

# Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **13th May 2026**

AGENDA  
ITEM  
NUMBER

RESPONSIBLE OFFICER: Louise Morris - Head of Planning & Building Control

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 statutory and non-statutory consultees.
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007.

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

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

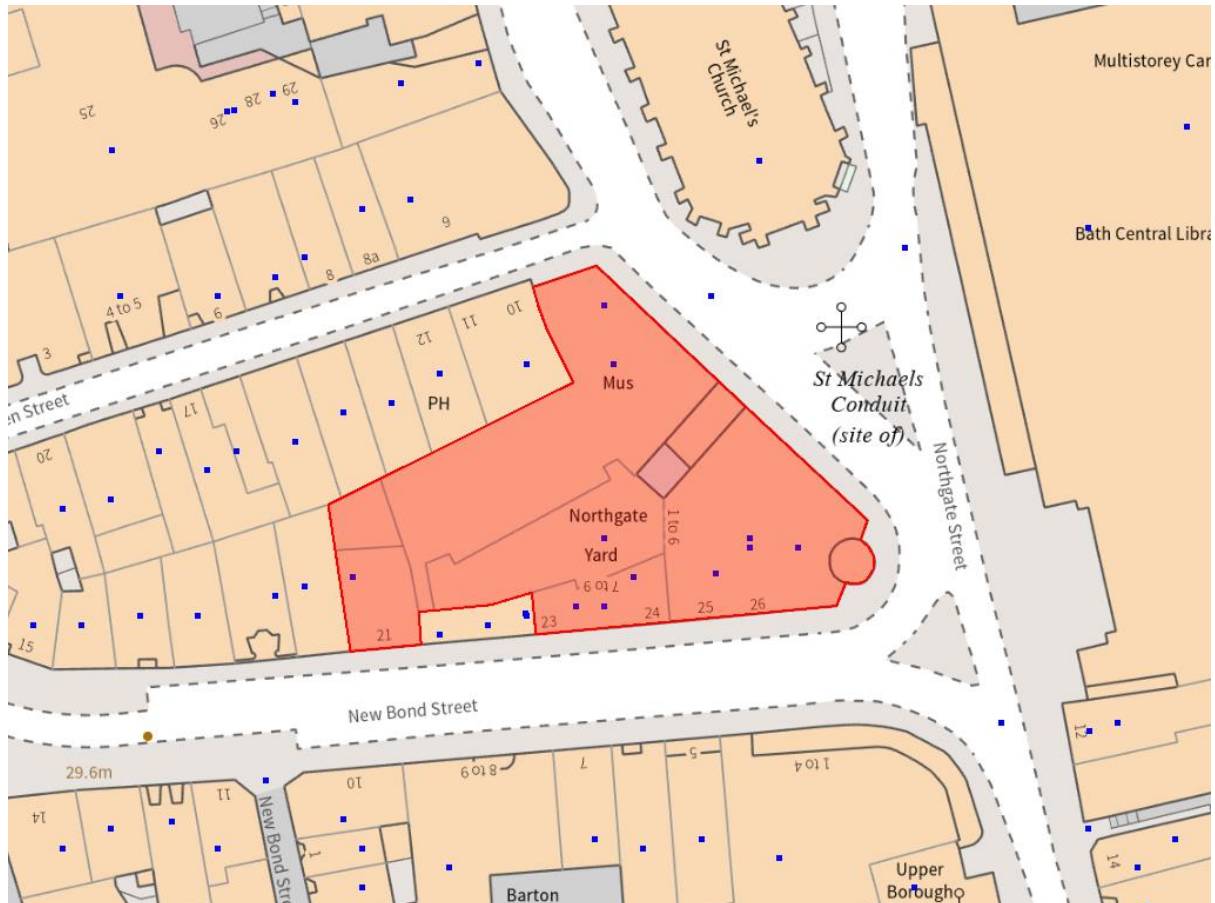
## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	26/00101/REG03 22 April 2026	Fashion Museum Bath, Heritage Services (BANES) Former Post Office Premises, 27 Northgate Street, City Centre, Bath, Bath And North East Somerset Change of use of buildings from retail, post office (use class E) and residential (use class C3), to proposed museum use (use class F1) with external alterations including replacing 6no. windows with doors, installation of awnings on windows, new windows to the rear of no. 23 New Bond Street, partial demolition of the courtyard infill extension and erection of new rear extension, extension at basement level for new attenuation tank and lift, installation of rooftop plant, erection of new flagpole, construction of courtyard garden and landscaping, as well as other associated works. (The Old Post Office inc. 21-26 New Bond Street).	Kingsmead	David MacFadyen	PERMIT
02	26/00102/REG13 18 March 2026	Fashion Museum Bath, Heritage Services (BANES) Former Post Office Premises, 27 Northgate Street, City Centre, Bath, Bath And North East Somerset Internal and external alterations for the partial demolition of the courtyard infill building, erection of new courtyard building and circulation core, external alterations including dropping 6 no. windows to 4no. doors and 2no new awnings to windows, new windows to the rear of no. 23 New Bond Street, new courtyard garden and landscaping, new rooftop plant, partial basement extension for new attenuation tank and lift, erection of flagpole and other associated works. Internal alterations to include new stair within no. 23-24 New Bond Street, strip out of modern fixtures, new lift and stair core, new secondary glazing, insulation and other associated works. (The Old Post Office inc. 21-26 New Bond Street).	Kingsmead	David MacFadyen	CONSENT
03	26/00802/PIP 15 April 2026	Mrs D Gregory Land To East Of Providence Bungalow, Frome Road, Radstock, Bath And North East Somerset, Permission in Principle for the erection of 2no dwellings.	Radstock	Danielle Milsom	PERMIT

04	25/02702/FUL 8 January 2026	Westerman 39 High Bannerdown, Batheaston, Bath, Bath And North East Somerset, BA1 7JZ Erection of replacement dwelling and associated landscaping.	Bathavon North	Ben Burke	PERMIT
05	24/02755/FUL 18 August 2025	Country Court Care Stanton Court, Bromley Road, Stanton Drew, Bristol, Bath And North East Somerset Erection of a two storey rear extension and associated works, to follow demolition of existing rear extension.	Chew Valley	Christopher Masters	PERMIT
06	24/02756/LBA 18 August 2025	Country Court Care Stanton Court, Bromley Road, Stanton Drew, Bristol, Bath And North East Somerset Internal and external alterations for the erection of a two storey rear extension and associated works, to follow demolition of existing rear extension.	Chew Valley	Christopher Masters	CONSENT
07	26/00256/FUL 1 April 2026	Ms Sue Lipscombe High Hall , The Street, Compton Martin, Bristol, Bath And North East Somerset Erection of single storey front extension (replacement and enlargement) following demolition of existing front extension. Landscape alterations including new stone retaining walls and steps.	Chew Valley	Kristina Carter	REFUSE

## REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

**Item No:** 01  
**Application No:** 26/00101/REG03  
**Site Location:** Former Post Office Premises 27 Northgate Street City Centre Bath  
Bath And North East Somerset



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor Paul Roper      Councillor George Tomlin

**Application Type:** Regulation 3 Application

**Proposal:** Change of use of buildings from retail, post office (use class E) and residential (use class C3), to proposed museum use (use class F1) with external alterations including replacing 6no. windows with doors, installation of awnings on windows, new windows to the rear of no. 23 New Bond Street, partial demolition of the courtyard infill extension and erection of new rear extension, extension at basement level for new attenuation tank and lift, installation of rooftop plant, erection of new flagpole, construction of courtyard garden and landscaping, as well as other associated works. (The Old Post Office inc. 21-26 New Bond Street).

**Constraints:** Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Bath Central Area,

Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre, Policy CP9 Affordable Housing, Policy CR3 Primary Shopping Areas, Policy CR3 Primary Shopping Frontages, Listed Building, MOD Safeguarded Areas, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, NRN Wetland Strategic Network Policy NE5, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

**Applicant:** Fashion Museum Bath, Heritage Services (BANES)

**Expiry Date:** 22nd April 2026

**Case Officer:** David MacFadyen

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

## **REPORT**

### **Reason for Committee Decision:**

The Applicant is Bath & North East Somerset Council as this is a Council project. The applications (for planning and listed building consent) have been reported to Chair/Vice Chair of Planning Committee for consideration over appropriate decision level in accordance with the Council's Planning Scheme of Delegation. Chair/Vice Chair have decided the application should be decided by the Planning Committee due to major scale of development by the Council and public interest in the project.

### **Site Background**

The application relates to The Old Post Office, 27 Northgate Street and 25-26 New Bond Street. It also includes Nos. 21 and 23-24 New Bond Street.

The Old Post Office dates from 1927. It is Bath's first purpose-built post office, built in neo-Georgian style to design by Government Office of Works architect Archibald Bulloch. The building is included on the National Heritage List for England at Grade II level. It fronts both New Bond Street to the south and Northgate Street to the east, with rotunda entrance located at the street corner. It has most recently been used as a pair of retail units with flats above.

The site also includes adjacent Georgian townhouses to the west on New Bond Street, also Grade II listed. These are also in commercial use at ground level with residential above.

The site is in Bath City Centre under Policy CP12 'Centres and Retailing' and Bath Central Area under Policy B2 'Central Area Strategic Policy'. It is also within the 'Primary Shopping Area' and 'Primary Shopping Frontage' under Policy CR3.

The site is in the dual inscribed Bath World Heritage Site and Bath Conservation Area. The site is adjacent to several other listed buildings including St. Michaels Church (Grade II\*). The River Avon Site of Nature Conservation Interest (SNCI) is approx. 90m east of the site.

## Planning History

Application ref:      Development:      Decision:

04/00221/LBA      Extension, external works and change of use to provide accommodation for uses within class A1 (retail) and the provision of 6 no. residential apartments      Consented - 14.06.2004

04/02863/LBA      Internal alterations in addition to previous consent 04/00221/LBA dated 14/6/04. Works include reconfiguring 2 no. staircases, lowering floor r/o Unit 1, dividing wall relocation Units 1 + 4, and increase rooflight area above Unit 1  
Consented - 10.11.2004

06/00784/FUL      New mechanical plant on roof, including additional roof plant enclosure.      Permitted - 29.06.2006

06/01942/AR Installation of 2 No aluminium, non-illuminated, projecting signs      Advert  
Consent Not Required - 21.07.2006

06/02870/LBA      Erection of two aluminium projecting signs, non-illuminated. Postal suite signage.      Consented - 04.10.2006

18/03990/LBA      External works to 21,22a,22b,23,24,25 & 26 New Bond Street & 27 Northgate Street to repair stone facades, inclusive of localised repair where slates have moved.      Consented - 13.12.2018

## Development

The applications seek full planning permission and listed building consent for the change of use, extension and alteration of buildings at the site to a museum, in learning and non-residential institutional use (use class F1[c]). The project is for the proposed development of the Fashion Museum, Bath.

Development would comprise change of use of 1,945m<sup>2</sup> of floorspace currently in commercial use. This includes change of use or a reduction in floor space at shops at nos. 21 (Lakeland), 23 (vacant), 24 (Albaray) and 25-26 New Bond Street (Rodd & Gunn/first floor vacant) as well as 27 Northgate Street (vacant, former post office/postal museum). Development would also comprise change of use of 9no. upper floor flats in 27 Northgate Street and 23-34 New Bond Street.

The buildings would be altered and extended to facilitate museum use including demolition of an existing rear extension and construction of a new part 2, part 3 storey rear extension. Existing ground floor windows would be removed and cills lowered to create series of new level entrance doors on New Bond Street and Northgate Street. Awnings are proposed to be installed over each street facing door/window for solar shading. Plant and air handling equipment would be installed in a solid enclosure at roof level, along with solar panels and a flagpole. Existing windows are proposed to be painted in a dark shade, and areas of stone repairs and cleaning are proposed.

The museum would include 3,392m<sup>2</sup> of floorspace. The ground level would include reception, café, museum shop, object handling area, learning and events space, and rear courtyard garden area. The first and second floor levels would host gallery spaces where collection is exhibited, offices and meeting rooms and toilets. The lower ground basement level would host main toilets, lockers, buggy parking, plant rooms, café kitchen and back of house object handling area.

The Fashion Museum development is proposed following relocation of the collection formerly displayed at the Assembly Rooms. The museum is proposed to be free to visit, plans for 250,000 visitors annually and create 165 direct and construction jobs.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **External Consultation**

#### **Historic England:**

Works involving removing six large ground floor windows as well as the masonry below them and inserting new doors result in a degree of harm. Historic England accepts that the loss of the windows and conversion of the openings into doors is necessary if the building is to be used as a museum, which is in other respects an entirely suitable use for it.

Repainting windows in a dark shade is acceptable given they were originally painted dark. Precise colour should be controlled by conditions.

External awnings would be a big change visually and building has not historically had awnings. Large numbers of Bath's classical buildings did historically have external awnings. Harm would be posed if awnings were permanently deployed meaning windows never visible. However, awnings are deployable and must be retracted when they are not needed; at night, when the sun is not shining on that elevation of the building, on overcast days etc. This should be controlled by condition. Colour and design of awnings also important and should be controlled by condition.

Rooftop extensions for plant and servicing equipment pose low and acceptable impact on other listed buildings, the conservation area and the dual WHS.

LPA should take representations into account in determining the applications. No objection.

#### **20th Century Society:**

We are supportive of the proposals, including the introduction of awnings, the retention of the building's existing windows, and the pursual of the EnerPHit Passivhaus standard through the use of lime cork insulation and without external overcladding, changes to the roofline or window replacement. It is our assessment that this scheme gives great weight to the conservation of the Grade II-listed 25-27 New Bond Street (formerly The Post Office), and as such meets NPPF 212.

No objection.

### **Georgian Group:**

We have been grateful to have been involved in two rounds of pre-application consultation with the applicant's project team and have welcomed the changes made through the pre application process.

We are now content to defer to the expertise of the Local Authority's Conservation Officer over the detail of this application.

### **Council for British Archaeology:**

There are a number of elements of this proposal which will have a clear positive impact on the legibility of the buildings' historic design, uses and phases of evolution. These include the removal of the modern dual stairway from the entrance foyer and the removal of the modern infill building from the central courtyard.

Other elements of the proposal will be harmful to the architectural character and layout of the buildings. These include the alterations to the façade to change existing windows into doorways, and the insertion of a new staircase which crosses the former passageway through to the courtyard from Broad Street. However, these alterations represent less than substantial harm, and the rationale for these proposals has been clearly explained.

During pre-application discussions, the CBA recommended that an alternative flooring material could be used for the historic passageway from Broad Street to the courtyard to clearly delineate the historic plan form and function of this part of the building and mitigate the impacts of the new glazed stair structure which separates the passageway from the open courtyard area. We note that the ground floor plan now proposes flag stones to this area, which we welcome.

The CBA are mindful of the public benefits which will result from the conversion of the building into a new Fashion Museum, including public education, the sustainable reuse of the historic buildings, and the potential for heritage and tourism benefits for the wider neighbourhood. As such we consider that the application meets the requirements of para. 214 of the NPPF.

We note the potential for archaeological remains from the Roman and medieval periods, which could be disturbed as a result of the proposed works. We support the recommendation for archaeological mitigation work to be secured by condition, as recommended by your local archaeological adviser.

The CBA have no recommended alterations for this scheme, and support the principle of the application. We defer to Historic England, your local Conservation advisers and the other National Amenity Societies regarding the specific details of the scheme.

### **Bath Preservation Trust:**

BPT strongly supports rehousing the fashion museum at the Old Post Office. The opportunity for stakeholders including BPT to engage with the design process prior to planning application stage has resulted in a sound proposal which contributes to enabling

the long-term occupation and sustainable development of this site, which is the catalyst to the reinvigoration of the Milsom Quarter area of the city centre.

It is good to see that comments from various parties have been considered and positively responded to, especially in relation to the proposed external blinds and rotunda. BPT's more detailed pre-application comments of 28 July 2025 (DAS Appendix C) specifically stressed the importance of clear and convincing justification and public benefits being included the planning submission, particularly where there is a proposed degree of harm or perceived harm to the historic environment.

BPT considers the impact of the proposals on heritage significance value of the heritage assets/listed building to be minor adverse, and a low level of harm is outweighed by the demonstrated collective public benefits of positive heritage conservation, secure long-term use, maximised accessibility, cultural vitality and the goals for reaching net zero and sustainable development.

The proposal is considered to preserve and enhance the character and appearance of the conservation area and sustain the World Heritage Site OUV.

**Crime Prevention Design Advisor, Avon & Somerset Police:**

Further to my comments of 26th February 2026, we have now received and reviewed the applicants Security Design Addendum to the Design and Access Statement.

I have discussed the proposal with the Counter Terrorism Security Advisor, and we are happy that the measures proposed are proportionate to the use and now satisfy the requirements of the NPPF and B&NES core strategy regarding safety and security.

The CTSA will contact the applicant later to discuss operational procedures.

**Internal Consultation**

**Conservation Historic Environment, B&NES Council:**

The Old Post Office has been significantly altered with little remaining internally of historic interest. The exterior retains significance in its design and use of materials, being largely unchanged from its first construction. The building clearly contributes to both the character of the conservation area and world heritage site designations.

The properties on New Bond Street have also experienced much alteration with access points to upper floors altered following severance from the ground floors. Notwithstanding this, they retain some internal historic features. The external appearance retains its significance which contributes to the wider terrace and character of the area.

There are a number of areas of the scheme which will result in loss of fabric or harm to the significance of the listed buildings including:

- o Lowering the sills of six ground floor windows to create new entrance doors;

- o Addition of external awnings when deployed, particularly to windows above ground level where awnings have less historic precedent; and
- o Installation of rooftop plant and equipment which would be visible in some wider views such as down Broad St in direction of the Abbey church tower.

It is for the case officer to balance harm identified as there are a number of other considerations and public benefits within the wider application. It is considered that given the high national and international value of the collections, combined with the need to provide level access to the building and adapt it for its future use, there is capacity for these benefits to outweigh harm.

### **Economic Development, B&NES Council:**

Economic Development are wholly in support of this application.

Delivery of the Fashion Museum project as part of the wider Milsom Quarter regeneration is identified as an objective for Creativity and Innovation in the Council's Economic Strategy 2024 - 20234.

The project is also cited within the Council's Draft Cultural Development Plan for Bath and North East Somerset Council 2025 - 2027.

Project will contribute to creative industry and education objectives as well as tourism and visitors, also benefitting other businesses.

This application represents a set forward in these ambitions , supports the ambitions of the B&NES Economic Strategy, Draft Cultural Development Plan and the West of England Growth Plan and the realisation of part of the Milsom Quarter regeneration.

### **Transportation and Highways, B&NES Council:**

Having reviewed the scheme proposal, including the submitted Transport Statement document, the Highway Authority raises no objection to the planning application. However, a number of planning conditions are recommended relating to construction management, deliveries and servicing and travel plan. The scheme is also reliant on the wider Milsom Quarter public realm improvement works coming forward. If these works are not delivered as expected, the highway authority would wish to have the opportunity to review the proposed building servicing and access arrangements. There may be a need to secure a mechanism to review access and public realm proposals should this be necessary due to current improvements not materialising.

### **Ecology, B&NES Council:**

[Comment pending - to be added]

### **Archaeology, B&NES Council:**

The available evidence indicates that while archaeology (medieval/Roman) is likely to be present, it may have been significantly impacted by development during the Georgian

period and again in the 1920s. Consequently, it is considered unlikely that the proposal will harm highly significant archaeological remains.

In line with this assessment, it is advised that planning permission (if granted) should include conditions requiring appropriate archaeological investigation, consistent with the requirements of paragraph 218 of the National Planning Policy Framework (NPPF).

#### **Environmental Protection, B&NES Council:**

A comprehensive Noise Assessment has been submitted which considers the impact of noise from plant, the kitchen extract and events on the nearest receptors. The assessment determines that the predicted noise from the kitchen extract will be 8dB below the typical background sound level and therefore not significant. However, recommendations and specific sound level targets are proposed at the nearest receptors, relative to the existing noise climate. The Environmental Protection officer advises that these proposed noise levels should be secured by condition to preserve neighbouring amenities if the application is recommended for approval.

In addition to plant noise, the Noise Assessment also addresses noise associated with music and events. The site is proposed to hold evening fashion events that will involve the use of amplified music, usually in the form of a DJ, providing ancillary entertainment, to the main event. There is potential for disturbance to occur and appropriate mitigation is dependant on a combination of high performance glazing and the installation of a noise limiting device. Noise mitigation for music and events must be secured by condition to achieve compliance with the Noise Assessment.

A Construction Environmental Management Plan must be secured by condition also to protect environmental amenity of neighbours during construction. A Gull Management Plan is also recommended to be necessary to reduce nesting and foraging opportunities at this city centre site.

#### **Climate Policy, B&NES Council:**

The proposal is considered compliant with the relevant sustainable construction policy CP1 and no objection is raised.

#### **Drainage and Flooding, Bath & North East Somerset Council:**

Surface water arising from plot previously drained to foul system via a 150mm pipe with attenuation tank of 35m<sup>3</sup> to provide attenuation when inflow exceeded capacity of outflowing pipe.

Proposal is now to fully attenuate surface water flows and discharge at a maximum rate of 2 l/s. a 50m<sup>3</sup> attenuation tank has been provided, calculations show no flooding at the critical 1in100+45% climate change event.

No objection, development is to proceed in line with the submitted flood risk assessment and drainage strategy by condition.

## **Local Consultation**

### **Cllr George Tomlin, Kingsmead Ward:**

"I am writing to express my strong support for planning application 26/00101/REG03 relating to the redevelopment of the former Post Office premises at 27 Northgate Street for use as the new Fashion Museum Bath.

The proposal represents a highly positive and sensitive reuse of an important historic building within the city centre. Bringing the Fashion Museum to this site will secure the long-term future of the Old Post Office building, ensuring it remains active, well maintained, and publicly accessible, while respecting its architectural and heritage significance.

The relocation of the Fashion Museum to the Milsom Quarter will provide a significant cultural and economic boost to this part of the city. The introduction of a major visitor attraction will increase footfall, support nearby businesses, and help to reinforce the Milsom Quarter as a vibrant destination for residents and visitors alike. The proposed museum use is well suited to the central location and aligns with wider objectives to enhance Bath's cultural offer and diversify city centre uses.

I also welcome the thoughtful approach to the proposed external and internal alterations, including improvements to accessibility, landscaping, and the creation of active frontages, all of which will contribute positively to the character and vitality of the surrounding streets and spaces.

Overall, this scheme represents an excellent opportunity to revitalise a prominent city centre site while delivering lasting cultural, social, and economic benefits. I fully support the redevelopment and hope the application is approved."

### **Cllr Paul Roper, Kingsmead Ward:**

"As ward councillor and cabinet member for Economic and Cultural Sustainable Development I am writing in support of this application. The Fashion Museum project is a key development for the authority and will be an anchor institution in the Milsom Quarter. B&NES is blessed with one of the finest collections of fashion items in the world and since the loss of the Assembly Rooms there has been no suitable location for the collection to be displayed. The creation of a dedicated, purpose designed space with accompanying public realm improvements will be of international significance and benefit us economically and culturally. In addition, creating this new, exciting venue will help deliver our goal of encouraging visitors to stay longer in the City. Indeed the list of potential benefits are manifold and too long to list here."

## **Public Consultation**

The public consultation process involved notification letters sent to 64 neighbouring addresses, display of a site notice at the development site and publication of advert in the Bath Chronicle. The applications were also included on a weekly list of new applications circulated by the Council, with the planning application files accessible on the Council website.

A total of 6 responses have been received in relation to the planning application. 3 responses were classified as in support of the development, 2 neutral comments and 1 objection.

The objection related to:

- o Pedestrian access and public transport infrastructure, stating that without adequate facilities, the development would fail.

The neutral and support comments related to:

- o Regrettable that the rotunda is not being used as an entrance;
- o Existing entrance would be more easily read for visitors;
- o Question the decision for window awnings;
- o General support for the application;

## **POLICIES/LEGISLATION**

### **National Legislation:**

Section 38(6) of the Planning Act 2004 requires:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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.'

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

### **National Policy:**

National Planning Policy Framework (Dec 2024) and the National Planning Practice Guidance (March 2014) must be awarded significant weight in decision making.

### **Local Plan:**

The Council's Local Plan can be reviewed in full at the following website:

<https://beta.bathnes.gov.uk/core-strategy-placemaking-plan-and-local-plan-partial-update>

The Local 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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- o Made Neighbourhood Plans

The following policies of the Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update are relevant to the determination of this application:

DW1 District-wide Spatial Strategy  
 SD1 Presumption in favour of Sustainable development  
 CP1 Retrofitting Existing Buildings  
 SCR2 Roof Mounted Building Integrated Scale Solar PV  
 CP5 Flood Risk Management  
 SU1 Sustainable Drainage  
 CP6 Environmental Quality  
 D1 General Urban Design Principles  
 D2 Local Character & Distinctiveness  
 D4 Streets and Spaces  
 D6 Amenity  
 D8 Lighting  
 D10 Public Realm  
 HE1 Historic Environment  
 NE3 Sites, Habitats and Species  
 NE3A Biodiversity Net Gain  
 NE5 Ecological Networks and Nature Recovery  
 CP7 Green Infrastructure  
 PCS1 Pollution and Nuisance  
 PCS2 Noise and Vibration  
 PCS3 Air Quality  
 PCS5 Contamination  
 H5 Retention of Existing Housing Stock  
 CP12 Centres and Retailing  
 CR3 Primary Shopping Areas and Primary Shopping Frontage  
 ST1 Promoting Sustainable Travel  
 ST7 Transport Requirements for Managing Development and Parking Standards  
 CP13 Infrastructure Provision  
 B1 Bath Spatial Strategy  
 B2 Central Area Strategic Policy  
 B4 The World Heritage Site and its setting  
 BD1 Bath Design Policy

**Supplementary Planning Documents and relevant planning guidance:**

Bath & North East Somerset Transport & Development SPD (2023)  
 Bath & North East Somerset Sustainable Construction SPD (2023)  
 Bath & North East Somerset Planning Obligations SPD (2023)  
 Energy Efficiency, Retrofitting and Sustainable Construction SPD (2022)  
 Bath city-wide character appraisal SPD (2005)  
 Draft City Centre Character Appraisal for the Bath Conservation Area (2015)

## **Climate and Ecological Emergencies**

The Council declared a climate emergency in March 2019 and in July 2020 declared an Ecological Emergency. These matters are material considerations in the determination of this application. The declarations have directly informed the preparation and content of planning policies adopted within the Local Plan Partial Update (2023).

## **Low Carbon and Sustainability 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.

### **LOW CARBON AND SUSTAINABLE CREDENTIALS**

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

## **OFFICER ASSESSMENT**

### **Background**

The Fashion Museum, Bath (previously The Museum of Costume) was founded in 1963 following a generous gift to the city by writer and dress historian Doris Langley Moore in 1959. The collection comprises up to 100,000 objects spanning the late sixteenth to twenty-first centuries, including garments, accessories and archive material. The earliest artefacts are men's shirts dated to c.1580 but 73% of the collection is 20th century. One of the rarest items is the Silver Tissue Dress (c.1660) made of cream silk woven with silver thread. This is the only example in the UK and one of a handful worldwide. There are several items worn by European royal families including the British monarch. There is also good representation by well-known twentieth-century British designers such as Mary Quant, Vivienne Westwood and Alexander McQueen. The collection is independently assessed to be of international interest.

The collection was displayed at the Assembly Rooms until 2022 when the National Trust took the decision to return to day-to-day management of this site, beginning with their on-going restoration works. This led to the need for a new home for the collection, culminating in the Council's purchase of the Old Post Office in 2023.

Following a period of pre-application engagement in 2024-2025 regarding redevelopment proposals, the current applications for change of use, extension and alteration were submitted in early 2026. The following issues result from assessment of the applications against the Development Plan and relevant material considerations.

## **Loss of commercial space in Bath Central Area, Primary Shopping Area and Primary Shopping Frontage**

The site is in Bath City Centre under Policy CP12 'Centres and Retailing' and Bath Central Area under Policy B2 'Central Area Strategic Policy'. It is also within the 'Primary Shopping Area' and 'Primary Shopping Frontage' under Policy CR3.

Policy CR3 of the Local Plan states that within Primary Shopping Frontages identified on the Policies Map, development will be expected to maintain or provide active ground floor uses.

Within Primary Shopping Frontages application for change of use of shops to another use will not be permitted (subject to permitted development rights) unless the proposed use would:

- i. Make a positive contribution to the vitality, viability and diversity of the centre; and
- ii. Not fragment any part of the Primary Shopping Frontage by creating a significant break in the shopping frontage; and
- iii. Not result in a loss of retail floorspace of a scale harmful to the shopping function of the centre; and
- iv. Be compatible with a retail area in that it includes a shopfront with a display function and would be immediately accessible to the public from the street.

The Fashion Museum development would involve change of use of 1,945m<sup>2</sup> of floorspace currently in commercial use. This includes change of use of shops at nos. 23 (vacant), 24 (Albaray) and 25-26 New Bond Street (Rodd & Gunn/first floor vacant) as well as 27 Northgate Street (vacant, former post office/postal museum). No. 21 New Bond Street (Lakeland) would be significantly reduced in scale by demolition of the rear extension, but retained as a smaller unit in commercial/retail use.

This is a high level of commercial floorspace to be lost in the shopping area. However, taking account of the scale of Bath City Centre and amount of remaining commercial premises, the loss of commercial space proposed is not assessed to result in loss of a scale harmful to the shopping function of the overall centre.

Whilst non-commercial in land-use terms, the Fashion Museum development would be a popular attraction. The project is estimating visitor numbers of 250,000 per annum which would clearly contribute positively to the vitality and viability of New Bond Street and Northgate Street. There are likely to be benefits for adjacent traders through linked trips and location nearby popular attraction. The museum would contribute positively to the diversity of uses in the city centre.

Policy B2 acknowledges that parts of the Central Area particularly the Milsom Quarter, has underutilised space, falling footfall and increasing vacancy rates. There is on-going evidence of this with vacant units at nos. 11, 20, 23 and 26 (first floor) New Bond Street. In

this context, the additional footfall associated with the museum is assessed to be beneficial for this part of the centre and shopping area.

The museum would have an active frontage on both New Bond Street and Northgate Street. The development maximises this through works to replace windows with tall, glazed doors fronting the street. The doors on either frontage would be directly accessible to the public, providing a streetscene that is compatible with the commercial character in the shopping area. There would be no fragmentation or evident gaps created in the commercial frontage.

At ground floor level, the museum would include entrance circulation space with reception desk, a café and museum shop in 24 New Bond Street. Revised commercial units with shopfronts are also retained at nos. 21, 22 (outside application scope) and 23 New Bond Street. In isolation, the museum shop and café are both commercial uses that are compatible with the shopping area, contributing to city centre vitality. The museum would have an active frontage that would generate interest for passers-by and enhance public surveillance.

Consequently, despite being associated with loss of a high level of retail floor space, the development is not assessed to lead to loss of retail harmful to the shopping function of the city centre. To the contrary, the museum use is considered a catalyst for regeneration of New Bond Street and the Milsom Quarter. It would likely lead to more trips to and footfall in this part of the city centre. This will likely benefit adjacent shopping uses and the designated shopping area through linked trips and trade. The development retains an active frontage, that is compatible with the commercial character of the street and will generate interest from passers-by. Overall, the development is assessed to make a positive contribution to the vitality, viability and diversity of Bath City Centre. The application is found compliant with Policy B1, B2, CP10 and CR3 of the Local Plan.

### **Net loss of 9 no. existing flats**

Policy H5 'Retention of Existing Housing Stock' of the Local Plan states that where development results in the net loss of existing residential units, it will not be permitted unless there are benefits that outweigh any harm. These could include:

- i. demonstrable and substantial conservation benefits
- ii. demonstrable and substantial economic, social or environmental benefits
- iii. benefits in terms of providing visitor accommodation

The development would lead to loss of 9no. dwellings, in a central location, nearby jobs where sustainable transit patterns can be achieved. This must be given significant weight, especially given that the Council cannot currently demonstrate the required 5-year housing land supply, with present supply of 2.5years only.

In relation to the housing effected by the development, these are 9 flats located above shops on New Bond Street and Northgate Street. The application outlines that the flats are in poor condition, suffering damp and water ingress. These reports have been verified when visiting as part of the pre-application process. However, the condition and issues are unlikely to be beyond repair and there is no apparent reason the flats couldn't be improved subject to investment.

It is acknowledged that housing in Kingsmead ward is predominantly flats (38% of households) which is significantly higher than the B&NES average (13.5%). The housing lost to the development would therefore be of a type that is most prevalent in the local housing stock. This would mitigate the effect of the loss on the mix, type and range of housing available in the area.

Policy requires applications involving loss of housing not to be permitted unless there are benefits that outweigh any harm. In this case, the museum development would be associated with numerous substantive benefits.

The museum would provide a home for the internationally significant fashion collection. The development would contribute to the on-going preservation of the collection. It would restore free public access to the collection following closure of previous exhibit at the Assembly Rooms. Public access to the renowned collection is associated with significant benefits for culture, education and creative industry. The museum is targeting 7,500 school visits per annum, running education and outreach programmes. There is a learning and events room proposed in the building.

The museum would be a popular visitor attraction, with visitor numbers estimated at 250,000 per year. The attraction would support continued and enhanced interest and reputation of the city as a visitor destination, contributing positively to the local economy. As discussed above, there are likely to be benefits for adjacent traders through regeneration in the Milsom Quarter and associated increase in footfall. The Applicant has estimated the economic value of the project to total approx. £101.5 million. The development would create 95 construction jobs, 12 museum jobs 20 apprenticeships and 5 work experience placements. The project will generate wide ranging economic benefits associated with tourism, employment and the B&NES economy.

Environmentally, the project is targeting a net zero carbon building, meeting Passive House EnerPHit (non-new build retrofit) standards. The proposals include additional insulation, high performance secondary glazing, modern ventilation systems, awnings to passively control solar gain and solar PV panels for renewable energy on site. This would provide environmental benefits of the development.

It is also judged that there is some conservation benefit in the building finding a viable use, noting that retail tenancies have fluctuated. The development will provide a long-term custodian to maintain the grade II listed former post office. Certain aspects of the development such as restoration of the mosaic floor will benefit the historic significance of the listed building.

Overall, whilst significant weight is given to the loss of 9no. flats in the city centre, the unique and substantive benefits of this project are found sufficient to outweigh loss of housing stock in this instance. Key factors being the prevalence of the type of housing lost in this area and exceptional social, economic and environmental benefits of the development.

## Acceptability of proposed museum use

Museums are 'main town centre uses' in the National Planning Policy Framework. Local Planning Authorities are required to take a sequential approach to main town centre uses, which should be located in town centres, then in edge of centre locations; and only if suitable sites are not available.

The Fashion Museum would be located in Bath city centre as defined by Policy CP12 and Bath Central Area under Policy B2. This is an acceptable location for a museum attraction use in accordance with national and local planning policy.

Policy B1 'Bath Spatial Strategy' refers to a Tourism, Culture and Sport objective to enable the provision for a new cultural/ performance/arts venue within the Central Area.

Policy B2 'Central Area Strategic Policy' identifies the role of the Central Area to be:

- o An important cultural asset for the world;
- o One of the country's most desirable and beautiful places in which to live and work;
- o A more dynamic place for business, enterprise, creativity and innovation;
- o An attractive centre for shopping, leisure and recreation;
- o A spa town that inspires, relaxes and entertains;
- o A visitor destination of international renown; and
- o A place to, and in which people increasingly travel by walking, cycling or by using public transport.

Identified assets of the Central Area include:

- o There are many areas of exemplary urban design where the relationship between buildings, streets and public spaces presents a high quality environment for people to enjoy
- o There are extensive areas of high quality architecture where individual buildings (in terms of height, scale, massing and architectural treatment) combine to form a harmonious townscape ensemble
- o Many buildings have a proven track record as being adaptable to a range of uses over time.
- o The prevalence of active street frontages contributes to lively streets and public areas.
- o There are a wide range of uses and activities within a walkable distance from each other and the bus and rail stations.
- o A series of public spaces allow for temporary uses such as festivals, markets and events which contribute to the cultural identity and local economy of the city.

An identified risk to the Central Area includes:

- o Parts of the Central Area in particular the Milsom Quarter, has underutilised space, falling footfall and increasing vacancy rates

The development of a new museum in Bath city centre would fulfil the strategic policy objective in B1 for a new cultural/ performance/arts venue in the Central Area.

Furthermore, development of a cultural venue displaying internationally significant collection of items, meets many identified criteria in policy B2 for improving the Central Area. The attraction would contribute positively to Bath's profile and performance as a cultural destination for both residents and visitors alike. The location in the Central Area is highly accessible, benefitting from a variety of public transport services and surrounding public realm and active travel improvement projects. There is no car parking on site, and most visitors will arrive on foot.

The development would reuse and renovate partially vacant premises in the Milsom Quarter, addressing the identified threat of underutilised space, falling footfall and increasing vacancy rates in this area. The development would conserve and reinforce many positive principles for character and identity identified in policy B2.

The development adapts and retrofits an existing listed building for a new use. The project is associated with a wider public realm and highways improvement project in the Milsom Quarter which would improve the quality of public space surrounding the site and better reveal the significance of the historic building. The public realm and highway improvements are outside the scope of the current application, but it will be necessary that these works are delivered prior to opening of the museum.

Development of a new museum in the Central Area including conversion and retrofit of a listed building and associated public realm works is acceptable in land use terms and meets many strategic policy objectives for Bath Central Area.

## **Heritage & Conservation**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Para. 202 of the NPPF states that:

"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

Para. 207 of the NPPF states that:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and

no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."

Para. 208 of the NPPF states that:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Para. 212 of the NPPF states that:

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

Policy HE1 (Historic Environment) of the Local Plan states that:

"Within the scope of Core Strategy Policies B4 and CP6, development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and/or setting, and make a positive contribution to its character and appearance".

"Great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals will be weighed against the public benefits of the proposal; whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset."

The site includes several listed buildings, is located in the dual inscribed Bath World Heritage Site and Bath Conservation Area.

The Draft City Centre Character Appraisal for the Conservation Area addresses the area under the heading Bath since 1900 stating:

"The period 1900-1940 saw infill development, often Neo-Georgian and of high quality, e.g. the old Post Office, New Bond Street (1923-7)".

The Old Post Office is included in a list of other listed buildings of historical/townscape significance. It is a Grade II listed building as well as neighbouring buildings listed under nos. 15-24 New Bond Street.

The site is also nearby several other listed buildings including 1-9 New Bond Street, 10-20 Green Street and buildings on Northgate Street and St. Michaels Church (grade II\*). The development is in the setting of these listed buildings.

The heritage assets most effected are the listed buildings at the site itself, Old Post Office, 25-26 New Bond Street and 27 Northgate Street as well as 21-24 New Bond Street.

The project has been developed in consultation with the Local Planning Authority and a variety of external conservation bodies including Historic England, 20th Century Society, Bath Preservation Trust and other national groups.

The Old Post Office dates from 1927. It is Bath's first purpose-built post office, built in ornate neo-Georgian style to design by Government Office of Works architect Archibald Bulloch, noteworthy given otherwise restrained national economic circumstances of the time. The historic interest in the building relates to its significance as a purpose built, early 20th century post office for the City of Bath which has an important role in development of the modern postal system. Interest also lies in locally distinctive architectural design with giant Venetian window, Ionic columns and pilasters, ornate window dressings and cornices, built with local limestone. The interior is much altered by recent retail use, with little historic fabric remaining.

Whilst the building is 20th century, it is harmonious with the surrounding Georgian townscape and makes a positive contribution to both the World Heritage Site and Conservation Area.

The lack of historic interest in the interior makes the building a relatively good donor for a museum, a use requiring flexibility in internal spaces to facilitate layout of artefacts and exhibitions.

New wall and floor linings are proposed throughout the building to improve thermal efficiency. Given there is no significance to the finishes internally, there are no concerns with these changes. There is an original mosaic floor located in the ground floor entrance lobby. The floor mosaic will be restored following removal of existing modern walls. Restoration of the mosaic floor is considered an enhancement.

External changes include alterations to improve access and entrance to the building through replacement of ground floor windows with doors, stone cleaning, repainting windows, installation of window awnings, a part 3-part 2 storey rear extension, installation of rooftop plant in solid enclosure, solar panels as well as reinstatement of a flagpole on the roof.

The proposed main entrances to the museum at ground level would be from either side of the building, on New Bond and Northgate Streets. These will provide level access to the building, which is not currently available. It was considered whether the existing rotunda entrance could be adapted, but due to levels this was not practical.

To create proposed entrances, trios of existing ground floor windows on the north and south frontages would be converted to doors. This requires removal of existing original steel windows and demolition of masonry below cill level. The proposed doors will be thermally broken steel doors, triple glazed with glazing bars to match wider fenestrations.

The proposed entrances will result in loss of original ground floor windows as well as sections of stonework beneath windows. These works are assessed by the Council's Conservation Officer and the Applicant's Heritage Statement to pose harm to the significance of the listed building.

The most visually impactful aspect of the conversion works would be installation of external awnings. These are proposed as a passive, low energy method to prevent solar gain and control the climate in the museum during summer months. This is necessary to preserve the historic collection, create a comfortable internal climate whilst minimising energy use.

Awnings are proposed to be installed on every front window and door at all levels, except for the giant Venetian window over the rotunda. The awnings would be fabric blinds on steel frames. They would be mounted above the window head and would be motorised to retract into the window reveal. They are fully retractable, although will remain visible in retracted position. They can extend down to 80 degrees, covering most of the window during peak light levels.

The Applicant has provided an Awning Management Plan in their submission. This details that awnings will only be operational when the museum is open. When the museum is closed, the awnings will be fully retracted. Furthermore, they will also only be used March - November. In winter (Dec-Feb), the awnings will not be necessary or used. Level of use and deployment angle will vary during the summer dependent on weather conditions. The awning controls will be linked to the buildings climate management system. Peak deployment almost covering windows is anticipated during June and July, with more moderate 40degree angle covering half the window likely during spring and autumn.

There are different views in relation to the impact of awnings. Historic England have not objected to their use. They have noted that permanent deployment would lead to windows being hidden and the building not being viewed as intended, harmful to historic significance. However, as outlined above, deployment is managed dependent on museum opening, climate and time of year.

The submission and Historic England acknowledge that some of Bath's classical buildings did historically have external awnings. The Council's Conservation Officer recognises examples of awnings above first floor level being rare and generally isolated, rather than every window across several facades as is proposed. It is considered that when deployed, awnings would detract from enjoyment of the listed building. However, it is recognised that this would not be permanent, with large periods of the day (evening, night and early morning) and year (Dec-Feb) where they would be retracted. It is also recognised that awnings reduce the need for further rooftop plant which may also pose harm to other heritage assets.

When deployed, particularly in peak summer months when windows will be covered during operational hours, it is assessed that the awnings will pose harm to the special architectural interest of the listed building. This is because of obscuring views of the original neo-classic windows which are part of the architectural interest in the listed building and inkeeping with the surrounding World Heritage Site and Conservation Area.

The fixing of the awnings to windows/masonry and associated electrical supply to windows will also cause some harm to historic built fabric.

In relation to the rear extension, this would replace an existing part single storey, part 2 storey rear extension constructed in 2005. The proposed extension would be three storeys immediately at the rear of the building, reducing to 2 storeys adjacent to the northern boundary. The extension would be constructed with cross laminated timber beams, brickwork and Bath stone walls. It would have flat roofs and a large curtain glazed wall on the rear elevation. The glazed wall would feature awnings at each floor level. Glazed sliding doors are proposed opening onto a courtyard space at ground level.

The rear extension would replace an existing modern extension posing similar impacts at ground and first floor levels. It would be taller than existing. However given the rear of the building is fully enclosed by neighbouring buildings, it would remain unsighted from public viewpoints. The proposed materials are in keeping with existing character, historically appropriate and of a high quality.

The Council's Conservation Officer has confirmed that the design of the rear extension is supported. They note the extension provides a contemporary approach to enable re-use of the listed building as a museum. It would let light into the Old Post Office and allow the original building to be appreciated. The extension is assessed to have a neutral impact and avoid adverse effects and harm to the historic significance of the listed building.

It is proposed to install new mechanical plant for building services on the flat roof of the listed building. This equipment would be housed in an insulated weatherproof enclosure. This has been set as far back from the street parapet as possible to minimise views from the surrounding streets. Visuals provided with the application indicate that from many surrounding viewpoints at street level, the plant enclosure would not be visible.

Due to rising topography to the north, there are some views in this direction where the plant enclosure would be seen. One of these views from the top of Broad Street includes the Abbey church tower to the south. There is some slight upward intrusion by the plant enclosure in this view of the Abbey. The tower remains prominent beyond due to its significant height and terminating pinnacles. The Council's Conservation Officer has identified this impact to pose harm to the character of the Conservation Area.

It is noted that plant is essential for the re-use of the listed building. Details of the cladding material, colour and finish of the plant enclosure would be secured by condition if permission is granted.

The repainting of existing steel windows in a darker colour is acceptable and deemed a neutral change given the windows were originally painted in a dark shade. Further detail would be secured by condition to ensure proposed colours match previous following analysis and sampling.

A strategy for stone cleaning including pre-cleaning survey identifying a targeted approach, alongside cleaning methodology and samples of cleaning would also be secured by condition.

The Applicant has provided evidence that the building included a flagpole historically which was only removed in 2005. The application seeks to reinstate this. Given historic evidence, no objection is held to reinstatement of a flagpole on this focal former civic building and proposed museum. It is noted that flying any non-permitted flag, such as a bespoke advertising flag would require separate advertisement consent.

Overall, the conversion works including proposed entrances, awnings and rooftop plant are assessed to pose harm to the historic significance of the listed building and Bath Conservation Area. The level of harm is rated as less than substantial to both heritage assets. Where less than substantial harm is identified, this harm should be weighed against the public benefits of the proposal in accordance with para. 215 of the NPPF and policy HE1.

The Fashion Museum development would be associated with several public benefits. As addressed above, these include conservation of and access to the internationally significant fashion collection. Benefits for education, culture and creative industry flow from public access to the collection. There are economic benefits for the district associated with tourism, trade and employment associated with the construction and operational phases of development. The development provides environmental benefits associated with conversion of the building to improved energy efficiency standards including installation of renewable energy equipment and a reduction in carbon emissions. The development would secure a new long-term tenant and custodian for the historic building. Undertaking refurbishment works that include beneficial heritage proposals such as restoration of mosaic floor, stone cleaning and repairs, a better designed rear extension and reinstatement of historic flagpole.

Public benefits of the project are numerous and substantial in this case. Whilst harm to the historic significance of the listed building and conservation area are afforded considerable importance and weight in decision making, on balance, it is judged that benefits are sufficient to outweigh less than substantial harm. The application is found to accord with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 of the NPPF and policy HE1 of the Local Plan.

### **Townscape, Design & Local Character**

Para. 131 of the NPPF outlines that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policies D1-D10 of the Local Plan guide high quality design in the district; they have regard to the character and appearance of a development and its impact on the character and appearance of the wider area. Development should enrich the character and qualities of places and should contribute positively to local distinctiveness, identity and history. Development should also respond positively to the site context, in particular the local character, including uses, landmarks, layout, streets and spaces, siting, spacing, set-back, building lines, roofscapes, materials, building forms and features.

Policy BD1 (Bath Design Policy) of the Local Plan requires that all significant or sensitive development proposals within Bath are required to incorporate in their Design and Access Statement:

1. How the Bath design values and the relevant evidence base, have informed the chosen urban design, architectural and landscape approach, in terms of the pattern of development, aesthetics, building form, use, materials and detailing.
2. How the height and scale of proposed development has respected, responded and positively contributed to the character of Bath, its heritage and the values associated with it, and important views.
3. How the proposals maintain the significance, integrity and authenticity of the World Heritage Site
4. How the proposals preserve or enhance the character or appearance of that part of the conservation area.

Proposals that fail to adequately address these issues will not be supported.

Fundamentally, the proposals for conversion, re-use and retrofit of the historic listed building contribute positively to Bath design values by supporting the existing high-quality architecture in the city.

The impact on heritage assets such as the World Heritage Site and Conservation Area are addressed above. In terms of wider townscape impact, the building is located at a key juncture within the city at the terminus of key shopping streets and on a key route towards the city centre, facilities and services. The architectural quality of the area is currently undermined by complicated road layout and limited footway widths for a busy shopping area and through route that experiences high footfall.

The public realm adjacent to the site accommodates many competing interests including cycle parking, bus stops, high levels of signage, several multistage crossings, various pinch points and uneven surfacing. The proposals to introduce a significant attraction such as museum in this location are expected to be accompanied by improvement of the adjacent public realm. Additional space is required adjacent to entrances to facilitate dwelling by large groups and circulation, as well as potential queuing at peak times. This is not part of the current application as planning permission is not sought for these improvements. However, works to create enhanced public realm are proposed outside the proposed museum as part of the Milsom Quarter public space project.

Whilst not part of the current application, revised public realm is shown indicatively on proposed drawings. A large, pedestrianised area is shown between the site and St Micheal's Church. The footway to the south near the rotunda and on New Bond Street is also widened significantly. These changes would benefit the townscape dramatically, improving legibility and accessibility surrounding the site. The setting of the listed building and its contribution to the townscape would also be enhanced by public realm improvements. It is necessary to secure completion of the public realm improvements prior to first use of the museum. This will be achieved by planning condition.

The development includes active ground floor uses including café and museum shop. Glazing will be increased at ground level, improving the relationship between the building and street. The public realm scheme will provide opportunities for spill out space and

potential outdoor seating (subject to necessary licenses). The new entrances will provide level access, improving accessibility.

The rear extension would largely be hidden from public views due to enclosed townscape. Similarly, rooftop plant and solar panels will also be screened from view behind the parapet. Through scale and siting, these aspects of built development would preserve the character and appearance of the townscape.

The need for awnings to prevent overheating is accepted in this case. However, the proposed awnings would have a significant visual effect on the character of the building. As addressed above, it is important these are not deployed permanently to ensure the building and its original windows can be viewed at certain times. The submitted awning management plan would be secured by compliance condition if permission was granted. There is potential for awnings to appear commercial due to their frequency, colour and through introduction of any branding. Details of fabric and colour will be secured by condition. Any advertisement, direction or branding on awnings would require advertisement consent permission separately. The Local Planning Authority would be concerned by any future over commercialisation of the awnings, but that will be a matter for subsequent applications if necessary.

### **Neighbouring Amenity**

Para. 135 of the NPPF requires that planning decisions ensure that developments:

"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".

Policy D6 (Amenity) of the Local Plan requires that development must provide for appropriate levels of amenity and must:

- a. Allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light;
- b. Not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance;
- c. Allow for provision of adequate and usable private or communal amenity space and defensible space.;
- d. Include adequate storage and functional arrangements for refuse and recycling; and
- e. Ensure communal refuse and recycling provision is appropriately designed, located and sized.

Policy PCS1 (Pollution and Nuisance) of the Local Plan requires that "development will only be permitted providing there is:

- 1) no unacceptable risk from existing or potential sources of pollution or nuisance on the development, or

2) no unacceptable risks of pollution to other existing or proposed land uses arising from the proposal."

Policy PCS2 (Noise and Vibration) of the Local Plan requires that:

1) Development will only be permitted where it does not cause unacceptable increases in levels of noise and/or vibration that would have a significant adverse effect on health and quality of life, the natural or built environment or general amenity unless this can be minimised or mitigated to an acceptable level.

2) Noise-sensitive development should avoid locations wherever possible where the occupants would be subject to unacceptable levels of noise or vibration from an existing noise source.

The development site is in a tight-knit city-centre context. This is an appropriate location for a main town centre use such as museum. Whilst the proposals will convert several flats at the site to museum use, there remain neighbouring flats adjacent to the north and west of the site. These are located above ground floor commercial premises on Green Street and New Bond Street.

The proposed rear extension would replace the existing extension in the courtyard at the back of the building. The proposed extension would remain two storeys where adjoining nos. 10 - 13 Green Street. However, the extension would be 2.2m taller than the existing extension. This is due to taller internal space required for museum galleries compared with existing retail use.

There will be some impact to outlook and light experienced by rear windows at adjoining nos. 10 - 13 Green Street caused by the proposed increase in height. Several of these properties are commercial in use and therefore light and outlook from upper rear windows will not impact on residential amenity. The operation and viability of adjacent businesses would not be prejudiced by a reduction in light and outlook from the rear of buildings.

The outlook from neighbouring sites is onto an enclosed area at the rear of buildings at the centre of the block between New Bond and Green Street. Taking account of the tight-knit city-centre context, it is judged that the moderate increase in height (2.2m) would avoid an unacceptable impact on light and outlook experienced by neighbouring properties. Acceptable standards of amenity would be preserved taking account of the inner-urban context.

No rear facing windows are proposed that would create overlooking directly towards neighbouring residential properties. Privacy would therefore be preserved, and amenity not comprised because of overlooking. A condition shall be applied limiting use of flat roof areas to maintenance only.

Regarding the retained upper floor flat at No. 22 New Bond Street, this has small rear facing windows providing bathroom ventilation from the inner courtyard. Main windows face south over New Bond Street. The bathroom windows would be retained and would not be impacted by the development. As non-habitable areas within the dwelling, neighbouring amenity would not be impacted by the extensions to the rear. Acceptable amenity would be preserved at No. 22 New Bond Street.

In relation to noise, the application includes a Noise Assessment which covers both proposed plant and equipment, as well as internal noise. It is acknowledged that the site is in the city centre where institution use and visitor attractions are expected, and where ambient noise levels are higher than other parts of the city. This has been reviewed by the Council's Environmental Protection Officer and confirmed to demonstrate acceptable noise levels can be attained at neighbouring sites subject to safeguarding conditions.

Planning conditions will be used to secure museum opening hours, waste collection times, noise levels from plant and noise mitigation for amplified music (high performance glazing and noise limiter device). A management plan for use of the courtyard garden has been submitted and would be secured by condition. The site would be run by Heritage Services who are experienced managing the Roman Baths and Pump Rooms nearby in the city.

It is noted that only 1 objection has been received to the applications following public consultation. This did not raise concerns in relation to impact to amenity or neighbouring sites.

Subject to these measures, the development is not judged likely to harm amenity experienced by neighbouring homes and sites. Separate licenses and environmental protection legislation exists to manage issues with use of the site should these later materialise. The application is found to accord with policies D6, PCS1 and PCS2.

### **Access, Transport & Highways**

Para. 114 of the NPPF requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Para. 115 of the NPPF states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Policy ST1 (Promoting Sustainable Travel) of the Local Plan requires that:

"planning permission is permitted for developments which reduce the growth and the overall level of traffic and congestion through reducing private car dependency and giving priority to active and low carbon modes of transport such as walking and cycling."

Policy ST7 (Transport Requirements for Managing Development) of the Local Plan requires that:

"development avoids prejudicing highway safety, provides safe and convenient access, suitable vehicle access, avoids excessive traffic impact and provides adequate mitigation and improvements."

The site is highly accessible due to its city centre location, and visitors would have a range of potential transport connections that could be used to access Bath and the site itself. For those visitors travelling by car, the existing Park & Ride sites would be attractive for most visitors, or there are other city centre car parks available. The site is around 700m or under 10minutes walk north of Bath Spa Railway Station and Bath Bus and Coach Station. Several local bus services currently pass and have stops outside the site, although this is subject to change associated with Milsom Quarter public space project. The site is located to enable access by a variety of sustainable and active transport modes that will reduce congestion and emissions in the city centre.

It is acknowledged that pedestrian access routes on New Bond Street and Northgate Street are compromised by car dominated highway and poor pedestrian environment with limited footway widths. These are not appropriate for access and activity generated by a significant visitor attraction. The Milsom Quarter public space project is essential to ensure appropriate access to the museum.

The project is not part of the current planning application and will be undertaken as a highways improvement project. However, the application for the Fashion Museum and supporting documentation have been prepared under the assumption these works will proceed. It is therefore deemed necessary to require completion of the highway improvement works on New Bond Street and Northgate Street as part of the Milsom Quarter public space project, prior to first use of the museum. This will be secured by a pre-occupation condition and has been agreed with the project team. Should the Milsom Quarter public space project not be completed prior to museum opening, an alternative must be agreed with the Local Planning Authority. This measure will ensure a high-quality public realm that will provide safe and equitable pedestrian access and circulation at the museum.

In relation to cycle parking, none is proposed on-site which is considered unfortunate, particularly for staff. Staff would have access to adjacent facilities in other Council estate nearby, but this is inconvenient and capacity has not been demonstrated. There is on street cycle parking in the vicinity which will be upgraded as part of the Milsom Quarter public space project. It is noted this is well used and frequently at/near capacity. For this reason, it is of further importance that the highways improvements are undertaken prior to first use of the museum.

A Construction Management Plan, Travel Plan Statement, Servicing Plan and Waste Management Plan would all be secured by condition. The Council's Transport Development Management Officer has reviewed the application and deemed it acceptable subject to conditions. The site is well located for the proposed use, and the development would avoid any detrimental impact on the safe and free flow of the highway network subject to conditions. Highways improvements on New Bond Street and Northgate Street are critical to this assessment. This is in accordance with policies ST1 and ST7.

## **Energy & Sustainability**

Policy CP1 of the Local Plan applies to proposals for conversion of existing buildings. A minimum 10% improvement in regulated CO2 emissions compared to the BER or DER of a notional baseline building that meets the requirements of Part L2B for non-domestic buildings is required.

The application is supported by a Sustainable Construction Checklist that indicates that the development will achieve a 20.5% reduction in carbon emissions against Building Regulations levels. This exceeds policy requirements and is strongly supported. The conversion is proposed to achieve Passivhaus EnerPHit retrofit standards. This is a standard for an economically and ecologically optimal energy retrofit, for old buildings that cannot achieve new build Passive House Standard with reasonable effort.

The energy and sustainability strategy includes enhanced insulation applied to the internal face of all external walls, comprised of layers of insulating lime plaster and natural fibre insulation. The existing windows will be retained and enhanced through installation of secondary glazing internally to preserve the original features. All new windows and doors would be triple glazed and highly efficient. To restrict overheating associated with solar gain, external awnings are proposed over windows. This will provide passive and low energy mitigation for overheating instead of using full air conditioning. It is also proposed to install a solar PV array on the existing flat roof. This will provide renewable energy for the site.

The application is exemplar in its approach to retrofit, reducing embodied and carbon emissions, minimising energy use, using renewable energy and overall environmental sustainability. It exceeds policy CP1 requirements. The strategy would be secured by condition.

## **Ecology & Biodiversity**

Para. 180 of the NPPF outlines that:

"Planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air,

water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Policy NE3 (Sites, Habitats and Species) of the Local Plan states that:

Development resulting in significant harm to biodiversity will not be permitted. Harm to biodiversity must always first be avoided and minimised. Where avoidance of harm is not possible, mitigation, and as a last resort, compensation must be provided, to at least equivalent ecological value.

For designated sites and other important habitat, this means:

1. Development that would adversely affect, directly or indirectly, internationally designated sites (such as RAMSAR) and sites within the National Sites Network (including new and existing SACs and SPAS) will not be permitted other than in exceptional circumstances where:

- o There are no feasible alternative solutions that would be less damaging or avoid damage to the site.
- o The proposal needs to be carried out for imperative reasons of overriding public interest.
- o The necessary compensatory measures can be secured.

2. Development that would adversely affect, directly or indirectly nationally designated sites including SSSIs will not be permitted except in exceptional circumstances where:

a) the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest

b) mitigation measures can be secured to prevent any significant adverse effect on the site, including retention of existing habitat and vegetation in situ; and

c) provision of replacement habitat creation and bespoke measures.

3. Development that would adversely affect, directly or indirectly other, habitats or features of biodiversity/geodiversity importance or value will only be permitted in the following cases:

a) for Sites of Nature Conservation Importance; Local Nature Reserves, Regionally Important Geological/ Geomorphological Sites and other sites of equivalent nature conservation value, where material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site; where impacts have been minimised; and where there are opportunities to replace and/or offset the loss to at least equivalent or greater ecological value

b) for UK Priority Habitats (not covered by Clause 4), where the importance of the development and its need for that particular location is sufficient to override the value of the species or habitat; and where impacts have been minimised; and where it can be demonstrated that it is possible to replace and/or offset the loss to at least equivalent or greater ecological value

c) for locally important habitats, where the importance of the development and its need for that particular location is sufficient to override the value of the habitat;

d) for features of the landscape such as trees, copses, woodlands, grasslands, batches, ponds, roadside verges, veteran trees, hedgerows, walls, orchards, and watercourses and their corridors if they are of amenity, wildlife, or landscape value, or if they contribute to a wider network of habitats, where such features are retained and enhanced unless the loss of such features is unavoidable and material considerations outweigh the need to retain the features.

4. Development is expected to protect and enhance irreplaceable habitats (within B&NES including (but not confined to) ancient woodlands; ancient and veteran trees; priority grasslands; or SAC bat habitat within juvenile sustenance's zones). Development negatively impacting irreplaceable habitat will not be permitted unless there are wholly exceptional circumstances\* and a suitable mitigation and compensation strategy is provided.

5. In all cases:

a) Firstly, any harm to the nature conservation value of the site should be avoided where possible before mitigation and as a last resort compensation are considered and

b) secondly, compensatory provision of at least equal nature conservation value is made for any outstanding harm, and

c) Thirdly, Biodiversity Net Gain will be delivered and managed in perpetuity (minimum of 30 years) through the appropriate means e.g. a legal agreement

d) Then, as appropriate:

(i) Measures for the protection and recovery of priority species are made.

(ii) Provision is made for the management of retained and created habitat features.

(iii) Site lighting details are designed to avoid harm to nature conservation interests; including habitat connectivity and function as part of an ecological corridor.

For protected species this means:

Adverse impacts on European, UK protected species, UK Priority and locally important species must be avoided wherever possible

(i) subject to the legal tests afforded to them, where applicable; and

(ii) otherwise, unless the need for and benefits of the proposed development clearly outweigh the loss; and

(iii) where impacts have been minimised; and

(iv) it can be demonstrated that it is possible to mitigate and compensate for any loss

\*Note: wholly exceptional reasons mean, for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat."

The site is located in the city-centre and is therefore not within an ecological area or an area that contains important habitat. The River Avon Site of Nature Conservation Interest is the nearest ecological site, located 90m east of the site. The river is a known bat commuting and foraging corridor and there is potential for bat activity in the surrounding area.

A Preliminary Bat Roost Assessment (PRA) has been submitted with the application and has determined that the likelihood of bats being present in any part of the building is negligible. This has been reviewed and agreed by the Council's Ecologist. However, a precautionary ecological watching brief is recommended with regard to the removal of fascia below the upper roof on the rear of the building as well as an internal inspection (endoscope / torch check) of the areas around the vents. Precautionary checks for bats before demolition works begin will be secured by planning condition.

Evidence of nesting birds was also searched for during the assessment, and no evidence was found. No harm will be posed to birds by the development.

There is no habitat at the site currently with it being entirely developed with sealed surfaces. Therefore the application is exempt from BNG under the de minimis exemption (less than 25m<sup>2</sup> habitat impacted). The scheme does involve soft landscaping within the proposed courtyard area and therefore the project will deliver benefits for biodiversity.

Proposals for wildlife enhancement including two bat boxes and three swift nest boxes form part of the application, are shown on plans and will be secured by condition.

A condition will also be applied relating to external lighting to ensure sensitive lighting given proximity to bat habitat (River Avon).

Subject to conditions securing mitigation measures discussed above, it is concluded that the development forming part of this application would avoid harm to ecology and biodiversity. Significant effects on protected species and their habitats can be ruled out. The scheme will achieve a net gain for biodiversity, despite this not being mandated or a policy requirement in this case. This accords with The Conservation of Habitats and Species Regulations 2017 and policies NE3 and NE3A of the Local Plan.

## **Flood Risk & Drainage**

Policy CP5 (Flood Risk Management) of the Local Plan requires that: "Development in the District will follow a sequential approach to flood risk management, avoiding inappropriate development in areas at risk of flooding and directing development away from areas at highest risk in line with Government policy NPPF).

Policy SU1 (Sustainable Drainage) of the Local Plan requires that: "Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of runoff from both

major development (as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015) and for minor development in an area at risk of flooding (from any source up to and including the 1 in 100year+ climate change event)."

"SuDS are to comply with the "Non-statutory technical standards for sustainable drainage systems" published by the Department for Environment, Food and Rural Affairs (DEFRA) and the standards/requirements contained in the West of England Sustainable Drainage Developer Guide (2015), or successor guidance."

Following submission of revised proposals during the application process, the Council's Drainage & Flooding Engineer has confirmed no objection to the application.

Surface water arising from plot previously drained to foul system via a 150mm pipe with an attenuation tank of 35m<sup>3</sup> to provide attenuation when inflow exceeded capacity of outflowing pipe.

The proposals have been revised to fully attenuate surface water flows and discharge at a maximum rate of 2 l/s. A 50m<sup>3</sup> attenuation tank is now proposed, and calculations show no flooding at the critical 1in100+45% climate change event.

Therefore, sufficient evidence has been provided that the development will avoid increasing flood risk and will not be at risk of flooding. This is subject to condition securing implementation in accordance with the Flood Risk Assessment and Drainage Strategy in the event permission is granted.

## **Other Matters**

### **Public Sector Equalities Duty**

In accordance with the duty required by sections 149-157 of the Equality Act 2010, the Local Planning Authority as public sector organisation is required to have due regard to the need to eliminate inequality against people with different protected characteristics, advance equality of opportunity, and foster good relations in relation to activities such as policy, consultation and public service.

This has been taken into account both in relation to the application and decision making process as well as when assessing the impacts and merits of the development itself.

Measures which the Local Planning Authority takes to advance equality of opportunity in the planning process at set out in the Council's adopted Statement of Community Involvement. This involves measures such as community consultation, advertising applications via a range of different mediums and making application documents available in a variety of print and non-print formats if required. These measures have been implemented in accordance with the Council's adopted Statement of Community Involvement prior to and during processing of this planning application. The project team in the Council has also undertaken public engagement via a variety of formats prior to submitting their application.

In relation to the development itself, it is considered that the development will reduce inequalities, advance equal opportunity and foster good relations with those sharing protected characteristics in a variety of forms. As an example, the development incorporates works to create new level entrances at ground level and provide lifts throughout the building. This will be beneficial to staff and visitors to the museum that have disabilities and represents an improvement in accessibility over the current building.

The Fashion Museum will also be free for all to access and will undertake a variety of outreach programmes underpinned by the B&NES Heritage Service Equality, Diversity and Inclusion Strategy. In this regard, equal access to the collection by free point of entry and targeted outreach programmes will advance equality of opportunity.

Overall, the potential equality impacts have been assessed relating to both the application process and in relation to the development itself. The Local Planning Authority is satisfied that it has taken a range of steps to achieve compliance with the Equalities Act 2010 and therefore discharged its public sector equalities duty.

## **Planning Balance & Conclusion**

The applications have been assessed against relevant legislation, the Local Plan and other material considerations. Generally, the applications are supported by relevant bodies, consultees and have received only one objection and three comments in support following public consultation.

Officer assessment has found acceptable impacts on the vitality of Bath Central Area including the Primary Shopping Frontage and benefits of the Fashion Museum project sufficient to outweigh loss of 9no. existing flats. The conversion works to facilitate museum use pose less than substantial harm to the listed building and conservation area. This is associated with new entrances, external awnings and rooftop plant. Justification for these works being necessary to facilitate museum use has been provided and harm posed is assessed to be outweighed by the substantial public benefits of the project, including cultural, education, creative industry, economic, social and environmental benefits as well as the long-term viable reuse and conservation of the listed building.

The development is acceptable in terms of neighbouring amenity, heritage impact, transport and accessibility, subject to conditions, including the delivery of the associated Milsom Quarter public realm and highways improvements prior to occupation.

Overall, on balance, the benefits of the proposal are considered to decisively outweigh the identified harms, and the development is acceptable in planning terms subject to conditions. The application is recommended to be permitted subject to conditions below.

## **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 Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management and diversions;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities (if necessary);
7. Site compound/hoarding arrangements;
8. Measures for the control of dust;

The construction of the development shall thereafter be undertaken in accordance with the approved Construction Management Plan.

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

## **3 Construction Environmental Management Plan (Pre-commencement)**

No development shall take place until a site-specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- o Arrangements for liaison with the Council's Environmental Protection Team;
- o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
  - o 08:00 - 18:00 Monday to Friday;
  - o 08:00-13:00 Saturday; and

- o No working on Sunday or Bank Holidays.
- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- o Mitigation measures as defined in BS5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- o Procedures for emergency deviation of the agreed working hours;
- o Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants; and
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

All construction works as part of the development shall thereafter proceed in accordance with the approved Construction Environmental Management Plan.

Reason: To protect neighbouring residents from pollution and potential nuisance associated with construction in accordance with policies PCS1, PCS2 and D6 of the Local Plan.

#### **4 Precautionary Working Methods for Bats and Birds (Pre-Commencement/Compliance)**

The development must proceed only in accordance with the following measures for the protection of bats and birds:

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

Reason: To protect nesting birds and bats and prevent ecological harm in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE3 of the Bath and North East Somerset Local Plan Partial Update

## **5 Archaeology Watching Brief (Pre-commencement)**

No development shall commence, except archaeological investigation work until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

## **6 Courtyard Landscape Design (Bespoke Trigger - Slab Level)**

No development beyond slab level shall take place until full details of both hard and soft landscape proposals for the external courtyard and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours;
2. Hard surfacing materials;
3. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting);
4. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc); and
5. Retained historic features and proposals for restoration, where relevant.

Soft landscape details including:

1. Planting plans;
2. Written specifications (including cultivation and other operations associated with plant and grass establishment); and
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities.

The landscaping scheme shall thereafter be undertaken in accordance with approved details, prior to opening of the museum or next appropriate planting season as agreed in writing by the Local Planning Authority.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and

North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

### **7 Lighting Strategy (Bespoke Trigger - Prior to installation of lighting)**

No lighting shall be installed as part of the development until a Lighting Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following:

1. The approach and design of external lighting;
2. Detailed light spill calculations (including lux contour plans);
3. Details of light control systems and regimes;
4. A schedule and programme for maintenance of the lighting.

The lighting shall be installed, maintained and operated thereafter in accordance with the approved Lighting Strategy.

Reason: To avoid harm to bats and wildlife as well as the character of the historic townscape in accordance with policies HE1, B4, NE3 and D8 of the Bath and North East Somerset Local Plan Partial Update.

### **8 Public Realm Highway Improvement Works (Pre-occupation)**

Use of the museum hereby permitted shall not commence until a scheme of public realm and highway improvement works have been completed reflecting indicative proposals on the Proposed Site Plan (Proposed Site Plan, drawing no. 597 - 6a - V0 - 00 - DR - A - P10002 P2 by 6a Architects received 20th January 2026).

At minimum, the improvement works shall include:

- o Resurfacing of footways adjacent to the site on New Bond Street and Northgate Street;
- o Widening of footways adjacent to the site on New Bond Street and Northgate Street;
- o Level access between footway and museum ground level from New Bond Street and Northgate Street;
- o Installation of a loading bay in the vicinity of the proposed delivery and refuse loading access;
- o Installation of 15 Sheffield cycle stands;

Reason: To ensure that appropriate, safe and sustainable access to the site is provided for all users, that enhances the quality of public realm surrounding the site, improving accessibility by a full range of modes and delivering a well-designed place in accordance with policies D4, D10, ST1, ST7 and CP13 of the Bath and North East Somerset Local Plan Partial Update.

### **9 Archaeology Post Excavation and Publication (Pre-occupation)**

Use of the museum hereby permitted shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-

excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan.

### **10 Noise Mitigation - Amplified Music (Pre-occupation)**

Use of the museum hereby permitted shall not commence until noise mitigation for amplified music is installed in accordance with the application stage Noise Impact Assessment (Noise Impact Assessment reference P8456-R1-V3 dated 7th January 2026 by Focus Consultants Limited).

This must include glazing achieving acoustic performance values indicated at Table 18 of the Noise Impact Assessment and a noise limiter device which ensures amplified music does not exceed values indicated at Table 19 of the Noise Impact Assessment.

During any events which involve amplified music, all doors and windows must be closed to ensure compliance with the Noise Impact Assessment.

Reason: To prevent excessive noise and protect the residential amenity of occupiers of neighbouring homes in accordance with policies D6, PCS1 and PCS2 of the Bath and North East Somerset Placemaking Plan.

### **11 Gull Management Plan (Pre-occupation)**

Use of the museum hereby permitted shall not commence until a Gull Management Plan has been submitted and approved in writing by the Local Planning Authority. The gull management plan shall be prepared having regard to the Council's published "Gull and pigeon control and protection in the historic environment" guidance and "Urban Gull Strategy" document, and include measures to prevent nesting by gulls on roofs and gull proofing mitigation measures for the site including food and beverage uses and bins and waste storage.

All measures within the approved Gull Management Plan shall be implemented prior to first public use of the museum and the use shall operate in accordance with the approved plan thereafter.

Reason: To prevent nuisance and environmental issues caused by gulls in accordance with policies D5, D6 and PCS1 of the Bath and North East Somerset Placemaking Plan.

### **12 Servicing & Waste Management Plan (Pre-occupation)**

Use of the museum hereby permitted shall not commence until an updated Servicing & Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include delivery and servicing arrangement details, as well as waste storage and collection times and arrangements relevant at point of opening.

The use shall thereafter be operated in accordance with the approved Servicing & Waste Management Plan.

Reason: To ensure that the development is served by a safe and suitable access in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

### **13 Travel Plan Statement (Pre-occupation)**

Use of the museum hereby permitted shall not commence until an updated Travel Plan Statement is submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall include a range of measures to encourage sustainable travel to the site including an action plan for implementation with targets relevant at point of opening. The use shall thereafter be operated in accordance with the approved Travel Plan Statement.

Reason: In the interest of enabling a genuine choice in mode of travel, reducing car dependency and encouraging sustainable travel methods in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

### **14 Implementation of Wildlife Scheme (Pre-occupation)**

Use of the museum hereby permitted shall not commence until the 2no. bat boxes on the Proposed Roof Plan (drawing no. 597 - 6a - V0 - RF - DR - A - P11005 P2) and 3no. swift boxes on the Proposed Elevation Courtyard (drawing no. 597 - 6a - V0 - XX - DR - A - P13003 P2) have been installed in accordance with approved details.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE5 and NE3a of the Bath and North East Somerset Local Plan Partial Update.

### **15 Energy Efficiency & Renewable Energy (Pre-occupation)**

Use of the museum hereby permitted shall not commence until the application stage Environmental Strategy (Environmental Strategy by Ritchie + Daffin dated January 2026) has been implemented in full. The development shall achieve a 20% reduction in carbon emissions relative to the Building Regulations Part L baseline.

Reason: To ensure that the approved development reduces carbon emissions and delivers environmental and public benefits as presented and considered in determination, in compliance with Policy CP1 of the Local Plan Partial Update.

### **16 Venue Security and Management Plan (Pre-occupation)**

Use of the museum hereby permitted shall not commence until a detailed Security & Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide full detail in relation to measures referenced in the

application stage Security Design Addendum (by 6a architects dated March 2026). Thereafter, the development shall be implemented, and site managed in accordance with the approved Security and Management Plan

Reason: To ensure that the development takes account of national policy requirements to achieve safe places, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion in accordance with section 8 of the NPPF and Policy D1 of the Bath and North Somerset Local Plan Partial Update. The Applicant should refer to the advice of Avon & Somerset Police Crime Prevention Through Environmental Design Officer response to the application dated 26th February 2026.

Please note: Fixing CCTV cameras to the building will likely require further listed building consent.

### **17 Courtyard Garden Management Plan (Pre-occupation)**

Use of the courtyard garden forming part of the development hereby permitted shall not commence until a detailed Management Plan for the garden has been submitted to and approved in writing by the Local Planning Authority. This shall provide full detail in relation to measures referenced in the application stage "Outline Management Plan - Courtyard Garden" (Planning Statement Appendix 4, The Planning Lab, January 2026). Thereafter, the garden shall operate in accordance with the approved Courtyard Garden Management Plan.

Reason: To safeguard the amenities of nearby occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

### **19 Drainage Strategy (Compliance)**

The development shall be implemented to comply with all measures and rates included in the application stage Drainage Strategy (Drainage Strategy Report Bath Fashion Museum by Andrew Waring Associates reference 13781.1 REV A received 5th March 2026).

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

### **20 Hours of Use - Commercial (Compliance)**

The museum use hereby approved shall not be carried on and no customer or visitor shall remain on the premises outside the hours of 09:00 - 23:00.

Reason: To safeguard the amenities of nearby occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

## **20 Site Specific Targeted Recruitment and Training in Construction (Compliance)**

The construction phase of the development project shall include at least 8no. work experience placements at the site/associated with the construction project, of no less than 16 hours per opportunity.

Reason: In accordance with Policy SD1 of the Local Plan and the Council's Planning Obligations SPD (2026) that requires major construction projects to provide training and employment opportunities for local people to benefit the local economy and contribute to sustainable development.

## **21 Awning Management Plan (Compliance)**

The awnings forming part of the development hereby approved shall be operated and maintained in compliance with the management strategy detailed within the application stage Awning Management Plan (Awning Management Plan, Appendix D of Design & Access Statement by 6a architects, January 2026 including Awnings Environmental Purpose and Effectiveness by Ritchie+Daffin). The awnings shall be linked to the building management system and shall be retracted outside of museum operational hours.

Reason: To minimise harm to the historic significance of the listed building(s) by ensuring there are periods in the day/year where windows remain visible as an important aspect of the special architectural interest in the heritage asset, limiting impact to the surrounding Bath World Heritage Site and Conservation Area in accordance with policies HE1, B4, D1 and D2 of the Bath and North East Somerset Placemaking Plan.

## **22 Noise Limits - Plant (Compliance)**

Any plant, ventilation and mechanical extraction equipment installed as part of the development hereby permitted must comply with the noise limits at nearest noise sensitive receptor as set out at Table 11 'BS 4142:2014 Initial Assessment at worst affected receptor' of the application stage Noise Impact Assessment (Noise Impact Assessment reference P8456-R1-V3 dated 7th January 2026 by Focus Consultants Limited).

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policies D6, PCS1 and PCS2 of the Bath and North East Somerset Placemaking Plan.

## **23 Restriction Use of Flat Roofs (Compliance)**

Flat roofs forming part of the development hereby permitted shall be accessible for maintenance and emergency purposes only, and shall not be accessed or used for any other purpose including recreational use by staff or visitors to the museum.

Reason: To ensure that the development has an acceptable impact on neighbouring premises in terms of noise and overlooking, as well as avoiding restriction to the safe operation of adjacent business premises in accordance with policies D6, PCS1 and PCS2 of the Bath and North East Somerset Placemaking Plan.

## 24 Plans List (Compliance)

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

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

### PLANS LIST:

1 Existing Location Plan	597 - 6a - V0 - 00 - DR - A - P00001 P2	20	January 2026
Existing Site Plan	597 - 6a - V0 - 00 - DR - A - P00002 P2	20	January 2026
Existing Lower Ground Floor Plan	597 - 6a - V0 - B1 - DR - A - P01000 P2		20 January 2026
Existing Ground Floor Plan	597 - 6a - V0 - 00 - DR - A - P01001 P2	20	January 2026
Existing First Floor Plan	597 - 6a - V0 - 01 - DR - A - P01002 P2	20	January 2026
Existing Second Floor Plan	597 - 6a - V0 - 02 - DR - A - P01003 P2	20	January 2026
Existing Third Floor Plan	597 - 6a - V0 - 03 - DR - A - P01004 P2	20	January 2026
Existing Roof Plan	597 - 6a - V0 - RF - DR - A - P01005 P2	20	January 2026
Existing Section CC BB	597 - 6a - V0 - XX - DR - A - P02002 P2	20	January 2026
Existing Section GG HH	597 - 6a - V0 - XX - DR - A - P02003 P2	20	January 2026
Existing Elevation - New Bond Street	597 - 6a - V0 - XX - DR - A - P03000 P2	20	January 2026
Existing Elevation - Northgate Street & Green Street	597 - 6a - V0 - XX - DR - A - P03001 P2	20	January 2026
Existing Elevation - Courtyard	597 - 6a - V0 - XX - DR - A - P03002 P2	20	January 2026
Demolition Lower Ground Floor Plan	597 - 6a - V0 - B1 - DR - A - P01010 P2		
Demolition Ground Floor Plan	597 - 6a - V0 - 00 - DR - A - P01011 P2	20	January 2026
Demolition First Floor Plan	597 - 6a - V0 - 01 - DR - A - P01012 P2	20	January 2026
Demolition Second Floor Plan	597 - 6a - V0 - 02 - DR - A - P01013 P2	20	January 2026
Demolition Third Floor Plan	597 - 6a - V0 - 03 - DR - A - P01014 P2	20	January 2026
Demolition Roof Plan	597 - 6a - V0 - RF - DR - A - P01015 P2	20	January 2026
Demolition Section CC BB	597 - 6a - V0 - XX - DR - A - P02012 P2	20	January 2026
Demolition Section GG HH	597 - 6a - V0 - XX - DR - A - P02013 P2	20	January 2026
Demolition Elevation - New Bond Street	597 - 6a - V0 - XX - DR - A - P03010 P2		20 January 2026

Demolition Elevation - Northgate Street & Green Street P03011 P2 20 January 2026	597 - 6a - V0 - XX - DR - A -		
Demolition Elevation - Courtyard 20 January 2026	597 - 6a - V0 - XX - DR - A -	P03012 P2	
Proposed Façade Repairs January 2026	597 - 6a - V0 - XX - DR - A -	P07000 P2	20
Proposed Façade Repairs January 2026	597 - 6a - V0 - XX - DR - A -	P07001 P2	20
Proposed Façade Repairs January 2026	597 - 6a - V0 - XX - DR - A -	P07002 P2	20
Proposed Façade Repairs January 2026	597 - 6a - V0 - XX - DR - A -	P07003 P2	20
Proposed Façade Repairs January 2026	597 - 6a - V0 - XX - DR - A -	P07004 P2	20
Proposed Site Plan 2026	597 - 6a - V0 - 00 - DR - A -	P10002 P2	20 January
Proposed Lower Ground Floor Plan 20 January 2026	597 - 6a - V0 - B1 - DR - A -	P11000 P2	
Proposed Ground Floor Plan 20 January 2026	597 - 6a - V0 - 00 - DR - A -	P11001 P2	
Proposed First Floor Plan January 2026	597 - 6a - V0 - 01 - DR - A -	P11002 P2	20
Proposed Second Floor Plan 20 January 2026	597 - 6a - V0 - 02 - DR - A -	P11003 P2	
Proposed Third Floor Plan January 2026	597 - 6a - V0 - 03 - DR - A -	P11004 P2	20
Proposed Roof Plan 2026	597 - 6a - V0 - RF - DR - A -	P11005 P2	20 January
Proposed Section CC BB January 2026	597 - 6a - V0 - XX - DR - A -	P12002 P2	20
Proposed Section GG HH January 2026	597 - 6a - V0 - XX - DR - A -	P12003 P2	20
Proposed Elevation - New Bond Street 20 January 2026	597 - 6a - V0 - XX - DR - A -	P13000 P2	
Proposed Elevation - Northgate Street & Green Street P13001 P2 20 January 2026	597 - 6a - V0 - XX - DR - A -		
Proposed Elevation - Courtyard 20 January 2026	597 - 6a - V0 - XX - DR - A -	P13003	
Proposed External Walls Typical Details 20 January 2026	597 - 6a - V0 - XX - DR - A -	P21001 P2	
Proposed Elevation Courtyard East Overview P21002 P2 20 January 2026	597 - 6a - V0 - XX - DR - A -		
Proposed Elevation Courtyard North Overview P21004 P2 20 January 2026	597 - 6a - V0 - XX - DR - A -		
Proposed Upper Floor Window Typical Detail P22001 P2 20 January 2026	597 - 6a - V0 - XX - DR - A -		
Proposed Ground Floor Window Typical Detail P22002 P2 20 January 2026	597 - 6a - V0 - XX - DR - A -		
Proposed External Foyer Door Typical Detail P23001 P2 20 January 2026	597 - 6a - V0 - XX - DR - A -		

Drainage Basement Sketch	13781-100 P2	5 March 2026
Drainage Ground Floor Sketch	13781-101 P1	5 March 2026
Drainage Proposed Roof & Upper Floors	13781-102 P1	5 March 2026

## 2 Condition Categories

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

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

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

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

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

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

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

## 3 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one

or more of the statutory exemptions or transitional arrangements is/are considered to apply.

#### **4 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 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)

#### **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 Highways Works Agreements Advice Note**

The Applicant is advised to contact the Council's Highways team as the development proposed involves work on the public highway (see: Condition 8 of this planning permission). The Applicant must ensure they have obtained the necessary highways licenses and approvals under the relevant sections of the Highways Act 1980, prior to any work taking place on the public highway. It is likely that S278 and S38 (or hybrid) Highways Agreements will be required. The Council's Highways team can be contacted at:

Highways@bathnes.gov.uk

Further information in relation to Highways licenses is available at the following Council website: <https://beta.bathnes.gov.uk/apply-highways-licence>

### **7 Wessex Water**

The Developer should contact Wessex Water in relation to agreeing connections to their network.

<https://developerservices.wessexwater.co.uk/your-project/developing-a-new-site>

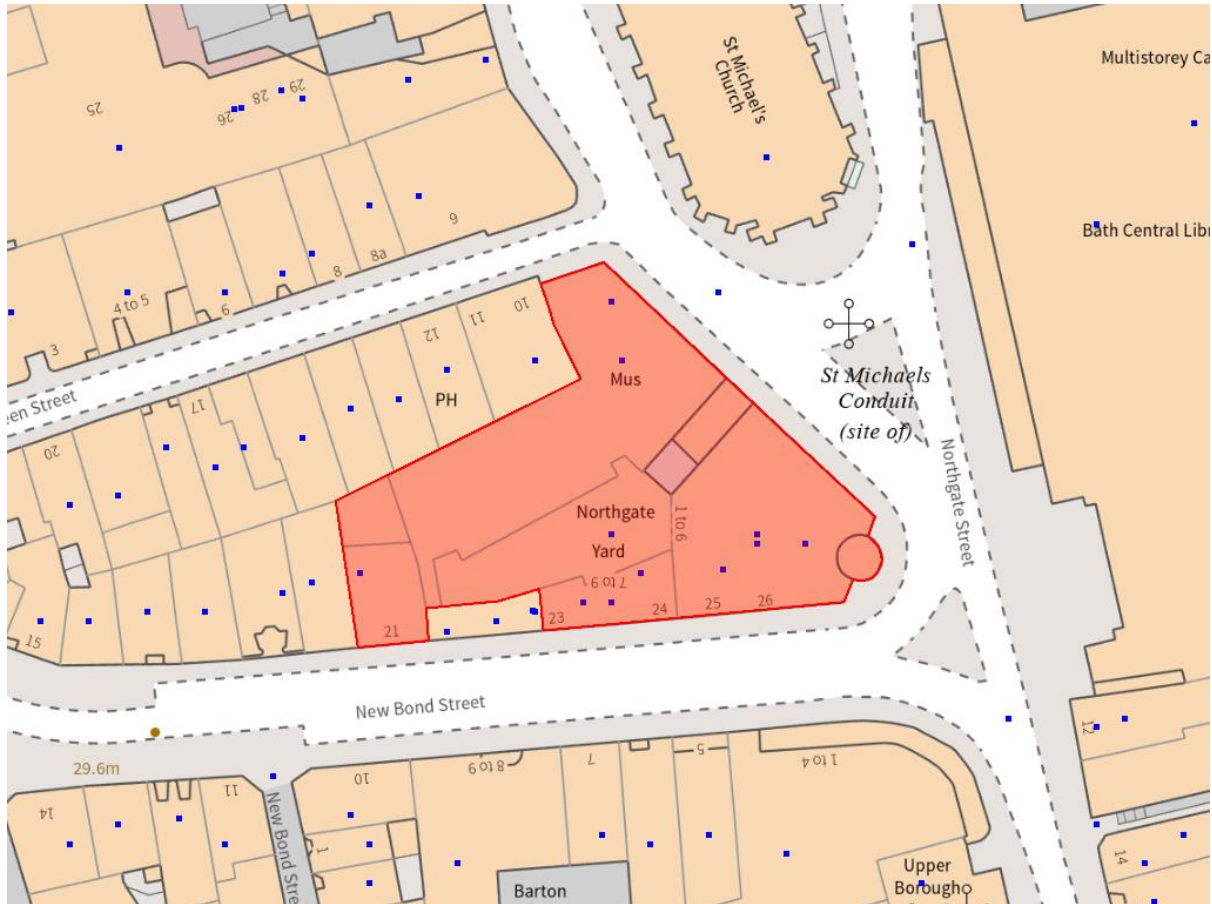
### **8 Signage, Advertisements and Flags**

This permission does not cover display of any advertisements including signage, flags or any other type of direction/display at the site. The Applicant must obtain consent separately for advertisements unless covered by deemed consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Listed building consent may also be necessary.

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

**Item No:** 02  
**Application No:** 26/00102/REG13  
**Site Location:** Former Post Office Premises 27 Northgate Street City Centre Bath  
Bath And North East Somerset



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor Paul Roper      Councillor George Tomlin

**Application Type:** Regulation 13 Application

**Proposal:** Internal and external alterations for the partial demolition of the courtyard infill building, erection of new courtyard building and circulation core, external alterations including dropping 6 no. windows to 4no. doors and 2no new awnings to windows, new windows to the rear of no. 23 New Bond Street, new courtyard garden and landscaping, new rooftop plant, partial basement extension for new attenuation tank and lift, erection of flagpole and other associated works. Internal alterations to include new stair within no. 23-24 New Bond Street, strip out of modern fixtures, new lift and stair core, new secondary glazing, insulation and other associated works. (The Old Post Office inc. 21-26 New Bond Street).

**Constraints:** Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Bath Central Area,

Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre, Policy CP9 Affordable Housing, Policy CR3 Primary Shopping Areas, Policy CR3 Primary Shopping Frontages, Listed Building, MOD Safeguarded Areas, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, NRN Wetland Strategic Network Policy NE5, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

**Applicant:** Fashion Museum Bath, Heritage Services (BANES)

**Expiry Date:** 18th March 2026

**Case Officer:** David MacFadyen

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

## **REPORT**

### **Reason for Committee Decision:**

The Applicant is Bath & North East Somerset Council as this is a Council project. The applications (for planning and listed building consent) have been reported to Chair/Vice Chair of Planning Committee for consideration over appropriate decision level in accordance with the Council's Planning Scheme of Delegation. Chair/Vice Chair have decided the application should be decided by the Planning Committee due to major scale of development by the Council and public interest in the project.

### **Site Background**

The application relates to The Old Post Office, 27 Northgate Street and 25-26 New Bond Street. It also includes Nos. 21 and 23-24 New Bond Street.

The Old Post Office dates from 1927. It is Bath's first purpose-built post office, built in neo-Georgian style to design by Government Office of Works architect Archibald Bulloch. The building is included on the National Heritage List for England at Grade II level. It fronts both New Bond Street to the south and Northgate Street to the east, with rotunda entrance located at the street corner. It has most recently been used as a pair of retail units with flats above.

The site also includes adjacent Georgian townhouses to the west on New Bond Street, also Grade II listed. These are also in commercial use at ground level with residential above.

The site is in Bath City Centre under Policy CP12 'Centres and Retailing' and Bath Central Area under Policy B2 'Central Area Strategic Policy'. It is also within the 'Primary Shopping Area' and 'Primary Shopping Frontage' under Policy CR3.

The site is in the dual inscribed Bath World Heritage Site and Bath Conservation Area. The site is adjacent to several other listed buildings including St. Michaels Church (Grade II\*). The River Avon Site of Nature Conservation Interest (SNCI) is approx. 90m east of the site.

## Planning History

Application ref:      Development:      Decision:

04/00221/LBA      Extension, external works and change of use to provide accommodation for uses within class A1 (retail) and the provision of 6 no. residential apartments      Consented - 14.06.2004

04/02863/LBA      Internal alterations in addition to previous consent 04/00221/LBA dated 14/6/04. Works include reconfiguring 2 no. staircases, lowering floor r/o Unit 1, dividing wall relocation Units 1 + 4, and increase rooflight area above Unit 1  
Consented - 10.11.2004

06/00784/FUL      New mechanical plant on roof, including additional roof plant enclosure.      Permitted - 29.06.2006

06/01942/AR Installation of 2 No aluminium, non-illuminated, projecting signs      Advert  
Consent Not Required - 21.07.2006

06/02870/LBA      Erection of two aluminium projecting signs, non-illuminated. Postal suite signage.      Consented - 04.10.2006

18/03990/LBA      External works to 21,22a,22b,23,24,25 & 26 New Bond Street & 27 Northgate Street to repair stone facades, inclusive of localised repair where slates have moved.      Consented - 13.12.2018

## Development

This application seeks listed building consent for internal and external alteration including extension of the listed building to facilitate its change of use to a museum, in learning and non-residential institutional use (use class F1[c]). The project is for the proposed development of the Fashion Museum, Bath.

Development would comprise change of use of 1,945m<sup>2</sup> of floorspace currently in commercial use. This includes change of use or a reduction in floor space at shops at nos. 21 (Lakeland), 23 (vacant), 24 (Albaray) and 25-26 New Bond Street (Rodd & Gunn/first floor vacant) as well as 27 Northgate Street (vacant, former post office/postal museum). Development would also comprise change of use of 9no. upper floor flats in 27 Northgate Street and 23-34 New Bond Street.

The buildings would be altered and extended to facilitate museum use including demolition of an existing rear extension and construction of a new part 2, part 3 storey rear extension. Existing ground floor windows would be removed and cills lowered to create series of new level entrance doors on New Bond Street and Northgate Street. Awnings are proposed to be installed over each street facing door/window for solar shading. Plant and air handling equipment would be installed in a solid enclosure at roof level, along with solar panels and a flagpole. Existing windows are proposed to be painted in a dark shade, and areas of stone repairs and cleaning are proposed.

The museum would include 3,392m<sup>2</sup> of floorspace. The ground level would include reception, café, museum shop, object handling area, learning and events space, and rear courtyard garden area. The first and second floor levels would host gallery spaces where collection is exhibited, offices and meeting rooms and toilets. The lower ground basement level would host main toilets, lockers, buggy parking, plant rooms, café kitchen and back of house object handling area.

The Fashion Museum development is proposed following relocation of the collection formerly displayed at the Assembly Rooms. The museum is proposed to be free to visit, plans for 250,000 visitors annually and create 165 direct and construction jobs.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **External Consultation**

#### **Historic England:**

Works involving removing six large ground floor windows as well as the masonry below them and inserting new doors result in a degree of harm. Historic England accepts that the loss of the windows and conversion of the openings into doors is necessary if the building is to be used as a museum, which is in other respects an entirely suitable use for it.

Repainting windows in a dark shade is acceptable given they were originally painted dark. Precise colour should be controlled by conditions.

External awnings would be a big change visually and building has not historically had awnings. Large numbers of Bath's classical buildings did historically have external awnings. Harm would be posed if awnings were permanently deployed meaning windows never visible. However, awnings are deployable and must be retracted when they are not needed; at night, when the sun is not shining on that elevation of the building, on overcast days etc. This should be controlled by condition. Colour and design of awnings also important and should be controlled by condition.

Rooftop extensions for plant and servicing equipment pose low and acceptable impact on other listed buildings, the conservation area and the dual WHS.

LPA should take representations into account in determining the applications. No objection.

#### **Bath Preservation Trust:**

BPT strongly supports rehousing the fashion museum at the Old Post Office. The opportunity for stakeholders including BPT to engage with the design process prior to planning application stage has resulted in a sound proposal which contributes to enabling the long-term occupation and sustainable development of this site, which is the catalyst to the reinvigoration of the Milsom Quarter area of the city centre.

It is good to see that comments from various parties have been considered and positively responded to, especially in relation to the proposed external blinds and rotunda. BPT's more detailed pre-application comments of 28 July 2025 (DAS Appendix C) specifically stressed the importance of clear and convincing justification and public benefits being

included the planning submission, particularly where there is a proposed degree of harm or perceived harm to the historic environment.

BPT considers the impact of the proposals on heritage significance value of the heritage assets/listed building to be minor adverse, and a low level of harm is outweighed by the demonstrated collective public benefits of positive heritage conservation, secure long-term use, maximised accessibility, cultural vitality and the goals for reaching net zero and sustainable development.

The proposal is considered to preserve and enhance the character and appearance of the conservation area and sustain the World Heritage Site OUV.

## **Internal Consultation**

### **Conservation Historic Environment, B&NES Council:**

The Old Post Office has been significantly altered with little remaining internally of historic interest. The exterior retains significance in its design and use of materials, being largely unchanged from its first construction. The building clearly contributes to both the character of the conservation area and world heritage site designations.

The properties on New Bond Street have also experienced much alteration with access points to upper floors altered following severance from the ground floors. Notwithstanding this, they retain some internal historic features. The external appearance retains its significance which contributes to the wider terrace and character of the area.

There are a number of areas of the scheme which will result in loss of fabric or harm to the significance of the listed buildings including:

- o Lowering the cills of six ground floor windows to create new entrance doors;
- o Addition of external awnings when deployed, particularly to windows above ground level where awnings have less historic precedent; and
- o Installation of rooftop plant and equipment which would be visible in some wider views such as down Broad St in direction of the Abbey church tower.

It is for the case officer to balance harm identified as there are a number of other considerations and public benefits within the wider application. It is considered that given the high national and international value of the collections, combined with the need to provide level access to the building and adapt it for its future use, there is capacity for these benefits to outweigh harm.

## **Public Consultation**

The public consultation process involved display of a site notice at the development site and publication of advert in the Bath Chronicle. The application was also included on a weekly list of new applications circulated by the Council, with the planning application files accessible on the Council website.

One response has been received in relation to this listed building consent application. This was from the Bath Preservation Trust and is included above in full. No further public comments were returned in relation to the listed building consent application.

## **POLICIES/LEGISLATION**

### **National Legislation:**

There is a duty placed on the council 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.

### **National Policy:**

National Planning Policy Framework (Dec 2024) and the National Planning Practice Guidance (March 2014) must be awarded significant weight in decision making.

### **Local Plan:**

The Council's Local Plan can be reviewed in full at the following website:

<https://beta.bathnes.gov.uk/core-strategy-placemaking-plan-and-local-plan-partial-update>

The Local 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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- o Made Neighbourhood Plans

The following policies of the Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update are relevant to the determination of this application for listed building consent:

HE1 Historic Environment

### **Supplementary Planning Documents and relevant planning guidance:**

Historic England Advice Note 2 'Making Changes to Heritage Assets' (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**

### **Heritage & Conservation of Listed Building**

There is a duty placed on the Council under Section 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.

Para. 202 of the NPPF states that:

"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

Para. 207 of the NPPF states that:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."

Para. 208 of the NPPF states that:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Para. 212 of the NPPF states that:

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

Policy HE1 (Historic Environment) of the Local Plan states that:

"Within the scope of Core Strategy Policies B4 and CP6, development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to

enhance or better reveal its significance and/or setting, and make a positive contribution to its character and appearance".

"Great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals will be weighed against the public benefits of the proposal; whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset."

The site includes several listed buildings including the Old Post Office, New Bond Street (1923-7) and neighbouring buildings listed under nos. 15-24 New Bond Street (1805-1820).

The site is also nearby several other listed buildings including 1-9 New Bond Street, 10-20 Green Street and buildings on Northgate Street and St. Michaels Church (grade II\*). The development is in the setting of these listed buildings.

The heritage assets most effected are the listed buildings at the site itself, Old Post Office, 25-26 New Bond Street and 27 Northgate Street as well as 21-24 New Bond Street.

The project has been developed in consultation with the Local Planning Authority and a variety of external conservation bodies including Historic England, 20th Century Society, Bath Preservation Trust and other national groups.

The Old Post Office dates from 1927. It is Bath's first purpose-built post office, built in ornate neo-Georgian style to design by Government Office of Works architect Archibald Bulloch, noteworthy given otherwise restrained national economic circumstances of the time. The historic interest in the building relates to its significance as a purpose built, early 20th century post office for the City of Bath which has an important role in development of the modern postal system. Interest also lies in locally distinctive architectural design with giant Venetian window, Ionic columns and pilasters, ornate window dressings and cornices, built with local limestone. The interior is much altered by recent retail use, with little historic fabric remaining.

Whilst the building is 20th century, it is harmonious with the surrounding Georgian townscape and makes a positive contribution to both the World Heritage Site and Conservation Area.

The lack of historic interest in the interior makes the building a relatively good donor for a museum, a use requiring flexibility in internal spaces to facilitate layout of artefacts and exhibitions.

New wall and floor linings are proposed throughout the building to improve thermal efficiency. Given there is no significance to the finishes internally, there are no concerns with these changes. There is an original mosaic floor located in the ground floor entrance lobby. The floor mosaic will be restored following removal of existing modern walls. Restoration of the mosaic floor is considered an enhancement.

External changes include alterations to improve access and entrance to the building through replacement of ground floor windows with doors, stone cleaning, repainting windows, installation of window awnings, a part 3-part 2 storey rear extension, installation of rooftop plant in solid enclosure, solar panels as well as reinstatement of a flagpole on the roof.

The proposed main entrances to the museum at ground level would be from either side of the building, on New Bond and Northgate Streets. These will provide level access to the building, which is not currently available. It was considered whether the existing rotunda entrance could be adapted, but due to levels this was not practical.

To create proposed entrances, trios of existing ground floor windows on the north and south frontages would be converted to doors. This requires removal of existing original steel windows and demolition of masonry below cill level. The proposed doors will be thermally broken steel doors, triple glazed with glazing bars to match wider fenestrations.

The proposed entrances will result in loss of original ground floor windows as well as sections of stonework beneath windows. These works are assessed by the Council's Conservation Officer and the Applicant's Heritage Statement to pose harm to the significance of the listed building.

The most visually impactful aspect of the conversion works would be installation of external awnings. These are proposed as a passive, low energy method to prevent solar gain and control the climate in the museum during summer months. This is necessary to preserve the historic collection, create a comfortable internal climate whilst minimising energy use.

Awnings are proposed to be installed on every front window and door at all levels, except for the giant Venetian window over the rotunda. The awnings would be fabric blinds on steel frames. They would be mounted above the window head and would be motorised to retract into the window reveal. They are fully retractable, although will remain visible in retracted position. They can extend down to 80 degrees, covering most of the window during peak light levels.

The Applicant has provided an Awning Management Plan in their submission. This details that awnings will only be operational when the museum is open. When the museum is closed, the awnings will be fully retracted. Furthermore, they will also only be used March - November. In winter (Dec-Feb), the awnings will not be necessary or used. Level of use and deployment angle will vary during the summer dependent on weather conditions. The awning controls will be linked to the buildings climate management system. Peak deployment almost covering windows is anticipated during June and July, with more moderate 40degree angle covering half the window likely during spring and autumn.

There are different views in relation to the impact of awnings. Historic England have not objected to their use. They have noted that permanent deployment would lead to windows being hidden and the building not being viewed as intended, harmful to historic significance. However, as outlined above, deployment is managed dependent on museum opening, climate and time of year.

The submission and Historic England acknowledge that some of Bath's classical buildings did historically have external awnings. The Council's Conservation Officer recognises examples of awnings above first floor level being rare and generally isolated, rather than every window across several facades as is proposed. It is considered that when deployed, awnings would detract from enjoyment of the listed building. However, it is recognised that this would not be permanent, with large periods of the day (evening, night and early morning) and year (Dec-Feb) where they would be retracted. It is also recognised that awnings reduce the need for further rooftop plant which may also pose harm to other heritage assets.

When deployed, particularly in peak summer months when windows will be covered during operational hours, it is assessed that the awnings will pose harm to the special architectural interest of the listed building. This is because of obscuring views of the original neo-classic windows which are part of the architectural interest in the listed building and inkeeping with the surrounding World Heritage Site and Conservation Area. The fixing of the awnings to windows/masonry and associated electrical supply to windows will also cause some harm to historic built fabric.

In relation to the rear extension, this would replace an existing part single storey, part 2 storey rear extension constructed in 2005. The proposed extension would be three storeys immediately at the rear of the building, reducing to 2 storeys adjacent to the northern boundary. The extension would be constructed with cross laminated timber beams, brickwork and Bath stone walls. It would have flat roofs and a large curtain glazed wall on the rear elevation. The glazed wall would feature awnings at each floor level. Glazed sliding doors are proposed opening onto a courtyard space at ground level.

The rear extension would replace an existing modern extension posing similar impacts at ground and first floor levels. It would be taller than existing. However given the rear of the building is fully enclosed by neighbouring buildings, it would remain unsighted from public viewpoints. The proposed materials are in keeping with existing character, historically appropriate and of a high quality.

The Council's Conservation Officer has confirmed that the design of the rear extension is supported. They note the extension provides a contemporary approach to enable re-use of the listed building as a museum. It would let light into the Old Post Office and allow the original building to be appreciated. The extension is assessed to have a neutral impact and avoid adverse effects and harm to the historic significance of the listed building.

It is proposed to install new mechanical plant for building services on the flat roof of the listed building. The building has existing modern rooftop plant. The proposed equipment would be housed in an insulated weatherproof enclosure. This has been set as far back from the street parapet as possible to minimise views from the surrounding streets. Visuals provided with the application indicate that from many surrounding viewpoints at street level, the plant enclosure would not be visible. The plant enclosure is found to have a neutral impact on the significance of the listed building.

It is noted that plant is essential for the re-use of the listed building. Details of the cladding material, colour and finish of the plant enclosure would be secured by condition if consent is granted.

The repainting of existing steel windows in a darker colour is acceptable and deemed a neutral change given the windows were originally painted in a dark shade. Further detail would be secured by condition to ensure proposed colours match previous following analysis and sampling.

A strategy for stone cleaning including pre-cleaning survey identifying a targeted approach, alongside cleaning methodology and samples of cleaning would also be secured by condition.

The Applicant has provided evidence that the building included a flagpole historically which was only removed in 2005. The application seeks to reinstate this. Given historic evidence, no objection is held to reinstatement of a flagpole on this focal former civic building and proposed museum. It is noted that flying any non-permitted flag, such as a bespoke advertising flag would require separate advertisement consent.

Overall, the conversion works including proposed entrances and awnings are assessed to pose harm to the historic significance of the listed building. The level of harm is rated as less than substantial to the heritage asset. Where less than substantial harm is identified, this harm should be weighed against the public benefits of the proposal in accordance with para. 215 of the NPPF and policy HE1.

The Fashion Museum development would be associated with several public benefits. As addressed above, these include conservation of and access to the internationally significant fashion collection. Benefits for education, culture and creative industry flow from public access to the collection. There are economic benefits for the district associated with tourism, trade and employment associated with the construction and operational phases of development. The development provides environmental benefits associated with conversion of the building to improved energy efficiency standards including installation of renewable energy equipment and a reduction in carbon emissions. The development would secure a new long-term tenant and custodian for the historic building. Undertaking refurbishment works that include beneficial heritage proposals such as restoration of mosaic floor, stone cleaning and repairs, a better designed rear extension and reinstatement of historic flagpole.

Public benefits of the project are numerous and substantial in this case. Whilst harm to the historic significance of the listed building is afforded considerable importance and weight in decision making, on balance, it is judged that benefits are sufficient to outweigh less than substantial harm. The application is found to accord with section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 of the NPPF and policy HE1 of the Local Plan.

## **RECOMMENDATION**

CONSENT

## **CONDITIONS**

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

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

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

## **2 Stone Cleaning Survey and Samples (Bespoke/Pre-commencement)**

Notwithstanding the details provided with the application, no work shall commence on the stone cleaning until a pre-cleaning survey, including samples panels provided in-situ, to establish the final parameters of the stone cleaning has been submitted to and approved in writing by the Local Planning Authority. The approved panels shall be kept on site for reference until the development is completed.

Thereafter, the stone cleaning shall only be carried out in accordance with the approved sample panel.

Reason: To safeguard features of special architectural and historical interest and preserve 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 Schedule of Stone Repairs (Bespoke Trigger)**

Following cleaning of the stone; in accordance with the approved method(s) and prior to any further works being undertaken a detailed schedule of any repair work, including methods and materials and samples shall be submitted to and approved in writing by the Local Planning Authority.

The stone repairs shall thereafter be carried out only in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve 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.

## **4 Sample Panel - Walling (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

The development shall thereafter be carried out only in accordance with the approved details.

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

## **5 Sample Panel - Plant Enclosure (Bespoke Trigger)**

No construction of the approved plant enclosure shall commence until details of all external finishes of the enclosure (including samples if needed) have been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out only in accordance with the approved details.

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

## **6 Awning Fabrics (Bespoke Trigger)**

Prior to the installation of awnings hereby approved, full details of the proposed fabric material and colour of the awnings shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out only in accordance with the approved details.

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

## **7 Awning Mechanism (Bespoke Trigger)**

Prior to the installation of awnings, full details and specifications for the proposed mechanism, including the attachments and power connections, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out only in accordance with the approved details.

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

## **8 Repairs and Repainting Windows/Doors (Bespoke Trigger)**

No repairs or repainting of existing windows and doors shall commence until a methodology of works has been submitted to and approved in writing by the Local Planning Authority. The methodology shall include evidence, sampling and analysis of historic colour, proposals for repairs and cleaning as well as a detailed specification for repainting including paint type, colour and finish.

Thereafter the work shall only be carried out in accordance with the approved details.

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.

### **9 Joinery Details and Finish Windows/Doors (Bespoke Trigger)**

No installation of the proposed windows, doors or secondary glazing shall commence until full details including cross sections, colour and finish have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and 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.

### **10 Joinery Details and Finish (Bespoke Trigger)**

No installation of the proposed smoke outlets shall commence until full design details of the outlet, including cross sections and demonstrating materials have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and 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.

### **11 Scaffolding Details - Where fixed to Listed Building (Bespoke Trigger)**

If the works require access scaffolding to be erected, none of the scaffolding shall be physically tied using anchor ties or bolts unless details including subsequent repair specifications are submitted to and approved by the Local Planning Authority. Details must be submitted and approved in writing by the Local Planning Authority prior to the erection of any scaffolding. Once approved the scaffolding shall be erected, removed and the building repaired in accordance with the approved details.

Reason: Physically tied scaffolding can cause significant damage to a listed building and should be avoided to safeguard the character and appearance of the building in accordance with Policy HE1 of the Bath and North East Somerset Local Plan.

### **12 Extraction and Services Details (Bespoke Trigger)**

No installation of new services for waste or ventilation shall commence until full details comprising 1:20 drawings showing location of vents, flues, and waste pipes, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the work shall be carried out only in accordance with the approved details.

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.

### 13 Staircase Joinery Details (Bespoke Trigger)

No installation of the proposed staircase at 22 New Bond Street shall commence until full details of the staircase alterations including cross sections at a scale of 1:2 and elevations at a scale of 1:10 or 1:20 and a specification for material, colour and finish have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and 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.

### 14 Plans List (Compliance)

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

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

#### PLANS LIST:

1 Existing Location Plan	597 - 6a - V0 - 00 - DR - A - P00001 P2	20	January 2026
Existing Site Plan	597 - 6a - V0 - 00 - DR - A - P00002 P2	20	January 2026
Existing Lower Ground Floor Plan	597 - 6a - V0 - B1 - DR - A - P01000 P2		20 January 2026
Existing Ground Floor Plan	597 - 6a - V0 - 00 - DR - A - P01001 P2	20	January 2026
Existing First Floor Plan	597 - 6a - V0 - 01 - DR - A - P01002 P2	20	January 2026
Existing Second Floor Plan	597 - 6a - V0 - 02 - DR - A - P01003 P2	20	January 2026
Existing Third Floor Plan	597 - 6a - V0 - 03 - DR - A - P01004 P2	20	January 2026
Existing Roof Plan	597 - 6a - V0 - RF - DR - A - P01005 P2	20	January 2026
Existing Section CC BB	597 - 6a - V0 - XX - DR - A - P02002 P2	20	January 2026
Existing Section GG HH	597 - 6a - V0 - XX - DR - A - P02003 P2	20	January 2026
Existing Elevation - New Bond Street	597 - 6a - V0 - XX - DR - A - P03000 P2	20	January 2026
Existing Elevation - Northgate Street & Green Street	597 - 6a - V0 - XX - DR - A - P03001 P2	20	January 2026
Existing Elevation - Courtyard	597 - 6a - V0 - XX - DR - A - P03002 P2	20	January 2026
Demolition Lower Ground Floor Plan	597 - 6a - V0 - B1 - DR - A - P01010 P2		

Demolition Ground Floor Plan January 2026	597 - 6a - V0 - 00 - DR - A - P01011 P2	20	
Demolition First Floor Plan January 2026	597 - 6a - V0 - 01 - DR - A - P01012 P2	20	
Demolition Second Floor Plan January 2026	597 - 6a - V0 - 02 - DR - A - P01013 P2	20	
Demolition Third Floor Plan January 2026	597 - 6a - V0 - 03 - DR - A - P01014 P2	20	
Demolition Roof Plan 2026	597 - 6a - V0 - RF - DR - A - P01015 P2	20	January
Demolition Section CC BB January 2026	597 - 6a - V0 - XX - DR - A - P02012 P2	20	
Demolition Section GG HH January 2026	597 - 6a - V0 - XX - DR - A - P02013 P2	20	
Demolition Elevation - New Bond Street 20 January 2026	597 - 6a - V0 - XX - DR - A - P03010 P2		
Demolition Elevation - Northgate Street & Green Street P03011 P2 20 January 2026	597 - 6a - V0 - XX - DR - A - P03011 P2		
Demolition Elevation - Courtyard 20 January 2026	597 - 6a - V0 - XX - DR - A - P03012 P2		
Proposed Façade Repairs January 2026	597 - 6a - V0 - XX - DR - A - P07000 P2	20	
Proposed Façade Repairs January 2026	597 - 6a - V0 - XX - DR - A - P07001 P2	20	
Proposed Façade Repairs January 2026	597 - 6a - V0 - XX - DR - A - P07002 P2	20	
Proposed Façade Repairs January 2026	597 - 6a - V0 - XX - DR - A - P07003 P2	20	
Proposed Façade Repairs January 2026	597 - 6a - V0 - XX - DR - A - P07004 P2	20	
Proposed Site Plan 2026	597 - 6a - V0 - 00 - DR - A - P10002 P2	20	January
Proposed Lower Ground Floor Plan 20 January 2026	597 - 6a - V0 - B1 - DR - A - P11000 P2		
Proposed Ground Floor Plan 20 January 2026	597 - 6a - V0 - 00 - DR - A - P11001 P2		
Proposed First Floor Plan January 2026	597 - 6a - V0 - 01 - DR - A - P11002 P2	20	
Proposed Second Floor Plan 20 January 2026	597 - 6a - V0 - 02 - DR - A - P11003 P2		
Proposed Third Floor Plan January 2026	597 - 6a - V0 - 03 - DR - A - P11004 P2	20	
Proposed Roof Plan 2026	597 - 6a - V0 - RF - DR - A - P11005 P2	20	January
Proposed Section CC BB January 2026	597 - 6a - V0 - XX - DR - A - P12002 P2	20	
Proposed Section GG HH January 2026	597 - 6a - V0 - XX - DR - A - P12003 P2	20	
Proposed Elevation - New Bond Street 20 January 2026	597 - 6a - V0 - XX - DR - A - P13000 P2		

Proposed Elevation - Northgate Street & Green Street P13001 P2	20 January 2026	597 - 6a - V0 - XX - DR - A -
Proposed Elevation - Courtyard	20 January 2026	597 - 6a - V0 - XX - DR - A - P13003
Proposed External Walls Typical Details	20 January 2026	597 - 6a - V0 - XX - DR - A - P21001 P2
Proposed Elevation Courtyard East Overview P21002 P2	20 January 2026	597 - 6a - V0 - XX - DR - A -
Proposed Elevation Courtyard North Overview P21004 P2	20 January 2026	597 - 6a - V0 - XX - DR - A -
Proposed Upper Floor Window Typical Detail P22001 P2	20 January 2026	597 - 6a - V0 - XX - DR - A -
Proposed Ground Floor Window Typical Detail P22002 P2	20 January 2026	597 - 6a - V0 - XX - DR - A -
Proposed External Foyer Door Typical Detail P23001 P2	20 January 2026	597 - 6a - V0 - XX - DR - A -
Drainage Basement Sketch	13781-100 P2	5 March 2026
Drainage Ground Floor Sketch	13781-101 P1	5 March 2026
Drainage Proposed Roof & Upper Floors	13781-102 P1	5 March 2026

## 2 Condition Categories

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

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

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

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

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

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

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

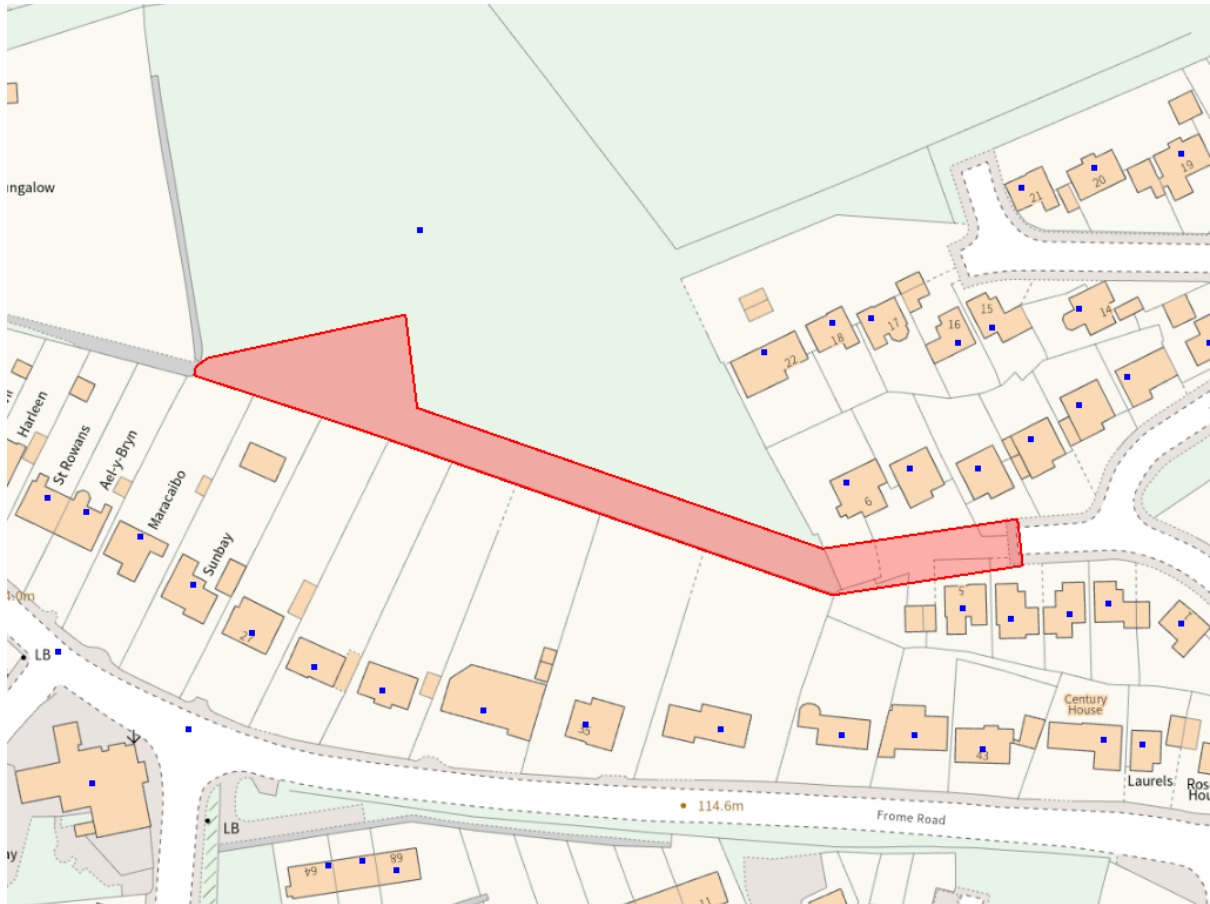
### **3 Permit/Consent Decision Making Statement**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

### **4 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:** 26/00802/PIP  
**Site Location:** Land To East Of Providence Bungalow Frome Road Radstock Bath  
And North East Somerset



**Ward:** Radstock                      **Parish:** Radstock                      **LB Grade:** N/A  
**Ward Members:** Councillor Chris Dando      Councillor Lesley Mansell  
**Application Type:** Permission in Principle  
**Proposal:** Permission in Principle for the erection of 2no dwellings.  
**Constraints:** Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones,  
**Applicant:** Mrs D Gregory  
**Expiry Date:** 15th April 2026  
**Case Officer:** Danielle Milsom  
To view the case click on the link [here](#).

## **REPORT**

Following an objection received from Radstock Town Council, which is contrary to officer recommendation to permit, the application has been referred to the Chair and Vice-Chair of Planning Committee. It was determined that the application should be decided by committee. Comments are as follows:

Cllr Paul Crossley (Vice-Chair): Committee

I feel there are a number of issues around siting and access that would be best dealt with in public at committee and which committee may well reach a different conclusion from the officer recommendation.

Cllr Tim Ball (Chair): Committee

The Parish Council puts a good case that has merits for further scrutiny at committee in the public interest. I note that the ward councillors have however not raised any comments.

This application relates to the land east of Providence Bungalow, accessed from Maple Drive, within Radstock. The site lies within the Radstock Conservation Area.

The application seeks permission in Principle for the erection of 2no dwellings.

Relevant Planning History:

25/04915/PIP - REFUSED - Permission in Principle for the erection of 5 no. detached bungalows and garages

25/02625/PIP - PERMITTED - Permission in Principle for the erection of 4no dwellings.

25/01681/PIP - PERMITTED - Permission in Principle application for the erection of 1 no. detached dwelling and double garage.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

Radstock Town Council: Object

Prior reasons given. The plan drawings are inaccurate outside the red line boundary and do not reflect the application.

Representations Received :

11 Objections Received. A summary is as follows:

- Loss of residential amenity
- Dwellings would be dominant on hillside, overbearing
- Privacy impacts, loss of use of gardens
- Impact cannot be resolved at PIP stage
- Due to elevation overlooking would not be mitigated
- Impact upon conservation area
- Any additional development harmful and contrary to previous assessments
- Goes against priority of brownfield sites
- Additional traffic pressure

- Unsafe amount of traffic onto main road
- Site not wide enough for emergency vehicles
- Additional air pollution from traffic
- Essential part of landscape for views and ecology
- Removal of trees has taken place on site
- Number of animals and wildlife on the site
- No BNG provision
- Degradation of land
- Unsustainable location
- Cumulative impact of other approvals
- No sections to show the land levels
- Errors within arb reports
- Existing use of the site as green field most suitable
- Impact on flooding with additional hard surface
- No plans for refuse collection
- Encroachment into the hillside and landscape
- Road width unsuitable
- No passing places
- Children use street to play, unsafe for traffic
- Impact on protected species
- Conservation character appraisal states that area should be free from development
- No visibility for cars
- Outstanding enforcement matters
- Conflict with spatial strategy being outside HDB
- Inconsistencies with applications
- Unsustainable location for any development

## **POLICIES/LEGISLATION**

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

CP5: Flood Risk Management

CP6: Environmental Quality

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:

SV1: Somer Valley Spatial Strategy

D1: General urban design principles  
D2: Local character and distinctiveness  
D3: Urban fabric  
D4: Streets and spaces  
D6: Amenity  
D7: Infill and backland development

HE1: Historic environment

NE2A: Landscape setting of settlements

## LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy

D5: Building design  
D8: Lighting  
NE1: Development and green infrastructure  
NE2: Conserving and enhancing the landscape and landscape character  
NE3: Sites, species, and habitats  
NE3a: Biodiversity Net Gain  
NE5: Ecological networks  
NE6: Trees and woodland conservation

SCR6: Sustainable Construction Policy for New Build Residential Development

ST7: Transport requirements for managing development

## SUPPLEMENTARY PLANNING DOCUMENTS:

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

Transport and Development Supplementary Planning Document (January 2023)

## NATIONAL POLICY:

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

## 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 and appearance 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.

## LOW CARBON AND SUSTAINABLE CREDENTIALS

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

## OFFICER ASSESSMENT

This application relates to the land east of Providence Bungalow, accessed from Maple Drive, within Radstock. The application seeks permission in principle for 2 dwellings.

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development. It separates the consideration of matters of principle for the proposal from the technical detail of the development. There are therefore two stages to this permission route. The first stage is through obtaining permission in principle, which established whether a site is suitable for the proposed development in principle. The second stage (Technical Details Consent) is when the detailed development proposals are assessed.

The scope of a permission in principle application is limited to location, land use and the amount of development. Other matters should be considered at the Technical Details Consent stage.

This application is the first stage of the process and seeks to establish whether the site is suitable for the erection of two dwellings in principle.

National Planning Policy Guidance (NPPG) sets out what can be considered when assessing a permission in principle application. At the first stage of the process, local authorities should only consider the location of development, land use and the amount of development.

The primary issue to therefore consider is the whether the proposed location is suitable for residential development for, in this case, the development of one dwelling. All other matters such as site layout, design and appearance, residential amenity, highway safety/access/parking, ecology, trees etc. should be considered at the Technical Details Consent stage.

The submitted block plan is indicative. At this stage, approved plans would consist of the Location Plan (ref. 2026012) showing the extent of the site outlined in red which is an accurate drawing. Concern is raised in relation to the accuracy of the block plan. This is indicative only and would not be an approved plan.

#### PRINCIPLE OF DEVELOPMENT:

Policy SV1 sets out to enable around 2,470 new homes to be built at Midsomer Norton, Radstock, Westfield, Paulton and Peasedown St John within the housing development boundary. Residential development on previously developed sites falling within the scope of Policy ED2B adjoining and closely related to the housing development boundary will be acceptable if the requirements of Policy ED2B and other relevant policies are met. Residential development on sites outside the Housing Development Boundary also will be acceptable if identified in an adopted Neighbourhood Plan.

The site is located outside of, but adjacent to the housing development boundary. There would therefore be conflict with the settlement strategy, policy SV1 as above.

The site comprises a small portion of land to the west of the land which has permission in principle for 4 dwellings. This application is currently being considered through technical details stage. The proposed 2 dwellings would continue the development site to the west, and would project slightly further north of the development boundary of the adjacent site.

The Council cannot currently demonstrate a 5-year housing land supply. Therefore, the most important policies for determining this application are to be considered out-of-date. As such, paragraph 11(d) of the NPPF is applicable which sets out:

"d) where there are no relevant development plan policies, or the policies which are most important in determining the application are out-of-date, granting permission unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance (7) provides a strong reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

Engagement of paragraph 11 of the NPPF is considered within the planning balance section of this report.

## LOCATION:

The site is located within the Radstock Conservation Area. Within the Conservation Area, its falls within character are 7 (Wirthington Collieries) noted for (i) the value of the hillside below Frome Road (ii) the number of colliery related features on the hillside (iii) as illustrated by the semi-rural context of the coal mining industry around Radstock. The Conservation Area Assessment specifies:

'There needs to be a presumption in favour of preserving these important views and in particular further development should be avoided on the hillside below Frome Hill'.

The hillside is considered to be an important and contributing factor to the setting of the Conservation Area and there is a clear and distinguished end to residential accommodation.

The development of the adjacent site and its granted permission in principle was considered to be of a limited extent of land, within a triangle bound on 2/3 sides by residential properties. The triangle was considered to be of limited contribution to the hillside specified above within the Conservation Area character appraisal. The triangle land was created through the development of Maple Rise. The triangle of land itself is considered to offer less to the setting of the Conservation Area in comparison to the wider, open hill side. The addition of the two dwellings to the west is also considered to not spill into the landscape significantly. Whilst it would lead to development further north, this is considered to be minimal. The submitted block plan is indicative however it shows the location of dwellings to be roughly in line with the line of development and therefore the two dwellings would not significantly protrude. It is as such considered that two dwellings could be achieved at the site which are of a suitable scale of the land and in relation to neighbouring plots, and also within the context of the pattern and grain of development. The landscape and hillside would be protected from harm through the limitation of the boundary proposed which confines residential development to existing building lines.

In relation to the sites location and connection to services, routes into the town centre of Radstock would be achievable by foot. Radstock Town Centre offers a range of facilities which can be utilised for daily activity. It is also services by public transport which would not be put under significant pressure by the addition of two dwellings.

The location of development is considered to be acceptable.

## LAND USE:

The site lies adjacent to existing residential development, being positioned within a triangular piece of land which juts into the residential setting of Radstock. It would therefore not be considered uncommon for residential development to be sited at this site, given the neighbouring context.

It should also be noted that the amount of development does not disrupt an established pattern of development, as the existing built area is not uniform. Maple Rise and Frome Road are formed of detached dwellings. The addition of two-dwellings, indicatively shown as a semi-detached pair, would be an acceptable land use.

## AMOUNT OF DEVELOPMENT:

The indicative block plan submitted show that two dwellings could be achieved with suitable garden space and parking areas. Details would be considered at technical details stage, but the site is considered to be capable of supporting two dwellings without harming nearby residential amenity and securing sufficient residential amenity for future occupiers.

## HIGHWAYS:

The site would be accessed off of Maple Drive as an extension to the adjoining development site. Details of access and parking arrangements would be determined at technical details stage. This would involve visibility splays and on site turning and waste arrangements.

## ECOLOGY:

Permission in principle must not be granted for a development which is a Habitats Development. A Habitats Development is development is defined as a development which is likely to have a significant effect on a qualifying European Site or an offshore marine site, referred to as a habitats site in the NPPF. For sites which are likely to have a significant effect on a European site without any mitigating measures in place, an appropriate assessment must be undertaken prior to a granting of permission in principle.

There are records of lesser horseshow bats (a European Protected Species) with the vicinity. The local area also supports deciduous woodland and hedgerows that can be seen from surrounding the site which connect and contribute to green infrastructure and habitat connectivity in the local area.

There is reasonable potential for the site to support priority habitats and species and protected species, including the presence of lesser horseshoe bats, amphibians and foraging & commuting bats. Roosting bats and birds may also be present in the mature vegetation on site.

A protected species survey and assessment would therefore be required; however, it is considered that this could be sought and provided at technical details stage.

## OTHER MATTERS:

Other matters regarding design, highways safety and parking, sustainable construction, ecology, trees and other relevant planning matters are to be considered at technical details stage.

## PLANNING BALANCE:

As discussed within the principle of development section of this report, the Council are unable to demonstrate a 5 year housing land supply. Officers therefore consider that paragraph 11(d) of the NPPF is engaged and housing policies are considered to be out of date. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

At this stage, officers are therefore satisfied that the principle of residential development on the site would not result in harm to the significance or setting of the Conservation Area such that it would provide a strong reason for refusal under paragraph 11(d)(i) of the NPPF.

Furthermore, officers have carefully considered whether there are any other policy or material considerations which would amount to a reason for refusal under paragraph 11(d)(ii) of the NPPF. It is concluded that no adverse impacts have been identified which would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Framework taken as a whole. Accordingly, there are no other reasons for refusing the application, and no policy-based objection to the principle of development has been identified.

## CONCLUSION

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

## RECOMMENDATION

PERMIT

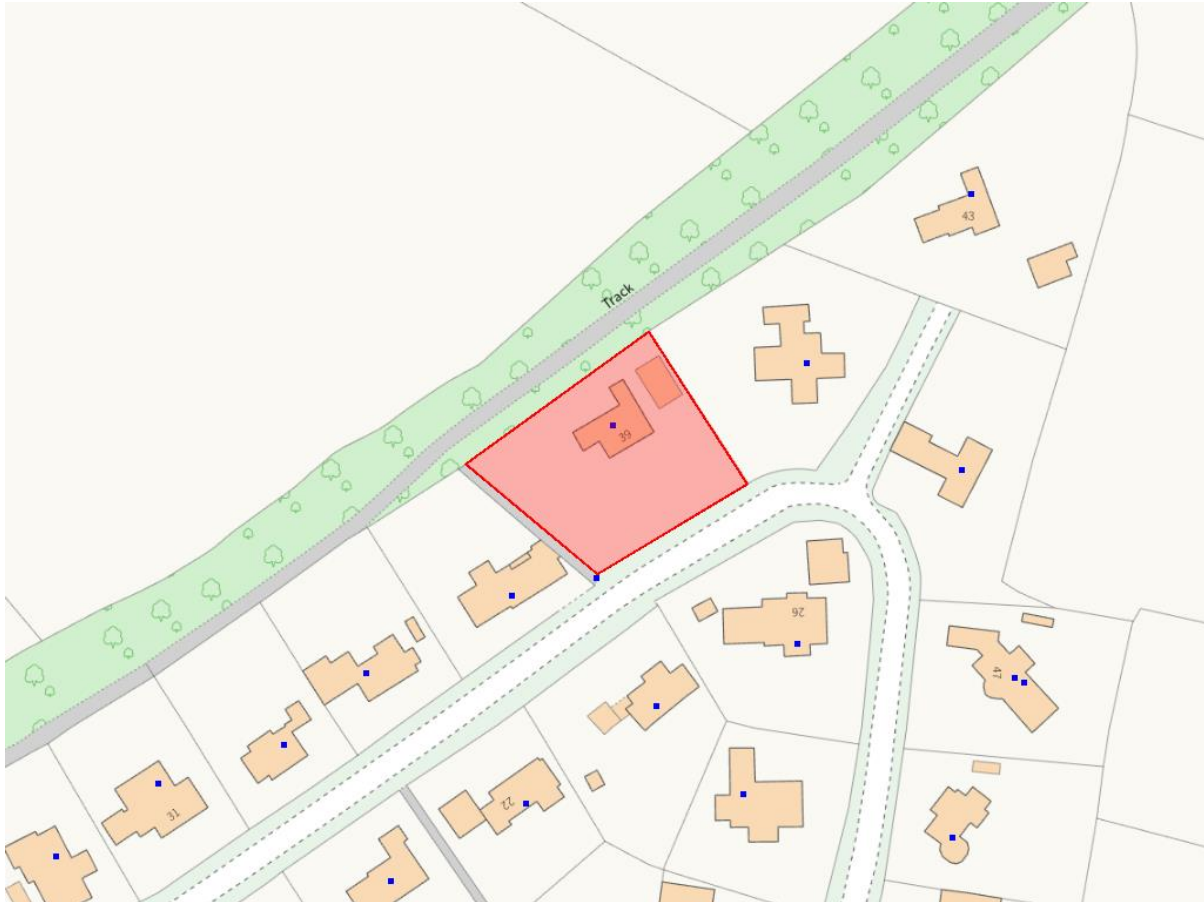
## CONDITIONS

## PLANS LIST:

1 This decision relates to the following plans:  
OS Extract 02 Mar 2026 2026012 LOCATION PLAN

2 An application for Technical Details Consent must be made prior to commencement of development and no later than the expiration of three years from the date on this decision notice, after this period this Planning Permission in Principle shall lapse.

**Item No:** 04  
**Application No:** 25/02702/FUL  
**Site Location:** 39 High Bannerdown Batheaston Bath Bath And North East Somerset  
BA1 7JZ



**Ward:** Bathavon North      **Parish:** Batheaston      **LB Grade:** N/A

**Ward Members:** Councillor Kevin Guy      Councillor Sarah Warren

**Application Type:** Full Application

**Proposal:** Erection of replacement dwelling and associated landscaping.

**Constraints:** Colerne Airfield Buffer, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, NRN Woodland Strategic Networ Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Westerman

**Expiry Date:** 8th January 2026

**Case Officer:** Ben Burke

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

## **REPORT**

### Committee Call-in:

Following the call-in made by Cllr Kevin Guy and Batheaston Parish Council's objection, the application was referred to the Chair and Vice Chair of the Planning Committee. It was determined that the application be decided at committee for the following reason:

### Chair - Cllr Tim Ball

The arguments on both sides of this application are strong and as the new building's mass is far greater than the current building along with environmental concerns this application will benefit from scrutiny at the planning committee.

### Details of location and proposal and Relevant History:

The property is located within suburban residential area at the eastern edge of Batheaston. It falls within the indicative setting of Bath World Heritage Site (WHS). The Bristol and Bath Green Belt and Cotswold National Landscape is located immediately to the northwest of the site.

Proposal is for erection of replacement dwelling and associated landscaping.

### Relevant Planning History:

There is no relevant planning history on this site.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### Consultation Responses:

#### Cllr Kevin Guy:

As the ward Cllr, I have been contacted by a number of concerned local residents about the size and types of material being proposed for this application.

I should stress I have zero objection to this house being extended in size to accommodate family growth. However, the design must be in keeping with the street, must not overlook neighbouring properties and must not use materials which would have the potential of changing the character of the area. I would recommend that officers work closely with the applicant to address these concerns and if no progress is made then I would recommend this application go before the planning committee to decide.

#### Batheaston Parish Council: Objection

The proposed development is of excessive scale and height. Its bulk, height and use of modern materials would create a visually dominant building, wholly out of keeping with the established vernacular of High Bannerdown.

Councillors also noted the proposed development has generated strong objections from many residents who are concerned about overdevelopment, harm to the character of the area, and significant loss of privacy through overlooking of neighbouring properties. Please let me know if you need anything else from me or the Council.

#### Transport Development Management: No objection

The proposal is seeking permission to replace the existing dwelling on site with a new 4-bedroom property, together with parking facilities.

## Access and Parking

The layout of the site is shown on within the DAS and on drawing number 1964/003 with 2 suitable parking spaces and includes an appropriate turning area within the property's driveway, which offers an improvement to the existing facilities on site.

The DAS provides no changes to the existing access from the highway or changes from the current refuse collection services provided by the Council.

The proposal contains a large garage within the basement area which would suitably provide space for any existing cycle facilities. It is noted that garages will not be counted as parking spaces for the purposes of deriving parking standards in this area, in accordance with the Council's SPD.

The replacement dwelling would unlikely have an impact on the highway or surrounding area

Arboricultural Team: No objection, subject to conditions

The site is not within a conservation area and no TPOs exist at the site.

The proposal requires the loss of 5 trees:- T1, T22, T23, T24 & T25. All are detailed as BS5837 category C (Low grade).

B&NES has a fixed no. tree replacement policy. This takes the stem diameter of the trees felled and agrees a proportionate number of trees needed to replace them. From the dbh measurements of the above trees there should be 12 trees required as replacements.

1 tree (a fastigiate field maple) is proposed to replace T1.

The site is described as being well populated with linear trees and this can be seen from streetview. Finding locations for 12 trees will be problematic and overlooks the willingness of the landowner to retain the current trees.

I have not been to site but believe however that there should be scope to find planting locations to the north of the property, I'd prefer to see 4 or 5 replacement trees planted as this at least addresses those lost numerically and adds some succession planning for those retained.

I am agreeable to the tree pruning proposals as see this is a sensible acknowledgment of a potential shade issue (If shade were an issue then it would exist for the current property and so the new property doesn't increase the likelihood of tree resentment in my opinion).

I see the fencing proposed is as per BS5837 with scaffolding driven into the ground, if this is replaced with Heras fencing please ensure the plastic bases are pinned in place to prevent unauthorized movement.

Please add a tree planting condition for 5 trees and a compliance condition re adherence to the Tree Protection Plan (as below).

Ecology: No objection, subject to conditions

Following my previous comments dated the 7th of January 2025, a Lighting Strategy by Orme, dated January 2026, has been submitted and is welcomed.

The Lighting Strategy (Orme, 2026) confirms that the boundary habitats will remain dark and will not be lit which is welcomed and supported. A dark corridor must be maintained from the proposed bat loft access to surrounding habitat. This can be secured by a suitably worded condition.

Proposed conditions concerning bats, other notable/protected species, and species enhancements should be attached.

Third Party Representations Received: 11 objection 1 neutral comment.

Character and Design:

Significant increase in footprint, mass, bulk and height

Given the elevation of the site it would have a dominant and overbearing impact on neighbouring properties and the street scene.

Proposal is out of keeping and harmful to the character and appearance of the area and setting of Bath World Heritage.

Dwellings within the area typically have pitched roofs with projecting gables.

Being predominantly flat roofed the proposal is out of keeping with this characteristic.

Increase in height of boundary wall adjacent to The Foss way a public right of way, would be harmful to this route and adjacent wooded area.

Amenity:

Harmful overlooking and loss of privacy to neighbouring properties.

First floor terrace will overlook no.37 including its rear garden

Boundary trees could be removed resulting in significant overlooking and loss of privacy to neighbours.

External lighting, particularly that at first floor level, would be obtrusive.

Use of balcony would result in noise and disturbance to local residents.

Working hours and days should be restricted.

Given size and range of facilities an HMO may be intended. [Proposal is for a single dwelling house]

Mass and scale will result in a loss of light to and have an overbearing impact on neighbours.

Highways:

Further major construction work would add to deterioration of road surface.

Increased traffic associated with development and construction, given the narrow road width, would be harmful to highway safety.

Wildlife:

Proposal, in particular external lighting, would be harmful to adjacent wildlife corridor of Fosseway.

Sustainability:

Demolition and rebuild as opposed to refurbishment results in far greater carbon emissions.

Arboriculture:

Arboricultural survey required. [Report provided.]

Proposal could impact trees within the wooded area to the north. [The Arboricultural Team have not raised issues concerning trees outside the boundary.]

Request that a construction management plan condition is attached to ensure the build is properly managed and to prevent access issues for local residents.

Other:

No ground survey concerning underground water and consideration of proposals impact on this. [High Bannerdown fall outside the zones covered by the County of Avon Act designated to protect Bath's natural thermal springs. As such, there are no grounds to require information to be submitted concerning ground water.]

Consideration needs to be given to land stability given the area's geology. [Proposal is not considered to affect unstable land.]

Proposal is for 9 dwellings. [This is not correct the proposal is for a replacement single dwellinghouse]

Comment:

Bath Preservation Trust:

Greater consideration should be given to refurbishment over replacement to reduce the carbon impact.

A condition could be attached concerning design mitigation of solar panels. A lighting condition may also be suitable given the topography, setting of the World Heritage Site and proximity of the green belt and Cotswolds NL

## **POLICIES/LEGISLATION**

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- o Made Neighbourhood Plans

## **CORE STRATEGY:**

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

B4: The World Heritage Site and its Setting

CP5: Flood Risk Management

CP6: Environmental Quality

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:

RA1: Development in villages meeting the listed criteria

D2: Local character and distinctiveness

D5: Building design

D6: Amenity  
GB1: Visual amenities of the Green Belt  
SU1: Sustainable drainage policy

#### LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy  
D8: Lighting  
NE3: Sites, species, and habitats  
NE3a: Biodiversity Net Gain  
NE6: Trees and woodland conservation  
ST7: Transport requirements for managing development

#### SUPPLEMENTARY PLANNING DOCUMENTS:

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

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

#### NATIONAL POLICY:

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

#### 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 RESIDENTIAL DEVELOPMENT:

The site is within the Housing Development boundary/ built up area of Batheaston where the principle of development is acceptable in accordance with policy RA1, subject to other material planning considerations discussed below.

#### DESIGN, CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building. Policy D5 (d) concerning building design states: 'Good modern, innovative design is supported.'

Objections have been received that the proposal constitutes over development of the site and that the building, being located on higher land within the area, of increased mass, bulk and height and using inappropriate materials, would appear overly prominent, incongruous and out of character with the area. Furthermore, it is suggested that the proposal is out of keeping with the area's material palette and the style and design of dwellings within the area.

High Bannerdown is a suburb located at the edge and highpoint of Batheaston with views towards Bath. The area is characterised by medium to low density bungalows and two-storey houses. The existing property consists of a relatively modest size property (118.88sqm), having not been substantially extended or altered, within a substantial plot (1,420sqm). It has a very low density of 7 dwellings per hectare (dph). The site's built development (including detached garage) amounts to 12%. Numbers 27 and 26 located to the west and opposite have a site coverage of 18.3% and 19.8%. Many properties located to the west, consisting of large properties within smaller plots, have a higher proportion of built development, such as number 18 that has a built coverage of 21.5%.

Unlike most properties within the area the existing property is sited at the back corner of the site. Many of the dwellings within the area are traditional single and two storey detached properties with dual pitched tile or slate roofed buildings with stone or render walls, with projecting gables being a prevalent feature. Timber cladding and buff-coloured bricks also feature, although not a predominate material; a large proportion of properties within the area have been extended or replaced with larger dwellings, and balconies and terraces are evident within the area.

The proposal includes excavation to form a basement level which would mainly be below ground level and only partially visible. As such, it is the ground and first floors which would be primarily visible. Proposed built development has a site coverage of 22% and 25% including the basement, although this is primarily below ground level. This is a 10% or 13% (including the basement) increase on the existing situation. This increase is modest and maintains a similar site coverage to adjacent properties and those within the local area. Therefore, although having a marginally greater footprint and density to the existing building it will be consistent with many of the properties within the area, particularly properties within the locality on the north side of the road. There is mature landscaping at the site boundaries consisting of mature trees and a mature hedge on the east boundary which is to be retained. The proposed dwelling is separated from all boundaries including

a significant set back from the street and the western boundary. Given this, the proposal maintains a spacious, open and landscaped character.

The proposal is two-storey with a basement level largely below ground level. The basement contains a triple garage at the front, ancillary facilities, a gym and swimming pool. Its visible part, primarily at the front, is faced with long grey contemporary bricks and has a contemporary triple garage door. The building consists of two main modular elements. The ground floor being a rectangular block clad in black timber cladding with a substantial external terrace above and a substantially glazed first-floor, flat roofed block at the right-hand side. The west boundary of the terrace is set back behind a green roof. The rear part of the second storey block has a dual pitched dark Zinc clad roof extending beyond the rear and side elevations. Based on the datum height levels provided the ridge height of the proposal would be 0.85m higher than the existing building. Given this, part of the proposal is only moderately taller than the existing property. In addition, the building is made up of two main modular blocks, consisting of a slightly elevated single storey block with a moderate second storey over which has a setback dual pitched roof. Given the building's overall mass and bulk is broken down into these modular elements and it has a significant single storey element it would not appear overly prominent or dominant within the street scene or from the Fosseway PROW aligned with the rear boundary.

Use of black timber cladding would result in a subtle, recessive appearance partially blending with the surrounding mature landscaping. The proposal is unashamedly contemporary and, although different to the prevalent design and materials, is inkeeping in respect of use, being a single dwelling, siting and density, and, for the reasons outlined, would not appear overly prominent or dominant within the area and would be substantially screened from the street, Foss Way and neighbouring properties by mature boundary vegetation. For the reasons outlined above, the proposal would also safeguard the visual amenity of the Green Belt and would cause no harm. Finally, the proposal is a high-quality, architect designed scheme that intelligently addresses the site's context and constraints that would positively contribute to the architectural portfolio of the area.

Regarding the above, the proposal relates appropriately to the character and appearance of the surrounding area, safeguards the visual amenity of the adjacent Green Belt and would cause no harm to the adjacent Cotswold National Landscape. Therefore, it accords with policy CP6 of the Core Strategy, policies D2 and GB1 of the Placemaking Plan, policies D5 and NE2 of the Local Plan Partial Update and part 12 of the NPPF.

#### WORLD HERITAGE SITE:

The proposed development is within the setting of the double-inscribed World Heritage Site that consists of the City of Bath and the Great Spa Towns of Europe UNESCO inscriptions. Therefore, consideration must be given to the impact that the proposals might have on their Outstanding Universal Value and associated attributes. In this instance, due to the size, location, and appearance of the proposed development it is considered that it will not result in harm to the Outstanding Universal Value of either World Heritage Site inscription. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan, and part 16 of the NPPF.

## 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.

Third party objections have been received that the proposal would result in harmful overlooking and loss of privacy to adjacent properties, in particular numbers 37 and 24 located to the left (when viewed from the front) and opposite. Significant concern has been raised concerning overlooking of these properties from the roof terrace and the large expanses of glazing in the front and left side of the property. It has also been highlighted that should the trees be removed, there would be very significant overlooking of these properties. Finally, that the use of the large first floor terrace would result in significant noise and light pollution to local residents.

The first-floor terrace is set back from the west by a green roof buffer and there is a glass parapet balustrade at the boundary which would be conditioned to be obscure glazed. As outlined, there is mature landscaping at the boundaries, including mostly evergreen coniferous trees on the front and left boundaries, which are to be retained. Pruning works are proposed on these boundaries at the south and west boundaries although most trees would be retained at 8 metres maintaining the mature landscape screen. This landscaping will prevent overlooking and loss of privacy to the neighbouring properties. It has been commented that the removal of trees on the boundaries would result in significant overlooking. However, the mature boundary trees are not proposed to be removed, and it is in the interest of owners/occupants to maintain a level of privacy from neighbouring properties. As such, it is considered the removal of tree screening is unlikely. In the improbable situation that the trees were removed or substantially thinned then the terrace setback and obscure glazed balcony would prevent harmful overlooking of properties to the south-west, significantly restricting views to the wider and distant landscape.

There would be a significant separation distance to properties on the opposite of the road, with the terrace being located over 20m from the opposite side of the road and 36m and 32m from the closest parts of numbers 24 and 26 opposite respectively. Furthermore, views in this direction are significantly screened by the site's mature treed boundary. In the unlikely incidence that the south boundary trees were removed then the separation distances would ensure that any overlooking would not be significantly harmful.

There are numerous examples of terraces and balconies within the area, although the first-floor terrace proposed is substantially larger. Nevertheless, as the application is for a replacement single dwellinghouse its use is highly unlikely to result in frequent large gatherings of people. Furthermore, noise and light pollution would be screened by the mature boundary landscaping, and should significant noise and disturbance to neighbours occur, amounting to a statutory nuisance, then the Council has environmental health powers to investigate and act. In respect of light and overshadowing, the proposal is sufficiently separated from the boundary and neighbouring properties to ensure such impacts do not occur. Given the above, the proposal would not result in significant harm to the amenity of neighbours and is therefore compliant with policy D6 of the Placemaking Plan and part 12 of the NPPF.

#### HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

Transport Development Management (TDM) has raised no objection advising that no changes to the existing access are proposed and that suitable parking is provided. Third parties have objected concerning increased road damage from construction vehicles and associated construction traffic resulting in highway safety issues. It has been requested that a construction management plan (CMP) is conditioned ensuring that emergency vehicle access is not obstructed and that measures are included to safeguard the access and safety of residents' whilst ensuring any damage to the highway is avoided and addressed where it occurs. Given that the road is relatively narrow and the extent of excavation and construction works involved, a CMP condition will be attached which would sufficiently address highway and access issues. The proposal therefore accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

#### DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

The site falls within flood zone 1, the area of lowest flood risk, and there are no areas of critical surface water drainage issues within the vicinity. As such, on site drainage would be adequately addressed through the Building Regulations. The proposed development therefore complies with policy CP5 of the Core strategy with regard to flooding and drainage matters, as well as part 14 of the NPPF.

#### TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland consecration. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023).

The proposal includes the loss of 5 small low grade category C trees, which would not lessen the boundary screening to neighbouring properties. The Arboricultural Team (AT) has advised that in accordance with the Council's Tree Replacement standard 12 replacement trees would be required. However, AT has commented that finding locations for 12 trees will be problematic and overlooks the willingness of the landowner to retain the current trees. Given this, they have advised that, in this circumstance 4 or 5 replacement trees within the site would be acceptable mitigation, which would address the loss numerically and add some succession planning for those retained. The team has

advised the tree pruning proposals are reasonable and appropriate to address shading issues. Therefore, the proposal is considered to comply with policy NE6 of the Local Plan Partial Update.

#### ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

The ecology team has advised that the submitted information satisfies ecological requirements and that conditions are required for sensitive lighting design and an ecological compliance/follow up report. Therefore, the proposal is compliant with the above policy.

#### SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR6 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Residential Development. The policy requires new residential development to achieve zero operational emissions by reducing heat and power demand, then supplying all energy demand through on-site renewables. A sustainable construction checklist (SCC) is submitted with an application, evidencing that the prescribed standards have been met. In this case the submitted SCC shows that the required space heating and total energy use figures fall within the required thresholds. In addition, on site renewable energy generation meets total energy use. Therefore, the proposed development is compliant with Local Plan Partial Update policy SCR6 in this instance.

Policy SCR5 of the 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.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g., border planting, window boxes, vertical planting, raised beds etc.). There is ample space within the site for these purposes.

#### PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

#### **CONCLUSION:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal complies with the relevant local plan policies, as outlined above, and therefore complies with the development plan, as a whole, consistent with the above legislation. Therefore, officers recommend approval.

#### **RECOMMENDATION**

PERMIT

#### **CONDITIONS**

##### **1 Standard Time Limit (Compliance)**

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

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

##### **2 Obscure Glazed Balustrade (Compliance)**

No occupation of the approved dwelling shall commence until the balustrade at the south perimeter of the roof terrace has been installed. It shall be obscure glazed and retained and maintained for the lifetime of the development.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

##### **3 Ecological Compliance Statement / Follow-up report (pre-occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist (licenced bat worker) (based on postconstruction on-site inspection by a suitably experienced professional ecologist) confirming and demonstrating, using photographs, adherence to and completed implementation of the Bat and ecological mitigation and compensation measures in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Evidence and written confirmation that all ecological mitigation and compensation measures for bats, nesting birds, badger, reptiles, amphibians, invertebrates and hedgehogs including precautionary working methods and pre-commencement checks were followed, and that all replacement roost and nesting features have been installed and are in accordance with approved details, dimensions, materials and specifications; and

2. Evidence that a Natural England bat mitigation licence was in place before works proceeded. All measures within the scheme shall be retained, monitored and maintained thereafter in accordance with the approved details and for the purpose of wildlife conservation.

Reason: To demonstrate the completed implementation of ecological mitigation and enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) the NPPF and policies NE3, NE3A; NE5 and D5e of the Bath and North East Somerset Local Plan Partial Update.

#### **4 External & Internal Lighting (Bespoke Trigger - requires approval of details prior to installation of new lighting)**

No new external or internal lighting (other than that approved) shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. proposed lamps and lamp models, with manufacturer's specifications; proposed lamp positions; numbers and heights, with details also to be shown on a plan;
2. light spill modelling, in accordance with the standards and best practice guidelines as described in ILP Guidance Note 08/23 "Bats and artificial lighting in the UK", including details of predicted light spill and lux levels within and beyond site boundaries, onto adjacent land and onto boundary vegetation and all ecological habitats and sensitive features within and adjacent to the site, on both vertical and horizontal planes, with details of predicted light levels to also be shown on a plan, and at heights using sections and drawings;
3. details of lighting controls; proposed hours, frequency and duration of use; and details of all measures and features to contain light spill, and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to limit use of lights when not required; and to avoid harm to bat activity and other wildlife.

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

Reason: To avoid harm to bats and wildlife in accordance with policies NE3 and D8 of the Bath and North East Somerset Local Plan Partial Update.

#### **5 SCR6 Residential Properties (Pre-occupation)**

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Minor Residential Development:

1. Energy Summary Tool 1 or 2

2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)

All Residential Development:

3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update

### **6 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.

### **7 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 Placemaking Plan.

### **8 Plans List (Compliance)**

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

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

### **PLANS LIST:**

1 09 Jul 2025		LOCATION PLAN
02 Mar 2026	1964_055	PROPOSED SITE SECTION
02 Dec 2025	1964_040A	NORTH ELEVATION
09 Jul 2025	1964/042	SOUTH ELEVATION
09 Jul 2025	1964/043	WEST ELEVATION
02 Dec 2025	1964_041A	EAST ELEVATION
02 Dec 2025	1964_050A	SECTION AA
09 Jul 2025	1964/003	BLOCK PLAN PROPOSED
09 Jul 2025	1964/004	SITE PLAN DEMOLITION
09 Jul 2025	1964/030	BASEMENT FLOOR PLAN
09 Jul 2025	1964/031	GROUND FLOOR PLAN
09 Jul 2025	1964/032	FIRST FLOOR PLAN
09 Jul 2025	1964/034	ROOF PLAN
09 Jul 2025	1964/042	SOUTH ELEVATION

## **2 Condition Categories**

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

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

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

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

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

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

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

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

## **4 Biodiversity Net Gain - Exempt/Not required**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

## **5 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 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**

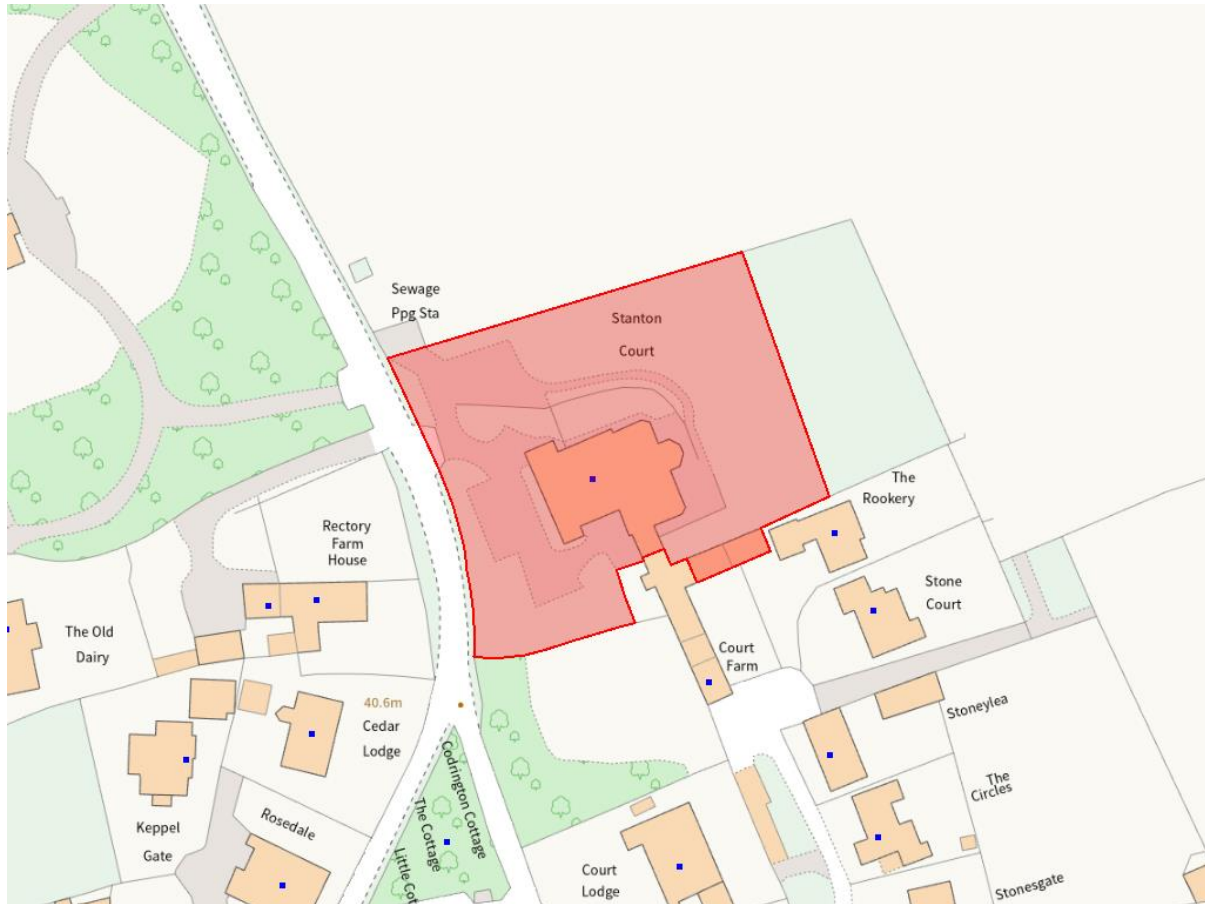
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply 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)

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

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

**Item No:** 05  
**Application No:** 24/02755/FUL  
**Site Location:** Stanton Court Bromley Road Stanton Drew Bristol Bath And North East Somerset



**Ward:** Chew Valley      **Parish:** Stanton Drew      **LB Grade:** N/A

**Ward Members:** Councillor Anna Box      Councillor Dave Harding

**Application Type:** Full Application

**Proposal:** Erection of a two storey rear extension and associated works, to follow demolition of existing rear extension.

**Constraints:** Bristol Airport Safeguarding, Norton Malreward Unlicensed Airstrip, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Conservation Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy GB2 Infill Boundary, Housing Development Boundary, Listed Building, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Country Court Care

**Expiry Date:** 18th August 2025

**Case Officer:** Christopher Masters

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

## **REPORT**

The application refers to an existing care home in the village of Stanton Drew. The original building is believed to be constructed in 1753 and is Grade II\* listed. The site fronts the main road through Stanton Drew and is located close to the River Chew and the Stanton Drew Stone Circles. The proposal is within the Green Belt and the village conservation area.

Planning permission is sought for the erection of a two-storey rear extension and associated works, to follow demolition of existing rear extension.

There is a concurrent application for Listed Building Consent, reference: 24/02756/LBA, for internal and external alterations for the erection of a two storey rear extension and associated works, to follow demolition of the existing rear extension.

## **Reasons for Reporting to Committee**

The application has been reported to Committee as the application was called in by Cllr. Harding. In line with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee, who confirmed they wished for the application to be determined by the Committee.

The Chair commented as follows:

"Thank you for a very comprehensive report that has taken some time to weigh up the arguments on whether it should go to committee on balance this is a sensitive application that would benefit from scrutiny at committee.

On the argument on whether its will do less harm than good I am not convinced either way so Committee it is."

In addition, the Vice Chair commented:

"Thank you for this very comprehensive report. I feel that as this is a very sensitive application concerning scheduled monuments and listed structures that it would best be decided in public at committee. I also think it would benefit the committee if it was included in the site visit schedule prior to a committee consideration."

Relevant Planning History:

99/02949/FUL - PERMIT - 27 October 1999 - Conversion of outbuildings to form staff accommodation (renewal of planning permission WC 12245/K)

99/02950/LBA - PERMIT - 22 November 1999 - Conversion of outbuildings to form staff accommodation (renewal of listed building consent WCLB 12245/L)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

#### ADULT SOCIAL CARE:

14th Oct 2024: B&NES Adult Social Care agree that there is a need for this extension within Stanton Court.

#### ARBORICULTURE:

13th August 2024: Objection. There is a reasonable risk of unacceptable harm to trees of wildlife, landscape, historic, amenity, productive or cultural value due to a lack of consideration of trees contrary to the recommendations and guidance within BS 5837:2012 and policy NE.6.

28th July 2025: no objection subject to conditions. The additional informal and revised drawings have sufficiently addressed previous arboricultural comments.

#### ARCHAEOLOGY:

22nd August 2024: no objection subject to conditions.

#### CONSERVATION:

28th August 2024: Objection. The scheme is considered to cause less than substantial harm to the significance of the listed building and is considered to be at the higher end of this spectrum. The degree of harm will need to be outweighed by public benefit.

12th August 2025: Objection. Additional information submitted has not addressed whether underpinning to the listed building will be required. The concerns raised in the previous consultation (dated 28.08.24) regarding the design and extent of the extension remain. It is considered to cause less than substantial harm to the significance of the listed building and its setting. It is towards the higher end of less than substantial harm spectrum and the planning officer will need to consider that the level of public benefit will be sufficiently high.

#### CONTAMINATED LAND:

14th August 2024: No objection subject to conditions.

#### DRAINAGE AND FLOODING:

16th August 2024: No objection subject to conditions.

#### ECOLOGY:

27th Dec 2024: Further information required. Unfortunately, not all ecology matters have been addressed. The following modifications are/information is requested: The likely adverse impacts on all onsite trees should be satisfactorily addressed; Standard mitigation measures for badger; An outline sensitive lighting design strategy with measures to improve light containment and a plan showing the areas that will be protected as dark zones; Clarifications on biodiversity net gain; Incorporation of species enhancements

14th September 2025: An updated Biodiversity Net Gain Report (Wessex Ecological Consultancy, August 2025) was submitted. In addition to the report a Statutory Metric (Wessex Ecological Consultancy, 2025) in its original format, lighting strategy document (Osmond Tricks, August 2025) and External Lighting Strategy plan (Osmond tricks, August 2025) were also submitted. Following review of the biodiversity metric, minor amendments are required.

27th April 2026: Further to previous comments updated BNG documents have been provided and the baseline assessment is accepted. There are no particular ecological concerns with the proposed planting and BNG provision; final details of BNG provision are in any case secured via pre-commencement condition.

In conclusion: There is no ecological objection to the proposal subject to conditions to secure ecological mitigation and enhancements, BNG and sensitive lighting design in accordance with the submitted strategy.

#### HIGHWAYS:

5th August 2024: No objection subject to conditions

#### HISTORIC ENGLAND:

16th August 2024: In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

#### LANDSCAPE:

22nd August 2024: Scope for revision. The Landscape and Visual Appraisal (LVA) concludes that there would be initial slight adverse effects on character and initial slight adverse visual effects on a few localised viewpoints, but that these effects would decrease to negligible levels at Year 10 and thereafter. I consider these conclusions to be reasonable. Subject to satisfactory resolution of the issues raised by the arboricultural officer, final details of hard and soft landscape design (including green roof) could be secured via Condition.

#### STANTON DREW PARISH COUNCIL:

5th September 2024: (Summary) Stanton Drew Parish Council are concerned that there is a legal issue that has not been fully checked before this application is submitted. We are responding only in planning terms to the application but fully support the ward councillors request to call to committee if minded to approve. Overall the Parish Council support this application, especially as we recognise that the care home is in need of updating to modern standards in order to meet current accepted requirements for room size and facilities. We agree with the Urban Design consultation response "The proposed extension would be sympathetic to the surrounding rural environment, and would be visible to only a very limited extent on the main approach from the road. There is a clear distinction made between the old and the new, the historic and the contemporary, and the low profile of the extension would not compete with the main building which would remain dominant in the view." We request that the officer, if minded to permit, looks in more detail at the following

issues and conditions them if necessary. All relate to the impact during development on nearby neighbours and the village in general: excavation, transport and parking.

#### SUSTAINABLE CONSTRUCTION:

7th August 2024: No objection

#### URBAN DESIGN:

22nd August: No objection subject to conditions.

Representations Received :

#### CLLR DAVID HARDING:

30th August 2024: If the Officer is minded to permit the above application I request that this application be reviewed by the Planning Committee. Reasons for Call In Request Covenant. A neighbouring resident has shared a copy of the Title Register for Stanton Court (Land registry title number AV123225, attached ). The Charges Register (section C) on this document appear to show that for the benefit of the adjoining property no structural alterations are permitted or allowed other than structural alterations to the North Wall. The current application is for alterations to the East of the property. There is no comment on this issue in the applicant's documentation.

BANES Core Strategy Policy GB1, GB2 The B&NES planning portal highlights relevant related planning information and constraints for this application, including both the green belt and infill boundaries. Policy GB1 states that development will permitted but limited to infilling, with infilling defined as an otherwise extensively built up frontage. This does not appear to be an extensively built up frontage being bounded by fields on two sides and thus does not seem conform to GB2. Although not residential, it should be noted that the proposed development is outside the NP housing boundary. BANES Core Strategy Policy GB3 2 The development is large, very large, and needs to be considered by Committee as to whether it is excessively so, given its location near Scheduled Ancient Monuments of national importance and within a Conservation Zone. Heritage Policy DW1 Section 6. The construction management plan proposes for all construction material and waste construction excavation spoils etc to be removed via Bromley Rd onto the B3130. This will require movement over a grade 2 listed medieval bridge over the river Chew. The construction management plan has not determined what loads are suitable for this bridge, nor to this point have Highways answered my requests for this information. Thus, at this point I have no idea if this policy is being met.

Five objections have been received from third parties, the following is a summary of the points raised:

- Out of proportion
- Out of character
- Structural concerns
- Highways impacts of construction
- Public transport concerns
- Construction phase impacts on parking
- Construction management Plan concerns

- Traffic generation
- Pollution
- Noise concerns
- Land registry title issues
- Contrary to neighbourhood plan
- Green belt issues
- Contrary to NPPF
- Structural impact
- Health and safety concerns
- Harm to listed building
- Development not needed

One representation has been received from third parties, the following is a summary of the points raised:

- Will not enhance listed building
- Construction impacts on highways
- Dust and noise pollution concerns

One comment of support has been received from third parties, the following is a summary of the points raised:

- Will improve the care home and increase space

## **POLICIES/LEGISLATION**

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

- CP5: Flood risk management
- CP6: Environmental quality
- CP8: Green Belt
- RA3: Community facilities
- 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  
D4: Streets and spaces  
D6: Amenity  
GB1: Visual amenities of the Green Belt  
H1: Housing facilities for the elderly, people with other supported housing or care needs  
HE1: Historic environment  
LCR2: New or replacement community facilities  
LCR9: Increasing the provision of local food growing  
NE2A: Landscape setting of settlements  
NE4: Ecosystem services  
PCS1: Pollution and nuisance  
PCS2: Noise and vibration  
PCS3: Air quality  
PCS6: Unstable land  
RA3: Community facilities and shops  
SCR5: Water efficiency  
SU1: Sustainable drainage policy

#### LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced several new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District wide spatial strategy  
D5: Building design  
D8: Lighting  
GB2: Development in Green Belt villages  
GB3: Extensions and alterations to buildings in the Green Belt  
H7: Housing accessibility  
NE1: Development and green infrastructure  
NE2: Conserving and enhancing the landscape and landscape character  
NE3: Sites, species, and habitats  
NE3a: Biodiversity net gain  
NE5: Ecological networks  
NE6: Trees and woodland conservation  
PC55: Contamination  
ST7: Transport requirements for managing development

#### SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant in the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023) is also relevant in the determination of this application.  
Transport and Development Supplementary Planning Document (January 2023) is also relevant in the determination of this application.

The Existing Dwellings in the Green Belt Supplementary Planning Document (October 2008) is also relevant in the determination of this application.

#### NEIGHBOURHOOD PLANS:

The following Neighbourhood Plans are relevant in the determination of this application:  
Stanton Drew

#### NATIONAL POLICY:

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

#### 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 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**

The main issues to consider are:

- Principle of Development
- Principle in the Green Belt
- Heritage
- Character and appearance
- Residential amenity
- Highways
- Drainage
- Landscape
- Trees
- Ecology
- Sustainable Construction

- Any other matters

#### PRINCIPLE OF DEVELOPMENT:

The proposal is to replace the existing extension to provide a two-storey rear extension of the care home. The scheme is to replace the existing bedrooms of the care home with a larger footprint and include each with their own facilities. No additional bedroom numbers are proposed to the site.

Policy H1 has regard to Housing and Facilities for the Elderly. It states that Housing and facilities for the elderly, people with other supported housing or care needs, will be permitted, where:

a) The use is compatible with the locality and existing/future uses in the locality and does not create potential conflicts with existing uses (e.g. potential for visual and noise intrusion if in a city/town centre).

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

In regard to criterion a, the site is already in existing use as a care home. The surrounding uses within the village are residential properties. It is considered that a care home is compatible with general residential uses. Although the scale of the development is increasing the number of beds isn't, therefore, the number of residents will remain the same. There is no concern with this.

In terms of criterion b, the proposal results in an improvement to both internal and external facilities on site and it is considered the proposal would result in an improvement in meeting the needs of residents.

Furthermore, BaNES Adult Social Care have been consulted on the scheme and support the proposal.

The proposal is supported by the BaNES Adult Social Care and is considered acceptable in principle in line with Policy H1 of the Development Plan.

It is not considered that the proposal directly conflicts with any of the policies of Stanton Drew Neighbourhood Plan in terms of the principle of development. It is noted that Policy BP1 states that 'The conversion of existing buildings and small-scale development, the expansion of existing business and horticultural or agricultural premises across the Parish, especially those that deliver local employment opportunities will be supported. Proposals should be consistent with national Green Belt policy.'

#### PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The proposal is located within the Bath and Bristol Green Belt. The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

Development in the Green Belt is inappropriate unless one of the exceptions within the paragraph 154 of NPPF applies. In this case the proposal is for an extension. Exception c of para 154 is for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Additions will be found proportionate where there is a volume increase of about a third of the original dwelling, as highlighted in the 'Existing Dwellings in the Green Belt SPD' and Policy GB3 of the Local Plan Partial Update.

Volume increase is calculated through assessing increases to the original building. The original building is defined as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

The original building is believed to be constructed in 1753. Over the years the building has undergone various internal modifications together with a large single storey extension to the rear which incorporates a conservatory. As part of its conversion to its current use as a care home an external escape stair has been incorporated to the south elevation to provide egress from the upper floors.

The volume of the building pre-1948 was 1,788m<sup>3</sup>. The current existing volume including previous extensions is 2,170m<sup>3</sup> (and increase of 382m<sup>3</sup>). The building has therefore previously been extended by 21.4%.

The proposal demolishes the existing extension and replaces it with a two-storey extension. The new proposed volume will be 3,219m<sup>3</sup>. This results in an increase of 1,431m<sup>2</sup> above the original building volume. This equates to an 80% increase which would clearly exceed the one third guidance in the SPD.

However, the NPPF goes on at para 155 to say that 'The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.'

Beginning with criterion a, Grey Belt is defined within the NPPF glossary as:

'...land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'

The site falls within a Conservation Area and is a Listed Building, which are both an area and asset identified within footnote 7. The heritage assessment within the below report finds that whilst there is harm this is outweighed by the public benefits of the scheme and

as such the areas and assets identified within footnote 7 do not provide a strong reason for refusing or restricting development in this instance.

It therefore must be assessed whether the land in question strongly contributes to the following Green Belt purposes:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns merging into one another;
- d. to preserve the setting and special character of historic towns;

Stanton Drew is defined as a village by policy DW1 of the development plan. The NPPG states that purpose a., listed above, relates to the sprawl of large built-up areas, and villages should not be considered large built-up areas. There is no conflict with purpose a.

In terms of purpose b, the NPPG again states that this purpose does not relate to villages, this criterion is passed.

Finally, the NPPG is clear that in terms of purpose d, this purpose relates to historic towns, not villages. And as such the purpose is passed. Nevertheless, it is noted that the site is within the conservation area for the village and the below report finds that on balance the proposal is acceptable in the conservation area.

The land is therefore considered to be Grey Belt. It is also considered that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Criterion a) of paragraph 155 is therefore met.

Continuing on with the criteria of paragraph 155, a Statement of Need has been submitted by the applicant, Country Court (Care). The care home is existing and whilst the proposal will ultimately result in the same number of bed spaces those spaces will be greatly improved (ensuites etc) improving the quality of life of residents and the viability of the care home going forward. The Statement of Need demonstrates that the care home is always at capacity and has a continual waiting list, that currently sits at 15.

In addition, the Adult Social Care team at BaNES have been consulted. Stanton Court Nursing Home provide 30 nursing and dementia nursing beds with a further provision for 5 day care individuals. It is situated in an area where B&NES has no other care home provision and individuals would have to travel into Bath, Wells and Bristol for this provision.

In 2008, the Housing Learning Improvement Network (LIN) produced a report called More Choice, Greater Voice, which assessed the need for different accommodation types for older people. This report recommended local authorities seek to provide 65 residential beds and 45 nursing beds per 1,000 people over the age of 75. Currently B&NES has only 1426 beds and according to the LIN we require 2281 beds and by 2034 will require 2623 beds.

Therefore, the Adult Social Care team have confirmed the importance of maintaining the beds at Stanton Court within this underserved part of the district.

In addition, studies have consistently shown that dependency in care homes has risen exponentially over the last 15 years. According to a report conducted by Savills: Care homes are increasingly reliant on equipment to move residents within the home and require rooms to be large enough to take hoists, tilt and space chairs and additional equipment and staff.

It is considered that criterion 155(b) would be passed, given that there is a demonstrable need for Care spaces in B&NES and in particular in this rural part of the district.

In terms of Criterion 155(c) it is considered that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; in this particular instance this is because the care home is existing and shown to be in full use and in need in this area. The care home is within an existing village and is surrounded by development, and is therefore not isolated. Whilst accessing the site would generally rely on the private car it is noted that the residents themselves are unlikely to drive and most likely to be from within the local area originally. It is noted that the Highways team did not raise any objection to the suitability of the location. Overall, criterion 155(c) is passed.

The proposal is not a major development and therefore the "Golden Rules" set out in paragraphs 156-157 do not apply.

In summary, it is considered for the reasons set out above that the application site does constitute Grey Belt and meets the criteria of paragraph 155. The development is therefore appropriate development in the Green Belt. The development is therefore considered to be compliant with policy CP8 of the Core Strategy, policy GB1 of the Local Plan Partial Update and part 13 of the NPPF.

#### HERITAGE:

Stanton Court is Listed at Grade II\*. It was built in mid-18th century with 1753 dated on internal door. It possibly is on the site on an earlier manor. It is constructed out of ashlar limestone to the front elevation with rubblestone to the side and rear. The principal range is three storeys of 5 bays with the central bay projecting forward with a pediment. The rear range is two and half storey of coursed rubble stone and a slate mansard roof with dormers. It sits in a generous garden and the setting of Stanton Court (and the wider conservation area) is characterised by a verdant, rural quality.

The wall, piers and gates fronting onto Bromley Road are Grade II Listed. The grounds are identified on the Historic Environment Record as medieval and post medieval boundaries, and manorial grounds of manor house.

The house has been substantially altered with large intervention to the roof of the rear range, which created multiple dormer windows. These works involved the removal of the roof structure, historic staircase to the roof and complete refurbishment of the upper floors to create multiple bedrooms for the care home use. There have been some poor-quality alterations and interventions as well as some practical interventions to provide a lift and office/kitchen spaces to support the use. Nevertheless, parts of the interior are still intact and make an important contribution to the listed building.

Stanton Court is located in a historically important and sensitive area. It sits to the northern edge of the village of Stanton Drew and makes a positive contribution to the character and appearance of the conservation area. To the southeast of the site there are the Stanton Drew stone circles which are a scheduled monument. There are numerous designated and non-designated heritage assets in the vicinity including medieval Bridge over River Chew (which is both a scheduled monument and Grade II\* Listed), Rectory Farmhouse (GII\*) and Church of St Marys (GII\*).

The significance of the house and its setting lies in its historic and architectural interest, its high status and prominent position within the village, its surviving historic fabric and architecturally imposing principal elevation.

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Similarly, Policy HE1 of the Placemaking Plan states that great weight will be given to the conservation of the district's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified.

#### Listed Buildings:

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 principle of demolishing the existing single storey extension and conservatory is accepted. The structures are modern additions and do not contribute to the historic or architectural significance of the listed building and are considered to be harmful to the listed building in their own right.

It is proposed to replace the existing additions with a two storey, curved structure, which will curve southwards towards the curtilage listed barn. The proposed structure will be sunk into the ground so it will effectively be at lower ground and ground level. It will have natural stone to the lower floor and timber cladding to upper floor with a green roof and pronounced overhang. The grounds will be landscaped to provide ramped access, tarmac paths, courtyards and planting.

The Listed Buildings officer has been consulted on the scheme. The proposed replacement structure is a substantial addition to the footprint of the listed building. The Listed Building officer considers the proposal will be a dominant addition and would impact on the garden setting of the listed building. Despite the high-quality, natural materials (which are welcome) the listed building officer considers the contemporary design and materiality of the structure will be an assertive contrast to the host building and will give greater emphasis to the scale, bulk and massing of the addition. The garden setting of the house is characterised by a verdant, rural quality as the land gently undulates. There will be change to the immediate rear setting of the listed building with the introduction of hard

landscaping to manage the proposed difference in levels. Combined with the extent of the extension, the Listed Building Officer considers there will be a visual impact on the listed building and its setting. Overall, the Listed Building Officer considers the proposal to result in Less than Substantial harm to the Listed Building at the upper end of the scale.

The Heritage Statement and further Heritage Impact Assessment submitted with the application considers the impacts of the proposal. The submission considers the harm to be minimal. The submission considers the proposals seek to remove the existing poorly designed addition at the rear and replace it with a curved structure that is sunk into the landscape, which in turn makes it more discrete, the proposal would have a restricted impact.

The submission states it proposes to reverse where feasible, earlier non-consented works, which have taken place. The Listed Buildings Officer has considered the internal alterations which included reconfiguration of the rooms to provide en-suites. The Listed Building Officer considered in some cases this would be beneficial due to previous unauthorised works and allow better proportions to rooms. However, the existing ground floor plan drawing shows the front reception room subdivided into reception, two offices and storeroom, which do not appear to have benefited from listed building consent and has impacted on the proportions and character of the room. This results in some further harm to the listed building internally. Officers concur with the views of the Listed Building Officer in respect of the internal works.

It is noted that the submission confirms that the new en-suites will be installed using the existing service routes and it is not intended to add to or alter these routes.

It has been queried whether the extent of excavation required could potentially have significant implications for the structure of the main house and the outbuilding. While a Ground Investigation Report has been provided, it has not been possible to conclude whether underpinning or other structural interventions would be required. Given the nature of the building, ground and proposal it will not be possible to definitively understand what works would be required until excavations are begun. This is evidently not ideal. However, on balance officers are content that if such works are required they can be considered under a further submission for Listed Building consent.

Taking all this into account, officers find that addition, although large, would read as a high-quality, contemporary addition which reads subserviently to the host building by virtue of its limited overall height (by virtue of being set down into the ground), positioning at the rear of the building, and softened appearance derived through the choice of materials and form. The lightweight link combined with the contemporary design would result in clear legibility between the old and new and therefore the narrative of the historic building would remain evident. Soft landscaping is also proposed to mitigate the visual impact of the development. The impact on the physical fabric of the listed building would externally be limited to the lower part of the rear elevation. The internal alterations do result in some improvements, and it is noted that the long term and established building has been altered regularly throughout the building's life. For the above reasons officers considered that the proposal will result in less than substantial harm to the Grade II\* Listed host building but that this would fall in the mid-range of the scale.

The proposal is subsequently considered to cause harm to the significance of the listed building and its setting. As set out in para 213 of NPPF any harm to the significance of a designated heritage asset requires clear and convincing justification. As set out in para 215 of NPPF where development is identified as leading to less than substantial harm, this harm must be weighed against the public benefits of the development. This shall be done at the end of this section.

#### Conservation Area:

The site is located within Stanton Drew Conservation Area. The site is, however, on the edge of the conservation area with the boundary of the conservation area following the north and east boundary of the site. This part of the conservation area is defined by high stone boundary walls, mature trees and vegetation and spacious traditional buildings, the conservation area has a verdant, rural quality as the land gently undulates.

Given the boundary treatments and vegetation, the site is well screened and there will be limited views of the extension from the wider conservation area itself. However, the absence of views does not necessarily mean the absence of harm. Whilst the soft landscaping is proposed to mitigate the impact of development, the Conservation Officer does consider that the introduction of hard landscaping will result in less than substantial harm and has clarified this to be to a 'very small degree'. It is noted that in the applicant's heritage statement they consider the proposal to preserve the conservation area.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case it is identified that the development would cause less than substantial harm to the significance of this part of the Conservation Area and its setting. In accordance with paragraph 215 of the NPPF, this harm should be weighed against the public benefits of the proposal. This shall be done at the end of this section.

#### Archaeology:

The submitted Archaeological Desk-Based Assessment (D-ba) concludes that there is potential for archaeological remains to be present on this site possibly associated with the Scheduled prehistoric ritual features located c100m to the east of the site. The D-ba further indicates that any archaeology on the site is likely to have been previously disturbed. Therefore it is unlikely that any remains will be sufficiently preserved to be of high significance and are more likely to be of local importance.

The Council Archaeological consultants, South West Heritage Trust, have been consulted on the scheme and consider, based on the potential of the site to contain archaeology, a condition is required ensure monitoring of groundworks associated with the proposal.

#### Schedule Ancient Monument:

The site is within close proximity to Stanton Drew Stone Circle, which is a Schedule Ancient Monument (SAM). Historic England have been consulted on the proposal and raised no objection, nor has the Conservation officer raised concerns in regards to the SAM.

## Heritage Balance and Conclusion:

The proposal results in less than substantial harm to the listed building and its setting in the mid-range of the scale. The proposal results in less than substantial harm to the conservation area at the very lower end of the scale. As set out in paragraphs 212 and 215 of the NPPF, great weight should be given to the conservation of Heritage Assets and the more important the asset, the greater the weight should be. Where development is identified as leading to less than substantial harm, this harm must be weighed against the public benefits of the development.

The submission sets out a range of public benefits, discussed as follows.

The main driver for the project is the improvement of accommodation for the benefit of residents and staff to ensure a level of privacy and dignity which meets current standards. As well as increase corridor space, bedroom space, provision of ensure, appropriate medical store, improved access to external spaces etc, the proposal will also have a qualitative improvement on the environment and wellbeing of residents. This can be afforded significant weight.

The proposal will ensure the long term viability of the care home. At present the home is generally fully occupied, however, as outlined above, the facility has a number of issues and falls below the standards expected in the industry. It will not be long before the CQC (Care Quality Commission) deems the home no longer fit for purpose at which point Country Court may be forced to close leaving residents and staff to find space further afield. An alternative use would then need to be found for the building. There is a known need for the care home in the local area and this will ensure the retention of the home. Along with retention of the care spaces the proposal would result in the long term retention of the jobs associated with the use. These benefits and considerations can be afforded significant weight.

The proposal is also for a replacement lift; the current lift is not big enough for a stretcher or hoist and restricts where residents are able to go within the home. The BaNES Adult Social Care are aware that the lift has frequently broken down and restricts residents further. The provision of a suitable lift is a benefit of the scheme which attracts moderate weight.

The proposal will also result in the short term creation of construction jobs and some additional contribution to Biodiversity net gain. These benefits attract moderate weight in favour of the scheme.

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.'

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.

When taken as a whole, and whilst giving great weight to the conservation of these heritage assets, it is considered that the public benefits associated with the scheme outweigh both the less than substantial harm to the listed building and the conservation area. The proposal therefore accords with policy CP6 of the Core Strategy and policy HE1 of the Placemaking Plan and Part 16 of the NPPF. It is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance.

#### DESIGN, CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

The proposed extension would be sympathetic to the surrounding rural environment, and would be visible to only a very limited extent on the main approach from the road. There is a clear distinction made between the old and the new, the historic and the contemporary, and the low profile of the extension would not compete with the main building which would remain dominant in the view. Details have not yet been provided of the green roof, but the sedum appears slightly more prominent in the visualisations than is likely to be the case, nevertheless the sedum is considered an acceptable approach. Design details for the green roof will need to be secured by condition. The use of cedar cladding, locally sourced rubble stone plinth and glu-lam roof support structure are considered appropriate and are supported.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the Core Strategy and policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

#### LANDSCAPE:

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in landscape, including conserving the local landscape character and conserving. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape. Proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

The Landscape Officer has been consulted on this scheme.

A Landscape and Visual Appraisal (LVA) has been provided and has been undertaken to an appropriate level of detail in accordance with accepted methodology.

The study area (3km radius) is appropriate. The Landscape Officer agrees with the analysis in the LVA that the site is visually very well contained from long distance viewpoints, and that even where short distance views are possible they are generally heavily filtered by existing vegetation. Landscape and visual effects have been assessed at Year 1 and at Year 10 when mitigation measures should have become established and will be beginning to fulfil their intended function.

The LVA concludes that there would be initial slight adverse effects on character and initial slight adverse visual effects on a few localised viewpoints, but that these effects would decrease to negligible levels at Year 10 and thereafter, which in the terminology adopted in this LVA are described as 'neutral' i.e. below the level where there would be any noticeable change or cause for concern. Officers consider these conclusions to be reasonable.

The proposed overall approach to hard and soft landscape design is also supported, final details of hard and soft landscape design (including green roof) could be secured via condition.

New trees are proposed to be planted along the northern and eastern boundaries to strengthen the screening afforded by the existing vegetation which is welcomed.

Overall, the proposal is considered to comply with policy NE2 of the Local Plan Partial Update, policy NE2A of the Placemaking Plan and part 15 of the NPPF.

#### 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.

The proposals will enhance the standards of amenity enjoyed by residents and is a significant benefit of the scheme. Given the existing context, the proposed addition's relationship with and positioning to the north of surrounding residences, and as its set down design which results in its overall height being approximately 3m above ground level, it is not considered that the proposed development would appear overbearing from surrounding properties or cause any material loss of light or overshadowing.

It is noted from the submitted plans that with the exception of the western windows serving the ground floor lounge and the adjacent ground floor bedroom, the proposed addition would not include any windows which could offer outlook towards neighbouring properties.

Considering the two windows referred to above in detail, it is noted that with regard to the proposed bedroom, given the oblique angle, separation distance of approximately 8m and anticipated layout and use of the room, that on balance the relationship of the window with those of neighbouring properties would not be unacceptable and that the potential for

intervisibility with adjoining properties would be limited and not warrant refusal of the application.

The western window serving the proposed ground floor lounge would be closer to and not at such an oblique angle from the windows of the neighbouring property. Given its positioning unacceptable intervisibility could occur between the room and neighbouring properties and as such it is appropriate for a condition to be attached ensuring the window is obscurely glazed and non opening to maintain acceptable levels of privacy for residents of both properties.

It is acknowledged that concerns have also been raised regarding noise from the proposed development. The use and level of occupancy of the site is proposed to remain as existing and any noise would generally be contained within the building. Whilst some plant units are proposed these would also be contained within the building and are unlikely to generate significant amounts of noise. A condition shall be attached to ensure the Air Source Heat Pump is installed in accordance with MCS standards. Other legislative regimes also exist to safeguard nearby residents from excessive noise.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance.

The proposal accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

#### HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The proposal is to replace the existing extension to provide a two storey rear extension of the care home. The scheme is to replace the existing bedrooms of the care home with a larger footprint and include each with their own facilities. No additional bedroom numbers are proposed to the site.

The existing 13 parking spaces which are shown within the Design and Access Statement are to remain unchanged. As there are no changes to the number of bedrooms on site, the replacement of the existing extension is accepted by Transport Development Management.

The principle of the submitted Construction Management Plan (as dated June 2024), is accepted by Transport Development Management. However, further information regarding contractor/visitor parking, deliveries including loading and unloading of materials, will be required to ensure the highway or existing facilities onsite which will not be impacted by the construction process. Therefore, a condition is still required.

The construction management plan shall safeguard the amenity of residents from noise and dust as well as the operation of the highway and highway structures from being adversely impacted.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document, and part 9 of the NPPF.

#### DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

Policy SU1 states that for both major development ((as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015)) and for minor development in an area at risk of flooding (from any source up to and including the 1 in 100 year+ climate change event) Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of water runoff.

The drainage strategy is proposing to separate surface water from the foul and discharge to a dedicated surface water system. Soakaways are proposed but it is noted that soakaway testing was incomplete, further onsite infiltration testing to BRE Digest 365 standard will be required at the location and depth of the proposed soakaways. This can be conditioned. The Drainage and Flooding team have raised no objection subject to the condition.

As such, the proposed development is considered to comply with policy CP5 and SU1 of the Core strategy in regard to flooding and drainage matters, as well as part 14 of the NPPF.

#### CONTAMINATED LAND:

Local Plan Partial update policy PCS5 has regard to Contamination. The Contaminated Land officer has been consulted on the scheme.

The application has been submitted with the following report: Proposed Care Home Extension Stanton Court Care & Nursing Home, Stanton Drew Interpretative Ground Investigation Report Project No. P1897 Work Code 1 Report No. P1897.1.1 Revision 0 21st June 2024. Ground Investigation Limited.

Taking account of the findings of the Ground Investigation Report the Contaminated Land Officer has recommended a condition requiring the reporting of any unexpected contamination.

The proposal is considered acceptable in terms of policy PCS5 of the Local Plan Partial Update.

## TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland consecration. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland and ancient or veteran trees will not be permitted.

Trees on the site are protected by the Stanton Drew Conservation Area and contribute towards the setting of the Grade II\* listed building.

The application is accompanied by an arboricultural report. The report identifies that a section of hedge and a willow (T35 of the tree survey) are to be removed to enable the development. The tree survey offers no general observations (4.4.2.5 of BS 5837:2012) e.g. the presence of any decay and physical defect), or preliminary management recommendations. Nevertheless, T35 which would require removal is small and unremarkable and so the Arboricultural officer has raised no objection to the loss subject to replacement planting of three trees on site in line with Section 3.6 of the Planning Obligations Supplementary Planning Document. This will be secured.

The Arboricultural officer did initially raise some concerns in regard to T11, T33 and T36. Revised drawings have been submitted since previous arboricultural comments were made. The alterations to the position of paths near to T11 of the submitted tree survey, now avoiding the root protection area, and changes in respect of hard landscaping by T33 and T36 are noted and welcomed.

Additional information has been provided regarding the retaining structure which will be sheet piling driven down to approx. 300mm with reinforced concrete formed against the piling on the property site once excavations have been completed. This should negate the need to excavate further towards T33 for installation.

The revised Arboricultural report (14th February 2025) and inclusion of the findings of the trial pit excavations has also noted, albeit based on four small excavations of 1m x 1m x 0.6m. As a result, the intention is now to retain T34 (purple plum) which is welcomed.

The additional informal and revised drawings have sufficiently addressed previous arboricultural comments. Conditions will be necessary to secure replacement tree planting and compliance with the revised arboricultural method statement and tree protection plan.

Overall, the proposal is considered to comply with policy NE6 of the Local Plan Partial Update regarding trees.

## ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible, before mitigation and/or compensation is considered.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG). A BNG of a minimum of 10% must be demonstrated using the latest DEFRA metric (or agreed equivalent), by a suitably qualified and/or experienced ecologist. BNG will be secured in perpetuity (at least 30 years) and a management plan will be required detailing how the post-development biodiversity values of the site will be secured, managed and monitored in perpetuity.

### Habitats:

It is noted that the site is not within or immediately adjacent to any designated wildlife sites. The site consists of an existing care home and associated terraces and other surfaced areas, well maintained lawns, ornamental planting, scattered specimen trees and shrubs, and recently planted hedges. Given the quadrat data indicates there are only 6-8 species per m<sup>2</sup> are present, the classification of the lawn as 'Modified Grassland' is accepted.

### Bats:

The Ecology report identifies the parts of the building that would be affected by the development have no potential for roosting bats. In addition, it states that 'most of the trees on the site lack potential bat roosting features'. These conclusions are accepted.

### Other Protected/Notable Species:

The hedgerows and trees offer suitable habitat for nesting birds. The mitigation proposed at Section 6 for nesting birds would be supported, however, as well as hedgerow removal it would also need to apply to tree removal.

No signs of badger activity were seen either on or around the site. However, given that there are records in close proximity to the site and badgers are likely to use the site for commuting, then general good practice measures should be followed i.e. covering excavations at night or including planks as a means of escape.

This information can be secured by condition.

### Lighting:

Populations of light-sensitive bat species (including horseshoes) are known in the area. Most of the garden is inherently dark, adjacent to open countryside and bounded by mature trees and hedging, so will be being used by bats for both foraging and commuting purposes, therefore light spill from the proposed development may cause them to become displaced. The submitted lighting plan is welcomed and clearly identifies the retention of a dark corridor to the east and north of the site therefore ensuring lighting from the

development will not have a detrimental impact on bats. The delivery of these measures will be secured through pre-occupation condition.

#### Biodiversity Net Gain (BNG):

The application validated on the 19th July 2024, therefore the requirements of the Environment Act 2021 apply. It is now mandatory for minor applications to deliver 10% net gain. The Arboricultural Report identifies that a section of hedgerow and a willow (T35 of the tree survey) are to be removed to enable the development. As well as the tree and hedgerow loss, the scheme would also require the loss of a small area of lawn. BNG will be achieved by tree- and hedge-planting and provision of a green roof over part of the new building. A small area of wildflower meadow will also be provided in the sensory garden. Details of establishment and management of habitats are provided on the Detailed Landscape Proposal 1 of 2 (Dwg no. KL-579-001 P1). All of the 'Trading Rules' of the metric have been met.

The application is considered to deliver the 10% biodiversity net gain required.

#### Ecology Conclusion:

Overall, the proposal is considered to comply with policy NE3 and NE3a of the Local Plan Partial Update regarding ecology matters.

#### SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy CP1 seeks to encourage retrofitting measures to existing buildings to improve their energy efficiency and adaptability to climate change and the appropriate incorporation of microrenewables.

From reviewing the submitted documents and information the proposal is considered compliant with the relevant Sustainable Construction policy, Policy CP1; with a 26.63% improvement in regulated CO2 emissions compared to the BER/DER of a notional building. The Climate Officer has raised no objection.

Policy SCR5 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.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g., border planting, window boxes, vertical planting, raised beds etc.). there is plenty of garden space and opportunity for food growing on site.

#### OTHER MATTERS:

It has been raised that there is a Covenant on the land which prevents the development being built out. It is important to note that the grant of planning permission does not override any Covenant and that this is generally considered a civil matter. Notwithstanding this, officers have had sight of the title deed which clearly indicates the land upon which the detached barn is sited (and is surrounded on three sides by land in the ownership of The Rookery and Court Farm) with a blue tint. The Title Deed states:

"A Conveyance of the land tinted blue on the filed plan dated 22 August 1979 made between (1) Lionel Smart and Eileen Ruth Smart (Vendors) and (2) Ysobel Hawthorn (Purchaser) contains the following covenants:-

"THE Purchaser for herself and her successors in title owners or occupiers of the property hereby covenants with the Vendors that for the benefit of the immediately adjoining property of the Vendors and every part thereof that she will not make or permit or allow to be made any structural alterations to the building on the piece of land hereby conveyed other than structural alterations to the northern wall of the said building on the land hereby conveyed."

It is therefore clear that the Covenant relates specifically to the detached barn building and does not restrict the development proposed.

#### PUBLIC SECTOR EQUALITIES DUTY:

In accordance with the duty required by sections 149-157 of the Equality Act 2010, the Local Planning Authority as public sector organisation is required to have due regard to the need to eliminate inequality against people with different protected characteristics, advance equality of opportunity, and foster good relations in relation to activities such as policy, consultation and public service.

This has been taken into account both in relation to the application process and when considering the merits of the development itself. Measures which the Local Planning Authority takes to advance equality of opportunity in the planning process are set out in the Council's adopted Statement of Community Involvement. This involves measures such as community consultation, advertising applications via a range of different mediums and making application documents available in a variety of print and non-print formats if required.

In relation to the development itself, the proposal is for a care home extension serving the elderly, the proposal would improve the current living standards of current and future elderly occupiers. The proposal is therefore considered to advance equality of people with different protected characteristics.

Overall, the potential equality impacts have been assessed relating to both the application process and in relation to the development itself. The Local Planning Authority is satisfied that a range of steps have been taken to achieve compliance with the Equalities Act 2010 and therefore discharged its public sector equalities duty.

#### PLANNING BALANCE:

As outlined above the proposed development is found to be appropriate within the green belt by virtue of the land comprising grey belt and meeting the criteria in paragraph 155 of the NPPF. Whilst less than substantial harm is found to be caused to heritage assets, it is considered that the public benefits associated with the scheme outweigh both the harm to the listed building and the conservation area. The proposal accords with policies CP6 and CP8 of the Core Strategy and policy HE1 of the Placemaking Plan and Parts 13 and 16 of the NPPF.

There are therefore no harms identified which create conflict with planning policies and cannot be addressed by imposition of a suitably worded planning condition.

#### CONCLUSION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal complies with the relevant local plan policies, as outlined above, and therefore complies with the development plan, as a whole, consistent with the above legislation. Therefore, officers recommend approval.

#### RECOMMENDATION

PERMIT

#### CONDITIONS

##### **1 Standard Time Limit (Compliance)**

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

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

##### **2 Archaeology Watching Brief (Pre-commencement)**

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

Reason: The site is within an area of archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

##### **3 Detailed Drainage Strategy (Pre-Commencement)**

No development shall commence, except ground investigations and remediation, until a detailed drainage design based on the approved Flood Risk Assessment / outline drainage strategy (demonstrating that that surface water will be managed using sustainable drainage principles so as to prevent any increase in onsite or offsite flood risk) has been submitted to the Local Planning Authority and given written approval. The design is to include plans, structure details and calculations demonstrating performance of the system at the critical 1:1, 1:30 and 1:100+45% climate change events.

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

North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

#### **4 Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following: 1. Deliveries (including access routes to the site, storage arrangements and timings); 2. Contractor parking; 3. Site opening times; 4. Temporary arrangements for refuse and recycling collection during construction. The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

#### **5 Ecological Construction Environmental Management Plan (CEMP: Ecology) (Pre-commencement)**

No development shall take place (including ground works or vegetation clearance) until an Ecological Construction Environmental Management Plan (CEMP: Ecology) produced by a suitably experienced professional ecologist has been submitted to and approved in writing by the local planning authority. The CEMP: Ecology shall include, as applicable: mitigation method statement/s for protection of bats, nesting birds, reptiles, amphibians, badger, hedgehog and other wildlife (as applicable), to include pre-commencement checks and update surveys; precautionary working methods; details of an ecological clerk of works or ecological supervision; a plan showing exclusion zones and specification for fencing of exclusion zones; method statement/s for other specialist measures where appropriate (such as eradication of invasive non-native species). The approved CEMP:Ecology shall be adhered to and implemented throughout the site preparation and construction phases strictly in accordance with the approved details.

Reason: To prevent ecological harm accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE3 of the Bath and North East Somerset Local Plan Partial Update. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

#### **6 Wildlife Protection and Enhancement (Pre-commencement)**

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme consistent with the submitted Biodiversity Net Gain Assessment/ Biodiversity Gain Plan/ Ecological Report/ Bat Mitigation, have been submitted to and approved in writing by the local planning authority. These details shall include:

1. Details of features including but not limited to (as applicable): bat and bird boxes (as integral features or externally fitted); hedgehog homes; wildlife access points within fencing; and details of all other proposed features to provide additional benefit for wildlife. Details shall be shown to scale on all relevant plans and drawings and shall include

proposed models and materials; numbers, positions, heights and fixings, and proposed long term maintenance

2. A programme of implementation for all measures within the scheme.

All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development or in accordance with the approved programme of implementation.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

### **7 Biodiversity Net Gain Plan (Pre-commencement)**

No development shall commence until full details of a Biodiversity Gain Plan achieving a minimum of 10% measurable biodiversity net gain, and a Habitat Management Plan for any on-site habitats and biodiversity measures, have been submitted to and approved in writing by the Local Planning Authority. The Plans shall be in accordance with current best practice guidelines and standards and shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation and shall include the following:

In all cases:

1. Pre and post development biodiversity values including a completed metric calculation tool using the DEFRA Biodiversity Metric or any successor, and accompanying evidence for baseline condition assessments;

2. A BNG habitat map for on-site proposed habitats

3. Information about the steps taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat and, in the case of any irreplaceable habitat, information on arrangements for compensation for any impact of the development has on the biodiversity of the irreplaceable habitat (which does not include the use of biodiversity credits).

4. Details and evidence of any registered off-site biodiversity gain units allocated to the development and any biodiversity credits purchased for the development;

Where on-site habitat is proposed/retained:

5. Long term aims and objectives and targets for habitats; proposed management prescriptions and operations; timing, frequency, durations and methods of operations; specialist expertise, specialist tools/machinery or equipment and personnel where required to meet the stated aims and objectives;

6. Annual work schedule for at least a 30 year period

7. A list of activities and operations that shall not take place and shall not be permitted within the Habitat Management Plan (HMP) area (for example use of herbicides; on-site disposal of grass cuttings or other vegetation waste; routine cutting of ivy where there is no specific arboricultural justification; inappropriate maintenance methods, storage of materials; inappropriate machine or vehicle access).

8. Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives.

9. Details of proposed reporting to the Local Planning Authority, and proposed review and remediation mechanism.

10. Proposed costs and resourcing, and legal responsibilities.

The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To protect and enhance ecological interests and to ensure delivery of Biodiversity Net Gain in accordance with Bath and North East Somerset Local Plan Partial Update policies NE3, NE3a NE5 and D5e and paragraph 13 of Schedule 7A to the Town and Country Planning 1990 Act (Biodiversity Gain Condition).

#### **8 Materials - Submission of Materials Schedule (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs and hard landscaping, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

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

#### **9 Green Roof Details (Bespoke Trigger)**

Prior to the construction of the roof of the approved development a detailed specification of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Section drawings of the roof;

2. A planting schedule;
3. A timetable for implementation;
4. A maintenance schedule.

The green roof shall be implemented in accordance with the approved details prior to the occupation of the development or in accordance with the approved timetable for implementation.

Reason: To ensure the successful implementation of the green roof in the interests of preserving the character and appearance of the area in accordance with policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

#### **10 Water Efficiency - Rainwater Harvesting (Pre-occupation)**

No occupation of the approved development 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.

#### **11 Arboriculture Method Statement (Compliance)**

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement ( Hillside Trees Ltd revision B 14th February 2025).

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update.

#### **12 Arboriculture - Replacement Trees (Compliance)**

All replacement tree planting works shall be carried out in accordance with the approved details contained within the submitted arboricultural documents and landscaping plan. The works shall be carried out during the next available planting season following completion.

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

Reason: To ensure replacement trees are provided and to provide an appropriate landscape setting for the development in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update.

#### **13 Implementation of Landscaping Scheme (Compliance)**

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the

development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

#### **14 Air Source Heat Pumps (Compliance)**

The proposed air source heat pumps shall comply with the MCS Planning Standards or equivalent standards.

Reason: To safeguard the amenities of adjoining occupiers from noise and disturbance in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

#### **15 Obscure Glazing and Non-opening Window(s) (Compliance)**

The windows in the southwest elevation of the ground floor lounge within the proposed extension shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of occupiers and adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

#### **16 Lighting (Compliance)**

Lighting shall be installed, and maintained and operated thereafter, only in accordance with the approved External Lighting Strategy v1.1 dated August 2025 by Osmond Tricks Ltd and accompanying plan entitled External Lighting Strategy Ref 2202- 051 dated 6th August 2025. No other new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority which shall be installed, maintained and operated thereafter only in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE3 and D8 of the Bath and North East Somerset Local Plan Partial Update.

#### **17 Reporting of Unexpected Contamination (Bespoke Trigger)**

In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Unexpected contamination may be indicated by soils or materials with unusual colour,

odour, texture or containing unexpected foreign material. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

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

### **18 Plans List (Compliance)**

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

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

### **PLANS LIST:**

1 This decision relates to the following drawings:

Received 7th August 2025

051 PROPOSED SITE PLAN EXTERNAL LIGHTING STRATEGY  
KL-579-001 P3 LANDSCAPE PROPOSAL 1 OF 2

Received 14th February 2025

050 REV A PROPOSED SITE LAYOUT  
200 REV A PROPOSED ELEVATIONS (SHEET 1)  
201 REV A PROPOSED ELEVATIONS (SHEET 2)  
KL-579-002 P2 DETAILED LANDSCAPE PROPOSAL 2 OF 2

Received 27th January 2025

14204-CRH-XX-XX-DR-S-0800-S2-P1 SUNKEN COURTYARD RETAINING WALL  
SECTION DETAIL  
SK002 RETAINING WALL PLAN

Received 19th July 2024

005 EXISTING SITE PLAN & TOPOGRAPHICAL SURVEY  
010 EXISTING GROUND FLOOR PLAN  
011 EXISTING FIRST FLOOR PLAN  
012 EXISTING SECOND FLOOR PLAN  
015 EXISTING ELEVATIONS (SHEET 1)  
016 EXISTING ELEVATIONS (SHEET 2)  
020 EXISTING SITE SECTIONS (SHEET 1)

- 021 EXISTING SITE SECTIONS (SHEET 2)
- 100 PROPOSED LOWER GROUND FLOOR
- 101 PROPOSED GROUND FLOOR PLAN
- 102 PROPOSED FIRST FLOOR PLAN
- 103 PROPOSED SECOND FLOOR PLAN
- 250 PROPOSED SITE SECTIONS (SHEET 1)
- 251 PROPOSED SITE SECTIONS (SHEET 2)
- 300 PROPOSED TYPICAL SECTION DETAILS
- 001 SITE 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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

## 3 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)

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

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

#### **5 Civil or legal consents**

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

#### **6 Biodiversity Net Gain - Standard Informative**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. A detailed version of

the biodiversity gain condition can be found in the list of conditions attached to this permission.

The effect of section 73D of the Town and Country Planning Act 1990:-

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

#### **7 Coal Mining - Low Risk Area (but within coalfield)**

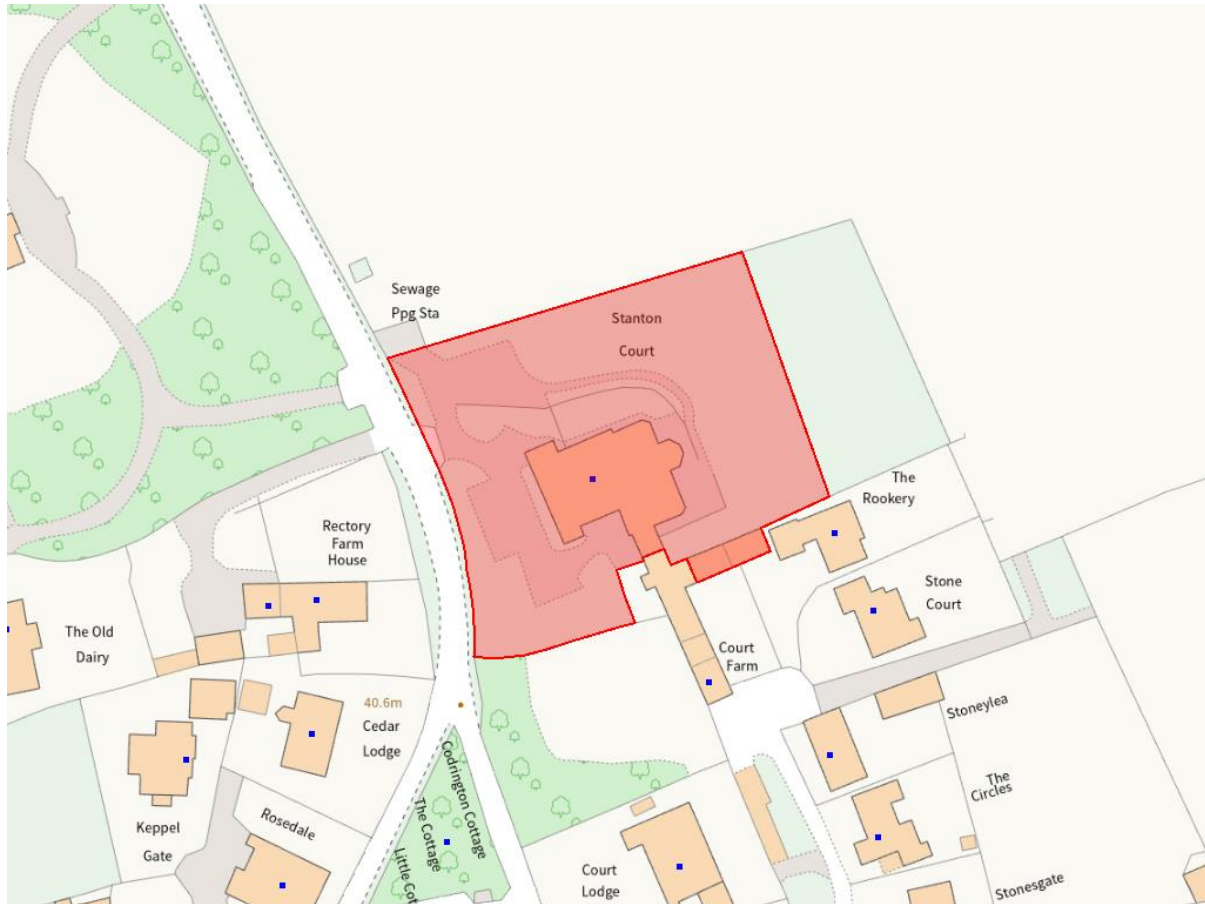
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
<http://www.gov.uk/mining-remediation-authority>

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

**Item No:** 06  
**Application No:** 24/02756/LBA  
**Site Location:** Stanton Court Bromley Road Stanton Drew Bristol Bath And North East Somerset



**Ward:** Chew Valley      **Parish:** Stanton Drew      **LB Grade:** N/A

**Ward Members:** Councillor Anna Box      Councillor Dave Harding

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

**Proposal:** Internal and external alterations for the erection of a two storey rear extension and associated works, to follow demolition of existing rear extension.

**Constraints:** Bristol Airport Safeguarding, Norton Malreward Unlicensed Airstrip, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Conservation Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy GB2 Infill Boundary, Housing Development Boundary, Listed Building, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Country Court Care

**Expiry Date:** 18th August 2025

**Case Officer:** Christopher Masters

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

## **REPORT**

The application refers to an existing care home in the village of Stanton Drew. The original building is believed to be constructed in 1753 and is Grade II listed. The site fronts the main road through Stanton Drew and is located close to the River Chew and the Stanton Drew Circles. The proposal is within the Green Belt and the village conservation area.

Listed building consent is sought for the internal and external alterations for the erection of a two storey rear extension and associated works, to follow demolition of existing rear extension.

This application is before committee as it forms part of a dual application for planning permission and listed building consent, the other part of which has been called in by the Ward Cllr.

Relevant Planning History:

99/02949/FUL - PERMIT - 27 October 1999 - Conversion of outbuildings to form staff accommodation (renewal of planning permission WC 12245/K)

99/02950/LBA - CONSENT - 22 November 1999 - Conversion of outbuildings to form staff accommodation (renewal of listed building consent WCLB 12245/L)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

CONSERVATION:

28th August 2024: Objection. The scheme is considered to cause less than substantial harm to the significance of the listed building and is considered to be at the higher end of this spectrum. The degree of harm will need to be outweighed by public benefit.

12th August 2025: Objection. Additional information submitted has not addressed whether underpinning to the listed building will be required. The concerns raised in the previous consultation (dated 28.08.24) regarding the design and extent of the extension remain. It is considered to cause less than substantial harm to the significance of the listed building and its setting. It is towards the higher end of less than substantial harm spectrum and the planning officer will need to consider that the level of public benefit will be sufficiently high.

HISTORIC ENGLAND:

16th August 2024: In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

STANTON DREW PARISH COUNCIL:

5th September 2024: (Summary) Stanton Drew Parish Council are concerned that there is a legal issue that has not been fully checked before this application is submitted. We are

responding only in planning terms to the application but fully support the ward councillors request to call to committee if minded to approve. Overall the Parish Council support this application, especially as we recognise that the care home is in need of updating to modern standards in order to meet current accepted requirements for room size and facilities. We agree with the Urban Design consultation response "The proposed extension would be sympathetic to the surrounding rural environment, and would be visible to only a very limited extent on the main approach from the road. There is a clear distinction made between the old and the new, the historic and the contemporary, and the low profile of the extension would not compete with the main building which would remain dominant in the view." We request that the officer, if minded to permit, looks in more detail at the following issues and conditions them if necessary. All relate to the impact during development on nearby neighbours and the village in general: excavation, transport and parking.

Representations Received :

None received

### **POLICIES/LEGISLATION**

There is a duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant listed building consent 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.

National Planning Policy Framework and the National Planning Practice Guidance can be awarded significant weight.

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

Bath & North East Somerset Core Strategy (July 2014)

- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

CP6 - Environmental Quality

Placemaking Plan:

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

#### HE1 Historic Environment

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.

#### 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**

Stanton Court is Listed at Grade II\*. It was built in mid-18th century with 1753 dated on internal door. It possibly is on the site on an earlier manor. It is constructed out of ashlar limestone to the front elevation with rubblestone to the side and rear. The principal range is three storeys of 5 bays with the central bay projecting forward with a pediment. The rear range is two and half storey of coursed rubble stone and a slate mansard roof with dormers. It sits in a generous garden and the setting of Stanton Court (and the wider conservation area) is characterised by a verdant, rural quality.

The wall, piers and gates fronting onto Bromley Road are Grade II Listed. The grounds are identified on the Historic Environment Record as medieval and post medieval boundaries, and manorial grounds of manor house.

The house has been substantially altered with large intervention to the roof of the rear range, which created multiple dormer windows. These works involved the removal of the roof structure, historic staircase to the roof and complete refurbishment of the upper floors to create multiple bedrooms for the care home use. There have been some poor-quality alterations and interventions as well as some practical interventions to provide a lift and office/kitchen spaces to support the use. Nevertheless, parts of the interior are still intact and make an important contribution to the listed building.

Stanton Court is located in a historically important and sensitive area. It sits to the northern edge of the village of Stanton Drew and is makes a positive contribution to the character and appearance of the conservation area. To the southeast of the site there are the Stanton Drew stone circles which are a scheduled monument. There are numerous designated and non-designated heritage assets in the vicinity including medieval Bridge over River Chew (which is both a scheduled monument and Grade II\* Listed), Rectory Farmhouse (GII\*) and Church of St Marys (GII\*).

The significance of the house and its setting lies in its historic and architectural interest, its high status and prominent position within the village, its surviving historic fabric and architecturally imposing principal elevation.

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Similarly, Policy HE1 of the Placemaking Plan states that great weight will be given to the conservation of the district's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified.

#### Listed Buildings:

There is a duty 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.

The principle of demolishing the existing single storey extension and conservatory is accepted. The structures are modern additions and do not contribute to the historic or architectural significance of the listed building and are considered to be harmful to the listed building in their own right.

It is proposed to replace the existing additions with a two storey, curved structure, which will curve southwards towards the curtilage listed barn. The proposed structure will be sunk into the ground so it will effectively be at lower ground and ground level. It will have natural stone to the lower floor and timber cladding to upper floor with a green roof and pronounced overhang. The grounds will be landscaped to provide ramped access, tarmac paths, courtyards and planting.

The Listed Buildings officer has been consulted on the scheme. The proposed replacement structure is a substantial addition to the footprint of the listed building. The Listed Building officer considers the proposal will be a dominant addition and would impact on the garden setting of the listed building. Despite the high-quality, natural materials (which are welcome) the listed building officer considers the contemporary design and materiality of the structure will be an assertive contrast to the host building and will give greater emphasis to the scale, bulk and massing of the addition. The garden setting of the house is characterised by a verdant, rural quality as the land gently undulates. There will be change to the immediate rear setting of the listed building with the introduction of hard landscaping to manage the proposed difference in levels. Combined with the extent of the extension, the Listed Building Officer considers there will be a visual impact on the listed building and its setting. Overall, the Listed Building Officer considers the proposal to result in Less than Substantial harm to the Listed Building at the upper end of the scale.

The Heritage Statement and further Heritage Impact Assessment submitted with the application considers the impacts of the proposal. The submission considers the harm to be minimal. The submission considers the proposals seek to remove the existing poorly

designed addition at the rear and replace it with a curved structure that is sunk into the landscape, which in turn makes it more discrete, the proposal would have a restricted impact.

The submission states it proposes to reverse where feasible, earlier non-consented works, which have taken place. The Listed Buildings Officer has considered the internal alterations which included reconfiguration of the rooms to provide en-suites. The Listed Building Officer considered in some cases this would be beneficial due to previous unauthorised works and allow better proportions to rooms. However, the existing ground floor plan drawing shows the front reception room subdivided into reception, two offices and storeroom, which do not appear to have benefited from listed building consent and has impacted on the proportions and character of the room. This results in some further harm to the listed building internally. Officers concur with the views of the Listed Building Officer in respect of the internal works.

It is noted that the submission confirms that the new en-suites will be installed using the existing service routes and it is not intended to add to or alter these routes.

It has been queried whether the extent of excavation required could potentially have significant implications for the structure of the main house and the outbuilding. While a Ground Investigation Report has been provided, it has not been possible to conclude whether underpinning or other structural interventions would be required. Given the nature of the building, ground and proposal it will not be possible to definitively understand what works would be required until excavations are begun. This is evidently not ideal. However, on balance officers are content that if such works are required they can be considered under a further submission for Listed Building consent.

Taking all this into account, officers find that addition, although large, would read as a high-quality, contemporary addition which reads subserviently to the host building by virtue of its limited overall height (by virtue of being set down into the ground), positioning at the rear of the building, and softened appearance derived through the choice of materials and form. The lightweight link combined with the contemporary design would result in clear legibility between the old and new and therefore the narrative of the historic building would remain evident. Soft landscaping is also proposed to mitigate the visual impact of the development. The impact on the physical fabric of the listed building would externally be limited to the lower part of the rear elevation. The internal alterations do result in some improvements, and it is noted that the long term and established building has been altered regularly throughout the building's life. For the above reasons officers considered that the proposal will result in less than substantial harm to the Grade II\* Listed host building but that this would fall in the mid-range of the scale.

The proposal is subsequently considered to cause harm to the significance of the listed building and its setting. As set out in para 213 of NPPF any harm to the significance of a designated heritage asset requires clear and convincing justification. As set out in para 215 of NPPF where development is identified as leading to less than substantial harm, this harm must be weighed against the public benefits of the development. This shall be done at the end of this section.

Conservation Area:

The site is located within Stanton Drew Conservation Area. The site is, however, on the edge of the conservation area with the boundary of the conservation area following the north and east boundary of the site. This part of the conservation area is defined by high stone boundary walls, mature trees and vegetation and spacious traditional buildings, the conservation area has a verdant, rural quality as the land gently undulates.

Given the boundary treatments and vegetation, the site is well screened and there will be limited views of the extension from the wider conservation area itself. However, the absence of views does not necessarily mean the absence of harm. Whilst the soft landscaping is proposed to mitigate the impact of development, the Conservation Officer does consider that the introduction of hard landscaping will result in less than substantial harm and has clarified this to be to a 'very small degree'. It is noted that in the applicant's heritage statement they consider the proposal to preserve the conservation area.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case it is identified that the development would cause less than substantial harm to the significance of this part of the Conservation Area and its setting. In accordance with paragraph 215 of the NPPF, this harm should be weighed against the public benefits of the proposal. This shall be done at the end of this section.

#### Archaeology:

The submitted Archaeological Desk-Based Assessment (D-ba) concludes that there is potential for archaeological remains to be present on this site possibly associated with the Scheduled prehistoric ritual features located c100m to the east of the site. The D-ba further indicates that any archaeology on the site is likely to have been previously disturbed. Therefore it is unlikely that any remains will be sufficiently preserved to be of high significance and are more likely to be of local importance.

The Council Archaeological consultants, South West Heritage Trust, have been consulted on the scheme and consider, based on the potential of the site to contain archaeology, a condition is required ensure monitoring of groundworks associated with the proposal.

#### Schedule Ancient Monument:

The site is within close proximity to Stanton Drew Stone Circle, which is a Schedule Ancient Monument (SAM). Historic England have been consulted on the proposal and raised no objection, nor has the Conservation officer raised concerns in regards to the SAM.

#### Heritage Balance and Conclusion:

The proposal results in less than substantial harm to the listed building and its setting in the mid-range of the scale. The proposal results in less than substantial harm to the conservation area at the very lower end of the scale. As set out in paragraphs 212 and 215 of the NPPF, great weight should be given to the conservation of Heritage Assets and the more important the asset, the greater the weight should be. Where development is

identified as leading to less than substantial harm, this harm must be weighed against the public benefits of the development.

The submission sets out a range of public benefits, discussed as follows.

The main driver for the project is the improvement of accommodation for the benefit of residents and staff to ensure a level of privacy and dignity which meets current standards. As well as increase corridor space, bedroom space, provision of ensure, appropriate medical store, improved access to external spaces etc, the proposal will also have a qualitative improvement on the environment and wellbeing of residents. This can be afforded significant weight.

The proposal will ensure the long term viability of the care home. At present the home is generally fully occupied, however, as outlined above, the facility has a number of issues and falls below the standards expected in the industry. It will not be long before the CQC (Care Quality Commission) deems the home no longer fit for purpose at which point Country Court may be forced to close leaving residents and staff to find space further afield. An alternative use would then need to be found for the building. There is a known need for the care home in the local area and this will ensure the retention of the home. Along with retention of the care spaces the proposal would result in the long term retention of the jobs associated with the use. These benefits and considerations can be afforded significant weight.

The proposal is also for a replacement lift; the current lift is not big enough for a stretcher or hoist and restricts where residents are able to go within the home. The BaNES Adult Social Care are aware that the lift has frequently broken down and restricts residents further. The provision of a suitable lift is a benefit of the scheme which attracts moderate weight.

The proposal will also result in the short term creation of construction jobs and some additional contribution to Biodiversity net gain. These benefits attract moderate weight in favour of the scheme.

There is a duty placed on the Council 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.

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.

When taken as a whole, and whilst giving great weight to the conservation of these heritage assets, it is considered that the public benefits associated with the scheme outweigh both the less than substantial harm to the listed building and the conservation area. The proposal therefore accords with policy CP6 of the Core Strategy and policy HE1 of the Placemaking Plan and Part 16 of the NPPF. It is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance.

## ECOLOGY

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible, before mitigation and/or compensation is considered.

It is relevant to note this application for Listed Building Consent forms part of a dual application for planning permission and listed building consent. As such the scheme cannot be implemented without reliance on both the planning permission and listed building consent decisions. As ecological matters are considered under both applications and any conditions on either application would need to be complied with it is unnecessary to replicate conditions on both decisions.

### Habitats:

It is noted that the site is not within or immediately adjacent to any designated wildlife sites. The site consists of an existing care home and associated terraces and other surfaced areas, well maintained lawns, ornamental planting, scattered specimen trees and shrubs, and recently planted hedges. Given the quadrat data indicates there are only 6-8 species per m<sup>2</sup> are present, the classification of the lawn as 'Modified Grassland' is accepted.

### Bats:

The Ecology report identifies the parts of the building that would be affected by the development have no potential for roosting bats. In addition, it states that 'most of the trees on the site lack potential bat roosting features'. These conclusions are accepted.

### Other Protected/Notable Species:

The hedgerows and trees offer suitable habitat for nesting birds. The mitigation proposed at Section 6 for nesting birds would be supported, however, as well as hedgerow removal it would also need to apply to tree removal.

No signs of badger activity were seen either on or around the site. However, given that there are records in close proximity to the site and badgers are likely to use the site for commuting, then general good practice measures should be followed i.e. covering excavations at night or including planks as a means of escape.

This information can be secured by condition on the full planning application.

### Lighting:

Populations of light-sensitive bat species (including horseshoes) are known in the area. Most of the garden is inherently dark, adjacent to open countryside and bounded by mature trees and hedging, so will be being used by bats for both foraging and commuting purposes, therefore light spill from the proposed development may cause them to become displaced. The submitted lighting plan is welcomed and clearly identifies the retention of a dark corridor to the east and north of the site therefore ensuring lighting from the

development will not have a detrimental impact on bats. The delivery of these measures will be secured through conditions on the full planning application.

#### Ecology Conclusion:

Overall, the proposal is considered to comply with policy NE3 and NE3a of the Local Plan Partial Update regarding ecology matters.

#### PUBLIC SECTOR EQUALITIES DUTY:

In accordance with the duty required by sections 149-157 of the Equality Act 2010, the Local Planning Authority as public sector organisation is required to have due regard to the need to eliminate inequality against people with different protected characteristics, advance equality of opportunity, and foster good relations in relation to activities such as policy, consultation and public service.

This has been taken into account both in relation to the application process and when considering the merits of the development itself. Measures which the Local Planning Authority takes to advance equality of opportunity in the planning process are set out in the Council's adopted Statement of Community Involvement. This involves measures such as community consultation, advertising applications via a range of different mediums and making application documents available in a variety of print and non-print formats if required.

In relation to the development itself, the proposal is for a care home extension serving the elderly, the proposal would improve the current living standards of current and future elderly occupiers. The proposal is therefore considered to advance equality of people with different protected characteristics.

Overall, the potential equality impacts have been assessed relating to both the application process and in relation to the development itself. The Local Planning Authority is satisfied that a range of steps have been taken to achieve compliance with the Equalities Act 2010 and therefore discharged its public sector equalities duty.

#### Conclusion:

It is concluded that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance.

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

#### **RECOMMENDATION**

CONSENT

#### **CONDITIONS**

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

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

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

## **2 Joinery Details (Bespoke Trigger)**

No installation of any internal or external doors or windows shall commence until full details comprising 1:10 or 1:20 elevations and 1:5 or 1:10 vertical and horizontal sections; have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details. Thereafter the work shall only be carried out in accordance with the approved details.

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 Detail of connection with Listed Building (Bespoke Trigger)**

Prior to any works affecting the external walls of the host building (including the affixation of extensions) detailed sectional and elevational drawings at a scale of 1:10 or 1:20 showing the junction between the host building and any addition and how the proposed additions would connect to the host building shall be submitted to and approved in writing by the Local Planning Authority.

Once approved the works shall be completed in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the listed building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

## **4 Plans List (Compliance)**

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

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

### **PLANS LIST:**

1 This decision relates to the following drawings:

Received 7th August 2025

051 PROPOSED SITE PLAN EXTERNAL LIGHTING STRATEGY  
KL-579-001 P3 LANDSCAPE PROPOSAL 1 OF 2

Received 14th February 2025

050 REV A PROPOSED SITE LAYOUT  
200 REV A PROPOSED ELEVATIONS (SHEET 1)

201 REV A PROPOSED ELEVATIONS (SHEET 2)  
KL-579-002 P2 DETAILED LANDSCAPE PROPOSAL 2 OF 2

Received 27th January 2025

14204-CRH-XX-XX-DR-S-0800-S2-P1 SUNKEN COURTYARD RETAINING WALL  
SECTION DETAIL  
SK002 RETAINING WALL PLAN

Received 19th July 2024

005 EXISTING SITE PLAN & TOPOGRAPHICAL SURVEY  
010 EXISTING GROUND FLOOR PLAN  
011 EXISTING FIRST FLOOR PLAN  
012 EXISTING SECOND FLOOR PLAN  
015 EXISTING ELEVATIONS (SHEET 1)  
016 EXISTING ELEVATIONS (SHEET 2)  
020 EXISTING SITE SECTIONS (SHEET 1)  
021 EXISTING SITE SECTIONS (SHEET 2)  
100 PROPOSED LOWER GROUND FLOOR  
101 PROPOSED GROUND FLOOR PLAN  
102 PROPOSED FIRST FLOOR PLAN  
103 PROPOSED SECOND FLOOR PLAN  
250 PROPOSED SITE SECTIONS (SHEET 1)  
251 PROPOSED SITE SECTIONS (SHEET 2)  
300 PROPOSED TYPICAL SECTION DETAILS  
001 SITE 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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### **3 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 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)

### **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.

### **6 Civil or legal consents**

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

### **7 Underpinning or Structural Strengthening)**

This decision does not give or imply consent for any underpinning or structural strengthening works which may be required to the host building in order to enable the proposed development. Such works will need to be considered through the submission of an additional application for Listed Building Consent.

### **8 Coal Mining - Low Risk Area (but within coalfield)**

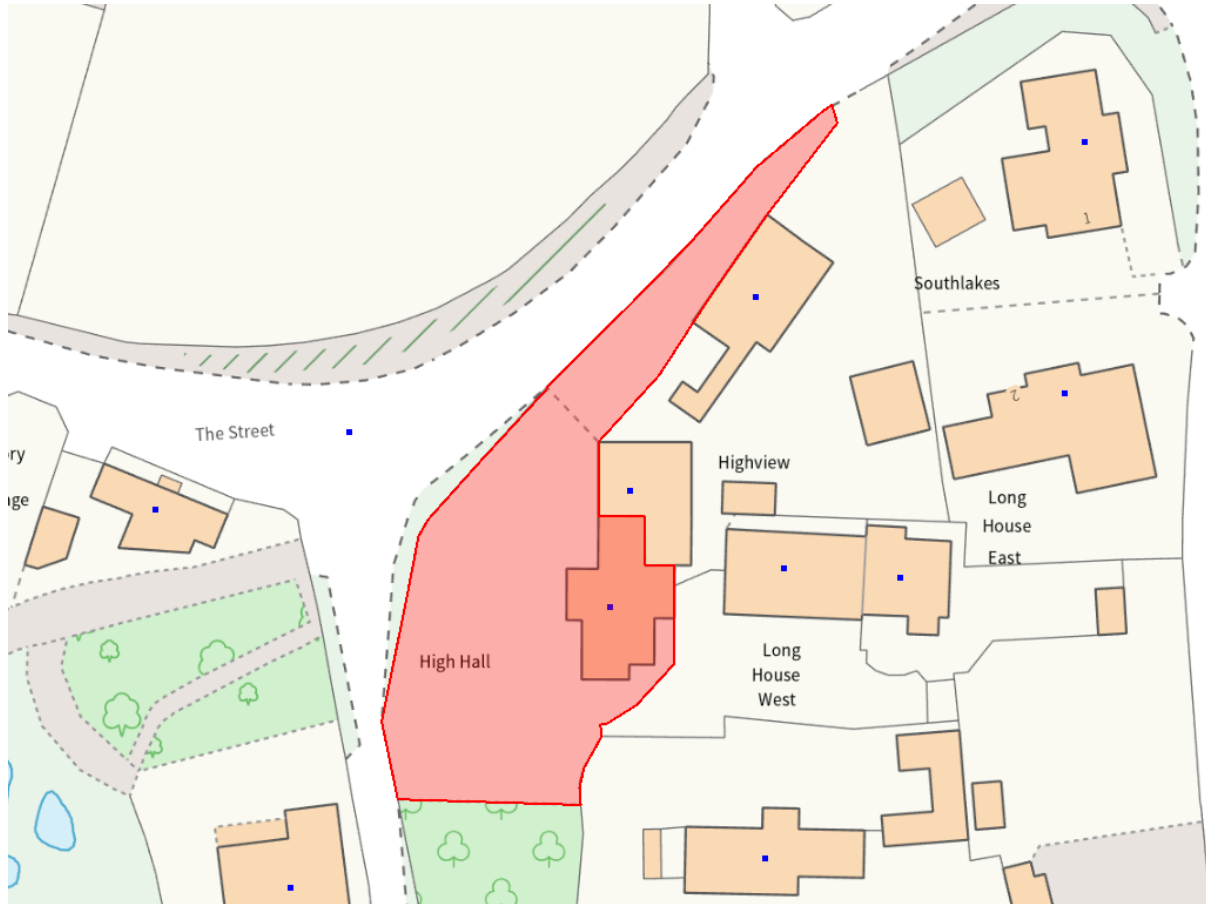
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
<http://www.gov.uk/mining-remediation-authority>

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

**Item No:** 07  
**Application No:** 26/00256/FUL  
**Site Location:** High Hall The Street Compton Martin Bristol Bath And North East Somerset



**Ward:** Chew Valley      **Parish:** Compton Martin      **LB Grade:** N/A

**Ward Members:** Councillor Anna Box      Councillor Dave Harding

**Application Type:** Full Application

**Proposal:** Erection of single storey front extension (replacement and enlargement) following demolition of existing front extension. Landscape alterations including new stone retaining walls and steps.

**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Conservation Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Flood Zone 2, Flood Zone 3, Housing Development Boundary, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, NRN Woodland Strategic Networ Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Ms Sue Lipscombe

**Expiry Date:** 1st April 2026

**Case Officer:** Kristina Carter

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

## **REPORT**

This application relates to a historic two-storey residential dwelling, likely dating back to the 18c. The property was originally two cottages, one a 3-bay house with central doorway, and the other a single bay house. Whilst some alterations have occurred over time, the property retains its simple character and form. The cottage also derives its significance for its group value with other buildings in the historic nucleus of the village, formed around the junction of The Street and Rectory Lane, including the Church, Old Rectory and historic farms. Due to its age and historic interest, the dwelling is considered to be a non-designated heritage asset.

The property lies within the Compton Martin Conservation Area and Mendip Hills National Landscape.

The property lies within Flood Zone 1.

This application seeks permission to erect a single-storey front extension. The proposed extension would replace an existing addition.

### **Relevant Planning History:**

23/04685/FUL - Demolition of front single storey extension and timber landscape retaining walls. Erection of a replacement single storey front extension and landscape alterations including new stone retaining walls and steps, withdrawn 28.03.2024

### **Reasons for Reporting to Committee**

The application has been reported to Committee as the application was supported by the Parish Council. In line with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee, who confirmed they wished for the application to be determined by the Committee.

The Chair commented as follows:

'Thank you for a very comprehensive report. I have weighed up the arguments put by the ward councillor and the parish council against those that you have put so well in the report.

I have concluded that the scrutiny at committee will benefit this application.'

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

#### **Consultee Comments:**

BANES Conservation Officer objects to this application. Comments incorporated in the report.

## **Compton Martin Parish Council:**

Compton Martin Parish Council considered the above Planning Application at their Parish Council Meeting on 9th March 2026.

I have been instructed to write to you and confirm their decision to SUPPORT this application with the following comment:

This is the second planning application for these works. The previous application dated December 2023 was withdrawn. The Parish Council had objected to the previous application primarily due to the choice of materials being considered for the walls of the extension. This new application has taken on board our concerns and the finish is to be in natural stone to match the existing house. Based upon this and the fact that the new extension and garden work will clearly enhance the property, we support the application with one proviso that the applicant takes on board and is reminded of the Chew Valley Neighbourhood Plan Policy HDE15 - Dark Skies Policy.'

## **Other Representation:**

1 supporting comment on the grounds of design.

1 general comment submitted by an architect instructed by applicants to provide their assessment of the scheme.

## **POLICIES/LEGISLATION**

### **CONSERVATION AREAS:**

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 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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

CP6: Environmental quality

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  
D4: Streets and spaces  
D5: Building design  
D6: Amenity  
HE1: Historic environment

#### LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced several new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District wide spatial strategy  
D8: Lighting

NE2: Conserving and enhancing the landscape and landscape character

ST7: Transport requirements for managing development

#### SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant in the determination of this application:

Transport and Development Supplementary Planning Document (January 2023) is also relevant in the determination of this application.

#### NATIONAL POLICY:

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

#### LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary,

mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

## **OFFICER ASSESSMENT**

This application seeks permission to erect a single-storey front extension. The proposed would replace an existing front extension with a larger structure.

The proposed would project 6m from the front elevation, measuring 8.3m in width and 3.3m in ridge height. Materials proposed are a combination of stone cladding and charred vertical timber cladding for the walling and metal roofing, with large openings to all three elevations.

Main issues to consider are:

- a) Design and Impact on Heritage Assets
- b) Impact on the Mendip Hills National Landscape
- c) Residential Amenity

- a) Design and Impact on Heritage Assets

The site is located within the Compton Martin Conservation Area wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

Policy HE1 of the Placemaking Plan states that development that has an impact upon a heritage asset will be expected to enhance or better reveal the significance of the heritage asset, and make a positive contribution to its character and appearance. Policy HE1 also requires development to enhance or better reveal the significance of non-designated heritage assets. Any harm to the significance of a heritage asset must be justified, and proposals will be weighed against public benefits.

Part 2 of the National Planning Policy Framework addresses the issue of achieving sustainable development. Paragraph 8 identifies the three 'overarching objectives' of sustainable development: economic; social; and environmental. The environmental objective includes the requirement 'to protect and enhance our natural, built and historic environment ... and mitigating and adapting to climate change' (paragraph 8(c)).

Section 12 of the National Planning Policy Framework reiterates that achieving a high quality of design for places and buildings is fundamental to the planning process.

Paragraph 135 advises that, amongst other things, development should be: 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'.

Section 16 of the National Planning Policy Framework requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets.

Paragraph 212 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less-than-substantial harm to its significance.

Paragraph 213 clarifies that significance can be harmed through alteration or development within the setting.

Paragraph 214 states that where a proposed development will lead to substantial harm applications should be refused unless it is demonstrated that the harm is necessary to achieve substantial public benefits.

Paragraph 215 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less-than-substantial harm, that harm is weighed against the public benefits of those works, including, where appropriate, securing its optimum viable use.

The supporting statements put forward by the applicant put the emphasis on the visibility and the impact on the Conservation Area. Whilst there is some screening provided from the road by the foliage along the site boundary, it is important to note that High Hall is a non-designated heritage asset that should be safeguarded in its own right; therefore it is important to assess the proposal in terms of the impact on the host dwelling, in addition to the impact it has on the wider Conservation Area. As the Conservation Officer notes in their assessment, 'Regardless of visibility, the building forms part of the historic village core and contributes to an understanding of the historic development of the village. By virtue of its vernacular form and materials it also contributes to the village character.'

Whilst the existing addition does not possess notable architectural merit, it is modest in scale and simple in its design. Furthermore, existing harm should not be exacerbated.

The proposed extension would introduce a much larger and more dominant feature to a principal elevation. It would project significantly further (more than double the depth of the existing addition) and span a greater width. For comparison, the existing element extends from the front elevation by 2.2m and measures 5.7m in width; the proposed would extend by 6m and measure over 8m in width, adding almost 4m to the depth of the projection and over 2m in width. Furthermore, the existing element is simple and unassuming. The design of the proposed extension is much more elaborate, with large expanses of glazing and dark timber detracting from the simplicity of the host structure.

The development would therefore result in an incongruous addition that would compete with the host dwelling eroding the simple character of the existing cottage and harming its historic context. The Conservation Officer notes in her assessment, 'The proposed location and layout fails to acknowledge the bay rhythm of the front elevation. It would build across the original dividing wall of the two properties, disrupting the traditional elevation and harming evidential character.'

Furthermore, the design and materials proposed would fail to successfully relate to the main dwelling, resulting in an appearance that is inappropriate and at odds with the host building. The dark timber vertical timber and metal roof fail to harmonise with the existing building and would appear stark against this important elevation. It is therefore considered the proposal would not present an improvement on the existing arrangement.

The cottage positively contributes to the Conservation Area. Notwithstanding the visibility of the property from wider viewpoints within the Conservation Area, the proposed development would clearly harm this non-designated heritage asset and detract from its historic significance. It therefore follows that the proposed extension would fail to preserve or enhance the character of the Conservation Area.

Of note are also the Conservation Officer's comments made on the previous scheme proposing replacement extension to the front, which was ultimately withdrawn:

'The main issue with regard to the relationship of the proposed development to the host dwelling is its position and visibility. Large areas of glazing and no read-able entrance fail to address the design shortfalls of the current extension. While the existing extension is an incongruous addition to a traditional dwelling it does have some merits, albeit limited that allow it to assimilate better with the dwelling. Namely the sash window on the side return elevation; traditional materials that match the host building - stonework and pitched roof; in this respect the proposal is considered more harmful than the existing. (...) An alternative scheme should be explored that removes the existing glazed porch area and visually reinstates the main entrance. There may be scope under such a scheme for an extension accessed from the southern bays of the house, subject to design and material considerations which would enjoy views over the garden. Positioned here in a more discrete location an extension would have a reduced adverse impact on the Conservation Area and the removal of the existing would result in some heritage gains to the non-designated heritage asset.'

The current proposal fails to address the concerns raised during the course of the previous application. The structure remains overly large, retaining large expanses of glazing, and failing to consider an alternative and more discreet siting for the proposal or rationalise the need for the chosen location.

The submission includes examples of what is claimed to be similar development within the locale, utilising similar materials. However, the example included within the Design and Access Statement shows a modest extension to the side of the host building. Further examples of permitted schemes was submitted within the course of application, noting The Old Post Office (22/04565/FUL) as being 'very similar to this application'; however, the extension proposed within that scheme is to the rear elevation rather than to the front. This application site is also located in Midford, approximately 18 miles east of High Hall. It

is therefore considered that these examples hold very limited value in determining this application.

Furthermore, whilst the context of the locale is considered, each planning application is assessed on its own merit. In this instance, the proposed development fails to relate significantly to or indeed compliment the host dwelling and instead detracts from it.

As the property is structurally sound and fit for residential use, no public benefit is identified with the scheme that would outweigh the harm to the host dwelling and the Conservation Area and as such the proposal fails to accord with the relevant policies and is recommended for refusal.

#### b) Impact on the Mendip Hill National Landscape

##### Impact on the Mendip Hills National Landscape

The site is located within the Mendip Hills National Landscape wherein the Council, in performing or exercising any functions in relation to, or so as to affect, the area 'must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.' (S85(A1) of the Countryside and Rights of Way Act 2000).

Policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in landscape, including conserving the local landscape character. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape. Proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

The proposal would sit within the curtilage of the site and would firmly relate to the host dwelling, therefore the development would not result in an encroachment into the open countryside. The application site is located within the existing envelope of the village, therefore there are no concerns regarding harmful lightspill that might affect dark skies of the NL.

#### c) 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.

Due to the siting, positioning and scale of the proposed development, it is considered that the scheme would not result in harm to residential amenity of the neighbouring properties in terms of loss of light, overbearing or overlooking.

#### **Planning Balance and Conclusion:**

The proposal has been assessed against the Development Plan and relevant provisions of the National Planning Policy Framework (NPPF).

The development would result in less than substantial harm to the significance of the heritage asset, which attracts significant weight against the proposal. In accordance with paragraph 208 of the NPPF, this harm must be weighed against the public benefits of the scheme.

The benefits are limited to the provision of additional living accommodation for the existing dwelling, which would primarily serve the private interests of the occupiers. The proposal would not deliver wider public, social, economic, or environmental benefits, nor would it contribute to housing supply or heritage enhancement.

Given the limited nature of the benefits, it is considered that they are insufficient to outweigh the identified less than substantial harm. The proposal therefore fails to achieve an appropriate planning balance and is contrary to the objectives of the NPPF and relevant Development Plan policies.

The proposed development, therefore, by reason of its scale, massing and design, would be out of keeping with the character of the host dwelling and would fail to preserve or enhance the character or appearance of the Compton Martin Conservation Area. The proposal is therefore contrary to the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies D1, D2, D3, D5 and HE1 of the Placemaking Plan, and Sections 12 and 16 of the National Planning Policy Framework.

## **RECOMMENDATION**

REFUSE

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

1 The proposed development, by reason of its scale, massing and design, would be out of keeping with the character of the host dwelling and would fail to preserve or enhance the character or appearance of the Compton Martin Conservation Area. The proposal is therefore contrary to the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies D1, D2, D3, D5 and HE1 of the Placemaking Plan, and Sections 12 and 16 of the National Planning Policy Framework.

## **PLANS LIST:**

1 This decision relates to the following plans:

SITE LOCATION PLAN DR-001 B  
EXISTING TOPOGRAPHICAL SURVEY DR-003 A  
EXISTING BLOCK PLAN DR-002 B  
PROPOSED BLOCK PLAN DR-020 B  
EXISTING FLOOR PLANS DR-004  
EXISTING ELEVATIONS DR-005

EXISTING SITE PLAN DR-010 A  
PROPOSED SITE PLAN DR-021 A  
PROPOSED GROUND FLOOR PLAN DR-022  
PROPOSED ROOF PLAN DR-023  
PROPOSED ELEVATIONS DR-024  
PROPOSED ELEVATIONS (COLOURED) DR-025