

**Planning (Listed Buildings and Conservation Areas) Act 1990  
The Planning (Listed Buildings and Conservation Areas) Regulations 1990**

**NOTIFICATION OF DECISION**

Application Type: **Listed Building Consent (Alts/exts)**

Address to which the proposal relates: **32-33 Victoria Buildings Westmoreland Bath Bath And North East Somerset** Application No: **18/02500/LBA**

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 9no apartments at the Belvoir Castle Bath.**

Application submitted by: **Rengen Development Limited**

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

1 The proposed development by reason of its scale, design and close proximity to the designated heritage assets would seriously harm the significance and setting of the Belvoir Castle Public House and Park View Terrace. The development is considered contrary to Core Strategy Policy CP6 and Placemaking Plan Policy HE1. The harm identified is considered to be less than substantial but there are not considered to be any public benefits which outweigh this harm.

2 The proposed development would result in significant 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 Core Strategy Policy CP6 and Placemaking Plan policy HE1. The harm identified is considered to be less than substantial but there are not considered to be any public benefits which outweigh this harm.

3 In the absence of up to date protected species survey and assessment the application fails to demonstrate that the development is ecologically acceptable. The development is therefore considered to be contrary to Placemaking Plan Policies NE3, NE4 and NE5 and the Conservation of Habitats and Species Regulations 2017.

**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

Bath & North East Somerset Council  
(RFFULZ)

**Please read the notes on the reverse side of this decision notice.**

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

### **Community Infrastructure Levy**

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

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

Date of Decision: 16th December 2021

**Simon de Beer**

**Head of Planning**

## **APPEALS TO THE FIRST 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. Should your application relate to an Enforcement Notice there is a reduced time limit as described in the note below.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- 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.
- 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.

### **NOTE:**

As of the 6<sup>th</sup> April 2010 the time limit for submitting a planning appeal will be reduced where the same or substantially the same development is subject to an enforcement notice.

The new time limits are:

- 28 days from the date of the refusal or the expiry of the period which the local planning authority (LPA) had to determine the application, where the enforcement notice is served before the application is submitted;
- 28 days from the date of the refusal or the expiry of the period which the LPA had to determine the application, where the enforcement notice is served before the decision on the application is reached or the determination period has expired; or
- 28 days from the date the enforcement notice is served, where the enforcement notice is served after the decision or expiry of the period which the LPA has to reach a decision on the application, unless the effect would be to extend the period beyond the usual time limit for cases not involving an enforcement notice.

The reduced time limit to submit a planning appeal will apply where an enforcement notice has been served no more than two years before the date on which the application is made or where it is served on or after the date of the application. It will apply regardless of whether an appeal has been lodged against the enforcement notice or not, provided the enforcement notice is not withdrawn prior to the expiry of the reduced period to submit a planning appeal.

## **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.