

**BATH AND NORTH EAST SOMERSET COUNCIL**

**PLANNING COMMITTEE**

**9th February 2022**

**DECISIONS**

Item No:	01	
Application No:	21/04147/FUL	
Site Location:	Frome House, Lower Bristol Road, Westmoreland, Bath	
Ward:	Westmoreland	Parish: N/A
		LB Grade: N/A
Application Type:	Full Application	
Proposal:	Enlargement of Frome House and associated change of use from office (Use class E(g)) (Excluding existing ground floor tyre repair centre) to 66 student bedspaces and associated works.	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Contaminated Land, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Railway, SSSI - Impact Risk Zones, Water Source Areas,	
Applicant:	Mr Matthew Halstead	
Expiry Date:	10th February 2022	
Case Officer:	Samantha Mason	

**DECISION REFUSE**

1 The proposal by reason of its height, massing and architectural style is unacceptable, and fails to respond to the local context, failing to maintain the character and appearance of the surrounding area and resulting in over development of the site. The proposal fails to accord with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

2 Given the design, scale, massing and siting of the proposed development the proposal would cause significant harm to the amenities of adjacent occupiers through its overbearing impact and loss of privacy. The proposal fails to accord with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

3 The proposed development fails to preserve the setting to the nearby listed buildings of Avon House and the Former Cabinet Factory due to its height, massing and design. The proposal would result in less than substantial harm to the significance of these heritage assets. The public benefits associated with the scheme are not considered to outweigh the harm. The proposal fails to accord with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

4 The proposed development will result in harm to the outstanding universal values of the wider World Heritage Site due to its height, massing and design. The proposal would result in less than substantial harm to the significance of these heritage assets. The public benefits associated with the scheme are not considered to outweigh the harm. The proposal fails to accord with policy B4 of the adopted Core Strategy (2014), policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

5 The proposed development results in the loss of commercial office space contrary to policy ED1B of the Placemaking Plan.

6 The proposed development will result in an overprovision of student housing resulting in an inappropriate housing mix in the locality. The proposal fails to accord with policy CP10 or the Core Strategy.

## **PLANS LIST:**

This decision relates to the following plans:

07 Sep 2021	W0653-0100a	Existing Site And Roof Plan
07 Sep 2021	W0653-0111a	Existing Ground Floor Plan
07 Sep 2021	W0653-0112a	Existing First Floor Plan
07 Sep 2021	W0653-0113a	Existing Elevations Page 1
07 Sep 2021	W0653-0114a	Existing Elevations Page 2
07 Sep 2021	W0653-0201c	Proposed First Floor
07 Sep 2021	W0653-0204d	Proposed Fourth Floor
07 Sep 2021	W0653-0000a	Site Location Plan
25 Oct 2021	W0653-0150c	Proposed Site And Roof Plan
25 Oct 2021	W0653-0202d	Proposed Second Floor
25 Oct 2021	W0653-0203d	Proposed Third Floor
25 Oct 2021	W0653-0300d	Proposed North West Elevation
25 Oct 2021	W0653-0301d	Proposed East Elevation
25 Oct 2021	W0653-0302e	Proposed South East Elevation
25 Oct 2021	W0653-0303e	Proposed South West Elevation
25 Oct 2021	W0653-0400d	Proposed Sections
22 Nov 2021	W0653-0200f	Proposed Ground Floor

## **Condition Categories**

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

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

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

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

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

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

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

### **Permit/Consent Decision Making Statement**

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

### **Community Infrastructure Levy - General Note for all Development**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **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 any development commences**.

**Do not commence development** until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

### **Community Infrastructure Levy - Exemptions and Reliefs Claims**

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available

here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto:cil@BATHNES.GOV.UK)

**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.

<b>Item No:</b>	02		
<b>Application No:</b>	21/04507/FUL		
<b>Site Location:</b>	Proposed Cafe, 223 Trajectus Way, Keynsham, Bath And North East Somerset		
<b>Ward:</b> Keynsham North	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of no. 4 dwellings (Use Class C3) and associated works		
<b>Constraints:</b>	Agricultural Land Classification, British Waterways Major and EIA, British Waterways Minor and Householders, Coal - Standing Advice Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
<b>Applicant:</b>	Taylor Wimpy		
<b>Expiry Date:</b>	18th February 2022		
<b>Case Officer:</b>	Isabel Daone		

**DECISION** Delegate to permit subject to Section 106 Agreement

<b>Item No:</b>	03		
<b>Application No:</b>	21/04626/FUL		
<b>Site Location:</b>	Ashfield, Stockwood Vale, Keynsham, Bristol		
<b>Ward:</b> Keynsham North	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Proposed ridge height increase and dormer extension to provide further accommodation in roof. Installation of side balcony to master bedroom.		
<b>Constraints:</b>	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
<b>Applicant:</b>	Mr Mike Bullock		
<b>Expiry Date:</b>	11th February 2022		
<b>Case Officer:</b>	Christine Moorfield		

## DECISION REFUSE

1 The proposed development will result in a cumulative volume enlargement of the dwelling which is disproportionate to the size and scale of the original dwelling. The proposal will therefore, result in inappropriate development in the Green Belt and it would be harmful to openness or the purposes of including land within the Green Belt. No very special circumstances have been presented to outweigh the identified harm. The proposal is therefore contrary to policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

## PLANS LIST:

0475 Block A, 001 and 101A all dated 15/10/2021

## Community Infrastructure Levy

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 39-43 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered

unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	04	
<b>Application No:</b>	21/05004/FUL	
<b>Site Location:</b>	Clarkson House, 5 Great Stanhope Street, Kingsmead, Bath	
<b>Ward:</b> Kingsmead	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Replacement of front windows from timber to uPVC.	
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, 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, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	LiveWest	
<b>Expiry Date:</b>	10th February 2022	
<b>Case Officer:</b>	Anna Jotcham	

## DECISION REFUSE

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

## PLANS LIST:

This decision relates to the following plans received 8 November 2021:

20111\_P1 - EXISTING ELEVATIONS AND PLANS

20111\_P2 - PROPOSED ELEVATIONS, DETAILS AND PLANS

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

## Community Infrastructure Levy



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