



# BATH PRESERVATION TRUST

## Planning Update

February 2022

### News this Month

- B&NES launch public consultation on **Kingsmead Square Experimental Traffic Regulation Order** - see 1.2
- National Trust announce **Bathampton Meadows** to become one of twenty new 'green corridors' across the UK - see 1.3
- B&NES on track to deliver new housing in published **Housing Delivery Test** - see 1.6
- B&NES set up new **Nature Positive Online Network** - see 1.8
- Public consultation launched for next phases of development at **Sulis Down** - see 2.1
- Scheme for purpose-built student accommodation at **Frome House** refused at Planning Committee - see 2.2
- Proposal for uPVC windows at **Clarkson House** refused at Planning Committee due to harm to heritage assets - see 2.3
- Bath Rugby successfully appeal High Court decision on **the Rec** - see 2.4
- Plans for a **5G telecommunications mast in Green Belt** dismissed at appeal - see 2.5
- Government publishes **Levelling Up White Paper** - see 3.1

### 1. B&NES Consultations and Projects

**1.1 Local Plan Partial Update:** The Local Plan Partial Update (LPPU) is reportedly on target for its scheduled submission for public examination by Winter 2021, with examination hearings scheduled for Spring 2022. [The proposed timeline for the adoption of the Local Plan Partial Update is available on the council website.](#)

**1.2 Kingsmead Square Experimental Traffic Regulation Order (ETRO) Consultation:** A new 6-month consultation has been launched, proposing the extension of vehicle access restriction between 11am and midnight to reclaim road space for phased public realm improvements. During operating hours, access will be maintained for pedestrians, cyclists, and emergency vehicles, as well as retained Blue Badge parking bays. This consultation follows on from original access restrictions brought in by June 2020 operating between 10am and 6pm, then extended to 10am and 10pm in July to enable social distancing. [The public consultation is scheduled to run until 27<sup>th</sup> July.](#)

Kingsmead Square has been identified as a priority area to be addressed as part of the High Street Renewal programme, funded by 'Love our High Street'. As part of the traffic consultation, a series of phased improvements have been identified:

- Phase 1 (2020) - Adding gates, parklets and cycle racks to reclaim road space and create seating and planting in repurposed parking bays.
- Phase 2 (2022) - Upgrade of seating throughout the Square with Bath Pattern Book furniture, consistent with the rest of the city. Kingsmead Square access restrictions.
- Phase 3 (2021-2026) - Feature furniture upgrades and greening at 'gateway' points on New Street and Kingsmead Street. Support for an events and animation programme.

[You can respond to the consultation here until 27<sup>th</sup> July.](#)

**1.3 Bathampton Meadows:** As part of National Trust plans to create 20 'green corridors' to better connect inner city neighbourhoods with large green areas, Bathampton Meadows is one of the first of these corridors to be confirmed. The route through Bathampton Meadows is now in the care of the National Trust and safeguarded from future development. A programme of community engagement is planned to develop the future of the meadows, and there is opportunity for ecological enhancement and creation of habitat alongside managed grazing.

[You can see the National Trust announcement here.](#)

**1.4 Sydney Gardens:** The Edwardian Ladies' and Gentlemen's WCs in Sydney Gardens have now been completed and reinstated on site. The Gentlemen's WCs will be used as a historic interpretation space about the story of public toilets, and the Ladies' WCs will be used as a nature discovery space for schoolchildren.

**1.5 Adopted Revisions to HMO SPD:** Updated planning rules designed to avoid high concentrations of HMOs have been adopted by B&NES Council. Applications will not be permitted where it would result in any residential property (including flats) being 'sandwiched' between two HMOs, or where the application tips the concentration to 10% or more HMO properties within a 100m radius of the application property, or where there is already a concentration of 10% or more.

The HMO SPD also includes additional guidance to support updated policies in the Local Plan Partial Update (LPPU), which was recently submitted for Examination. Once the LPPU is adopted the updated policies will include a requirement for all new HMOs to achieve an Energy Performance Certificate rating of C or above and to provide a good standard of accommodation (in relation to room sizes, noise reduction measures etc.).

[The adopted HMO SPD can be read here.](#)

**1.6 B&NES Council on Track to Exceed Housing Targets:** New figures show B&NES Council is exceeding the targets set in its Local Plan to deliver new homes for residents. In the past three years 3,100 new homes, including 700 affordable homes (approx. 22% of total delivery) have been built across the district. The figures in the Government's annual [Housing Delivery Test](#) (HDT) show that 184% of the required new housing has been delivered, almost double the target set in the Local Plan.

Councils are required to demonstrate adequate land supply to meet housing needs for the next five years to ensure it remains in control of housing development across the district.

Where this cannot be demonstrated, a council can become vulnerable to speculative development and forced to grant permission for housing developments unless there is substantial harm that demonstrably outweighs the benefits of providing more housing.

B&NES Council is currently on course to start work on its [first council house building programme for a generation](#).

**1.7 Progress report on B&NES Action to Tackle the Climate Emergency: [A draft report on the action taken by B&NES Council to tackle the Climate Emergency reveals that carbon emissions are reducing](#).** The latest data provided by the government shows CO2 emissions across the Bath and North East Somerset area have dropped to 671.3 ktCO2 from 695.6ktCO2 the previous year. Emissions from B&NES council buildings and operations have been cut by 66% compared to 2009. The draft report was reviewed by the council's Climate Emergency and Sustainability Corporate Policy and Development Scrutiny Panel on 24th January and is due to be presented to full council in March.

The report highlights key actions taken by the council over the past year including:

- Changes to planning policy to require developers to build to higher levels of energy efficiency.
- Introducing the first charging Clean Air Zone outside London.
- Developing an environmentally sustainable approach to purchasing goods and services.
- Developing a new Transport Strategy 'Journey to Zero'.
- Planting more trees.
- Buying 100% renewable energy for council-managed buildings.
- Delivering low-energy new housing and retrofitting council-owned residential properties.
- Set up the Zero Carbon Nature Positive Network website and hosted the Inaugural Climate and Biodiversity Festival in the run up to COP26.
- A series of community tree planting events throughout the planting season.

**1.8 New Zero Carbon Nature Positive Network:** B&NES has set up a new virtual network where environmentally conscious individuals, groups and organisations from across the district can add their voices to climate action. The network can be used to share information about what other people and groups are doing to tackle the climate emergency and encourage collaboration - anyone can browse the network, share information, keep up to date with the latest news and opportunities and find out how they can support action in the community to help tackle climate change together. Topic groups include funding, home energy efficiency, green infrastructure and biodiversity, local food, renewable energy, resources and sharing, sustainable travel, and waste and recycling.

[You can explore the network website here.](#)

**1.9 Bath Central Library:** The Friends of Bath Library have released a press release that details Council plans to move several services from the One Stop Shop on Manvers Street to Bath Central Library "without either the appropriate planning permission or any public consultation." The Council is seeking to cut £126k a year from B&NES library budget over the next two years.

Councillor Dine Romero said: *“We are wholly committed to a flourishing library service and to a thriving Bath Central Library.*

*“While the council’s budget proposals include a reduction in customer services spending of £125,000 over the next two years, we’ll deliver this through efficiencies and this will not have a negative impact on library provision at Bath Central Library.*

*“In fact, we’re improving the library. We’ve installed new lighting and laid new carpet and a fuller refurbishment will take place in 2022/23. We are considering some additional services to residents from the library, where this makes sense and complements the core library provision. The advice we’ve received indicates that the proposals are not a material change to library use and would therefore not require planning consent.*

*“We really want to work with the Friends of Bath Library on improvements. We’ll also be undertaking a user survey soon to find out people’s views.”*

**1.10 Bath Area Forum:** The next meeting is on 16<sup>th</sup> May; [you can register in advance here.](#)

## **2. Bath Matters, Planning Applications and Developments**

**2.1 Sulis Down:** A public consultation was launched on 11<sup>th</sup> February for the next phases of residential development at the Sulis Down site, south of Bath and close to the South Stoke conservation area. The consultation proposes up to an additional 300 homes on the site, 120 of which would be affordable. The consultation is due to run until 25<sup>th</sup> February.

[You can respond to the public consultation here.](#)

**2.2 Frome House:** Application [21/04147/FUL](#) for enlargement of Frome House and change of use from office space to 66 purpose-built student bed spaces. Retention of ground floor tyre repair centre. **UPDATE** - This application was send forward to Planning Committee on 9<sup>th</sup> February and was recommended to delegate to permit by the case officer. BPT spoke against this application on grounds of excessive height and massing, the inappropriate use of a mock-Georgian design in a largely post-Victorian streetscape, and the unjustified provision of further student accommodation in an area that already has a high concentration of private student accommodation and Houses of Multiple Occupation. We maintained that *“this Authority should be asking for more than a ‘conventional and inoffensive’ design on a site described as a ‘gateway location at the entrance of Bath’.”*

Councillors voted 8-1 (1 abstention) to refuse the application on grounds of:

- Development would fail to respond to local character and would result in overdevelopment of the site, by reason of its height, massing, and architectural style.
- Harm to residential amenity due to the proposed design, scale, massing, and siting of the proposed development.
- Harm to the setting of multiple listed buildings, and harm to the Outstanding Universal Values of the World Heritage Site.
- Loss of commercial office space.

- Overprovision of student housing, resulting in inappropriate housing mix.

[You can read BPT's statement against the application in full here.](#)

**2.3 Clarkson House:** Application [21/05004/FUL](#) for the replacement of the existing single glazing in a 1980s building with double-glazed uPVC windows. **UPDATE** - This application was sent forward to Planning Committee on 9<sup>th</sup> February, and was recommended for refusal by the case officer on grounds of harm to the conservation area and the setting of multiple Grade II and Grade II\* buildings. BPT spoke against this application on grounds of the proposed cumulative harm to multiple heritage assets and the appearance of the historic street; however, we continue to emphasise our support of more visually sensitive measures to improve the energy efficiency and thermal performance of buildings in Bath. Existing planning permission [19/04196/FUL](#) allows the front elevation of the building to be refitted with timber-framed 'slim' double glazing which would be far more sympathetic with its historic terraced setting.

Councillors debated the performance, appearance, and reusability of both uPVC and timber-framed windows. The case officer emphasised that uPVC windows have an expected lifespan of 25-30 years, whereas timber windows could be expected to last around 100 years and were much easier to repair without needing to be replaced in full.

Councillors voted 9-1 to support the officer's recommendation to refuse the application, on grounds that the proposal would not preserve or enhance the appearance or character of the conservation area and would be harmful to the setting of the World Heritage Site and multiple listed buildings.

[You can read BPT's statement against the application in full here.](#)

**2.4 The Rec:** Just before Christmas, Bath Rugby reported that the Court of Appeal has ruled that the 1922 Covenants on the site are not enforceable. The 1922 Conveyance contains a covenant that seeks to restrict certain activities on the Rec "*which may be or grow to be a nuisance and annoyance or disturbance or otherwise prejudicially affect the adjoining premises or the neighbourhood...*" In 2020, following a challenge from local residents the High Court found that local residents were entitled to the benefit of the covenant, although this did not override the principle of development on the site which remained to be determined on its individual merits. Bath Rugby appealed this decision on the basis that the benefit of the covenant had not been appropriately 'annexed' to a clearly defined property, or properties.

Bath Rugby stated that "*The ruling provides the certainty needed to bring forward comprehensive plans for a new stadium at the Rec and work on design proposals will recommence in the New Year.*"

[The Court of Appeal judgement can be read in full here.](#)

**2.5 5G Telecommunications Mast, Woolley Lane:** Application [19/05534/FUL](#) for a 20m high 5G mast in the Green Belt and Cotswolds AONB. **UPDATE** - This application has been dismissed at appeal, on the grounds that the proposed harm to the openness of the Green Belt and AONB outweighs the proposed public benefit of 5G installation.

The inspector concluded that the application constituted “*inappropriate development in the Green Belt [...] Moreover, it would lead to a moderate loss of openness to the Green Belt. I have also found that the proposed development would harm the character and appearance of the area including the Cotswolds AONB.*” Whilst multiple benefits were identified such as improved connectivity for local residents and businesses, and associated economic and wellbeing benefits, these were not considered to outweigh the proposed harm to the appearance and character of the mast’s landscape setting.

[You can read the appeal decision in full here.](#)

**2.6 5G mast at Wellsway:** Application [21/03944/TEL](#) for a 5G telecommunications mast in the residential area of Wellsway. **UPDATE** - This application was refused on grounds of harm to the visual amenities of the local area, and would be an incongruous addition to the residential area. This decision has been appealed. Public consultations against the scheme can be made in writing against the scheme until 14<sup>th</sup> February.

[You can read BPT’s original comments on the scheme in full here.](#)

**2.7 Sydney Gardens:** Application [21/04318/LBA](#) for the addition of new concrete foundations to the Grade II\* balustrade. **UPDATE** - Following ongoing consultation with BPT and Historic England, this application has been granted consent. The proposed foundations are intended to strengthen the balustrade, and support the consented installation of railings in the balustrade coping to improve safety around the railway line that runs through the gardens.

### **3. National News**

**3.1 Levelling Up White Paper:** The Levelling Up strategy for the UK was unveiled on 2<sup>nd</sup> February, with 2030 targets to improve services such as education, broadband and transport in more deprived parts of the UK. Plans focus on the increased devolution of local powers away from Whitehall, increased funding to deprived areas in the midlands, north, and south-west, major improvements made nation-wide to local public transport, education, and 5G/broadband coverage, the rejuvenation of run-down town centres, and a cut down in the number of poor quality rented homes. One of the overall levelling up strategies is to address the increased wealth and equality disparity in skills training and primary school education, health and wellbeing, pride of place, and crime rates.

However, criticisms have been raised that there is no new money to fund plans, and no new commitments beyond the existing Spending Review. The defined ‘mission points’ of the White Paper have been described as a set of processes rather than a set of defined actions or targets, and there is some concern that local communities and areas have not been consulted about how the White Paper can address localised issues.

[The White Paper can be read here.](#)

**3.2 Local Government and the Path to Net Zero:** The government has now published its response to the [Committee Report on local government and the path to net zero](#), including the proposed [Future Homes Standard](#), a proposed review of the current Energy Performance Certificates and how they are calculated to assess a home’s emissions, the

need for planning reform and increased funding to enable retrofit, as well as the role of local government in driving down emissions in other areas such as transport and waste. The government's response addressed new measures that were introduced following the report, including the [Heat and Buildings Strategy](#) and the [Net Zero Strategy](#).

[You can read the response to the Committee report here.](#)

**3.3 Publication of the Built Housing Committee's UK Housing Demand Report:** The Built Housing Committee has released its findings on the inquiry into the demand for new housing in the UK, and how barriers to meeting this demand can be overcome. The government's housing target of 300,000 new homes annually, and a total delivery of 1m homes by 2025, is welcomed. However, it is considered likely that the reality of building delivery will fall short of this target due to skills shortages, lack of available land, resources for local planning authorities, the reduced role of SME housebuilders, inadequate support for social housing provision, and the barriers and delays in the planning system. Increased spending on home ownership schemes is felt to be inefficient in delivering quality housing. Similarly, it is felt that government subsidies would be better spent on social housing schemes rather than tenants forced to live in private rented accommodation.

[You can read the report in full here.](#)

**3.4 Government Response to the Glover Report:** Back in September 2019, a Landscapes Review for National Parks and AONBs was published by a review panel headed by Julian Glover ([The Glover Report](#)). The report set out an assessment of the current systems of landscape protection, and proposed next steps for our National Parks and AONBs, with reform aiming to improve inclusivity and accessibility of natural landscapes, increase funding and governance reform, and an increased network of landscape protections to include new areas of forest and urban National Parks.

The government has now issued its official response to the Glover Report, setting out new proposals for the UK's protected landscapes:

- A new national landscapes partnership to encourage collaboration between National Parks England and the National Association for AONBs.
- Help adapt landscapes to the effects of climate change and increase their contribution to reducing carbon emissions.
- Move away from 'conserve and enhance' model, and instead look to tackle biodiversity loss and recover nature in these areas.
- Improve access and support local economies to address access and health inequalities associated with protected landscapes. Engage with younger and more diverse audiences and school groups to strengthen the role that protected landscapes can play in supporting the country's health, wellbeing, and education.
- Development of more sustainable access to protected landscapes and sustainable tourism opportunities.
- Expanding open access rights to provide additional recreational opportunities.
- Need for robust planning reform to underlie protected landscape policy.

[You can read the response in full here.](#)

**3.5 Streamlining of Solar Panel Planning Consent:** Kensington and Chelsea Borough Council are consulting on a new planning order which would give consent for solar panels on most Grade II and some Grade II\* listed buildings without the need for individual **listed building consent**. If the building is residential, **planning permission** is already not needed, so installing solar panels will be much simpler in future. There will be conditions about the positioning, materials and fixings that can be used, in order to protect the appearance and fabric of listed buildings. The majority of the borough is located within conservation areas, with 4,000 listed buildings in the area.

[You can read the draft planning order here.](#)

**3.6 Neighbourhood Planning Pilots:** 11 councils across England have been selected for two pilot schemes aimed at encouraging more people in urban and deprived areas to engage in the planning system through neighbourhood planning. Up to £45,000 has been allotted to 7 areas as part of the Simpler Approach to Neighbourhood Planning pilot for schemes that will make it easier for communities to set out their priorities for development. Up to £50,000 to 4 councils has been awarded from the Bidding Fund for Local Planning Authorities in Underrepresented Areas. This will go towards initiatives that give additional support to residents to produce a Neighbourhood Plan, which must be used by a local authority when determining planning applications.

Despite the benefits of creating a Neighbourhood Plan, currently less than 7% of existing plans are in the most deprived areas and only 5% are in urban areas. These schemes will support the government's plan to level up the country by empowering communities through local decision-making.

[Further information about the pilots can be found here.](#)