

Bath & North East Somerset Council

MEETING:	Planning Committee	AGENDA ITEM NUMBER	
MEETING DATE:	25th September 2019		
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning		
TITLE:	APPLICATIONS FOR PLANNING PERMISSION		
WARDS:	ALL		
BACKGROUND PAPERS:			
AN OPEN PUBLIC ITEM			

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

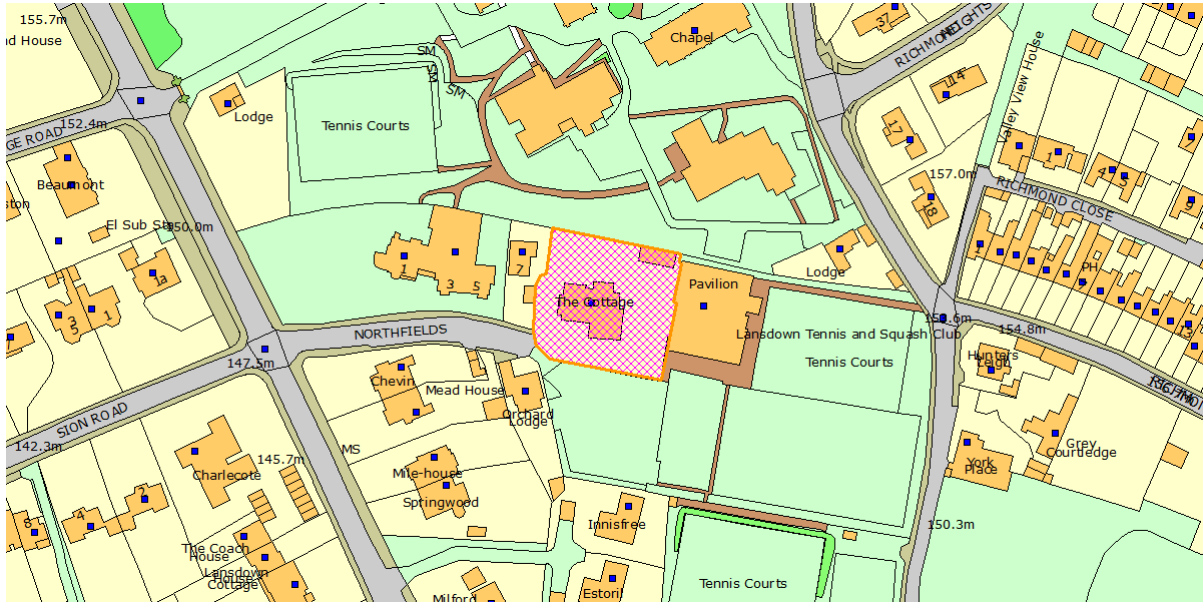
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	19/01596/FUL 27 September 2019	Mr John Baxter The Cottage, Northfields, Lansdown, Bath, Bath And North East Somerset Erection of 3no dwellings following removal of existing properties	Lansdown	Tessa Hampden	PERMIT
02	19/03166/FUL 26 September 2019	Mr Clyve Waite 13 Entry Hill, Combe Down, Bath, Bath And North East Somerset, BA2 5LZ Erection of detached dwelling in rear garden of 13 Entry Hill (Resubmission)	Widcombe And Lyncombe	Chloe Buckingham	REFUSE
03	19/03455/LBA 26 September 2019	N/A The Pig & Fiddle , 2 Saracen Street, City Centre, Bath, Bath And North East Somerset External alterations to include installation of painted ghost sign to rendered north elevation gable end (Retrospective).	Kingsmead	Emily Smithers	REFUSE
04	19/03454/AR 26 September 2019	N/A The Pig & Fiddle , 2 Saracen Street, City Centre, Bath, Bath And North East Somerset Painted sign to rendered north elevation gable end. (Retrospective)	Kingsmead	Emily Smithers	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 19/01596/FUL
Site Location: The Cottage Northfields Lansdown Bath Bath And North East Somerset



Ward: Lansdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Mark Elliott Councillor Lucy Hodge
Application Type: Full Application
Proposal: Erection of 3no dwellings following removal of existing properties
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, SSSI - Impact Risk Zones,
Applicant: Mr John Baxter
Expiry Date: 27th September 2019
Case Officer: Tessa Hampden
To view the case click on the link [here](#).

REPORT

Reason for referring planning application to committee

The application has been referred to committee at the request of Cllr Hodge for the reasons set out within the representation section of this report. On the basis of these comments, the Chair of the Planning Application determined that this application should be heard at committee.

Site description and proposal

The application site is located Lansdown area of the City of Bath. It is surrounded by an urban fabric containing a variety of building forms and uses. To the north the modern and historic listed buildings of the Royal High School Bath which are of a substantial size and scale ; to the east the club house and courts of the Lansdown Tennis and Squash Club with housing beyond; and to the south and west detached and semi-detached housing predominantly of two storeys in height. The site is within the City of Bath Conservation Area and the wider World Heritage Site. There are a number of trees within and on the boundaries of the site.

The application seeks planning permission for the erection of 3no dwellings following removal of existing properties

Planning history

DC - 02/01109/FUL - PERMIT - 24 June 2002 - Single storey extension to resident nurse accommodation to provide living area facility

DC - 06/00579/FUL - PERMIT - 27 April 2006 - Demolition of existing rear porch, and the erection of a new rear utility room and side extension

DC - 08/02375/FUL - PERMIT - 11 September 2008 - Subdivision of existing dwelling to form two dwellings including a garden room extension, conversion of loft and detached double garage

DC - 09/01886/FUL - PERMIT - 31 July 2009 - Subdivision of existing dwelling to form two dwellings including a garden room extension, conversion of loft and detached double garage (Resubmission)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Archaeological Officer - no objection subject to condition

Conservation Officer - no objection

Landscape Officer - no objection subject to confirmation that the Beech tree will be protected

Arboricultural Officer - no objection subject to conditions

Ecologist - no objection subject to mitigation and conditions

Highway Officer - no objection

Cllr Lucy Hodge - object and requests that this application is heard at committee for the following reasons

The comments can be summarised as follows:

- Detrimental impact on the residential amenity in a Conservation Area
- Overdevelopment of the site in height, scale and mass
- Vernacular and content does not fit with the local environment
- Loss of trees and green corridor
- Loss of privacy and overlooking
- Potential to compromise highway safety

- Development contrary to Council objectives on Environmental Sustainability aiming for zero carbon

7 objection comments have been received. These can be summarised as follows:

- Development out of keeping with the character of the area.
- Overdevelopment of the site
- Lack of landscaping
- Impact upon green setting/character
- Impact upon residential amenity of neighbouring occupiers including overbearing impact and loss of privacy
- Loss of/impact upon trees
- Height excessive - contrary to prevailing character and previous decisions
- Inappropriate materials
- Inadequate refuse storage
- Ecological implications
- Issues arising during construction
- Highway safety issues including conflicts with Lansdown Tennis Club access
- Increased congestion

POLICIES/LEGISLATION

Policies/Legislation:

The Council's Development Plan now 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 (2007) Policy GDS1 (K2;NR2;V3 &V8) only
- o Made Neighbourhood Plans (where applicable)

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

Policy DW1: District Wide Spatial Strategy
 Policy SD1: Presumption in favour of Sustainable Development
 Policy CP1: Retrofitting Existing Buildings
 Policy CP2: Sustainable Construction
 Policy CP5: Flood Risk Management
 Policy CP6: Environmental Quality
 Policy CP7: Green Infrastructure
 Policy CP13: Infrastructure Provision

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:

Policies D.1, D2, D3, D4, D5, D6: General Urban Design Principles and amenity

BD1: Bath Design Policy
Policy D8: Lighting
Policy NE1: Development and Green Infrastructure
Policy NE2: Conserving and enhancing the landscape and landscape character
Policy NE2A: Landscape setting of settlements
Policy NE3: Sites species and habitats
Policy NE4: Ecosystem services
Policy NE5: Ecological network
Policy NE6: Trees and woodland conservation
Policy CP7: Green infrastructure
Policy PCS5: Contamination
Policy H1: Housing
Policy H7: Housing accessibility
Policy CP10 - Housing Mix;
Policy LCR7B: Broadband
Policy LCR9: Increasing the provision of local food growing
Policy ST1: Promoting sustainable transport
Policy ST7: Transport requirements for managing development
Policy SCR5: Water efficiency
Policy SU1: Sustainable drainage policy
Policy PCS7 - Water Source Protection Zones;
Policy PCS7A - Foul Sewage infrastructure

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

Principle of development

The site is located within the built up area of Bath, where new residential development can be supported in principle subject to the compliance with the relevant policies of the Development Plan.

Character and appearance/landscape impact

The existing dwelling, whilst of some architectural merit is considered to play a neutral part in the Conservation Area and as such there is no objection to its removal. The scale and siting of this dwelling and the outbuildings are however appropriate for this context and respects the setting of the adjacent listed buildings and the City of Bath Conservation Area.

Northfields is a short road containing a small number of dwellings, Lansdown Tennis Club and buildings which are used as part of the Royal High School. In relation to building type,

there is no strong uniformity in this small number of buildings. The site, due to the green space around the dwelling and the mature trees give this site a verdant character.

The adoption of a modern design idiom with reference to prevailing traditional forms in this suburban area of Bath is an appropriate approach. The use of front gables responds to cues from neighbouring buildings. It is noted that the inclusion of a front window in the roof of the gable end of the dwellings, increases the vertical emphasis of these dwellings. However, the overall height is not greater than the dwellings in the surrounding area, and although it is recognised that the roofs are gabled rather than hipped, the overall height and massing is considered acceptable.

There is no strong building grain within Northfields, but the proposed dwellings are sited back within the site which aids in reducing their prominence within the street scene. There will be limited views of the buildings from wider views and will be seen in the context of the surrounding built form. The gardens are located the south of the site which aids in retaining the verdant character of the road. The gaps between the dwellings are considered to be sufficient for a degree of spaciousness to be retained within the site. This also breaks up the massing of the built form within the site.

Overall, the ratio between built form/hard landscaping and soft landscaping is considered to be acceptable. The parking to the rear results in the hardstanding areas being more discrete and less visible from the public realm. The parking areas are broken up by planters and soft landscaping. Sufficient space is retained within the site to ensure that a successful landscape scheme can be implemented. The landscaping scheme submitted will need to be amended to take account of the comments received from the Council's Ecologist, but this can be dealt with through a planning condition.

The main elevations of the building will be constructed from a pale brick which will be a similar tone to Bath Stone. The third party comments in relation to this matter are noted. However, officers have no objection to this use of the material in this context and it is considered to be acceptable on this small pocket of contemporary development. The texture and colour of the brick is similar to that of the prevailing material of Bath Stone and will blend in with the tone of Bath Stone which is the prevailing character of the area. Further, it is noted that the existing building is constructed from painted white render which is at odds with the predominant building material, and the pale brick is therefore of a more similar tone to the Bath stone than the existing development. The buildings will also comprise an element of darker brick. This is a secondary material at lower level, and is considered to be acceptable.

The use of zinc roof can be considered to be acceptable subject to this being of a darker colour similar to that of slate. Samples of materials should be submitted prior to their use to ensure that they are of a quality that would be expected in the Conservation Area. The samples can be secured through the inclusion of a condition on any permission.

Overall, the development is considered to be of an acceptable scale, siting and design that will ensure that the character and appearance of the Conservation Area and the setting of the nearby listed buildings is preserved.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In considering whether to grant planning permission for development

which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The development is of a scale and siting that will ensure that there is no harm to the setting of the neighbouring listed buildings.

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. Here it is considered that the character and appearance of the area is preserved. Further, the proposed dwelling and associated works are considered to result in no undue harm to the setting of the wider World Heritage Site

Highway matters

The site is in a sustainable location, close to local facilities and public transport provisions. There is no issue with creating the appropriate vehicular access, although a licence to work within the highway will be required if external works are necessary. Although visibility is limited for motorists leaving the site, the access is located at the end of a cul-de-sac and the only passing traffic on Northfields is that accessing the adjacent sports club. All traffic will be moving slowly and there is no real risk of a personal injury accident occurring.

A shared use access is considered acceptable given the proposed scale of residential development. An appropriate area has been allocated for refuse and bin storage.

The level of proposed car parking would be accord with the adopted minimum parking standards that are included in the Placemaking Plan. Suitable storage for bicycles would also be provided.

The development is therefore not considered to result in any highway safety issues.

Residential amenity

The development will replace an existing dwelling but will increase the amount of activity within the site due to the increased number of dwellings and resultant occupiers. However, this is not considered to result in any undue noise and disturbance to the surrounding neighbouring occupiers.

The site shares a boundary with Landown Tennis Club and number 7 Northfields, a bungalow to the south. The bungalow benefits from a conservatory structure and windows to its north elevation, as well as a side garden which appears to be a main area of outdoor amenity space for this dwelling. As a result of this development, the outlook from these areas would change for the occupiers of number 7, as plot 1 of the proposed scheme would be built with a side elevation facing this property. However, the separation distance would be sufficient to ensure that the outlook from number 7 would not be dominated by this new dwelling.

The proposed dwellings will benefit from balcony/terraced areas, but these are set a sufficient distance from neighbouring properties to ensure that there will be no direct overlooking or significant loss of privacy for these occupiers. During the application process, the windows on the first floor of the southern elevation have been removed which

will ensure that the privacy of this neighbouring occupier is safeguarded. The communal bin store which was originally illustrated to be placed adjacent to the boundary with number 7 has now been relocated within the site, and the planting in this area increased.

Overall, the development is not considered to result in any undue harm to the residential amenity of the neighbouring occupiers. Further, the development is considered to result in satisfactory living conditions for the future occupiers of the development.

Archaeological implications

The application area lies within an area of some archaeological potential. Heritage assets within the immediate area include Lansdown Road, a Roman Road, with further widespread and dispersed evidence for Roman activity in the surrounding area. The archaeological implications to this proposal can be dealt with by condition as this will ensure any remains on the site will be recorded.

Refuse/Waste

Revised plans have been submitted which dedicate an area for the storage of refuse on collection days, adjacent to highway. This is considered to be acceptable.

Housing accessibility

PMP Policy H7 requires that market housing should have enhanced accessibility standards and should meet the optional technical standard 4(2) in the Building Regulations Approved Document M. The Council can demonstrate a need for 19% of all new market housing to meet enhanced accessibility standards arising during the Plan period. A condition can be included on any permission to ensure that at least 1 of the proposed dwellings meets these standards.

Arboricultural matters

There is a significant Beech which provides a focal point at the end of Northfields. The layout ensures that this tree will be retained on the site, along with other mature planting against the boundary with the Lansdown Tennis and Squash Club Car Park. There is no objection to the proposed removal of T6, T7, T8 and T9 subject to onsite replacement planting. The layout has been informed by the location of this tree. Tree works proposals will require clarification which can be provided by condition. A detailed arboricultural method statement is essential and must be provided prior to any activities on site. Work phases must be clearly identified in the document and tree protection plan.

An updated indicative landscape drawing has been submitted to demonstrate that there is sufficient external space provided to accommodate reasonable tree planting appropriate to the locality.

Ecological implications

An updated bat survey has been submitted including a recent up to date recent building and a series of dawn and dusk emergence / re-entry surveys. The bat report has been further revised and a proposed mitigation scheme added which is welcome.

An active wrens nest was located in the shed and a great tit nest between roof tiles and felt, accessed by a gap between a weatherboard and roof tiles on the north facing gable of the main house. The building supports confirmed summer non-breeding day roosts for low numbers of individual bats, for brown long-eared and common pipistrelle species. These roosts are assessed as being between roof tiles and felt rather than utilising the main roof void.

A proposed bat mitigation scheme is now also provided which describes appropriate measures including incorporation of integrated bat roosting features into the fabric of the new buildings, timing of works and precautionary working methods under ecological supervision.

The scheme will require a European Protected Species (EPS) Licence and the LPA must be confident, prior to issuing consent, that the scheme can meet the "three tests" of the Habitats Regulations and that an EPS licence would be likely to be obtained.

Test 1 - Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment?

The public benefits should be commensurate with the level of impact. There are sustainability benefits of providing 3 new dwelling as a replacement for a building that is not particularly energy efficient. The development will make a small contribution to the need of additional housing. Further, the development will result in jobs in the construction phase, and whilst this is only for a short period of time, this can be seen to be an economic benefit to the scheme. The test can be said to be passed.

Test 2 There is no satisfactory alternative

The development proposes a replacement dwelling, and for that proposal there is no alternative than what is put forward.

Test 3 - The action authorised will not be detrimental to the maintenance of the population of the species

Provided the bat mitigation measures and replacement roost features are implemented as described in the mitigation scheme provided in Appendix F of the bat report, and this can be secured by condition, the Ecologist is confident that the conservation status of the affected species would not be harmed.

The proposed landscape scheme currently proposes a range of planting but this is dominated by ornamental varieties with more limited value to wildlife. The landscape scheme should be revised to provide a proportion of wildlife friendly planting and also incorporate additional features to benefit wildlife. Fencing should include gaps for movement of wildlife e.g. "hedgehog highways". Replacement and additional new bird nesting provision is also required and must address provision for wren and great tit (as compensation for loss of existing sites) as well as other species. This can also be secured by condition.

Sensitive lighting design will be required to avoid exacerbating existing conditions around the site and to protect bat activity and roost access within the site and on adjacent land.

Subject to the above, the development is considered to be ecologically acceptable.

Sustainable construction

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.

Policy CP2 explains that sustainable design and construction will be integral to new development. The benchmark for demonstrating that energy efficiency has been "maximised", as required by CP2, is an overall 19% reduction in regulated emissions. This is the equivalent of the energy requirement in the Code for Sustainable Homes Level 4. The submitted sustainable construction checklist confirms that this target will be achieved.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g. border planting, window boxes, vertical planting, raised beds etc.). The property benefits from a garden and incorporates a garden store therefore future occupiers will have food growing opportunities.

The district is in an area of "moderate water stress area" rather than a low stress area as such policy SCR5 states that all dwellings will be expected to meet the national optional buildings regulations requirements for water efficiency of 110L per person per day. This can be secured by compliance condition.

The policy also states that rainwater harvesting or other methods of capturing rainwater for the use by residents will be required for all residential development. This can be secured via condition.

Planning balance/conclusion

Overall the development is considered to be of an acceptable design, scale and siting which will ensure that the character and appearance of this part of the City of Bath Conservation Area, the setting of the nearby listed buildings, and the wider World Heritage Site is preserved.

The development will not have any significant adverse impacts upon the residential amenity of the neighbouring occupiers, highway safety or ecology. No other significant issues have arisen and the application is recommended for approval subject to a number of planning conditions.

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 Flood Risk and Drainage - Infiltration Testing (Pre-commencement)

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

3 Archaeological Investigation (Pre commencement)

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath and North East Somerset Placemaking Plan.

4 Parking (Compliance)

The areas allocated for parking and turning on the submitted plan 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 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 Housing Accessibility (Compliance)

At least one of the dwellings hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M

Reason: Reason: To ensure that the optional technical standards for accessibility are met in accordance with policy H7 of the Bath and North East Somerset Council Placemaking Plan.

7 Ecological and Bat Mitigation and Compensation Scheme (Compliance condition)

The development hereby approved shall be implemented only in full accordance with the Bat Mitigation Scheme described in Appendix F of the approved "Preliminary Roost Assessment and Presence and Absence Survey (Bats)" v2 dated 24th July 2019 by Lawrence Armstrong and as shown with the Ecology report ref PRO81A_05_19PRA/PA.

Reason: to avoid harm to bats and their roosts and to provide replacement roost spaces (revised drawing/s to be submitted and referenced within the above condition)

8 Hard and Soft Landscaping (Pre-occupation)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained, a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation. The scheme shall comprise features required for wildlife mitigation and enhancement, to include wildlife friendly planting; bird boxes and gaps in fencing to allow movement of wildlife.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2, D4, D8, NE2 and NE8 of the Bath and North East Somerset Placemaking Plan.

9 Ecology and Bat Mitigation Follow-up report (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of all bat and ecological mitigation and enhancement measures in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Bat and Ecological mitigation and enhancement scheme, to prevent ecological harm and to provide

biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Local Plan.

10 External Lighting (Bespoke Trigger)

No new lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights, details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby vegetation and adjacent land, and to avoid harm to bat activity and other wildlife. 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 policy NE.3 of the Bath and North East Somerset Placemaking Plan.

11 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

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

12 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

13 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

14 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next

planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

15 Refuse storage (Compliance)

The refuse storage as detailed on the approved details shall be provided in accordance with the approved details prior to occupation of the development hereby approved.

Reason: To ensure that adequate refuse storage is provided within the development

16 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

17 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed certificate of compliance by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. To ensure that the approved method statement is complied with for the duration of the development.

18 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:

12 Sep 2019	AP(0)01 G	SITE PLAN
12 Sep 2019	AP(0)21 B	UNIT 01 ELEVATIONS
12 Sep 2019	AP(0)22 B	UNIT 02 ELEVATIONS
12 Sep 2019	AP(0)23 E	UNIT 03 ELEVATIONS
23 Aug 2019	10F	PROPOSED BASEMENT FLOOR PLANS
23 Aug 2019	11L	PROPOSED GROUND FLOOR PLANS
23 Aug 2019	12I	PROPOSED FIRST FLOOR PLANS
23 Aug 2019	13H	PROPOSED SECOND FLOOR PLANS
19 Jul 2019	AS(0)01	EXISTING SITE LOCATION PLAN
19 Jul 2019	AS(0)02 A	EXISTING TOPOGRAPHIC SURVEY
19 Jul 2019	AS(0)03	EXISTING SITE SECTIONS

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

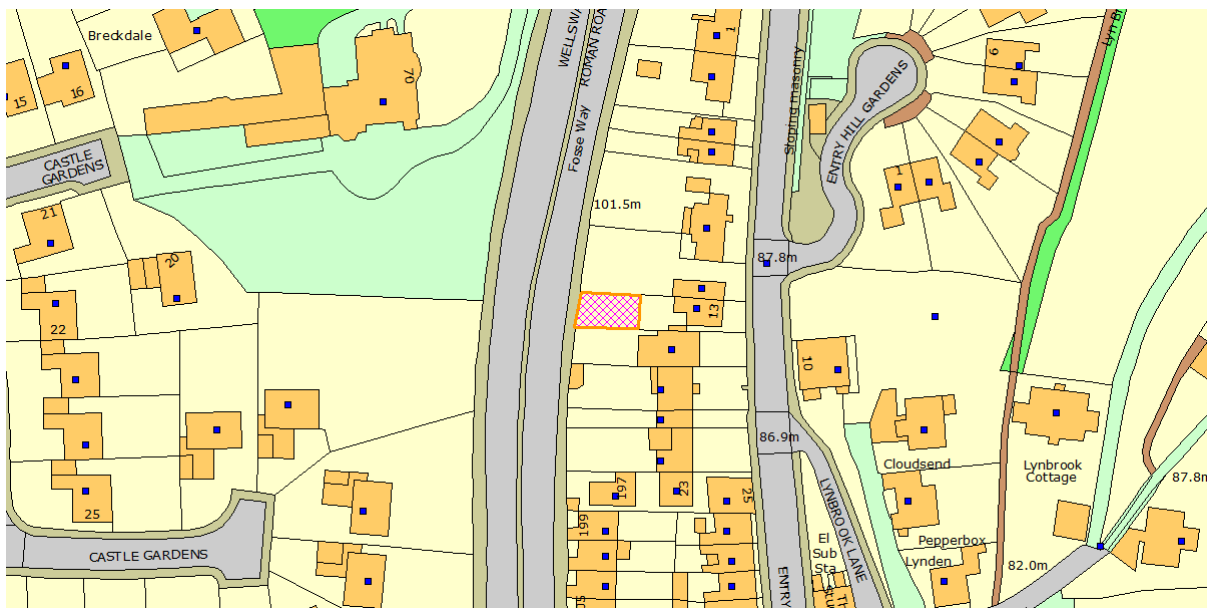
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

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.

Item No: 02
Application No: 19/03166/FUL
Site Location: 13 Entry Hill Combe Down Bath Bath And North East Somerset BA2 5LZ



Ward: Widcombe And Lyncombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Alison Born Councillor Winston Duguid
Application Type: Full Application
Proposal: Erection of detached dwelling in rear garden of 13 Entry Hill (Resubmission)
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, SSSI - Impact Risk Zones,
Applicant: Mr Clyve Waite
Expiry Date: 26th September 2019
Case Officer: Chloe Buckingham
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllr Paul Crossley has made a formal request that whether the officer is minded to refuse or permit this application it is determined in public by committee. The chair of committee has decided to take the application to committee for the following reason:

There may be room for the committee to consider whether or not this application has gone far enough to mitigate the original refusal.

DESCRIPTION OF SITE AND APPLICATION:

The proposal is a resubmission of a previously refused application (18/04990/FUL) for the erection of a two-bed dwelling to the rear garden of no.13. 13 Entry Hill is a semi-detached dwelling located within the built-up residential area of Bath within both the World Heritage Site and Conservation Area and within close proximity to a grade II listed terrace of dwellings (199-205 Wellsway).

Relevant Planning History:

DC - 18/04990/FUL - REFUSE - 15 January 2019 - Erection of 1no. 2bed detached dwelling to the rear of existing.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS:

Cllr Paul Crossley: This is an interesting re-submission that has answered the reasons for refusal on the first application. It faces onto the main road and does not create pressure on Entry Hill. It is attracting several objection and support comments. Formal request that whether the officer is minded to refuse or permit this application is determined in public by committee.

Cllr Winston Duguid: Formal request that this application is called into committee if the Council are minded to permit the application for the following reasons:

Land stability, parking, issues during construction, loss of historic wall, impact on conservation area, loss of privacy, loss of garden, loss of wildlife, must not personalise the application based on one person's needs, loss of the tree and this will create a precedent for other applications.

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

Drainage and Flooding: No objection subject to one condition.

Highways: Further information requested.

Ecology: No objection subject to two conditions.

Arboriculture: Not acceptable in current form. Trees on and adjacent to the site are protected by virtue of the Bath Conservation Area. The submissions are incomplete and

do not fulfil the local list of requirements in respect to a Tree Survey and Arboricultural Impact Assessment.

Archeaology: No objection. There are no known archaeological sites or monuments in the immediate vicinity that are likely to be affected by the proposed development. Therefore no further archaeological investigation or conditions will be required in this instance.

Conservation: It is still considered that the previous comments of the Conservation Officer are relevant:

The application site is in the world heritage site, conservation area and within very close proximity of a terrace of grade II listed buildings (199-205 Wellsway).

The works would include the demolition of part of the wall which is an important feature in the conservation area. The demolition of boundary walls is identified as a negative feature of the conservation area within the draft appraisal. The draft appraisal also identifies the threats to the conservation area include the tendency to over-develop plots which are likely to be highly visible.

There are also concerns with the new doors inserted into the wall and the design of the building including the materials.

Bath Preservation Trust: There is concern that a dwelling development of any size on the site would result in overdevelopment. As we stated in the previous application, a stand-alone dwelling would intrude on the vista and would break the visual continuity of the historic wall and thus harms the positive contribution the old wall makes to the streetscene and the conservation area. Furthermore, we have concerns over the proposed use of coursed stone on the façade as we view this as inappropriate for domestic buildings in the city.

These are serious concerns regarding the principle of the development on this site given that it would be an incongruous addition to an already 'busy' streetscape. Even with the reduction in size the development would still be highly visible and an intrusion into public views.

The proposed dwelling by virtue of its design, appearance and siting would harm the character and appearance of the conservation area and the setting of nearby listed buildings

The NPPF paragraph requires that great weight is given to harm caused to heritage assets.

Whether the harm amounts to substantial harm or less than substantial harm can be debated but it's certainly on the upper levels of less than substantial harm. The public benefit of one new dwelling is limited and low, so this proposal should be firmly rejected on the basis that it fails to comply with the requirements of the Framework, paras 194/195 or 196.

This application is therefore be contrary to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Placemaking Plan, Policies D1 (Urban Design Principles), D2 (Local character and distinctiveness), HE1 (Historic Environment, B4 (World Heritage).

Third party comments: 16 objection comments and 17 support comments have been received. The main points being;

Objection:

- o The dwelling will be over-dominating due to the steep incline.
- o The highway authority is responsible for the maintenance of the wall- what happens regarding any damage?
- o No. 13 Entry Hill is identified in the Conservation Area character appraisal as being part of a group of buildings that provide a positive townscape feature in the conservation area. the document identified two areas which provided a negative townscape feature, one of these being the new dwelling permitted in 2017.
- o Shortfall in parking.
- o Insufficient access and turning areas.
- o Impact on trees and ecology.
- o The proposal not in-keeping with the conservation area.
- o Loss of light to the rear of neighbouring gardens.
- o Loss of wildlife- birds etc.
- o Weakening of the retaining wall.
- o Flooding
- o Overlooking and loss of privacy.
- o Increased congestion.
- o Adverse impact on the setting of the grade II listed properties.
- o Loss of views.
- o Reduction in size and change in roofing material does not overcome previous issues.
- o The tall fence erected has taken away long views for neighbour.
- o Loss of green area in World Heritage Site.
- o Concern that the new dwelling will be rented out when the applicant is away.

Support:

- o Sensitive design in-keeping with surroundings, conservation area, world heritage site and listed buildings nearby.
- o The applicant wishing to live in the proposed dwelling is Bath born and bred and does not drive and so does not require a parking space.
- o There are no windows to the side, the windows and doors are on the lower level.
- o No issues with privacy and over-looking.
- o Parking spaces are available on the road.
- o Public transport is excellent in this location.
- o Will not block views or present access issues.
- o The gardens are not used at present.
- o Provides much needed housing and retains family housing.
- o Two-storey rear extension at no.9 is larger than this dwelling.

POLICIES/LEGISLATION

POLICIES:

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

The following B&NES Core Strategy policies should be considered:

CP6 Environmental Quality
CP5 Flood Risk
CP2 Sustainable construction
B4 World Heritage Site
CP10 Housing Mix

The relevant Placemaking Plan policies should be considered:

DW1 District Wide Spatial Strategy
D2 Local character and distinctiveness
D4 Streets and Spaces
D5 Building Design
D6 Amenity
D7 Infill
D8 External Lighting
ST1 Promoting sustainable travel
ST7 Transport Access and Development Management
NE3 Protected Species
NE5 Ecological networks
NE6 Trees and woodlands
H7 Housing Accessibility
LCR9 Local Food Growing
SCR5 Water Efficiency

LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, February 2019

- o The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

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.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

Supplementary Planning Documents:

Sustainable Construction and Retrofitting SPD (2013)

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE:

The site is located within the built-up residential area of Bath where the principle of development is accepted subject to compliance with all other policies.

CHARACTER AND APPEARANCE:

The proposal site is steeply sloping and is visible from views within the Conservation Area as well as the surrounding Green Belt and the AONB. The area is traditional in character, with a concentration of heritage assets surrounding, some of which are designated.

13 Entry Hill is a large three storey property, appearing as two-storey from the street scene, which benefits from a large garden. The western boundary of the site is bound by a large retaining wall.

A previous application for similar a dwelling on the site was refused for a number of reasons. The refusal reason in relation to character and appearance was; due to the siting, size and layout of the proposed development it will result in the over development of the site and will detract from the character and appearance of this part of the Conservation Area contrary to policy CP6 of the adopted Core Strategy (2014), Policy HE1, D2, D3, D4 and D5 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2018).

The applicant has tried to overcome the issues in the current application by re-designing the dwelling. The dwelling has been reduced in size from 74m² to 63m² by removing the second bedroom at main entrance level (level 0) making the current application a one bedroom property only. By removing the upper level second bedroom has also created a

green roof on the upper terrace. Salvaged clay roof tiles will now be incorporated in place of the zinc roof previously proposed. It is also noted that a number of support comments have now been submitted to explain that the dwelling is in-keeping with the area.

The applicant has stated that the issue of the tree in the neighbouring garden has now been resolved and that this is set out in more detail later in this document and should be read in conjunction with the specialist tree report included within the application documentation.

Whilst these changes to the size, materials and design are noted, and the comments of support are also noted these changes are still not considered to overcome the issues regarding character and appearance as previously stated in the refusal reasons. It must be highlighted again that this part of the Conservation Area is punctuated by important green spaces that make a positive contribution to the visual qualities of the area and this is an important element of its character. The proposal is still considered to harm the green character of the area by removing the garden space to the rear which is within a prominent, elevated position within the Bath Conservation Area and World Heritage Site. The properties on Entry Hill generally have elongated rear gardens and the subdivision of the garden would not be in-keeping with the local context in terms of spacing, siting and layout and as such the proposal is not considered compliant with policies D2, D4 and HE1 of the Placemaking Plan (2017).

The application site is also within very close proximity of a terrace of grade II listed buildings (199-205 Wellsway) and the siting of the new dwelling and the removal of part of the wall on Wellsway will not preserve the setting of these listed buildings.

The works would include the demolition of part of the wall which is an important feature in the conservation area. The demolition of boundary walls is identified as a negative feature of the conservation area within the draft appraisal. The draft appraisal also identifies the threats to the conservation area include the tendency to over-develop plots which are likely to be highly visible.

Whilst it is acknowledged that there have been some more modern designed dwellings permitted within the area, there is concern with this dwelling particularly due to the proximity to Wellsway and the new doors inserted into the wall and the design of the building including the materials being; open jointed course stone and timber cladding is also not considered in-keeping with the character and appearance of the area.

It is considered that in light of the above the proposal would result in harm to the conservation area, this harm, in the terminology of the NPPF, will be less than substantial. NPPF paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal. In this case there is considered to be minor public benefits in the form of one additional market house, construction jobs, CIL contributions and new homes bonus. It is considered that these constitute minor benefits when considered within the appropriate context of the overall housing target (13,000 homes) and the fact that any jobs created would be short term and temporary. Therefore it is considered that the harm described above is not outweighed by the minor public benefits of the scheme.

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 reasons listed above the proposed development is considered to harm the character and appearance of this part of the Conservation Area and its setting.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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. Here it is considered that the building by virtue of its design and materials will harm the setting of the grade II listed terrace to the side of the site.

The proposal is considered to be contrary to policies D2, D3, D4, D5 and HE1 of the Placemaking Plan for Bath and North East Somerset (2017).

PLANNING OFFICER'S ASSESSMENT OF HIGHWAY IMPACTS:

It is noted that a number of objections from third parties have been received on Highways grounds. It is also noted that a number of support comments have also now been submitted to explain that there are no issues with parking on the street in this location.

The application has stated that there will be no allocated parking with this development and comments have been submitted to explain that the applicant does not drive and as such has no need for a parking space. However, the Council has to think of the long-term implications of the erection of a dwelling in this location and not just the needs of one person.

Support comments have also stated that there is excellent public transport in this area. However, whilst the provision of no off-street car parking may have been deemed to be acceptable in 2010, the Placemaking Plan was adopted in 2017 and sets out parking standards for all new build dwellings. This is now the most up-to-date document and as the dwelling does not comply to these standards this represents a further reason for refusal.

Therefore the proposal is considered contrary to policy ST7 of the Placemaking Plan (2017)

RESIDENTIAL AMENITY:

The applicant has explained that the removal of the second bedroom and the creation of a green roof as well as there being no windows in the side elevations has resolved the issues regarding over-looking and loss of privacy. However, the main issue here is the elevated position of the proposed dwelling and the fact that all windows will face directly onto the rear elevations of the properties on Entry Hill which is still considered to create a significant negative over-bearing impact and a detrimental loss of privacy for both the residents in Entry Hill and the future residents of the proposed dwelling. Whilst some of this impact may be overcome through the provision of fencing, there is still the feeling of being over-looked for neighbouring occupiers that this development is considered likely to

create due to the steep gradient of the land. The scheme is therefore still not considered to be compliant with policy D6 of the Placemaking Plan.

Comments have explained that there will be a loss of light to the rear garden of the neighbouring property. However, such loss of light will be contained to the rear part of the garden and as the gardens are large any loss of light as a result is not considered to be significant.

A number of comments have been submitted regarding loss of views for neighbouring occupiers, however, as there is no legal right to a view this has limited consideration within the planning assessment.

A comment has been submitted regarding a high fence that has been erected on the site and this has been passed on to the enforcement team to investigate.

DRAINAGE:

Objection comments have been submitted to explain that the creation of a further dwelling will create more chance of flooding. The applicant has suggested that surface water will be connected to the main sewer; as such the following condition was recommended in order to comply with policy CP5 of the Placemaking Plan (2017);

No development shall commence, except ground investigations, until written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network including point of connection and rate has been submitted to the Local Planning Authority.

However, as the application is not acceptable for the reasons as discussed in the report such a condition is not considered necessary.

ARBORICULTURE:

Trees on and adjacent to the site are protected by virtue of the Bath Conservation Area. The applicant has now submitted an arboriculture report and the arboriculture officer has explained that as the tree is in decline there is no objection as the tree does not warrant a Tree Preservation Order.

It is noted that the plans explain that the tree will be removed. However, the tree is located on the neighbouring property and comments have been received to explain that the neighbour is planning to retain the tree.

It is still considered that the excavations necessary to incorporate the building are likely to result in damage or loss of the neighbouring tree and as such the proposal is not compliant with policy NE6 of the Placemaking Plan (2017).

ECOLOGY:

Whilst no ecology and protected species information has been submitted with the application, the risk of protected species being present at this site is low and it is considered to be disproportionate to require a full ecological survey. In order to avoid

disturbing or harming protected species (bats, birds, newts, reptiles), an Ecological Clerk of works must be appointed, precautionary working methods will have to be used and a sensitive lighting scheme must be implemented. This would normally be secured by conditions but as the proposal is unacceptable for the reasons as identified in the report such conditions are not considered necessary.

SUTAINABILITY:

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

Placemaking Plan Policy SCR5 requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day; this can be secured by condition. Rainwater harvesting or other methods of capturing rainwater for use by the residents, such as water butts, will be required for all residential development, where technically feasible. This would normally be included as a condition but as the scheme is unacceptable for the reasons as discussed conditions are not necessary.

The submitted sustainable construction checklist is considered acceptable and compliant with policy CP2 of the Core Strategy (2014).

OTHER ISSUES:

Comments submitted have explained that there is concern regarding the stability of the retaining wall on Wellsway. However, any damage to third party property as a result of a development is a civil matter between the applicant and the neighbour and is not a material planning consideration.

Comments have been submitted to explain that the applicant works in the USA and so is away from the UK for long stretches of time and there is concern that the new dwelling will also be rented out whilst he is away in the USA. As this issue is a private matter and not a material planning consideration this cannot be included within the planning assessment.

CONCLUSION:

For the reasons set out above, it is recommended that this application is refused permission for the reasons as outlined below.

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.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

It is considered that full consideration has been given to these duties when reaching the decision to refuse the proposal.

Whilst it is considered that the proposal causes harm to the setting of the undesignated heritage assets and character and appearance of this part of the Conservation Area and World Heritage Site this harm is considered to be less than substantial. Therefore in accordance with paragraph 196 of the NPPF (2018) this harm should be weighed against the public benefits of the proposal. There are not considered to be any overriding public benefits and therefore the proposal is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 Due to the siting, spacing, layout and design of the proposed development it will result in the over development of the site and will detract from the character and appearance of this part of the Conservation Area contrary to policy CP6 of the adopted Core Strategy (2014), Policies HE1, D2, D3, D4 and D5 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2019).

2 Given the design and siting of the proposed development on a steep incline the proposal is considered to cause significant harm to the amenities of nearby residents by overlooking, loss of privacy and an overbearing impact. The proposal is therefore contrary to policy D6 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2019).

3 The scheme does not propose any off-street car parking provision contrary to policy ST7 of the Bath and North East Somerset Placemaking Plan (2017).

4 It is likely that the proposal will harm the neighbouring tree, which makes a significant contribution to the character of the area. The proposal is therefore contrary to Policy CP7 of the adopted Core Strategy (2014), Policies NE1 and NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 61 of the National Planning Policy Framework.

PLANS LIST:

This decision relates to plan references;

1394/P2/01 P1, 1394/P2/01 P1, 1394/P2/02 P1, 1394/P2/03 P1, 1394/P2/04 P1, 1394/P2/05 P1, 1394/P2/06 P1 and 1394/P2/LOC P1 received 15th July 2019.

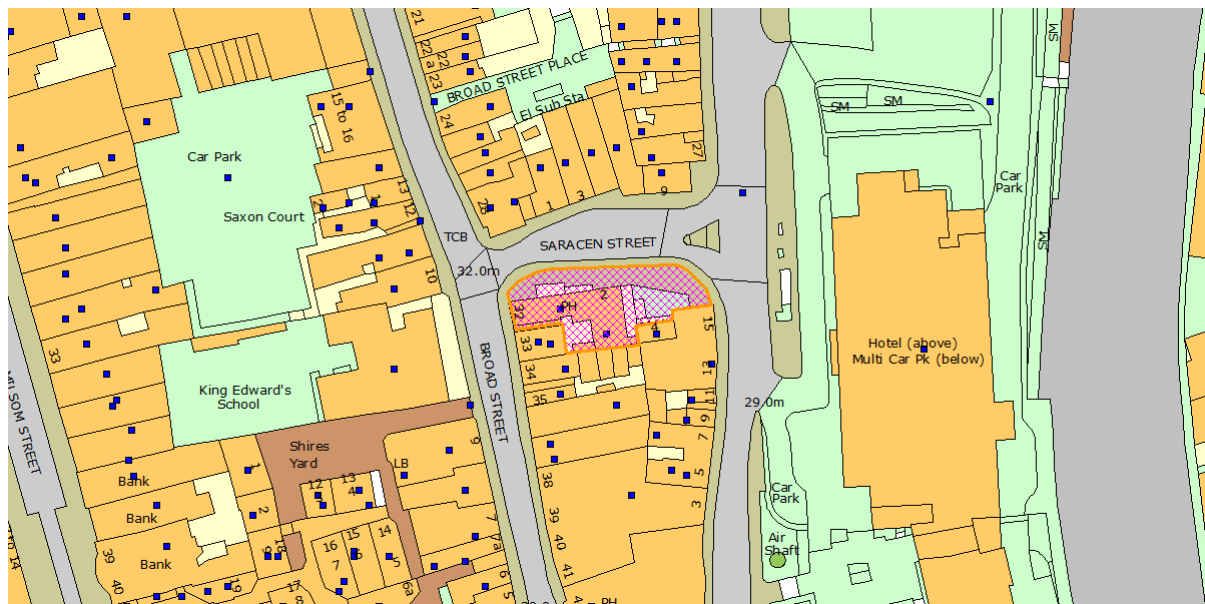
In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning

Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

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: 03
Application No: 19/03455/LBA
Site Location: The Pig & Fiddle 2 Saracen Street 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 to include installation of painted ghost sign to rendered north elevation gable end (Retrospective).
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 CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Policy CR3 Primary Shopping Frontages, Listed Building, MOD Safeguarded Areas, Policy NE1

Green Infrastructure Network, River Avon and Kennet & Avon Canal,
SSSI - Impact Risk Zones,

Applicant: N/A
Expiry Date: 26th September 2019
Case Officer: Emily Smithers
To view the case click on the link [here](#).

REPORT

Reason application being referred to committee

A request was made from Ward Member Cllr Craig for the application to be referred to committee within four weeks of the publication of the weekly list specifying the planning reasons for the application to be referred.

According to the scheme of delegation the application should therefore be referred to the Development Management Committee. The request to go to committee was reviewed and agreed by the Chair and Vice Chair of Planning Committee.

Site Description:

The Pig and Fiddle is a grade II listed building located in the conservation area and world heritage site of Bath. The building forms a pair of properties built in c. 1885 with later alterations. The ground floor is used as a pub with a traditional shop front retained.

Proposal:

The application applies for retrospective consent for the painting of the north elevation gable to include a painted sign advertising the brewery.

History:

DC - 02/00944/FUL - PERMIT - 30 July 2002 - Installation of canvas umbrellas with associated heating elements and light fittings (revised application)

DC - 97/00365/FUL - APP - 30 May 1997 - Change of use of ground floor from retail (Use Class A1) to public house (Use Class A3)

DC - 97/00366/LBA - CON - 26 November 1997 - Internal alterations to create an opening at the rear of building into 2 Saracen Street

DC - 13/03732/LBA - CON - 5 November 2013 - Internal and external alterations for the installation of CO2 fill point and associated pipework (Regularisation)

DC - 16/00498/FUL - WD - 14 April 2016 - Extension to form bar area including removal of existing wall, external decorations and new cold store and shed in courtyard.

DC -16/00825/LBA - WD - 14 April 2016 - Internal and external works for an extension to form bar area including removal of existing wall, external decorations and new cold store and shed in courtyard.

DC - 17/03160/FUL - PERMIT - 10 October 2017 - Erection of a stone wall to form bin store and alterations to the beer garden

DC - 17/03161/LBA - CON - 10 October 2017 - Erection of a stone wall to form bin store and alterations to the beer garden

DC - 17/04000/AR - CON - 13 October 2017 - Display of 2 no. externally illuminated hanging signs and 2 no. externally illuminated fascia signs.

DC - 17/04001/LBA - CON - 13 October 2017 - External alterations to include the display of 2 no. externally illuminated hanging signs, 2 no. externally illuminated fascia signs and replacement vinyls and the repainting of the shop front, windows and doors.

DC - 19/02297/CONDLB - DISCHG - 21 June 2019 - Discharge of condition 3 of application 17/03161/LBA (Erection of a stone wall to form bin store and alterations to the beer garden)

DC - 19/02551/LBA - WD - 31 July 2019 - External alterations to include installation of painted ghost sign to rendered on north elevation gable end (Retrospective).

DC - 19/02553/AR - WD - 31 July 2019 - Painted sign to rendered north elevation gable end. (Retrospective)

DC - 18/01644/AR - CON - 21 June 2018 - Display of 1 no. replacement hanging sign and 1 no. fascia sign

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Craig- Support:

Section 12 of the NPPF states, under "conserving and enhancing the historic environment", that the planning strategy should "take into account opportunities to draw on the contribution made by the historic environment by the character of a place". Although not in Walcot street itself, this building, at the top of, and facing into, Saracen Street, forms a gateway into the Walcot area which, according to the Supplementary Planning Document "Walcot Street Works" is described as having a "strong mix of character, diversity of uses, and a craft bias" and that the diversity of activity in Walcot manifests itself in the characteristic built form of the area". This being so, the placement of this quirky and vintage style ghost sign, albeit on a listed Georgian building, is not inappropriate in this particular location and should not risk setting any precedent for other, more classical, areas of the historic city.

On the design of the ghost sign itself, Vol 2 of the Placemaking Plan states, under design values, that new developments should "Celebrate Bath's Independent Spirit" by "Within a dominantly townscape approach, allow and encourage the occasionally high quality quirky, unusual or surprising details or building". Whilst this is not a new development, it creates an art form on an otherwise ugly and unsightly blank end wall which would never have been placed intentionally in the streetscape.

Finally, regarding the size of the ghost sign. To reduce it to remove the bottom half of the sign (as suggested in the consultation response from the conservation officer in previous submission of this application) would make it disproportionate to the size of the end wall and would remove the part of the sign which gives it the nostalgic style and appeal. As well as echoing advertising from the past, I believe that this sign is a work of art in its own right and should be kept as is.

The Bath Preservation Trust- Object:

The Trust still stands with its previous objection towards this 'ghost' sign. While we welcome efforts to enhance this corner and repair and redecorate the existing historic wall, it is regrettable that an advert of this nature has been applied without listed building consent or specialist conservation advice.

Authentic ghost signs are found in the city - faded and hardly legible and telling a story of past activities. Authenticity is a vital part of the conservation of the World Heritage Site.

The new 'ghost' sign is in fact a large new advertisement, as there is no historical proof of a previous ghost sign in place - in fact the profile of the gable of the former building before Saracen Street was cut through is still visible. It is over-large and much more strident than an historic ghost sign. It is unlikely to soften with weathering. The installation of this type of 'ghost sign' would not be an authentic ghost sign. Approval could lead to other applications for similar unauthentic ghost signs elsewhere which will individually and collectively compromise the authenticity of the historic environment, as such it neither preserves nor and enhances the character or appearance of the conservation area.

The Trust therefore views the 'ghost sign' as detrimental to the visual amenity of the street scene, and detracts from authenticity of the World Heritage Site.

The sign is therefore contrary to Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF), Place Making Plan policies B4 (World Heritage Site) and HE1. We would therefore recommend that the application be refused and action taken to remedy the breach of planning control.

Bath Heritage Watchdog - Comment:

The fact that the application is retrospective cannot be ignored. Unauthorised works to a listed building are a criminal offence and cannot be condoned no matter the merits of the work.

Painted signage is a traditional method of advertising and there are a variety of historic examples to be found throughout the city. The principle of painted signage can therefore be supported in certain special circumstances.

The location of this sign is an unsympathetic rendered and painted wall to the Pig & Fiddle (listed Grade II). Its size makes it very dominant in the streetscene. These circumstances are considered conducive to permitting a painted sign.

However, that proposed (in place) is considered excessively large and a large amount of it is considered superfluous. We would suggest that the 'Beers with Character' section is removed/painted over and perhaps the 'established in 1978' added to the top section.

Support-

I fully support the granting of retrospective planning permission for this sign

Support (summarised)-

The fact is that this new sign has brightened up a bleak corner of Broad Street. This site is unique in that Saracen Street was created during the Sack of Bath - buildings were torn down to make it, and interior walls rendered to make an exterior wall. Over the years, the render had turned a depressing grey colour, tinged with damp. This has resulted in a persistently gloomy and drab view, which the general public thinks has been immeasurably improved by the sign. What is more, this is a street which heritage was damaged by the creation of Saracen Street, and is already littered with advertising signs of all kinds, and fake heritage.

The objections by BPT and the Conservation Officer are, furthermore, illogical. First of all they say people would be confused into thinking this is old - an accusation I find patronising in the extreme, given that it includes the date of foundation of Butcombe in the 1970s- and at the same time they want the very part of the sign that gives away that it is modern, because it has the date on it, be painted out. It will also destroy the proportions of the sign. This is a well-proportioned sign in a conventional size.

I understand the Conservation Officer's concerns that this could set a precedent, but this site, as I have pointed out, is, if not unique, unusual. In other towns, in the UK and abroad, where buildings have been destroyed leaving a blank uninteresting wall, it is common to brighten it up with a picture. I draw your attention to the Golden Lion Bridge mural in Swindon, which has recently been refurbished for the second or third time.

As pub and ghost sign experts, Dr Swift and I completely support this sign, which is in a great tradition of pub advertising.

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 National Planning Policy Framework (NPPF) 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

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

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

Guidance

Bath Shopfronts: Guidelines for Design and Conservation (2016)

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 subject site is Grade II listed dating from 1885.

The application is retrospective for the painting of the rendered side elevation and addition of a 'Ghost Sign' to advertise the Butcome Brewing Company.

There is no objection to the repair and painting of this prominent elevation, its enhancement is welcomed.

The addition of a painted advertisement sign of this scale in this prominent location is not considered acceptable. The proposed sign is excessive and detracts from the surrounding historic environment, it is unacceptably visually intrusive on a building of such prominence with direct views from Broad Street and Saracen Street.

The description of the sign as a 'Ghost Sign' is considered to be misleading. The elevation was created during demolition works in the 1970's and the sign does not replace or revive an existing sign nor does it have an appearance of a ghost sign due to its strident appearance against the wall.

The character of commercial signage within the immediate area is principally traditional fascia signage with some projecting signs. The completed sign measures approximately 5.6m in height and 3.2m in width, a significant part of the area outlining the former attached building.

The building is well established as a pub and benefits from two fascia signs and two projecting signs (visible from Broad Street, Saracen Street and Walcot Street). The pub is therefore more than adequately advertised. The addition of a painted sign of this size is unnecessary, creating a cumulative impact out of keeping with local street character.

The applicant has been advised that a sign reduced in scale may be acceptable in these particular circumstances. The applicant chose not to amend the proposal. Cllr Craig's comments are noted regarding the potential for a disproportionate appearance as result of a reduction in size. However, the applicant chose to paint the sign, prior to gaining consent, in this particular location. It is considered that a painted sign, reduced in size, in a slightly altered location could sit comfortably on the elevation without resulting in a disproportionate appearance and hence be in accordance with Council policy.

The National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Section 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The sign results in a private benefit to the applicant through advertising of the brewery. The sign would have no impact to the viable use of the existing and well established use as a pub. There are no public benefits resulting from the sign which would outweigh the harm to the significance of the listed building or wider conservation area and world heritage site.

Whilst consents do not act as a precedent, a decision to accept such an excessive sign could compromise the Council's stance on applications with similar circumstances in the future where there are a number of blank gable ends within close proximity to the site.

The sign is contrary to Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF), Place Making Plan policies B4 (World Heritage Site) and HE1.

Conclusion:

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a listed building or its setting. Here it is considered that the proposed works will cause unacceptable harm to the setting of the listed building and will fail to preserve character of the subject site. Therefore the proposal is not consistent with the requirements, aims and objectives of the primary legislation, planning policy and accompanying guidance.

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 due its excessive size and prominent location, the scheme will fail to preserve or enhance the setting or character of the Conservation Area.

The proposal is therefore contrary to policy CP6 of the adopted Core Strategy (2014) and policies HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

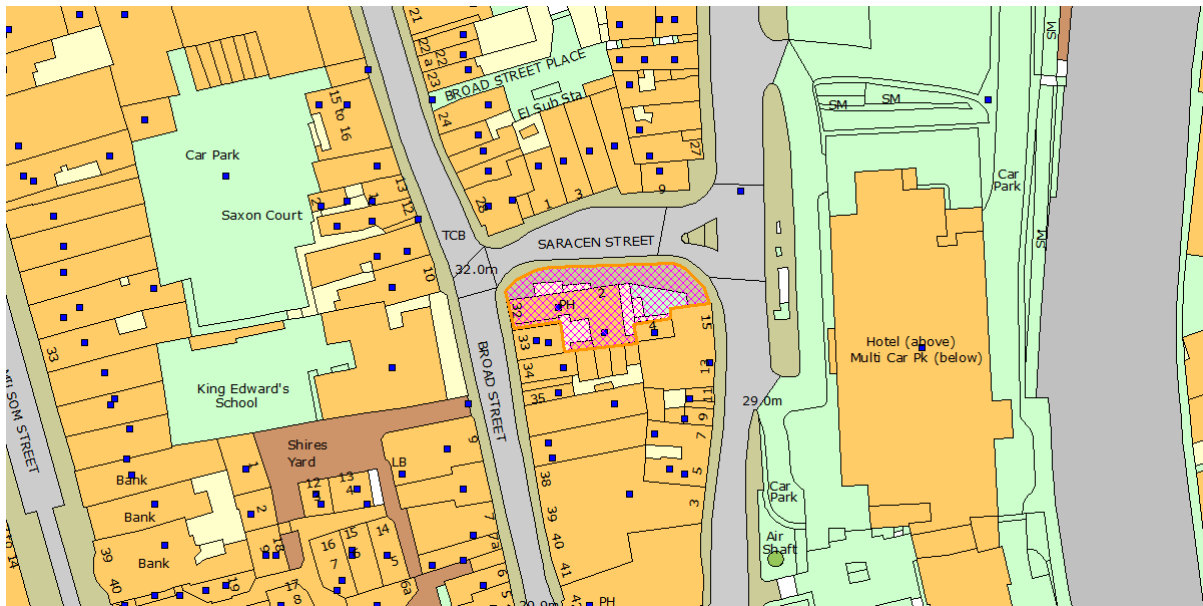
1 The painted sign, by reason of its excessive size and prominent location, creates a significant adverse impact on the character and appearance of the streetscene and fails to preserve the significance of the listed building, setting of neighbouring listed buildings or preserve the character of the surrounding conservation area and world heritage site. There are no public benefits as a result of the proposal which would outweigh the harm identified to the significance of the designated heritage assets. The proposal is contrary to policy HE1 of the Bath and North East Somerset Placemaking Plan (2017) and Section 16 of the National Planning Policy Framework.

PLANS LIST:

Drawing	01 Aug 2019	BLOCK PLAN
Drawing	01 Aug 2019	3278-09-04 PROPOSED SIGNAGE GABLE END NORTH
OS Extract	01 Aug 2019	LOCATION PLAN

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

Item No: 04
Application No: 19/03454/AR
Site Location: The Pig & Fiddle 2 Saracen Street 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: Advertisement Consent
Proposal: Painted sign to rendered north elevation gable end. (Retrospective)
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 CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Policy CR3 Primary Shopping Frontages, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant: N/A
Expiry Date: 26th September 2019
Case Officer: Emily Smithers
To view the case click on the link [here](#).

REPORT

Reason application being referred to committee

A request was made from Ward Member Cllr Craig for the application to be referred to committee within four weeks of the publication of the weekly list specifying the planning reasons for the application to be referred.

According to the scheme of delegation the application should therefore be referred to the Development Management Committee. The request to go to committee was reviewed and agreed by the Chair and Vice Chair of Planning Committee.

Site Description:

The Pig and Fiddle is a grade II listed building located in the conservation area and world heritage site of Bath. The building forms a pair of properties built in c. 1885 with later alterations. The ground floor is used as a pub with a traditional shop front retained.

Proposal:

The application applies for retrospective consent for the painting of the north elevation gable to include a painted sign advertising the brewery.

History:

DC - 02/00944/FUL - PERMIT - 30 July 2002 - Installation of canvas umbrellas with associated heating elements and light fittings (revised application)

DC - 97/00365/FUL - APP - 30 May 1997 - Change of use of ground floor from retail (Use Class A1) to public house (Use Class A3)

DC - 97/00366/LBA - CON - 26 November 1997 - Internal alterations to create an opening at the rear of building into 2 Saracen Street

DC - 13/03732/LBA - CON - 5 November 2013 - Internal and external alterations for the installation of CO2 fill point and associated pipework (Regularisation)

DC - 16/00498/FUL - WD - 14 April 2016 - Extension to form bar area including removal of existing wall, external decorations and new cold store and shed in courtyard.

DC -16/00825/LBA - WD - 14 April 2016 - Internal and external works for an extension to form bar area including removal of existing wall, external decorations and new cold store and shed in courtyard.

DC - 17/03160/FUL - PERMIT - 10 October 2017 - Erection of a stone wall to form bin store and alterations to the beer garden

DC - 17/03161/LBA - CON - 10 October 2017 - Erection of a stone wall to form bin store and alterations to the beer garden

DC - 17/04000/AR - CON - 13 October 2017 - Display of 2 no. externally illuminated hanging signs and 2 no. externally illuminated fascia signs.

DC - 17/04001/LBA - CON - 13 October 2017 - External alterations to include the display of 2 no. externally illuminated hanging signs, 2 no. externally illuminated fascia signs and replacement vinyls and the repainting of the shop front, windows and doors.

DC - 19/02297/CONDLB - DISCHG - 21 June 2019 - Discharge of condition 3 of application 17/03161/LBA (Erection of a stone wall to form bin store and alterations to the beer garden)

DC - 19/02551/LBA - WD - 31 July 2019 - External alterations to include installation of painted ghost sign to rendered on north elevation gable end (Retrospective).

DC - 19/02553/AR - WD - 31 July 2019 - Painted sign to rendered north elevation gable end. (Retrospective)

DC - 18/01644/AR - CON - 21 June 2018 - Display of 1 no. replacement hanging sign and 1 no. fascia sign

Summary of Consultation/Representations:

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Craig- Support:

Section 12 of the NPPF states, under "conserving and enhancing the historic environment", that the planning strategy should "take into account opportunities to draw on the contribution made by the historic environment by the character of a place". Although not in Walcot street itself, this building, at the top of, and facing into, Saracen Street, forms a gateway into the Walcot area which, according to the Supplementary Planning Document "Walcot Street Works" is described as having a "strong mix of character, diversity of uses, and a craft bias" and that the diversity of activity in Walcot manifests itself in the characteristic built form of the area". This being so, the placement of this quirky and vintage style ghost sign, albeit on a listed Georgian building, is not inappropriate in this particular location and should not risk setting any precedent for other, more classical, areas of the historic city.

On the design of the ghost sign itself, Vol 2 of the Placemaking Plan states, under design values, that new developments should "Celebrate Bath's Independent Spirit" by "Within a dominantly townscape approach, allow and encourage the occasionally high quality quirky, unusual or surprising details or building". Whilst this is not a new development, it creates an art form on an otherwise ugly and unsightly blank end wall which would never have been placed intentionally in the streetscape.

Finally, regarding the size of the ghost sign. To reduce it to remove the bottom half of the sign (as suggested in the consultation response from the conservation officer in previous submission of this application) would make it disproportionate to the size of the end wall and would remove the part of the sign which gives it the nostalgic style and appeal. As well as echoing advertising from the past, I believe that this sign is a work of art in its own right and should be kept as is.

The Bath Preservation Trust- Object:

The Trust still stands with its previous objection towards this 'ghost' sign. While we welcome efforts to enhance this corner and repair and redecorate the existing historic wall, it is regrettable that an advert of this nature has been applied without listed building consent or specialist conservation advice.

Authentic ghost signs are found in the city - faded and hardly legible and telling a story of past activities. Authenticity is a vital part of the conservation of the World Heritage Site.

The new 'ghost' sign is in fact a large new advertisement, as there is no historical proof of a previous ghost sign in place - in fact the profile of the gable of the former building before Saracen Street was cut through is still visible. It is over-large and much more strident than an historic ghost sign. It is unlikely to soften with weathering. The installation of this type of 'ghost sign' would not be an authentic ghost sign. Approval could lead to other applications for similar unauthentic ghost signs elsewhere which will individually and collectively compromise the authenticity of the historic environment, as such it neither preserves nor and enhances the character or appearance of the conservation area.

The Trust therefore views the 'ghost sign' as detrimental to the visual amenity of the street scene, and detracts from authenticity of the World Heritage Site.

The sign is therefore contrary to Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF), Place Making Plan policies B4 (World Heritage Site) and HE1. We would therefore recommend that the application be refused and action taken to remedy the breach of planning control.

Bath Heritage Watchdog - Comment:

The fact that the application is retrospective cannot be ignored. Unauthorised works to a listed building are a criminal offence and cannot be condoned no matter the merits of the work.

Painted signage is a traditional method of advertising and there are a variety of historic examples to be found throughout the city. The principle of painted signage can therefore be supported in certain special circumstances.

The location of this sign is an unsympathetic rendered and painted wall to the Pig & Fiddle (listed Grade II). Its size makes it very dominant in the streetscene. These circumstances are considered conducive to permitting a painted sign.

However, that proposed (in place) is considered excessively large and a large amount of it is considered superfluous. We would suggest that the 'Beers with Character' section is removed/painted over and perhaps the 'established in 1978' added to the top section.

Support-

I fully support the granting of retrospective planning permission for this sign

Support (summarised)-

The fact is that this new sign has brightened up a bleak corner of Broad Street. This site is unique in that Saracen Street was created during the Sack of Bath - buildings were torn down to make it, and interior walls rendered to make an exterior wall. Over the years, the render had turned a depressing grey colour, tinged with damp. This has resulted in a persistently gloomy and drab view, which the general public thinks has been immeasurably improved by the sign. What is more, this is a street which heritage was

damaged by the creation of Saracen Street, and is already littered with advertising signs of all kinds, and fake heritage.

The objections by BPT and the Conservation Officer are, furthermore, illogical. First of all they say people would be confused into thinking this is old - an accusation I find patronising in the extreme, given that it includes the date of foundation of Butcombe in the 1970s- and at the same time they want the very part of the sign that gives away that it is modern, because it has the date on it, be painted out. It will also destroy the proportions of the sign. This is a well-proportioned sign in a conventional size.

I understand the Conservation Officer's concerns that this could set a precedent, but this site, as I have pointed out, is, if not unique, unusual. In other towns, in the UK and abroad, where buildings have been destroyed leaving a blank uninteresting wall, it is common to brighten it up with a picture. I draw your attention to the Golden Lion Bridge mural in Swindon, which has recently been refurbished for the second or third time.

As pub and ghost sign experts, Dr Swift and I completely support this sign, which is in a great tradition of pub advertising.

POLICIES/LEGISLATION

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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

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 National Planning Policy Framework (NPPF) 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
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:

D2: Local Character and Distinctiveness
D4: Streets and Spaces
D6: Amenity
D9: Advertisement & Outdoor Street Furniture
HE1: Historic Environment

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

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Guidance

Bath Shopfronts: Guidelines for Design and Conservation (2016)

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 NPPF specifically states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact. Accordingly advertisements will be assessed with regard to visual amenity, cumulative impact, and public safety.

It is considered that the proposed scheme would not impact on public highway safety, the signage would not be detrimental to the safety of motorists or create confusion with any traffic signs.

However, the proposal would be harmful in terms of visual amenity due to its excessive size and prominent location.

The character of commercial signage within the immediate area is principally traditional fascia signage with some projecting signs. The completed sign measures approximately

5.6m in height and 3.2m in width, a significant part of the area outlining the former attached building.

The building is well established as a pub and benefits from two fascia signs and two projecting signs (visible from Broad Street, Saracen Street and Walcot Street). The pub is therefore more than adequately advertised. The addition of a painted sign of this size is unnecessary, the combined impact of its size, colouring and prominent corner siting create a cumulative impact out of keeping with local street character.

The description of the sign as a 'Ghost Sign' is considered to be misleading. The gable end was created during demolition works in the 1970's and the sign does not replace or revive an existing sign nor does it have an appearance of a ghost sign due to its strident appearance against the wall.

The applicant has been advised that a sign reduced in scale may be acceptable in these particular circumstances. The applicant chose not to amend the proposal. Cllr Craig's comments are noted regarding the potential for a disproportionate appearance as result of a reduction in size. However, the applicant chose to paint the sign, prior to gaining consent, in this particular location. It is considered that a painted sign, reduced in size, in a slightly altered location could sit comfortably on the elevation without resulting in a disproportionate appearance and hence be in accordance with Council policy.

The National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Section 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The sign results in a private benefit to the applicant through advertising of the brewery. The sign would have no impact to the viable use of the existing and well established use as a pub. There are no public benefits resulting from the sign which would outweigh the harm to the significance of the listed building or wider conservation area and world heritage site.

Therefore, it is considered that due to the pub already being well-advertised, the additional sign due to excessive size and prominent location is detrimental to the character of the surrounding conservation area and world heritage site. The sign would not preserve the setting of grade II listed building or surrounding listed buildings. The application is therefore contrary to policies D2, D4, D9 and HE1 of the Placemaking Plan (2017)

Conclusion

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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. In this instance the sign is considered to be overly large in a

prominent location harming the significance of the subject site, the setting of nearby listed buildings and surrounding historic environment. As such, it is considered that the Council have fully complied with this duty when reaching the decision to refuse the application.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The painted sign, by reason of its excessive size and prominent location, creates a significant adverse impact on the character and appearance of the streetscene and visual amenity. It fails to preserve the significance of the subject site, setting of neighbouring listed buildings or preserve the character of the surrounding conservation area and world heritage site. There are no public benefits as a result of the proposal which would outweigh the harm identified to the significance of the designated heritage assets. The proposal is contrary to policies D2, D4, D9 and HE1 of the Bath and North East Somerset Placemaking Plan (2017) and Section 16 of the National Planning Policy Framework.

PLANS LIST:

For the avoidance of doubt, this decision relates to the following drawings;

Drawing 01 Aug 2019 BLOCK PLAN
Drawing 01 Aug 2019 3278-09-04 PROPOSED SIGNAGE GABLE END NORTH
OS Extract 01 Aug 2019 LOCATION PLAN

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