

Application Number	2024/0906/LBC
Case Officer	Rebecca Bowran
Site	8 High Street Wells Somerset BA5 2SG
Date Validated	21 May 2024
Applicant/	K Fentiman
Organisation	Bronwyn's Baby
Application Type	Listed Building Consent
Proposal	Change colour of ground floor shopfront woodwork & brickwork from white to pink (retrospective).
Division	Wells Division
Parish	Wells City Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Theo Butt Philip Cllr Tessa Munt

5. **What3 words - ///strictly.verse.loom**

Scheme of Delegation:

In accordance with the scheme of delegation, this application is referred to the Planning Committee (East) following the outcome of the referral to the Chair and Vice-Chair of the Planning Committee following the City Council's response. The case officer recommendation is refusal, and the Parish Council recommended approval.

Description of Site, Proposal and Constraints:

The application relates to 8 High Street, Wells. The property is a Grade II* Listed Building, built in the 15th century and re-fronted in the mid-20th century. It lies within the

historic heart of Wells and within the centre of the Conservation Area. Its Grade II* listing status is highly significance, approximately only 5.8% of all listed buildings are Grade II* and it is a “particularly important building of more than special interest”.

This application seeks retrospective permission for the repainting of a shop front and the masonry below from white to bright pink.

Pre-application advice was sought by the applicant, about a series of proposed changes, which included the change in colour of the shop front and a change in signage of the building.

It was confirmed in that advice that both these elements would require Listed Building Consent. In terms of paint colour, it was advised that we would be unlikely to support any external colour which would significantly alter the character or appearance of the building and/or which isn't in keeping with the wider street scene. The applicant was also informed that breathable/ non-acrylic paint should be used.

Relevant History:

Summary of Consultation/Representations:

Divisional Members: No comments received.

Parish Council: Wells City Council Planning Committee recommends approval: design and appearance.

Local Representations: No comments have been received as a result of public consultation

Full details of all consultation responses can be found on the Council's website <https://publicaccess.mendip.gov.uk/online-applications/>

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022.
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Wells Neighbourhood Plan (2024)

The following policies of the Local Plan Part I are relevant to the determination of this application:

- DP3 - Heritage Conservation
- DP7 - Design and Amenity

The following policies of the Wells Neighbourhood Plan are relevant to the determination of this application:

- Policy HBE1: Heritage and the Built Environment

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 SPD (2022)
- Mendip District Council's Shop Front Design Guide
- Wells Design Guide (Appendix 1 of Wells Neighbourhood Plan - 2024)

Assessment of relevant issues:

Impact on Heritage Assets

The pre-application advice has been disregarded and has resulted in a bright pink shop front, which is negatively impacting the significance of the heritage asset, the host grade II* listed building. It would also fail to preserve the Wells Conservation Area it sits within.

The bright pink colour with gloss finish is incongruous with the character of the building and the wider conservation area.

Images (**See Officer Presentation or Additional Document: MAP 2024_0906_LBC & IMAGES**)

The image on the left showing the previous white shop front and the image on the right is unauthorised paint colour.

Mendip District Council's Shop Front Design Guide, paragraph 4.19 states "When in doubt the use of muted 'natural' colours is encouraged as they allow liveness to be expressed in the window display. These colours are also less likely to look garish or obtrusive. In contrast, harsh, gaudy, florescent colours should be avoided". This guidance has been included within the Wells Design Guide, an appendix of the recently adopted Wells Neighbourhood Plan.

Furthermore, this retrospective application does not comply with Policy HBE1: Heritage and the Built Environment of the Neighbourhood plan. It states development should be

of “high-quality design detail and materials, complementing the local vernacular”. Yet, the bright pink paint is at odds with the local vernacular and with the character of the Wells Conservation Area.

During the application process negotiation was attempted. A compromise was suggested to lessen the impact of the proposal. Officers suggested the pink shopfront could be accepted if the masonry below the shopfront was repainted to match the colour of the upper storeys, in a white/cream colour. The applicant did not agree to this suggestion; hence the application is recommended for refusal.

It is also vitally important a breathable/non-acrylic paint is used on the masonry below the shopfront to ensure the long-term condition of the building. Despite requests from the case officer sufficient information about the type of paint has not been forthcoming to convince officers that the paint used would be breathable. Given the colour and glossy finish, there are concerns that an acrylic paint may have been used here, which would not be breathable and hence is not considered acceptable.

Paragraph 206 of the NPPF states “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”. The heritage significance of this Grade II* listed building has been clearly overlooked, as an inherently modern bright gloss paint has been used. It is incongruous with the character of the building and the wider conservation area.

Paragraph 208 of the NPPF states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” At this stage it is not possible to fully establish the exact level of harm, as the paint type that has been used has not been confirmed. However, based on colour alone, the retrospective application would fall within the category of less than substantial harm, at the medium level. This application does not see any change in use, so there is no benefit to be gained here. There is no public benefit to be gained from the scheme, as a result the harm is not outweighed, and the application is not considered acceptable.

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 considered that the development would fail to preserve the character and appearance of this part of the Conservation Area and its setting.

Listed Building Consents

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when 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. Here it is considered that the proposals are not consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not be an acceptable alteration/addition to the listed building that would not preserve the significance of the designated Heritage asset.

Overall, The proposal does not accord with Policy DP1, DP3 and DP7 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion:

The proposed bright pink painting of the shop front, including the masonry below, in a non-breathable paint would fail to preserve the significance of the host grade II* listed building and the Wells Conservation Area it sits within. There are no public benefits to outweigh this less than substantial harm to the heritage assets.

Recommendation

Refusal

1. The proposal would result in less than substantial harm to the significance of 8 High Street, Wells a Grade II* Listed Building. It would also fail to preserve the Wells Conservation Area and be detrimental to the character of the area. The paint colour and non-breathable type used is inappropriate within this context and is not considered acceptable. There is no public benefit to be gained from the scheme and the level of harm is not outweighed. The proposal would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, Policy DP1, DP3 and DP7 of the Mendip District Local Plan, The Wells Neighbourhood Plan and Design Guide and published Historic England advice.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework by working in a positive, creative and pro-active way. Despite negotiation, the submitted application has been found to be unacceptable for the stated reasons. The applicant was advised of this, however despite this, the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

2. This decision relates to drawings
- ELEVATION (FRONT) - EXISTING
- ELEVATION (FRONT) – PREVIOUS

