

Planning Committee

Date: Wednesday, 2nd June, 2021
Time: 11.00 am
Venue: Banqueting Room - Guildhall, Bath

Agenda

To: All Members of the Planning Committee

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

Permanent Substitutes:- Councillors: Rob Appleyard, Gerry Curran, Michael Evans, Andrew Furse, Liz Hardman, Ruth Malloy, Vic Pritchard, Matt McCabe, Manda Rigby, Brian Simmons and Ryan Wills

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Marie Todd

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

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Web-site - <http://www.bathnes.gov.uk>

E-mail: Democratic_Services@bathnes.gov.uk

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 Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. 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

****COVID alert:** From 6 May 2021 all formal Council meetings of whatever nature must take place physically. However, we are constrained by health and safety considerations and social distancing measures. This means that room capacities are significantly reduced, and the visiting public may be prevented from entering a meeting room if it is at capacity. In this period, we encourage people to view the meeting online if possible. Further details are available from the Democratic Services Team.

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, 2nd June, 2021

at 11.00 am in the Banqueting Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will ask the Democratic Services Officer to draw attention to the emergency evacuation procedure.

2. ELECTION OF VICE CHAIR

To elect a Vice-Chair for the remainder of the ensuing Council year.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. 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.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. 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.

7. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 22)

To confirm the minutes of the meeting held on 5 May 2021.

8. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 23 - 102)

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

- Parcel 3875, Warminster Road, Bathampton, Bath
- 55 High Street, Twerton, Bath
- 15 St Catherine's Close, Bathwick, Bath

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

- The Abbey Rectory, Redwood House, Trossachs Drive, Bathwick, Bath
- The Old Bank, 20 High Street, Keynsham
- Keynsham Conservative Club, 22 High Street, Keynsham
- Liberal Democrats, 31 James Street West, Bath

9. POLICY DEVELOPMENT

10. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 103 - 108)

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, 5th May, 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

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

- Cllr Sue Craig declared a disclosable pecuniary interest in planning application nos. 21/00738/FUL and 21/00739/LBA – 21 Victoria Buildings, Westmoreland, Bath, BA2 3EH as she was the applicant. Cllr Craig stated that she would not speak or vote on this application.
- Cllr Eleanor Jackson stated that she was a member and shareholder of the Radstock Co-Operative Society. However, the federation of stores of which she is a member has no connection with the Scala site.

3 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair explained that there was one item of urgent business. The term of office of the current Vice-Chair had expired and it was necessary to fill this position to enable decisions to be made regarding potential committee items.

It was RESOLVED unanimously to appoint Cllr Sally Davis as Vice-Chair of the Planning Committee on an interim basis.

4 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.

5 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 7 April 2021 were confirmed as a correct record.

6 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 on item 1 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 No. 1

Application No. 20/00552/FUL

Site Location: The Scala, Shaftesbury Road, Oldfield Park, Bath, BA2 3LH – Mixed use redevelopment of The Scala site including the demolition of existing extensions and new extensions to improve retail store at ground floor level, provide a new dance centre space (Use Class E) and residential accommodation at first floor (including affordable apartments). Erection of student accommodation including 92 student bedrooms and associated ancillary space. Erection of residential accommodation (16 total residential units). Parking for cars and cycles and associated landscaping.

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

A local resident and a representative from the Bath Preservation Trust spoke against the application.

The applicant spoke in favour of the application.

Cllr Shaun Stephenson-McGall, local ward member, spoke against the application. Although he welcomed the retention of the Co-Op store, housing for long-term residents and community use within the scheme, he had a number of concerns. These included the proposal to provide purpose-built student accommodation, design, massing, height of the courtyard building and materials. He drew attention to the already overloaded infrastructure in this area.

Cllr June Player, local ward member, spoke against the application. She pointed out the large number of students already living in this area which led to an imbalance in the community. She stated that the area needs residential accommodation. She expressed concern at the lack of parking provision proposed and highlighted the existing parking problems in the area. She stated that the residential amenity would be harmed by the proposal. She also provided statistics to highlight the impact of HMO properties and number of students living in this location.

Officers then responded to questions as follows:

- Under current planning policies, the proposal to provide purpose-built student accommodation in this location is acceptable in principle. Recent appeal decisions for the Hartwells and Plumb Centre sites support this assessment. Policy H10 relates to housing mix within the site which is also considered to be acceptable.
- The Case Officer felt that there was scope for a contemporary design in this location. There would be boundary treatment on the ground floor and the windows would be angled to avoid overlooking of neighbouring gardens.
- A condition would be included to control hours of operation and deliveries.
- The Highways Officer explained that it would be preferable for deliveries to take place within the site boundary. Any manoeuvring requiring the vehicle to enter the footway would be undertaken under the supervision of a banksman to ensure safety.
- Buff brick would be the dominant material on the external elevations, combined with areas of Bath stone.
- The height of the building is considered to be acceptable, but this is a matter of judgement. The building height strategy provides guidance but is not a directive.
- Additional trees have been included, following discussions with the applicant, but there is a balance to be struck between additional trees and loss of parking spaces.
- There is a shortfall of one parking space which officers feel is acceptable.
- Students would be requested not to bring cars to the site, and this would be primarily for the operators to enforce.
- There would be some loss of light to neighbouring properties, but this would not cause significant harm.
- In previous appeal decisions the Planning Inspector has stated that there is a demand for purpose-built student accommodation.
- The Deputy Head of Planning explained that the application complies with the adopted planning policies for student accommodation and, whilst there is a very minor parking shortfall, to refuse on highway safety or parking grounds, the Committee would have to provide evidence that this would have a severe impact which would be difficult to argue as the Highway Officer had raised no objections.
- There would be no impact on the non-designated heritage asset.

Cllr Hodge felt that the proposal represented overdevelopment of the site, would cause overlooking and would be detrimental to residential amenity. She also had concerns about the design and massing, which she felt did not reflect the character of the area and did not enhance the Scala building. She drew the committee's attention to policies D2, D5, D6 and CP7 stressing the importance of design.

Cllr Clark was sympathetic to the concerns of the local residents but felt, on balance, that there were no policy reasons for refusal.

Cllr Hughes noted the density of the surrounding area and felt that a 4-storey building would be dominant in this location. He expressed concerns at the loss of open space, the scale of the development and the inclusion of student accommodation.

Cllr Hounsell noted that the current policies must be applied and felt that the

application was largely policy compliant, although he had some reservations.

Cllr Rigby felt that the proposal was overbearing but noted that this would be a very finely balanced decision.

Cllr Craig noted that there is already a high concentration of student housing in this area and that a further increase would have an impact on residents and on the housing mix in this locality.

Cllr MacFie felt that the key concerns were the massing and over-development in the central courtyard part of the development.

Cllr Jackson stated that the development would dominate the Victorian terraced houses in this neighbourhood and would result in loss of amenity for local residents.

Cllr Davis stated that the committee must consider this application in line with its current policies. She then moved the officer recommendation to permit. This was seconded by Cllr Clark.

The motion was put to the vote and there were 3 votes in favour, 6 votes against and 1 abstention. The motion was therefore LOST.

Cllr Rigby then moved that the application be refused for the following reasons:

- Scale, mass and overdevelopment of the site.
- Design of the courtyard block, which does not complement or enhance the Victorian vernacular architecture.
- The detrimental effect on local amenity, including overlooking.

Cllr Jackson seconded the motion.

The motion was put to the vote and it was RESOLVED by 7 votes in favour 2 votes against and 1 abstention to REFUSE the application for the reasons set out above.

Note: At this point Cllr Sue Craig switched off her audio and video functions, having declared an interest in the following applications, and took no part in the debate or vote.

Item Nos. 2 and 3

Application Nos. 21/00738/FUL and 21/00739/LBA

**Site Location: 21 Victoria Buildings, Westmoreland, Bath, BA2 3EH –
Reinstatement of metal boundary fences. External alterations to reinstate
metal boundary fences.**

The Case Officer reported on the applications and her recommendation to permit the planning application and to grant listed building consent. She confirmed that the design of the fences reflected the character of the building and the wider terrace.

Cllr Rigby moved the officer recommendation to permit and to grant listed building consent. The motion to permit the planning application was seconded by Cllr Jackson and the motion to grant listed building consent was seconded by Cllr

MacFie.

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

Note: At this point Cllr Sue Craig returned to the meeting.

7 POLICY DEVELOPMENT

There were no policy development items.

8 QUARTERLY PERFORMANCE REPORT - JANUARY TO MARCH 2021

The Committee considered the quarterly performance report for January to March 2021.

RESOLVED: To note the report.

9 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES

The Committee considered the appeals report.

RESOLVED: To note the report.

10 PLANNING COMMITTEE CHAIR

The Chair, Cllr Matt McCabe, stated that this would be his last meeting as Chair of the Planning Committee. He thanked members, officers and the Vice Chair, Cllr Sally Davis, for their support and hard work over the last two years.

Cllr Manda Rigby thanked Cllr McCabe, on behalf of the Committee, for all his work over the last two years in his role as Chair, which he had performed with skill and good humour.

The meeting ended at 12.48 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee Date: 5th May 2021

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

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	20/00552/FUL	The Scala Shaftesbury Road Oldfield Park

S66 of the P(LBCA)A 1990 is referenced, with the Committee Report. For clarity none of the buildings on or surrounding the site are listed. S66 does not therefore apply.

In addition, s72 is referenced but as the site is not in the Conservation Area, the statutory duty does not apply. However, as identified within the report, the setting of the Conservation Area is a material consideration and this has been fully assessed.

For clarity, the development is considered to preserve the character and appearance of the nearby Conservation and there is not considered to be any harm to the setting or attributes of the World Heritage Site. Further, there is no harm resulting to any non-designated heritage assets.

Parks and open space contribution

The Committee Report confirms that there will be a contribution of £169,184 for or towards the enhancement and maintenance of Public Open Space within the Westmoreland, Oldfield, Moorlands and Southdown wards. However, this was based on the original scheme and predicted number of occupiers. This contribution will be revised for the updated plans.

Other matters

The recommendation references the 'Director of Legal and Democratic Services', but as this post no longer exists, it should cite the Monitoring Officer.

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BATH AND NORTH EAST SOMERSET COUNCIL

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT THE
VIRTUAL MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 5 MAY
2021**

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	The Scala, Shaftesbury Road, Oldfield Park, Bath, BA2 3LH	John Branston	Against (To share 3 minutes)
		Alexandra Best (Bath Preservation Trust)	
		Iestyn Lewis (Applicant)	For
		Cllr Shaun Stephenson-McGall (Local Ward Member)	Against
		Cllr June Player (Local Ward Member)	Against

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BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

5th May 2021

DECISIONS

Item No:	01	
Application No:	20/00552/FUL	
Site Location:	The Scala, Shaftesbury Road, Oldfield Park, Bath	
Ward: Westmoreland	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Mixed Use Redevelopment of The Scala site including the demolition of existing extensions and new extensions to improve retail store at ground floor level, provide a new dance centre space (Use Class E) and residential accommodation at first floor (including affordable apartments). Erection of student accommodation including 92no. student bedrooms and associated ancillary space. Erection of residential accommodation (16 no. total residential units). Parking for cars and cycles and associated landscaping	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Indicative Extent, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones,	
Applicant:	Rengen (Scala) Ltd	
Expiry Date:	7th May 2021	
Case Officer:	Tessa Hampden	

DECISION REFUSE

1 The Courtyard building, due to its inappropriate height, massing and design, fails to reflect or enhance the local vernacular The scheme is therefore not in accordance with policy CP 6 of the Core Strategy (July 2014) and policies D1, D2, D3, D4 and D5 of the Bath and North East Somerset Placemaking Plan (July 2017) and guidance in the National Planning Policy Framework.

2 The proposed development, due to the overall massing and scale of the development is considered to represent the overdevelopment of the site. The scheme is therefore not in accordance with policy CP6 of the Core Strategy (July 2014) and policies D1, D2, D3, D4 and D5 of the Bath and North East Somerset Placemaking Plan (July 2017) and guidance in the National Planning Policy Framework.

3 The proposed development is considered to result in an adverse impact upon the residential amenity of the neighbouring occupiers, including through loss of privacy. The

scheme is therefore not in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan (July 2017)

PLANS LIST:

15 Apr 2021	AP(0)81	BOUNDARY WALL DETAIL
15 Apr 2021	AP(0)10 REV AN	SITE PLAN - GROUND FLOOR
06 Apr 2021	AP(0)14 REV M	SITE PLAN - ROOF
06 Apr 2021	AP(3)10 REV P	MEWS - PROPOSED PLANS
06 Apr 2021	AP(3)20 REV M	MEWS PROPOSED ELEVATIONS
06 Apr 2021	AP(3)20 REV M (COLOUR)	MEWS PROPOSED ELEVATIONS (COLOUR)
15 Jan 2021	AP(0)11 REV U	SITE PLAN - FIRST FLOOR
15 Jan 2021	AP(0)11 REV U	SITE PLAN - SECOND FLOOR
15 Jan 2021	AP(0)13 REV Q	SITE PLAN - THIRD FLOOR
15 Jan 2021	AP(0)30 REV H	PROPOSED SITE SECTIONS AA BB
15 Jan 2021	AP(0)31 REV F	PROPOSED SITE SECTIONS CC DD EE
15 Jan 2021	AP(1)10 REV N	SCALA - PROPOSED GF 1F LAN
15 Jan 2021	AP(1)11 REV K	SCALA - PROPOSED RF PLAN
15 Jan 2021	AP(1)20 REV F	SCALA - PROPOSED ELEVATIONS
15 Jan 2021	AP(1)31 REV A	SCALA - DETAILED SECTION
15 Jan 2021	AP(2)10 REV M	COURTYARD - PROPOSED GF 1F PLAN
15 Jan 2021	AP(2)11 REV L	COURTYARD - PROPOSED 2F 3F PLAN
15 Jan 2021	AP(2)12 REV A	COURTYARD - PROPOSED RF PLAN
15 Jan 2021	AP(2)20 REV J	COURTYARD - PROPOSED ELEVATIONS
15 Jan 2021	AP(2)31 REV A	COURTYARD - DETAILED SECTION
10 Feb 2020	AP(0)05	SITE PLAN - SURVEY
10 Feb 2020	AP(0)09	SITE PLAN - DEMOLITION
10 Feb 2020	AP(0)20	EXISTING SITE ELEVATION
10 Feb 2020	AP(1)01	EXISTING GF PLAN
10 Feb 2020	AP(1)02	EXISTING 1F PLAN
10 Feb 2020	AP(1)05	EXISTING ELEVATIONS Public
10 Feb 2020	AP(1)06	EXISTING SECTIONS
10 Feb 2020	AP(0)01	SITE PLAN - LOCATION

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Whilst the application was recommended for permission by Officers the Development Management Committee considered the proposal to be unacceptable for the stated reasons.

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

Item No:	02		
Application No:	21/00738/FUL		
Site Location:	21 Victoria Buildings, Westmoreland, Bath, Bath And North East Somerset		
Ward:	Westmoreland	Parish:	N/A
		LB Grade:	II
Application Type:	Full Application		
Proposal:	Reinstatement of metal boundary fences.		
Constraints:	Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, LLFA - Flood Risk Management, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,		
Applicant:	Mrs Sue Craig		
Expiry Date:	19th April 2021		
Case Officer:	Emily Smithers		

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 Painting of railings (Compliance)

The approved railings at time of installation or within the first 3 months of installation shall be painted black and retained as such thereafter unless otherwise agreed in writing.

Reason: To safeguard the character and appearance of the building in accordance with Policy HE.1 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:

OS Extract	16/02/2021	SITE LOCATION PLAN
Drawing	16/02/2021	ELEVATIONS AND DETAILS

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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

Civil or legal consents

This permission does not convey or imply any civil or legal consents required to undertake the works.

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.

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.

Item No:	03
Application No:	21/00739/LBA
Site Location:	21 Victoria Buildings, Westmoreland, Bath, Bath And North East Somerset
Ward: Westmoreland	Parish: N/A LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	External alterations to reinstate metal boundary fences.
Constraints:	,
Applicant:	Miss Sue Craig
Expiry Date:	5th May 2021
Case Officer:	Emily Smithers

DECISION CONSENT

1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years 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 Painting of railings (Compliance)

The approved railings at time of installation or within the first 3 months of installation shall be painted black and retained as such thereafter unless otherwise agreed in writing.

Reason: To safeguard the character and appearance of the building in accordance with Policy HE.1 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:

Drawing	16/02/2021	ELEVATIONS AND DETAILS
OS Extract	16/02/2021	SITE LOCATION PLAN

Condition Categories

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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.

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.

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	2nd June 2021
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

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.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	21/01163/FUL 6 May 2021	Messrs A & G Walker Parcel 3875, Warminster Road, Bathampton, Bath, Bath And North East Somerset Change of use from agricultural land to dog walking paddock with associated boundary fencing, gates, parking, storage shed and shelter, as well as improvements to the existing agricultural track to provide a suitable all weather surface to connect the site entrance to the car parking area.	Bathavon North	Isabel Daone	PERMIT
02	21/00528/FUL 4 June 2021	Long 55 High Street, Twerton, Bath, Bath And North East Somerset, BA2 1DD Erection of a two storey rear extension. Change of use from 3 bedroom residential dwelling (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4)	Twerton	Hayden Foster	PERMIT
03	21/01409/FUL 3 June 2021	Mr And Mrs Walker 15 St Catherine's Close, Bathwick, Bath, Bath And North East Somerset, BA2 6BS Erection of 2 storey rear extension, loft conversion including rear dormer and front roof-light, demolition of existing single-storey garage and 'pop-up' rear access and replacement with two-storey side extension. Associated external amendments including replacement of all existing windows and front and rear landscaping.	Bathwick	Danielle Milsom	PERMIT
04	21/00356/FUL 19 April 2021	Mr & Mrs Michael Muston The Abbey Rectory, Redwood House, Trossachs Drive, Bathwick, Bath Extensions to existing ancillary building (Retrospective).	Bathavon North	Sam Grant	PERMIT

05	21/00206/LBA 29 April 2021	Western Inns Ltd. The Old Bank, 20 High Street, Keynsham, Bristol, Bath And North East Somerset External alterations for the painting of the first floor on the front elevation	Keynsham North	Caroline Power	REFUSE
06	21/01303/LBA 21 May 2021	Mr David Johnson Keynsham Conservative Club, 22 High Street, Keynsham, Bristol, Bath And North East Somerset External alterations to paint the front elevation blue, reverting back to the colour that was in existence when the building was listed in 1975 (Retrospective).	Keynsham North	Caroline Power	REFUSE
07	21/01558/LBA 4 June 2021	Clive Dellard Liberal Democrats, 31 James Street West, City Centre, Bath, Bath And North East Somerset External alterations for the replacement of the front door and fanlight above with a matching design, plus the installation of secondary glazing within the ground- floor front elevation windows.	Kingsmead	Helen Ellison	CONSENT

The application refers to an existing agricultural field which is located off of Warminster Road and is accessed via an existing bridleway. The site is located just outside the housing development boundary, with dwellinghouses and a Scout Hut located to the north of the site and the bridleway to the east.

Planning permission is sought for the change of use from agricultural land to a dog walking paddock with associated boundary fencing, gates, parking, storage shed and shelter, as well as improvements to the existing agricultural track to provide a suitable all weather surface to connect the site entrance to the car parking area.

Relevant Planning History:

No relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

All Consultation responses and third-party comments are summarised below. Full comments are available online.

Consultation responses:

Councillor Sarah Warren:

- The proposal to site a dog paddock within the Green Belt, Cotswold AONB, Ecological Network, and Site of Nature Conservation Interest is of concern. As ward councillors, we request that the application be taken to Planning Committee, should officers be minded to approve it.
- Barking noise will breach the Cotswolds AONB objectives of tranquillity (Policy C4 of the Cotswolds AONB management plan) and effect amenity of local residents
- Proposed weld mesh and plastic pavers do not conserve or enhance the landscape or character of the Green Belt, or landscape setting of the World Heritage Site (Policies B4, CP8, NE2A)
- Introduction of fencing will impact the Ecological Network within the Site of Nature Conservation and is counter to the objectives of such designated sites (policies NE3, Ne5)
- Estimate of overall number of bookings seems an under-estimate in view of the fact there are no other secure dog walking facilities within 10 miles of site, that other similar facilities are well used and that bookings are for a duration of 1 hour, with the site opening for 8 to 13 hours per day
- Many clients may be professional dog walkers, walking up to 6 dogs at once and the suggestion that such clients are likely to attend by bus seems unrealistic
- Estimated number of vehicles should be substantially increased in assessing accurately the impact of the application

Bathampton Parish Council:

- Object
- Access onto A36/Warminster road is at a very dangerous junction close to bus stops and the Scout Hut (used for classes during proposed opening hours of the paddock), where traffic almost always exceeds 30mph and where it is difficult to see in either direction
- Any extra traffic will increase risks of accidents especially with pedestrians
- Concerned that the Highways response underestimates the usage and danger at this junction

- Bridleway BA1/22 is currently only accessible to a small number of vehicles requiring access to their land; it should not be used by the general public
- Application overestimates the number of current vehicular movements (according to residents and the land is not farmed, rented for grazing) and underestimates the movements for the proposed usage
- No room for vehicles to pass and despite best efforts to mitigate this it will surely happen
- Expect professional dog walkers with larger vehicles
- Detrimental impact on neighbours from loss of privacy, noise from cars, noise from dogs and walkers and hygiene
- Application states that the field is 60m away from neighbours, but this takes no account of the car parking area and that neighbours will be in their garden. Acoustic screening will not make any significant difference due to the upward sloping site
- Although this might be considered suitable development in the Green Belt, it is the sort of usage which requires close management and this cannot happen at this site. CCTV is no substitute and is inappropriate in the Green Belt/AONB
- We are also concerned that it approved it might set a precedent for development

Ecology:

- Site is within the Bathampton Down and Woodlands Site of Nature Conservation Interest (SNCI) - a local rather than statutory protected site
 - The preliminary ecological appraisal is welcomed
 - The findings confirm that the site comprises neutral species-poor and semi-improved grassland (not for habitats the SNCI is designated for)
 - The timing and methodology for grassland management and removal of dog mess as set out in Section 7 is strongly supported and will need to be strictly enforced to ensure no harm to the SNCI and no net loss of biodiversity. I have recommended a condition for compliance statements to be provided to the LPA to demonstrate that this has been achieved.
 - Parking and buildings will be sited on species-poor grassland and the hedgerows along the bridleway retained
 - Due to the proximity of the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC) 420m to the south, the scheme must avoid any land use change which could reduce the foraging resource for horseshoe and Bechstein's bats. The scheme meets Natural England's SSSI Impact Risk Zone criteria and Natural England need to be consulted on the application.
 - Note that the wider landholding is 260 acres and therefore loss of cattle grazing in 1.2 hectares is likely to shift cattle in adjacent areas rather than facilitate their removal. Cattle grazed pasture is the preferred foraging habitat for greater horseshoe bats. Diversification of habitats to provide areas of long grassland may also benefit foraging bats, including horseshoe species
 - Therefore, there does not appear to be any credible risk of significant adverse effects on the SAC based on the requirements and scope of the proposals. I do not therefore consider that a Habitats Regulations Assessment (HRA) is likely to be required in this instance. The judgement on this matter will also need to be based on the consultation response from Natural England.
 - Conditions requested to ensure ecological monitoring and compliance, lighting controls and mitigation measures
- Natural England:
- No objection

- Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Bath and Bradford on Avon Bats Special Area of Conservation and has no objection to the proposed development.
- We support the comments made by Sarah Dale (13/04/2021). The absence of lighting from the proposed development is welcomed. It will be important to manage the grassland as described in Section 7 of the Preliminary Ecological Appraisal (Gould Ecology, December 2020) to maintain the foraging value of this area to bats associated with the SAC. The Local Planning Authority

Highways England:

- No objection with advice
- It is understood that if two vehicles were to meet on the access track, there is adequate space to pass safely either in the site or where the track meets the driveway of 46 Warminster Road/Scout Hut, to avoid any instances of vehicles being required to reverse onto the A36
- Existing vehicular movements are estimated to be 8 two-way trips per day, higher when the Scout Hut is used
- Predicted paddock use will increase generation by 4 two-way trips a day
- This is considered conservative; summer hours would permit 13 vehicles per day (26 two-way movements)
- However, this is a modest increase during network peak hours and it is accepted some users may arrive by foot
- Access is set back from the carriageway
- There have been 2 slight injury collisions recorded at Down Lane opposite the site access in the last 10 years, and no injury accidents recorded for a considerable distance either side of the site access during the same period.
- It is considered unlikely that the visibility splay shown can be achieved because of the bus stop and the stone walls, but it is accepted that the access already serves multiple uses, including a Scout Hut which is likely to generate substantially higher vehicular movements during its opening hours than the proposed paddock.
- As such, it is considered disproportionate to seek amendments to the junction based on the predicted impact
- It should be noted that section 3.9 of DMRB standard CD 169 'The design of lay-bys, maintenance hardstandings, rest areas, service areas and observation platforms' prohibits the locating of junctions and/or accesses with laybys. It is however accepted that the site access is already in place, and based on the predicted modest intensification of use together with the road safety/collision record there is limited basis to consider the proposal will result in a significant impact on road safety.
- Therefore whilst the access does not strictly comply with the required standards set out in the DMRB, Highways England considers it would be unable to sustain an objection to the application on the grounds of impact on highway safety.
- We do however wish to make clear than any further intensification in addition to that proposed by the current application is likely to require improvements to the current access arrangement.
- Based on our review of the application we are satisfied that the existing tarmacked track remains suitable for the predicted level of traffic that will be generated by the proposal.
- All future maintenance of the track remains the responsibility of the applicant and the applicant must undertake any and all maintenance as required by Highways England

to ensure the continued safe operation of the A36 trunk road and the long-term integrity of its assets.

B&NES Highways Officers:

- No objection subject to conditions
- Conditions requesting a Traffic Management Plan to include details of parking, access, booking and hours of operation (pre-commencement)
- Parking (compliance) condition requested

Representations:

Cotswolds Conservation Board:

- In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.² The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications:

Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023;

Cotswolds AONB Landscape Character Assessment particularly, in this instance, with regards to Landscape Character Type (LCT) 4 (Enclosed Limestone Valley) which the site is located within, and LCT 9 (High Wold Dip-Slope) which the site is adjacent to;

Cotswolds AONB Landscape Strategy and Guidelines particularly, in this instance, with regards to LCT 4, including Section 4.1, and LCT 9, including Section 9.1 ;

Cotswolds AONB Local Distinctiveness and Landscape Change;

Cotswolds Conservation Board Position Statements particularly, in this instance, with regards to the Tranquillity Position Statement.

- The Board will not be providing a more comprehensive response on this occasion. This does not imply either support for, or an objection to, the proposed development.

27 objection comments have been received from local residents. Given the high volume of comments, the main points are summarised below and full copies of the objection comments can be reviewed online:

- Safety issues with regards to the junction where access to the site has been defined
 - Designated bridleway with no default motor access
 - Amount of current usage of the track is misleading and less than stated
 - Poor junction visibility
 - How can Scout entrance be used for vehicles passing?
 - The DAJS statement states the bridleway will be tarmacked which would aggravate drainage issues - is this possible as it is not a private road or public highway?
 - Ancient bridleway is only for horses, farm vehicles and walkers
 - Access to Bathampton Woods from Scout Hut will be restricted because of vehicular movements
 - Site Plan is misleading as it shows the bridleway; misleadingly implying that this forms part of the land with Parcel 3875
 - Mechanism for the applicant to have some degree of influence over the bridleway in terms of maintenance
 - Conflict with pedestrians including children and the elderly

- Public transport and active travel would be negatively affected
- Public services are inadequate to support this business and increased car usage is inevitable
- Dog owners with behavioural issue dogs unlikely to use public transport
- Setting a precedent for further development
- Underestimates the disruption to the local community
- Paddock is not needed as there are large open spaces for dog walkers
- Local residents have not been properly consulted on the application; no notification
- Noise from the dogs will impact properties bordering the site
- Risk of nuisance
- No mention of resident dogs near the site which may bark as a result
- Noise from vehicles
- Remote management will deal with complaints retrospectively which will create frustration and disharmony in the community
- Application 08/00946/FUL was refused on the basis of the access
- Secure paddock opposite of "openness"
- No very special circumstances
- Provision of new buildings should be regarded as inappropriate
- Properties at the bottom of the slope have full visibility of the site
- Loss of agricultural grazing land
- Ecological appraisal carried out in December
- No mention of birds of prey which have been observed hunting in the field
- Safety concerns - around 20 strangers a day who would be able to look into the Scout Hut Garden, none of whom are DBS checked
- Dog walkers will be able to see into the rear room, which is sometimes used for night time accommodation
- Dogs could bark at the young people during the summer months, causing nuisance and intimidation
- Dog foul will be difficult to pick up 100% successfully over such a large area
- Infection from dogs such as Toxocara putting children at risk
- A way of trying to achieve housing on the site
- Supportive of the use of the field for dog exercise but not of providing a paved road to the field
- Unlikely to be viable given hour slots and fees charged
- Proposal will cut off access to the field making the rest unusable for grazing
- No jumps or training equipment should be placed on the land without prior written approval to maintain the openness of the Green Belt
- Are lights intended given the opening times?

One comment of support has been received by a local resident:

- There is a great need for a secure dog field close to Bath
- In my experience they are not noisy, and the wire livestock fence are unobtrusive
- The applicants have thought about the car access/change over
- Booking will help significantly
- 45-minute booking is fine
- I think the numbers are conservative and if fairly price it will likely be booked all year round
- Many local users from the eats of Bath will no doubt arrive on foot, but people will travel from the wider Bath area
- If the Scout Hut can operate in this location, then in see no issue with a Dog Field

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:

CP2: Sustainable Construction
CP6: Environmental Quality
CP8: Green Belt
DW1: District Wide Spatial Strategy
SD1: Presumption in favour of sustainable development

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
GB1: Visual amenities of the Green Belt
NE2: Conserving and Enhancing the landscape and landscape character
NE2A: Landscape setting of settlements
NE3: Sites, species and habitats
NE5: Ecological networks
NE6: Trees and woodland conservation
RE5: Agricultural Land
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).

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 IN THE GREEN BELT:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt. A number of concerns have been raised by third parties and local ward councillors.

Paragraph 145 and 146 of the National Planning Policy Framework set out the forms of development that are not considered inappropriate in the Green Belt.

Part (b) of Paragraph 145 of the NPPF states that the provision of facilities (in connection with the existing use of the land or a change of use) for outdoor sport and outdoor recreation are not considered inappropriate forms of development in the Green Belt as long as they preserve its openness and do not conflict with the purposes of including land within it. The use of land as a dog walking paddock would be considered the provision of facilities associated with outdoor recreation.

The fundamental aim of the Green Belt is to keep land permanently open and to check unrestricted urban sprawl. Paragraph 134 of the NPPF details the 5 purposes of the Green Belt. The proposal is not considered to conflict with these 5 purposes.

An assessment of impact on openness is based on visual and spatial impact. For clarity, these are assessed separately below.

The existing site comprises an agricultural field which is entered through an access gate from the bridleway which runs adjacent to the site. The proposal site forms a small part of the existing field. Directly adjacent to the north of the site is a Scout Hut and residential dwellings. These buildings are not within the Green Belt. The site slopes upwards towards and is open grassland.

As part of the proposal, a fence is to be included to enclose the paddock. The fence will be constructed from timber posts and stock fencing. The nature of stock fencing means that it is less visually intrusive than a solid fence. It features wire in a grid pattern and is often used within agricultural settings. Although the nature of the paddock encloses land,

officers consider that the nature of the fencing allows for the land to still appear visually open as there are open views through the fencing. The proposal also includes the provision of 2 small buildings; a timber shelter and a storage shed. The proposed shelter will be located on the eastern side of the site, close to the existing hedgerow. It will measure 2m by 2m and be 2m in height. Given the modest scale of the building and its location towards the edge of the site, it is not considered that this building will cause harm to the openness of the Green Belt. The proposed storage shed is, again, modest in size and is located to in the northern part of the site, near to the boundaries of the residential dwellings. Given this, it is in a part of the site which can be visually associated with the built form to the north and it is therefore not considered to impact the openness of the Green Belt.

The proposal will add built form to the site. However, as discussed above, the two proposed buildings have been located so as to minimise their impact on the openness of the Green Belt and officers are therefore satisfied that the proposal will preserve the openness of the Green Belt.

Officers have suggested two conditions to protect the openness of the Green Belt. One to prevent any additional buildings being constructed without further planning permission being granted, as well as extensions to the existing buildings. The other to prevent equipment such as agility equipment and jumps being placed within the paddock.

Officers are satisfied that the proposal complies with policies CP8 and GB1 of the Placemaking Plan and the development is acceptable in the Green Belt.

PRINCIPLE OF CHANGE OF USE OF AGRICULTURAL LAND:

The site pertains to undeveloped land outside of the Housing Development Boundary. Policy RE5 has regard to agricultural land. It states that development which would result in the loss of the best and most versatile agricultural land will not be permitted unless significant sustainability benefits are demonstrated to outweigh any loss. The pre-ambule to the policy states that Grades 1, 2 and 3a are defined as the best and most versatile agricultural land. This area falls under Grade 3 and falls under this policy.

The policy itself states that the change of use of Grades 1 and 2 will not be permitted unless the loss can be shown to be outweighed by sustainability benefits. Where it can be demonstrated that there is an overriding need for the change of use, development should be steered towards lower grade agricultural land.

The proposal would result in the loss of Grade 3 land. The land is sloped which restricts the use, according to the applicant, to permanent pasture and rough grazing. In addition, a justification statement has been provided regarding the need for the development. There are no secure dog walking facilities within 10 miles of the site, and only 10 within a 20-mile radius. This is supported by a letter from the dog warden. Whilst comments that open countryside is available which is suitable for dog walking are noted, some dogs cannot be walked off-lead in unsecure areas. The proposal would therefore provide such a facility for these dogs.

Additionally, only the portion of the field shown on the location plan in red, will be used for this purpose. Given the unsubstantial nature of the proposed buildings and fencing type, it

is considered that if the use as a dog paddock ceased, the field could be returned to agricultural use.

It is therefore considered that the proposal complies with policy RE5 and would not result in the loss of the best quality agricultural land.

CHARACTER AND APPEARANCE IN THE AONB:

The site is located within the Cotswolds Area of Outstanding Natural Beauty. A number of concerns regarding the impact of the proposal on the Cotswolds AONB have been raised.

In terms of relevant policy context, Paragraph 172 of the NPPF states that "Great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues...The scale and extent of development within these designated areas should be limited." Policy NE2 of the B&NES Placemaking Plan seeks development in line with Para. 172 and requires that the landscape informs development proposals.

The use of mesh fencing in this location has been raised to be inappropriate. The proposal site is located on the edge of the AONB and is close to residential properties. The appearance of the proposed fencing is considered to be typical of a type of fencing which may be found in a rural location. A sample of the fencing to be erected can be secured by condition and such a condition is recommended. The proposed gates are of a more solid construction and are perhaps less typical of a rural location. However, these gates are located at the northern end of the site, closest to the hedge line and the residential properties, so the impact to the AONB is reduced in this respect.

The proposed buildings will be finished in timber, which has a natural appearance and is considered to be a material which would also be found in a rural setting.

The proposal is considered to preserve the landscape character in this part of the AONB and officers consider that thought has been given to the siting of the buildings and the fencing to mitigate potential visual impacts. The site is semi-rural in character given its location adjacent to built form, which has an urban character. The proposal is contained to the bottom corner of Parcel 3875 adjacent to these properties. As such, the landscape character is considered to be preserved and the proposal complies with policy NE2 and the NPPF in this respect.

Concerns have also been raised regarding noise from dogs barking in relation to policy CE4 of the Cotswolds Management Plan. This relates to tranquillity and reducing noise pollution. Officers note that dog barking may occur at the site. However, the public bridleway is currently available for dog walking and it is not considered that the provision of a dog walking paddock would produce so much noise as to be harmful to the tranquillity of this part of the AONB which is close to a main carriageway. As such, it is not considered sufficient reason for refusal.

The proposal is therefore considered to comply with policy CP6 of the Core Strategy (2014), policies D1, D2, D3, D4, D5 and NE2 of the Placemaking Plan (2017).

RESIDENTIAL AMENITY:

A number of concerns have been raised regarding the impact of the proposal on the residential amenity of nearby residents. The proposed paddock is located within the vicinity of a number of residential properties. The closest residential property is approximately 40m from the nearest residential property, although officers note the site borders the boundary with the garden.

Officers recognise that the proposal will result in additional noise and disturbance from dogs and vehicles entering and exiting the site. In order to mitigate the noise nuisance, the applicant has proposed a booking system whereby the paddock will be booked by one person and used for 50 minutes, giving a 10-minute break between each booking. The number of dogs within the paddock will be restricted to 6 dogs. This has the advantage of meaning that only one customer vehicle at a time will be within the site at any given time. The number of dogs can be controlled through condition. Officers also consider it necessary to condition the number of vehicles per session to 1 to limit noise at the site.

Officers accept that dog barking will likely occur at the site. However, the public bridleway and pavement to the front of the properties along Warminster Road can also be used for dog walking and barking may occur in the locality as existing. The hours of use are proposed, and officers consider that they will ensure that no barking will occur during anti-social hours. This will be secured through condition.

Recurrent noise issues should be reported to Environmental Protection and the applicant would be responsible for taking appropriate measures in response.

The issue of overlooking and loss of privacy has also been raised by residents. Current users of the field (for farming) have a view into the rear garden areas of these properties. The paddock itself is separated from the boundary of the nearest property by the parking area and is set back from the main area of the residential gardens. This does provide some separation distance between the paddock and these properties. In terms of a view directly into the properties, it is not considered that this would cause a significant impact as the separation distance is sufficient. It is accepted that there is a view into the rear garden areas, however given that the view exists for current farming users of the field and that the exercise area of the paddock is set back from the properties, the loss of privacy is not significant to a point which would warrant a refusal reason.

Overall officers acknowledge the concerns of residents and do accept that the proposal will result in additional noise at the site and some additional overlooking. However, the mitigation measures which can be secured through condition are considered to be acceptable and the impact to the residential amenity of the neighbouring occupiers is not significant to a point which would warrant a refusal on this basis. The proposal is considered to comply with policy D6 of the Bath and North East Somerset Placemaking Plan (2017).

HIGHWAY SAFETY AND PARKING:

A large number of objections regarding impacts to highway safety have been received from third parties, the Parish Council and Local Ward Councillors. Public Rights of Way, Highways Development Control and Highways England have been consulted on the application.

The application site will be accessed via a Bridleway BA1/22. This bridleway currently serves access for the Scout Hut, no.46 Warminster Road located near to the entrance and is used by the farmers accessing their fields further up the track.

The applicants have included a signed statement demonstrating vehicular access to the site over a period of 50 years and it is believed that this right would extend to anyone legitimately visiting the land including visitors. In the design and access statement, the Applicant has stated that they propose to up-grade the track to provide a 3m wide crushed stone track, capable of annual use. A number of residents have queried whether applicant have a right to do this and there are concerns that water would move the stone onto the public highway. The PROW team have requested that the track be surfaced in coarse tarmac due to the drainage ditch which runs alongside the bridleway.

Officers consider there has been a misunderstanding within the application. The applicant proposed to upgrade the track within the field to crushed stone which is shown on the plans. This is not part of the public bridleway and there is therefore no objection to this part of the proposal.

Although the Design and Access Statement discusses the possibility upgrading of the bridleway track in section 5.2.2, this is not shown on the plans and is therefore beyond the scope of this application. The plans show the track as existing. The PROW, nor Highways England or B&NES Highways DC have raised an explicit objection to the track as existing being used. Highways England have stated they consider the existing track to be suitable for the predicted level of traffic that will be generated by the proposal. Any damage to the track due to the additional vehicular use would be for the responsible person(s) to repair. The NPPF encourages safe development and the responsibility to deliver safe development is with the developer. In this case, officers are satisfied that the existing surface would be suitable for the proposed use given the comments of Highways England and the fact that the applicant would be responsible for repairing damage caused by users of the site in vehicles.

A number of concerns have been raised that the existing vehicle usage via the track is an overestimate and the proposed usage an underestimate.

The existing usage of the track is stated to be approximately 8 uses per day, serving the neighbouring property and fields. Without commissioning a traffic survey, it is difficult to fully corroborate this. Given the scope of development, it is not considered necessary to refuse the application on this basis and ensure the applicant commissions such a survey. The access serves agricultural fields, a dwellinghouse and a Scout Hut which attracts different groups. On some days, it is likely the access is used more than 8 times a day and officers are satisfied with this average estimate. This equates to 16 two-way trips, with higher usage when the Scout Hut is in use.

The applicant has researched similar sites and has concluded that the site would have, on average, 4 bookings per day. The site is close to bus stops and it is considered that 50% of bookings would use public transport or walk to the site. Therefore, according to the applicant, the site would have approximately 4 vehicular movements per day.

Based on the proposed opening hours, which would allow 8 bookings in the Winter and 13 bookings in the Summer, this is considered a conservative estimate as to the number of bookings per day. Based on a worse-case scenario, where the facility was fully booked and every user arrived by car, 26 additional vehicle movements (13 two-way trips) could be generated. During low usage, this equates to 10 additional movements per day, but Highways England note that during peak network usage, when the Scout Hut is in use, the additional number of vehicle movements is likely to be more modest, equating to approximately 2 additional two-way trips per day. It is also accepted that although the usage of the bus network with dogs is unlikely to be high that a number of users will likely walk to the site and as such, car usage is likely to be lower than the absolute maximum.

A number of residents have raised that the intensification of use would result in conflict between road users and pedestrians, particularly users of the Scout Hut (children). The proposed booking system and planning condition restricting the number of vehicles would ensure that only one additional vehicle used the track per hour. This booking system reduces the likelihood of conflict. The width of the lane is also likely to reduce the speed which vehicles can travel at.

Highways England note in their response that section 3.9 of DMRB standard CD 169 'The design of lay-bys, maintenance hardstandings, rest areas, service areas and observation platforms' prohibits the locating of junctions and/or accesses with laybys. However, it is accepted that the site access is already in use and the proposed intensification is modest.

The proposed visibility splay is ambitious, and it is considered that given the location of the stone wall and bus stop, it is unlikely that the required visibility can be achieved.

It is, however, accepted that the junction is already used by several users, including the scout hut.

This alongside the road safety/collision record means that there is a limited basis to consider the proposal will result in a significant impact on road safety.

It is therefore considered that an objection to the bridleway being used as the access to the site could not be sustained. The proposed booking system will mitigate instances of user conflict and will mean that only one vehicle is using the site at any given time, reducing the likelihood of conflict between pedestrian/cyclist/horse users of the bridleway and vehicles. A Travel Plan is requested by Highways DC and officers consider that this is appropriate.

ECOLOGY:

A number of concerns have been raised regarding ecological matters.

There has been no objection from either the Council's ecologist or Natural England.

Natural England are satisfied that based on the submitted information, the proposed development will not have a significant adverse impact on designated sites and there is no objection.

In order to protect bat and bird species, a condition will be attached to any approval securing a lighting plan should any external lighting be proposed in the future.

Additionally, the council's ecologist has noted that importance of the management scheme outlined in section 7 of the ecological report which relates to mowing and removal of dog faeces. This will be secured by condition to ensure it is enforced. This also addresses concerns from residents regarding bacterial infection from dog foul.

There are unlikely to be negative impacts on other protected or notable species as set out in the ecology report. The grassland management and construction of a shelter suitable for night roosting bats is likely to result in no net loss and likely net biodiversity gain (subject to management) in accordance with the NPPF (paragraphs 170, 174, and 175), Bath and North East Somerset Core Strategy and Placemaking Plan policies (for example Policies D5e and NE3) and B&NES Ecological Emergency declaration.

OTHER MATTERS:

A number of people have raised that they were not notified about the proposal and that no site notice was erected at the site. The proposal does not require a site notice as it does not affect a listed building and is not in a Conservation Area. Council records show that those properties adjoining the site were sent a notification card. Properties which do not adjoin a site are not sent a notification card. The council has complied with its statutory duty in this respect.

Concerns have been raised by the Scouting community regarding the privacy of their Scout Hut, especially during overnight stays. The hours of use of the site will be restricted and nobody will be at the site past 8pm in the summertime and 4pm in the winter. Whilst it is noted that additional people will be at the site, it is not considered that this will be detrimental to the safety of the children as the site can currently be accessed by people associated with the farming of the land. A refusal reason on this basis would not be justified.

A number of people have raised that this may set a precedent for future development including housing. Every case is assessed on its own merits. Any future application at the site would be subject to a planning application which would be assessed as such. Officers cannot refuse a development on the basis of what may or may not happen in the future.

It has also been raised that there is no requirement for such a business in the area, given the number of open spaces and footpaths that are available for walking. The purpose of a dog paddock is to provide a secure space for dogs, some of which may not be able to be walked off-lead. B&NES lacks such facilities. Officers will attach a condition to any approval which secures the remove of the fencing and sheds when the land use ceases.

Comments have also been made that an application in the field opposite the application site was refused in 2008 due to the access arrangements (08/00946/FUL). The Highways Officer stated that the bridleway was not suitable for the proposed use. Officers note this decision. However, the use proposed was equestrian and the vehicles entering and exiting the site were likely to be larger (horse boxes etc). This application is therefore not directly comparable to the current scheme which is likely to involve smaller vehicles.

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.

CONCLUSION:

Officers have thoroughly assessed the concerns of the Local Ward Councillor, Bathampton Parish Council and local residents and has addressed them accordingly. The proposal considered to accord with the relevant planning policies and is therefore recommended for approval.

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 Traffic Management Plan (Pre-commencement)

No development or use hereby permitted shall commence until a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of access, parking, booking and hours of operation. 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.

3 Parking (Pre-occupation)

Prior to the first use of the site, the proposed parking area shall be constructed and completed in accordance with the approved plans. The areas allocated for parking and turning, as indicated in the approved plans, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure adequate car parking and turning areas are always retained, in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

4 Ecological Mitigation Scheme (Compliance)

The development hereby approved shall be carried out only in strict accordance with the avoidance, mitigation, compensation and enhancement measures in Section 7 of the approved Preliminary Ecological Appraisal (Gould Ecology, December 2020). If any amendments are required, details shall be submitted to and approved in writing by the LPA.

Reason: to avoid harm to the Bathampton Down and Woodlands Site of Nature Conservation Interest (SNCI) and wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and Policies NE3 and NE5 of the Bath and North East Somerset Council Placemaking Plan.

5 Ecological Monitoring and Compliance Reports (Bespoke Trigger)

No use of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the recommendations in Section 7 of the approved Preliminary Ecological Appraisal (Gould Ecology, December 2020) has been submitted to and approved in writing by the Local Planning Authority. A proposed monitoring scheme and proposed reporting of monitoring findings to the Local Planning Authority in relation to ongoing management shall also be provided with monitoring reports submitted periodically to the LPA in accordance with the approved schedule.

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

6 External Lighting (Bespoke Trigger)

No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights; and
2. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Placemaking Plan.

7 Fencing materials (Bespoke Trigger)

The fencing shown on the plans hereby approved shall not be erected on site until a samples of the wire element has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3, D5 and NE2 of the Bath and

North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

8 Usage (Compliance)

The dog walking paddock hereby approved shall be used by no more than 6 accompanied dogs during any single booking. No more than one vehicle shall be permitted per booking session. The operators/owners of the site shall maintain an up-to-date register of the names and addresses of all visitors to the site over the age of 18, including the purpose of their visit and shall make such information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that any intensification of the site can be monitored by the Local Planning Authority in the interests of protecting the residential amenity of neighbouring occupiers and minimising motorised vehicular movements to and from the site, in accordance with policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan.

9 Hours of operation (Compliance)

The use hereby permitted shall only take place between the following hours:

1st October - 29th February: 08:00 - 16:00 hours

1st March - 30th September: 07:00 - 20:00 hours

No visitor use of the site shall occur outside of these hours within further agreement from the Local Planning Authority.

Reason: To protect the residential amenities of the nearby properties and to prevent further intensification of the site in accordance with policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan.

10 Dog waste collection (Pre-occupation)

No use of the development hereby permitted shall be brought into use until the dog waste bins detailed in part 8.4 of the Design, Access & Justification Statement (received 11th March 2021) has been erected on site. Thereafter, the management and removal of dog waste from the site shall be implemented in strict accordance with the method contained within part 8.4 of this statement.

Reason: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

11 Removal of Permitted Development Rights - No means of enclosure (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 fences, gates, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed on the site without a further planning permission being granted.

Reason: In the interests of the appearance of the development and the surrounding area and maintaining the openness of the Green Belt in accordance with Policy CP6 and CP8

of the Bath and North East Somerset Core Strategy and policies D1, D2, D3 and D4 of the Bath and North East Somerset Placemaking Plan.

12 Removal of Permitted Development Rights - No outbuildings (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 free standing buildings shall be erected within the site, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area and maintaining the openness of the Green Belt in accordance with Policy CP6 and CP8 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3 and D4 of the Bath and North East Somerset Placemaking Plan

13 Land use - cease of operation (Compliance)

When the land ceases to be used as a dog walking facility, the building/structures/fence hereby approved shall be removed and the land restored to its former condition before the development took place or to such other condition as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the rural character of the area and visual amenities of the Green Belt in accordance with policy CP8 of the Bath and North East Somerset Core Strategy and policy NE2 of the Bath and North East Somerset Placemaking Plan.

14 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:

Fence Elevations, Shed Elevations. Received 11th March 2021

Proposed Site Plan. Received 11th March 2021

Site Access Plan. Received 11th March 2021

Site Location Plan. Received 11th March 2021

2 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.

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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

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.

6 Public Right of Way:

The Authority will only maintain the bridleway to a standard suitable for pedestrians, cyclists and horse riders. Any damage to the surface caused by vehicles must be repaired by the persons responsible. If the paddock ceases to operate, The Authority will not be responsible to provide

ongoing maintenance to the surface of the bridleway to a standard suitable for vehicles. The Applicants must repair any damage and leave the bridleway in a standard acceptable to the Public Rights of Way Team. Care must be taken when using mechanically-propelled vehicles on a bridleway. Motorists must give way to pedestrians, horse riders and cyclists.

7 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.

Item No: 02
Application No: 21/00528/FUL
Site Location: 55 High Street Twerton Bath Bath And North East Somerset BA2 1DD



Ward: Twerton **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Tim Ball Councillor Sarah Moore

Application Type: Full Application

Proposal: Erection of a two storey rear extension. Change of use from 3 bedroom residential dwelling (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4)

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Long
Expiry Date: 4th June 2021
Case Officer: Hayden Foster

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

REPORT

Reasons for reporting application to committee

The application is being referred to the committee as a local councillor has written in objection to the application contrary to the case officer recommendation to permit.

The application has been referred to the chair and vice chair of the development management planning committee in line with the planning scheme of delegation. The chair has determined that the application should be considered by the committee.

Site Description and Proposal:

The application relates to a terrace house located off High Street, which is within the residential area of Twerton. The site is situated within the Bath Conservation Area and the wider World Heritage Site.

The application seeks consent for the Erection of a two-storey rear extension and single storey side extension as well as a change of use from a 3-bedroom residential dwelling (Use Class C3) to a 6-bedroom House in Multiple Occupation (HMO) (Use Class C4).

Relevant Planning History:

20/03276/FUL - PERMIT - Erection of a two storey side extension. Change of use from dwelling (Use Class C3) to House in Multiple Occupation (HMO) (Use Class C4).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Local Councillor

'I wish to object to the application due to the size of the development.

- 1) I had no objection to the conversion to a 4 bedroomed unit but this current one just goes too far a 6 bedroomed unit and the extensions that are proposed are just far too much for this residential area.
- 2) I object as the proposal is overdevelopment of the site taking away much needed space around the building.
- 3) parking in this area is limited and there is only space for one car at the property.
- 4) with a large HMO at 56 High Street and numerous recently passed applications in Clyde Gardens this must be at the 10% limit of HMO's in a hundred yard radius.
- 5) I would ask that if the case officer is minded to approve the application then it's referred to committee for determination.'

Representations Received:

Three objections have been received. In summary the following comments have been made:

- o The proposal will likely result in parking issues to neighbours and nearby businesses.
- o It is completely inappropriate to have a six bedroom house along this terrace.
- o There are far too many HMOs in the area.
- o Road safety as well as noise and excess rubbish are a major concern here.

Bath Preservation Trust

'BPT strongly emphasises that the close, pedestrian proximity of family facilities such as Innox Park, St. Michael's Junior Church School, and Twerton High Street make this an attractive, convenient, and appropriate property for families. A change of use to a HMO would not serve the local demand for housing in this area and would result in the loss of suitable family accommodation. Approval of this application would maintain an undesirable precedent and should therefore be resisted.'

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:

- B4: Impact of development on World Heritage site of Bath or its setting
- CP2: Sustainable Construction
- CP6: Environmental Quality
- CP9: Affordable Housing

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
- H2: Houses in Multiple Occupation
- H3: Residential Use in Existing Buildings
- H5: Retention of Existing Housing Stock
- HE1: Historic Environment
- ST7: Transport requirements for managing development

The following Supplementary Planning Documents are relevant to the determination of this application:

Houses in Multiple Occupation in Bath SPD

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).

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

The application relates to a terrace house located off High Street, which is within the residential area of Twerton. The site is situated within the Bath Conservation Area and the wider World Heritage Site.

The application seeks consent for the erection of a two-storey rear extension and single storey side extension. Change of use from 3-bedroom residential dwelling (Use Class C3) to a 6-bedroom House in Multiple Occupation (HMO) (Use Class C4).

The site already has permission granted under Reference: 20/03276/FUL for a two-storey side extension and the change of use of the dwelling to a four-bedroom House in multiple Occupation (HMO). The current submission will see an extension to the rear elevation, and the introduction of two further bedrooms.

Principle of the Change of Use

As noted, the site already has permission for an HMO under C4 use. Regardless an assessment under the criteria outlined within the Bath Houses in Multiple Occupation Supplementary Planning Document (SPD) is of relevance. An assessment of this proposal against these criteria is as follows:

Criterion 1 It would result in any residential property (C3 use) being 'sandwiched' between two HMOs;

The proposal is to be associated with an end of terrace house. The surrounding properties around No. 55 are in residential use (C3 use) however, No. 62 is an HMO. No. 56 Clyde

House contains (approximately) 14 flats. It is also noted that the wider site includes an unregistered garden annexe flat. Although No. 56 Clyde House will be situated in between two HMOs because of this application it is considered that no sandwiching will occur because of the proposed change of use. The Bath HMO SPD notes that subdivided units and flats will be considered on a case by case basis. It can also be seen that No. 56 Clyde House is sufficiently separated from No. 55 and 56 via vehicular access routes. Therefore, the proposal passes the test for criterion 1.

Criterion 2 Stage 1 Test: The application property is within or less than 50 metres from a Census Output Area in which HMO properties represent more than 10% of households;

The property sits outside of, and more than 50 metres from a Census Output Area.

Stage 2 Test: HMO properties represent more than 10% of households within a 100-metre radius of the application property.

Regardless the stage 2 test has been conducted. Within a 100-metre radius of the site there are 130 residential properties and 9 properties which are within HMO use. This is including the site subject to this submission which has had an approval for HMO use under Reference: 20/03276/FUL. At present HMOs represent 6.92% of properties within the immediate area. This is less than the 10% set out within the stage two test of households that account for HMO use.

As such the principle for the proposed change of use is acceptable unless there are other material considerations. The main considerations now are character and appearance, residential amenity and highways safety.

Character and Appearance

Another element of the proposal seeks the erection of a two-storey rear extension. It is noted that the extension will incorporate matching external materials to those already in use on the dwelling. A two-storey rear extension is already present at the neighbouring dwelling No. 54. Noted that this existing extension presents a flat roof. There is no planning history for this rear extension to the neighbouring dwelling which appears to have been present for several years. While this existing extension is noted the current proposal initially sought a flat roof to match the neighbouring dwelling. The installation of a flat roof for a two-storey rear extension had been considered a negative precedent for any future development should planning permission be granted. Given the sites visibility within the Bath Conservation Area revised plans have been submitted to display a pitched hip end roof more reflective of the character of this area.

The proposal also initially sought a single storey side extension however, this element of the proposal has been omitted. It is considered that the site presents enough space to accommodate the proposed extension while ensuring overdevelopment does not occur. Given the changes made to the submission it is considered the proposal will not harm the character and appearance of the dwelling nor the wider area.

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, D5 and HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the National Planning Policy Framework (NPPF).

Conservation Area

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. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. 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) and Part 16 of the NPPF.

Planning Application in Respect of Listed Buildings

The site is set adjacent to a Grade II Listed Building and boundary wall associated with Clyde House. The submitted plans display the proposed rear extension will be set away from the wall. Given the works proposed are set away from the wall and will not alter the wall listed building consent will not be required.

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

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. 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. 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 16 of the NPPF.

Residential Amenity

The proposed extension and change of use will see the addition of three further bedrooms. The proposed works will also result in a new kitchen, living and dining area to the ground floor of the two-storey rear extension. The proposal is therefore considered to provide an acceptable level of residential amenity for future occupiers.

If issues arise from the proposed use residents would be able to report instances of disturbance once the HMO use is implemented. These instances can then be investigated by the Environmental Health Team.

As noted, the direct neighbour No. 54 has a two-storey rear extension. Given the existing two-storey rear extension to the neighbouring dwelling, the design, scale, massing and siting of the proposed extension the proposal would not cause significant 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 proposed change of use may result in different patterns of behaviour to a single-family unit. However, there is no evidence to suggest that the proposed HMO would be used materially different to that of a dwelling house, which would result in an increase in harm so significant as to warrant a refusal of this application. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Highways

Without adopted parking standards on HMOs, it is difficult to demonstrate that the change of use will result in an unacceptable increased demand for parking, or a demonstrable harmful impact on local highway conditions. Paragraph 109 of the revised NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The change of use, and associated increase in the number of bedrooms from three to six, is likely to increase the occupancy of the house by independent individuals (i.e. not a family) and this may raise concerns over increased parking demand in the vicinity of the application site, particularly in an area where on-street parking is unrestricted.

However, the site's sustainable location is acknowledged with good access to a range of services, facilities and public transport links, therefore, car usage should be less intense. The car parking and cycle parking can be secured by condition.

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.

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. Several 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 considered in the recommendation made.

Conclusion

According to the data held by the Council, the proposal would not result in a residential property becoming sandwiched between two HMOs. Criterion 1 aims to prevent the potential for negative impacts upon an existing dwelling resulting from the sandwiching effect of an HMO use to both sides of a C3 dwelling. It also aims to ensure that there is a balance of housing types at street level. The SPD recognises that the cumulative impact of HMO's on either side could significantly impact upon the residential amenity of the property as well as character of the area. C3 dwelling houses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and comings and times and patterns of movement. Conversely, HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements. The comings and goings of the occupiers of an HMO are likely to be less regimented and occur at earlier and later times in the day than a C3 family home and may well consist of groups engaging in evening or night time recreational activity. Such a change of use can therefore be expected to increase comings and goings, noise and other disturbance compared to a C3 use. Individually, HMOs are not generally considered to result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect.

Given the assessment made above the proposal is not in an area with a high concentration of existing HMOs. The proposed use is compatible with the character and amenity of established adjacent uses which are residential. The HMO use is not considered to cause harm to the amenity of adjoining residents through a loss of privacy, visual and noise intrusion. The HMO use will not create a severe transport impact. It will also not result in the unacceptable loss of accommodation in a locality, in terms of mix, size and type.

The proposal therefore complies with the criterion as set out within policy H2 the Placemaking Plan for Bath and North East Somerset (2017) and the criteria as set out within the Bath HMO SPD. 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. Therefore, it is recommended that the application be permitted.

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 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

3 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least six 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 Policy ST1 & ST7 of the Bath and North East Somerset Placemaking Plan.

4 Parking (Compliance)

The area allocated for parking and turning, as indicated on submitted plan reference EX/PRO Revision F, 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.

5 Materials (Compliance)

All external walling and roofing materials to be used shall match those of the existing house in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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.

PLANS LIST:

1 This decision relates to the following plans received 15th April 2021:

Drawing Number EX/PRO Rev F - Existing and Proposed Plans and Elevations

2 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.

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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

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.

6 HMO Advice Note

Please note that you will also require an HMO Licence for your property to operate as an HMO. Planning and HMO licensing are two separate requirements and it is essential that an HMO licence is obtained after receiving planning permission. Although Planning Permission may be granted without an HMO licence, you may legally not be able to use the property as an HMO. If you have any queries, please contact Housing Services by email at hmo_licensing@bathnes.gov.uk or telephone 01225 396269.

Item No: 03
Application No: 21/01409/FUL
Site Location: 15 St Catherine's Close Bathwick Bath Bath And North East Somerset BA2 6BS



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Dr Kumar Councillor Manda Rigby

Application Type: Full Application

Proposal: Erection of 2 storey rear extension, loft conversion including rear dormer and front roof-light, demolition of existing single-storey garage and 'pop-up' rear access and replacement with two-storey side extension. Associated external amendments including replacement of all existing windows and front and rear landscaping.

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, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Mr And Mrs Walker

Expiry Date: 3rd June 2021

Case Officer: Danielle Milsom

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

REPORT

Reasons for going to committee:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. Cllr Yukteshway Kumar, ward member of Bathwick, requested that

should officers be minded to permit the application, then it should be considered by the Planning Committee. Planning policy reasons were given by the ward councillor, stating objections to the application, contrary to officer recommendation to permit.

The Chair has considered the application and decided that the application will be determined by the Planning Committee, commenting as follows:

"I have looked at this application and the comments made by the consultees and by the ward councillor. I note that the officer and applicant have worked together to address some of those concerns but given that the proposed changes will significantly increase the size of the property and some degree of impact on the residential amenity of neighbours remains, the committee may wish to consider this further"

The Vice Chair commented as follows:

"I have looked carefully at this application noting both the reasons for the Ward Cllr planning committee request & objection comments from third party consultees. The application has been modified as it has progressed through the planning process to address issues raised, remaining concerns & whether they warrant a reason for refusal have been assessed against relevant planning policies as the report explains therefore I recommend the application be delegated to Officers for decision"

DESCRIPTION OF SITE AND APPLICATION:

15 St Catherines Close comprises a detached, two-storey dwelling located within Bathwick, a primarily residential area consisting of similar detached dwellings. The site is located towards the end of a cul-de-sac with each of the dwellings benefiting from generous plots. The rear ground level is set at a lower level than the front of the site, which exposes a lower ground level at the rear. The dwelling is also set at a lower level than street.

The site is located within a Conservation Area and within the Bath World Heritage Site.

Planning permission is sought for the erection of a 2 storey rear extension, loft conversion including rear dormer and front roof-light, demolition of existing single-storey garage and 'pop-up' rear access and replacement with two-storey side extension. Associated external amendments including replacement of all existing windows and front and rear landscaping.

Relevant Planning History:

06/02892/FUL - Permitted Development - Installation of 3 domestic hot water solar panels on roof.

20/04026/TCA - No Objection - T1 (Leyland cypress) - Fell. To be replaced with a Rowan.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

None received

Representations Received :

Cllr Kumar's comments are as follows:

"My reasons for calling in the application is as follows:

1. Overdevelopment. The massing in relation to adjacent buildings, spaces and views, is inappropriate and unsympathetic to the scale, appearance and character of St Catherine's Close
2. Scale, proposition and effect on neighbours. The design incorporates excessively intrusive lumps of new build, filling almost every available space, extremely close to neighbours. Of specific concern is the scale and position of the two-storey flat roof side extension which is proposed to be aligned precisely with the boundary of neighbours (no. 14), resulting in a gap of only 900mm between the two properties. At 6m high this wall would affect no 14's outlook and light, especially that of the first-floor side window.
3. Setting unacceptable precedent of improper roof in the area."

A total of 8 objections have been received. 4 objections were submitted following revised plans. A summary of comments is as follows;

The development will result in mass overbearing on neighbouring properties
The size of the development will have an unacceptable adverse impact on the amenities of the properties immediately adjacent to the site.
Negative effect on the character and appearance of the Conservation Area
The south-west elevation is particularly intrusive to neighbours at no 14
Properties in St Annes way will suffer an invasion of privacy due to the extension rear fenestration
Development represents over-development of the original four bedroomed property
The dwelling will be out of proportion with others in St Catherines Close
It is unsympathetic to the scale, appearance and character of the discrete and separate properties in the locality. The house will almost double in size
It will create a terracing effect
Previous extensions have retained the space between properties. The feeling of openness will be lost
The proposed extensions will be out of keeping by the use of flat roofing rather than the tiles hipped design
The materials are unsympathetic to the local environment. Rendering is completely inappropriate
Other extensions in St Catherines Close have been limited to single storey extensions and roof extensions
The proposal would set a precedent
The side glazing will impact on neighbour privacy
The scale of the extensions are not modest
The side extension is taken to the boundary and is raised to the eaves within 90cm of no.14
The side extension completely fills the space between the two properties
It will be overly dominant and disrespectful to no.14 as the two storey side extension projects 1.5 meters in front of the front elevation of no.14.
The revised plans do not deal with the issues
The dormer remains obtrusive, the reduction is insignificant
The reduction of 300mm in length is insignificant

Potential for excessive light at night because of the glass

No.15 enjoys an identical side window which has not been impacted by no.16's extension as it is single storey with a hip.

The double storey extension at 12 St Annes Way should not be used as a precedent. The front facade is set back from the neighbour, the gap between the two properties is 1.8m. the neighbour does not have a first floor window

The proposed extension does not need a flat roof

Objections received following 10th May revisions:

Revisions have not changed the fact that the two-storey extension is built on the boundary and squeezed between the properties

The hipped roof adds more bulk and mass to an already over-developed proposal and almost completely occupies the space between 14 and 15.

The increase in mass is not in keeping with the Conservation Area

A hipped roof would require the proposed side-extension to be set back from the boundary to ensure no intrusion over the boundary, this is not shown on the plans

There is no change to the front facade and the loss of residential amenity and overbearing, overshadowing nature

The 400mm reduction from the rear is welcomed

A hipped roof at the first floor level with a rear dormer would be acceptable as it will allow more light and space between the properties

2 St Catherine's Close does not set a precedent as the gap between properties is retained

12 St Ann's Way does not set a precedent as it is set back from the boundary and neighbour. The walls also diverge.

The application goes against the character of the openness of houses in the area

The two-storey side extension will set an unacceptable precedent

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:

B1: Bath Spatial Strategy
B4: The World Heritage Site and its Setting
CP6: Environmental Quality
DW1: District Wide Spatial Strategy
SD1: Presumption in favour of sustainable development

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
D.3: Urban fabric
D.5: Building design
D.6: Amenity
HE1: Historic environment
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).

SPD's:

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

Conservation Areas:

In addition, 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

The main issues are considered to be:

1. Character and appearance
2. Residential amenity

Character and Appearance

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. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

Alterations to the main house

The proposed alterations to the original dwelling include replacement fenestration to all existing windows and doors, and a roof light to the front roof slope. The roof light to the front roof slope has decreased in size as part of revisions through the application process. The reduction in size is less harmful to the character and appearance of the host dwelling and is more in keeping with other examples within the street. Proposed materials include slim frames aluminium windows and doors. A glazing bar has been added during revisions to the ground floor windows at the front elevation following officer concerns regarding the loss of original features. The addition of the glazing bar compliments the existing design of fenestration and is therefore more in keeping with the aesthetic of the site.

The original windows consist of white UPVC. Whilst in-keeping with neighbouring properties this is not considered to be a key characteristic of the original dwelling. The replacement windows respect the size of the original windows and the glazing bar breaks up the extent of glazing to the front elevation. It is therefore considered that the replacement windows will visually improve the front elevation whilst also retaining positive features such as the stone lintels and gable end cross feature. Alterations to the rear glazing at the first floor will only be visible through brief glances from the street scene and will therefore not be harmful to the character and appearance of the street scene.

Rear extension

The proposed development involves a two-storey rear extension which sits at the lower ground level. The extension measures the entire width of the rear elevation of the host dwelling. The extension is proposed to be finished with render with the rear elevation largely consisting of large panel glazing. The extent of render is therefore largely limited to the side elevations, a large extent of which is not visible from the street scene due to the lower ground level of the rear extension being hidden from view. The proposed rear extension is a very clear modern approach to development and it therefore clearly reads as a new addition due to the contrasting designs of the original dwelling and proposed extension. The character and appearance of the host dwelling will therefore be preserved.

The rear extension is visible from the rear of neighbouring dwellings that back on to the garden of the site, however limited views are available from the street scene. Due to the

lie of the land to the rear of the property, the two-storey extension extends from the lower ground floor to the ground floor. Therefore, when glimpses of the rear of the dwelling are observed from the street scene, the extension appears as a single storey as the lower level of the property from the street scene is not readily visible. The rear extensions impact upon the street scene is therefore limited and as such the sites character and appearance will be preserved.

Side Extension

The proposed side extension is set back from the front elevation of the host dwelling by approximately 2.8 meters. This distance has been increased during the revisions. Following further revisions, a hipped roof has been added to the side extension which is more in-keeping with other two-storey side extensions within the immediate area. The roof materials will match the main house and the ridge line will be set down from the ridge of the host dwelling. It therefore compliments the host dwelling whilst still reading as a new addition. The fenestration to the front and rear of the side extension does modernize the appearance, however the use of Bath Stone and the hipped roof maintains the character and appearance of the street scene.

The extension replaces an existing single storey garage. The set-back positioning of the two-storey extension creates a staggered appearance which limits the potential for the development to create a terracing effect. Whilst it is noted that the side extension will largely remove the gap between the host dwelling and no.14, there are other examples where this gap has been lost as a result of a permitted two-storey side extension, most notably on St Annes Way. A precedent has therefore been set and subsequently minimises the impact upon character and appearance of the street and Conservation Area.

Dormer

The proposed dormer sits on the rear roof slope. Amendments to the scheme included a reduction in width of approximately 0.4 meters. Whilst this is minimal, it is considered that the dormer does not dominate the roof slope, as it is set in from the hipped side, up from the eaves and down from the ridge line. The use of standing seam aluminium also does not have a dominating appearance and is therefore acceptable.

Front Garden

Proposed alterations to the front garden include a section of the garden being used for seating which is set at a lower level from the remaining front garden and street scene. A considerate portion of the front garden is proposed to be retained and will therefore not cause significant harm to the character and appearance of the site.

The alterations to the drive-way are considered to be necessary and will visually improve the area available for parking

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 12 of the NPPF.

Conservation Area

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

Revisions made as part of this application have sought to retain the character and appearance of the site. Whilst the proposed fenestration to the front elevation and to the side extension does modernise its appearance, the dwelling does retain the key features. The use of Bath Stone for the side extension, and the addition of the hipped roof, compliments the host dwelling which therefore preserves the sites significance.

The rear extension and dormer do take a contrasting approach to design and as such they can be viewed clearly as new additions to the host dwelling. The rear of the dwelling is only visible from small glimpses from the street scene, with the lower ground floor of the rear extension being hidden from view. It is therefore considered that the development to the rear of the property will preserve the character and appearance of the Conservation Area.

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. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. 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) and Part 16 of the NPPF.

Residential Amenity

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.

Side extension

The proposed extension extends approximately 0.9 meters beyond the front elevation of no.14. As part of the application, the front elevation was pushed back by 0.3 meters to reduce the impact on no.14. Whilst the extension does sit at a higher level than the ground level of no.14, it is considered that a 0.9-meter projection will not have a detrimental impact upon no.14 in terms of outlook or light received from the front of the property. The extension lies to the north east from no.14, therefore when considering the natural sun path from east to west, it is expected that any loss of light will be limited to the very early mornings. The projection forward of no.14 will also be further obscured by the existing tall hedge between the two properties which is proposed to remain.

Prior to revisions made on the 10th May, the two storey side extension would have had some impact upon the side window on no.14. Revisions have drawn the rear elevation back from the rear elevation of the host dwelling. The rear elevation is now 0.4 meters from window. Whilst there is potential for this window to be impacted, it is considered to not be significant enough to warrant refusal. Consideration is given to the impact on amenity to the room in which the window serves. Whilst the extension is located close the window, it will not cause significant overshadowing due to the windows orientation on the northern elevation of no.14. Furthermore, the outlook from the window will not be unduly disrupted. The outlook from the window will still remain to be primarily towards to the north, unimpacted by the extensions. It has also been identified that the side elevation window is a secondary window to a bedroom, with the primary window located on the north-west elevation, this window will not be impacted by the two-storey extension. The revisions to the rear elevation have reduced any impact. It is therefore considered that any impact to residential amenity as a result of the two-storey side extension are not sufficiently significant enough to warrant a refusal in this instance. It is therefore considered to be acceptable.

Rear extension

The proposed rear extension is considered to not cause significant effects upon residential amenity. The ground floor of the neighbouring property to the north-east is at a similar level to the ground floor of the application site. As the rear two storey extension does not extend above the ground floor, this limits any potential for overshadowing to the rear windows of the neighbour. There is also a sufficient gap between the properties. The glazing panel which links the host dwelling and the rear extension has been revised to be obscurely glazed, therefore restricting any loss of privacy.

The two storey rear extension including the recess area to the south west will not impact the amenity of the neighbour at no.14. No.14 does have a side elevation window which faces the proposed extension, however the two storey extension which sits at the lower ground level will not block this window as it appears as a ground floor extension only, it is therefore acceptable.

The distance between the rear elevation of the two-storey rear extension to the rear of the dwelling to the west measures approximately 55 meters. This is considered to be a significant distance which limits the amount of overlooking as a result of the glazing to the rear.

It is also considered that any lighting spill will be limited to the garden area of the site, with limited effects felt at neighbouring properties due to the distances between the detached dwellings.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant 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 part 12 of the NPPF.

Dormer

The proposed dormer will not cause harm to the amenities of neighbouring properties. The primary view from the dormer will be out over the landscape of Bathwick and will not directly face on to neighbouring dwellings or their gardens due to its height. Due to the position within the roof slope, there is limited potential for any overshadowing to occur.

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. 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. 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 16 of the NPPF.

Conclusion

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

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 Obscure Glazing (Compliance)

The proposed glass slot indicated as number 3 on plan 21015-00-308-P03; shall be obscurely glazed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with policy D6 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:

1 This decision relates to the following plans:

Revised Drawing - 10 May 21 - 21015-00-300-P02 - Lower Ground Floor Proposed

Revised Drawing - 10 May 21 - 21015-00-301-P03 - Ground Floor Proposed

Revised Drawing - 10 May 21 - 21015-00-301-P03 - First Floor Proposed

Revised Drawing - 10 May 21 - 21015-00-303-P03 - Second Floor Proposed

Revised Drawing - 10 May 21 - 21015-00-304-P03 - Roof Plan Proposed

Revised Drawing - 10 May 21 - 21015-00-305-P03 - South-East Elevation Proposed

Revised Drawing - 10 May 21 - 21015-00-306-P03 - North-West Elevation Proposed

Revised Drawing - 10 May 21 - 21015-00-307-P03 - South-West Elevation Proposed

Revised Drawing - 10 May 21 - 21015-00-308-P03 - North-East Elevation Proposed

Revised Drawing - 10 May 21 - 21015-00-309-P03 - Section A-A Proposed

Revised Drawing - 10 May 21 - 21015-00-310-P02 - Section B-B Proposed

Revised Drawing - 10 May 21 - 21015-00-311-P03 - Block Plan Proposed

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 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

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: 04
Application No: 21/00356/FUL
Site Location: The Abbey Rectory Redwood House Trossachs Drive Bathwick Bath



Ward: Bathavon North **Parish:** Bathampton **LB Grade:** N/A
Ward Members: Councillor Kevin Guy Councillor Sarah Warren
Application Type: Full Application
Proposal: Extensions to existing ancillary building (Retrospective).
Constraints: Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant: Mr & Mrs Michael Muston
Expiry Date: 19th April 2021
Case Officer: Sam Grant
To view the case click on the link [here](#).

REPORT

This application has been referred to the Committee Chair in accordance with the Council's Scheme of Delegation who has agreed the case should be considered by the Committee. Cllr Sarah Warren, ward member for Bath Avon North, requested that should the officer be minded to permit the application, then it should be considered by the Planning Committee. Planning policy reasons were given by the ward councillor, stating objections to the application, contrary the officer recommendation to permit. Furthermore, Bathampton Parish Council has objected to the application.

DESCRIPTION OF SITE AND APPLICATION HISTORY

Abbey Rectory is a large detached property located to the south of Bathampton within the Bath World Heritage Site. This application seeks retrospective planning permission for the extension of an existing ancillary building. The outbuilding is sited to the west of Abby Rectory within the residential curtilage of the dwelling.

Relevant Planning History:

1661 - Conversion of stable block to dwellinghouse at The Trossachs, Warminster Road, Bathampton - Permit 21st April 1975

1661/B Erection of a double garage - 3rd January 1976

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ward Councillor Sarah Warren 5th March 2021:

If officers are inclined to approve this application, it should be referred to the Planning Committee.

- Errors in application, conversion of garage to AirBnb Cottage.
- Walls were not previously rendered
- Omitted to mention four roof lights that have been installed.
- Branches removed from protected Trees on site
- Decking height incorrect
- Building is visible from the A36

Construction fails to protect the local character in contravention of policies D1-D5 and the amenity of neighbours is impacted by new rear balcony and decking all over look neighbouring garden and bedroom.

Bathampton Parish Council 22nd February 2021: Object

1. It is retrospective and yet clearly requires Planning Permission.
2. The application documents say that these are extensions to an ancillary building, but what was obviously a garage has been turned into a separate dwelling. We believe it is rented out on Air B&B. This surely should have been an application for 'Change of Use'.
3. The Application documents are of an extremely poor standard and inaccurate to large degree, openings not shown on plans and internal room functions not defined, building materials not as stated. It has not been possible to adequately assess from the plans all the impact of the proposals.
4. The raised decking area is probably only slightly above the acceptable height to the north-east, but as the ground slopes steeply toward the neighbours the height to the north-west is probably at least double, and overlooks the neighbour's garden and into the bedroom windows.
5. Similarly the new windows and French doors to the rear overlook the neighbour's garden.

If any Approval is granted there should be conditions to require all windows having views west to the neighbouring property (particularly roof windows) should be fixed shut and obscure glazed. In addition BPC think that permission for the decking should not be granted in any form due to probable loss of privacy to neighbour.

Summary of Third Party Representations:

3 comments in Objection:

- Surrounding trees have been removed
- First floor increases the visual impact considerably
- Driveway is opposite Columbus House
- Not in keeping with other properties along Trossachs Drive
- Detached 2 bedroom house has been built with consultation
- Overlooks properties on other side of Warminster Road.
- Contrary to Policy ST1 of the Placemaking Plan
- Contrary to policies D1 - D5 inclusive of the placemaking plan
- Does not contribute positively to the areas character and identity
- The massing, height and design are not in keeping with the local area
- No south east elevation is offered by the applicant
- Submitted existing north east elevation drawings are incorrect
- Degrades the townscape character of Trossachs Drive
- Proposal would only exacerbate noise pollution
- Contrary to policy NE2 of the placemaking plan
- Protected trees are adjacent to the development
- No Design and access statement has been submitted
- Development has essentially converted a domestic garage into a self contained dwelling house
- Class E, part 1, Schedule 2 of the GDPO does not apply

SCHEME OF DELEGATION

The Chair has considered the application and decided that the application will be determined by the Planning Committee, commenting as follows:

"I have looked at this application and the issues raised by the PC and ward councillor. The officer's report thoroughly addresses these issues and explains why the application is recommended for approval, but I think it would be helpful to explore these matters further in the public domain."

The Vice Chair commented as follows:

"I have looked at this application including the comments from statutory & third party consultees, the Ward Cllr has requested the application be determined by the planning committee due to its impact on the area. I note changes have taken place so some concerns are overcome however I recommend the application be determined by the planning committee so the issues can be debated in the public arena."

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:

- 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)
- 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:

B1: Bath Spatial Strategy
 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:

D1: General urban design principles
 D2: Local character and distinctiveness
 D.3: Urban fabric
 D.5: Building design
 D.6: Amenity
 ST7: Transport Requirements for Managing Development
 HE1: Historic environment

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)

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

The main issues to consider are:

- Principle of Development
- Character and Appearance
- Residential Amenity
- Highways, Safety and Parking

Principle of Development:

The outbuilding is sited to the west of Abby Rectory within the dwellings residential curtilage and is approximately 2 metres away from the main house.

The key consideration in deciding whether the use of an outbuilding needs separate planning permission is a consideration of the planning unit. Essentially whether the use of the building can be described as incidental to enjoyment of the dwellinghouse is not determinative, what is, is if a separate planning unit has been created which would result in a change of use.

The general rule has always been that the materiality of change should be assessed in terms of the whole site concerned, normally the whole of the area in the same ownership or the same occupation. The unit of occupation is the most convenient starting point in identifying the planning unit, because that is normally the largest unit in which there is being carried on a set of functionally and physically interdependent activities. It is only normally possible to select a smaller unit in the same occupation where there is a functional and physical separation of activity. Both functional and physical separation are required before a smaller unit can be identified, since without functional separation the ancillary link remains and without physical separation there is no smaller physical area which can be identified as a separate unit.

In a situation where an outbuilding at a dwellinghouse is converted to form an additional room or rooms there is no question of a material change of use as one type of single dwellinghouse use of existing floorspace within the same planning unit is simply being utilised in a different way as another type. In addition, Section 55(2)(d) of the Town and Country Planning Act 1990 specifically allows the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such.

There is a large amount of case law on this subject, but the case law has changed little in many decades and a pivotal case remains *Burdle v Secretary of State for the Environment* [1972]. The court held there are three issues to consider. First, that whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered.

The converted ancillary garage is neither functionally nor physically separated from the main dwelling and forms part of the dwellinghouse as evidenced by the amenity area used by AirBnB guests has been screened off from neighbouring properties, but not from the main dwelling house and the two buildings share rear garden space.

Whilst the development can be accessed from the garden side, it also maintains a shared access with Abby Rectory from Trossachs Drive. However, with a length of 7.1 metres and

width of 4.5 metres, the ancillary accommodation is considered subservient to the main house. Additionally, although it contains a small bathroom, 2 small bedrooms and a living area, there is only limited provision for cooking appliances, and utilities are shared with the main house. This evidences a functional relationship between the outbuilding and the existing dwelling and does not form a separate planning unit or dwelling and is considered ancillary to Abbey Rectory.

A condition will be attached to this permission to ensure that the outbuildings remains in the ancillary use of Abbey Rectory.

Character and appearance

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.

Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

Outbuilding has been extended on the north elevation by around 1.7m, the north building has been rendered and the southern elevation previously hosted as metal garage door, this has been changed to a single door and 4 small windows.

The render on the northern elevation is only visible from Warminster Road and the rear decking area at the rear of the outbuilding. Whilst this is not common material in the locality, there is some precedent for variation, and it is considered that the render is mostly hidden by the trees to the north and the topography of the site. Similarly, the extension to the roof has used similar tiles to the existing roof, thereby reducing the visual impact of the extension.

Third party comments on this application mention the removal of wooden timber framed windows and replacement with plastic UPVC windows and they imply this is out of character with the local area. The host dwelling house and the neighbouring properties all have UPVC plastic windows fitted, so it is not considered that the change from timber to plastic window frames is out of character of the local area. Furthermore, as the site is located outside of the conservation area, planning permission is not required for the replacement of windows.

On balance it is considered that the extension to the outbuilding does not result in an appearance that would be harmful to the local character of the area.

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.

Consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. 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. 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.

Residential Amenity

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.

A key aspect of third party objections to this proposal relate to the impacts on the residential amenity of the surrounding properties.

When the application was first submitted it included a decking platform at the rear of the outbuilding. The objections mainly focused on this part of the proposal, however the decking was 5cm above what is allowed under permitted development rights as set out in the General Permitted Development Order 2015 (as amended). The applicants have undertaken works and lowered this decking platform by 5cm so it falls within the 0.3 metre Permitted Development limit and therefore it has been removed from this proposal and is not being considered as part of this application.

The North Elevation of the outbuilding has been extended by around 1.7 metres and has had large French doors installed on the ground floor and a Juliet Balcony on the first floor. Concerns have been raised regarding the impact on the privacy and amenity of neighbouring properties.

The new windows in the north elevation overlook Warminster Road and do not directly overlook neighbouring properties, the closest dwelling on the northern side of Warminster Road is around 40 metres away, given the distance and the topography of the site, it is not considered that this proposal would result in significant harm to the privacy of the properties on the northern side of Warminster Road.

Specific objections have been made with regards to the impact on privacy and residential amenity of the occupiers of Trossachs Lodge. There is a degree of overlooking that has been caused by the installation of the decking, but as this is now permitted development, this cannot be considered as part of this application.

The Juliet balcony and the ground floor French doors can be seen from some of the first floor rooms of Trossachs Lodge, but due to the orientation of the outbuilding the degree of overlooking from these rear openings is not considered to be significant, this is further negated by planting that has been undertaken by the applicant, which provides further screening. Furthermore, two new rooflights have been installed in the roof of the outbuilding. No internal height has been provided for the rooflights, but from the layout of the building and the height of the first floor level any occupiers would find it difficult to look out of these windows and overlook Trossachs Lodge that is over 15 metres away and there main purpose appears to be to let natural light into the first floor of the outbuilding.

Overall, as sited a significant distance from neighbouring dwellings and the layout of the site, the proposal is unlikely to harm residential amenity.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant 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 part 7 of the NPPF.

Highways

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.

Other Matters

During the course of this application the council has become aware that Application reference 1661 (Conversion of stable block to dwellinghouse) Permitted on 21st April 1975 removed permitted development rights for means of enclosure (Fences) around the permitted double garage. The applicant has installed fences that are in breach of this condition, however the fences form part of this proposal.

Objections have also been made with regards to the lack of an arboriculture report with the application. As the work is already complete and the main purposed of such a report would be to recommend steps to protect trees during construction, it is considered that one is not necessary. Furthermore, a comment mentioned that there has been unauthorised works to protected trees on the site, if this is the case, this will be dealt with as a separate enforcement matter.

Conclusion

In light of the above report it is considered that the proposal complies with the relevant planning policies as outlined and the proposal is recommended for approval subject to conditions.

RECOMMENDATION

PERMIT

CONDITIONS

1 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.

2 Ancillary Use (Compliance)

The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Abbey Rectory, Redwood House, Trossachs Drive, Bathwick, Bath, Bath And North East Somerset, BA2 6RP; and shall not be occupied as an independent dwelling unit.

Reason: The accommodation hereby approved is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

1 This Decision relates to the following plans:

OS Extract	29 Jan 2021	01	LOCATION PLAN
Drawing	29 Jan 2021	02	BLOCK PLAN
Drawing	29 Jan 2021	06	GROUND FLOOR PLAN
Drawing	29 Jan 2021	07	FIRST FLOOR PLAN
Revised Drawing	22 Mar 2021	AR03	REAR ELEVATION
Revised Drawing	22 Mar 2021	AR04	NE SIDE ELEVATION
Revised Drawing	22 Mar 2021	AR05	SW SIDE ELEVATION

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 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 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.

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

Item No: 05
Application No: 21/00206/LBA
Site Location: The Old Bank 20 High Street Keynsham Bristol Bath And North East Somerset



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** II
Ward Members: Councillor Brian Simmons Councillor Vic Clarke
Application Type: Listed Building Consent (Alts/exts)
Proposal: External alterations for the painting of the first floor on the front elevation
Constraints: Agricultural Land Classification, 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,
Applicant: Western Inns Ltd.
Expiry Date: 29th April 2021
Case Officer: Caroline Power
To view the case click on the link [here](#).

REPORT

Under the Planning Scheme of Delegation (as amended April 2020) this application is required to be considered by Committee as the Town Council supports the application.

The Old Bank at 20 High Street, Keynsham was first listed in 1975 and is in a prominent position on the main shopping street. The premises are made up of 2 no. separately listed buildings both grade II, including an Archway and the Old Bank Public House, formerly a

bank and now used as a pub. Other nearby Grade II listed heritage assets include the former Nat West bank, 28 and 28A High Street and No.23 on the opposite side of the road and the Church of St. John the Baptist at that head of the street which is Grade II*. It is within the Keynsham Conservation Area.

This application is to consider the alteration of the external colour of the building from a buff colour to a deep navy blue. The proposed works are to repaint the first floor elevation of the front of the building to the previous ivory white colour and finish, whilst retaining the deep blue to the ground floor.

This application is being considered in parallel to its immediate neighbour, under application 21/01303/LBA for Keynsham Conservative Club, High Street, Keynsham, for the retrospective redecoration of both buildings to different colour schemes, as both cases raise similar issues. This and the neighbouring application are both retrospective.

Planning History;

DC - 00/02416/LBA - RF - 7 February 2001 - Alterations and extensions to form restaurant

DC - 97/02483/FUL - REF - 1 August 1997 - Alterations to ground floor bar, cellar areas, alterations to first floor to form kitchen and W.C.s and restaurant extension to ground floor.

DC - 97/02484/LBA - REF - 1 August 1997 - Alterations to ground floor bar and cellar areas, alterations to first floor to form kitchen and W.C.s and restaurant extension to ground floor.

DC - 97/02996/FUL - REF - 20 February 1998 - Alterations to ground floor bar, cellar areas, alterations to first floor to form kitchen and W.C. and restaurant extension to ground floor

DC - 97/02997/LBA - REF - 20 February 1998 - Alterations to ground floor bar, cellar areas, alterations to first floor to form kitchen and W.C. and restaurant extension to ground floor.

DC - 00/02416/LBA - RF - 7 February 2001 - Alterations and extensions to form restaurant

DC - 17/05682/LBA - CON - 30 May 2018 - External alterations to repair roof including replacement of tiles and barge boards, installation of lead flashing, and other works necessary to resolve leaking issues (Partial regularisation).

DC - 21/00206/LBA - PCO - - External alterations for the painting of the first floor on the front elevation

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Keynsham Town Council- Support - There are no planning reasons to object to the application as the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017. The granting of permission on this application should be under the proviso that the development proposal including the construction process, materials used, and design should adhere to the B&NES Council's Sustainable Construction Planning Document checklist and all Environmental Policies.

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.

The Revised National Planning Policy Framework (NPPF) 2019 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory 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

CP1 - Retrofitting Existing Buildings

CP2 - Sustainable Construction

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

D1 - General Urban Design Principles

D2 - Local Character and Distinctiveness

D3 - Urban Fabric

Historic Environment Good Practice Advice in Planning Note 2 - Managing Significance in Decision-Taking in the Historic Environment - 2015

Historic England Advice Note 2 - Making Changes to Heritage Assets - 2016

Conservation Area Character Appraisals - Keynsham Conservation Area Appraisal 2016

BANES - Guidance on Paint Colours and Finishes for Historic and Traditional Shopfronts.- 21 Feb 2020

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

This listed building and the attached archway are early 19th century with mid-20th century alterations. Both buildings are colourwashed render, with brick and ashlar dressings to the ground-floor, and a slate roof. As noted by Historic England these buildings form a group with the adjoining Conservative Club. Their location, opposite the grade II* listed Church, is within a continuous group of 2 and 3 storey Victorian, Georgian and earlier town houses, some with ground floor shops. Mostly these buildings are politely rendered to imitate ashlar and hide the rough local Lias stone. Some like No. 6-8 have their rough Lias stone exposed by removing the render. There are also a few good surviving traditional shopfronts in this part of the High Street. Overall, this is a very significant grouping of historic buildings forming a commanding street scene with the Church.

The Old Bank itself has a 2-storey, symmetrical frontage to the street with end pilasters, cornice and blind parapet. The ground-floor has 5 distinctive round-headed openings to the windows with recessed mid 20th century brick panels under the window sills. The pubs street frontage is characterised with a painted, rendered, ordered façade and plinth. It is believed to have once operated as a coaching inn with the archway providing access to the stables at the rear.

In 2019 the building was externally redecorated, changing from a cream coloured paint finish at 1st Floor level to a deep royal blue over the entire frontage to both buildings with a black band emphasising the arch and retention of black shutters to the windows at first floor level without listed building consent. The applicants have indicated that they would consider revising the colour scheme that is currently proposed.

Legislative framework;

Listed building consent is required for external redecoration if this changes the character and significance of the building, for example by painting outside walls if they have never been painted before, or by using a non-traditional colour. The need for listed building consent is set out in Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that 'no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised'.

The words 'affect its character' are critical. No distinction is made, in Section 7 or anywhere else in the Act, between works which are considered beneficial and works which are considered harmful to the character of a listed building: any works which affect the building's character, whatever the nature of their impact, are included. The question of whether the works are considered to be beneficial or impact on the buildings significance or otherwise comes later in the determination of the application by the local planning authority. It is now commonly accepted that painting or rendering the surface of a wall that was originally intended to be left (and has remained) untreated is likely to be both physically and visually damaging. Such work is strongly discouraged. However, where a wall has already been painted and where the owner has already implemented a scheme

to change the colour, an application is required where the 'character' or significance of the building would be affected.

Significance;

20 High Street and the archway are identified in the Keynsham Conservation Area Appraisal as being good examples of late Georgian, early 19th century stucco buildings within the upper High Street of the town. It is not known whether the Old Bank has been painted a variety of different colours in the past. The applicants have not provided any evidence of earlier painting regimes other than the colour scheme prior to its current all over blue appearance. Whilst the application is proposing to reinstate this previous colour-scheme by re-introducing the cream colour to the first floor level, this is considered to be inappropriate to the general character and appearance of the conservation area and to the specific significance of the group of listed buildings.

Within the Keynsham Conservation Area Character Appraisal, a number of features including painted render have been identified as important characteristics of the High Street. In particular, it states that in the High Street "Colour washed render to imitate stone ashlar" is a strong feature. In addition it states that in the High Street: "Subdivisions between properties punctuated with chimneys and some gable parapets, subdivisions also accentuated by subtle changes of paint colour."

Historic Background;

In most cases the choice of colours for the outside of a property is up to the individual, although for old buildings a more pleasing result might be achieved by keeping to traditional colours. For example, render in older houses was often painted cream or stone colour to reflect the original render colour rather than a modern white or alternative colour that might be considered to be less appropriate. Modern paints are generally much brighter and less subtle than historic colours or lime washes.

The development of colours was paralleled by a similar development in paint manufacture. All paints consist basically of a base material mixed with a binder. To this can be added a pigment for colour, a solvent to make the paint spread easily and a drier to make it dry quickly. Until the 20th century painters' ground and mixed their paints, changing formula to suit different conditions. Colours popular at the end of the 18th century were grey, lead, ash, stone, buff, sage green, pea green, light willow green, grass green, apricot, peach, orange, fine yellow, fawn, olive green, light timber and brick. The increasing use of coal during the early 19th century polluted the atmosphere so much that it was impractical to use white outside.

Stucco Roman Cement render was originally either integrally coloured or lime washed to imitate stone, but the increasingly, dirty atmosphere led to a change to oil paint. When the much stronger stucco cements were invented around 1800 colour was introduced. Cement based paints have been used since 1830. They have gradually replaced lime washes, since they last much longer, and the more sophisticated versions are used as alternatives to oil paint for walls. Fine textured resin-based masonry paints, unlike cement paints, can be made in strong bright colours and are now widely used, as is the case with this application.

The development of synthetic paint colours and the increased availability of paints over the last hundred years have allowed an unrestrained use of colour to develop which does

not always relate to the intrinsic character of its location. The use of colour on a single building, particularly in an urban setting can be discordant if it is not considered in relation to its neighbours and the street scene as a whole.

Impact of new Colour Scheme;

The issue for this case to address is whether the proposed colour scheme (and that of its neighbour, The Conservative Club in a separate application), are appropriate colours within the context of the individual listed buildings and the wider context of the street and conservation area in which these buildings are located. The applicant has not provided any clear evidence for the historic use of this or a similar colour. There has been no investigation by undertaking paint analysis of the render to see whether any historic colours can be ascertained.

The deep and strong colour used here, is at variance to the more subtle colours that have been used elsewhere within this part of the High Street. Other listed buildings are generally painted in lighter, discrete colours that blend in with their neighbours providing a more harmonious palette of colours and street scene.

It is considered that the contrast between neighbouring softer, more natural colours and the current or proposed colour regime has a significant and inappropriate impact on the character and significance of this listed building and the archway. As set out above, traditionally lime wash was used for external painting and is still the best option when repainting historic lime render and other historic materials. Where such traditional materials are not present, as in this case where the render is cementitious, limewash is not essential for the benefit of the building fabric but the use of a more traditional palette of paint colours is nevertheless encouraged to ensure a character appropriate to the special historic and architectural interest of the building and the general characteristics of the surrounding conservation area. This impact is considered to result in harm to the listed buildings, their setting, to the setting of neighbouring listed buildings and to the character and appearance of the conservation area.

Assessment;

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

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. By virtue of its colour and resulting dominating visual presence, the impact of this proposal has a detrimental impact on this listed building and its and the setting of other listed buildings in the immediate vicinity of the site.

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. Similarly, by virtue of its colour and resulting dominating visual presence, the impact of this proposal has a detrimental impact on the character and appearance of this part of the conservation area.

It is concluded that the harm caused to the designated heritage assets, is, in the context of the significance of the assets as a whole and in the language of the NPPF, less than substantial. In such circumstances Paragraph 196 of the NPPF (2018) requires that any harm be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of the building. It is not considered that there are any public benefits secured by this proposal that would outweigh the harm.

The proposals are not therefore consistent with the aims and requirements of the primary legislation and planning policy and guidance and constitute unacceptable alterations to the listed building, its setting and the conservation area that would not preserve the significance as a designated heritage assets, also failing to meet the requirements of policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 and paragraph 196 of the NPPF.

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. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The redecorated front elevation is considered to be at odds with the character and significance of both listed buildings, their setting and to the setting of other listed buildings in close proximity as well as to the general character and appearance of the conservation area. This proposal is considered cause less than substantial harm that is not outweighed by any public benefits and fails to meet the requirements of policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 and paragraph 196 of the NPPF.

PLANS LIST:

1 Drawing	04 Mar 2021	DRAWING OB1	FRONT ELEVATION AS EXISTING
Drawing	04 Mar 2021	DRAWING OB2	FRONT ELEVATION AS PROPOSED
OS Extract	18 Jan 2021		SITE LAYOUT PLAN
OS Extract	18 Jan 2021		SITE LOCATION PLAN

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. 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.

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

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: 06
Application No: 21/01303/LBA
Site Location: Keynsham Conservative Club 22 High Street Keynsham Bristol Bath And North East Somerset



Ward: Keynsham North **Parish:** Keynsham Town Council **LB** **Grade:** IISTAR

Ward Members: Councillor Brian Simmons Councillor Vic Clarke

Application Type: Listed Building Consent (Alts/exts)

Proposal: External alterations to paint the front elevation blue, reverting back to the colour that was in existence when the building was listed in 1975 (Retrospective).

Constraints: 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, Housing Development Boundary, Listed Building, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mr David Johnson

Expiry Date: 21st May 2021

Case Officer: Caroline Power

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

REPORT

Under the Planning Scheme of Delegation (as amended April 2020) this application is required to be considered by Committee for a decision as the application is on behalf of a political party and as the Town Council supports the application.

Keynsham Conservative Club at 22 High Street, Keynsham is a Grade II listed building, first listed in 1975 and in a prominent position on the main shopping street adjacent to an Archway and the Old Bank Public House, both separately listed Grade II. Other nearby Grade II listed heritage assets

include the former Nat West bank, 28 and 28A High Street and No.23 on the opposite side of the road and the Church of St. John the Baptist at that head of the street which is Grade II*. It is within the Keynsham Conservation Area.

This application is to consider the alteration of the external colour of the building from a buff colour to a deep "Sapphire" blue. This application is being considered in parallel to its immediate neighbour, under application 21/00206/LBA for Old Bank, High Street, Keynsham, for the redecoration of both buildings to different colour schemes, as both cases raise similar issues.

Planning History;

DC - 19/03356/LBA - RF - 19 December 2019 - External alterations to replace windows to front elevation (Regularisation).

DC - 20/00914/FUL - PERMIT - 12 March 2021 - Installation of replacement windows on front elevation (Retrospective).

DC - 21/01303/LBA - PDE - - External alterations to paint the front elevation blue, reverting back to the colour that was in existence when the building was listed in 1975 (Retrospective).

DC - 19/03356/LBA - RF - 19 December 2019 - External alterations to replace windows to front elevation (Regularisation).

DC - 20/00914/FUL - PERMIT - 12 March 2021 - Installation of replacement windows on front elevation (Retrospective).

DC - 21/01303/LBA - PDE - - External alterations to paint the front elevation blue, reverting back to the colour that was in existence when the building was listed in 1975 (Retrospective).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Keynsham Town Council- Support - There are no planning reasons to object to the application as the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017. The granting of permission on this application should be under the proviso that the development proposal including the construction process, materials used, and design should adhere to the B&NES Council's Sustainable Construction Planning Document checklist and all Environmental Policies.

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.

The Revised National Planning Policy Framework (NPPF) 2019 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory 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

CP1 Retrofitting Existing Buildings

CP2 Sustainable Construction

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

D1 - General Urban Design Principles

D2 - Local Character and Distinctiveness

D3 - Urban Fabric

Historic Environment Good Practice Advice in Planning Note 2 - Managing Significance in Decision-Taking in the Historic Environment - 2015

Historic England Advice Note 2 - Making Changes to Heritage Assets - 2016

Conservation Area Character Appraisals - Keynsham Conservation Area Appraisal 2016

BANES - Guidance on Paint Colours and Finishes for Historic and Traditional Shopfronts.- 21 Feb 2020

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

Keynsham Conservative Club is located within a 2-storey building, thought to have originally been built as a house in the late 18th century in Georgian style. Its location, opposite the grade II* listed Church, is within a continuous group of 2 and 3 storey Victorian, Georgian and earlier town houses, some with ground floor shops. Mostly these buildings are politely rendered to imitate ashlar and hide the rough local Lias stone. Some like No 6-8 have their rough Lias stone exposed by removing the render. There are also a few good surviving traditional shopfronts. Overall this is a very significant grouping of historic buildings forming a commanding street scene with the Church.

The Club's street frontage is characterised with a painted, rendered, ordered façade and plinth, a 1st floor sill band, cornice and blind parapet. In 2019 the building was externally redecorated without listed building consent changing from a stone coloured paint finish to a deep blue, with cream surrounds to the doors and windows and a black plinth at the base of the building's frontage. The applicants have indicated that they do not wish to change this colour scheme.

Legislative framework;

Listed building consent is required for external redecoration if this changes the character and significance of the building, for example by painting outside walls if they have never been painted before, or by using a non-traditional colour. The need for listed building consent is set out in Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that 'no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised'.

The words 'affect its character' are critical. No distinction is made, in Section 7 or anywhere else in the Act, between works which are considered beneficial and works which are considered harmful to the character of a listed building: any works which affect the building's character, whatever the nature of their impact, are included. The question of whether the works are considered to be beneficial or impact on the buildings significance or otherwise comes later in the determination of the application by the local planning authority. It is now commonly accepted that painting or rendering the surface of a wall that was originally intended to be left (and has remained) untreated is likely to be both physically and visually damaging. Such work is strongly discouraged. However, where a wall has already been painted and where the owner has already implemented a scheme to change the colour, an application is required where the 'character' or significance of the building would be affected.

Significance;

22 High Street is one of several buildings identified in the Keynsham Conservation Area Appraisal as being a good example of a Georgian, late 18th century stucco house within the upper High Street of the town. The list description accords with this dating and that it was formerly known as Newton House. It opened as the District Constitutional Club in 1905 and has been in the same use and ownership since that time. Despite its commercial use for over a hundred years, it still retains its' residential character externally, with an early 19th century doorway set between the first and second of three bays and on the ground floor, 16 pane single glazed timber sashes.

It is understood that the Club has been painted a variety of different colours since the mid-20th century. In the 1970's it was a blue colour. A photograph from that time has been provided by the applicants. However, in the intervening period this colour has changed to a cream or stone colour.

Within the Keynsham Conservation Area Character Appraisal, a number of features including painted render have been identified as important characteristics of the High Street. In particular, it states that in the High Street "Colour washed render to imitate stone ashlar" is a strong feature. In addition it states that in the High Street: "Subdivisions between properties punctuated with chimneys and some gable parapets, subdivisions also accentuated by subtle changes of paint colour."

Historic Background;

In most cases the choice of colours for the outside of a property is up to the individual, although for old buildings a more pleasing result might be achieved by keeping to traditional colours. For example, render in older houses was often painted cream or stone colour to reflect the original render colour rather than a modern white or alternative colour that might be considered to be less appropriate. Modern paints are generally much brighter and less subtle than historic colours or lime washes.

The development of colours was paralleled by a similar development in paint manufacture. All paints consist basically of a base material mixed with a binder. To this can be added a pigment for colour, a solvent to make the paint spread easily and a drier to make it dry quickly. Until the 20th century painters' ground and mixed their paints, changing formula to suit different conditions. Colours popular at the end of the 18th century were grey, lead, ash, stone, buff, sage green, pea green, light willow green, grass green, apricot, peach, orange, fine yellow, fawn, olive green, light timber and brick. The increasing use of coal during the early 19th century polluted the atmosphere so much that it was impractical to use white outside.

Stucco Roman Cement render was originally either integrally coloured or lime washed to imitate stone, but the increasingly, dirty atmosphere led to a change to oil paint. When the much stronger stucco cements were invented around 1800 colour was introduced. Cement based paints have been used since 1830. They have gradually replaced lime washes, since they last much longer, and the more sophisticated versions are used as alternatives to oil paint for walls. Fine textured resin-based masonry paints, unlike cement paints, can be made in strong bright colours and are now widely used, as is the case with this application.

The development of synthetic paint colours and the increased availability of paints over the last hundred years have allowed an unrestrained use of colour to develop which does not always relate to the intrinsic character of its location. The use of colour on a single building, particularly in an urban setting can be discordant if it is not considered in relation to its neighbours and the street scene as a whole.

Impact of new Colour Scheme;

The issue for this case to address is whether the present colour (and that of its neighbour; The Old Bank in a separate application), are appropriate colours within the context of the individual listed buildings and the wider context of the street and conservation area in which these buildings are located. The applicant has not provided any clear evidence for

the historic use of this or a similar colour other than the old photo showing a blue façade, albeit a lighter colour, from the 1970's. There has been no investigation by undertaking paint analysis of the render to see whether any historic colours can be ascertained.

The strong colour used here, emphasised by the contrasting cream surrounds to the fenestration, is at variance to the more subtle colours that have been used elsewhere within this part of the High Street. Other listed buildings are generally painted in lighter, discrete colours that blend in with their neighbours providing a more harmonious palette of colours and street scene.

It is considered that the contrast between the previous softer, more natural colour and the current colour has a significant and inappropriate impact on the character and significance of this listed building. As set out above, traditionally lime wash was used for external painting and is still the best option when repainting historic lime render and other historic materials. Where such traditional materials are not present, as in this case where the render is cementitious, limewash is not essential for the benefit of the building fabric but the use of a more traditional palette of paint colours is nevertheless encouraged to ensure a character appropriate to the special historic and architectural interest of the building and the general characteristics of the surrounding conservation area. This impact is considered to result in harm to the listed building, its setting, to the setting of neighbouring listed buildings and to the character and appearance of the conservation area.

Assessment

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

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. By virtue of its colour and resulting dominating visual presence, the impact of this proposal has a detrimental impact on this listed building and its and the setting of other listed buildings in the immediate vicinity of the site.

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. Similarly, by virtue of its colour and resulting dominating visual presence, the impact of this proposal has a detrimental impact on the character and appearance of this part of the conservation area.

It is concluded that the harm caused to the designated heritage assets, is, in the context of the significance of the assets as a whole and in the language of the NPPF, less than substantial. In such circumstances Paragraph 196 of the NPPF (2018) requires that any harm be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of the building. It is not considered that there are any public benefits secured by this proposal that would outweigh the harm.

The proposals are not therefore consistent with the aims and requirements of the primary legislation and planning policy and guidance and constitute unacceptable alterations to the listed building, its setting and the conservation area that would not preserve the significance as a designated heritage assets, also failing to meet the requirements of policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 and paragraph 196 of the NPPF.

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. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The redecorated front elevation is considered to be at odds with the character and significance of this listed building and its setting and to the setting of other listed buildings in close proximity as well as to the general character and appearance of the conservation area. This proposal is considered cause less than substantial harm that is not outweighed by any public benefits and fails to meet the requirements of policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 and paragraph 196 of the NPPF.

PLANS LIST:

1 OS Extract	26 Mar 2021	SITE LOCATION PLAN
Other	18 Mar 2021	FRONT ELEVATION PAINT COLOUR - SUBMISSIO...
Photo	18 Mar 2021	ELEVATION 2021 - STATEMENT 1

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. 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.

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

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: 07
Application No: 21/01558/LBA
Site Location: Liberal Democrats 31 James Street West City Centre Bath Bath And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Sue Craig Councillor Andrew Furse
Application Type: Listed Building Consent (Alts/exts)
Proposal: External alterations for the replacement of the front door and fanlight above with a matching design, plus the installation of secondary glazing within the ground-floor front elevation windows.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Clive Dellard
Expiry Date: 4th June 2021
Case Officer: Helen Ellison
To view the case click on the link [here](#).

REPORT

SITE DESCRIPTION

31 James Street West is a Grade II listed building located within Bath conservation area and the City of Bath World Heritage site. Opposite the site is Grade II Green Park Railway Station. No. 31 is a mid-terraced Victorian property currently in office use that dates from

around 1850 (list description); there is sufficient evidence to suggest that the property may, in fact date from the 1880's. The main plan form is single depth and there are 2 No. two storey projecting wings to the rear; one with flat roof, one with monopitch. No. 31 is built from Limestone ashlar and is two storeys in height with sash windows. The ground floor of the property is raised above surrounding ground levels at front and back, and is approached from the street via a flight of stone steps. The list description for the property refers to it being one of the more intact small early Victorian houses along the street, retaining an elegant front. Its southward prospect across gardens towards the River Avon (shown on Cotterell's map of 1852) would have been dramatically altered by the construction of Green Park Station by the Midland Railway in 1869. Though the property was included for group value it is noted that adjacent properties are not listed.

PROPOSAL

Listed building consent is sought for external alterations for the replacement of the front door and fanlight above with a matching design, plus the installation of secondary glazing within the ground-floor front elevation windows.

The application is being reported to DMC because although the trustees are responsible for the proposed work, one of the trustees, Mark Roper, is also an elected Member. The works are also for the offices of a political party.

PLANNING HISTORY

DC - 12/04066/TCA - NOOBJ - 16 November 2012 - Removal of 3no trees in rear garden and planting 1no replacement tree

DC - 18/03910/TCA - NOOBJ - 9 October 2018 - 1x Silver Birch (Betula Pendula) - remove

DC - 19/04330/LBA - CON - 20 December 2019 - External works to include external lift to front elevation, erection of rear extension and internal ground floor renovation works to increase accessibility.

DC - 19/04523/FUL - PERMIT - 20 December 2019 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility.

DC - 20/00098/FUL - PERMIT - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL).

DC - 20/00099/LBA - CON - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA).

DC - 20/01689/VAR - CON - 2 July 2020 - Variation of conditions 6 (Archaeological watching brief) and 7 (Plans list) of application 20/00099/LBA (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA)).

DC - 20/01690/VAR - PERMIT - 2 July 2020 - Variation of conditions 3 (construction management plan) and 7 (Plans List) of application 20/00098/FUL (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL)).

DC - 20/02389/FUL - PERMIT - 28 August 2020 - Remodelling of the front garden to include the installation of a new lifting platform.

DC - 20/02390/LBA - CON - 28 August 2020 - External alterations for the remodelling of the front garden to include the installation of a new lifting platform

DC - 21/01746/CONDLB - PCO - - Discharge of condition 4 (Samples) of application 20/02390/LBA (External alterations for the remodelling of the front garden to include the installation of a new lifting platform)

DC - 21/01558/LBA - PCO - - External alterations for the replacement of the front door and fanlight above with a matching design, plus the installation of secondary glazing within the ground-floor front elevation windows.

DC - 21/02198/FUL - PCO - - Remodelling of the front garden to include the installation of a new lifting platform. (Resubmission)

DC - 21/02199/LBA - PCO - - External alterations for the remodelling of the front garden to include the installation of a new lifting platform.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SUMMARY OF PUBLICITY/CONSULTATIONS/REPRESENTATIONS

PUBLICITY

Site notice displayed at premises (noted at time of site visit).

CONSULTATIONS

None

REPRESENTATIONS

None

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.

The Revised National Planning Policy Framework (NPPF) 2019 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory 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:

CP1 Retrofitting existing buildings
 CP2 Sustainable construction
 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

Guidance

Historic England Advice Note 2 Making Changes to Heritage Assets (2016)
 BaNES Draft City Centre Character Appraisal Bath (2015)
 BaNES 'Energy Efficiency & Renewable Energy Guidance for Listed Buildings & Undesignated Historic Buildings' (2013)

National Policy:

The National Planning Policy Framework (February 2019) and 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

LISTED BUILDING ASSESSMENT

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

No. 31 sits within a terrace of pre-1882 houses that are not listed. Together they have group value and are of some architectural and historic significance.

Listed building consent is sought for external alterations that would comprise the replacement of the front door and fanlight above with a matching design, plus the installation of secondary glazing within the ground-floor front elevation windows.

The application property is to become the office for the local MP, and so a review of security measures has been conducted by the Parliamentary Security Team. They have identified that the front door and the front ground floor windows require work to be considered secure.

Taking the proposed works in turn;

Replacement of the front door and fanlight above with a matching design;

The submitted Statement confirms that although reinforcing the existing door could be undertaken, this does not give any measureable or defined security standard. Indeed, the reinforcement of doors to a listed building has been undertaken previously, but a failure resulted. Understandably, this is not something that the applicant would wish to entertain, and so it is proposed to renew the entrance door with a bespoke door, made to the PAS 24 standard. The proposed door would match the original door design and care has been taken to measure all existing profiles and timber sizes. The replacement door's panel dimensions and proportions would match those of the original, and the decorative panel and door cover mouldings are to be re-used from the existing door; submitted drawings confirm this detail. The fanlight above the door, which currently has a clear single glazed panel would be replaced with a clear double glazed unit, which incorporates an outer laminated glass panel to achieve the required security.

Given the age of the building and taking account of its 'standard' architectural and historic detail, the significance of the door and windows (affected by the proposed works) is limited. In such circumstances and in this particular instance the proposed removal of the existing door and fanlight, and replacement with a door that albeit is sufficiently close in material, design, detail and colour to the existing, would result in some harm to the special interest and significance of the listed building. However, the harm would be minor and at the lower end of the less than substantial scale.

As regards the proposed installation of secondary glazing within the ground-floor front elevation windows: these works would result in thermal improvement and enhance security at the premises. Submitted drawings confirm that existing sight lines would be maintained. On the subject of secondary glazing BaNES 'Energy Efficiency & Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings' sets out the guidance position; where appropriate the Council supports, in principle the use of sympathetic secondary glazing where it can be demonstrated that there is no detrimental impact on the special architectural or historic interest of the building. The existing windows do not have shutters and the proposed secondary glazing would not obscure any architectural detailing. The design of the proposed secondary glazing system would align with the existing glazing bars and meeting rail. Submitted drawings confirm that the colour of the secondary glazing frame system would match the existing white painted frames. The depth of glazing and framing are sized as appropriate to address security concerns and would also improve thermal efficiency. The proposed system would also provide some improvement in terms of external noise reduction.

On balance, and following receipt of amended drawings, it is considered that the proposed works would take sufficient account of the special interest and the level of significance of the listed building. The setting of Green Park Railway Station (opposite site) would not be unduly affected due to the nature and extent of the proposed works.

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 (2018) requires that any harm be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of the building. The proposed works are designed to improve the buildings security, which is found to be necessary given the occupation of the building by a political party. The application premises is a listed building that sits within a terrace of pre-1882 houses that are not listed. The listed building is significant in terms of its group value and therefore the proposed removal of the existing door and fanlight and replacement with a matching equivalent, whilst representing loss of historic fabric, is not expected to disrupt the appearance of the front elevation of the host building or terrace as a whole. In view of the age of the building, and its 'standard' architectural and historic detail the significance of the door and windows is therefore limited. In such circumstances and in this particular instance the proposed removal of the existing door and fanlight and replacement with a door that is sufficiently close in material, design, detail and colour to the existing would result in some harm to the special interest and significance of the listed building. However, the harm would be minor and at the lower end of the less than substantial scale. The works reflect an understanding of the level of significance of the designated heritage asset and its special interest whilst responding to the safety of its users. The proposed works can be achieved in a manner which is compatible with the special interest of the building and would improve the building's security and make it safer for the occupying political party. Consequently, there are, in this particular instance, public benefits to the scheme that are considered sufficient to outweigh the less than substantial harm to the designated heritage asset. As such, the proposal would comply with paragraph 196 of the NPPF.

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. Taking account of the above and in this instance the proposed works would preserve the special interest of the listed building and as such this proposal would meet this requirement.

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. Taking account of the

above and in this instance the proposed works will preserve this part of the Bath Conservation Area and as such this proposal will meet this requirement.

In summary, it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance and constitute acceptable alterations to the listed building that would preserve its significance as a designated heritage asset. Therefore, the proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

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. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. The proposed use of secondary glazing would improve the thermal efficiency of the building.

The proposal accords therefore with policy CP6 of the adopted Core Strategy and policies HE1, CP1 and CP2 of the Placemaking Plan for Bath and North East Somerset (2017) and parts 14 and 16 of the NPPF.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years 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 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 drawings;

Date: 30.03.2021 Drwg. No. 4142-018 Drwg. title: Front door - as existing
Date: 30.03.2021 Drwg. No. 4142-020 Drwg. title: Secondary glazing - as proposed
Date: 30.03.2021 Drwg. No. 4142-021 Drwg. title: Site plan
Date: 19.05.2021 Drwg. No. 4142-019 F Drwg. title: Front door - as proposed

Date: 13.05.2021 Drwg. No. 4142-022 Drwg. title: Front door - existing & proposed elevations (comparison)

Date: 30.03.2021 Drwg. No. 4142-001 Drwg. title: Location 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 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

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.

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	2nd June 2021
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 19/04909/FUL
Location: Charters 43 Upper Oldfield Park Oldfield Park Bath BA2 3LB
Proposal: Erection of 2 storey dwelling with associated parking using existing access on land to the rear of 43 Upper Oldfield Park
Decision: REFUSE
Decision Date: 4 December 2020
Decision Level: Delegated
Appeal Lodged: 21 April 2021

App. Ref: 20/03506/FUL
Location: 1 Back Lane Keynsham Bristol Bath And North East Somerset BS31 1ET
Proposal: Erection of glazed conservatory to side elevation (Resubmission)
Decision: REFUSE
Decision Date: 15 December 2020
Decision Level: Delegated
Appeal Lodged: 21 April 2021

App. Ref: 20/03507/LBA
Location: 1 Back Lane Keynsham Bristol Bath And North East Somerset BS31 1ET
Proposal: External alterations for the erection of a glazed conservatory to side

elevation (Resubmission).

Decision: REFUSE
Decision Date: 15 December 2020
Decision Level: Delegated
Appeal Lodged: 21 April 2021

App. Ref: 20/03716/FUL
Location: 23 Forester Avenue Bathwick Bath Bath And North East Somerset
BA2 6QD
Proposal: Erection of single storey rear extension.
Decision: REFUSE
Decision Date: 16 November 2020
Decision Level: Delegated
Appeal Lodged: 21 April 2021

App. Ref: 20/03862/FUL
Location: 1 Back Lane Keynsham Bristol Bath And North East Somerset
BS31 1ET
Proposal: Erection of glazed conservatory to side elevation.
Decision: REFUSE
Decision Date: 16 February 2021
Decision Level: Delegated
Appeal Lodged: 21 April 2021

App. Ref: 20/03863/LBA
Location: 1 Back Lane Keynsham Bristol Bath And North East Somerset
BS31 1ET
Proposal: Erection of glazed conservatory to side elevation.
Decision: REFUSE
Decision Date: 16 February 2021
Decision Level: Delegated
Appeal Lodged: 21 April 2021

App. Ref: 20/04544/VAR
Location: Brook Lodge 199 London Road East Batheaston Bath Bath And
North East Somerset
Proposal: Variation of condition 5 (plans list) of application 20/02625/LBA
(Internal and external alterations for the erection of a single storey rear extension

following demolition of existing attached lean-to structure).

Decision: REFUSE
Decision Date: 19 January 2021
Decision Level: Delegated
Appeal Lodged: 21 April 2021

App. Ref: 20/00203/FUL
Location: 10 Chelmer Grove Keynsham Bristol Bath And North East
Somerset BS31 1QA
Proposal: Erection of a 2 bed bungalow to the side of 10 Chelmer Grove,
Keynsham.
Decision: REFUSE
Decision Date: 2 July 2020
Decision Level: Delegated
Appeal Lodged: 28 April 2021

App. Ref: 20/03811/FUL
Location: Tellisford Norton Lane Whitchurch Bristol Bath And North East
Somerset
Proposal: Erection of first floor extension over existing single storey aspect to
rear and addition of bay window to front with balcony above
Decision: REFUSE
Decision Date: 19 January 2021
Decision Level: Delegated
Appeal Lodged: 13 May 2021

APPEALS DECIDED

App. Ref: 19/02997/FUL
Location: 181 Haycombe Drive Southdown Bath Bath And North East Somerset BA2 1PP
Proposal: Change of use from C4 HMO to C3 Dwelling and erection of 1no. dwelling.
Decision: REFUSE
Decision Date: 6 September 2019
Decision Level: Delegated
Appeal Lodged: 12 February 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 21 April 2021

App. Ref: 20/00042/FUL
Location: R-ome Sunny Mount Midsomer Norton BA3 2AS
Proposal: Erection of a detached dwelling following demolition of existing garage.
Decision: REFUSE
Decision Date: 3 July 2020
Decision Level: Delegated
Appeal Lodged: 26 January 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 21 April 2021

App. Ref: 21/00003/FUL
Location: The Gables Hallatrow Hill Hallatrow Bristol Bath And North East Somerset
Proposal: Erection of first floor extension to convert the existing bungalow into a 2 storey dwelling with additional ground floor porch and alterations to the bay windows roofs.
Decision: REFUSE
Decision Date: 24 February 2021
Decision Level: Delegated
Appeal Lodged: 22 March 2021
Appeal Decision: Appeal Allowed
Appeal Decided Date: 30 April 2021

App. Ref: 19/03838/FUL
Location: Site Of Former Ministry Of Defence Offices Warminster Road
Bathwick Bath
Proposal: Proposed construction of 42no. new dwellings and 2no. new blocks
of apartments to provide a total of 70 new homes on part of the former MOD site at
Warminster Road (revision to consented development).
Decision: REFUSE
Decision Date: 4 June 2020
Decision Level: Planning Committee
Appeal Lodged: 29 January 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 11 May 2021

App. Ref: 19/04772/FUL
Location: Additional Development Area Holburne Park Bathwick Bath Bath
And North East Somerset
Proposal: Proposed erection of 8 additional dwellings, landscaping, car
parking and associated works on land adjacent to Holburne Park, Warminster Road,
Bath
Decision: REFUSE
Decision Date: 2 July 2020
Decision Level: Planning Committee
Appeal Lodged: 29 January 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 11 May 2021

App. Ref: 20/01570/VAR
Location: Part Of Parcel 5520 Coley Narrow Coley Bristol Bath And North
East Somerset
Proposal: Variation of condition 3 of application 19/03010/FUL (Change of use
from agriculture to mixed use of agriculture and equestrian and the proposed erection of
a building for storage of agricultural machinery and equipment and stabling (proposed)
and the construction of an all-weather menage (retrospective))
Decision: REFUSE
Decision Date: 13 October 2020
Decision Level: Delegated
Appeal Lodged: 8 February 2021
Appeal Decision: Appeal Allowed
Appeal Decided Date: 12 May 2021

App. Ref: 20/02842/ADCOU
Location: Chew Hill Barn Chew Hill Chew Magna Bristol Bath And North East Somerset
Proposal: Prior approval request for conversion of agricultural building to dwelling (Use Class C3).
Decision: REFUSE
Decision Date: 13 October 2020
Decision Level: Delegated
Appeal Lodged: 7 January 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 13 May 2021

App. Ref: 20/02959/FUL
Location: The Willows Pipehouse Freshford Bath Bath And North East Somerset
Proposal: Extending an existing residential annex into a standalone residential property in an infill village setting (Resubmission).
Decision: REFUSE
Decision Date: 6 October 2020
Decision Level: Delegated
Appeal Lodged: 2 February 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 14 May 2021
