered temporary and therefore not prevent car parking in the area in the longer term. A railing is also marked on the floor plan which further gives us confidence. We would like to ensure that any building works, once complete, fulfil these plans.

However, we draw your attention to the letter from the Highway’s Agency which requests that the applicant submit a plan indicating a single off-street parking space for no. 30a. We cannot locate a plan showing any proposed off-street car parking arrangement and associated turning area and feel this request has not been supported in the planning application.

Our objection to a car parking space remains as there appears to be inconsistency between the letter from the Highway's Agency request for off-street parking to be on a plan and no such plan submitted as part of the planning application. Until this is resolved, we remain concerned that the area could be used as a car parking space. As outlined in our comments on the previous planning application, the risk of both injury to our children or ourselves while accessing our main door as well as damage to the corner stones of our home are of concern.

Otherwise, we have no objections to the proposed redevelopment of the building of 30A.

<b>Item No.</b>	<b>Application No.</b>	<b>Address:</b>
<b>005</b>	<b>20/04802/AR</b>	<b>Friends Meeting House Bath</b>

Members are advised that s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply in this case, and it would also appear that paragraphs 193 and 196 of the NPPF may not apply either. The relevant law is the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 2007. Regulation 3(2) states:

“(a)factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;”

The NPPF states:

“132. The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

Therefore, the impact of the proposal upon the historic environment, specifically listed buildings, the conservation area and the World Heritage Site are material considerations to which great weight should be given and, to that extent, the analysis in the main report remains relevant.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
<b>007</b>	<b>20/04720/FUL</b>	<b>143 Calton Road, Lyncombe</b>

2 additional comments have been submitted after the Committee Agenda was published. They can be viewed in full on the website. The main points are summarised as follows:

- Access along Alexandra Road is unsuitable for larger vehicles as shown this week when OpenReach were undertaking works on Calton Road
- Pavement being used for construction vehicle parking will cause highway safety issues
- Parking for dwellings not provided but this is not a unequivocal denial of permits
- Concerns regarding the Construction Method Statement (retaining wall)
- Structural surveyors have questioned information within it

- Understand this may fall outside the scope of planning but raises questions about the integrity of the application

In addition, photos have been received from a resident who lives at one of the properties on St Marks Road, showing the view from their garden towards the site. These are dated 2<sup>nd</sup> March and are available to view online.

**BATH AND NORTH EAST SOMERSET COUNCIL****MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT THE  
VIRTUAL MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 10  
MARCH 2021**

<b>MAIN PLANS LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>NAME</b>	<b>FOR/AGAINST</b>
1 & 2	Keynsham Conservative Club, 22 High Street, Keynsham	Dave Johnson (Applicant)	For (6 minutes)
3	30A Lyncombe Hill, Lyncombe, Bath	Tim and Anette Simpson (Applicants)	For
4 & 5	Friends Meeting House, York Street, Bath	Hugh and Cornelia Topping (Applicants)	For (6 minutes)
		Cllr Sue Craig (Local Ward Member)	For
7	143 Calton Road, Lyncombe, Bath, BA2 4PP	Teresa Hopper	Against
		Simon Chambers (Agent)	For
		Cllr Alison Born (Local Ward Member)	Against

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**PLANNING COMMITTEE**

**10th March 2021**

**DECISIONS**

<b>Item No:</b>	01		
<b>Application No:</b>	20/00914/FUL		
<b>Site Location:</b>	Keynsham Conservative Club , 22 High Street, Keynsham, Bristol		
<b>Ward:</b> Keynsham North	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> II	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Installation of replacement windows on front elevation (Retrospective).		
<b>Constraints:</b>	Agric Land Class 3b,4,5, Air Quality Management Area, Conservation Area, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, District Heating Priority Area, Housing Development Boundary, Listed Building, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
<b>Applicant:</b>	Dave Johnson/Derek Butler		
<b>Expiry Date:</b>	26th August 2020		
<b>Case Officer:</b>	Caroline Power		

**DECISION PERMIT**

**1 Special Time Limit (Compliance)**

The development hereby permitted shall be begun before the expiration of six months 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.

**PLANS LIST:**

Revised Drawing	28 Oct 2020	002 A	EXISTING ELEVATION - NORTH
Revised Drawing	28 Oct 2020	003 A	PROPOSED ELEVATION - NORTH
Revised Drawing	01 Feb 2021	HAW- Q5748 A	SASH WINDOW DETAILS
OS Extract	24 Feb 2020		LOCATION PLAN

## **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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

## **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.

## **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. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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](http://www.bathnes.gov.uk/cil)

## **Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

The applicant is informed that this approved work shall be carried out in line with the approved plans within six months of the date of this application being approved. Failure to do so may result in Enforcement action being taken.

### Submission of Samples

Any samples required by condition should not be delivered to the Council's offices. Please can you ensure that samples are instead available for inspection on site - as soon as the discharge of condition application has been submitted. If you wish to make alternative arrangements please contact the case officer direct and also please make this clear in your discharge of condition application.

<b>Item No:</b>	02		
<b>Application No:</b>	20/00806/LBA		
<b>Site Location:</b>	Keynsham Conservative Club , 22 High Street, Keynsham, Bristol		
<b>Ward:</b> Keynsham North	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> II	
<b>Application Type:</b>	Listed Building Consent (Alts/exts)		
<b>Proposal:</b>	External alterations for the installation of replacement windows (Regularisation).		
<b>Constraints:</b>	Agric Land Class 3b,4,5, Air Quality Management Area, Conservation Area, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, District Heating Priority Area, Housing Development Boundary, Listed Building, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
<b>Applicant:</b>	Dave Johnson/Derek Butler		
<b>Expiry Date:</b>	26th August 2020		
<b>Case Officer:</b>	Caroline Power		

### DECISION    CONSENT

#### 1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of six months from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

#### 2 Joinery Details (Bespoke Trigger)

No installation of the approved sash windows shall commence until the LPA has inspected one of the replacement windows on site and approved it in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved joinery.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

### **3 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:**

Revised Drawing 28 Oct 2020 002 A EXISTING ELEVATION - NORTH  
Revised Drawing 28 Oct 2020 003 A PROPOSED ELEVATION - NORTH  
Revised Drawing 01 Feb 2021 HAW- Q5748 A SASH WINDOW DETAILS  
OS Extract 24 Feb 2020 LOCATION PLAN

### **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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### **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.

## 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. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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](http://www.bathnes.gov.uk/cil)

## Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

The applicant is informed that this approved work shall be carried out in line with the approved plans within six months of the date of this application being approved. Failure to do so may result in Enforcement action being taken.

If the works of the proposal contained within the application require access scaffolding to be erected it is incumbent on all interested parties to ensure that it is undertaken adopting conservation best practice. Methods of erection which entail bolting scaffolding to the building using anchor ties will require listed building consent and are unlikely to be acceptable.

## Submission of Samples

Any samples required by condition should not be delivered to the Council's offices. Please can you ensure that samples are instead available for inspection on site - as soon as the discharge of condition application has been submitted. If you wish to make alternative arrangements please contact the case officer direct and also please make this clear in your discharge of condition application.

<b>Item No:</b>	03		
<b>Application No:</b>	20/04939/FUL		
<b>Site Location:</b>	30A Lyncombe Hill, Lyncombe, Bath, Bath And North East Somerset		
<b>Ward:</b> Widcombe And Lyncombe	<b>Parish:</b> N/A	<b>LB Grade:</b> II	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of mansard roof with living accommodation following demolition of side extension to the house		
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent,		

	Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr & Mrs T SIMPSON
<b>Expiry Date:</b>	16th February 2021
<b>Case Officer:</b>	Caroline Power

**Deferred awaiting Site Visit/Info**

<b>Item No:</b>	04	
<b>Application No:</b>	20/04801/LBA	
<b>Site Location:</b>	Friends Meeting House, York Street, City Centre, Bath	
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A	<b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)	
<b>Proposal:</b>	External alterations for the installation of 4no. hand painted timber signs fixed onto side and front elevations and 1no. hand painted sign applied over existing painted signage to portico.	
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Topping & Company Booksellers Limited	
<b>Expiry Date:</b>	11th March 2021	
<b>Case Officer:</b>	Caroline Waldron	

## **DECISION REFUSE**

1 The proposed signboards and advertising painted across the frieze would by reason of the number, individual size, positioning and cumulative impact, result in an intensive level of visually intrusive commercial signage having a harmful impact on the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policies HE1, D2 and D9, the NPPF and published Historic England advice.

2 The proposed overpainting of the "Friends Meeting House" name would by concealing key evidence about the buildings historic narrative cause harm to the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and

Conservation Areas ) Act 1990, Place Making Plan policy HE1, the NPPF and published Historic England advice.

3 The proposed overpainting of the "Friends Meeting House" name with the blue and yellow colour scheme at a prominent high level on the building would disrupt the integrity and harmony of the existing design in a way that causes harm to the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policy HE1, D2 and D9, the NPPF and published Historic England advice.

#### **PLANS LIST:**

##### **Drawings**

15 Dec 2020	125 1001 P1	LOCATION PLAN
18 Feb 2021	125 3116 P4	PROPOSED EXTERNAL SIGNAGE PLAN
18 Feb 2021	125 3122 P2	PROPOSED SIGNAGE VISUAL

#### **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)

#### **Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the reasons outlined above and the applicant was advised that the application was to be recommended for refusal unless amendments to the scheme were supplied. The applicant was unable to submit revisions in a timely manner, and did not choose to withdraw the application. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	05	
<b>Application No:</b>	20/04802/AR	
<b>Site Location:</b>	Friends Meeting House, York Street, City Centre, Bath	
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A	<b>LB Grade:</b> II
<b>Application Type:</b>	Advertisement Consent	

<b>Proposal:</b>	Installation of 4no. hand painted timber signs fixed onto side and front elevations and 1no. hand painted sign applied over existing painted signage to portico.
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Topping & Company Booksellers Limited
<b>Expiry Date:</b>	11th March 2021
<b>Case Officer:</b>	Caroline Waldron

## DECISION REFUSE

1 The proposed signboards and advertising across the frieze would by reason of the number, individual size, positioning and cumulative impact result in an intensive level of visually intrusive commercial signage having a harmful impact on the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policies HE1, D2 and D9, the NPPF and published Historic England advice.

2 The proposed overpainting of the "Friends Meeting House" name with the blue and yellow colour scheme at a prominent high level on the building would disrupt the integrity and harmony of the existing design in a way that causes harm to the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas ) Act 1990, Place Making Plan policy HE1, D2 and D9, the NPPF and published Historic England advice.

## PLANS LIST:

### Drawings

15 Dec 2020	125 1001 P1	LOCATION PLAN
18 Feb 2021	125 3116 P4	PROPOSED EXTERNAL SIGNAGE PLAN
18 Feb 2021	125 3122 P2	PROPOSED SIGNAGE VISUAL

## 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)

## Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

<b>Item No:</b>	06		
<b>Application No:</b>	20/04390/FUL		
<b>Site Location:</b>	Crewcroft Barn, Hinton Hill, Hinton Charterhouse, Bath		
<b>Ward:</b> Bathavon South	<b>Parish:</b> Hinton Charterhouse	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Conversion of stone barn and replacement of existing timber clad extension at Crewcroft Barn to provide a (straw bale) Passivhaus standard dwelling (Resubmission).		
<b>Constraints:</b>	Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Mr William Drewett		
<b>Expiry Date:</b>	29th January 2021		
<b>Case Officer:</b>	Chloe Buckingham		

## Deferred until next committee

<b>Item No:</b>	07		
<b>Application No:</b>	20/04720/FUL		
<b>Site Location:</b>	143 Calton Road, Lyncombe, Bath, Bath And North East Somerset		
<b>Ward:</b> Widcombe And Lyncombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of 2no townhouses following demolition of existing 1 bed apartment.		

<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Conservation Area, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr James Rees
<b>Expiry Date:</b>	15th March 2021
<b>Case Officer:</b>	Isabel Daone

## DECISION PERMIT

### 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 limestone dressings and lintels, roofing materials, rainwater goods, metal balconettes and external joinery paint finishes, 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. In the case of the walling samples, this shall be provided on site as a constructed panel incorporating a sample of limestone dressing.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3, D5 and HE1 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

### 3 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.

### 4 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

#### **5 Removal of Permitted Development Rights - No extensions or alterations (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to assess the impact upon residential amenity.

#### **6 Construction Management Plan (Compliance)**

The development shall be undertaken in accordance with the approved 'Construction Management Statement' submitted on 10th December and dated 19/11/18 in support of the application.

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.

#### **7 Screening (Pre-occupation)**

The development hereby approved shall not be occupied until the details of screening/means of enclosure at the rear boundary have been submitted to and approved in writing by the Local Planning Authority. These shall be installed prior to occupation of the development and permanently retained as such.

Reason: In the interest of residential and visual amenity in accordance with Policy D2 and D6 of the Bath and North East Somerset Placemaking Plan.

#### **8 Drainage (Compliance)**

The drainage design should ensure that no surface water generated as a result of the development should flow onto the highway or other neighbouring land.

Reason; This is to ensure that there is no increase in flood risk away from the development in accordance with Policy CP5 of the Bath and North East Somerset Placemaking Plan.

#### **8 Obscure glazing (Compliance)**

Notwithstanding the approved plans, the lower half of the first floor and second floor windows on the rear elevation hereby approved shall be non-opening and obscurely glazed and retained as such in perpetuity.

Reason: To safeguard the residential amenity of the neighbouring occupiers.

#### **9 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:

- o Table 2.4 (Calculations);
- o 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).

### **10 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:**

This decision relates to the following plans:

1419 AP(0)01. SITE LOCATION PLAN  
1419 AP(0)04 A. EXISTING PLANS  
1419 AP(0)05 A. EXISTING ELEVATIONS  
1419 AP(0)06 D. PROPOSED PLANS  
1419 AP(0)07 D. PROPOSED ELEVATIONS  
1419 AP(0)08 A. EXISTING SECTION  
1419 AP(0)09 A. PROPOSED SECTION  
1419 AP(0)10. EXISTING & PROPOSED SITE PLAN

All received 10th December 2020

### **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.

### **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.

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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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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### **Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

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Bath & North East Somerset Council		
MEETING:	Planning Committee	AGENDA ITEM NUMBER
MEETING DATE:	7th April 2021	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	APPLICATIONS FOR PLANNING PERMISSION	
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

## BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
  - (i) Sections and officers of the Council, including:
    - Building Control
    - Environmental Services
    - Transport Development
    - Planning Policy, Environment and Projects, Urban Design (Sustainability)
  - (ii) The Environment Agency
  - (iii) Wessex Water
  - (iv) Bristol Water
  - (v) Health and Safety Executive
  - (vi) British Gas
  - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
  - (viii) The Garden History Society
  - (ix) Royal Fine Arts Commission
  - (x) Department of Environment, Food and Rural Affairs
  - (xi) Nature Conservancy Council
  - (xii) Natural England
  - (xiii) National and local amenity societies
  - (xiv) Other interested organisations
  - (xv) Neighbours, residents and other interested persons
  - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

### **The following notes are for information only:-**

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	20/02817/FUL 10 February 2021	Cedar Care Homes Cedar Park Care Centre, 27-28 Oldfield Road, Oldfield Park, Bath, Bath And North East Somerset Erection of a single and two storey extension to the south following demolition of the existing extension and link staircase, minor internal and external alterations to retained building, landscaping and minor amendments to existing access and parking (revised scheme)	Oldfield Park	Samantha Mason	PERMIT
02	20/02818/LBA 10 February 2021	Cedar Care Homes Cedar Park Care Centre, 27-28 Oldfield Road, Oldfield Park, Bath, Bath And North East Somerset Internal and external alterations for the erection of a single and two storey extension to the south following demolition of the existing extension and link staircase, minor internal and external alterations to retained building, landscaping and minor amendments to existing access and parking (revised scheme)	Oldfield Park	Samantha Mason	CONSENT
03	20/04939/FUL 16 February 2021	Mr & Mrs T SIMPSON 30A Lyncombe Hill, Lyncombe, Bath, Bath And North East Somerset, BA2 4PQ Erection of mansard roof with living accommodation following demolition of side extension to the house	Widcombe And Lyncombe	Caroline Power	REFUSE
04	20/04902/FUL 8 April 2021	SAR Group Sipp 138 Wells Road, Lyncombe, Bath, Bath And North East Somerset, BA2 3AH Erection of 7 residential apartments, internal reconfiguration of existing flat and ancillary works.	Widcombe And Lyncombe	Tessa Hampden	REFUSE

05	20/04390/FUL 29 January 2021	Mr William Drewett Crewcroft Barn, Hinton Hill, Hinton Charterhouse, Bath, Bath And North East Somerset Conversion of stone barn and replacement of existing timber clad extension at Crewcroft Barn to provide a (straw bale) Passivhaus standard dwelling (Resubmission).	Bathavon South	Chloe Buckingham	REFUSE
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## **REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT**

**Item No:** 01  
**Application No:** 20/02817/FUL  
**Site Location:** Cedar Park Care Centre 27-28 Oldfield Road Oldfield Park Bath Bath  
And North East Somerset



**Ward:** Oldfield Park      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor Shaun Andrew Stephenson-McGall  
**Application Type:** Full Application  
**Proposal:** Erection of a single and two storey extension to the south following demolition of the existing extension and link staircase, minor internal and external alterations to retained building, landscaping and minor amendments to existing access and parking (revised scheme)  
**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,  
**Applicant:** Cedar Care Homes  
**Expiry Date:** 10th February 2021  
**Case Officer:** Samantha Mason  
To view the case click on the link [here](#).

### **REPORT**

#### **Site Description**

The site is approximately 1 acre in size and is situated on the corner of Oldfield Road and Oldfield Lane. Oldfield Lane is a narrow lane as it passes the site, with the rear of

properties which front on to First Avenue marking the western boundary of the lane. Oldfield Lane provides access to Walnut Drive, which marks the southern boundary of the application site. Residential properties are located on the south side of Walnut drive. To the east of the site is a block of flats which fronts Oldfield Road, with a long back garden. It is located within the Bath Conservation Area and World Heritage Site.

The application site comprises three main buildings: A former pair of Victorian residential villas (no's 27-28 Oldfield Road, the main house, built circ.1840 according to the listing) which is three storeys and occupies the Oldfield Road frontage; a two storey modern building (known as the Orchard Wing) at the southern end of the site; and a single storey modern link building which connects the historic villas to the modern Orchard Wing. These three buildings together are known as 'Cedar Park'. Cedar Park is a Grade II listed building.

The car park for the care home is located to the front of the villas with access running down the west side of the site to the rear. The original garden of the villas has been developed on and now sites the link and Orchard Wing as described above. There is still some garden and amenity space located around the link and Orchard Wing.

Cedar Park is currently in operation as a care home. Although in theory it has 52 bed spaces (provided through 47 bedrooms), the Orchard Wing was recently closed because the provider considers that the accommodation is not fit for purpose. As the Orchard Wing contained 18 bed spaces, Cedar Park is currently operating with only 34 bed spaces.

#### Description of Proposal:

This application seeks planning permission for the erection of a single and two storey extension following demolition of the existing extension and link staircase at the grade II listed building at Cedar Park Care Centre. Additionally, minor external alterations are proposed to the retained building, as well as landscaping and minor amendments to the existing access and parking.

A corresponding listed building consent application (20/02818/LBA) has also been submitted which seeks permission for various internal alterations.

When this application was first submitted it was intended that the care home as redeveloped would provide 50 bedrooms (50 bed spaces). However, during the course of this application the scheme has been amended and is now proposed to provide 49 bedrooms (12 in the main house; 8 in the link and 29 in the wing) providing 49 bed spaces.

#### Relevant Planning History:

12/00803/LBA - External alterations for the demolition of a section of party/boundary wall constructed in ashlar stone and construction of a concrete retaining wall and replacement of ashlar stone wall in same position using stone from existing wall - CONSENT given on 8 May 2012

15/04344/FUL - Demolition of existing central link building and construction of a replacement two storey block, together with an additional two storey extension located to the south and east, retained buildings to be refurbished and augmented - REFUSED 17 January 2017

15/04345/LBA - Internal and external alterations to include demolition of existing central link building and construction of a replacement two storey block, together with an additional two storey extensions located to the south and east, retained buildings to be refurbished and augmented - REFUSED 19 January 2017

17/01542/FUL - Erection of replacement two storey block and additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building. - Permitted by committee, then quashed by High Court, then REFUSED 4 July 2019

17/01543/LBA - Internal and external alterations to erect 1no. replacement two storey block and 2no. additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building. - Consented by committee, then quashed by High Court, then REFUSED 4 July 2019

20/01523/AR - Display of 1no. plastic banner sign measuring 1m high by 3.86m on wall outside care home (Retrospective) - ADVERT CONSENT 23 June 2020

20/01534/LBA Display of 1no. plastic banner sign measuring 1m high by 3.86m on wall outside care home (Retrospective) - CONSENT 23 June 2020

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

### **ARBORICULTURE:**

20th August 2020: No objection subject to conditions

### **LANDSCAPE:**

20th August 2020: No objection subject to conditions

### **HIGHWAYS:**

21st August 2020: Scope for revision. The proposal would result in shortfall of 18 off-street, car parking spaces when compared to the maximum number required by the authority's adopted parking standards, which will not be exacerbated by the proposed works that increase the number of bedrooms to 50. HDC officers acknowledge that the proposed works will not result in an increase in the existing number of 50 members of staff. HDC officers note the sustainable nature of the application site, close to a number of existing public transport routes, and consider that the shortfall of off-street, car parking spaces could be mitigated by the provision of a policy compliant number of secure,

covered cycle parking stands. The provision of a changing room(s), including showers, lockers and an area for drying wet clothes will encourage travel by sustainable modes of transport which will be complemented by a staff Travel Plan. The applicant should be requested to consider and address the highway observations summarised above before HDC officers are able to provide a recommendation.

14th December 2020: Officers acknowledge that there is currently a shortfall of 19 off-street, car parking spaces on site. The proposal would result in the proposed reduction in the number of bed spaces. The shortfall would therefore change to 18 spaces. This application would therefore marginally improve the shortfall by one space. The applicant should be requested to demonstrate through swept path analysis that the largest delivery vehicle that will require regular access can enter the application site, load and/or unload without obstructing any of the off-street, car parking spaces and manoeuvre such that it is able to enter the adopted public highway in a forward gear. Some further information requested regarding cycle parking, refuse, travel plan, and conditions proposed.

21st January 2021: The proposed widening of the existing westernmost access is acceptable, and the applicant should be advised that they will be required to enter into a s278 agreement with the authority. They should also be advised that the amendment to the existing vehicular crossing requires a license under Section 184 of the Highways Act 1980.

In summary, Highway Development Control officers raise no highway objection, subject to the following Conditions and Advisories being attached to any planning permission granted.

#### FLOODING AND DRAINAGE:

7th September 2020: More information on the surface water drainage is required.

17th December 2020: No objection subject to conditions

#### ECOLOGY:

8th Sept: Further Information required

22nd Jan 2021: No objection subject to conditions

#### CONTAMINATED LAND:

18th August 2020: No objection subject to conditions

#### ENVIRONMENTAL PROTECTION:

27th August 2020: No comment

#### BUILDING CONTROL:

24th August 2020: No concern raised in regards to land stability. Building Regulations application required. Layouts to be discussed upon receipt of an application.

## ADULT SOCIAL CARE:

28th Jan 2021: Having reviewed the Application, Adult Social Care would be minded to support this development at 27/28 Oldfield Road, Oldfield Park. Like most boroughs across the Country, we are faced with the challenges of an ageing population and associated comorbidities. While the Council's preference is to support older people to in the community for as long as possible, there is a proportion of older people whose needs are best met in a care home setting. This, together with increasing cost of care is putting significant pressure on the Council's budget. One way of lowering the financial burden is by increasing the supply of care homes in the borough that will in turn drive down the cost of care.

## CONSERVATION:

4th September 2020: Scope for revision. No objection in principle, scheme is an improvement to previous 2017 scheme, some less than substantial harm which needs to be weighed in the planning balance against the public benefits. Conditions suggested.

10th December 2020: The revised drawings on the file dated the 12th November 2020 make small changes to the scheme mainly to ameliorate the impact on the adjacent dwelling (Fern Cottage). The design of the bathroom pods and the alterations to the access have also been clarified. Continues to be some less than substantial harm which needs to be weighed in the planning balance against the public benefits. Conditions suggested.

## Representations Received :

Councillor Shaun Andrew Stephenson-McGall: 4th Sept 2020: I would like to call for the decision on the Planning Application 20/02817/FUL and the related listed building consent, and for the decision to be made at Planning Committee for the following reasons: (summarised as follows)

- Significant local interest
- Design, scale and massing concerns
- Need to future proof care homes
- Amenity of neighbours
- Supply of care spaces
- Climate emergency
- Impact on heritage assets
- Impact on biodiversity
- Drainage and land instability concerns

79 objections have been received from third parties over the course of two rounds of consultation in regards to the original submitted scheme and the revised plans. The following is a summary of the points raised;

- Overdevelopment of the site
- Impact to setting of listed building
- Impact to setting of conservation area
- Harm to conservation garden

- Harm to the world heritage site
- Design and appearance not in keeping with local character
- Contemporary design is at odds with the site
- Concern in regards to height and scale of extension
- Concern in regards to materials
- Overlooking and loss of privacy
- Noise and light pollution
- Odour and air pollution
- Overbearing
- Vulnerable neighbours
- Landscape harm
- LVIA conclusion is incorrect
- Loss of public views
- Loss of green space and habitat
- Loss of trees
- Issues with congestion and parking during construction phase
- Gaps and inaccuracies in the submission and technical documents
- No net gain of biodiversity
- Land instability issues and subsidence
- Drainage and soakaway location concerns
- Congestion concerns
- Highways safety and pedestrian safety
- Vehicle tracking plans inaccurate
- No gain in bed spaces, oversupply of care beds, application not required
- Provision of beds being met at Wansdyke business centre
- Concern the rear gate will be used by staff for smoking
- Concern the building will become a HMO or hotel
- No public engagement
- Additionally independent expert assessments should be made

Bath Preservation Trust: We maintain our previously submitted objection on grounds of overdevelopment of the site, harm to the setting of a listed building, and a failure to conserve or enhance the appearance or character of the conservation area.

Please note that many of the objections received are of considerable length and the above is a summary only, all responses have been read and are available for the public to view on the council's planning webpages.

## **POLICIES/LEGISLATION**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
- Policy GDS.1 Site allocations and development requirements (policy framework)

- Policy GDS.1/K2: South West Keynsham (site)
- Policy GDS.1/NR2: Radstock Railway Land (site)
- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

#### Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

Policy DW1: District-wide spatial strategy  
 Policy B1: Bath Spatial Strategy  
 Policy B4: World Heritage Site and its setting  
 Policy SD1: Presumption in favour of sustainable development  
 Policy CP1: Retrofitting existing buildings  
 Policy CP2: Sustainable construction  
 Policy CP6: Environmental quality

#### Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

Policy SU1: Sustainable drainage  
 Policy D1: General urban design principles  
 Policy D2: Local character and distinctiveness  
 Policy D3: Urban fabric  
 Policy D4: Streets and spaces  
 Policy D5: Building design  
 Policy D6: Amenity  
 Policy D8: Lighting  
 Policy HE1: Historic environment  
 Policy NE2: Conserving and enhancing the landscape and landscape character  
 Policy NE2A: Landscape setting of settlements  
 Policy NE3: Sites, species and habitats  
 Policy NE6: Trees and woodland conservation  
 Policy PCS2: Noise and vibration  
 Policy H1: Housing and facilities for the elderly, people with other supported housing or care needs  
 Policy ST7: Transport requirements for managing development

#### National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

SPDs:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

Legislation and policy concerning heritage impact:

Conservation Areas:

In addition, there is a duty placed on the Council under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act to, in the exercise of its planning powers with respect to any buildings or other land in a Conservation Area, to 'Pay special attention to the desirability of preserving or enhancing the character or appearance of that area'.

Listed Buildings:

In addition, there is a duty placed on the Council under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 'In 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.'

The courts have held that, in respect of proposed developed within the setting of, or which may impact on a listed building, or in a conservation area, to give effect to the duties in s.72(1) and s.66(1) a decision-maker must:

- (i) With regards to listed buildings, accord consideration and importance and weight to the desirability of preserving the listed building or its setting; and
- (ii) With regards to a conservation area, give a high priority to the objective of preserving or enhancing the character or appearance of the area when balancing these factors against other material considerations. As such, the matters in s.72(1) and s.66(1) are not material considerations like any other - they are to be afforded great weight in the decision-making process (even where the harm identified is less than substantial).

Paragraphs 193 to 196 of the NPPF are also particularly relevant. Paragraph 193 NPPF provides that when considering the impact of a proposal on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation (the more important the asset, the greater the weight to be given). Paragraph 194 NPPF states that any harm to, or loss of significance of a heritage asset should require clear and convincing justification. Paragraph 196 NPPF provides that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

As for non-designated heritage assets, paragraph 197 NPPF indicates that the impact of a proposal on such an asset should be taken into account, with a balanced judgment to be made having regard to the scale or any harm or loss and the significance of the heritage asset.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

## **OFFICER ASSESSMENT**

### **BACKGROUND:**

A planning application and listed building consent application relating to this site were previously considered 2017 for a more extensive scheme that also sought to demolish and replace existing extensions in the south of the site. Officers recommended that the applications be refused for the following reason:

"1. The proposed development due to its scale, design and location is considered to result in the overdevelopment of the site to the detriment of the character and setting of the listed building and the character and appearance of this part of the Conservation Area. The proposal is contrary to policy CP6 of the Bath and North East Somerset Core Strategy (adopted July 2014), policies HE1, D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan (adopted July 2017) and guidance in the National Planning Policy Framework.

2. The proposed development will harm the existing landscape setting of the building and result in the loss of trees which make an important contribution to the character of this part of the Conservation Area. Additionally, the proposal would reduce the green space resulting in inadequate access, and inadequate circulation of outdoor space. The proposal is therefore contrary to policies D1, D2, HE1, H1, NE2 and NE6 of the Bath and North East Somerset Placemaking Plan (adopted July 2017) and guidance in the National Planning Policy Framework."

The committee overturned the officer recommendation and decided to grant planning permission on the basis that the public benefits outweighed the identified harm. In summary, the benefits relied on were said to be a shortage of care home places and the need for the development for the care home to be finally viable.

Following a claim for judicial review, on 18 May 2018 the High Court quashed the relevant planning permission and corresponding listed building consent. In short, the Court found that the benefits of the scheme relied on by the committee to outweigh the harm were immaterial considerations in circumstances where they were unsupported by evidence. For much the same reasoning, the Court also found that the committee had acted irrationally in granting the permission. The Court went on to quashing both the planning permission and the listed building consent.

As a result of the quashing the applications remained undetermined and went again before committee, which resolved to refuse the applications on 3rd July 2019. The applications were refused on two grounds, harm to the listed building and conservation area arising from the design, and harm to the landscape setting of the locality, neither of which were outweighed by the public benefits of the scheme.

This application made on 5th August 2020 is a resubmission which seeks to address the problems identified with the previous proposal. In summary, the main differences between the previous proposal and the current proposal are the layout, design and landscape of the proposal.

#### KEY ISSUES:

The main planning considerations are as follows:

- Principle of development
- Heritage
- Character, Appearance and Design
- Landscape
- Trees
- Residential amenity
- Highways Matters
- Drainage and flooding
- Ecology
- Benefits of the redevelopment of Cedar Park
- Sustainability
- Any other matters

#### PRINCIPLE OF DEVELOPMENT:

Cedar Park Care Centre is a C2 residential institution (C2 use is use for the provision of residential accommodation and care to people in need of care) within the main urban area of Bath, where the location of residential or day care facilities is in line with the spatial strategy and therefore acceptable in principle.

Policy H1 of the Placemaking Plan supports housing and facilities for the elderly provided the criteria in that policy are met. It states that care facilities will be supported where;

a. The use is compatible with the locality and existing/future uses in the locality and does not create potential conflicts with existing use.

The existing site is in use as a care home, this proposal seeks to replace existing extensions with new extensions that better meet the needs of the care facility and its residents, while future proofing the facility. The site is surrounded by residential dwellings. As such the proposed extension to the care home is considered compatible in principle. Considerations such as residential amenity are discussed in detail further below.

b. There is adequate (i) communal space (including cooking and dining areas) and (ii) garden/ outdoor space within the curtilage of the property to meet the needs of the residents (the policy advises that national best practice standards should be met relevant to the type of development proposed, for example development should, follow best practice identified by HAPPI 12).

This proposal will result in a 49-bed care home, down from 52 beds at present. The current facility provides communal space internally and externally, this proposal seeks to do the same in a more appropriate way. Overall adequate communal and garden space is provided, and the details of this are discussed further in other sections below.

The proposal is considered acceptable in principle subject to the policies of the development plan and any other material considerations discussed below.

## HERITAGE:

Policy HE1 concerns the Historic Environment; it seeks to secure the conservation of its heritage assets throughout the District. With regard to listed buildings and conservation areas the policy requires these assets to at least be preserved or enhanced. In line with national policy, policy HE1 states that heritage harm can be outweighed by public benefits. Additionally, policy CP6 has regard to Environmental Quality. CP6 also confirms that the council will 'protect, conserve and seek opportunities to enhance the historic environment' and that 'Where development has a demonstrable public benefit, including mitigating and adapting to climate change, this benefit will be weighed against any harm to the significance of the heritage asset.'

This application (20/02817/FUL) has been submitted for a comprehensive scheme to demolish the rear extensions and rebuild them across a larger footprint. There is a parallel listed building consent application ('LBA') (20/02818/LBA) which seeks permission to reconfigure parts of the interior of the principal listed building. While these internal alterations do not require planning permission, they are nonetheless mentioned in this report because they form part of the planning balance.

As discussed in further detail below, it is considered that this revised scheme represents a significant rethink by the applicant about their approach to increasing and upgrading the homes accommodation in comparison to previous proposals, including the 2017 scheme. It also represents a marked improvement in heritage terms, as discussed in greater detail below.

### Assessment of external works:

#### Impact on Cedar Park as a listed building

Cedar Park was once an especially grand pair of houses known as The Ferns and Crowsmoor. The heritage significance of the property derives from its architectural interest and its group value. In terms of Architectural Interest, it is a good example of mid-C19 former Italianate villas with elaborate architectural detailing. In terms of Group Value, the building is one of a series of similar villas on Oldfield Road which demonstrate well the fashion for such developments within the suburbs of the City of Bath. It is considered the best of five substantial Victorian villas in this road of differing sizes and design with spacious gardens, partly developed in this case.

The site has been used for many years as a nursing home and this is reflected in the poor-quality additions and extensions to the principal building. Nevertheless, parts of the interior are still intact, and these make an important contribution to the overall character and significance of the listed building.

While the new proposed extension has a larger footprint (approx. 500m<sup>2</sup>) and therefore massing spread than the existing extension, it is notably superior in terms of design quality. It is noted that the proposal will also see the removal of existing unsightly and

intrusive steps from the rear elevation. The proposed extension will have a minimal glazed link attaching it to the listed villa and the extension will replace an extension that already sits within the setting of the villa. Therefore, while the new proposed extension will inevitably lead to some change to the setting and significance of the listed building, the impact of this change in heritage terms is only considered to be marginally worse (by virtue of the larger footprint and mass spread). Indeed, in all the circumstances of this case, and particularly given the fact that the former garden has already been developed, officers consider the change brought about by the proposal will result in a level of harm that sits at the very lower end of the less than substantial category.

### Impact on Conservation Area

The site is located within the Bear Flat and Oldfield Park Conservation Character Area. The character area occupies a prominent position in the City of Bath, lying as it does on the north-facing slopes to the south of the River Avon. Apart from the survival of a small group of medieval buildings on Holloway, the area comprises Georgian, Victorian and Edwardian buildings (and a few from the 20th century). As an area, its character derives partly from this heterogeneity. The Character Appraisal for this Conservation Area references Cedar park in the Victorian development section, noting it as a 'fine example of houses of the period'. Clearly Cedar Park contributes to the character of the area due to its Victorian heritage with the significance deriving from it being part of the historic townscape.

The proposed extension will be located on a similar siting to the previous modern extension within the original garden of the listed villa. The proposed buildings are proposed to be lower in height than the existing Orchard wing which is to be demolished. The views of the extension from the wider Conservation Area are limited. From Oldfield Road the views are mainly blocked given the existing Villas location and size. The roads that bound the site to the South and West are set down from Cedar Park itself due to the local topography, making it difficult to view the existing or proposed building in full from any angle. The area is densely developed. The proposal is to be finished in Bath Stone.

Once again, while the new proposed extension will inevitably lead to some change to the setting of the Conservation Area due to its increase in footprint and spread of mass, however given the topography of the site, the scale and design of the development and the existing situation on site the impact of this change in heritage terms is only considered to be minimal.

As with the impact to the listed building setting above, in all the circumstances of this case, and particularly given the fact that the former garden has already been developed, officers consider the change brought about by the proposal will result in a level of harm that sits at the very lower end of the less than substantial category.

### Impact on World Heritage Site

The proposed development is within the World Heritage Site; therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site.

The World Heritage Site is Designated for its Outstanding Universal Values (OUV). These can be summarised as 1. Roman Archaeology, 2. The Hot Springs, 3. Georgian Town

Planning 4. Georgian architecture, 5. Green Setting of the City in a hollow in the hills, 6. Georgian architecture reflecting social ambitions (e.g. spa culture).

As set out above the proposal will result in an extension that replaces a smaller, poorer design quality extension to a pair of listed Victorian Villas located within the main built up area of Bath. the proposal is not discernible in wider views of the city. Therefore, in this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site.

#### Impact on non-designated heritage assets Fern Cottage

Concern has been raised that the proposal would impact on the setting of Fern Cottage situated in the south west corner of the site, outside of the site boundary. Fern Cottage was associated with the main building when built and is described and noted in the Baseline Heritage report but has been long detached from the listed building and separated from it by the modern extension that currently exists. Fern Cottage is not listed, designated as a locally listed heritage asset, or referred to as a building of merit in the Conservation Area Appraisal, although it is recognised to have some significance as a non-designated heritage asset.

However, it is not considered that its significance would be affected in any material way by the proposal. That is because the proposal would result in a negligible difference from the existing setting. The southern wing will be around half a metre closer to Fern Cottage, the eaves or parapet level will be around 890mm higher, but that the ridge will be lower by about 1.25m. The scheme has been amended during the course of the application so that the upper storey follows the same set back as the existing in relation to Fern Cottage, and the existing overlooking first floor south elevation window is also "removed" as a consequence of the proposed redevelopment. Any heritage significance Fern Cottage does have will therefore remain unchanged as a result of the application.

Heritage conclusion: overall assessment of harm (including comparison with 2017 scheme)

The 2017 scheme would have resulted in unacceptable over development of the site by replacing the single storey link with a two-storey wing approximately double in width along with two substantial and awkward looking extensions sprouting from revised Orchard wing. The overall scale and close proximity to the principal buildings created an extension which would have dominated the listed building. For this reason, the 2017 scheme was assessed to result in less than substantial harm.

In this revised scheme the footprint for the extension has been simplified to a T shape which is an improvement in layout. This is because the T shape allows for a larger area of amenity/garden space to be maintained around the building and maintains circulation around the entire site. The glazed single storey connection to the listed building is also noted and is a positive aspect of the design. The streamlined contemporary design of the extension, although in contrast to the villa, provides a quieter juxtaposition to the listed building than the previous proposal.

It follows that the revised scheme is considered to result in less heritage harm than the 2017 scheme. Specifically, while it is considered that the current proposal will result in less than substantial harm, this is lower on the 'spectrum' of harm than the 2017 proposal.

As explained above by reference to s.72(1), s.66(1) and paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight must always be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or (as here) less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification. This has been the approach taken by officers in this case and the heritage harm identified above has been weighed accordingly in the planning balance section below.

For the avoidance of doubt, compliance with heritage policies HE1 and CP6 is considered in the planning balance section below since both of these policies permit heritage harm where it is justified by the public benefits.

Assessment of internal works (planning permission not required but relevant to overall planning balance):

The upper floors of the building were not thoroughly assessed by the 2017 Heritage Statement (paragraph 2.2.15 - the upper floors were not inspected). An Addendum to the original statement has been submitted which provides more information. An internal inspection was also made by the case officer and conservation officer in connection with the recent pre application enquiry. Sufficient information is therefore now available on which to assess the impact of the proposal on the character and significance of the principal listed building.

The main thrust of the proposed internal works is to remove modern partitions from rooms to restore their historic proportions. This will go some way to better revealing the origins of the building as a grand residential villa and overall, there will be net gain in planform legibility. Ensuite bathrooms will be installed in the form of pods. Following submission of additional information on the pods, the Conservation Officer is satisfied that they are acceptable. Overall, the internal alterations to the listed buildings are acceptable and represent a benefit in heritage terms.

Further, the Council notes that the current internal works proposal represents an improvement to the 2017 proposal. This is because the current proposal retains the original entrance porch and hallway serving what would have been No 27 Oldfield Road to the benefit of the listed building (this addresses reason for refusal 2 under the previously refused LBA (17/01543/LBA)).

#### CHARACTER, APPEARANCE AND DESIGN:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness.

In terms of layout the proposed extension will follow a similar footprint to existing footprint, albeit the footprint will be larger (Approx. 500m<sup>2</sup>). The site is considered capable of accommodating the level of development. This scheme is more streamlined than the previous scheme which saw elements of the building projecting out in multiple directions and therefore the layout now appears more succinct within the plot. This time also a larger gap is maintained between the built form and boundary edge.

The proposed extension takes a contemporary approach on the site. A single storey element will link the central extension to the main listed building. The central extension will be a mix of two storey and single storey, with the single storey element having a green roof. A further glazed link will then link the central building to the new southern wing which will read as two elements from the side due to the central glazed corridor. This means the massing is broken up across the site but also follows a consistent rhythm to the design approach.

In line with the contemporary approach the roofs are essentially flat, the roof of the southern wing is slightly sloping from the outer apex adding visual interest and again helping to break up the massing. The proposed buildings are proposed to be lower in height than the existing Orchard wing which is to be demolished. The glazed links along with the height are considered to ensure the additions will be read as subservient to the listed main building, assisting legibility and ensuring the historic element of the site can be clearly defined, both physically and visually.

The windows follow the appropriate hierarchy and provide interest to the elevations, some design features have been introduced such as stone detailing in a nod to the main house, the simple nature of this means it will integrate but not detract from the principal building. The southern buildings side elevation is a relatively blank façade however this is considered acceptable here given the introduction of windows would result in overlooking and the Bath stone finish will ensure it has a high-quality aesthetic.

Materials include Bath stone to the majority of the building, which again will ensure successful integration within the locality, along with some elements of powder coated aluminium to reflect the contemporary approach. The design is considered fitting for the use as a care home, successfully linking function and form.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

## LANDSCAPE:

The site lies within the city of Bath, it is within the World Heritage Site and Conservation Area but has no further specific landscape designations at the site. The site forms part of the local townscape and is surrounded on all sides by development.

Previously the Landscape officer raised an objection to the 2017 applications, this objection can be summarised as follows;

- the visual separation of the two buildings could be improved

- The loss of external space was unacceptable
- Problems of access and circulation needed to be resolved
- The development may have led to future pressure for works to trees
- The development would have result in a reduced and limited landscape setting for the building itself

This proposal results in a scheme that is a more compact and physically separate form of development which allows for greater visual separation and access and circulation around and between the buildings on site. HAPPI12 Guidance specifically refers to circulations space that encourages interaction and avoids an institutional feel. While the development would still result in the loss of external space due to the increased footprint it is considered that the layout of the proposed landscape now forms a more coherent and connected whole that provides a landscape setting for the proposed development. Though this setting is at times restricted in its width it is consider that it is fit for the purpose for which it is intended namely to provide a setting for the buildings and a useable outdoor and circulation space for the residents and staff. Overall, the proposal is considered to have resolved the previous concerns of the Landscape officer and in terms of the landscaping within the site is found acceptable.

The use of flat and single cant roofs for the buildings and their physical separation has reduced their height and apparent mass and officers agree with the conclusions of the Landscape and Visual Impact Assessment (Nicholas Pearson Associates July 2020) that states that 'the overall levels of effect are limited to the site and immediately adjacent area'; that 'landscape effects beyond this immediate locality are negligible'; that 'the main visual effects of the proposed development will be limited to local views from adjacent streets and mid distant elevated views'; and that 'from more distant locations the proposals will generally not be perceptible within the broad panoramas across the city'. These conclusions are supported by the submitted Visually Verified Montages (NPA Visuals August 2020). As such the wider landscape impacts are considered negligible and in terms of the local impacts the proposal will be read in the context of the developed urban cityscape in which it sits.

The proposal is not considered to result in landscape harm and complies with local landscape policy. Additionally, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

#### TREES:

The submitted arboricultural assessment (Tim Pursey Revision A 28th July 2020) indicates that five trees would be removed as a result of the proposals (T2, T4, T5, T7 and T10) and that using the guidance in the Bath and North East Somerset Planning Obligations SPD it is suggested that seven trees would need to be planted to replace them. The submitted Landscape General Arrangement and Planting plan (Nicholas Pearson Associates Drawing No. NPA11154 301 Rev P02 dated 30.07.2020) shows that four medium/ large trees and nine small trees would be planted giving a total of thirteen trees so the requirements of the planning obligations SPD would be met.

The Tree Officer advised that careful regard should be had to trees during the construction phase of paths and retaining walls and notes the Arboricultural report submitted has regard to this. It was also suggested there was scope for additional tree planting, which would be encourage, but in any case, as stated above, the policy requirements have been met in regard to trees.

No arboricultural objection is raised to the development proposals subject to the inclusion of the conditions relating to the submission of an Arboricultural Method Statement and Tree protection plan and compliance with said documents. These conditions are considered necessary and appropriate.

#### RESIDENTIAL AMENITY:

Policy D.6 seeks to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

To the north of the site is Oldfield Road followed by the residential properties along its northern side. There are no significant alterations to the north of the site that would impact neighbours' amenity.

To the east of the site are flats and their extensive garden, to the west is Oldfield lane followed by residential gardens of First Avenue. Fern Cottage sits in the very south western corner of the plot and has blank facades facing into the application site. Fern Cottage's amenity space is located to the front of the cottage and fronts onto Oldfield Lane only. To the south is Garden House and the properties of Oldfield Lane which are separated from the site by Walnut Drive. It follows that the proposal has no material impact on the residential amenity of these neighbouring properties.

It is noted that whilst local objections were received to the previously refused applications at the site the previous schemes were not refused on residential amenity grounds.

This proposal extends minimally to the south of the site and less so than under the previous application in the direction of neighbours along Walnut Drive/ Oldfield Lane. Additionally, the height of the proposed extension is lower than the existing Orchard Wing, albeit the building is slightly longer. It is therefore considered that while the outlook of neighbours would change, this change does not result in significant harm to their residential amenity.

The proposed southern extension is sited on the same building line as the existing along the western boundary, however at first floor it currently set back on the existing building. The proposal initially extended the first floor across to the extent of the ground floor. The officer considered this could have an overbearing impact on the neighbour at Fern Cottage given the small amount of amenity space the cottage is afforded. The scheme was amended so that the upper level of the south block has been stepped back a few meters so that it is aligned with the existing upper level south block. In doing this the scale of the building from Fern Cottage remains almost the same as it is at the moment. Therefore, the relationship between the two buildings is considered acceptable. It follows that the residential amenity of Fern Cottage is no longer considered to be significantly altered or harmed in any material way.

This step back alteration of the upper floor of the southern wing has also resulted in a further set back of the upper floor windows from the western boundary maintaining a bigger gap between the proposed building and the rear gardens of properties along First Avenue. Additionally, the window in the side elevation serves a corridor and not a habitable room, keeping overlooking to a minimum. Further, a level of overlooking can be expected in residential areas.

Neighbours have raised concerns in regard to noise from the development for occupants, staff and heating etc. The existing site is already in care home use, this application would result in a reduction in the number of beds by two, and therefore a reduction in number of occupants, staff numbers remain the same. As such it is not considered that noise would be exacerbated as a result of this scheme. Again, similar concern has been raised in regard to odour/ air pollution, neither of which are considered to be significantly different as a result of this scheme.

Some noise may occur during the construction phase; however, a construction management plan will be conditioned to ensure appropriate working hours are maintained and construction noise will be temporary.

Light spill from windows is likely to be contained within the majority of the site. Whilst neighbours will be able to see lights on within the building, the spill is not considered to result in harm to residential amenity (in contrast with, for example, a floodlight). It is also reasonable to expect residential bedrooms will be fitted with blinds/ curtains. In addition, and as with noise, it is not considered that any light spill impacts will be materially worse than at present.

Concern has been raised in regard to the rear gate providing access to Walnut Drive which may be used by staff. The gate is currently in situ, this access arrangement is not proposed to be altered. It is noted the landscape scheme no longer provides a shelter next to the gate, however if and where staff smoke is not a material planning consideration.

Additionally, the right to a view is not a material planning consideration. The proposal is also not considered to have an overbearing effect on any neighbours, particularly now the amendments have been submitted.

In terms of the future occupiers of the Care Home, the proposal will ensure residential amenity of future residents is improved. The current Orchard wing is not considered fit for purpose (and is closed as a result). The proposed extension takes on board HAPPI12 requirements through its internal space standards, improved natural lighting, and improved shared spaces for example.

Overall, given the design, scale, massing and siting of the proposed development the proposal would not cause material harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and the NPPF.

HIGHWAYS MATTERS:

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

The existing care home currently has 47 bedrooms (providing 52 bed spaces), during the course of this application the scheme has been amended and is now proposed to provide 49 bedrooms (12 in the main house; 8 in the link and 29 in the wing) providing 49 bed spaces.

The submission confirms that the applicant proposes to provide 10 covered cycle spaces together with 15 off-street, car parking spaces. The applicant also confirms that they intend to widen the existing westernmost access and that this new access will not be gated. The number of staff at the site is 50 and this remains unchanged as a result of this application.

#### Car Parking:

Car parking standards for care homes are covered in the Placemaking Plan and the standards are given as a maximum rather than a minimum. It should be noted that the reason for maximum standards is so as not to encourage unsustainable patterns of travel, for example by encouraging car use.

According to the standards the current care home requires a maximum of 34 off-street car parking spaces and that the amended scheme requires the maximum provision of 33 spaces. The applicant proposes to provide 15 off-street, car parking spaces which represents a shortfall of 18 spaces when compared to the maximum number required by the authority's adopted parking standards.

Officers acknowledge that there is currently a shortfall of 19 off-street, car parking spaces, which will therefore be marginally improved (by one space) by the proposed reduction in the number of bed spaces. Whilst the shortfall in the number of off-street car parking spaces is acknowledged, officers note that a shortfall already exists and the accessible nature of the application site, which is close to a number of existing public transport routes.

Plan reference 3841-345 Revision E indicates a single space for the dedicated use of blue badge holders which allows easy access to the building and is therefore acceptable.

Overall car parking arrangements are considered acceptable.

#### Cycle Parking:

The scheme proposes 8 cycle stands as part of the submission. Highways officers have noted that 15 cycle stands would be required by the minimum standards in the placemaking plan. Officers however note that there is a current shortfall and the proposal represents a betterment, given staff numbers are changing and bed spaces are decreasing. Additionally, too much paraphernalia located to the front of the listed building could result in clutter that harmed its setting. Therefore, on balance the proposed number of cycle spaces is considered acceptable.

## Access and Servicing:

Plan reference 3841-345 Revision E indicates that both existing vehicular accesses will be retained, the easternmost in its current form with the westernmost being widened, thereby increasing ease of access and improve visibility, which is acceptable.

The recently submitted swept path analysis demonstrate that the site is accessible to the largest vehicle which requires access, together with a fire appliance which is acceptable. The highways officer has confirmed this and will be providing a formal consultation response to that effect.

Submitted plan references 809.0003.005 and 809.0003.806 provide swept path analysis of a rigid delivery vehicle, which the applicant has identified as being the largest delivery vehicle which will require regular access to the application site.

Plan reference 809.0003.005 demonstrates that a rigid vehicle approaching from the west can pass cars parked on the north side of Oldfield Road before entering the application site via the westernmost access. The plan indicates that the vehicle is able to stop at the front of the building whilst being loaded and/or unloaded, before exiting the site via the easternmost access in a forward gear.

Similarly, plan reference 809.0003.006 indicates that a vehicle approaching from the east can pass parked cars before entering the application site via easternmost access before stopping in front of the building whilst being loaded and/or unloaded. The vehicle is then able to exit the site via the westernmost access in a forward gear.

Officers have been provided with evidence that one of the existing pillars at what appears to be the westernmost access has previously been struck by a delivery vehicle entering the site, however, we are satisfied that the proposed widening of the access will assist in providing easier access to, and egress from, the westernmost access.

HDC officers have also been provided with evidence that servicing activities associated with the existing care home have been undertaken from the adopted public highway, instead of within the application site. It is noted that double yellow lines prohibit waiting at any time, however they permit loading. In any case the widening of the westernmost access should help alleviate these issues. The agent has confirmed that the applicant will also look to ensure deliveries are taken on site.

HDC officers are satisfied that submitted plan references 809.0003.005 and 809.0003.806 demonstrate that the proposed care home can be adequately serviced.

Officers have previously provided observations with regards to a fire appliance accessing the site via the westernmost access when approaching from the west. It is acknowledged that the proposed widening of the westernmost access will also mean that it is accessible for a fire appliance approaching from the east. Officers are therefore satisfied that the proposed care home is accessible to the emergency services.

## Refuse and Recycling

Submitted plan references 809.0003.001 and 809.0003.003 provide swept path analysis of a refuse collection vehicle. They indicate that a refuse collection vehicle approaching from either direction can enter the site, collect refuse and recycling from in front of the building, and exit the through the opposite access, without coming into conflict with cars parked on the north side of Oldfield Road. Officers are therefore satisfied that the proposed care home is fully accessible for a refuse collection vehicle.

#### Travel Plan

A full Travel Plan will be secured by means of a Condition attached to any planning permission granted.

#### Construction Management:

Given the location of the application site, HDC officers have concerns with regards to the effect of construction traffic on the surrounding local highway network. It is therefore considered that a construction management plan is required, this can be conditioned. The CMP shall include, and not be limited to, details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. Officers note that there is an existing bus stop adjacent to the site and the CMP will need to include measures which mitigate any impact on the stop during construction works.

Overall, the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 and ST1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 4 of the NPPF.

#### DRAINAGE AND FLOODING:

The site is located within Flood Zone 1 and is not within an area designated locally as being at risk of ground water or surface water flooding.

Following the initial submission additional information was requested in regard to surface water drainage which was provided by the agent.

The information shows that surface water will be managed onsite using soakaways. An outline design was provided showing three soakaways to serve 1210m<sup>2</sup> of impermeable area with a combined volume of 88m<sup>3</sup>. No calculations or evidence of infiltration testing were provided to support this proposal. Nevertheless, the proposal for soakaways is acceptable in the first instance subject to a condition regarding the need for infiltration testing and detailed design, this will also cover the eventuality that soakaways won't be suitable for the site following testing. This is a standard condition and is considered to meet the tests.

#### ECOLOGY:

An ecological appraisal has been submitted which is welcome and is largely accepted.

Following a request for further information an updated report was submitted. The updated report includes findings of an additional bat survey inspection of one of the affected roof

voids and provides greater confidence in the assessment of negligible bat roost potential in the affected areas of the building.

Potential for bat roosting in the roof of the main building is acknowledged - however these areas will continue not to be impacted by the proposal and as such it is accepted that no further survey is required. However, the risk of encountering wildlife including bats cannot be completely eliminated in the areas proposed for demolition therefore the council ecologist has advised precautionary working methods are in place and that this is secured by condition. A condition will also be used to secure the implementation of the ecological mitigation and enhancement measures as described in the section of the submitted report on biodiversity net gain.

#### SUSTAINABILITY:

Policy CP2 of the Placemaking Plan has regard to Sustainable construction. The policy requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

For major new build development, a 19% reduction in CO<sub>2</sub> emissions is required by sustainable construction, 10% of which is required from renewable energies.

Energy: Part L calculations have been carried out and a fabric first approach has been used in the new buildings to improve the efficiency of the building. The form of the building plan incorporates shallow plan depths so that passive natural light and ventilation can be utilised. The proposals include an area of approximately 95 sqm of solar photovoltaic panel collectors to meet a target annual energy yield of 16,676 kWh/yr.

The submitted SCC shows that a 20% CO<sub>2</sub> emissions reduction has been achieved from energy efficiency, with 11% of this from renewables. Therefore, the proposed development is compliant with policy CP2.

#### PUBLIC SECTOR EQUALITY DUTY:

Section 149 of the Equality Act 2010 requires a public authority to have due regard to the equalities impacts of a decision on those with protected characteristics.

In this case the relevant protected characteristics identified that could be affected are age and disability. The proposal (which may only be implemented if this application is granted) will provide benefits to elderly and elderly disabled members of the community by providing additional care home facilities. However, there may be some disruption during the construction phase. Whilst there may be disruption temporarily it is not considered that the protected characteristic of occupiers will be disadvantaged in the long term but would benefit from the grant of the application.

By contrast, if the care home becomes unviable there is a risk that elderly and/or disabled residents may be forced to move out as a result of the care home closing. Equally, a lack of quality choice of accommodation and/ or a shortage of beds in the catchment area are likely to disadvantage elderly and/or disabled residents.

## OTHER MATTERS:

The previous 2017 application was screened for EIA development, it is concluded that the development does not comprise EIA development. Whilst this scheme is slightly altered it is still considered to be the case that it does not result in EIA development.

Concern has been raised by residents with regards to subsidence. The site is not located in an area designated with land stability issues. The Building Control Team have been consulted on the application and confirmed that foundations will be able to be designed to appropriately take the load of the building, this will be dealt with at the Building Control Stage. If this is carried out correctly then there would be no reason for any existing subsidence to be worsened. Regarding the retaining wall it would be the builders' responsibility to ensure that this is not damaged by the building operations. The NPPF makes clear that safe and secure development is the responsibility of the land owner/developer.

The Contaminated Land officer has been consulted on the scheme. Taking account of the sensitive nature of the development (i.e. residential care centre) and the previously developed nature of the site, conditions have been suggested relating to reporting of unexpected contamination.

Residents raised concerns about the lack of public engagement at the site. The developer is not obliged to take part in any pre-application engagement with residents, although this is encouraged by the Council. The officer understands that the agent and applicant met on site with local residents during the course of the application and meeting notes have been provided by local residents. The statutory consultation requirements have been undertaken in accordance with regulations by the Council in regard to the planning application.

Some third parties raised concerns that the submission was lacking in detail or inaccurate in places. Officers consider that sufficient information has been submitted to come to a decision on the scheme. A resident has requested further independent studies in regard to landscape and residential amenity assessment. The officers involved are planning professionals that are fully qualified to conclude on these aspects without the need for additional independent advice.

## PUBLIC BENEFITS OF THE REDEVELOPMENT OF CEDAR PARK:

The proposal seeks to update the care home by bringing it up to modern standards in terms of bedroom sizes, bathroom facilities etc. That is in circumstances where the existing extension is no longer fit for purpose; for example, corridors are too narrow, ramps are required, there are pinch points etc (as set out in the Viability Report, Christie and Co, July 2020). These inadequacies have resulted in the recent "closure" (un-occupation) of the Orchard Wing in October 2019, therefore reducing the operational capacity of the care home. This has meant that Cedar Park is trading at a loss and may close unless the lost beds can be re-provisioned in an extension designed for nursing care (evidenced in the Viability Report by Christie and Co, July 2020).

Bath and North East Somerset's 'Market Position Statement' for Adult Social Care 2018/19 - 2020/21 notes that between 2007 and 2027 the number of people aged 75 years plus is set to increase by 75%.

Relative to statistical demand, at present with a 5km catchment area of the site, there is a small surplus of 21 ensuite bedrooms at present. However, due to the increasing number of people over 65 years over, this oversupply will change to a net need for 45 ensuite bedrooms by 2025 and 215 places by 2035. This evidence is set out in the applicant's submission and is accepted by officers.

It is noted that there is no specific requirement in the local plan to provide a certain number of care beds or bedrooms over the plan period. However, there is a recognised and identified need for residential care provision to support Bath's ageing community, and the Bath Strategic Housing Market Assessment (SHMA) (June 2016) recognises that the population of people aged 75 or over is predicted to grow over the development plan period. In November 2018, following the quashing of the 2017 application and during its redetermination period an independent viability assessment was undertaken by Cushman and Wakefield on behalf of the Council. Cushman and Wakefield also concluded that there would be a future undersupply of bed spaces based on current projections. Additionally, in responding to the consultation on this application, BaNES Adult Social Care Team have also confirmed a future need for care facilities in the district.

Although the proposal would result in 3 fewer bed spaces in terms of the overall number (49 beds proposed instead of 52 existing), 18 beds are currently not in use due to the closed Orchard Wing, this means the proposal would actually contribute 15 bed spaces back into the care system, bed spaces which would be fit for purpose for providing modern care.

Additionally, Cedar Park provides nursing care for people with enduring physical conditions or conditions which result in physical disability. It is noted in the Christies Viability Report and subsequent letter that the current trend is for care operators of new care homes to focus on the higher fee paying, self-funded residential care. It is important to provide care that meets the needs of the population holistically. The retention and appropriate extension of Cedar Care will therefore meet a need by serving those residents that require nursing care funded by social services and the NHS.

It is noted a number of objectors consider the need for care bed space would be met by a development for a 68-bed care home on the Wansdyke Business Centre site. However, this application was recently refused due to the loss of the industrial units that would have been replaced by the care home (it is noted that the applicant could appeal but it is unclear if they will and of course the outcome of any appeal is uncertain)

In conclusion, officers consider that the proposal has the following public benefits. First, it would improve the quality of the accommodation and care provided at Cedar Park. Secondly, the proposal would result in a further 15 bed spaces, in circumstances where local demand for these is set to increase and a shortage in the district is predicted. Thirdly, the proposal mitigates against the considerable risk of the closure of Cedar Park, and therefore the loss of the existing 34 bed spaces (in circumstances where, following the recent closure of the Orchard Wing, Cedar Park is currently being operated at a loss).

Importantly, and unlike in 2017 when the High Court found that the planning committee acted unlawfully in taking account of unevidenced factors including the shortage of care home places and the need for the redevelopment of Cedar Park for it to be financially viable, it is now that case that the benefits outlined above are well supported by evidence. In particular, a material change of circumstances has taken place in that the Orchard Wing has had to close due to the inadequacy of this accommodation, and the applicant has submitted evidence that it is therefore operating at a loss. As outlined above, evidence has also been gathered from a variety of sources to show that there is predicted to be a shortage in future of care home beds such as those provided at Cedar Park.

#### PLANNING BALANCE:

Applications for planning permission must be made in accordance with the development plan unless there are material considerations that indicate otherwise (see s.70(2) of the Town and Country Planning Act 1990 and s.38(6) of the Planning and Compulsory Purchase Act 2004). In this instance no breaches of the development plan have been identified (see below for consideration of heritage policies HE1 and CP6). The various material considerations are considered below.

Planning harm: heritage impact:

No harms arising from the proposal have been identified other than heritage harm.

The statutory considerations to which decision-makers must have regard and the national policy requirements have been set out above. Officers consider that the proposed extension is considered to result in a low degree of less than substantial harm to significance of Cedar Park as a listed building and the conservation area, due to inappropriate development in their setting.

Public benefits:

Public benefits can be environmental, social or economic and should flow directly from the proposed development and be of a nature or scale to be of benefit to the public at large.

The scheme will provide public benefits in number of ways:

- Removal of existing unsightly and intrusive steps from the rear elevation results in a heritage benefit (although it is acknowledged the net heritage impact is one of less than substantial harm, albeit this specific element is a heritage benefit)
- Improved design of proposed extension in comparison to existing modern extensions which are poor quality in design terms (although it is acknowledged the net heritage impact is one of less than substantial harm, albeit this specific element is a heritage benefit)
- Some restoration of upper floor planform results in a heritage benefit (although it is acknowledged the net heritage impact is one of less than substantial harm, albeit this specific element is a heritage benefit)
- Improvement to the quality of accommodation and facilities within the care home in line with modern HAPPI requirements resulting in a social benefit
- Creation of a further 15 care home bed spaces, in circumstances where local demand for these is set to increase and a shortage in the district is predicted

- Reducing the considerable risk of the closure of Cedar Park (in circumstances where, following the recent closure of the Orchard Wing, Cedar Park is currently being operated at a loss). This therefore protects against the loss of the existing 34 bed spaces as well as the existing employment (c.50 jobs) offered by Cedar Park. These are considered to be social and economic benefits.
- provides a specific nursing care offer to a significant number and higher proportion of residents directly funded by the Social Services and the NHS resulting in a social benefit
- Creation of jobs during the construction phase will result in a social and economic benefit
- Creation of cycle parking resulting in an environmental benefit
- Reduction in shortfall of parking spaces by one is considered to be an environmental benefit
- Introduction of renewable energies (solar panels) resulting in an environmental benefit
- Improvement of the vehicular access resulting in deliveries being taken within the site instead of on-street, helping alleviate congestion, this is a social benefit

Cumulatively the proposed benefits are considered to outweigh the lower end of less than substantial harm caused to the setting of the listed building and the conservation area as a result on the scheme. This is the case even though great weight has been afforded to the heritage harm.

For much the same reason, it is considered that the proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017). Although the heritage harm outlined above has been identified, ultimately there is no breach of these policies in circumstances where, as here, the harm is outweighed by the public benefits of the proposal.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **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 Arboricultural Survey, Impact Assessment, Method Statement and Tree Protection Plan (Pre-commencement)**

No development shall commence until a detailed Method Statement and Tree Protection Plan following the recommendations contained within BS5837:2012 have 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 the 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 NE6 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.

### **3 Arboricultural Method Statement (Pre-occupation)**

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed compliance statement from the appointed Arboriculturalist has been submitted 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 NE6 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.

### **4 Hard and Soft Landscape Implementation (pre-occupation)**

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 use of the site or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: to ensure that the agreed hard and soft landscape scheme is implemented.

### **5 Hard and Soft Landscaping Maintenance to Completion (compliance)**

Any trees or plants indicated in the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. Hard landscaping will be maintained in perpetuity.

Reason: to ensure that the agreed hard and soft landscaping scheme has been established and maintained.

### **6 Surface Water Drainage (Pre-commencement)**

No development shall commence, except ground investigations and remediation, until detailed design of the surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The submission is to include results from onsite infiltration testing (conducted in accordance with BRE Digest 365) which are to be used to inform the soakaway design, calculations demonstrating no flooding at the critical 1in100+40% storm event and plans. The soakaways are to be designed to allow inspection and maintenance to be undertaken.

If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing

by the Local Planning Authority prior to commencement. This alternative should follow the drainage hierarchy.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core

### **7 Reporting of Unexpected Contamination (Compliance)**

In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by soils or materials with unusual colour, odour, texture or containing unexpected foreign material.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.

### **8 Methodology for dismantling, storing gatepier and reconstructing (Bespoke Trigger)**

Prior to any work commencing on dismantling the gatepier a detailed methodology for carrying out all the stages of the work including the storage arrangements to be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and setting of the listed building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

### **9 Sample panel gatepier (Bespoke Trigger)**

Prior to any work commencing on reconstructing the entrance gatepier a sample panel showing the coursing and pointing of the stonework to be provided on site for the inspection and approval in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved sample.

Reason: To safeguard the character and setting of the listed building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

### **10 Parking (Compliance)**

The areas allocated for parking and turning, as indicated on submitted plan reference 342 Revision A, shall be kept clear of obstruction and 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.

### **11 Bicycle Storage (Pre-occupation)**

No occupation of the development shall commence until bicycle storage for at least 30 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.

### **12 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 Placemaking Plan.

### **13 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.

### **14 Precautionary Working Methods for the protection of wildlife (Compliance condition)**

Demolition and site preparation works must proceed only in accordance with the following measures for the protection of bats and birds:

- o a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the building and its roof, and any crevices and concealed spaces, immediately prior to and during any works affecting these areas
- o active nests shall be protected undisturbed until the young have fledged
- o works to the roof and any areas with concealed spaces or crevices shall be carried out by hand, lifting tiles (not sliding) to remove them, and checking beneath each one.
- o If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.

Reason: to avoid harm to protected species (bats and nesting birds) in accordance with NPPF and policies NE3, NE5, and D5e of the Bath and North East Somerset Local Plan.

### **15 Wildlife Mitigation and Enhancement Scheme (Compliance condition)**

The development hereby approved shall be implemented only in accordance with the recommendations and ecological mitigation and enhancement measures described in Appendix 1 and Figure 4 of the approved Ecological Appraisal by Engain dated 8th October 2020; all features and ecological measures shall be installed and retained and maintained thereafter for the purposes of providing wildlife benefit.

Reason: to prevent of ecological harm and provide biodiversity gain in accordance with NPPF and policies NE3, NE5, and D5e of the Bath and North East Somerset Local Plan.

#### **16 Ecology Follow-up Report (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, completed implementation of all ecological mitigation and biodiversity enhancement measures 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 Wildlife Mitigation and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3, NE5, and D5e of the Bath and North East Somerset Local Plan.

#### **17 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:**

##### **1 PLANS LIST:**

This decision relates to the following plans:

05 Aug 2020 3841-331 Topographic Survey  
05 Aug 2020 3841-332 Existing Block Plan  
05 Aug 2020 3841-333 Existing Site Plan  
05 Aug 2020 3841-334 Existing Lower Ground  
05 Aug 2020 3841-335 Existing Ground Floor  
05 Aug 2020 3841-336 Existing First Floor  
05 Aug 2020 3841-338 Existing Elevations 1  
05 Aug 2020 3841-339 Existing Elevations 2  
05 Aug 2020 Npa11154 301 Proposed Landscape Plan  
12 Nov 2020 Swept Path 01  
12 Nov 2020 Swept Path 02  
12 Nov 2020 3841-361 Existing And Proposed Entrance  
12 Nov 2020 3841-Sk10 Proposed Bathroom Pods  
12 Nov 2020 Npa11154 301 Landscape Ga And Planting Plan  
15 Jan 2021 809.0003.001 Vehicle Tracking - Refuse From West  
15 Jan 2021 809.0003.002 Vehicle Tracking - Fire Tender From West  
15 Jan 2021 809.0003.003 Vehicle Tracking - Refuse From East

15 Jan 2021 809.0003.004 Vehicle Tracking - Fire Tender From East  
 15 Jan 2021 809.0003.005 Vehicle Tracking - Delivery From West  
 15 Jan 2021 809.0003.006 Vehicle Tracking - Delivery From East  
 12 Nov 2020 3841-341b Block Plan  
 12 Nov 2020 3841-342b Site Plan  
 12 Nov 2020 3841-344e Proposed Lower Ground Floor  
 12 Nov 2020 3841-345e Proposed Ground Floor  
 12 Nov 2020 3841-346c Proposed First Floor  
 12 Nov 2020 3841-347c Proposed Second Floor  
 12 Nov 2020 3841-348c Proposed Roof Plan  
 12 Nov 2020 3841-349b Proposed Detailed Lower Ground  
 12 Nov 2020 3841-350b Proposed Detailed Ground Floor  
 12 Nov 2020 3841-351b Proposed Detailed First Floor  
 12 Nov 2020 3841-352b Proposed Detailed Second Floor  
 12 Nov 2020 3841-353b Proposed South Elevations  
 12 Nov 2020 3841-354b Proposed North Elevations  
 12 Nov 2020 3841-355b Proposed East And West Elevations  
 12 Nov 2020 3841-356b Proposed Long Elevations  
 27 Nov 2020 Sk01 A Soakaway Plan

## **2 Advisory Note - Desk Study and Walkover Survey**

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The Contaminated Land Officer has advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey could be undertaken to develop a conceptual site model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. Should the Phase 1 investigation identify potential pollutant linkages then further investigation and assessment will be required. Any unexpected contamination should be reported in line with the above conditions

## **3 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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

#### **4 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.

#### **5 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. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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](http://www.bathnes.gov.uk/cil)

#### **6 Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

**Item No:** 02  
**Application No:** 20/02818/LBA  
**Site Location:** Cedar Park Care Centre 27-28 Oldfield Road Oldfield Park Bath Bath  
And North East Somerset



**Ward:** Oldfield Park      **Parish:** N/A      **LB Grade:** II

**Ward Members:** Councillor Shaun Andrew Stephenson-McGall

**Application Type:** Listed Building Consent (Alts/exts)

**Proposal:** Internal and external alterations for the erection of a single and two storey extension to the south following demolition of the existing extension and link staircase, minor internal and external alterations to retained building, landscaping and minor amendments to existing access and parking (revised scheme)

**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

**Applicant:** Cedar Care Homes

**Expiry Date:** 10th February 2021

**Case Officer:** Samantha Mason

To view the case click on the link [here](#).

## REPORT

### Site Description:

The site is approximately 1 acre in size and is situated on the corner of Oldfield Road and Oldfield Lane. Oldfield Lane is a narrow lane as it passes the site, with the rear of properties which front on to First Avenue marking the western boundary of the lane. Oldfield Lane provides access to Walnut Drive, which marks the southern boundary of the

application site. Residential properties are located on the south side of Walnut drive. To the east of the site is a block of flats which fronts Oldfield Road, with a long back garden. It is located within the Bath Conservation Area and World Heritage Site.

The application site comprises three main buildings: A former pair of Victorian residential villas (no's 27-28 Oldfield Road, the main house, built circ.1840 according to the listing) which is three storeys and occupies the Oldfield Road frontage; a two storey modern building (known as the Orchard Wing) at the southern end of the site; and a single storey modern link building which connects the historic villas to the modern Orchard Wing. These three buildings together are known as 'Cedar Park'. Cedar Park is a Grade II listed building.

The car park for the care home is located to the front of the villas with access running down the west side of the site to the rear. The original garden of the villas has been developed on and now sites the link and Orchard Wing as described above. There is still some garden and amenity space to the located around the link and Orchard Wing.

Cedar Park is currently in operation as a care home. Although in theory it has 52 bed spaces (provided through 47 bedrooms), the Orchard Wing was recently closed because the provider considers that the accommodation is not fit for purpose. As the Orchard Wing contained 18 bed spaces, Cedar Park is currently operating with only 34 bed spaces.

#### Description of Proposal:

Listed Building Consent is sought for internal and external alterations for the erection of a single and two storey extension to the south following demolition of the existing extension and link staircase, minor internal and external alterations to retained building, landscaping and minor amendments to existing access and parking (revised scheme).

A corresponding planning application (20/02817/FUL) has also been submitted which seeks permission for various internal alterations.

#### Relevant Planning History:

12/00803/LBA - External alterations for the demolition of a section of party/boundary wall constructed in ashlar stone and construction of a concrete retaining wall and replacement of ashlar stone wall in same position using stone from existing wall - CONSENT given on 8 May 2012

15/04344/FUL - Demolition of existing central link building and construction of a replacement two storey block, together with an additional two storey extension located to the south and east, retained buildings to be refurbished and augmented - REFUSED 17 January 2017

15/04345/LBA - Internal and external alterations to include demolition of existing central link building and construction of a replacement two storey block, together with an additional two storey extensions located to the south and east, retained buildings to be refurbished and augmented - REFUSED 19 January 2017

17/01542/FUL - Erection of replacement two storey block and additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building. - Permitted by committee, then quashed by High Court, then REFUSED 4 July 2019

17/01543/LBA - Internal and external alterations to erect 1no. replacement two storey block and 2no. additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building. - Consented by committee, then quashed by High Court, then REFUSED 4 July 2019

20/01523/AR - Display of 1no. plastic banner sign measuring 1m high by 3.86m on wall outside care home (Retrospective) - ADVERT CONSENT 23 June 2020

20/01534/LBA Display of 1no. plastic banner sign measuring 1m high by 3.86m on wall outside care home (Retrospective) - CONSENT 23 June 2020

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

Wales and West Utilities:

General Conditions to be observed for the Protection of Apparatus and the Prevention of Disruption to Gas Supplies.

Conservation:

4th September 2020: Scope for revision. No objection in principle, scheme is an improvement compared to the 2017 proposal, some less than substantial harm which needs to be weighed against the public benefits. Conditions suggested.

10th December 2020: The revised drawings on the file dated the 12th November 2020 make small changes to the scheme mainly to ameliorate the impact on the adjacent dwelling. The case officer will assess if this is satisfactory. The design of the bathroom pods and the alterations to the access have also been clarified. Planning balance required; conditions suggested.

Representations Received :

4 objections have been received from their parties, the following is a summary of the points raised;

- Harm to heritage assets; Listed building, conservation area, world heritage site
- Harm to local character
- Harm to residential amenity
- Landscape harm
- Ecology and greenspace harm
- Highways safety issues
- Gaps and inaccuracies in the submission and technical documents, additional independent expert assessments should be made

- Land instability issues and subsidence
- Drainage and soakaway location concerns
- No need or demand
- No public engagement

Bath Preservation Trust: We maintain our previously submitted objection on grounds of overdevelopment of the site, harm to the setting of a listed building, and a failure to conserve or enhance the appearance or character of the conservation area.

Please note that the objections received are of considerable length and replicate to a great extent those received to the parallel planning application. The above is a summary only. Where appropriate, some of the matters raised are dealt with in the officer report to the planning application.

## **POLICIES/LEGISLATION**

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in 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.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

It is now clear from various court decisions that the factors referred to above in sections 16(2) and s.72(1) are not considerations like any other. Rather, they must be afforded great weight in the decision-making. For the avoidance of doubt, that is the approach that the Council has taken here.

Chapter 16 of the National Planning Policy Framework (NPPF) ("Conserving and enhancing the historic environment") is a relevant consideration for the purposes of the determination of an application for listed building consent (see footnote 62 to paragraph 184). Paragraphs 193 to 196 of the NPPF are particularly relevant. Paragraph 193 NPPF provides that when considering the impact of a proposal on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation (the more important the asset, the greater the weight to be given). Paragraph 194 NPPF states that any harm to, or loss of significance of a heritage asset should require clear and convincing justification. Paragraph 196 NPPF provides that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The Council has also taken account the related guidance on heritage given in the Planning Practice Guidance (PPG).

The Council has also considered the application by reference to the policies of the development plan which are concerned with the protection of heritage assets.

The development plan for B&NES comprises:

- Core Strategy (July 2014)

- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

#### Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP6: Environmental quality

B4: The World Heritage Site

#### Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

HE1 Historic Environment

D2: Local Character and Distinctiveness

D.3: Urban Fabric

D.5: Building Design

#### Supplementary Planning Guidance:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this application.

Bath Conservation Area Character Appraisal

Historic Environment Good Practice Advice In Planning Notes Issued by Historic England:

'Making Changes to Heritage Assets' Advice Note 2

'Managing Significance in Decision-Taking in the Historic Environment' Good Practice Advice in Planning: 2

#### LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

#### **OFFICER ASSESSMENT**

##### BACKGROUND:

Listed Building Consent is sought for Internal and external alterations for the erection of a single and two storey extension to the south following demolition of the existing extension and link staircase, minor internal and external alterations to the retained building, landscaping and minor amendments to existing access and parking.

A planning application and listed building consent application relating to this site were previously considered 2017 for a scheme that also sought to demolish and replace existing extensions in the south of the site. Officers recommended that the applications be refused for the following reason:

"1 The proposed development due to its scale, design and location is considered to result in the overdevelopment of the site to the detriment of the character and setting of the listed building and the character and appearance of this part of the Conservation Area. The proposal is contrary to policy CP6 of the Bath and North East Somerset Core Strategy (adopted July 2014), policies HE1, D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan (adopted July 2017), the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and relevant advice from Historic England.

2 The proposed internal alterations to subdivide the original entrance hall would result in a loss of historic fabric and compromise the legibility of the historical planform in a way which harms the character and significance of the listed building contrary to policy HE1 of the Bath and North East Somerset Placemaking Plan (adopted July 2017), the Planning (Listed Buildings and Conservation Areas) Act 1990, The National Planning Policy Framework and relevant advice from Historic England."

The committee overturned the officer recommendation and decided to grant planning permission on the basis that the public benefits outweighed the identified harm. In summary, the benefits relied on were said to be a shortage of care home places and the need for the development for the care home to be finally viable.

Following a claim for judicial review, on 18 May 2018 the High Court quashed the relevant planning permission and corresponding listed building consent. In short, the Court found that the benefits of the scheme relied on by the committee to outweigh the harm were immaterial considerations in circumstances where they were unsupported by evidence. For much the same reasoning, the Court also found that the committee had acted irrationally in granting the permission. The Court went on to quashing both the planning permission and the listed building consent.

As a result of the quashing the applications remained undetermined and went again before committee, which resolved to refuse the applications on 3rd July 2019. The applications were refused on two grounds, harm to the listed building and conservation area arising from the design, and harm to the landscape setting of the locality, neither of which were outweighed by the public benefits of the scheme.

This Listed Building Consent application made on 5th August 2020 is a resubmission which seeks to address the problems identified with the previous proposal.

HERITAGE:

Policy HE1 concerns the Historic Environment; it seeks to secure the conservation of its heritage assets throughout the District. With regard to listed buildings and conservation areas the policy requires these assets to at least be preserved or enhanced. In line with national policy, policy HE1 states that heritage harm can be outweighed by public benefits. Additionally, policy CP6 has regard to Environmental Quality. CP6 also confirms that the council will 'protect, conserve and seek opportunities to enhance the historic environment' and that 'Where development has a demonstrable public benefit, including mitigating and adapting to climate change, this benefit will be weighed against any harm to the significance of the heritage asset.'

Listed Building Consent is sought for internal and external alterations for the erection of a single and two storey extension to the south following demolition of the existing extension and link staircase, minor internal and external alterations to retained building, landscaping and minor amendments to existing access and parking.

As discussed in further detail below, it is considered that this revised scheme represents a significant rethink by the applicant about their approach to increasing and upgrading the homes accommodation in comparison to previous proposals, including the 2017 scheme. It also represents a marked improvement in heritage terms, as discussed in greater detail below.

#### Significance:

Cedar Park was once an especially grand pair of houses known as The Ferns and Crowsmoor. The heritage significance of the property derives from its architectural interest and its group value. In terms of Architectural Interest, it is a good example of mid-C19 former Italianate villas with elaborate architectural detailing. In terms of Group Value, the building is one of a series of similar villas on Oldfield Road which demonstrate well the fashion for such developments within the suburbs of the City of Bath. It is considered the best of five substantial Victorian villas in this road of differing sizes and design with spacious gardens, partly developed in this case.

The site has been used for many years as a nursing home and this is reflected in the many poor quality additions and extensions to the principal building. Nevertheless, parts of the interior are still intact and these make an important contribution to the overall character and significance of the listed building.

#### Assessment of internal works:

The scheme now retains the original entrance porch and hallway serving what would have been No 27 Oldfield Road to the benefit of the listed building which addresses reason for refusal 2 under 17/01543/LBA. Therefore, the current internal works to the proposal represents an improvement to the 2017 proposal.

The upper floors of the building were not thoroughly assessed by the 2017 Heritage Statement

(paragraph 2.2.15 - the upper floors were not inspected). An Addendum to the original statement has been submitted which provides more information. An internal inspection was also made by the case officer and conservation officer in connection with the recent pre application enquiry.

Sufficient information is therefore now available on which to assess the impact on the character and significance of the principal listed building. Restoration of the villa plan form in the context of the buildings continued use as a care home is not feasible. The main thrust of the work is to remove modern partitions from rooms to restore their historic proportions. This will go some way to better revealing the origins of the building as a grand residential villa and overall, there will be net gain in planform legibility. Ensuite bathrooms will be installed in the form of pods. Following submission of additional information on the pods, the Conservation Officer is satisfied that they are acceptable. Overall, the internal alterations to the listed buildings are acceptable and represent a betterment.

#### Assessment of external works:

##### Impact on Cedar Park as a listed building

While the new proposed extension has a larger footprint (approx. 500m<sup>2</sup>) and therefore massing spread than the existing extension, it is notably superior in terms of design quality. It is noted that the proposal will also see the removal of existing unsightly and intrusive steps from the rear elevation. The proposed extension will have a minimal glazed link attaching it to the listed villa and the extension will replace an extension that already sits within the setting of the villa. Therefore, while the new proposed extension will inevitably lead to some change to the setting and significance of the listed building, the impact of this change in heritage terms is only considered to be marginally worse (by virtue of the larger footprint and mass spread). Indeed, in all the circumstances of this case, and particularly given the fact that the former garden has already been developed, officers consider the change brought about by the proposal will result in a level of harm that sits at the very lower end of the less than substantial category.

##### Impact on Conservation Area

The site is located within the Bear Flat and Oldfield Park Conservation Character Area. The character area occupies a prominent position in the City of Bath, lying as it does on the north-facing slopes to the south of the River Avon. Apart from the survival of a small group of medieval buildings on Holloway, the area comprises Georgian, Victorian and Edwardian buildings (and a few from the 20th century). As an area, its character derives partly from this heterogeneity. The Character Appraisal for this Conservation Area references Cedar park in the Victorian development section, noting it as a 'fine example of houses of the period'. Clearly Cedar Park contributes to the character of the area due to its Victorian heritage with the significance deriving from it being part of the historic townscape.

The proposed extension will be located on a similar siting to the previous modern extension within the original garden of the listed villa. The proposed buildings are proposed to be lower in height than the existing Orchard wing which is to be demolished. The views of the extension from the wider Conservation Area are limited. From Oldfield Road the views are mainly blocked given the existing Villas location and size. The roads that bound the site to the South and West are set down from Cedar Park itself due to the local topography, making it difficult to view the existing of proposed building in full from any angle. The area is densely developed. The proposal is to be finished in Bath Stone.

Once again, while the new proposed extension will inevitably lead to some change to the setting of the Conservation Area due to its increase in footprint and spread of mass, however given the topography of the site, the scale and design of the development and the existing situation on site the impact of this change in heritage terms is only considered to be minimal.

As with the impact to the listed building setting above, in all the circumstances of this case, and particularly given the fact that the former garden has already been developed, officers consider the change brought about by the proposal will result in a level of harm that sits at the very lower end of the less than substantial category.

Heritage conclusion: Overall assessment of harm (including comparison with 2017 scheme):

The 2017 scheme would have resulted in unacceptable over development of the site by replacing the single storey link with a two-storey wing approximately double in width along with two substantial and awkward looking extensions sprouting from revised Orchard wing. The overall scale and close proximity to the principal buildings created an extension which would have dominated the listed building. For this reason, the 2017 scheme was assessed to result in less than substantial harm.

In this revised scheme the footprint for the extension has been simplified to a T shape which is an improvement in layout. This is because the T shape allows for a larger area of amenity/garden space to be maintained around the building and maintains circulation around the entire site. The glazed single storey connection to the listed building is also noted and is a positive aspect of the design. The streamlined contemporary design of the extension, although in contrast to the villa, provides a quieter juxtaposition to the listed building than the previous proposal.

It follows that the revised scheme is considered to result in less heritage harm than the 2017 scheme. Specifically, while it is considered that the current proposal will result in less than substantial harm, this is lower on the 'spectrum' of harm than the 2017 proposal.

As explained above by reference to s.72(1), s.66(1) and paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight must always be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or (as here) less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification. This has been the approach taken by officers in this case and the heritage harm identified above has been weighed accordingly in the planning balance section below.

For the avoidance of doubt, compliance with heritage policies HE1 and CP6 is considered in the planning balance section below since both of these policies permit heritage harm where it is justified by the public benefits.

#### PUBLIC BENEFITS OF THE REDEVELOPMENT OF CEDAR PARK:

The proposal seeks to update the care home by bringing it up to modern standards in terms of bedroom sizes, bathroom facilities etc. That is in circumstances where the existing extension is no longer fit for purpose; for example, corridors are too narrow, ramps are required, there are pinch points etc (as set out in the Viability Report, Christie and Co, July 2020). These inadequacies have resulted in the recent closure of the Orchard Wing, therefore reducing the operational capacity of the care home. This has meant that Cedar Park is trading at a loss and may close unless the lost beds can be re-provisioned in an extension designed for nursing care (evidenced in the Viability Report by Christie and Co, July 2020)

Bath and North East Somerset's 'Market Position Statement' for Adult Social Care 2018/19 - 2020/21 notes that between 2007 and 2027 the number of people aged 75 years plus is set to increase by 75%.

Relative to statistical demand, at present with a 5km catchment area of the site, there is a small surplus of 21 ensuite bedrooms at present. However, due to the increasing number of people over 65 years over, this oversupply will change to a net need for 45 ensuite bedrooms by 2025 and 215 places by 2035. This evidence is set out in the applicant's submission and is accepted by officers.

It is noted that there is no specific requirement in the local plan to provide a certain number of care beds or bedrooms over the plan period. However, there is a recognised and identified need for residential care provision to support Bath's ageing community, and the Bath Strategic Housing Market Assessment (SHMA) (June 2016) recognises that the population of people aged 75 or over is predicted to grow over the development plan period. In November 2018, following the quashing of the 2017 application and during its redetermination period an independent viability assessment was undertaken by Cushman and Wakefield on behalf of the Council. Cushman and Wakefield also concluded that there would be a future undersupply of bed spaces based on current projections. Additionally, in responding to the consultation on this application, BaNES Adult Social Care Team have also confirmed a future need for care facilities in the district.

Although the proposal would result in 3 fewer bed spaces in terms of the overall number (49 beds proposed instead of 52 existing), 18 beds are currently not in use due to the closed Orchard Wing, this means the proposal would actually contribute 15 bed spaces back into the care system, bed spaces which would be fit for purpose for providing modern care.

Additionally, Cedar Park provides nursing care for people with enduring physical conditions or conditions which result in physical disability. It is noted in the Christies Viability Report and subsequent letter that the current trend is for care operators of new care homes to focus on the higher fee paying, self-funded residential care. It is important to provide care that meets the needs of the population holistically. The retention and

appropriate extension of Cedar Care will therefore meet a need by serving those residents that require nursing care funded by social services and the NHS.

It is noted a number of objectors consider the need for care bed space would be met by a development for a 68-bed care home on the Wansdyke Business Centre site. However, this application was recently refused due to the loss of the industrial units that would have been replaced by the care home (it is noted that the applicant could appeal but it is unclear if they will and of course the outcome of any appeal is uncertain)

In conclusion, officers consider that the proposal has the following public benefits. First, it would improve the quality of the accommodation and care provided at Cedar Park. Secondly, the proposal would result in a further 15 bed spaces, in circumstances where local demand for these is set to increase and a shortage in the district is predicted. Thirdly, the proposal mitigates against the considerable risk of the closure of Cedar Park, and therefore the loss of the existing 34 bed spaces (in circumstances where, following the recent closure of the Orchard Wing, Cedar Park is currently being operated at a loss).

Importantly, and unlike in 2017 when the High Court found that the planning committee acted unlawfully in taking account of unevidenced factors including the shortage of care home places and the need for the redevelopment of Cedar Park for it to be financially viable, it is now that case that the benefits outlined above are well supported by evidence. In particular, a material change of circumstances has taken place in that the Orchard Wing has had to close due to the inadequacy of this accommodation, and the applicant has submitted evidence that it is therefore operating at a loss. As outlined above, evidence has also been gathered from a variety of sources to show that there is predicted to be a shortage in future of care home beds such as those provided at Cedar Park.

#### PLANNING BALANCE:

Applications for planning permission must be made in accordance with the development plan unless there are material considerations that indicate otherwise (see s.70(2) of the Town and Country Planning Act 1990 and s.38(6) of the Planning and Compulsory Purchase Act 2004). In this instance no breaches of the development plan have been identified (see below for consideration of heritage policies HE1 and CP6). The various material considerations are considered below.

Planning harm: heritage impact:

No harms arising from the proposal have been identified other than heritage harm.

The statutory considerations to which decision-makers must have regard and the national policy requirements have been set out above. Officers consider that the proposed extension is considered to result in a low degree of less than substantial harm to significance of Cedar Park as a listed building and the conservation area, due to inappropriate development in their setting.

Public benefits:

Public benefits can be environmental, social or economic and should flow directly from the proposed development and be of a nature or scale to be of benefit to the public at large.

The scheme will provide public benefits in number of ways:

- Removal of existing unsightly and intrusive steps from the rear elevation results in a heritage benefit (although it is acknowledged the net heritage impact is one of less than substantial harm, albeit this specific element is a heritage benefit)
- Improved design of proposed extension in comparison to existing modern extensions which are poor quality in design terms (although it is acknowledged the net heritage impact is one of less than substantial harm, albeit this specific element is a heritage benefit)
- Some restoration of upper floor planform results in a heritage benefit (although it is acknowledged the net heritage impact is one of less than substantial harm, albeit this specific element is a heritage benefit)
- Improvement to the quality of accommodation and facilities within the care home in line with modern HAPPI requirements resulting in a social benefit
- Creation of a further 15 care home bed spaces, in circumstances where local demand for these is set to increase and a shortage in the district is predicted
- Reducing the considerable risk of the closure of Cedar Park (in circumstances where, following the recent closure of the Orchard Wing, Cedar Park is currently being operated at a loss). This therefore protects against the loss of the existing 34 bed spaces as well as the existing employment (c.50 jobs) offered by Cedar Park. These are considered to be social and economic benefits.
- unlike most other care homes, provides a specific nursing care offer to a significant number and higher proportion of residents directly funded by the Social Services and the NHS resulting in a social benefit
- Creation of jobs during the construction phase will result in a social and economic benefit
- Creation of cycle parking resulting in an environmental benefit
- Reduction in shortfall of parking spaces by one is considered to be an environmental benefit
- Introduction of renewable energies (solar panels) resulting in an environmental benefit
- Improvement of the vehicular access resulting in deliveries being taken within the site instead of on-street, helping alleviate congestion, this is a social benefit

Cumulatively the proposed benefits are considered to outweigh the lower end of less than substantial harm caused to the setting of the listed building and the conservation area as a result on the scheme. This is the case even though great weight has been afforded to the heritage harm.

For much the same reason, it is considered that the proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017). Although the heritage harm outlined above has been identified, ultimately there is no breach of these policies in circumstances where, as here, the harm is outweighed by the public benefits of the proposal.

## **RECOMMENDATION**

**CONSENT**

## **CONDITIONS**

### **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 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:**

1 This decision relates to the following plans:

05 Aug 2020 3841-331 Topographic Survey  
05 Aug 2020 3841-332 Existing Block Plan  
05 Aug 2020 3841-333 Existing Site Plan  
05 Aug 2020 3841-334 Existing Lower Ground  
05 Aug 2020 3841-335 Existing Ground Floor  
05 Aug 2020 3841-336 Existing First Floor  
05 Aug 2020 3841-338 Existing Elevations 1  
05 Aug 2020 3841-339 Existing Elevations 2  
05 Aug 2020 Npa11154 301 Proposed Landscape Plan  
12 Nov 2020 Swept Path 01  
12 Nov 2020 Swept Path 02  
12 Nov 2020 3841-361 Existing And Proposed Entrance  
12 Nov 2020 3841-Sk10 Proposed Bathroom Pods  
12 Nov 2020 Npa11154 301 Landscape Ga And Planting Plan  
15 Jan 2021 809.0003.001 Vehicle Tracking - Refuse From West  
15 Jan 2021 809.0003.002 Vehicle Tracking - Fire Tender From West  
15 Jan 2021 809.0003.003 Vehicle Tracking - Refuse From East  
15 Jan 2021 809.0003.004 Vehicle Tracking - Fire Tender From East  
15 Jan 2021 809.0003.005 Vehicle Tracking - Delivery From West  
15 Jan 2021 809.0003.006 Vehicle Tracking - Delivery From East  
12 Nov 2020 3841-341b Block Plan  
12 Nov 2020 3841-342b Site Plan

12 Nov 2020 3841-344e Proposed Lower Ground Floor  
12 Nov 2020 3841-345e Proposed Ground Floor  
12 Nov 2020 3841-346c Proposed First Floor  
12 Nov 2020 3841-347c Proposed Second Floor  
12 Nov 2020 3841-348c Proposed Roof Plan  
12 Nov 2020 3841-349b Proposed Detailed Lower Ground  
12 Nov 2020 3841-350b Proposed Detailed Ground Floor  
12 Nov 2020 3841-351b Proposed Detailed First Floor  
12 Nov 2020 3841-352b Proposed Detailed Second Floor  
12 Nov 2020 3841-353b Proposed South Elevations  
12 Nov 2020 3841-354b Proposed North Elevations  
12 Nov 2020 3841-355b Proposed East And West Elevations  
12 Nov 2020 3841-356b Proposed Long Elevations  
27 Nov 2020 Sk01 A Soakaway Plan

## **2 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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

## **3 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.

## **4 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. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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](http://www.bathnes.gov.uk/cil)

## **5 Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

**Item No:** 03  
**Application No:** 20/04939/FUL  
**Site Location:** 30A Lyncombe Hill Lyncombe Bath Bath And North East Somerset  
BA2 4PQ



**Ward:** Widcombe And Lyncombe      **Parish:** N/A      **LB Grade:** II

**Ward Members:** Councillor Alison Born      Councillor Winston Duguid

**Application Type:** Full Application

**Proposal:** Erection of mansard roof with living accommodation following demolition of side extension to the house

**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

**Applicant:** Mr & Mrs T SIMPSON

**Expiry Date:** 16th February 2021

**Case Officer:** Caroline Power

To view the case click on the link [here](#).

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllr Born has made a formal request that in the event that the officer is minded to refuse this application, it is determined in public by committee.

The Chair of Committee has decided to take the application to committee for the following reason:

"I note that the applicant has responded to the reasons for the previous refusal. The Committee may wish to consider whether these measures have gone far enough in all aspects as outlined in the report".

## DESCRIPTION OF SITE AND APPLICATION:

No 30A, Lyncombe Hill is a single storey residential unit that was constructed around the mid-20th century with a flat roof and is attached to one side of the grade II listed Abbey Lodge,(No. 30) and to the other side to No. 32, one end of the grade II listed terrace known as Oxford Terrace by a single storey garage.

This proposal is to provide the addition of a mansard roof to the main unit. Under application 20/03118/LBA, consent was granted in November 2020 for the demolition of a side extension, originally the garage, that infills the gap between No.30A and No.32, Oxford Terrace.

### Planning History;

DC - 18/04240/FUL - WD - 19 October 2018 - External alterations to the main house. Removal of two circular windows and one door on west elevation to be replaced by one double door with side windows. Metal casement windows to replace existing plastic windows on west elevation. The addition of a mansard roof to the 30a portion of the property to create a second floor and internal renovation.

DC - 20/03069/FUL - RF - 11 November 2020 - Erection of mansard roof with living accommodation following demolition of side extension to the house

DC - 20/03118/LBA - CON - 11 November 2020 - External alterations to demolish existing extension which adjoins a listed building (32 Lyncombe Hill).

DC - 20/04939/FUL - PDE - - Erection of mansard roof with living accommodation following demolition of side extension to the house

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways; HDC officers acknowledge that the dwelling currently benefits from two bedrooms which the proposed works will not increase, therefore the existing off-street, car parking requirement does not change. Officers acknowledge that previous application reference 18/04240/FUL was withdrawn, therefore whilst a condition relating to the provision of a single off-street, car parking space (and turning) was recommended, no such provision was ever secured.

Whilst submitted plan reference 1631.30a.P.102 Revision F does not indicate the provision of a single off-street, car parking space, officers acknowledge that, subject to the current dwelling's entry in the Local Land Property Gazetteer (LLPG) not changing, any existing entitlement to residents permits will be retained.

On this basis, HDC officers confirm that zero off-street, car parking is acceptable in this instance, without creating a precedent.

Officers note that submitted plan reference 1631.30a.P.102 Revision F indicates the provision of two secure, covered cycle parking spaces, which addresses the other highway objection.

On this basis, HDC officers raise no highway objection, subject to Conditions being attached to any planning permission granted.

Councillor Born; The property owners believe that they have addressed the concerns that led to refusal of the previous application. The property is derelict and has been uninhabitable for some time. It is also an eyesore that detracts currently from the near by

properties and the conservation area. Given the shortage of housing locally, it would be good if it could be bought back into use and if its appearance could be improved.

Bath Preservation Trust; BPT objected to a previous iteration of the scheme in 2018 (see 18/04240/FUL). We additionally commented on resubmitted applications 20/03069/FUL & 20/03118/LBA in support of the improved fenestration details and simplified elevational treatment, whilst continuing to highlight the awkward interaction of the proposed mansard roof with the 1886 wing extension and partial obscuration of windows in the south elevation. Therefore, we maintain that the principle of development on this site is acceptable, subject to assessment of height, massing, and design, use of materials, and their associated impact on the listed building.

With regards to the unaltered design aspects of the application, we reiterate our previous comments as previously submitted to applications 20/03069/FUL & 20/03118/LBA as follows: "We are pleased to see that our previous comments have been positively incorporated into a revised design. In particular, the retention of the round windows and the insertion of French doors more in keeping with the established fenestration style of the 1886 wing extension has significantly reduced proposed visual harm to a listed building. We note the drastic reduction of the windows and doors on the proposed east elevation, and although they do remain considerable in size, the use of plain glazing is less visually distracting than the previously proposed crittal-style fenestration. "We further note the improvements made to the roof in the change of zinc to slate, although we would recommend that the proposed type of slate is confirmed with the planning officer as part of this application. The dormer windows have an improved setting visually 'grounded' behind the parapet rather than 'floating' mid-way up the roof."

Whilst the retained proposal of a mansard roof would continue to partially obscure the south elevation of the 1886 wing, the revised reductions in roof height and width are a notable improvement to the scheme and would better reveal the southern elevation's windows. No material harm or intervention is proposed to the windows. The increased gap created from the 1886 wing means the proposal can be better read as a separate dwelling in close range views, whilst remaining suitably recessive in scale and design and without significant architectural conflict.

The landscape of Lyncombe Hill is characterised by its large Georgian and Victorian dwellings set into the hillside, with semi-detached townhouses and terraces designed to look like individually positioned villas in their wooded landscape setting. The panoramic views from Widcombe to the east are characterised by a medium density of designed, 'standalone' development in Bath vernacular such as Bath stone. The area's roofscape is of particular visual prominence, of a mix of hipped or M-shaped pitched natural slate roofs with some instances of mansard roofs such as 30 Abbey Lodge. As a result, the proposed addition of a slate mansard roof would be more in keeping with the area's roofscape and material context, although the consequent increased height of the building would result in an increased visual prominence in landscape views and a potential for harm.

However, it appears that the landscape visuals provided are outdated and instead show the previous, refused roofline as proposed. We suggest this is therefore updated to highlight how the reduction in roof height and scale appears within its wider landscape context for the benefit of the case officer.

Third Party Responses- 2 letters of support and 1 objection:

I support the application with regards to the proposed construction plans providing all contractor vans, vehicles, building material deliveries and waste removal are prohibited from using the narrow access lane that runs along the back of the terrace. I request that all vehicles park on the main road (Lyncombe Hill) and access the property via the front garden off Lyncombe Hill.

The narrow lane is not suitable for construction traffic. It endangers children and pets and causes damage to other listed buildings when vehicles collide with existing properties. I would like to support the application

I have lived in Widcombe for 6 years and I have 5 children. This house has been vacant for over 4 years and is in desperate need of refurbishment and brought back into use. The proposal to demolish the existing ugly side extension containing bedroom accommodation will be a significant benefit to the whole street (which is a listed terrace). I understand the bedroom has to be replaced somewhere and the small roof extension seems a suitable location as it will be hardly visible.

Objection- Further to our comments on the previous planning application, we continue to support the redevelopment of the current derelict building, 30A.

However, we remain concerned that once rebuilding works are complete, that the area between our house, no.32 and 30a could still potentially be used as a car parking space. While we were pleased to see on the plan that this area has a proposed bin and cycle storage, as timber constructions these could be considered temporary and therefore not prevent car parking in the area in the longer term. A railing is also marked on the floor plan which further gives us confidence. We would like to ensure that any building works, once complete, fulfil these plans. However, we draw your attention to the letter from the Highway's Agency which requests that the applicant submit a plan indicating a single off-street parking space for no. 30a. We cannot locate a plan showing any proposed off-street car parking arrangement and associated turning area and feel this request has not been supported in the planning application. Our objection to a car parking space remains as there appears to be inconsistency between the letter from the Highway's Agency request for off-street parking to be on a plan and no such plan submitted as part of the planning application.

Until this is resolved, we remain concerned that the area could be used as a car parking space. As outlined in our comments on the previous planning application, the risk of both injury to our children or ourselves while accessing our main door as well as damage to the corner stones of our home are of concern. Otherwise, we have no objections to the proposed redevelopment of the building of 30A.

## **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
- Policy GDS.1 Site allocations and development requirements (policy framework)

- Policy GDS.1/K2: South West Keynsham (site)
- Policy GDS.1/NR2: Radstock Railway Land (site)
- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- Neighbourhood Plans

#### RELEVANT CORE STRATEGY POLICIES

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

DW1: District wide spatial strategy

B1: Bath spatial strategy

B4: The World Heritage Site and its setting

SD1: Presumption in favour of sustainable development

CP2: Sustainable construction

CP6: Environmental quality

#### RELEVANT PLACEMAKING PLAN

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D5: Building design

D6: Amenity

D7: Infill and backland development

HE1: Historic environment

NE2: Conserving and enhancing the landscape and landscape character

NE2A: Landscape setting of settlements

H3: Residential Uses in Existing Buildings

ST1 -Promoting sustainable travel

ST7: Transport, access and development management.

#### SUPPLEMENTARY PLANNING DOCUMENTS;

City of Bath World Heritage Site Setting SPD adopted August 2013 Bath Conservation Area Character Appraisal- Widecombe- Draft June 2018.

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In 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.'

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

## **LOW CARBON AND SUSTAINABLE CREDENTIALS**

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

## **OFFICER ASSESSMENT**

30A Lyncombe Hill is a 1950's single storey, independent dwelling, situated within the Bath conservation area and World Heritage site. It is located immediately next to and attached to the end of the Grade II, late Georgian terrace Nos.32- 44 Oxford Terrace, Lyncombe Hill by means of an infill garage building that was more recently converted to an extra bedroom for this dwelling. Along its northern elevation, the dwelling is also materially attached to the later wing of the Grade II, 1830 Abbey Lodge (No.30, Lyncombe Hill), an early 19th century villa in the Tudorbethan style.

Maps from the 19th century, as indicated in the Heritage Statement accompanying the application, show that No 30A was constructed on land that formed part of a large garden belonging to Abbey Lodge. This garden area had provided a degree of separation from the adjoining Oxford Terrace, prior to its construction. The introduction of No. 30A, resulted in the fragmentation of Abbey Lodge's front and side garden and created a link connecting these two listed entities, infilling the spacious gap between the two heritage assets.

## **BACKGROUND AND STATUS OF 30A LYNCOMBE HILL;**

There has been a query raised in the past over No. 30A's status as a curtilage listed heritage asset, due to the physical relationship with its co-joined listed neighbour, Abbey Lodge (No 30). The entrance door on the west elevation of No. 30A, in particular, has access from a courtyard

behind the boundary wall belonging to Abbey Lodge, that demarcates the listed building's main entrance. To the east, the front garden to Abbey Lodge has, in the 20th century, been severed, with a partial low wall and shrubbery running down the hill between the two properties to re-join the main path belonging to Abbey Lodge before exiting the site through a decorative pedestrian gate fronting onto Lyncombe Hill. The gate, gate piers and boundary wall that runs parallel to the street are separately listed grade II.

A letter from Pinsent Masons LLP dated 17/8/2020 has been submitted on behalf of the applicants setting out evidence that convincingly supports the case that this dwelling has always been a separate planning unit. Despite being in the ownership of the current owner of Abbey Lodge, who

is seeking permission for the current proposal, it should be considered as an entirely independent unit. As a result, it is acknowledged that the dwelling at No 30A does not meet the criteria for being treated as curtilage listed, due to its original construction as a separate residential unit, its post- 1948 construction, and lack of any special architectural

or historic interest. Therefore, No. 30A does not fall under the Grade II status of No. 30, Abbey Lodge. However, its close visual relationship with the neighbouring listed buildings does mean that any external works to this dwelling are liable to impact on the settings of the respective listed buildings.

One further point to consider is concerning the current ownership and use of Abbey Lodge and this dwelling is that under applications 17/00862/FUL & 17/00863/LBA permission was granted for the use of part of No 30A as a utility room for Abbey Lodge through the formation of a new opening within the party wall. The planning history for No 30 Abbey Lodge has also been included in the report to assist in understanding the relationship between these two buildings. As a result, although yet to be implemented, a section of No 30A will in future be used for the benefit of the Abbey Lodge residents, thus reducing the amount of space within this unit for separate accommodation.

Due to the building's material connection and immediate physical and visual presence within the setting of the surrounding and attached grade II listed heritage assets, the scale and design approach of the proposed replacement roof must be carefully considered in relation to its possible impact on the special architectural and historic interest and setting of these listed buildings and on the character and appearance of the conservation area and Outstanding Universal Value of the World Heritage Site. This assessment applies to both Abbey Lodge and Oxford Terrace that form part of this close-knit group. Other listed buildings within this part of Lyncombe Hill are sufficiently distanced from the site as they are located on the opposite side of the main road at a lower level, due to the topographical fall of the land and separated by the long gardens belonging to Nos 30 & 30A.

It should be noted from the planning history, that a recent application 20/03069/FUL for a similar development was Refused in November 2020. The reasons for Refusal were;

1. The roof extension, by reason of its size, scale, height and siting is considered to be overly prominent in this location and would have a detrimental impact on the setting of the listed buildings that surround it. In addition, it will have an overbearing impact on the amenity of neighbouring property, together with harming the visual cohesive character and appearance of the built form in this part of the conservation area and impacting detrimentally on the OUV of the World Heritage Site in the immediate locality. Furthermore, given the bulk, siting and visibility of the proposed development, the proposal fails to respond appropriately to the local pattern of development and would have a harmful impact the landscape and townscape character of the area to the detriment of local character and appearance of the conservation area. The proposal is therefore contrary to the aims and requirements of B4 and CP6 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3, D6, D7 and HE1 of the Bath and North East Somerset Placemaking Plan (adopted July 2017) and sections 12 and 16 of the National Planning Policy Framework.

2. The proposed provision of zero off-street, car parking and zero secure, covered cycle parking is contrary to Policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan (2017) and section 9 of the National Planning Policy Framework.

An appeal has recently been lodged with the Planning Inspectorate concerning this decision. At the same time as this application was Refused in November 2020, an

application for listed building consent for the demolition of the garage infill building was approved. Listed building consent was required as the proposal potentially impacted the wall of the neighbouring listed building; No.32 Oxford Terrace once the garage structure is removed. The actual garage building was assessed as being of no architectural or historic merit.

The main issues to consider are with this application are:

- Principle of development
- Historic Environment Issues
- Residential amenity
- Highway safety and parking

Principle of the development;

The site is located within the housing development boundary of Bath. The principle of new dwellings or reuse of existing ones in this location are acceptable subject to compliance with other relevant policies. Under H3 of the Placemaking Plan, in particular, the re-use of buildings for residential use is supported, in that this can boost local housing supply. However, the policy also states that such reuse, normally through a building being subdivided but could also be from conversion or reuse, will only be acceptable if there is no harm the significance of a listed building.

In this case, the formation of a roof extension to the roof of No.30A would have an impact on the significance, settings and amenity to the immediate listed buildings; Nos.30 and 32 Lyncombe Hill. These matters are explored in more detail below.

Historic Environment Issues;

\* Impact on the setting of the Listed Buildings;

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act, it is the Council's duty to pay special attention 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. Policy HE1 of the Placemaking Plan states that alterations, extensions or changes of use, or development in the vicinity of a listed building, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. As stated above there are a number of designated heritage assets within close proximity of the application site. The setting of these listed buildings needs to be assessed as any development proposal may affect their special significance as designated heritage assets and their setting.

The setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Setting in urban areas, given the numbers and proximity of heritage assets, as is the case with this application, is, therefore, intimately linked to considerations of townscape and urban design and of the character and appearance of conservation areas. The character of the conservation area, and of the surrounding area, and the cumulative impact of proposed development suggests how much impact on the setting should be taken into account.

The surrounding listed buildings are predominantly tightly packed Regency terraces or detached Victorian Villas that surround the development site to the north and south. The earlier 19th century Oxford Terrace is formed by 7no houses, dating from 1824 with late 19th and 20th century alterations, built in Limestone ashlar with slate roofs. They form a straight symmetrical terrace, read as 2 storeys with attics and lower ground floors and follow the usual Georgian conventions for terraced house architecture. Abbey Lodge is a semi-detached villa of circa 1830 and has a more individual and distinctive character. Of the two heritage assets, Abbey Lodge is more closely related to the application site due to the way the garden has been severed and an access to the site comes off the main rear courtyard to Abbey Lodge. Its close relationship is also exasperated by the physical attachment of the single storey unit and by the recent permission to convert part of this unit to a utility room as an extension for Abbey Lodge.

The unique topography of the area, together with the juxtaposition of this variety of heritage assets, allows them to be viewed from certain parts of the surrounding area as an informal but architecturally homogeneous related group of buildings. The distance separating the proposal to the existing terrace to the south would be a matter of a few meters, once the single storey garage is demolished. Abbey Lodge, however, is physically attached to the application site on its southern end wall and this will not change through this development.

As previously stated, the demolition of the later infill garage attached to No.30A has already been granted under 20/03118/LBC and was deemed to be an acceptable aspect of this proposal. The applicants claim that the removal of the garage will enhance the setting of this group of listed buildings, together with enhancing the appearance of the application site.

It is clear that the loss of this poorly constructed infill structure, that was previously converted to a bedroom from the garage, will create a degree of separation for the development site and in turn improve the setting to No.32 in this regard. However, it is most likely that without the infill structure, this part of the site will be used for parking or other domestic paraphernalia thus, impinging on some views and visual relationships that form part of the setting's characteristics of the listed buildings in the vicinity. This application, in contrast to the one refused, does indicate the provision of both a bike store and refuse store against the wall of the dwelling that will take up some of this space.

The proposed formation of a mansard roof to create a second floor on the main building is the main issue and considered to be harmful to the setting of both adjacent listed buildings. The height of the existing building is approximately 4.2 meters. The previous scheme under 20/03069/FUL, proposed an additional mansard roof by reducing the height of the ground floor. This resulted in the building increasing in height to approximately 5.9m - an increase of 1.7m (i.e. approximately 1/2 a storey). In the revised scheme the roof height has been reduced to 5.5m an increase of 1.37m in height.

Whilst it is acknowledged that the height of this addition has been reduced by around 0.33m, it is still considered that the design and scale of the mansard roof form and dormers proposed appears awkward, especially in the mansard roof's unresolved relationship to the gable end of the 1880's extension to Abbey Lodge and the partial obscuring of its windows on this elevation. The steep profile of this roof addition with its

sheer sides, in contrast to the more conventional form of historic mansard roofs of a softer scale and verticality, together with the disproportionately sized dormers on the east elevation, will result in an incongruous addition to this dwelling.

In addition, overly large windows and door openings are proposed at ground floor on the front elevation of the building, that would also be disproportionately large, in direct conflict with the proportions of the existing fenestration of Abbey Lodge.

The mansard roof, dormer windows and the overly large windows and doors will together result in a building which is inappropriate in character and appearance and also significantly more dominant in its character than the existing form, adversely impacting the settings of Abbey Lodge and Oxford Terrace. Accordingly, it is considered that the proposed development would have a harmful impact on the settings of the listed buildings and their special interest. Taking account of the above, the development as proposed would appear with an incongruous addition, harmful to the setting of these listed buildings. As such, the proposal is contrary to policy HE1 of the Placemaking Plan.

\* Impact on the character and appearance of the Conservation Area;

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. There is currently a draft conservation area character appraisal for Widcombe and the Kennet and Avon Canal. The character area sits to the south of the city centre, the railway station and the junction between the river Avon and the Kennet and Avon canal. Its northern edge comprises a fairly narrow strip of flat land tracking along the railway line to the west of Churchill Bridge and eastwards along the river and the canal to Abbey View Lock. Moving south through the area the land rises through Wells Road, Holloway, Lyncombe Hill, Prior Park Road, Widcombe Hill and Abbey View forming a bowl-shaped patchwork of green space and Bath stone residential buildings.

The character of the area is that of a transitional landscape between the urban city centre and the surrounding countryside, containing the lower slopes on the surrounding southern hills, which form the setting to Bath as described in the World Heritage Site citation.

The draft appraisal cites several characteristics within this part of the conservation area that need to be considered as part of any application;

\* It has a remarkable degree of visual homogeneity;

\* Authenticity of the World Heritage Site (WHS) is of the essence; its preservation and enhancement are key criteria for all development.

\* Its complex and delicate hierarchy of interrelated urban spaces, landscape and architecture could be easily disrupted by overbearing or misinformed development and by the accumulation of harm.

The existing front gardens to both Abbey Lodge and No.30A, follow the natural rising slope on the western side of Lyncombe Hill, and contribute to a feeling of spaciousness, that positively enhances the character of the area. Their garden plots form a partial visual barrier, that together with mature planting and vegetation, obscure some views from the road towards the listed buildings and application site. However, this spacious area of private land, together with neighbouring gardens, combine to form a series of green

spaces along this side of the street. Although the site is privately owned, there is, nevertheless, visual amenity value in the verdant and spacious character of the site. In this context, the proposed mansard roofs incongruous presence, disrupting the historic relationship of the built connection between the two historic building groups would be harmful. The proposal would represent a discordant addition within the conservation area by reason of its scale and bulk, by introducing an overly large engineered structure, intruding upon the character of the existing properties.

The proposed roof addition will then appear as an unduly prominent and alien feature in this group of historic buildings. Therefore, it does not accord with Policy D1 of the adopted Bath & North East Somerset Placemaking Plan as it does not enrich local character and quality or contribute to local distinctiveness, identity and history. The addition would also fail to accord with Policy D2, as it will harm local character and distinctiveness. In particular, the development would be out of scale to the form of historic development characteristic to the area. Further, it does not accord with Policy D3, as it does not contribute positively to the urban fabric. In terms of the NPPF advice regarding inappropriate infill development and the Placemaking Plan policy D7, the proposal would be at odds with the character of the area, resulting in the introduction of an alien building form, contrary to the grain of the area and therefore, contrary to this policy.

\* Impact on the World Heritage Site and Landscape;

The application site is located within the City of Bath World Heritage Site. Whilst the proposal might not have a harmful impact on the setting of the City of Bath World Heritage Site in the wider landscape context, in terms of the immediate vicinity of the application site, the proposal will have an adverse impact on the setting to the group of late Georgian houses; Oxford Terrace. In this respect, the impact of the development on the Outstanding Universal Value of the immediate environment to the application site will be contrary to the requirements set out in policy B4 of the Bath and North East Somerset Core Strategy and paragraph 200 of the NPPF.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a listed building or its setting. There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. The above detailed analysis of the proposals explains how these duties have been taken into consideration.

In accordance with paragraph 193 of the NPPF, 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In this case it is concluded that the harm caused to the designated heritage asset is, in the context of the significance of the asset as a whole and in the language of the NPPF, less than substantial. In such circumstances Paragraph 196 of the NPPF requires that any harm be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

NPPF paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be

weighed against the public benefits of the proposal. There are no public benefits associated with this scheme; the benefits are private to the owners of the building. There is, therefore, no opportunity to outweigh the harm that would be caused by the proposal to the setting of the listed buildings, conservation area and this part of the World Heritage Site.

Overall it is considered that the cumulative impact of the various additions to this simple single storey building will lead to a significant change in the character and appearance of this unit that in turn will have a harmful impact on the setting to the immediate listed buildings and the character and appearance of the conservation area and Outstanding Universal Value of the World Heritage Site. As such, the proposal is contrary to policies B4 and CP6 of the Core Strategy and D1, D2, D5, and HE1 of the Placemaking Plan.

#### Amenity Impact

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

Due to the proposed location and height of the roof extension on top of the adjacent single storey dwelling, this addition will command a dominating presence between two neighbouring properties. Abbey Lodge in particular, has two windows at 1st floor overlooking this building, located on its southern end elevation. These will be partially obscured by the intervention of the proposal. As such there would be a potential impact to Abbey Lodge relating to loss of light and loss of outlook from these upper windows.

Although the applicants currently own Abbey Lodge, this may change in the future resulting in irreversible detriment to future occupants.

Overall, the proposal would harm the amenity of Abbey Lodge through unsatisfactory outlook, overbearing scale and the loss of daylight. As such, the development would not be in accordance with Policy D6.

#### Highways Issues;

The application site is accessed via an adopted lane off Lyncombe Hill which is recorded as "access road to numbers 30 - 44 Lyncombe Hill" that will be retained in its current form. This currently serves all the listed buildings that front onto this section of Lyncombe Hill known as Oxford Terrace and Abbey Lodge. It is not known whether No.30A also had rights of access along this lane. Unfortunately, none of the written statements or plans provided indicate the proposed off-street or car parking provision for this development.

The application site is located within the existing 'Permit Parking Zone 3' and the applicant has been advised that future residents will not be entitled to residents parking permits in accordance with Single Executive Member Decision E2911, dated 14th November 2016. This is due to the number of existing permits exceeding the supply of parking spaces within the Controlled Parking Zone. This, however, is at the developer's risk given the sustainable location of this development proposal. However, the scheme also frees up space from the proposed demolition of the converted garage that is now shown to provide space for the storage of bicycles.

It is acknowledged that the dwelling currently benefits from two bedrooms which the proposed works will not increase, therefore, the existing off-street, car parking requirement does not change. Officers acknowledge that previous application reference 18/04240/FUL was withdrawn, therefore whilst a condition relating to the provision of a single off-street, car parking space (and turning) was recommended, no such provision was ever secured.

Whilst submitted plan reference 1631.30a.P.102 Revision F does not indicate the provision of a single off-street, car parking space, officers acknowledge that, subject to the current dwelling's entry in the Local Land Property Gazetteer (LLPG) not changing, any existing entitlement to residents permits will be retained.

On this basis, HDC officers confirm that zero off-street, car parking is acceptable in this instance, without creating a precedent.

Officers also note that submitted plan reference 1631.30a.P.102 Revision F indicates the provision of two secure, covered cycle parking spaces, which addresses the other highway objection.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made. In this case the application proposes to install photo-voltaic panels to the flat roof of the proposed mansard. The applicants state that these will be used to generate energy just for the dwelling. The anticipated production is 3,450KWH. This will be combined with storage batteries and should provide the majority of power the home needs. In terms of water harvesting it is proposed to collect rain-water in water butts which will be used for irrigation.

Despite these additions to the previously refused scheme, they do not overcome the other reasons for refusal. Overall, this application is recommended for Refusal.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The mansard roof and dormer windows, by reason of the size, scale height and design and the overly large windows and doors, will together result in a building which is inappropriate in character and appearance and also significantly more dominant in its character than the existing form, adversely impacting the settings of the adjacent listed buildings. The proposal is therefore contrary to the aims and requirements of D5, H3 and HE1 of the Bath and North East Somerset Placemaking Plan (adopted July 2017) and sections 12 and 16 of the National Planning Policy Framework.

2 The mansard roof and dormer windows, by reason of the size, scale height and design will harm the visually cohesive character and appearance of the built form in this part of the conservation area and impact detrimentally on the OUV of the World Heritage Site in the immediate locality. Furthermore, given the bulk, siting and visibility of the proposed development, the proposal fails to respond appropriately to the local pattern of development and would have a harmful impact the landscape and townscape character of the area to the detriment of local character and appearance of the conservation area. The proposal is therefore contrary to the aims and requirements of B4 and CP6 of the Bath and North East Somerset Core Strategy and policies D1, D2, D5 and HE1 of the Bath and North East Somerset Placemaking Plan (adopted July 2017) and sections 12 and 16 of the National Planning Policy Framework.

3 The proposal would harm the amenity of Abbey Lodge through unsatisfactory outlook, overbearing scale and the loss of daylight. The proposal is therefore contrary to the aims and requirements of D6 of the Bath and North East Somerset Placemaking Plan (adopted July 2017).

#### **PLANS LIST:**

1 Drawing	22 Dec 2020	1631.30A.P.100 E	PROPOSED LOCATION PLAN
Drawing	22 Dec 2020	1631.30A.P.102 E	PROPOSED SITE PLAN
Drawing	22 Dec 2020	1631.30A.P.107 F	PROPOSED ROOF PLAN
Drawing	22 Dec 2020	1631.30A.P.200 F	PROPOSED WEST ELEVATION
Drawing	22 Dec 2020	1631.30A.P.201 G	PROPOSED SOUTH ELEVATION
Drawing	22 Dec 2020	1631.30A.P.203 F	PROPOSED LONG WEST ELEVATION
Drawing	22 Dec 2020	1631.30A.P.204 F	PROPOSED LONG WEST ELEVATION
Drawing	22 Dec 2020	1631.30A.P.300 G	PROPOSED SECTION AA
Drawing	22 Dec 2020	1631.30A.P.301 F	PROPOSED SECTION BB
Drawing	22 Dec 2020	1631.P.001 A	EXISTING LOCATION PLAN
Drawing	22 Dec 2020	1631.P.002 A	EXISTING BLOCK PLAN
Drawing	22 Dec 2020	1631.P.011 A	EXISTING GROUND FLOOR PLAN
Drawing	22 Dec 2020	1631.P.012 A	EXISTING FIRST FLOOR PLAN
Drawing	22 Dec 2020	1631.P.014 A	EXISTING ROOF FLOOR PLAN
Drawing	22 Dec 2020	1631.P.021 A	EXISTING EAST ELEVATION
Drawing	22 Dec 2020	1631.P.022 A	EXISTING SOUTH ELEVATION
Drawing	22 Dec 2020	1631.P.023 A	EXISTING WEST ELEVATION
Drawing	22 Dec 2020	1631.P.031 A	EXISTING SECTION B-B
Drawing	22 Dec 2020	1631.P.101 E	PROPOSED BLOCK PLAN
Drawing	22 Dec 2020	1631.P.105 F	PROPOSED GROUND FLOOR PLAN
Drawing	22 Dec 2020	1631.P.106 F	PROPOSED FIRST FLOOR PLAN
Drawing	22 Dec 2020	1631.P.202 F	PROPOSED EAST ELEVATION

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

### **3 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)

### **4 Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

**Item No:** 04  
**Application No:** 20/04902/FUL  
**Site Location:** 138 Wells Road Lyncombe Bath Bath And North East Somerset BA2 3AH



**Ward:** Widcombe And Lyncombe      **Parish:** N/A      **LB Grade:** N/A

**Ward Members:** Councillor Alison Born      Councillor Winston Duguid

**Application Type:** Full Application

**Proposal:** Erection of 7 residential apartments, internal reconfiguration of existing flat and ancillary works.

**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

**Applicant:** SAR Group Sipp

**Expiry Date:** 8th April 2021

**Case Officer:** Tessa Hampden

To view the case click on the link [here](#).

## REPORT

Reason for referring application to committee

The application has been referred to committee at the request of Cllr Duguid for the reasons as set out with the Representation section of this report.

Site description and proposal

The application relates to no.2-6 Wellsway, which is a prominent three storey corner building, and the adjacent building at 138 Wells Road. The site is located within the City of Bath Conservation Area and the wider World Heritage Site.

The application seeks planning permission for the erection of 7 residential apartments, internal reconfiguration of existing flats and ancillary works. An application for planning permission for an extension to the application site to facilitate the creation of Purpose Built Student Accommodation (PBSA) was recently refused due to the loss of the existing residential accommodation. The extension and external works were considered to be acceptable. The external works are fundamentally the same as the recently refused application, but the use is now residential rather than PBSA

#### Planning history

10/02255/FUL - Permit - 15 July 2010 - Provision of 2no. apartments within a new mansard roof.

20/01591/FUL - Refused - 1 September 2020 - Extension to 138 Wells Road and 2-6 Wellsway to create 28 units of purpose-built student accommodation (sui generis) and ancillary works.

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highway Development - Objection on lack of parking and inadequate servicing provision

Cllr Duguid - Although supportive of more affordable non student accommodation to rent or buy I request that this application is dealt with by the DMC because of remaining local concern on planning issues and consequences.

The reasons are:-

- 1) The extensive fourth storey is not analysed in the Design and Access statement and will impact the vista. It will make the building considerably higher than elsewhere on that section of Bear Flat, making it unduly prominent.
- 2) In reality we already have a parking issue on this part of Wellsway with some residents regularly parking on the pavement and a single yellow line. Parking Services do not seem to have the resources to police this effectively. I don't believe a no parking provision is realistic—where will more residents park and unload, given the nature of the blind bend ?
- 3) This section of the road suffers badly already on waste collection day, exacerbated by the collection from the flats slightly further down Wellsway, the restaurant and the take away. Waste provision needs to be improved as it is already messy and causes the council recycling truck delays. Further delays on this bend will add to safety concerns and residual risk.

Bath Preservation Trust - Comments only - Previously accepted the addition of an additional attic storey in principle, and felt that the proposed roof extension would better complement the building's townscape character. This application proposes the same design and therefore reiterate previous comments. BPT continue to emphasise the need for further details on the Wells Road elevational treatment.

BPT supportive of the C3 function of both the retained and new apartments to meet housing demand within the city. The proposed 2-bed apartments on the second floor would not meet the Nationally Described Space Standards.

Bear Flat Association objection - The comments can be summarised below:

- The principal impact on the World Heritage City is on the view coming down Wellsway of the wooded hills beyond. This view is identified in the draft Bear Flat and Oldfield Park Character Appraisal. The extent to which this view would be reduced by the extensive fourth storey should be assessed. In the absence of this, BFA registers an objection to the scheme.

- Adding a storey to the main corner building would make the block unduly prominent and out of scale with its setting, so marring the conservation area. The infill elevation proposed above 138 Wells Road has been carefully composed, is calm and contemporary and uses Bath stone. It would make a good addition that would help raise standards.

- The retention of the existing six flats is welcomed.

- The proposal for no car parking is acceptable. Ideally, this would be backed by a legal agreement with residents not to have a private car in the vicinity. Our local knowledge is that nearby streets, thanks to the RPZ, have spare capacity for additional permit holders in the flats.

- 13 flats (6 plus an increase of 7 units) seems likely to have an increased impact on the amenity of existing neighbours.

- The proposed location of the cycle and refuse stores by the Wellsway entrance is queried.

- Parking issues relating to lack of car parking provision
- Increased rubbish/lack of provision
- Noise and disturbance including during construction
- Highway issues resulting from deliveries/temporary parking
- Design concerns including the height of the building
- Loss of privacy
- Lack of affordable housing

## **POLICIES/LEGISLATION**

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

## Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- DW1 - District Wide Spatial Strategy
- B1 - Bath Spatial Strategy
- B4 - The World Heritage Site and its Setting
- CP2 - Sustainable construction
- CP3- Renewable energy
- CP6 - Environmental Quality
- CP7 - Green Infrastructure
- CP10 - Housing Mix
- CP13 Infrastructure Provision

## Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- D.1 - General Urban Design Policies
- D.2 - Local Character and Distinctiveness
- D.3 - Urban Fabric
- D4 - Streets and Spaces
- D.5 - Building design
- D.6 - Amenity
- D.8 - Lighting
- D.10 - Public realm
- CP2 - Sustainable construction
- CP3 - Renewable Energy
- CP5 - Flood risk management
- CP6 - Environment Quality
- HE.1 - Historic environment
- H5 - Retention of existing housing stock
- CP7 - Green Infrastructure
- CP10 - Housing Mix
- ST.1 - Promoting sustainable transport
- ST.7 - Transport requirements for managing development
- B1 - Bath Spatial Strategy
- B4 - The World Heritage Site and its Setting
- NE.1 - Development and Green Infrastructure
- NE.2 - Conserving and enhancing the landscape and landscape character
- NE.3 - Sites species and habitats
- NE5: Ecological Networks
- NE.6 - Trees and woodland conservation
- PCS2 - Noise and vibration
- PCS5 - Contamination
- SCR1 - On -site renewable energy requirement

SU1 - Sustainable drainage  
SCR5 - Water efficiency  
BD1 - Bath Design Policy  
SD1 - Presumption in favour of sustainable development

City of Bath World Heritage Site Setting SPD (2013)  
Bath Building Heights Strategy (2010)  
Planning Obligations (2015)

## LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

### **OFFICER ASSESSMENT**

#### Principle of development

The extensions will facilitate the delivery of 7 new units of residential accommodation. New residential development is supported in the built up area of Bath. The principle of development is therefore supported subject to the compliance with the relevant policies of the Development Plan.

#### Housing mix

The development comprises 1 and 2 bedroom units, and for a scheme of this size, this is considered to represent an appropriate housing mix. The units are of an adequate size and whilst the units are unlikely to provide family housing, this is considered appropriate given the units are located above commercial uses.

#### Character and appearance

The site is located within the Entry Hill, Perrymead and Prior Park Character Area of the Bath Conservation Area. The application site appears to date from c.1960 and was infill development following bomb damage sustained during WWII. It is a very restrained and unadorned Bath stone building with poorly detailed replacement windows. Taking into account the changes and the relative blandness of the original building, the corner building is considered to be of little architectural merit and its contribution to the Conservation Area is neutral at best.

However, its scale does respect neighbouring development which is primarily two storey with a mid-century terrace of shops flanking the southern side of the site with a modern terrace of three storey's attached. The topography of the site lends itself to this arrangement with the roofline remaining fairly consistent.

One element of the proposal is to create an additional residential floor at attic level to the corner building. Planning permission was previously granted (10/02255/FUL) for the

provision of a mansard roof extension. The roof extension subject of this application is considered to be proportionate and of an appropriate design. The roof will be clad in slate which will ensure it integrates with the surrounding roofslopes. This approach to extending the flat roof is considered appropriate and the character and appearance of the building is preserved. Concern has been raised by the Bath Flat Association that the roof extension may impact upon views to the hillside beyond. In response to these concerns, additional visuals have been provided by the applicant. Overall, it is not considered that this extension would unduly impact upon any views and overall is considered to be acceptable.

The proposal includes a further extension which acts as an infill above and in between existing buildings. The extension has been designed with a parapet with a roof behind which reflects the prevailing form of development to the east of the site. The overall scale is acceptable and the roof height responds to the topography of the site. The frontage materials are proposed to be Bath stone which ensures that the development successfully integrates with the existing built form. In response to BPT comments, the Planning Agent has confirmed that the window reveals will be 'stone to match the existing'. There are areas to the side and rear of the extension where the facades will be clad in slate. This more contemporary approach, on the areas with limited impact upon the public realm is considered to be acceptable. Overall, this element of the scheme is considered to be acceptable.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Overall, the proposals represent acceptable additions to the existing building, and the overall, the new development proposed is of an appropriate design, siting and scale. For these reasons for proposals are considered to preserve the character and appearance of this part of the Conservation Area. Further, there is not considered to be any harm to the setting of the wider World Heritage Site.

#### Sustainable construction

Policy CR2 (Sustainable Construction) requires a reduction in regulated CO2 emissions. The benchmark for demonstrating that energy efficiency has been "maximised" as required by CP2 is a 19% reduction in regulated emissions compared to that required by the Building Regulations. The submission is accompanied by the Council's Sustainable Construction Checklist, and this confirms that the requirements of this policy have been met. These measures can be secured via condition on any permission.

#### Residential amenity

In order to ensure that the future occupiers of the development have adequate living conditions, a condition should be included on any permission, to secure sound attenuation measures in the construction of the development.

The proposals are not considered to result in any significant harm to the residential amenity of the nearby occupiers. Whilst the level of activity in the area may increase, the site is within a built-up area, where a level of noise and disturbance can be expected. The

development will result in an increased number of windows at upper levels, but this is not considered to result in any significant loss of privacy to any neighbouring occupiers.

The refuse/recycling storage is acceptable in this location with storage being located near the entrance of the building.

#### Highway safety

The proposed seven additional flats require the provision of nine off-street, car parking spaces to accord with the requirements of the authority's adopted parking standards, as summarised below:

- 6No., one-bed flats = 6 spaces @ 1 space per dwelling;
- 1No., two-bed flat = 2 spaces @ 2 spaces per dwelling; and
- One visitor space @ 0.2 spaces per dwelling.

The development does not provide any off-street parking and there is therefore a shortfall of nine spaces. However, to ensure that the parking standards are applied using a flexible approach, departures from the prescribed minimum standards can be sought where specific circumstances can be demonstrated. Any reduction in the minimum residential parking standards require the completion of an 'Accessibility Assessment' which will form the basis for any discount from the prescribed standard.

This has been completed with a score of 63 which is reflected with a 'very high' accessibility category, allowing officers to apply a discount to the number of required off-street, car parking spaces of 50%+. Whilst the score allows officers to apply a 50%+ discount to the required number of off-street car parking spaces, the accessibility table does not provide an upper limit in terms of the discount which can be applied.

The applicant suggests that a discount of 63% be applied in line with the score, which would reduce the number of required spaces to three. However, without a specified upper limit, officers consider that it is appropriate to apply the minimum. Application of the minimum discount of 50% reduces the required number of off-street car parking spaces to five.

As the application does not propose any off-street car parking provision, based on the above, this leads to a shortfall of between three and five spaces. There are concerns that this will result in an increase in on-street parking activities in the vicinity of the application site that will affect highway safety.

Officers are aware that part of the application site is within the existing Residents Parking Zone (RPZ) and these residents will not be automatically entitled to a parking permit where the current demand for spaces exceeds the potential supply. Third party representations have raised concerns that there is not adequate on street parking to absorb the additional requirement, but equally the Bear Flat Association has commented that they consider the recently implemented RPZ has created additional capacity. However, only part of the site is within the RPZ (the dwellings contained within the roof extension) with the remainder of the development falling outside of the RPZ.

As the development is on the edge of the RPZ, future occupiers of the site could therefore attempt to park in areas outside of the RPZ where spaces are limited and in demand. The extra pressure for on-street parking created by the development could lead to residents parking in positions which may impede the free flow of traffic. This would be harmful to highway safety.

Without the benefit of any onsite parking, officers are also concerned that short-term parking activities would occur within the existing length 'No Waiting at any Time' restriction (double yellow lines) through the horizontal curve to the front of the application site. This would be inappropriate and increase the risk of a collision.

Officers acknowledge that refuse and recycling storage would be in the same location as the existing residential units, where a dropped kerb permits easy access for large, wheeled bins. It is noted that there would be no fundamental change to the existing arrangement for the storage and collection of refuse and recycling, which is acceptable in principle.

However, the Highway Development Officer has also raised concerns with regards to the future servicing of the site, for example for supermarket deliveries or takeaways. The applicant's Transport Report advises that should future residents order a delivery, drivers could use the existing on-street, time-limited parking bays or, outside of 08:00 to 18:00 Monday to Saturday, any free on-street, car parking bay. Officers would note that the use of existing on-street bays close to the site may not always be possible due to high levels of occupancy. Officers would not want to see short-term parking activities through the horizontal curve to the front of the application site.

Whilst postal deliveries will continue as they do now for the existing residential units, highway officers are concerned that the additional courier deliveries will be generated by the proposals.

The Agent has responded to the above concerns asserting that Bear Flat has the advantage over some residential areas in that there are a number of on-street limited waiting parking bays by the shops. The issues raised with regards to delivering to properties in a residents parking zone are the same issues that affect both residential and commercial properties in controlled parking zones throughout the country. The Agent argues that the insignificant increase in servicing traffic for seven units over existing deliveries in the area will not lead to an "unacceptable impact on highway safety" under paragraph 109 of the NPPF.

On balance, officers recognised that the servicing of this site will be difficult but it is ultimately down to those visiting the site to park safely and legally. An updated Service Plan could be secured via condition. For the number of units proposed, this is not considered to justify a refusal of this application.

In summary, the shortfall in the required number of off-street, car parking spaces will result in an increase in on-street parking activities in the vicinity of the application site that will have an adverse effect on road safety and/or residential amenity. The proposal would therefore fail to accord with Policy ST7 which aims to ensure any increase in on-street parking does not prejudice highway safety

## Other issues

No other significant issues have arisen as a result of this application, but for the reasons outlined above which relate to the lack of parking results in recommendation for refusal.

## RECOMMENDATION

REFUSE

## REASON(S) FOR REFUSAL

1 The proposed development would not provide an appropriate level of on-site parking spaces; this would exacerbate highway safety issues associated with additional on-street parking, and is therefore contrary to policy ST7 of the Bath and North East Somerset Placemaking Plan.

## PLANS LIST:

0 21 Dec 2020	AP(0)03	EXISTING GROUND FLOOR PLAN
21 Dec 2020	AP(0)04	EXISTING FIRST FLOOR PLAN
21 Dec 2020	AP(0)05	EXISTING SECOND FLOOR PLAN
21 Dec 2020	AP(0)06	EXISTING ROOF PLAN
21 Dec 2020	AP(0)07	EXISTING ELEVATIONS (N-S)
21 Dec 2020	AP(0)08	EXISTING ELEVATIONS (E-W)
21 Dec 2020	AP(0)09	EXISTING SECTIONS
21 Dec 2020	AP(0)14	PROPOSED ROOF PLAN_REVA
21 Dec 2020	AP(0)17	PROPOSED ELEVATIONS (N-S)_REVA
21 Dec 2020	AP(0)18	PROPOSED ELEVATIONS (E-W)_REVA
21 Dec 2020	AP(0)19	PROPOSED SECTIONS_OPTION2
21 Dec 2020	AP(0)20	PROPOSED ELEVATIONS (CONTEXT)_REVA
21 Dec 2020	AP(0)30	PROPOSED VISUALISATION
21 Dec 2020	AP(0)31	PROPOSED VISUALISATION
21 Dec 2020	AP(2)10	PROPOSED GROUND FLOOR PLAN_OPTION2
21 Dec 2020	AP(2)11	PROPOSED FIRST FLOOR PLAN_OPTION2
21 Dec 2020	AP(2)12	PROPOSED SECOND FLOOR PLAN_OPTION2
21 Dec 2020	AP(2)13	PROPOSED THIRD FLOOR PLAN_OPTION2
21 Dec 2020	AP(0)01	SITE LOCATION PLAN

## 0 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)

0 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 acknowledges the approach outlined in paragraphs 39-43 in favour of front loading and operates a pre-application advice service. Notwithstanding active

encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

**Item No:** 05  
**Application No:** 20/04390/FUL  
**Site Location:** Crewcroft Barn Hinton Hill Hinton Charterhouse Bath Bath And North East Somerset



**Ward:** Bathavon South      **Parish:** Hinton Charterhouse      **LB Grade:** N/A  
**Ward Members:** Councillor Neil Butters      Councillor Matt McCabe  
**Application Type:** Full Application  
**Proposal:** Conversion of stone barn and replacement of existing timber clad extension at Crewcroft Barn to provide a (straw bale) Passivhaus standard dwelling (Resubmission).  
**Constraints:** Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,  
**Applicant:** Mr William Drewett  
**Expiry Date:** 29th January 2021  
**Case Officer:** Chloe Buckingham  
 To view the case click on the link [here](#).

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

Hinton Charterhouse and Wellow Parish Council support the application and the Chair of committee has decided to take the application to committee for the following reason:

"I have looked carefully at this application including the history of the site, support from both WPC & HCPC & a Ward Cllr planning committee request, I note other consultees comments are generally supportive.

The application has been assessed against relevant planning policies & there are innovative aspects to the proposal, volume increase has been reassessed & while in the Officer calculations it contravenes the Green Belt policy as the report explains, the timber clad part of the barn the applicants have included as part of the original building.

The barn structural survey submitted shows the main structure is of permanent and substantial construction and capable of conversion therefore in light of guidance linked to barn conversions I recommend the application be determined by the planning committee to debate this proposal

#### DESCRIPTION OF SITE AND APPLICATION:

This application relates to an existing barn. The site lies outside of a defined settlement boundary within both designated Green Belt land and within the Cotswolds Area of Outstanding Natural Beauty (AONB). The proposal is a resubmission and is for a conversion of a stone barn and replacement of an existing timber clad extension at Crewcroft Barn to provide a (straw bale) Passivhaus standard dwelling.

#### Relevant Planning History:

DC - 13/01600/AGRN - Prior Approval Required - 16 May 2013 - Erection of an open fronted agricultural storage building.

DC - 16/03218/AGRN - Prior Approval Not Required - 20 July 2016 - Alteration to road/highway.

DC - 18/05060/CLEU - LAWFUL - 2 January 2019 - Erection of timber clad concrete block building (Certificate of Lawfulness for an Existing Use)

DC - 20/00206/AGRN - Prior Approval Not Required - 14 February 2020 - Extend existing access track to end of meadow and reinstate historic track to existing stone barn.

DC - 20/02355/FUL - REFUSE - 2 November 2020 - Conversion and reinstatement of Crewcroft Barn to provide a (straw bale) bank barn as a Passivhaus dwelling, associated access to the highway and landscaping works.

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS** CONSULTATIONS:

Hinton Charterhouse Parish Council:

Support this re-submitted planning application, on the same basis as previously:

- 1) Landscape visual impact is minimised, and
- 2) that external lighting is kept to the minimum for landscape and wildlife reasons.

Wellow Parish Council: Support:

An application for this site was supported by the Parish Council in August 2020 but subsequently refused by B&NES on the grounds that;

- 1) The proposal amounts to a major extension of the building and a disproportionate volume increase to a building in the Green Belt which is inappropriate development in the Green Belt.
- 2) The proposed dwelling is over-development of the existing building and the design is not considered to be high quality design but is rather a bland overly domestic dwelling which would not be in-keeping with the rural location or the visual amenities of the Green Belt and AONB
- 3) The proposed dwelling is in an unsustainable location where there would be an overreliance on the private car.
- 4) There is insufficient arboricultural information submitted with this submission

These points have now been addressed and the current application is for a smaller building with an overall increase in the footprint of 28.5%, which is in keeping with GB guidelines.

The design is now modified to a reduced scale of development when compared to the refused application. The design has been re-considered to propose a subservient extension to the stone barn that appears single storey when viewed from the northeast. The proposed extension will be clad in timber with irregular fenestration proposed to reflect the agricultural character of the area.

The design has also been developed following a study of guidance for conversion of farm buildings. Materials have been chosen to reflect local character whilst also retaining the design intent and integrity of the bank barn form. This includes natural stone and timber for external facing walls to reflect local materials and a standing seam mono pitch roof on the extension to retain the modern agricultural appearance. However, we would take issue with no 3 above: there is only a one bus a week which goes to Midsummer Norton (and not to Bath). Over reliance on private cars is a fact for all parishioners in Wellow and not just an occupant of Crewcroft Barn, there being just one bus a week, which only goes to Midsummer Norton. There is however a regular bus service (Bath to Frome) at Hinton Charterhouse.

Highways: Objection.

Arboriculture: No objection subject to 2 conditions.

Drainage: No objection.

Contaminated Land: No objection subject to one condition and one advisory note.

Ecology: No objection subject to 3 conditions.

Conservation: Not acceptable in current form.

Third party comments: 12 support comments received. The main points being:

- o Highly sustainable.
- o Good design.
- o Blends in with the area.

- o Good access to highway.
- o Good to protect and conserve a barn like this.

## **POLICIES/LEGISLATION**

### **POLICIES:**

The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

The following B&NES Core Strategy policies are considered relevant:

CP6 Environmental Quality  
 CP2 Sustainable construction  
 CP8 Green Belt

The following Placemaking Plan policies are considered relevant:

D1 General urban design principles  
 D2 Local character and distinctiveness  
 D3 Urban Fabric  
 D4 Streets and Spaces  
 D5 Building Design  
 D6 Amenity  
 ST1 Promoting sustainable travel  
 ST7 Transport Access and Development Management  
 GB1 Visual Amenities of the Green Belt  
 GB3 Extensions and Alterations to buildings in the Green Belt  
 NE2 Conserving and Enhancing the Landscape  
 NE2B Extension of residential curtilages in the countryside.  
 NE3 Protected Species  
 NE5 Ecological Networks  
 NE6 Trees and Woodland  
 SCR5 Water Efficiency  
 LCR7 Broadband  
 LCR9 Increasing the provision of Local Food Growing  
 H7 Housing Accessibility  
 RE4 Essential dwellings for rural workers  
 RE6 Re-use of rural buildings

Supplementary Planning Documents: Existing Dwellings in the Green Belt SPD (October 2008)

Consideration is given to the National Planning Policy Framework and the National Planning Practice Guidance.

## LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

### **OFFICER ASSESSMENT**

#### **PRINCIPLE OF PROPOSED USE:**

The application site is located in the open countryside where development is strictly controlled and only permitted in exceptional circumstances. Policy RE6 sets out one such exception (the re-use and conversion of rural buildings) but states that such developments will only be permitted provided that:

- 1) its [the proposed conversion's] form, bulk and general design is in keeping with its surroundings and respects the style and materials of the existing building;
- 2) the building is not of temporary or insubstantial construction and is capable of conversion without substantial/complete reconstruction or major extension;
- 3) the proposal would enhance visual amenity and not harm ecological function (e.g. bat roost);
- 4) the proposal does not result in the dispersal of activity which prejudices town or village vitality and viability;
- 5) where the building is isolated from public services and community facilities and unrelated to an established group of buildings the benefits of re-using a redundant or disused building and any enhancement to its immediate setting outweighs the harm arising from the isolated location;
- 6) the development would not result, or be likely to result, in replacement agricultural buildings or the outside storage of plant and machinery which would be harmful to visual amenity;
- 7) in the case of buildings in the Green Belt, does not have a materially greater impact than the present use on the openness of the Green Belt or would conflict with the purposes of including land within the Green Belt;
- 8) The integrity and significance of buildings and farmsteads of architectural and historic interest and of communal, aesthetic and evidential value are safeguarded consistent with Policy HE1.

The above criteria are dealt in turn as follows:

- 1) Form, bulk and general design

The scheme involves the conversion of an existing, historic stone-built barn and the addition of a substantial extension to its side. The general means of conversion and design of the stone-built element is considered acceptable; the simple agricultural character of the building will be retained (when viewed in isolation to its extension). The proposed extension however is considered inappropriate in terms of its form, bulk and design; it will not respect the character or appearance of the host building and indeed

will significantly undermine it. The scheme taken as a whole is therefore of an inappropriate form which is not inkeeping with its surroundings; the style and materials of the scheme do not respect the existing building. The proposal fails to comply with Criterion 1 of Policy RE6.

The impact of the substantial proposed extension on the significance of the host building as a non-designated heritage asset is dealt with below.

2) Requirement to not be of temporary or insubstantial construction and capable of conversion without substantial/complete reconstruction or major extension.

A structural survey of the existing building has been submitted with the application and this demonstrates to the case officer's satisfaction that the main stone-built structure is of permanent and substantial construction, and that it is capable of conversion without substantial reconstruction work. However, the existing building also incorporates a large modern block-built extension clad in timber. This element of the building is to be demolished and replaced by a very substantial extension; this clearly constitutes a major extension. The proposed scheme taken as a whole therefore clearly involves substantial reconstruction/extension in that the modern element is to be entirely replaced and reconstructed; the scheme as a whole cannot be considered a conversion and this fails to comply with Criterion 2 of Policy RE6.

3) Requirement for the proposal to enhance visual amenity and not harm ecological function

The site is located in a very rural, isolated location which is overwhelmingly agricultural in character. It is considered that the scheme will harm the visual amenity of this rural area through the introduction of an incongruous domestic building, domestic paraphernalia and car parking at odds with the site's highly rural nature. The development will also harm the visual amenities of this part of the Green Belt and the scenic quality of the Area of Outstanding Natural Beauty (AONB) for the same reasons.

Information has been submitted regarding the ecological impacts of the scheme and it is noted that the previously expressed concerns of the arboricultural officer and ecologist have been resolved subject to conditions regarding an arboriculture method statement and tree protection plan; subject to the imposition and subsequent compliance with these conditions the application complies with Policy NE6. Conditions regarding a pre-commencement wildlife protection and enhancement scheme, a pre-occupation ecological follow-up report and an external lighting condition will be necessary if the committee is minded to grant permission - in order to mitigate any ecological harm in accordance with policies NE3 and NE5.

An protected species survey/ecological assessment has been submitted with the application; these include a bat survey of the building. The survey confirms at least 2 roosts for common pipistrelle bat and as such an European Protected Species licence will be required for the development to commence.

The law is such that the local planning authority must be confident, prior to issuing any consent, that the "three tests" of the Habitats Regulations will be met and an EPS licence obtained. ie that the conservation status of the affected species will not be harmed; that

there are no satisfactory alternative solutions, and that there are "imperative reasons of over-riding public interest". Provided the mitigation strategy is implemented as described in the report, and this is secured by condition, it is considered that the "third test" of the Habitats Regulations would be met.

With regard to the three tests these are as follows:

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;
2. There is no satisfactory alternative;
3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

#### Test 1

The project will also be utilising local contractors, skills and resources which is beneficial to the local economy. Furthermore, as this project is a small residential development relating to a common bat species, no Reasoned Statement is required for Natural England to make a decision on this licence application.

#### Test 2

An additional period of static monitoring was completed in August and September 2020 and no evidence of use by horseshoe bats was recorded. Occasional sustained foraging activity by common pipistrelle bat was recorded. This is consistent with previous survey findings.

To fundamentally alter the design of the building for occasional, sustained foraging activity by common pipistrelle bats is considered unreasonable. This species is the most widespread and highly adaptive species in the UK, readily using bat boxes and therefore the mitigation strategy provided within the report is considered likely to be successful.

#### Test 3

As stated, the applicant has submitted a number of surveys which have been referred to the Council's ecologist. The ecologist has commented that the surveys are acceptable and meet the third test. The ecologist has requested that conditions are attached to ensure that mitigation measures are put in place.

The report includes appropriate outline proposals to compensate for loss of the roost and mitigation measures required during works. It is considered that provided mitigation is implemented as described, the scheme will not harm the conservation status of the affected species.

Subject to implementation of the necessary bat mitigation and compensation measures, and sensitive lighting design, to be secured by condition there are no objections to the proposed scheme.

Notwithstanding the above the legal test in these cases was set out by the Supreme Court in the case of Morge as follows:

"I cannot see why a planning permission (and, indeed, a full planning permission save only as to conditions necessary to secure any required mitigating measures) should not ordinarily be granted save only in cases where the Planning Committee conclude that the proposed development would both (a) be likely to offend article 12(1) and (b) be unlikely to be licensed pursuant to the derogation powers. After all, even if development permission is given, the criminal sanction against any offending (and unlicensed) activity remains available and it seems to me wrong in principle, when Natural England have the primary responsibility for ensuring compliance with the Directive, also to place a substantial burden on the planning authority in effect to police the fulfilment of Natural England's own duty."

As this is a small residential development and findings show only occasional foraging of the common pipistrelle bat. Therefore, as a matter of law, and given the minor nature of the development and conservation impacts, it is considered likely that a licence will be granted by Natural England which is supported by the fact that Natural England would not require a reasoned statement.

In conclusion the proposed development fails to comply with the third criterion of Policy RE6 as whilst the ecological aspects of the scheme are acceptable, for the reasons set out above the impact on visual amenity is not.

4) Requirement to not result in a dispersal of activity which prejudices town or village vitality and viability.

It is not considered that the formation of a single dwelling will result in the dispersal of activity which prejudices town or village vitality and viability; Criterion 4 of Policy RE6 is therefore complied with

5) Requirement that where the building is isolated from public services/community facilities and unrelated to an established group of buildings the benefits of re-using a redundant or disused building and any enhancement to its immediate setting must outweigh the harm arising from the isolated location.

The benefits of re-using this ruinous farm building by creating one additional dwelling to the housing stock are limited and do not outweigh the harm arising from its isolated location such as unsustainable transport patterns and reliance on the private car; the significant negative impact that the scheme will have on the non-designated heritage asset (see below) and the visual amenities of this part of the Green Belt and AONB (also see below). The development fails to comply with the fifth criterion of Policy RE6.

6) Requirement that the development will not result in replacement agricultural buildings or the outside storage of plant and machinery which would be harmful to visual amenity;

It has been confirmed in the email attached to the previous application dated 24th September 2020 that the building is used for general agricultural storage and that the contents of the building will be stored in the existing steel framed barn at the bottom of the

hill. Whilst this statement cannot be independently corroborated, there is no reason to challenge nor doubt it. On this basis the application complies with the sixth criterion of Policy RE6/

7) Requirement that in the Green Belt, the proposal does not have a materially greater impact than the present use on the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.

The application site relates to a parcel of land within a prominent position in the Green Belt and the Cotswolds Area of Outstanding Natural Beauty (AONB). The character of the local landscape is rural, pastoral and agricultural. The existing barn forms an isolated and locally distinctive historic feature within important views and as such adds greatly to the visual amenity of the Green Belt and the landscape and scenic beauty of the AONB.

The applicants state that the original volume of the structure is approximately 381 cubic metres and the overall volume of the extensions in this application is 109 cubic metres. However, this has been double checked by the Council and the Council now cannot agree that the original volume is 381 cubic metres. The Council's re-calculations have the original structure as 142 cubic metres. The calculations for the cumulative extensions is 344 cubic metres. As such this is an approximate 91% volume increase of the original building which is a disproportionate volume increase; This increase is considered to be a disproportionate volume increase to a building in the Green Belt contrary to policy GB3.

Furthermore, considering the prominent hillside location, the scheme is considered to be harmful to the openness of the Green Belt and the purposes of including land within the green belt in that the scheme will lead to encroachment into the countryside through the inclusion of domestic paraphernalia, car parking and other features that will alter the character of the area. Whilst the applicant states in the design and access statement that future occupants do not expect a garden, in reality this is not considered feasible. The proposal is contrary to policy CP8 of the adopted Core Strategy and policies RE6, GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF goes on to explain that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The applicant has stated that due to the innovative design and sustainable construction this represents 'very special circumstances'. However, whilst the sustainable credentials are noted the sustainability of the scheme and the design are not considered to represent very special circumstances as this could apply to any application where a straw bale house was proposed. The site is also within a rural location, outside of a housing development boundary where there would be reliance on the private car which in itself is not conducive to sustainability. The creation of a domestic dwelling in this location is not considered to be in-keeping with the rural character of the area contrary to policies RE6, D2, D5, NE2 and GB1 of the Placemaking Plan (2017).

8) The integrity and significance of buildings and farmsteads of architectural and historic interest and of communal, aesthetic and evidential value are safeguarded consistent with Policy HE1.

The barn is considered to be an undesignated heritage asset and the proposed works are considered to significantly harm the integrity and significance of the building (see character & appearance section below for detailed explanation). The proposal therefore fails to comply with Criterion 8 of Policy RE6 and the application is comprehensively contrary to Policy RE6 as a whole

#### Character and Appearance (including Heritage Matters)

Planning permission is being sought for the creation of a detached four-bedroom two storey dwelling with associated vehicular access, parking and hard and soft landscape works on the site of Crewcroft Barn.

The existing barn consists of a stone and pitched pantile roofed early nineteenth century extension to what may have been an eighteenth century threshing barn of which no above ground structure remains; and a twentieth century block built and timber clad flat roofed extension to the south east facade of this stone structure.

The character of the local landscape is rural, pastoral and agricultural. The existing barn forms an isolated and locally distinctive historic feature within important views and as such adds greatly to the visual amenity of the Green Belt and the landscape and scenic beauty of the AONB not least because of the physically and visually subservient nature of its modern flat roofed extension and its continued agricultural use.

The creation of a large detached four bedroomed dwelling here would create a highly visible feature of a distinctly domestic character that is out of keeping with the rural, pastoral and agricultural landscape that surrounds it. It is therefore considered that the proposed development would prejudice rather than enhance the visual amenities of the Green Belt by reason of its siting and design and it would not conserve nor enhance local landscape character, landscape features, local distinctiveness and important views. It is considered that the proposed design and size of the building would be likely to exacerbate rather than adequately mitigate the adverse landscape and visual impact of the development. Furthermore, the porch has not been removed and this is considered to be an awkward and overly domestic addition to the scheme. However, the overall approach to window design is supported and the use of materials is also an improvement. If the scheme were acceptable sample materials would be necessary as a condition.

Crewcroft Barn is considered to be a non-designated heritage asset. A non-designated heritage asset is a building which is identified as having a heritage significance meriting consideration in planning decisions, but which does not meet the criteria for listing. The heritage assessment submitted with the application has identified that this barn, which has been extended with a modern, unsympathetic barn, is a historic farmyard which stands in an elevated location, set into the hillside. This isolated location results in a dramatic and imposing building. There is limited evidence of further historic buildings surrounding the site; however, no firm details have been found of the building's design or scale. The current building is isolated and has a striking impact due to its monolithic appearance in this elevated location.

Significance is defined by the NPPF as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The submitted heritage assessment has identified that the building has architectural significance and identifies that its setting in the landscape is a significant feature owing to is 'almost chapel-like west gable'. The statement goes on to state that 'the position of the barn on a steep slope is both striking, and functionally integral to the original purpose of the structure'

The significance is considered to be the historic and architectural features of this monolithic barn. It's isolated location and setting is also an intrinsic part of its significance.

The design of the extension has been amended and is now of a similar scale to the existing modern barn. However, the scale of the extension remains substantial and detracts from the monolithic features of the historic barn. The current modern barn is not a positive feature and the application can provide the opportunity to enhance the setting. In this case the applicant has retained a scale and design which is considered to cause harm.

Paragraph 197 of the NPPF states that:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In this case, the scale and design of the extension would consolidate a design and scale of extension which harms the non-designated heritage asset. Its significance is rooted in its dominance as a monolithic structure set in this isolated location. The scale of harm in this case is directly linked to the reasons the building is considered a heritage asset . The re-use of the barn would have some benefits (i.e. the securing of the building's long term use and maintenance), however, this benefit, is not outweighed by the impact of the extension on the building's significance. There is no evidence to suggest a smaller, more considerate extension could not be achieved and therefore, on balance, the benefits of the current design are not considered to outweigh the harm. The scheme is considered contrary to the provisions of the NPPF and policies D2, D5, RE6, NE2, NE2B and HE1 of the Placemaking Plan (2017).

#### Arboriculture

The application is supported by an arboricultural report and further information has been received regarding the services which is now considered acceptable.

Whilst the arboriculture officer has expressed some concern regarding the retention of the trees in the future, this application does not propose removing these trees and as such the scheme is considered as it is.

It is considered that linkages to the wider green infrastructure in the landscape should not necessarily be lost and the proposed planting of a native hedge interspersed with trees provides an enhancement.

If the scheme were acceptable conditions would be attached to ensure the submission of an arboriculture method statement and tree protection plan in compliance with policy NE6

### Residential Amenity

The site is located in the countryside and there are no neighbouring dwellings within close proximity to the dwelling and there is sufficient outdoor amenity space for the proposed dwelling. Therefore, the scheme is generally considered compliant with policy D6 of the Placemaking Plan (2017) but this is not seen to overcome the issues regarding the landscape impact as discussed above.

### Highways

The National Planning Policy Framework recognises that opportunities to maximise sustainable transport solutions will vary for urban and rural areas. In this case the proposal would result in a dwelling in the open countryside outside of the housing development boundary. The remote and rural location would mean that, most journeys to and from the site would be undertaken by private car.

Although, the proximity to local footpaths and cycle routes is noted and this has been highlighted on the Transport Links drawing, the routes to Wellow or Hinton Charterhouse would require the residents to walk or cycle a significant distance (1.4km & 1.7km respectively) on C466 Hinton Hill or through countryside, where paths are unsurfaced and unlit. The distance to local services such as shops, schools, local businesses and public transport and the hilly topography are likely to provide a further disincentive to travel on foot. It is therefore likely that daily commutes and or trips to schools and other services would be dependent on a private car which is contrary to policy ST1 of the Placemaking Plan (2017)

Whilst the certificate of lawful use granted in 2018 and the reinstatement of the access track approved in 2020 potentially allowed the barn to be brought back into agricultural use, they did not allow for changes within 25m of the classified C road being the C466 Hinton Hill. Therefore, the existing use of the access is likely to be low due to the lack of an improved track to the Highway. The proposal is likely to increase the use of the access for residential use. In addition, some agricultural trips are likely to remain because of the presence of two field access gates remaining.

The applicant who also owns the adjacent agricultural land intends to occupy the dwelling and has stated that the creation of this dwelling may reduce the need for some trips to site to check on or move livestock, including trips with large/ slow moving machinery. Whilst this is noted, it cannot be secured; if approved the dwelling will be able to be disposed of separately to the land/farm.

The proposals include a modified junction being formed with Hinton Hill. This road is classified, being the C466, and is a single carriageway with no segregated footways or street lighting. The existing entrance will be improved by widening it to 35m at the edge of

the carriageway and a bound hard standing laid to fall away from the highway. In addition, an 11m set-back will allow vehicles to pull off the highway before opening the gate to the access track. Existing vehicle visibility will be improved by widening the access, and in addition existing hedging and verge is proposed to be cut back and maintained.

The applicant has not measured vehicle speeds at the access therefore we refer to the speed limit of the road to calculate the required stopping sight distance for a visibility splay. In this situation, the speed limit of 60mph would correspond to a stopping sight distance of 215m being required as set out in Design Manual for Roads and Bridges (DMRB).

The proposed Highways Arrangements shows a 100m visibility splay, however the splay is not drawn to the near side kerb as recommended in Manual for Streets or DMRB. When measured to the nearside kerb the visibility splay measures 51m to the east and 74m to the west. If the application was minded for approval, a revised plan would have been sought indicating visibility measured to the nearside kerb, in order that we can secure the construction and maintenance of the visibility splay by condition. While the proposed visibility falls short of that recommended for a new road junction on a 60mph road, it should be considered that this is an existing agricultural access on a rural road with no history of accidents in the past five years. The modified access is considered to provide an acceptable improvement to cater for the potential modest increase in trips generated by the development. The revised drawing Highways Arrangement shows that the access track allows for at least 2.7m width and a turning head for a fire tender.

The site is in the 'Outside Bath Zone' for Car Parking in the B&NES Placemaking Plan Policy ST7. The car parking standards require 3 spaces per four bed dwelling and above. The proposed 3no. spaces would be adequate for a 4-bed dwelling. This development would need to provide at least 2 cycle parking spaces designed to meet the Residential Cycle Parking Provision guidance in the B&NES Placemaking Plan Policy ST7. The Highways Arrangements drawing 8QT-07 confirm cycle parking be provided. Further details of the proposed cycle parking and electric vehicle charging could be requested by condition. The plans include waste storage and collection points, and this is acceptable.

#### Local food growing and water efficiency

There is sufficient outdoor space to grow plants and vegetables and so it is considered that the proposal would comply with policy LCR.9.

Policy SCR5 explains that all dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency being 110 litres per person per day. Rainwater harvesting or other methods of capturing rainwater for use by residents eg) water butts will be required for all residential development. If the scheme were acceptable this would be secured by condition on the permission.

#### Sustainable Construction

The application has a completed sustainable construction checklist which is compliant with policy CP2 of the Core Strategy (2014).

#### Summary and Conclusion

Crewcroft Ban is located in both the open countryside and the designed Green Belt. Planning policy resists the creation of new dwellings in the open countryside and instead steers residential development towards locations in existing urban areas; this is for a number of reasons including better accessibility to local services, sustainability, urban containment and landscape protection. Planning policy however makes a number of exceptions to this general rule and one such exception is the conversion of existing rural buildings.

Policy RE6 sets out the criteria that must be met for a rural building to be eligible for conversion and for a proposed conversion scheme to be deemed acceptable. All criteria must be met and whilst the scheme does meet some of them, it fails to comply with many. The first criterion requires the means of conversion to be of an appropriate design which does not harm the barn itself or the character of the area. The proposed scheme however significantly harms the character of the building due to a disproportionately large extension which is incongruous and at odds with the host building (it is also contrary to Green Belt policy - see below). The second criterion requires the subject building to be in relatively good physical/structural condition (to ensure that conversion is in fact possible) and resists the construction of large extensions (this is because the exception applies only to the conversion of existing buildings, not their rebuild and/or extension). The proposed scheme, as stated includes a very large extension, the presence of an existing somewhat ramshackle modern extension carries little weight as it is in a poor condition and is to be demolished.

The third criterion requires visual amenity to be enhanced whereas in fact the scheme will cause harm to visual amenity through the fundamental change in character resulting from the introduction of domestic paraphernalia, car parking and similar features. The fifth criterion requires that where a rural building is in an isolated location (isolated from local services and facilities etc.) that any benefit must outweigh that harm. The public benefits of this scheme are limited and will not outweigh the harm caused by the creation of a remote dwelling that is isolated from the services its residents require.

Criterion 7 relates to the Green Belt and requires a proposed conversion scheme to not have a materially greater impact on the openness of the Green Belt or reasons for including land within the Green Belt. Alongside this the NPPF states (at Paragraph 145) that new buildings in the Green Belt are 'inappropriate'; the NPPF lists a number of exceptions to this including where an existing building is to be extended or altered provided that those works do not result in disproportionate additions over and above the size of the original building. The original building is the stone-built element of the barn, the timber-clad addition is clearly modern. The proposed extension represents a 91% increase in volume; the near doubling in size of the original building is clearly a disproportionate addition which will also, together with other aspects of scheme, have a materially greater impact on the openness of the Green Belt.

The proposed development is evidently fundamentally contrary to development plan policy. There are no material considerations indicating that a decision other than one that is in accordance with the development plan ought to be taken. The public benefits of the creation of a single new dwelling are limited and do not outweigh the concerns set out above. The sustainable construction credentials of the development are noted but these neither constitute 'very special circumstances' in the Green Belt nor a reason to depart

from the development plan. The use of straw bales is not innovative technology (it has been in use for 20-30 years) and even if it were this would not justify a scheme that is fundamentally contrary to policy. Similarly the scheme's other sustainability credentials (e.g. passivehaus) are of limited weight as improved energy efficiency and reduced carbon emissions is now common-place and requirements will tighten further. The scheme is contrary to the development plan as such it is recommended that the application be refused.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposed scheme constitutes inappropriate development in the Green Belt; the extension to the original (stone-built) barn represents a disproportionate volume increase and amounts to a major extension of the building. The application site is in a prominent hillside location; the scheme will be harmful to and will significantly undermine the openness of the Green Belt (and the purposes of including land within it) by virtue of its substantial extension, change in character from agricultural to domestic, introduction of domestic paraphernalia and car parking. No 'very special circumstances' are present. The proposal is contrary to Policy CP8 of the adopted Core Strategy and policies RE6, GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

2 The proposed dwelling represents an over-development of the existing building. The proposed design is not of a high quality and would not be in-keeping with the rural character nor the visual amenities of the Green Belt and Area of Outstanding Natural Beauty. The proposed scheme, by virtue of its poor design, will be harmful to the significance of this non-designated heritage asset. Accordingly the proposal is contrary to policies RE6, D2, D5, NE2, HE1 and GB1 of the Bath and North East Somerset Placemaking Plan (2017).

## **PLANS LIST:**

1 This decision relates to plan references;

8QT-01 REV E received 4th February 2021.

8QT - 10, 8QT - 09A and 8QT - 11 received 8th January 2021.

8QT-03 F, 8QT-04 A, 8QT-05, 8QT-06, 8QT-07B and WHL-1053-01 D received 19th November 2020.

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning

Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

### **3 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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<b>Bath &amp; North East Somerset Council</b>		
<b>MEETING:</b>	<b>Planning Committee</b>	<div>AGENDA ITEM NUMBER</div> <div></div>
<b>MEETING DATE:</b>	<b>7<sup>th</sup> April 2021</b>	
<b>RESPONSIBLE OFFICER:</b>	Simon de Beer – Head of Planning	
<b>TITLE:</b>	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>	
<b>WARD:</b>	ALL	
<b>BACKGROUND PAPERS:</b> None		
<b>AN OPEN PUBLIC ITEM</b>		

## APPEALS LODGED

**App. Ref:** 20/01194/FUL  
**Location:** 1 St Saviour's Terrace St Saviour's Road Larkhall Bath Bath And North East Somerset  
**Proposal:** New driveway with proposed dropped curb and removal of existing bus stop.  
**Decision:** REFUSE  
**Decision Date:** 22 October 2020  
**Decision Level:** Delegated  
**Appeal Lodged:** 23 February 2021

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**App. Ref:** 20/02857/FUL  
**Location:** 17 St Mark's Road Widcombe Bath Bath And North East Somerset BA2 4PA  
**Proposal:** Erection of outbuilding in rear garden (Retrospective).  
**Decision:** REFUSE  
**Decision Date:** 3 November 2020  
**Decision Level:** Delegated  
**Appeal Lodged:** 23 February 2021

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**App. Ref:** 20/04312/FUL  
**Location:** Lyncombe Court Lyncombe Vale Road Lyncombe Bath Bath And North East Somerset  
**Proposal:** Erection of 1no. 3 bed dwelling.  
**Decision:** REFUSE  
**Decision Date:** 7 January 2021  
**Decision Level:** Delegated  
**Appeal Lodged:** 23 February 2021

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**App. Ref:** 20/02292/FUL  
**Location:** 23 Eastville Larkhall Bath Bath And North East Somerset BA1 6QN  
**Proposal:** Creation of rear flat roof dormer and rooflight to front elevation to enable loft conversion.  
**Decision:** REFUSE  
**Decision Date:** 11 September 2020  
**Decision Level:** Delegated  
**Appeal Lodged:** 24 February 2021

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**App. Ref:** 20/02833/FUL  
**Location:** 36B St John's Road Bathwick Bath Bath And North East Somerset BA2 6PX  
**Proposal:** Erection of vertical extension to existing office accommodation to create an additional storey, including incidental works of demolition  
**Decision:** REFUSE  
**Decision Date:** 9 October 2020  
**Decision Level:** Delegated  
**Appeal Lodged:** 24 February 2021

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**App. Ref:** 19/05165/ERES  
**Location:** Western Riverside Development Area Midland Road Westmoreland Bath  
**Proposal:** Approval of reserved matters (scale, appearance and landscaping) pursuant to outline application 06/01733/EOUT for the erection of 2 no. 5-storey buildings comprising 290 student bedrooms (Sui Generis); retail floorspace (Class A1); bin and cycle stores, plant rooms, and associated landscaping works.  
**Decision:** REFUSE  
**Decision Date:** 27 August 2020  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 25 February 2021  
**Officer Recommendation:** Approve

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**App. Ref:** 19/05110/FUL  
**Location:** Three Ways Station Road Clutton Bristol Bath And North East Somerset  
**Proposal:** Erection of a single storey 2 bedroom dwelling adjacent to existing bungalow  
**Decision:** REFUSE  
**Decision Date:** 30 July 2020  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 3 March 2021  
**Officer Recommendation:** Permit

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**App. Ref:** 20/00195/FUL  
**Location:** 2 Bathwick Hill Bathwick Bath Bath And North East Somerset BA2 6EP  
**Proposal:** Installation of CCTV to external walls (Retrospective).  
**Decision:** REFUSE  
**Decision Date:** 28 October 2020  
**Decision Level:** Delegated  
**Appeal Lodged:** 5 March 2021

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**App. Ref:** 20/00196/LBA  
**Location:** 2 Bathwick Hill Bathwick Bath Bath And North East Somerset BA2 6EP  
**Proposal:** External alterations for the installation of CCTV to external walls (Regularisation).  
**Decision:** REFUSE  
**Decision Date:** 28 October 2020  
**Decision Level:** Delegated  
**Appeal Lodged:** 5 March 2021

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**App. Ref:** 20/03852/FUL  
**Location:** 36 Tennis Court Avenue Paulton Bristol Bath And North East Somerset BS39 7LZ  
**Proposal:** Erection of 1no. attached dwelling.  
**Decision:** REFUSE  
**Decision Date:** 8 January 2021  
**Decision Level:** Delegated  
**Appeal Lodged:** 10 March 2021

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**App. Ref:** 20/00259/FUL  
**Location:** Homebase Ltd Pines Way Westmoreland Bath Bath And North East Somerset  
**Proposal:** Redevelopment of the site to provide a new care community (Use Class C2) comprising care residences and care suites and ancillary communal, care and well-being facilities, offices in Use Class E(g)(i) together with associated back of house and service areas, pedestrian and vehicular access, car and cycle parking, landscaping, private amenity space and public open space.  
**Decision:** REFUSE  
**Decision Date:** 5 January 2021  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 18 March 2021  
**Officer Recommendation:** Delegate to Permit

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## APPEALS DECIDED

**App. Ref:** 20/00491/OUT  
**Location:** Field On Corner With Ferndale Road Deadmill Lane Lower Swainswick Bath  
**Proposal:** Erection of 18 dwellings.  
**Decision:** REFUSE  
**Decision Date:** 9 April 2020  
**Decision Level:** Delegated  
**Appeal Lodged:** 14 December 2020  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 2 March 2021

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**App. Ref:** 19/00786/FUL  
**Location:** Field Between City Farm And Cotswold View The Hollow Southdown Bath Bath And North East Somerset  
**Proposal:** Erection of 9 dwellings with associated access, parking, drainage and landscaping.  
**Decision:** REFUSE  
**Decision Date:** 19 December 2019  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 19 May 2020  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 3 March 2021  
**Officer Recommendation:** Permit

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**App. Ref:** 20/03159/FUL  
**Location:** 17 Grosvenor Bridge Road Lambridge Bath Bath And North East Somerset BA1 6BB  
**Proposal:** Erection of a first floor extension over a study at ground floor level.  
**Decision:** REFUSE  
**Decision Date:** 27 October 2020  
**Decision Level:** Delegated  
**Appeal Lodged:** 22 January 2021  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 12 March 2021

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**App. Ref:** 19/01854/OUT  
**Location:** Hartwells Of Bath Newbridge Road Newbridge Bath BA1 2PP  
**Proposal:** Outline application with all matters reserved except for access and layout comprising the demolition of the existing buildings on the site; construction of replacement buildings ranging in height from 3 to 5 storeys providing a mixed use development comprising up to 104 residential units (Class C3 Use), up to 186 student bedrooms (Sui Generis Use), and a commercial retail unit (flexible A1/A3 Use); formation of new vehicular access from Newbridge Road, construction of new access ramp, and provision of vehicle parking spaces; provision of new shared bicycle and pedestrian sustainable transport route through the site and formation of new access and linkages on the eastern and western boundary; provision of hard and soft landscaping scheme across entire site.  
**Decision:** REFUSE  
**Decision Date:** 16 March 2020  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 9 September 2020  
**Appeal Decision:** Appeal Allowed  
**Appeal Decided Date:** 22 March 2021  
**Officer Recommendation:** Delegate to Permit

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**App. Ref:** 20/00189/FUL  
**Location:** 19 Park Street Lansdown Bath Bath And North East Somerset BA1 2TE  
**Proposal:** Erection of 1 no. mews flat over rear garages  
**Decision:** REFUSE  
**Decision Date:** 4 March 2020  
**Decision Level:** Delegated  
**Appeal Lodged:** 6 October 2020  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 22 March 2021

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**Case ref:** 20/00046/UNDEV  
**Location:** 5 Beckhampton Road, Oldfield Park, Bath, BA2 3LL  
**Breach:** Without planning permission, the erection of a rear dormer.  
**Notice date:** 12.05.2020  
**Appeal lodged:** 02.10.2020  
**Appeal decided:** Appeal dismissed  
**Appeal decided date:** 02.03.2021