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| Bath & North East Somerset Council | |
| MEETING: | Planning Committee |
| MEETING DATE: | 10th March 2021 |
| RESPONSIBLE OFFICER: | Simon de Beer – Head of Planning |
| AGENDA ITEM NUMBER | |
| 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.

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| 01 | 20/00914/FUL 26 August 2020 | Dave Johnson/Derek Butler Keynsham Conservative Club , 22 High Street, Keynsham, Bristol, Bath And North East Somerset Installation of replacement windows on front elevation (Retrospective). | Keynsham North | Caroline Power | PERMIT |
| 02 | 20/00806/LBA 26 August 2020 | Dave Johnson/Derek Butler Keynsham Conservative Club , 22 High Street, Keynsham, Bristol, Bath And North East Somerset External alterations for the installation of replacement windows (Regularisation). | Keynsham North | Caroline Power | CONSENT |
| 03 | 20/04939/FUL 16 February 2021 | Mr & Mrs T SIMPSON 30A Lyncombe Hill, Lyncombe, Bath, Bath And North East Somerset, BA2 4PQ Erection of mansard roof with living accommodation following demolition of side extension to the house | Widcombe And Lyncombe | Caroline Power | REFUSE |
| 04 | 20/04801/LBA 11 March 2021 | Topping & Company Booksellers Limited Friends Meeting House, York Street, City Centre, Bath, Bath And North East Somerset External alterations for the installation of 4no. hand painted timber signs fixed onto side and front elevations and 1no. hand painted sign applied over existing painted signage to portico. | Kingsmead | Caroline Waldron | REFUSE |
| 05 | 20/04802/AR 11 March 2021 | Topping & Company Booksellers Limited Friends Meeting House, York Street, City Centre, Bath, Bath And North East Somerset Installation of 4no. hand painted timber signs fixed onto side and front elevations and 1no. hand painted sign applied over existing painted signage to portico. | Kingsmead | Caroline Waldron | REFUSE |

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| 06 | 20/04390/FUL 29 January 2021 | Mr William Drewett Crewcroft Barn, Hinton Hill, Hinton Charterhouse, Bath, Bath And North East Somerset Conversion of stone barn and replacement of existing timber clad extension at Crewcroft Barn to provide a (straw bale) Passivhaus standard dwelling (Resubmission). | Bathavon South | Chloe Buckingham | REFUSE |
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REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

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

REPORT

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

Keynsham Conservative Club at 22 High Street, Keynsham is a Grade II listed building, first listed in 1975. It is located in a prominent position on the main shopping street, adjacent to an archway and the Old Bank Public House, both separately listed Grade II. Other nearby Grade II listed heritage assets include the former NatWest Bank, 28 and 28A High Street and No.23 on the opposite side of the road and the Church of St. John the Baptist at that head of the street which is Grade II*. It is within the Keynsham Conservation Area.

This application is made in response to the application that was refused for replacement uPVC windows in 2019. The applicants are now seeking permission to replace these unauthorised windows with double glazed timber sash windows on the first floor of the front elevation of the building. There is a parallel listed building application.

PLANNING HISTORY;

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

DC - 20/00914/FUL - PDE - - Installation of replacement windows on front elevation (Retrospective).

DC - 20/00806/LBA - PDE- Installation of replacement windows on front elevation (Regularisation)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Keynsham Town Council- Support. There are no planning reasons to object to the application as the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the

Core Strategy or the Placemaking Plan:

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

RELEVANT CORE STRATEGY POLICIES

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

CP6 - Environmental quality

CP1- Retrofitting Existing Buildings

CP2- Sustainable Construction

KE2-Keynsham Town Centre/Somerdale Strategic Policy

DW1 District Wide Spatial Strategy

SD1 Presumption in favour of Sustainable Development

RELEVANT PLACEMAKING PLAN

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

HE1 Historic Environment

D1 - General Urban Design Principles

D2 - Local Character and Distinctiveness

D3 - Urban Fabric

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

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

Historic Environment Good Practice Advice in Planning Notes by Historic England- Traditional Windows-Their Care, Repair and Upgrading.

Supplementary Planning Guidance - BaNES 'Energy Efficiency & Renewable Energy Guidance for Listed Buildings & Undesignated Historic Buildings' (2013)

Conservation Area Character Appraisal - Keynsham Conservation Area Appraisal 2016

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

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

Keynsham Conservative Club is located within a 2-storey building, formerly known as Newton House. Originally built as a house in the late 18th/early 19th century in Georgian style, its street frontage is characterised with a painted rendered façade and plinth, a 1st floor sill band, cornice and blind parapet. The ground floor has three recently installed

windows, all timber, single glazed 16-pane sashes. The 1st floor had one 16-pane sash to the left and three smaller 12-pane sashes to right. All were single glazed timber and may have been original. These 1st floor windows are the subject of these applications.

This proposal is to replace the unauthorised plastic windows on the front facade at first floor level with bespoke made, double-glazed timber sash to match the ones that were previously removed and the existing windows at ground floor level.

Background:

This application was submitted in response to an enforcement enquiry concerning this site and following Refusal of the previous listed building application to retain the current uPVC windows under 19/03356/LBA. The reason for Refusal was;

"The works, by reason of the use of inappropriate materials and the appearance of uPVC windows and consequent harm to the designated heritage asset, fail to preserve the character of the listed building contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and Policy HE1 of the Placemaking Plan 2017."

The applicants have not appealed this decision and the unauthorised windows remain in situ. The enforcement case is pending whilst an alternative solution is considered through these dual applications to reinstate timber double-glazed sash windows.

It is regrettable that the previous windows were removed without the benefit of appropriate permissions or a condition survey or significance assessment made by a suitably qualified person to ascertain whether repair or replacement was the most appropriate option. If the decision to replace had been made under these circumstances then those windows would have been used as templates for historically accurate replacements, as they were regarded to be of historic value in evidential terms, regardless of condition.

The Historic England Advice Note 2 on; "Making Changes to Heritage Assets" notes at paragraph 42 that historic fabric will always be an important part of an asset's significance and should be retained as much as possible. However, the age and authenticity of these windows cannot be determined although the ground floor windows appear to be very similar in detailing and resemble late 19th century quality and workmanship.

The use of uPVC windows is inappropriate on a listed building. This is both a local policy and endorsed by national planning advice and guidance from Historic England and other conservation bodies. They are visually harmful to a listed building; diluting and diminishing its' historic character and appearance from which part of its significance is derived. Furthermore, they are harmful to the environment as the material they are manufactured from is highly toxic throughout its lifecycle: during its production, use, and disposal making it highly dangerous to recycle. In addition, the use of this type of window on a traditional building is incompatible with the pathology and construction of the building leading to increased problems with interstitial condensation, damp and mould growth and the potential damage of historic fabric.

Proposal:

The applicants now favour reinstating more traditional timber sash windows that can be reconstructed using the ground floor windows as templates. Although known to have

been replaced in the last decade and therefore not original to this building, the ground floor windows have traditional detailing, including the lambs tongue mouldings to the glazing bars, as corroborated by historic photos of the site. The applicants wish to install slim double-glazed units rather than single glazed units as the previous windows were. This is primarily due to the perceived improvement from the unauthorised double-glazed units with both noise and draft reductions to the upper floor, where offices are located. Drawings have been submitted by the applicant that indicate that the detail can be replicated in the replacements, with a minor variation to the actual dimensions, to accommodate the thickness of the two glass panes.

Impacts on the listed building and the setting of adjacent listed buildings, design and the conservation area are considered below;

Listed Building Issues;

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses..

The council supports careful replacement of windows with timber-framed slim-profile double-glazed units, where there is no detrimental impact on the special architectural or historic interest of the building, and under certain conditions that include; the existing windows are agreed as being modern or of no historic significance or heritage value, and, the replacement would enhance the special architectural or historic interest of the building - for example where existing windows are inappropriate modern replacements and new windows are correctly and authentically detailed and constructed resulting in a significant conservation gain.

In this case, the windows identified for replacement are of inappropriate materials, design and have been installed without listed building consent. The proposed replacements are made of more sympathetic material and design, appropriate to the character and significance of this listed building. Whilst the replacement windows will not be precise replicas, due to the use of slim double glazing, they would be sufficiently similar to the ground floor windows to visually assimilate.

Paragraph 193 of the NPPF advises 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. The more important the asset, the greater the weight should be. The proposed traditionally constructed sash windows will provide a more acceptable alternative to the uPVC versions which will conserve the special character of the listed building.

This application for replacing inappropriate and harmful uPVC windows with timber sash, based closely on the traditional windows on the ground floor, albeit in a double-glazed form, is consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated Heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

Supplementary Planning Guidance - BaNES 'Energy Efficiency & Renewable Energy Guidance for Listed Buildings & Undesignated Historic Buildings"- accepts that double-glazing can be considered for listed buildings where the existing windows are not of historic merit.

Design Issues;

Traditionally constructed, sash windows, based closely on the traditional windows on the ground floor, albeit in a double-glazed form, will provide a more acceptable alternative to the uPVC windows. Hence this application would accord with the following Placemaking Plan policies:

- o Policy D1 states that development will only be permitted if, amongst other things, the development enriches the character and qualities of places and contributes positively to local distinctiveness.
- o Policy D2 states that development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness.
- o Policy D3 states that development proposals must contribute positively to the urban fabric and should, amongst other things, be designed in a way that does not adversely prejudice existing/future development or compromise adjoining sites.

Conservation Area

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

The significance of this part of the conservation area is largely defined by clusters of older buildings within the busy High Street. No.22, High Street, is one of several buildings identified in the Keynsham Conservation Area Appraisal as being a good example of a Georgian style, late 18th century stucco house within the upper High Street of the town centre.

The proposed windows are clearly visible from the street and public views of the front facade to No. 22. The proposed replacement timber windows will result in an appropriate character and appearance to this roadside listed building. This proposal would therefore preserve the character and appearance of this part of the conservation area and accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. In this instance the installation of slim double-glazed units will be in line with wider environmental benefits.

In conclusion, this application is recommended for permission. A condition will be imposed to ensure that this work is undertaken within 6 months of the date of the decision

RECOMMENDATION

PERMIT

CONDITIONS

1 Special Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of six months from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Plans List (Compliance)

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

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

PLANS LIST:

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

2 Condition Categories

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

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

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

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

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 Permit/Consent Decision Making Statement

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

4 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

5 Responding to Climate Change (Informative):

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

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

7 Submission of Samples

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

Item No: 02

Application No: 20/00806/LBA

Site Location: Keynsham Conservative Club 22 High Street Keynsham Bristol Bath And North East Somerset



Ward: Keynsham North

Parish: Keynsham Town Council

LB Grade: II

Ward Members: Councillor Brian Simmons Councillor Vic Clarke

Application Type: Listed Building Consent (Alts/exts)

Proposal: External alterations for the installation of replacement windows (Regularisation).

Constraints: Agric Land Class 3b,4,5, Air Quality Management Area, Conservation Area, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, District Heating Priority Area, Housing Development Boundary, Listed Building, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Dave Johnson/Derek Butler

Expiry Date: 26th August 2020

Case Officer: Caroline Power

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

REPORT

Under the Planning Scheme of Delegation (as amended April 2020) this application is required to

be considered by Committee for a decision as the application is on behalf of a political party.

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

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

This application is made in response to the application that was refused for replacement uPVC windows in 2019. The applicants are now seeking permission to replace these unauthorised windows with double glazed timber sash windows on the first floor of the front elevation of the building. There is a parallel planning application.

PLANNING HISTORY;

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

DC - 20/00806/LBA - PDE - - External alterations for the installation of replacement windows (Regularisation).

DC - 20/00914/FUL - PCO - - Installation of replacement windows to front elevation (Retrospective).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Keynsham Town Council- Support. There are no planning reasons to object to the application as the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

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

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

The statutory Development Plan for B&NES comprises:

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

Core Strategy:

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

- CP6 - Environmental quality
- CP1 Retrofitting Existing Buildings
- CP2 Sustainable Construction

KE2 Town Centre/Somerdale Strategic Policy

Placemaking Plan:

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

HE1 Historic Environment

- D1 - General Urban Design Principles
- D2 - Local Character and Distinctiveness
- D3 - Urban Fabric

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

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

Historic Environment Good Practice Advice in Planning Notes by Historic England-Traditional Windows-Their Care, Repair and Upgrading

Supplementary Planning Guidance - BaNES 'Energy Efficiency & Renewable Energy Guidance for Listed Buildings & Undesignated Historic Buildings' (2013)

- Conservation Area Character Appraisals - Keynsham Conservation Area Appraisal 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

Keynsham Conservative Club is located within a 2-storey building, thought to have originally been built as a house in the late 18th century in Georgian style. Its street frontage is characterised with a painted, rendered, ordered façade and plinth, a 1st floor sill band, cornice and blind parapet. The Ground Floor has three windows, all with timber, single glazed 16-pane sashes. The 1st floor had one 16-pane sash to the left and three smaller 12-pane sashes to right. All were single glazed. The 1st floor windows are the subject of these applications.

Significance;

22 High Street is one of several buildings identified in the Keynsham Conservation Area Appraisal as being a good example of a Georgian, late 18th century stucco house within the upper High Street of the town. The list description accords with this dating and that it was formerly known as Newton House. It opened as the District Constitutional Club in

1905 and has been in the same use and ownership since that time. Despite its commercial use for over a hundred years, it still retains its' residential character externally, with an early 19th century doorway set between the first and second of three bays and on the ground floor 16 pane single glazed timber sashes. It is understood that the ground floor windows on the front elevation were replaced on a like for like basis in the recent past. The first-floor windows consisted of one 16-pane sash to the left and three smaller 12-pane sashes to the right.

It is these first-floor windows that have been recently replaced with uPVC windows with applied strip glazing bars. This proposal is to replace the unauthorised plastic windows on the front facade at first floor level with bespoke made, double-glazed timber sash to match the ones that were previously removed and the existing windows at ground floor level, albeit in a double-glazed form.

Background;

This application was submitted in response to an enforcement enquiry concerning this site and following Refusal of the previous listed building application to retain the current uPVC windows under 19/03356/LBA. The reason for Refusal was;

"The works, by reason of the use of inappropriate materials and the appearance of PVC windows and consequent harm to the designated heritage asset, fail to preserve the character of the listed building contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and Policy HE1 of the Placemaking Plan 2017."

The applicants have not appealed this decision and the unauthorised windows remain in situ. The enforcement case is pending whilst an alternative solution is considered through these dual applications to reinstate timber double-glazed sash windows.

It is regrettable that the previous windows were removed without the benefit of appropriate permissions and a condition survey or significance assessment by a suitably qualified person to ascertain whether repair or replacement was the most appropriate option. If the decision to replace had been made under these circumstances then those windows would have been used as templates for historically accurate replacements, as they were regarded to be of historic value in evidential terms, regardless of condition.

Proposal;

The applicants now favour reinstating more traditional timber sash windows that can be reconstructed using the ground floor windows as templates. Although known to have been replaced in the last decade and therefore not original to this building, the ground floor windows have traditional detailing, including the lambs tongue mouldings to the glazing bars, as corroborated by historic photos of the site. The applicants wish to install slim double-glazed units rather than single glazed units as the previous windows were. This is primarily due to the perceived improvement from the unauthorised double-glazed units with both noise and draft reductions to the upper floor, where offices are located. Drawings have been submitted by the applicant that indicate that the detail can be replicated in the replacements, with a minor variation to the actual dimensions, to accommodate the thickness of the two glass panes.

Policy Position;

Within both the Core Strategy and Placemaking Plans there are policies that promote and support the retention of traditional materials in historic contexts and in particular designated heritage assets. In addition, there are a number of other policy and guidance documents to take into consideration, including national guidance from Historic England.

Historic England's Advice Note 2 on Making Changes to Heritage Assets notes at paragraph 42 that; "historic fabric will always be an important part of an asset's significance and should be retained as much as possible". The use of uPVC windows is not appropriate on a listed building; this is both a local policy and endorsed by national planning advice and guidance from Historic England. They are visually harmful to a listed building diluting and diminishing its' historic character and appearance from which part of its significance is derived. Furthermore, they are harmful to the environment as the material they are manufactured from is highly toxic throughout its lifecycle: during its production, use, and disposal making it highly dangerous to recycle. In addition, the use of this type of window on a traditional building is incompatible with the pathology and construction of the building leading to increased problems with interstitial condensation, damp and mould growth and the potential destruction of historic fabric.

Energy Efficiency & Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings (2013.) This Supplementary Planning Document (SPD) includes guidelines on double glazing and replacement windows. It states; "Listed Building Consent is required for installation of new double-glazed windows. Guidelines and factors that will be considered during the determination and assessment process;

- o The design and detailing of windows is often a significant component of a building's overall appearance and character.
- o The section of the glazed units should be no greater than 12mm (two layers of glass + cavity).
- o The thickness and profile of timber glazing bars should be exact replicas of the original glazing bars.
- o The colour of any spacer (the perimeter strip between the two panes of glass) should match the colour of the painted timber.
- o At no time will applied (i.e. false) glazing bars or applied lead cames be considered appropriate.
- o UPVC is not regarded as an appropriate material.
- o Where a property is part of or similar to surrounding properties (e.g. terraced houses), use of discreet, complementary systems is particularly important to minimise the visual impact and to retain the sense of unity that is likely to exist particularly within a terrace.

The SPD also states that LPA supports careful replacement of windows with timber-framed slim-profile, double-glazed units where there is no detrimental impact on the special architectural or historic interest of the building, and under the following conditions:

- o the existing windows are agreed as being modern or of no historic significance or heritage value.
- o the existing windows are original or historic but are beyond feasible repair.
- o replacement would enhance the special architectural or historic interest of the building - for example where existing windows are inappropriate modern replacements and new windows are correctly and authentically detailed and constructed resulting in a significant conservation gain.

Keynsham Conservation Area is currently included on the Historic England Conservation Areas at Risk Register. The contributing factors that have resulted in this assessment and status include loss of historic town plan form and buildings, loss of historic architectural detailing and features (including shopfronts, doors, windows and traditional floor materials). The overall objective is to preserve, enhance and better reveal the significance and character of the Keynsham Conservation Area. The relatively recent publication of the Conservation Area appraisal, together with the successful outcome of an application for an Historic Area Zone (HAZ) through Historic England to improve the quality of the conservation area all contribute towards a stronger commitment to improve the historic environment of the town centre.

Keynsham Design Guide; Although not fully adopted yet, this proposal does not meet the criteria of the proposed Design Guide for Keynsham's Conservation Area that includes proposed High Street and Temple Street shop front and façade enhancement. This document is being worked on by the Heritage, Culture, Tourism, Marketing and Development of the Built Environment Topic Group for Keynsham's Neighbourhood Plan, Historic England and Bath and North East Somerset.

Listed Building Assessment;

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, is 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 council supports careful replacement of windows with timber-framed slim-profile double-glazed units, where there is no detrimental impact on the special architectural or historic interest of the building, and under certain conditions that include; the existing windows are agreed as being modern or of no historic significance or heritage value, and, the replacement would enhance the special architectural or historic interest of the building - for example where existing windows are inappropriate modern replacements and new windows are correctly and authentically detailed and constructed resulting in a significant conservation gain.

In this case, the windows identified for replacement are of inappropriate materials, design and have been installed without listed building consent. The proposed replacements are made of more sympathetic material and design, appropriate to the character and significance of this listed building. Whilst the replacement windows will not be precise replicas, due to the use of slim double glazing, they would be sufficiently similar to the ground floor windows to visually assimilate.

Paragraph 193 of the NPPF advises 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. The more important the asset, the greater the weight should be. The proposed traditionally constructed sash windows will provide a more acceptable alternative to the uPVC versions which will conserve the special character of the listed building. A condition will be imposed to ensure that this work is undertaken within 6 months of the date of the decision.

This application for replacing inappropriate and harmful uPVC windows with timber sash, based closely on the traditional windows on the ground floor, albeit in a double-glazed form, would therefore accord with the following Placemaking Plan policies:

* Policy HE1 states that development that has an impact upon a heritage asset will be expected to enhance or better reveal its significance and make a positive contribution to its character and appearance.

* Supplementary Planning Guidance - BaNES 'Energy Efficiency & Renewable Energy Guidance for Listed Buildings & Undesignated Historic Buildings"- States that double-glazing can be considered for listed buildings where the existing windows are not of historic merit.

The proposals are also consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would be an acceptable alteration/addition to the listed building that would preserve the significance of the designated heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. In this instance the installation of slim double- glazed units will be in line with wider environmental benefits of energy efficiency.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Joinery Details (Bespoke Trigger)

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

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

3 Plans List (Compliance)

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

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

PLANS LIST:

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

2 Condition Categories

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

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

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

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

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 Permit/Consent Decision Making Statement

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

4 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the

development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

5 Responding to Climate Change (Informative):

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

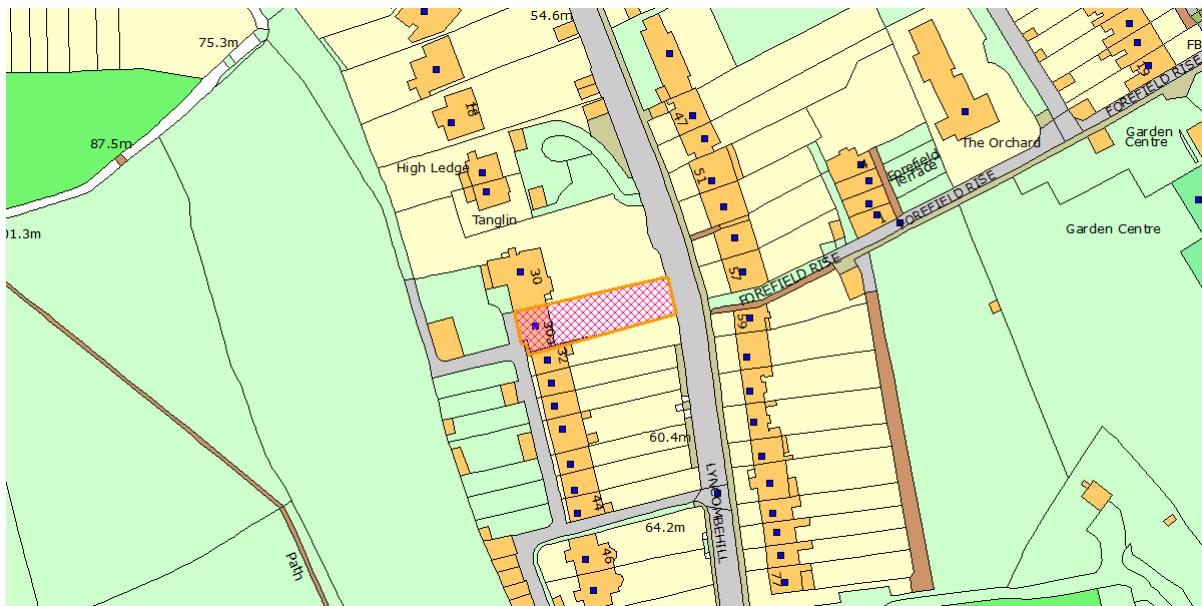
6 The applicant is informed that this approved work shall be carried out in line with the approved plans within six months of the date of this application being approved. Failure to do so may result in Enforcement action being taken.

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

8 Submission of Samples

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

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



Ward: Widcombe And Lyncombe **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Alison Born Councillor Winston Duguid
Application Type: Full Application
Proposal: Erection of mansard roof with living accommodation following demolition of side extension to the house
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs T SIMPSON
Expiry Date: 16th February 2021
Case Officer: Caroline Power
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

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

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

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

DESCRIPTION OF SITE AND APPLICATION:

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

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

Planning History;

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

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

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

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

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

RELEVANT CORE STRATEGY POLICIES

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

DW1: District wide spatial strategy

B1: Bath spatial strategy

B4: The World Heritage Site and its setting

SD1: Presumption in favour of sustainable development

CP2: Sustainable construction

CP6: Environmental quality

RELEVANT PLACEMAKING PLAN

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

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D5: Building design

D6: Amenity

D7: Infill and backland development

HE1: Historic environment

NE2: Conserving and enhancing the landscape and landscape character

NE2A: Landscape setting of settlements

H3: Residential Uses in Existing Buildings

ST1 -Promoting sustainable travel

ST7: Transport, access and development management.

SUPPLEMENTARY PLANNING DOCUMENTS;

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

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

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving

the building or its setting or any features of special architectural or historic interest which it possesses.'

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

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

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

BACKGROUND AND STATUS OF 30A LYNCOMBE HILL;

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

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

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

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

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

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

Due to the building's material connection and immediate physical and visual presence within the setting of the surrounding and attached grade II listed heritage assets, the scale and design approach of the proposed replacement roof must be carefully considered in relation to its possible

impact on the special architectural and historic interest and setting of these listed buildings and on the character and appearance of the conservation area and Outstanding Universal Value of the World Heritage Site. This assessment applies to both Abbey Lodge and Oxford Terrace that form part of this close-knit group. Other listed buildings within this part of Lyncombe Hill are sufficiently distanced from the site as they are located on the opposite side of the main road at a lower level, due to the topographical fall of the land and separated by the long gardens belonging to Nos 30 & 30A.

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

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

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

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

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

The main issues to consider are with this application are:

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

Principle of the development;

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

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

Historic Environment Issues;

* Impact on the setting of the Listed Buildings;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- * It has a remarkable degree of visual homogeneity;
- * Authenticity of the World Heritage Site (WHS) is of the essence; its preservation and enhancement are key criteria for all development.
- * Its complex and delicate hierarchy of interrelated urban spaces, landscape and architecture could be easily disrupted by overbearing or misinformed development and by the accumulation of harm.

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

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

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

* Impact on the World Heritage Site and Landscape;

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

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

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

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

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

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

Amenity Impact

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

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

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

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

Highways Issues;

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

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

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

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

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

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

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

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

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

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

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

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

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

PLANS LIST:

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

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

3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

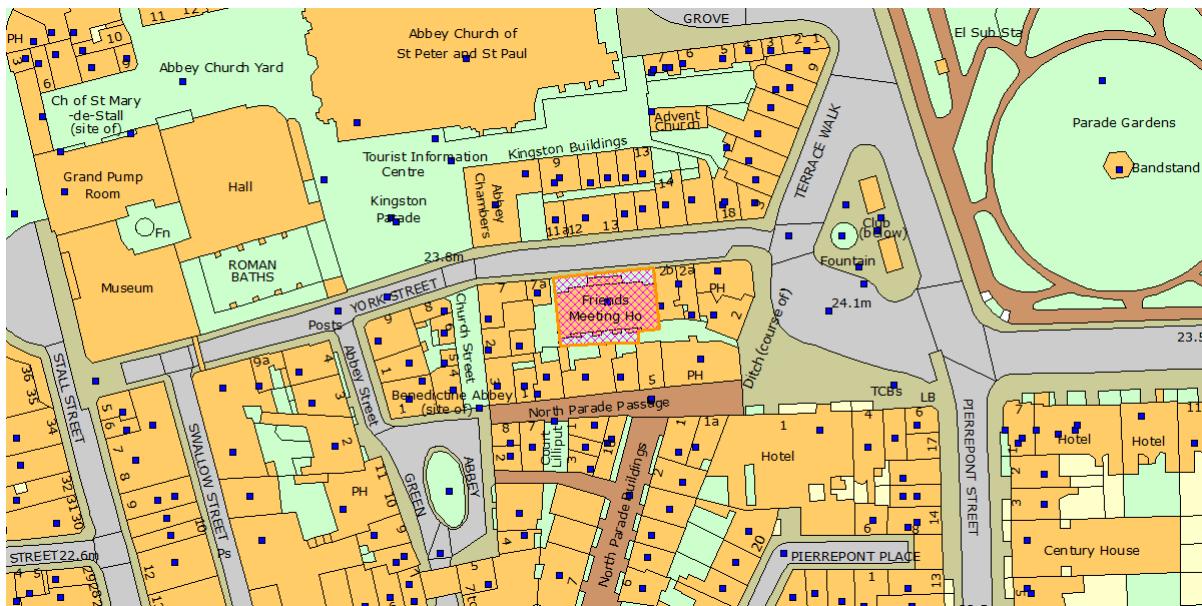
4 Responding to Climate Change (Informative):

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

Item No: 04

Application No: 20/04801/LBA

Site Location: Friends Meeting House York 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 for the installation of 4no. hand painted timber signs fixed onto side and front elevations and 1no. hand painted sign applied over existing painted signage to portico.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

Applicant: Topping & Company Booksellers Limited

Expiry Date: 11th March 2021

Case Officer: Caroline Waldron

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

REPORT

Application being reported to committee at request of ward councillors because it is recommended for refusal.

The Friends Meeting House is a significant grade II listed building within the Bath World Heritage Site and the designated Conservation Area. The Meeting House, formerly the Freemasons Hall circa 1817 by William Wilkins in Greek Revival Style has a strong presence in the streetscene.

The current application proposes the installation of signage, comprising four timber boards and consolidating and painting over the existing lettering on the portico, to advertise the bookshop that will shortly occupy the building.

Two boards would be positioned either side of the new central entrance doors, within the portico facing the street (north elevation) and two further boards on the solid return walls of the portico facing east and west along the street. Each board would measure 2100mm tall by 1020mm wide. The colour scheme would be Farrow and Ball Gervase Yellow onto Chinese Blue. At the same time the frieze (at the bottom of the pediment) which currently bears the name Friends Meeting House would be painted using the same colour scheme to advertise the bookshop.

Both the existing north elevation doors at either end of the elevation and the recently approved entrance doors would also be painted Chinese blue.

Revised plans have been submitted to address the inconsistencies between the current submission and the previous approvals.

Planning history

Parallel advertisement regulations application reference 20/04802/AR.

20/04050/LBA and 20/4049/FUL change of use and associated internal and external alterations to facilitate conversion from place of worship to retail. The external changes include introducing a functioning entrance into what is currently a blind opening within the portico approached by new steps.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Parish Council: NA

Historic England: NA

Ward councillors have requested the application be considered at committee if recommended for refusal and commented in support;

The signage is considerate and sympathetic to the operation of the building, and adds to the ability for bringing this building into use, preserving it as a functioning building of significance within city.

Such signage would not be detrimental to the listed building.

The proposal is of significant public interest, and should be determined by committee in the public domain.

Although the proposed signage does not fall strictly under the rules laid out in the document "Bath Shopfronts -

Guidelines for Design and Conservation",

- The context of York Street is informal enough that there are no strict retail patterns that must be followed.

- The size, mass and proportions of The Friends Meeting House are quite different to those of a traditional shop

front so larger signage could be tolerated without dwarfing the windows and any other period features of the north

facing facade

- Since Southgate has been built, it has drawn people arriving at the rail and bus stations through the new shopping area. . Because of this, the area around the Meeting House, to

the detriment of the local retailers, has suffered a significant drop in footfall. Whilst the placement of the proposed signage could be deemed to cause harm to a listed building and the conservation area, this should be weighed against the benefit of drawing footfall to York Street by a strong visual link through to the building from either end of York Street, Kingston Parade and Terrace Walk. This, combined with the pedestrianisation of York Street to create the "Abbey Quarter" and more of a cafe culture, and revitalise what once was a vibrant part of the city centre.

Other representations:

Bath Preservation Trust objects and comment;

The Friends' Meeting House is a Grade II early 19th century Quaker meeting house, formerly designed as a Freemasons' Hall by William Wilkins in a Greek Revival style, situated within the Bath conservation area and World Heritage Site. It forms part of the setting for multiple Grade II terraced buildings along York Street, notably 11A and 12-15 York Street which are thought to also have been designed by William Wilkins, with a frontage contemporary to the Friends' Meeting House. The building's special architectural and historic interest is principally defined from its principal street elevation, with a portico pediment and symmetrical, flanking wings, and a pair of circular lanterns to provide internal natural lighting via the roof. The blind doorway was intentionally designed to reinforce Masonic mystery and secrecy. Originally, the windows were similarly blind, but these were likely opened in the 1820s-1840s following the change of use from a Freemasons' Hall to an events space and non-conformist chapel until it became the Bethesda Chapel in 1842.

The Trust previously supported consented scheme 20/04050/LBA for the reuse and refurbishment of the building to house Toppings book shop. They accepted the business case need for central access and that the loss of historic fabric in the creation of an opening would be outweighed by public benefit brought about by the improved interaction with the streetscape to facilitate the successful, long term reoccupation and reuse of the building. They objected to proposals for the recarving of the '1842' pediment inscription to read '1817'.

There initially appears to be a lack of clarity regarding the existing consent. Whilst the revised drawings and Heritage/D&A Statement attached to 20/04050/LBA indicated the exclusion of a balustrade between the portico columns from the scheme, the drawings and visual montages attached to this application continue to show this balustrade in situ. This is not elaborated on within the attached Heritage/D&A Statement, and therefore it is unclear as to whether this forms part of the active proposal. They request the omission of the metal balustrade between the portico columns, which would close off the space between the columns.

In principle, the hand painting of a new sign to the frieze panel is acceptable. They reiterate their preference for the retention of the existing Friends' Meeting House signage and other paint layers as part of the building's ongoing socio-historic narrative, but appreciate that the deteriorating condition of the stone may necessitate repairs. It would be beneficial for this element of the scheme to be clarified with the case officer. However, they have concerns with the proposed size of the new frieze sign. Repainting of the whole frieze in 'Chinese Blue' colour, by virtue of the size and position, would result in an assertive appearance that detracts from the building's architectural palette and composition. The inset panel filled with render identified in the Condition Survey likely

formed the basis for the building's original inscription and it would be more appropriate to restrict new signage to this panel within a stone surround, thereby reducing the size and associated visual dominance of the proposed sign whilst aesthetically reinstating a historic feature of interest.

They feel that adequate justification has not been provided regarding the proposed volume of signage across the building's principal façade. Whilst the principle of wallmounted signs in moderation is not unacceptable, they consider the proposed size and volume of signage to be cumulatively excessive and would result in a confused, cluttered appearance. They find the proposed signage to the external returns of the portico to be more appropriate; whilst these would function as street level advertising in mid-range views along the York Street approach, there would be of negligible visual impact within the

principal north-facing elevation in immediate views. They highlight the use of signage either side of the blind doorway to be of more substantial visual harm to the building's architectural facade and recommend their exclusion from the scheme.

They highlight the absence of information regarding the means of fixing the proposed hardwood panels to the stonework, or whether it is proposed to restrain fixings as best as possible to the mortar joints.

They feel that the repainting of the side doors in a matching blue would result in an overbearing and bright appearance that would detract from the natural stone palette of a listed building and the wider streetscape of the conservation area and suggest the doors are repainted in a more recessive, neutral colour such as a dark blue or grey as included in the Bath Pattern Book. They recommend the proposed brighter blue and yellow combination is restrained to the signage panels to minimise its visual intrusiveness.

In its current iteration, this application proposes an excessive volume of signage which would be of cumulative visual harm to the special historic and architectural interest of the listed building, and would neither preserve nor enhance the character or appearance of the conservation area contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF, and Policies B1, D1, D2, D3, D4, D5, D9, and HE1 of the Core Strategy and Placemaking Plan.

Bath Heritage Watchdog object and comment;

They deeply regret the granting of consent for the opening of the blind doorway and would encourage the applicants to reconsider.

Applications for new signage should follow published guidelines.

The condition and treatment of the portico frieze is a paramount consideration. The proposals are unclear. Some cleaning methods may cause damage.

Keim paint is more sympathetic to the historic stonework. A background blue colour is not required and the amount of text could be reduced to follow the historic lettering used on the pediment.

We support the approach of handpainted timber signage and signage attached to the outer portico elevations could be tolerated if the signage is reduced in size and the wording reduced.

Fixing should be as limited and minimal as possible to avoid damage.

Signage on the internal portico is unnecessary and combined with the other signage excessive. The area on either side of the door could be utilised for bespoke, freestanding signage.

The building has been named the Friends Meeting House for over a century and is identified in the list entry as such. They suggest the applicants leave the portico frieze as is.

The works as proposed are considered to be detrimental to the special architectural and historic character and interest of the listed building, adjacent listed buildings and the conservation area contrary to S16 and S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 Conserving & Enhancing the Historic Environment of the NPPF and Policies DW1, CP6, D1, D2, D3, D9, D10, and HE1 of the Core Strategy and Placemaking Plan and should be revised or else refused in its current format.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

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

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

The statutory Development Plan for B&NES comprises:

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

Core Strategy:

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

- CP6 - Environmental quality
- B4 - The World Heritage Site
- CP1 Retrofitting Existing Buildings
- CP2 Sustainable Construction

Placemaking Plan:

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

- HE1 Historic Environment
- D2 Local character and distinctiveness
- D9 Advertisements and outdoor street furniture

- Historic Environment Good Practice Advice in Planning Notes issued by Historic England

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 Friends Meeting House, a Grade II listed building sits within the Bath World Heritage Site and the heart of the designated conservation area, in close proximity to the Roman Baths and the Abbey.

It was built circa 1817 - 1819 in Greek-Revival style as a Freemasons' Hall, designed by William Wilkins. The portico contains a symbolically blind doorway with functional flanking entrances. The interior great hall is lit by two circular glazed lanterns.

The building proved to be too expensive for the freemasons to maintain and it was then used as an assembly room and non-conformist chapel in the 1830's until it was leased as the Bethesda Chapel in 1842 (the date on the portico). The windows on the front elevation were originally blind but were opened during the use as an assembly room and non-conformist chapel. The Religious Society of Friends (The Quakers) has owned the building since 1866.

Planning permission and listed building consent for a change of use to retail (bookshop) and associated alterations has recently been granted. The scheme of work is interventionist and includes replacing the symbolic blind central opening with functioning doors approached by new generously proportioned steps. This will in itself signal a change in the use of the building and welcome people in. During opening hours the doors will be left and open and the interior protected by sliding glass doors which could incorporate advertising as manifestation.

There is no objection to the principle of introducing new signage to the exterior of the building. The policy context for considering proposals is Place Making Plan policies D9, D2 and HE1. Policy HE1 deals broadly with protecting all aspects of the historic environment. Alterations to listed buildings are expected to have no adverse impact on those elements which contribute to their special architectural or historic interest , including

their settings. Within conservation areas development will only be permitted that preserves or enhances those elements which contribute to special character or appearance. Design policy D2 protects local character and distinctiveness. Policy Policy D9 deals specifically with advertising and states that signs should be kept to a minimum with usually only one advertisement on each principal frontage. It then goes on to list a number of criteria against which suitability will be judged, including local street character/position/proportionate size/colour/materials and fixings. The council has also published guidance in 2016 titled "Commercial signage and table and chairs on the highway" which explores the issue in greater detail. However the Meeting House does not have a conventional "shopfront" and the guidance cannot readily be applied. However the high quality design and execution of the Meeting House and the monumental nature of the architecture forms a landmark building in the historic street scene which demands an exemplary and bespoke approach to the design and positioning of any signage.

Unfortunately the application(s) as submitted proposes a standard and intensive package of commercial signage. Although the materials proposed are painted timber, four signboards each measuring 2100mm tall by 1020mm wide would be very large and visually intrusive, dominating and detracting from the design and architectural presence of the Meeting House and impinging detrimentally into the wider streetscene. The overall result would harm the significance of the listed building and the wider character of the conservation area contrary to Place Making Plan policies HE1, D9 and D2.

Painting the bookshop name across the portico frieze would cause harm to the heritage asset in two ways. Firstly the existing name "Friends Meeting House" is intrinsic to the buildings historic narratives and its loss would diminish the historic and evidential value of the listed building. Secondly, the use of the blue and yellow colour scheme at high level would disrupt the integrity and harmony of the building design causing an unacceptable and unnecessary level of harm to the significance of the listed building contrary to Place Making Plan policy HE1 and the NPPF. Retention and repair is the appropriate heritage led approach.

More general concerns have been raised about the blue and yellow colour scheme for the portico boards. The agent has confirmed that the intention is to colour match the existing shopfront, where the these colours are used in shades that are not overly strident. Whilst the predominant building stone in the city centre may be neutral bathstone the joinery particularly that of shopfronts comes in many colours which the character of Bath is able to assimilate. There is, in this case, there is no sound heritage reason for the applicant not to use the shops established colour scheme. The suitability of the colour combination, could, if the scheme were otherwise acceptable be confirmed by requesting samples.

The existing bookshop frequently advertises temporary events such book signing. The current proposals make no provision for this which may lead to additional signs being added piecemeal on and around the Meeting House to the further detriment of both the listed building and the wider area.

Council officers have engaged proactively with the scheme architect and put forward a number of ideas for discussion to achieve a more sensitive and creative solution. These include;

1. Replace fixed signage within portico with well designed freestanding signs that can be taken in at the close of trading each day. Incorporate flexible advertising opportunities such as author book signings into the design to avoid later proliferation of signs.
2. Using the symbol of the book(s) more creatively - straddling the areas of advertising and a more public art approach to signal that the building is now being used as a bookshop.
3. There is a small raised paved area in front of the right hand door where it might be possible to site freestanding business hours advertising without compromising the fire escape.

The applicant has declined to negotiate and the application must be determined on the basis of the submitted drawings.

In determining this application the council are placed under two statutory duties, 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 and to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. These duties are reflected in paragraph 193 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight must always be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification.

In this case, in the words of the NPPF the harm will be less than substantial although it will be considerable. Where the level of harm falls into the less than substantial category paragraph 196 of the Framework is engaged which states that less than substantial harm, should be weighed against the public benefits of the proposal, including securing its optimum viable use. Although, the change to a bookshop will bring the building into beneficial use, this benefit is not outweighed by the level of harm that the signage as proposed would inflict longterm on the heritage asset. This is particularly the case where other viable but less harmful design solutions exist to effectively advertise the business and secure the benefit.

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

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

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of

the surrounding conservation area. In this case the signage will harm the character of the conservation area and for this reason is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

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

2 The proposed overpainting of the "Friends Meeting House" name would by concealing key evidence about the buildings historic narrative cause harm to the character and significance of the listed building and the character and appearance of the wider streetscene and conservation area contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Place Making Plan policy HE1, the NPPF and published Historic England advice.

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

PLANS LIST:

| | | |
|-------------|-------------|--------------------------------|
| 1 Drawings | | |
| 15 Dec 2020 | 125 1001 P1 | LOCATION PLAN |
| 18 Feb 2021 | 125 3116 P4 | PROPOSED EXTERNAL SIGNAGE PLAN |
| 18 Feb 2021 | 125 3122 P2 | PROPOSED SIGNAGE VISUAL |

2 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

3 Responding to Climate Change (Informative):

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

4 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:

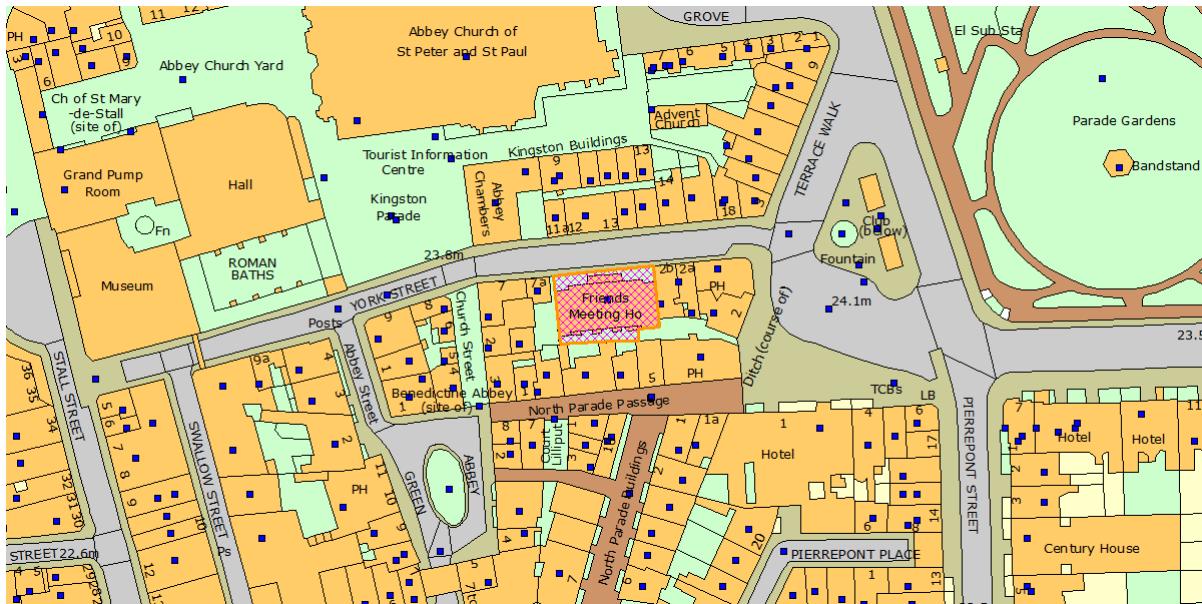
05

Application No:

20/04802/AR

Site Location:

Friends Meeting House York 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:

Installation of 4no. hand painted timber signs fixed onto side and front elevations and 1no. hand painted sign applied over existing painted signage to portico.

Constraints:

Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

Applicant:

Topping & Company Booksellers Limited

Expiry Date:

11th March 2021

Case Officer:

Caroline Waldron

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

REPORT

Application being reported to committee at request of ward councillors because it is recommended for refusal.

The Friends Meeting House is a significant grade II listed building within the Bath World Heritage Site and the designated Conservation Area. The Meeting House, formerly the Freemasons Hall circa 1817 by William Wilkins in Greek Revival Style has a strong presence in the streetscene.

The current application proposes the installation of signage, comprising four timber boards and consolidating and painting over the existing lettering in the portico, to advertise the bookshop that will shortly occupy the building.

Two boards would be positioned either side of the new central entrance doors, within the portico facing the street (north elevation) and two further boards on the solid return walls of the portico facing east and west along the street. Each board would measure 2100mm tall by 1020mm wide. The colour scheme would be Farrow and Ball Gervase Yellow onto Chinese blue. At the same time the frieze (at the bottom of the pediment) which currently bears the date 1842 when the Bethesda Chapel started using the building would be painted using the same colour scheme.

Both the existing north elevation doors at either end of the elevation and the recently approved entrance doors would also be painted Chinese blue.

Revised plans have been submitted to address the inconsistencies between the current submission and the previous approvals.

Planning history

Parallel advertisement regulations application reference 20/04802/AR.

20/04050/LBA and 20/4049/FUL change of use and associated internal and external alterations to facilitate conversion from place of worship to retail. The external changes include introducing functioning entrance into what is currently a blind opening within the portico approached by new steps.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Parish Council: NA

Highways have advised that as no proposed signage that will be overhanging the public highway or footway, they have no objection.

Historic England: NA

Ward councillors have requested the application be considered at committee if recommended for refusal and commented in support;

The signage is considerate and sympathetic to the operation of the building, and adds to the ability for bringing this building into use, preserving it as a functioning building of significance within city.

Such signage would not be detrimental to the listed building.

The proposal is of significant public interest, and should be determined by committee in the public domain.

Although the proposed signage does not fall strictly under the rules laid out in the document "Bath Shopfronts -

Guidelines for Design and Conservation",

- The context of York Street is informal enough that there are no strict retail patterns that must be followed.

- The size, mass and proportions of The Friends Meeting House are quite different to those of a traditional shop

front so larger signage could be tolerated without dwarfing the windows and any other period features of the north facing facade

- Since Southgate has been built, it has drawn people arriving at the rail and bus stations through the new shopping area. . Because of this, the area around the Meeting House, to the detriment of the local retailers, has suffered a significant drop in footfall. Whilst the placement of the proposed signage could be deemed to cause harm to a listed building and the conservation area, this should be weighed against the benefit of drawing footfall to York Street by a strong visual link through to the building from either end of York Street, Kingston Parade and Terrace Walk. This, combined with the pedestrianisation of York Street to create the "Abbey Quarter" and more of a cafe culture, and revitalise what once was a vibrant part of the city centre.

Other representations:

Bath Preservation Trust objects and comment;

The Friends' Meeting House is a Grade II early 19th century Quaker meeting house, formerly designed as a Freemasons' Hall by William Wilkins in a Greek Revival style, situated within the Bath conservation area and World Heritage Site. It forms part of the setting for multiple Grade II terraced buildings along York Street, notably 11A and 12-15 York Street which are thought to also have been designed by William Wilkins, with a frontage contemporary to the Friends' Meeting House. The building's special architectural and historic interest is principally defined from its principal street elevation, with a portico pediment and symmetrical, flanking wings, and a pair of circular lanterns to provide internal natural lighting via the roof. The blind doorway was intentionally designed to reinforce Masonic mystery and secrecy. Originally, the windows were similarly blind, but these were likely opened in the 1820s-1840s following the change of use from a Freemasons' Hall to an events space and non-conformist chapel until it became the Bethesda Chapel in 1842.

The Trust previously supported consented scheme 20/04050/LBA for the reuse and refurbishment of the building to house Toppings book shop. They accepted the business case need for central access and that the loss of historic fabric in the creation of an opening would be outweighed by public benefit brought about by the improved interaction with the streetscape to facilitate the successful, long term reoccupation and reuse of the building. They objected to proposals for the recarving of the '1842' pediment inscription to read '1817'.

There initially appears to be a lack of clarity regarding the existing consent. Whilst the revised drawings and Heritage/D&A Statement attached to 20/04050/LBA indicated the exclusion of a balustrade between the portico columns from the scheme, the drawings and visual montages attached to this application continue to show this balustrade in situ. This is not elaborated on within the attached Heritage/D&A Statement, and therefore it is unclear as to whether this forms part of the active proposal. They request the omission of the metal balustrade between the portico columns, which would close off the space between the columns.

In principle, the hand painting of a new sign to the frieze panel is acceptable. They reiterate our preference for the retention of the existing Friends' Meeting House signage and other paint layers as part of the building's ongoing socio-historic narrative, but appreciate that the deteriorating condition of the stone may necessitate repairs. It would be beneficial for this element of the scheme to be clarified with the case officer. However, they have concerns with the proposed size of the new frieze sign. Repainting of the whole frieze in 'Chinese Blue' colour, by virtue of the size and position, would result in an

assertive appearance that detracts from the building's architectural palette and composition. The inset panel filled with render identified in the Condition Survey likely formed the basis for the building's original inscription and it would be more appropriate to restrict new signage to this panel within a stone surround, thereby reducing the size and associated visual dominance of the proposed sign whilst aesthetically reinstating a historic feature of interest.

They feel that adequate justification has not been provided regarding the proposed volume of signage across the building's principal façade. Whilst the principle of wallmounted signs in moderation is not unacceptable, they consider the proposed size and volume of signage to be cumulatively excessive and would result in a confused, cluttered appearance. They find the proposed signage to the external returns of the portico to be more appropriate; whilst these would function as street level advertising in mid-range views along the York Street approach, they would be of negligible visual impact within the principal north-facing elevation in immediate views. They highlight the use of signage either side of the blind doorway to be of more substantial visual harm to the building's architectural facade and recommend their exclusion from the scheme.

They highlight the absence of information regarding the means of fixing the proposed hardwood panels to the stonework, or whether it is proposed to restrain fixings as best as possible to the mortar joints.

They feel that the repainting of the side doors in a matching blue would result in an overbearing and bright appearance that would detract from the natural stone palette of a listed building and the wider streetscape of the conservation area and suggest the doors are repainted in a more recessive, neutral colour such as a dark blue or grey as included in the Bath Pattern Book. They recommend the proposed brighter blue and yellow combination is restrained to the signage panels to minimise its visual intrusiveness.

In its current iteration, this application proposes an excessive volume of signage which would be of cumulative visual harm to the special historic and architectural interest of the listed building, and would neither preserve nor enhance the character or appearance of the conservation area contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF, and Policies B1, D1, D2, D3, D4, D5, D9, and HE1 of the Core Strategy and Placemaking Plan.

Bath Heritage Watchdog object and comment;

They deeply regret the granting of consent for the opening of the blind doorway and would encourage the applicants to reconsider.

Applications for new signage should follow published guidelines.

The condition and treatment of the portico frieze is a paramount consideration. The proposals are unclear. Some cleaning methods may cause damage.

Keim paint is more sympathetic to the historic stonework. A background blue colour is not required and the amount of text could be reduced to follow the historic lettering used on the pediment.

They support the approach of handpainted timber signage and signage attached to the outer portico elevations could be tolerated if the signage is reduced in size and the wording reduced.

Fixing should be as limited and minimal as possible to avoid damage.

Signage on the internal portico is unnecessary and combined with the other signage excessive. The area on either side of the door could be utilised for bespoke, freestanding signage.

The building has been named the Friends Meeting House for over a century and is identified in the list entry as such. They suggest the applicants leave the portico frieze as is.

The works as proposed are considered to be detrimental to the special architectural and historic character and interest of the listed building, adjacent listed buildings and the conservation area contrary to S16 and S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 Conserving & Enhancing the Historic Environment of the NPPF and Policies DW1, CP6, D1, D2, D3, D9, D10, and HE1 of the Core Strategy and Placemaking Plan and should be revised or else refused in its current format.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the

Core Strategy or the Placemaking Plan:

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

RELEVANT CORE STRATEGY POLICIES

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

- CP6 - Environmental quality
- B4 - The World Heritage Site
- CP1 Retrofitting Existing Buildings
- CP2 Sustainable Construction

RELEVANT PLACEMAKING PLAN

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

- HE1 Historic Environment
- D2 Local character and distinctiveness
- D9 Advertisements and outdoor street furniture

Commercial signage and tables and chairs on the highway, Design and Conservation Guidance, July 2016

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

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

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.

Highways have confirmed that as the proposed signs will not overhang the public highway they have no objection. The signs are not considered to cause any other public safety issues and the rest of this report will therefore focus on the issue of visual amenity. In practice amenity should be regarded as the effect on visual amenity in the immediate neighbourhood of the advertisement. The key consideration is whether the signage is in scale and keeping with the local characteristics of the neighbourhood such as scenic, historic, architectural or cultural features.

Other material considerations regarding the impact of the works solely on the significance of the listed building have been determined through the parallel listed building consent application 20/04801/LBA.

The Friends Meeting House a Grade II listed building sits within the Bath World Heritage Site and the heart of the designated conservation area, in close proximity to the Roman Baths and the Abbey.

It was built circa 1817 - 1819 in Greek-Revival style as a Freemasons' Hall, designed by William Wilkins. The portico contains a symbolically blind doorway with functional flanking entrances. The interior great hall is lit by two circular glazed lanterns.

The building proved to be too expensive for the freemasons to maintain and it was then used as an assembly room and non-conformist chapel in the 1830's until it was leased as the Bethesda Chapel in 1842 (the date on the portico). The windows on the front elevation were originally blind but were opened during the use as an assembly room and non-conformist chapel. The Religious Society of Friends (The Quakers) has owned the building since 1866.

Planning permission and listed building consent for a change of use to retail (bookshop) and associated alterations has recently been granted. The scheme of work is interventionist and includes replacing the symbolic blind central opening with functioning doors approached by new generously proportioned steps. This will in itself signal a change in the use of the building and welcome people in. During opening hours the doors will be left and open and the interior will be protected by sliding glass doors which could incorporate advertising as manifestation.

There is no objection to the principle of introducing new signage to the exterior of the building. The policy context for considering proposals is Place Making Plan policies D9, D2 and HE1. Policy HE1 deals broadly with protecting all aspects of the historic environment. Alterations to listed buildings are expected to have no adverse impact on those elements which contribute to their special architectural or historic interest , including their settings. Within conservation areas development will only be permitted that preserves or enhances those elements which contribute to special character or appearance. Design policy D2 protects local character and distinctiveness. Policy D9 deals specifically with advertising and states that signs should be kept to a minimum with usually only one advertisement on each principal frontage. It then goes on to list a number of criteria against which suitability will be judged, including local street character/position/proportionate size/colour/materials and fixings. The council has also published guidance in 2016 titled "Commercial signage and table and chairs on the highway" which explores the issue in greater detail. However the Meeting House does not have a conventional "shopfront" and the guidance cannot readily be applied. However the high quality design and execution of the Meeting House and the monumental nature of the architecture forms a landmark building in the historic street scene which demands an exemplary and bespoke approach to the design and positioning of any signage.

Unfortunately the application(s) as submitted proposes a standard and intensive package of commercial signage. Although the materials proposed are painted timber, four signboards each measuring 2100mm tall by 1020mm wide would be very large and visually intrusive dominating and detracting from the design and architectural presence of the Meeting House and impinging detrimentally into the wider streetscene. The overall result would harm the significance of the listed building and the wider character of the conservation area contrary to Place Making Plan policies HE1 and D9 and by extrapolation the visual amenity of the local neighbourhood.

Painting the bookshop name across the portico frieze would cause harm to the heritage asset in two ways. Firstly the existing name "Friends Meeting House" is intrinsic to the buildings historic narrative and its loss would diminish the historic and evidential value of

the listed building. Secondly, the use of the blue and yellow colour scheme at high level would disrupt the integrity and harmony of the building design causing an unacceptable and unnecessary level of harm to the significance of the listed building contrary to Place Making Plan policy HE1 and the NPPF.

More general concerns have been raised about the blue and yellow colour scheme for the portico boards. The agent has confirmed that the intention is to colour match the existing shopfront, where these colours are used in shades that are not overly strident. Whilst the predominant building stone in the city centre may be neutral bathstone the joinery particularly that of shopfronts comes in many colours which the character of Bath is able to assimilate. There is, in this case, no sound heritage reason for the applicant not to use the shops established colour scheme. The suitability of the colour combination could if the scheme were otherwise acceptable be confirmed by requesting samples.

The existing bookshop frequently advertises temporary events such book signing. The current proposals make no provision for this which may lead to additional signs being added piecemeal on and around the Meeting House to the further detriment of both the listed building and the wider area.

Council officers have engaged proactively with the scheme architect and put forward a number of ideas for discussion to achieve a more sensitive and creative solution. These include;

1. Replace fixed signage within portico with well designed freestanding signs that can be taken in at the close of trading each day. Incorporate flexible advertising opportunities such as author book signings into the design to avoid later proliferation of signs.
2. Using the symbol of the book(s) more creatively - straddling the areas of advertising and a more public art approach to signal that the building is now being used as a bookshop.
3. There is a small raised paved area in front of the right hand door where it might be possible to site freestanding business hours advertising without compromising the fire escape.

The applicant has declined to negotiate and the application must be determined on the basis of the submitted drawings.

In determining this application the council are placed under two important statutory duties, 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 and to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. These duties are reflected in paragraph 193 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight must always be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification.

In this case, in the words of the NPPF the harm will be less than substantial although it will be considerable. Where the level of harm falls into the less than substantial category paragraph 196 of the Framework is engaged which states that less than substantial harm,

should be weighed against the public benefits of the proposal, including securing its optimum viable use. Although, the change to a bookshop will bring the building into beneficial use, this benefit is not outweighed by the level of harm that the signage as proposed would inflict longterm on the heritage asset. This is particularly the case where other viable but less harmful design solutions exist to effectively advertise the business and secure the benefit.

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 case the signage will harm the significance of the listed building and is for this reason recommended for refusal.

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

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

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

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

PLANS LIST:

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

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3 Responding to Climate Change (Informative):

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

4 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.

Item No:

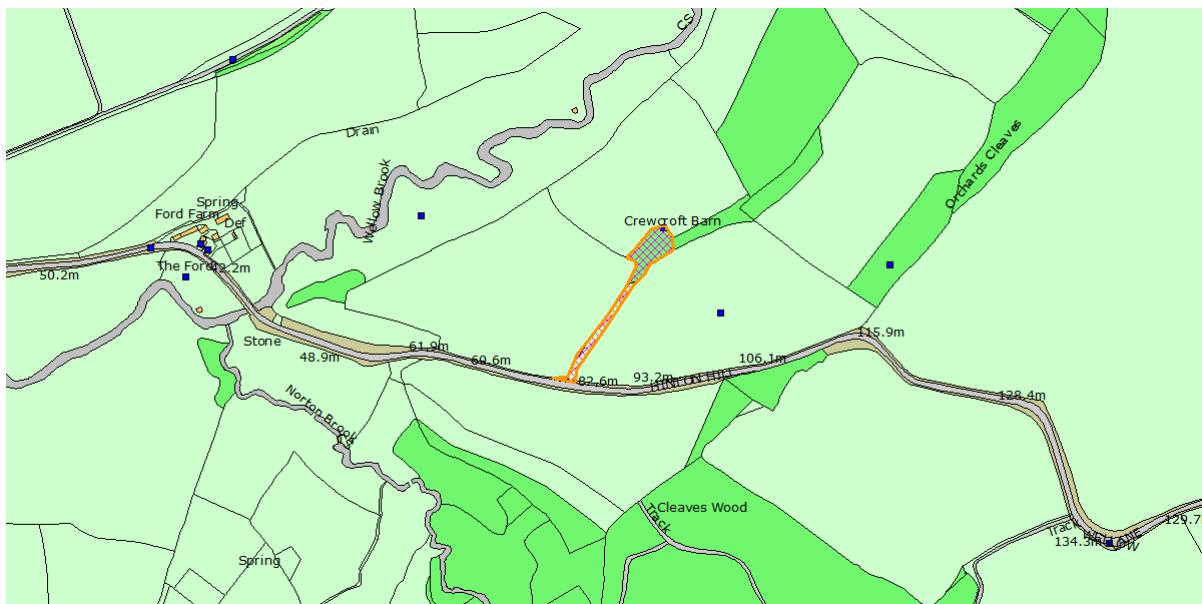
06

Application No:

20/04390/FUL

Site Location:

Crewcroft Barn Hinton Hill Hinton Charterhouse Bath Bath And North East Somerset



Ward: Bathavon South

Parish: Hinton Charterhouse

LB Grade: N/A

Ward Members: Councillor Neil Butters Councillor Matt McCabe

Application Type: Full Application

Proposal: Conversion of stone barn and replacement of existing timber clad extension at Crewcroft Barn to provide a (straw bale) Passivhaus standard dwelling (Resubmission).

Constraints: Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,

Applicant: Mr William Drewett

Expiry Date: 29th January 2021

Case Officer: Chloe Buckingham

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

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

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

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

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

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

DESCRIPTION OF SITE AND APPLICATION:

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

Relevant Planning History:

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

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

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

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

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS:

Hinton Charterhouse Parish Council: Support this re-submitted planning application, on the same basis as previously: 1) Landscape visual impact is minimised, and 2) that external lighting is kept to the minimum for landscape and wildlife reasons.

Wellow Parish Council: Support;

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

- 1) The proposal amounts to a major extension of the building and a disproportionate volume increase to a building in the Green Belt which is inappropriate development in the Green Belt.

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

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

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

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

Highways: Objection.

Arboriculture: No objection subject to 2 conditions.

Drainage: No objection.

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

Ecology: No objection subject to 3 conditions.

Conservation: Not acceptable in current form.

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

- o Highly sustainable.
- o Good design.
- o Blends in with the area.
- o Good access to highway.
- o Good to protect and conserve a barn like this.

POLICIES/LEGISLATION

POLICIES:

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

CP2 Sustainable construction

CP8 Green Belt

The relevant Placemaking Plan policies should be considered:

D1 General urban design principles

D2 Local character and distinctiveness

D3 Urban Fabric

D4 Streets and Spaces

D5 Building Design

D6 Amenity

ST1 Promoting sustainable travel

ST7 Transport Access and Development Management

GB1 Visual Amenities of the Green Belt

GB3 Extensions and Alterations to buildings in the Green Belt

NE2 Conserving and Enhancing the Landscape

NE2B Extension of residential curtilages in the countryside.

NE3 Protected Species

NE5 Ecological Networks

NE6 Trees and Woodland

SCR5 Water Efficiency

LCR7 Broadband

LCR9 Increasing the provision of Local Food Growing

H7 Housing Accessibility

RE4 Essential dwellings for rural workers

RE6 Re-use of rural buildings

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

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE:

The site is not located within a housing development boundary but in the open countryside and as such Policy RE6 is relevant. Policy RE6 states that the re-use of Rural Buildings Conversion of a building or buildings to a new use in the countryside outside the scope of Policies RA1, RA2 and GB2 will only be permitted, provided:

- 1) its form, bulk and general design is in keeping with its surroundings and respects the style and materials of the existing building

Whilst the applicant has explained that the extension is within the volume increase of about a third of the original building, further to photos being submitted of the timber barn element it is clear that this element is not original. Furthermore, aerial photography shows that this flat roof element was not present before 2017 as the only record of the timber element appeared in the Council's aerial photography from 2017. As such the original volume is that of the stone element only and this measures 142 cubic metres.

The volume of the timber barn element is 235 cubic metres and this element shall remain as part of the proposed volume and the proposed extension in this proposal is 109 cubic metres. This is a cumulative volume increase of 344 cubic metres which is an approximate 91% volume increase of the original building which is a disproportionate volume increase.

Whilst a Certificate of lawful use for an existing building was granted under reference 18/05060/CLEU, this only proves that the structure was present for fours years from this date. This certificate is not proof that this element is original.

The scale and design of the extension is not considered appropriate. The proposal is considered to harm the heritage asset and cannot be supported in its current form.

The scheme does not respect the form, mass, bulk and general design of the existing building.

- 2) the building is not of temporary or insubstantial construction and not capable of conversion without substantial or complete reconstruction or requires major extension.

A structural survey has now been submitted (20th October 2020) and whilst it is agreed that the main structure is of permanent and substantial construction and capable of conversion, it is considered that the extension proposed amounts to major extension.

- 3) the proposal would enhance visual amenity and not harm ecological function (e.g. bat roost)

It is considered that the scheme would harm the visual amenity of what is an agricultural area with a domestic building and this would also harm the visual amenities of this part of the Green Belt and AONB. The scheme would result in encroachment into the countryside and would harm openness of this part of the green belt through domestic paraphernalia, car parking and the like contrary to paragraphs 133 and 134 of the National Planning Policy Framework (NPPF) 2019.

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

An ecological and protected species survey and assessment has been submitted; these include a bat survey of the building. At least 2 roosts for common pipistrelle bat have been confirmed and as such an European Protected Species licence will be required. The LPA must be confident, prior to issuing any consent, that the "three tests" of the Habitats Regulations will be met and an EPS licence obtained. ie that the conservation status of the affected species will not be harmed; also, that there are no satisfactory alternative solutions, and that there are "imperative reasons of over-riding public interest". Provided the mitigation strategy is implemented as described in the report, and this is secured by condition, it is considered that the "third test" of the Habitats Regulations would be met.

With regard to the three tests these are as follows:

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

Test 1

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

Test 2

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

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

Test 3

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

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

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

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

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

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

4) the proposal does not result in the dispersal of activity which prejudices town or village vitality and viability.

Here it isn't considered that one dwelling would result in the dispersal of activity which prejudices town or village vitality and viability.

5) where the building is isolated from public services and community facilities and unrelated to an established group of buildings the benefits of re-using a redundant or

disused building and any enhancement to its immediate setting outweighs the harm arising from the isolated location.

The benefits of re-using the disused building by creating one additional dwelling to the housing stock are not considered to outweigh the harm arising from the isolated location and the significant negative impact that the scheme will have on the non-designated heritage asset and the visual amenities of this part of the Green Belt and AONB.

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

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

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

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

The applicants state that the original volume of the structure is approximately 381 cubic metres and the overall volume of the extensions in this application is 109 cubic metres. However, this has been double checked by the Council and the Council now cannot agree that the original volume is 381 cubic metres. The Council's re-calculations have the original structure as 142 cubic metres. The calculations for the cumulative extensions is 344 cubic metres. As such this is an approximate 91% volume increase of the original building which is a disproportionate volume increase. The scheme does not respect the form, mass, bulk and general design of the existing building.

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

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF goes on to explain that when considering any planning application, local planning authorities should ensure that substantial weight is

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

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

The barn is considered to be an undesignated heritage asset and the proposed works and extension are still considered to harm the integrity and significance of the building (see character & appearance section below).

Character and Appearance

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

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

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

The creation of a large detached four bedroomed dwelling would create a highly visible feature of a distinctly domestic character that is out of keeping with the rural, pastoral and agricultural landscape that surrounds it. It is therefore considered that the proposed development would prejudice rather than enhance the visual amenities of the Green Belt by reason of its siting and design and it would not conserve nor enhance local landscape character, landscape features, local distinctiveness and important views. It is considered that the proposed design and size of the building would be likely to exacerbate rather than adequately mitigate the adverse landscape and visual impact of the development.

Whilst the building is not listed, it is an undesignated heritage asset as accepted within the submission. The NPPF advises that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the

application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Part of the justification for this residential use relates to the preservation and re-use of the heritage asset. However, the development is too large, poorly designed and the works in fact cause harm to this undesignated heritage asset. The overall scale of the barn when viewed from the south east and south west elevations remains a particular issue.

The plans have identified the current outline of the existing barn height in relation to the eaves. The applicant has highlighted that the historic barn is an undesignated heritage asset. As such, any conversion and extension should be sensitive to this character. Reduction in overall height is considered to be required as part of the proposal to create a permanent extension to the barn and residential use and improve the setting of the heritage asset.

The porch has not been removed and this is considered to be an awkward and overly domestic addition to the scheme.

The overall approach to window design is supported and the use of materials is also an improvement. If the scheme were acceptable sample materials would be necessary as a condition.

Whilst it is considered that the proposal causes harm to the setting of the listed buildings and character and appearance of this part of the conservation area this harm is considered to be less than substantial. Paragraph 196 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Therefore, in accordance with paragraph 196 of the NPPF the scale of the harm to the undesignated heritage asset in terms of the scale of the extension and the unsympathetic design is considered to detrimentally effect the significance of the heritage asset. The scheme is therefore contrary to paragraph 196 of the NPPF (2019).

The scheme is considered contrary to policies D2, D5, RE6, NE2, NE2B and HE1 of the Placemaking Plan (2017).

Arboriculture

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

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

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

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

Residential Amenity

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

Highways

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

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

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

The applicant who also owns the adjacent agricultural land intends to occupy the dwelling and has stated that the creation of this dwelling may reduce the need for some trips to site to check on or move livestock, including trips with large/ slow moving machinery. However, unless there is legal tie between the occupier of the dwelling and the adjacent land there is no guarantee that this will be the case in the future. If the scheme is for an agricultural worker's dwelling, a new application should be submitted along with a business plan and assessed against the relevant policies. However, the applicant explained within the previous application that this was not the route they wanted to take with the application.

The proposals include a modified junction being formed with Hinton Hill. This road is classified, being the C466, and is a single carriageway with no segregate footways or street lighting. The existing entrance will be improved by widening it to 35m at the edge of the carriageway and a bound hard standing laid to fall away from the highway. In addition, an 11m set-back will allow vehicles to pull off the highway before opening the gate to the access track. Existing vehicle visibility will be improved by widening the access, and in addition existing hedging and verge is proposed to be cut back and maintained.

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

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

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

Local food growing and water efficiency

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

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

Sustainable Construction

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

Summary and Conclusion

Crewcroft Barn is located in both the open countryside and the designed Green Belt. Planning policy resists the creation of new dwellings in the open countryside and instead steers residential development towards locations in existing urban areas; this is for a number of reasons including better accessibility to local services, sustainability, urban containment and landscape protection. Planning policy however makes a number of exceptions to this general rule and one such exception is the conversion of existing rural buildings.

Policy RE6 sets out the criteria that must be met for a rural building to be eligible for conversion and for a proposed conversion scheme to be deemed acceptable. All criteria must be met and whilst the scheme does meet some of them, it fails to comply with many. The first criterion requires the means of conversion to be of an appropriate design which does not harm the barn itself or the character of the area. The proposed scheme however significantly harms the character of the building due to a disproportionately large extension which is incongruous and at odds with the host building (it is also contrary to Green Belt policy - see below). The second criterion requires the subject building to be in relatively good physical/structural condition (to ensure that conversion is in fact possible) and resists the construction of large extensions (this is because the exception applies only to the conversion of existing buildings, not their rebuilt and/or extension). The proposed scheme, as stated includes a very large extension, the presence of an existing somewhat ramshackle modern extension carries little weight as it is a poor condition and is to be demolished.

The third criterion requires visual amenity to be enhanced whereas in fact the scheme will cause harm to visual amenity through the fundamental change in character resulting from the introduction of domestic paraphenalia, car parking and similar features. The fifth criterion requires that where a rural building is in an isolated location (isolated from local services and facilities etc.) that any benefit must outweigh that harm. The public benefits of this scheme are limited and will not outweigh the harm caused by the creation of a remote dwelling that is isolated from the services its residents require.

Criterion 7 relates to the Green Belt and requires a proposed conversion scheme to not have materially greater impact on the openness of the Green Belt or reasons for including land within the Green Belt. Alongside this the NPPF states (at Paragraph 145) that new buildings in the Green Belt are 'inappropriate'; the NPPF lists a number of exceptions to this including where an existing building is to be extended or altered provided that those works do not result in disproportionate additions over and above the size of the original building. The original building is the stone-built element of the barn, the timber-clad addition is clearly modern. The proposed extension represents a 91% increase in volume; the near doubling in size of the original building is clearly a disproportionate addition which will also, together with other aspects of scheme, have a materially greater impact on the openness of the Green Belt.

The proposed development is evidently fundamentally contrary to development plan policy. There are no material considerations indicating that a decision other than one that

is in accordance with the development plan ought to be taken. The public benefits of the creation of a single new dwelling are limited and do not outweigh the concerns set out above. The sustainable construction credentials of the development are noted but these neither constitute 'very special circumstances' in the Green Belt nor a reason to depart from the development plan. The use of straw bales is not innovative technology (it has been in use for 20-30 years) and even if it were this would not justify a scheme that is fundamentally contrary to policy. Similarly the scheme's other sustainability credentials (e.g. passivehaus) are of limited weight as improved energy efficiency and reduced carbon emissions is now common-place and requirements will tighten further. The scheme is contrary to the development plan as such it is recommended that the application be refused.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed scheme constitutes inappropriate development in the Green Belt; the extension to the original (stone-built) barn represents a disproportionate volume increase and amounts to a major extension of the building. The application site is in a prominent hillside location; the scheme will be harmful to and will significantly undermine the openness of the Green Belt (and the purposes of including land within it) by virtue of its substantial extension, change in character from agricultural to domestic, introduction of domestic paraphernalia and car parking. No 'very special circumstances' are present. The proposal is contrary to Policy CP8 of the adopted Core Strategy and policies RE6, GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

2 The proposed dwelling represents an over-development of the existing building. The proposed design is not of a high quality and would not be in-keeping with the rural character nor the visual amenities of the Green Belt and Area of Outstanding Natural Beauty. The proposed scheme, by virtue of its poor design, will be harmful to the significance of this non-designated heritage asset. Accordingly the proposal is contrary to policies RE6, D2, D5, NE2, HE1 and GB1 of the Bath and North East Somerset Placemaking Plan (2017).

PLANS LIST:

1 This decision relates to plan references;

8QT-01 REV E received 4th February 2021.

8QT - 10, 8QT - 09A and 8QT - 11 received 8th January 2021.

8QT-03 F, 8QT-04 A, 8QT-05, 8QT-06, 8QT-07B and WHL-1053-01 D received 19th November 2020.

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was

unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Item No: 07

Application No: 20/04720/FUL

Site Location: 143 Calton Road Lyncombe Bath Bath And North East Somerset BA2 4PP



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 2no townhouses following demolition of existing 1 bed apartment.

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, British Waterways Major and EIA, Conservation Area, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones.

Applicant: Mr James Rees

Expiry Date: 3rd March 2021

Case Officer: Isabel Daone

To view the case click on the link here.

REPORT

The application site relates to a property located on Calton Road, in the ward of Widcombe and Lyncombe. The site is within the Bath Conservation Area and World Heritage Site. There are a number of listed buildings in the vicinity of the site, include St Marks Terrace located to the north of the site which is Grade II Listed.

The application seeks planning permission for the erection of two townhouses following the demolition of the existing buildings. Of relevance is planning application

17/02591/FUL. This application granted permission for an identical scheme and is extant until 1st May 2021. The extant permission therefore forms a material planning consideration. This application seeks to renew the existing permission.

Relevant Planning History:

08/02450/FUL

PERMIT - 3 September 2008

Conversion of two existing bedsits into two one-bedroom flats

17/02591/FUL

PERMIT - 19 October 2017

Erection of 2no townhouses following demolition of existing 2 bed apartment

18/04897/COND

DISCHARGED - 19 February 2019

Discharge of conditions 2 and 6 of application 17/02591/FUL (Erection of 2no townhouses following demolition of existing 2 bed apartment)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SUMMARISED CONSULTATION RESPONSES:

Councillor Alison Born:

- I would like to request that the current planning application for 143 Calton Road be considered by full planning committee
- The application is contentious, numerous objections from the local community, including the following material considerations:
 - Overlooking/loss of privacy regarding properties in St Mark's Road
 - Loss of light/overshadowing of properties in St Mark's Road
 - Parking; there is none
 - Highway safety; access to the property from the highway
 - No external provision for refuse storage
 - Impact on skyline in Conservation Area
 - Overdevelopment of the site

CONSERVATION OFFICER:

- Identical scheme to application 17/02591/FUL which was revised following my comments
- Whilst I have reservations about the architectural design approach, which is pastiche of the neighbouring 19th century Villa, the proposals employ high quality, local materials in response to the advice previously given
- Therefore, on balance, support is given for the development subject to a materials condition

HIGHWAYS:

- No objection subject to conditions
- No off-street parking, but due to the highly sustainable location close to Bath City Centre this is considered acceptable in this instance
- Calton Road and the surrounding areas are within Parking Zone 3 and there is not necessarily spare permit supply when residential demand is highest

- As such, in accordance with Single Executive Member Decision E1176, occupants of the proposed development will not be entitled to apply for permits
- This is considered to be at the developer's risk given the sustainability of the location
- Restrictions in the vicinity will discourage indiscriminate parking
- Would advise that as the development is car free, the provision of safe, secure cycle storage should be provided and conditioned
- Having reviewed the Construction Management Statement in conjunction with colleagues from the Street Works Team, officers confirm that the document is acceptable and recommend that construction in compliance with the statement be secured through a condition to any permission

SUMMARY OF REPRESENTATIONS:

WIDCOMBE ASSOCIATION:

- Represents approx.. 600 residents and businesses in the Widcombe area and we object to the proposal, as we did the previous application, on the following grounds:
- Scale of the proposed two new dwellings on the site of a garden and single storey studio is out of keeping with the scale and style of neighbouring properties
- Unreasonably impact on both the privacy and amenity of occupiers of the listed properties on St Mark's Road
- Adversely impact daylight reaching these properties
- Cramming of two dwellings onto this inadequate site in the manner shown would be achieved with no consideration for the amenity of residents on Calton road and Alexandra Road, both very narrow and with on-street parking limiting access for construction vehicles or additional cars
- In practical terms, construction traffic will be unable to use Alexandra Road as suggested by the applicants and they will major disruption in both streets over an extended period
- Whilst the lack of parking is apparently deemed acceptable by the Council's highways team, on the basis that the new residents will not be eligible for Resident's Parking Permits, experience suggests this will inevitably add to on-street parking in the surrounding area
- The design of the new dwellings with entrances onto the highway with not even a footpath introduces a very dangerous situation on this narrow road
- The same design fault also raises the issue of where recycling and domestic waste will be stored for collection - the new suggestion that this will be placed on the footpath on the far side of the road will restrict that footpath and force pedestrians onto the highway

29 objections have been received from local residents and the main reasons for objection can be summarised as follows:

- Alexandra Road is narrow and is not a bypass option
- Not one way and narrow
- Disproportionate height and bulk of properties
- Overbearing and obtrusive nature
- Negative impact on the cityscape
- Loss of light
- Loss of south facing light and skyline
- Loss of privacy
- Increase in noise from proposed patios

- Overshadowing
- Poor design
- No provision for parking/deliveries
- No provision for waste receptacles
- Open directly onto a narrow road; safety issue
- Construction disruption for a long period
- Create a dangerous precedent for future development along Calton Road
- Green spaces create a semi-rural feel and further inappropriate development of existing properties risks damaging these features
- Do not preserve nor enhance the character of the area
- Limit accessibility to my property
- Overdevelopment
- No meaningful/functional outdoor space for "family homes"
- Risk of subsidence
- Structural concerns regarding the boundary wall
- Would consider revised proposal for one, two-storey family home
- Selective data from shadow analysis; were compelled to undertake our own analysis which shows significant impact
- Block sunlight, especially in the winter months
- Insist upon careful monitoring of building works
- No Party Structure Notice has been served under the Party Wall Act
- Construction Management Plan should be a pre-commencement condition of any approval
- Proposal is outside the red line; application is invalid
- Impact to historic character and nearby listed buildings
- No space for delivery drivers
- Aquifer could lead to flooding

POLICIES/LEGISLATION

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

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

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

DW1 District-wide spatial Strategy

B1 Bath Spatial strategy

B4: Impact of development on World Heritage site of Bath or its setting

CP6: Environmental Quality

CP2 - Sustainable Construction

CP5: Flood risk management

SD1 - Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D5: Building design

D6: Amenity

D7: Infill and backland development

D9: Advertisement and outdoor street furniture

HE1: Historic Environment

ST7: Transport requirements for managing development

LCR9: Increasing the Provision of Local Food Growing

SCR5: Water Efficiency

PCS1 - Pollution and nuisance

ST1 - Sustainable Travel

ST2 Sustainable Transport Routes

SCR5 - Water Efficiency

PCS6 Unstable land

CP2 Sustainable Construction

CP5 Flood Risk Management

SU1 Sustainable Drainage Policy

NE2 and NE2A - Landscape character and setting

PCS2 Noise and vibration

H7 Housing Accessibility

National Policy:

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

SPD's:

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

Conservation Areas:

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

Listed Buildings:

In addition, there is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

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 is supported in principle, subject to compliance with the relevant policies in the development plan. There is no objection to the principle of the erection of two-dwellings on this site.

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.

CHARACTER AND APPEARANCE:

The existing site comprises relatively modern residential buildings which are considered to have a neutral impact upon the character and appearance of this part of the Bath Conservation Area. Their loss would therefore not be of detriment to the area and there is no objection to this part of the scheme, subject to a satisfactory scheme being proposed to replace them.

Concerns have been raised regarding impact to the Bath Skyline. The site is located in an elevated position, above St Mark's Road and the rear elevations of the existing buildings are visible from wider views. However, the proposed development will replace existing built form and is not considered unacceptable in principle. No.142 adjacent to the site has a greater height than the existing dwelling and the proposed buildings will be subservient to this property. These buildings will be viewed in conjunction and given this subservience; the proposed buildings relate sufficiently well so as not to appear unduly dominant in this location. The proposal follows the pattern of existing development and will be seen in context with this, without encroaching into the hillside, which is considered appropriate in visual amenity terms. The proposal is also not considered to detract from the setting of the Grade II Listed Buildings along St Marks Terrace.

The height of the proposed buildings has been set down from that of no.142. The dwelling on the right-hand side is set down from the adjoining property so as to maintain the building pattern which steps down in height as it moves down the slope towards the bottom of Calton Road. The topography of the site follows the natural landscape which creates a successful integration with the landscape.

The site is within the Conservation Area. There is a statutory duty for the Council to ensure that development preserves or enhances the character of the Conservation Area. This should be afforded great weight during the decision process. A number of third-party representations have commented that the proposal fails to preserve the character of the Conservation Area. The Council's Senior Conservation and Listed Buildings Officer has reviewed the proposals and raised no objection, although comments that high quality materials are imperative given the sensitive location of the site. The proposal comprises Bath stone ashlar walls and the roof natural slate. As part of the 2017 application a condition securing material samples was discharged. The same schedule of the materials has been presented as part of this application to negate the need for such a condition to be attached to any new permission. However, the Conservation Officer considers it necessary to attach this condition to any new permission as no physical/photographic sample of the walling materials has been supplied.

The use of the proposed materials is considered appropriate given the historic context of the site. The material palette will compliment surrounding developments and will aid the integration of the scheme into its surroundings, both locally and from wider views.

Overall, it is considered that the proposal has an appropriate siting, scale, design and use of materials to preserve the character of this part of the Conservation Area. The proposal, for the reasons above, is also considered to preserve the setting of nearby listed buildings. It is also not considered to cause adverse harm to the World Heritage Site.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policies B4 and CP6 of the adopted Core Strategy (2014) and policies HE1, D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and the National Planning Policy Framework.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

A number of third-party comments have been received which raise concerns surrounding the impact to the residential amenity of nearby occupiers.

Concerns have been raised regarding the loss of views of the city, particularly for the properties located on Calton Road above the development (the rears of these properties back onto Alexandra Road). Whilst it acknowledged that the proposal will block some views of the city, there is no right to a view in planning terms and as such, this is not a material planning consideration. The properties along Calton Road are considered to be located a sufficient distance away so as not to be significantly impacted by the proposals in terms of overshadowing, overbearing and loss of light/outlook.

A number of residents occupying properties in St Marks Road have raised concern regarding the development. The relationship between the application site and St Marks road is unusual. The case officer has visited the application site and has visited number 7 St Mark's Road in order to fully understand their relationship. It is noted, however, that each dwelling along St Marks Road has varying rear arrangements in terms of extension and fenestration and distances from the application site therefore vary.

The rear gardens of the properties along St Marks Road is bound with the application site by a high boundary, retaining wall. The base of the wall, as noted at the site visit, is at a level significantly higher than the low part of these properties' gardens. There is a significant height difference between the properties on St Marks Road and the application site and the rest of Calton Road.

The sunlight analysis provided by the application looks at midday sun during spring, summer, autumn and winter. A shadow analysis provided by third parties shows September through to March. During the Summer months there is no very little difference between the existing and proposed arrangements. During the mid-winter, there is a small difference in the level of overshadowing to the upper levels of some properties on St Marks Road, given the low level of the sun in the sky at this point in the year. This difference is likely to occur in the earlier and later parts of the day. It is acknowledged that this will cause some impact to the effected properties, but in comparison to the existing situation the level of light effected is not considered to cause an impact significant to warrant a refusal. Although there will be some shadowing from direct sunlight, the setting back of the proposed dwellings from the rear retaining wall will allow indirect light to enter the rears of these properties.

The boundary wall forms the dominant feature at the rear of the terrace. Residents have raised that, as existing, limited levels of light are afforded to the rears of their properties as a result of the existing arrangement. There are concerns that the proposal will exacerbate existing harm in terms of loss of light, creating additional overbearing and overshadowing and loss of outlook. The case officer has carefully considered all submitted comments and has summarised these issues to be the main points of concern.

The proposed development will result in the building line of the proposed dwelling being closer to St Marks Road and at a greater height than the existing. However, officers note

that there is a degree of separation between the proposed dwellings and the retaining wall as the buildings will be set back from this. Having viewed the proposal site from St Marks Road, it is considered that this setting back of the building will reduce the impacts of the proposal somewhat and it is not considered that the proposal would appear unacceptably dominant compared to the existing arrangement. It is accepted that the proposal will alter the outlook and appearance of the existing situation. However, the setting back of the buildings is considered sufficient to mitigate the level of harm to a point which is not considered to warrant a refusal reason.

A key point of contention is loss of light as a result of the development. A sunlight analysis has been submitted by the applicant as part of this application. The accuracy of the analysis has been questioned by local residents who have submitted their own sunlight analysis in response. Both have been considered as part of the officer's assessment. Given the variation in the rear elevations of the dwellings on St Marks Road and the differing layout, each property is afforded differing degrees of light as existing. In addition, the living spaces are generally set at lower levels and given the existing arrangement, light levels to habitable rooms is lower than would generally be expected. Some properties benefit from extensions with roof lights which provide additional light to these rooms.

However, it is acknowledged that at the points shown in both sun analyses, there will be more of a marked difference in the Autumn and Early Spring/Spring months. The upper levels of the gardens will be afforded more shadow than at existing. The proposal is therefore considered to impact these residents in this regard, but officers consider that as the impact is largely to the garden areas and not habitable rooms, the level of harm would not be significant.

Concerns regarding disturbance during the construction phase have been raised. However, the Construction Management Plan notes a working pattern of 8am-5pm Monday to Friday, 8am-1pm on Saturdays and no works on Sundays or Bank Holidays. Deliveries are also confined to 8am-5pm Monday to Friday. Whilst officers accept there will be some disturbance to residents during the construction process, these working hours are considered to be in line with best practice guidelines, reasonable and will limit the impact to the neighbouring residents.

In regard to overlooking, a condition will be added to the decision notice to ensure that the bottom part of windows on the second floor are obscurely glazed and non-opening to help maintain the privacy of the occupiers of St Marks Road.

Concerns have also been raised regarding the small level of outdoor space afforded to future occupiers of the dwellings which are said to be intended for families. Officers note that the outdoor spaces are small, but there is not policy for outdoor space requirements in the development plan. The location is within the built-up area where large gardens would not be expected nor possible. As such a small amount of outdoor space is considered sufficient and there are local green spaces within walking distance.

Concerns regarding noise from the proposed outdoor areas have also been raised. The existing flat buildings have an outdoor area to the rear. It is not considered the proposal would result in significant noise disturbance in terms of occupiers to local residents. However, if noise disturbance did become an issue, this matter could be referred to the Environmental Protection Team who deal with such issues.

Officers have carefully considered the comments from residents and the information available to them. It is fully acknowledged and appreciated that the proposal would result in a different situation to the existing arrangement. However, after a site visit to the site, a resident on St Marks road and a detailed assessment of the proposals it is not considered the impact would be to a level which would justify a refusal.

The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017).

HIGHWAYS SAFETY AND PARKING:

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

The proposed development does not propose any off-street parking and it is considered by the Council's Highways Team that it will increase the potential demand for parking within the area. This issue has also been raised by a number of local residents. However, whilst the absence of off-street parking may be of concern, officers note that the location of the site is highly sustainable. The site is located a short walk away from Bath City Centre, the Bath Bus Station and Bath Spa Railway Station. The site therefore has very good access to local facilities and public transport links.

A further consideration is the fact that Calton Road and the surrounding streets (such as Alexandra Road, Calton Gardens and St Marks Road) lie within a controlled parking zone (Zone 3). Although on-street parking is largely permitted, this does not necessarily mean that there is spare supply available when residential parking demand is at its highest. As such, in accordance with Single Executive Member Decision E1176, dated 14th August 2006, occupants of the proposed development will not necessarily be entitled to apply for residents parking permits. The parking restrictions in the vicinity will discourage indiscriminate parking.

The Highways Team have requested a provision for secure, cycle storage to be provided pre-occupation. Officers note this request. The levels of outdoor space is limited at each property and is not of a sufficient size to reasonably request a cycle storage unit to be constructed. However, the rear garden areas are secure, and a temporary covering could be used for the storage of bicycles. In addition, each property is afforded a basement area with sufficient storage space for bicycles

In view of the above, and the fact that the existing development currently offers no off-street parking provision, officers are content to accept this development on highway safety grounds despite the lack of on-site parking provision.

Third parties have raised concerns regarding the construction process and the proposed construction management plan which was accepted as part of a discharge of condition application for the previously approved scheme. The information has been submitted as part of this application to negate the need for another pre-commencement condition. The proposed construction management plan has, again, been reviewed by Highways DC officers and members of the Street Works Team at the request of the case officer in

response to local concern. Both are satisfied with the contents of the Construction Management Plan and a condition ensuring compliance should be attached to any permission.

Concerns have also been raised regarding the fact that the front doors of the properties open directly onto the highway. The doorways of the properties are set in from the front elevation to create an external porch area which will form a buffer between the door and the road. This road is a single width, 20mph road. Officers are satisfied that the provision of such a buffer and refuge area overcomes safety concerns.

Overall, the proposal is considered to be acceptable in terms of Highway Safety and Parking.

WASTE:

Concerns have been raised regarding waste disposal at the site and the lack of space for receptacles to be stored outdoors. This part of Calton Road is afforded refuse bags rather than a wheelie bin. Officers are satisfied that there is sufficient space inside the dwellings for the storage of recycling containers inside the properties. On collection days, it is considered that the receptacles would be moved to the pavement on the opposite side of the road or to the porch areas. This is considered suitable and similar to the existing arrangement.

LAND STABILITY:

A number of concerns have been raised regarding the retaining wall and the position of aquifers around this wall area. Matters pertaining to the retaining wall will be covered during the Building Regulations Process. Additional information has also been submitted during the application process (on 17th Feb 2021) to allow officers to be comfortable that this has been adequately considered.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

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

For minor new build development, a 19% reduction in CO₂ emissions is required by sustainable construction. In this case the submitted Sustainable Construction Checklist shows that a 19.98% CO₂ emissions reduction has been achieved from energy efficiency and/or renewables. Therefore, the proposed development is compliant with policy CP2 in this instance.

Policy SCR5 of the emerging Placemaking Plan 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.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). These matters can be secured by a relevant planning condition.

OTHER MATTERS:

As aforementioned, there is an extant permission for an identical development on this site which ends on 1st May 2021 approved by the planning committee in 2017. As such, if this current development was refused, the applicant could still begin the construction process prior to this date and implement the permission. Officers consider that the assessment of the proposal is against the same policies as the previous application in 2017 and subsequent amendments to the NPPF do not alter the assessment in this case. However, officers have assessed all information supplied as part of this application independently and have come to the conclusion below on the basis of this. The fall-back position of the extant permission is however a material consideration and given that the policy context and situation has not changed should be given great weight.

CONCLUSION:

The comments of third parties have been great consideration during the assessment process and the case officer has visited the site and a neighbouring property to better understand the context. Whilst it is acknowledged that the proposal will result in a change in the existing situation for the neighbours to the rear, particularly in relation to outlook and light levels in the rear garden it is not considered that the level of harm is significant to a point which would warrant a refusal of the application. The development is considered to be a suitable siting, scale and design and uses appropriate materials to ensure that the character and appearance of the Conservation Area, the setting of the Listed Buildings and the setting of the wider World Heritage Site is preserved.

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 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including limestone dressings and lintels, roofing materials, rainwater goods, metal balconettes and external joinery paint finishes, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details. In the case of

the walling samples, this shall be provided on site as a constructed panel incorporating a sample of limestone dressing.

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

3 Water Efficiency (Compliance)

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

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

4 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

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

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

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

6 Construction Management Plan (Compliance)

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

7 Screening (Pre-occupation)

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

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

8 Drainage (Compliance)

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

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

8 Obscure glazing (Compliance)

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

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

9 Sustainable Construction (Pre-Occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted to the local planning authority together with the further documentation listed below:

- o Table 2.4 (Calculations);
- o Building Regulations Part L post-completion documents

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

10 Plans List (Compliance)

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

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

PLANS LIST:

- 1 This decision relates to the following plans:

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

All received 10th December 2020

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

5 Responding to Climate Change (Informative):

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

ADDITIONAL ITEM FOR MARCH 10TH COMMITTEE (for information)

Report to committee on the upcoming Hearing for committee decision on application 19/03838/FUL:

The applicants at the Warminster Road Holbourne Park site have launched an appeal against the committees decision to refuse application 19/03838/FUL for the ‘Proposed construction of 42no. new dwellings and 2no. new blocks of apartments to provide a total of 70 new homes on part of the former MOD site at Warminster Road (revision to consented development).’

The committee refused the application for three reasons;

1. failure to provide a policy compliant level of affordable housing and this is not justified by the viability appraisal
2. impact to WHS
3. fails to comply with proposed parking standards

Since the application was refused committee have since granted permission for a resubmitted scheme at the site 20/02921/FUL. This scheme was of the same design and had a further reduce level of parking per dwelling, but it had a significant uplift in affordable housing provision.

Considering the permitted scheme it is considered unreasonable to defend reasons 2 and 3. As such in accordance with Rule 3 of the URGENT BUSINESS AND ABSENCE PROCEDURE RULES (see below) the Chair and Vice Chair of the Planning Committee, and Director of Planning have agreed to the removal of these reasons for refusal. The Council will continue to defend reason for refusal 1.

“RULE 3 – CHIEF OFFICERS’ ACTION – URGENT NON-EXECUTIVE COMMITTEE AND COUNCIL FUNCTIONS

Under this Rule, the Chief Executive or appropriate Director is given delegated power to take a decision which would normally be taken by a non-executive Committee or Sub Committee, or the Council, provided that: (i) the matter is urgent; (ii) the decision is within Council policy; (iii) the action is taken after consultation with the Chair (person) of the Committee and Spokespersons (for non-executive matters) and with all the Political Group Leaders (for Council matters); (iv) the action is reported for the information of the next available meeting of the appropriate Committee or Sub Committee or the Council.”