

**Town and Country Planning Act 1990**

**NOTIFICATION OF DECISION**

Application Type: **Full Application**      Application No: **18/02499/FUL**

Address to which the proposal relates: **32-33 Victoria Buildings Westmoreland Bath  
Bath And North East Somerset**

Description of Proposal: **Provision of new skittle alley, a new community room,  
provision of new accessible toilets, refurbishment of the public house and the  
provision of 9 apartments at the Belvoir Castle Bath.**

Application submitted by: **Rengen Development Limited**

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The above development is **REFUSED** in accordance with the application, plans and drawings submitted by you for the reason(s) set out below:

1 The proposed development by reason of its scale, design and close proximity to designated heritage assets will seriously harm the significance and setting of the Belvoir Castle public house and Park View Terrace and would fail to preserve the character and appearance of the Bath Conservation Area. The development is considered to be contrary to Bath and North East Somerset Core Strategy Policy CP6 and Placemaking Plan Policy HE1. The harm identified is considered to be less than substantial but the public benefits of the proposal are not considered to outweigh this harm.

2 The proposed development would result in substantial demolition of the skittle alley which forms part of the historic building assemblage at the Belvoir Castle public house which would seriously harm the significance and setting of this Grade II listed building contrary to Bath and North East Somerset Core Strategy Policy CP6 and Placemaking Plan Policy HE1. The harm identified is considered to be less than substantial but the public benefits of the proposal are not considered to outweigh this harm.

3 Due to the scale of the development and the proximity of the built form to the neighbouring boundary at Park View, the development is considered to result in a form that would dominate the outlook of the neighbouring occupiers, have an overbearing impact and result in a loss of light to the gardens and rear windows. It is considered that the development would have a significant detrimental impact upon the residential amenity of the occupiers of Park View and is contrary to Bath and North East Somerset Placemaking Plan Policy D6.

4 The proposed development would not provide an appropriate level of on-site parking spaces which would exacerbate highway safety and residential amenity issues associated with additional on-street parking, and is therefore contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan.

5 The application site is located within Flood Zone 2 and 3a, and the development has not been subject to a satisfactory sequential test. It has not been demonstrated that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The development is therefore considered to be contrary to Policy CP5 of the Bath and North East Somerset Core Strategy.

6 In the absence of up to date protected species survey and assessment the application

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(RFFULZ)

**Please read the notes that accompany this decision notice.**

fails to demonstrate that the development is ecologically acceptable. The development is therefore considered to be contrary to Policies NE3, NE4 and NE5 of the Bath and North East Somerset Placemaking Plan and the Conservation of Habitats and Species Regulations 2017.

7 The submission fails to demonstrate that two of the units would have enhanced accessibility standards and meet the optional technical standard 4(2) in the Building Regulations. The development therefore fails to comply with Policy H7 of the Bath and North East Somerset Placemaking Plan.

**FOOTNOTE:**

7 Jun 2018 1701 AL(0)02 Rev A Existing Site Plan  
7 Jun 2018 1701 AL(0)03 Existing Lower and Ground Floor Plans  
7 Jun 2018 1701 AL(0)04 Existing First Floor Plan  
7 Jun 2018 1701 AL(0)05 Existing Roof Plan  
7 Jun 2018 1701 AL(0)06 Existing Elevations  
7 Jun 2018 1701 AL(0)11 Rev E Proposed Site Plan  
7 Jun 2018 1701 AL(0)14 Rev D Proposed Roof Plan  
7 Jun 2018 1701 AL(0)15 Demolition Floor Plans Basement & Ground Floor  
7 Jun 2018 1701 AL(0)16 Proposed Alterations Floor Plans Basement & Ground Floor  
7 Jun 2018 1701 AL(0)22 Rev D Proposed North/South Elevations  
7 Jun 2018 1701 AL(0)24 Rev B Proposed Elevations Community Room  
7 Jun 2018 1701 AL(0)25 Proposed Context Elevations  
7 Jun 2018 1701 AL(0)30 Rev B Proposed Sections  
7 Jun 2018 1701 AL(0)31 Rev A Proposed Sections  
7 Jun 2018 1701 AL(0)01 Rev A Existing Location Plan  
10 Aug 2018 1701 AL(0)12 Rev H Proposed Floor Plans Basement & Ground Floor  
10 Aug 2018 1701 AL(0)21 Rev G Proposed Elevations East & West  
5 Sep 2018 1701 AL(0)13 Rev A Proposed Floor Plans First & Second

In determining this application, the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework. The Council has worked positively and proactively with the applicant to seek to resolve the issues identified. However, for the reasons given, and expanded upon in a related case officer's report, no agreeable solution could be found, and the application has been recommended for refusal.

**Community Infrastructure Levy**

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

Date of Decision: 16th December 2021

Simon de Beer

Head of Planning

## **APPEALS TO THE SECRETARY OF STATE**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- There is a reduced time limit to submit your appeal should your application relate an Enforcement Notice or it is for minor commercial development.
- For a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. For more information of the types of applications classed as minor commercial development please refer to Annex C of the [Procedural Guide Planning Appeals](#) available on the <https://www.gov.uk/> website.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:  
28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

## **PURCHASE NOTICES**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

## **COMPENSATION**

- In certain circumstances compensation may be claimed from the local planning authority if permission or consent is refused or granted subject to conditions by the First Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.