

# Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **22nd October 2014**

AGENDA  
ITEM  
NUMBER

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RESPONSIBLE OFFICER: Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)

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 Group Manager, Development Management 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:
  - (i) Sections and officers of the Council, including:
    - Building Control
    - Environmental Services
    - Transport Development
    - Planning Policy, Environment and Projects, Urban Design (Sustainability)
  - (ii) The Environment Agency
  - (iii) Wessex Water
  - (iv) Bristol Water
  - (v) Health and Safety Executive
  - (vi) British Gas
  - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
  - (viii) The Garden History Society
  - (ix) Royal Fine Arts Commission
  - (x) Department of Environment, Food and Rural Affairs
  - (xi) Nature Conservancy Council
  - (xii) Natural England
  - (xiii) National and local amenity societies
  - (xiv) Other interested organisations
  - (xv) Neighbours, residents and other interested persons
  - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [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.

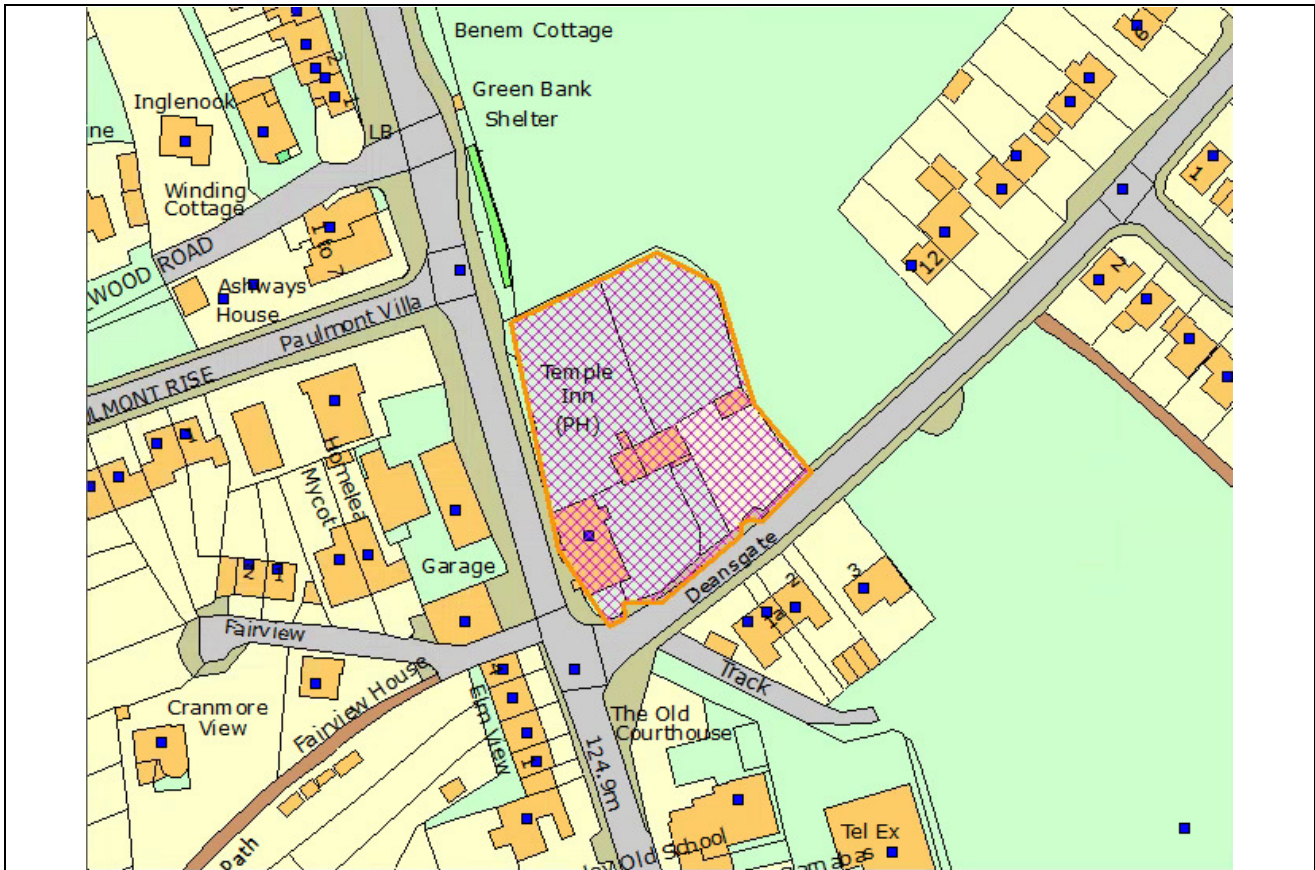
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	13/04456/FUL 4 July 2014	Red Oak Taverns Limited Temple Inn, Main Road, Temple Cloud, Bristol, Bath And North East Somerset Mixed use development comprising a 10 bed letting rooms building, 9 residential dwellings, and renovation of the existing public house	Mendip	Heather Faulkner	Delegate to PERMIT
02	14/02887/FUL 19 August 2014	A & J Farming Limited Lower Tunley Farm, Stoneage Lane, Tunley, Bath, Bath And North East Somerset Part retention and adaptation of a general purpose agricultural storage building (partly retrospective)	Bathavon West	Tessa Hampden	PERMIT
03	14/03180/FUL 5 September 2014	Trevor Osborne Property Group Cleveland House, Sydney Road, Bathwick, Bath, BA2 6NR Change of use from B1 offices to C3 residential including the erection of a single storey side extension with first floor terrace including internal alterations following the demolition of the existing single storey lavatory block (Revised proposal).	Bathwick	Sasha Coombs	REFUSE
04	14/03181/LBA 5 September 2014	Trevor Osborne Property Group Cleveland House, Sydney Road, Bathwick, Bath, BA2 6NR Internal alterations and external alterations for the change of use from B1 offices to C3 residential including the erection of a single storey side extension with first floor terrace following the demolition of existing single storey extension lavatory block.	Bathwick	Sasha Coombs	REFUSE

05	14/03709/FUL 7 October 2014	Mr And Mrs S Gould Greenlands, Bath Road, Farmborough, Bath, BA2 0BU Erection of detached garage and creation of new driveway and provision of acoustic fence. Provision of additional patio doors and WC window to bungalow. (Resubmission)	Farmboroug h	Alice Barnes	PERMIT
06	14/02457/FUL 26 September 2014	Mr P. O'Connor Week Cottage, Combe Hay Lane, Combe Hay, Bath, Bath And North East Somerset Erect a two storey rear extension, to include external and internal alterations to the existing cottage.	Bathavon West	Suzanne D'Arcy	REFUSE
07	14/03061/OUT 29 August 2014	Mr D Taylor Janton, Eckweek Lane, Peasedown St. John, Bath, Bath And North East Somerset Erection of detached bungalow.	Peasedown St John	Mike Muston	PERMIT
08	14/03564/FUL 30 September 2014	Mr & Mrs I Cardiff Lower Lodge, Kelston Road, Kelston, Bath, Bath And North East Somerset Construction of a pitched roof to accommodate new staircase, 2 no. new bedrooms and bathroom, 3 no. dormer windows and 1 no. dormer doorway with associated balcony, 1 no. cat-slide dormer to high level window and 1 no. conservation rooflight, to include internal accommodation and fenestration alterations.	Bathavon North	Suzanne D'Arcy	REFUSE

**REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON  
APPLICATIONS FOR DEVELOPMENT**

<b>Item No:</b>	01
<b>Application No:</b>	13/04456/FUL
<b>Site Location:</b>	Temple Inn Main Road Temple Cloud Bristol Bath And North East Somerset



**Ward:** Mendip

**Parish:** Cameley

**LB Grade:** II

**Ward Members:** Councillor T Warren

**Application Type:** Full Application

**Proposal:** Mixed use development comprising a 10 bed letting rooms building, 9 residential dwellings, and renovation of the existing public house

**Constraints:** Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Listed Building,

**Applicant:** Red Oak Taverns Limited

**Expiry Date:** 4th July 2014

**Case Officer:** Heather Faulkner

## REPORT

Committee Update Report for Committee 22nd October 2014

The application at the Temple Inn was originally brought before the committee on the 12th March 2014. The application is for a mixed use development comprising 10 bed letting rooms building, 9 residential dwellings, and renovation of the existing public house. The application was originally recommended for approval and the Committee resolved the permit the development subject to a Section 106 Legal Agreement.

When the application was previously considered the Core Strategy had not been adopted and therefore only limited weight could be given to the policies within this Plan. The Core

Strategy was adopted on 10th July 2014 and as the Legal Agreement relating to this application had not been signed a decision had not been issued by this date. Consequently the Council is required to reassess the application in light of the policies within the Core Strategy.

The relevant Core Strategy Policies are as follows:

#### CORE STRATEGY

DW1 - District-wide Spatial Strategy

RA1 - Development in Villages meeting the listed criteria

CP1 - Sustainable construction

CP6 - Environmental Quality

SD1 - Presumption in favour of sustainable development

CP9 - Affordable Housing

CP10 - Housing Mix

#### Affordable Housing Policy

The application is considered to comply with all of these policies however there has been an issue with compliance with policy CP9 in respect of affordable housing. Policy CP9 states that small sites between 5 and 9 dwellings should provide either on site provision or an appropriate financial contribution. This was raised with the applicant and they considered that the scheme is not viable if an affordable housing contribution is required. Within the policy the viability of the site can be taken into account. The applicant provided evidence in respect of the application to demonstrate the viability of the scheme. The information submitted has been independently verified by Cater Jonas who were instructed by the Council. Cater Jonas supplied an Appraisal Report the conclusions of which were that when the development site is considered as a whole it falls below the accepted viability margins and has no surplus for a commuted sum for affordable housing. This conclusion assumes that the public house renovation and the construction of the letting rooms are enabling development and are conditioned as such. The renovation of the public house has been included as part of the Section 106 agreement and the works are considered as enabling development and therefore the scheme can be considered as a whole.

The conclusion is therefore that it has been demonstrated that the scheme already falls below accepted viability levels and would not be viability if an affordable housing contribution were required. Therefore the application is not contrary to Policy CP9 of the Core Strategy.

#### Highways Contribution

The application previously included Highways contribution towards the de-cluttering of the junction of Temple Inn Lane and the A37 to improve visibility. At the time of the considering the application previously it was considered that it may be possible for this contribution to be shared with the application on the nearby site for 70 houses (13/03562/OUT). Application 13/03562/OUT was recently refused by the Planning Committee and therefore there is no longer this option and the contribution must be paid in full and this will form part of the Section 106 Agreement

#### Conclusion

All other matters as previously considered are acceptable and the application is once again recommend for approval subject to a Section 106 Agreement.

For information purposes the original report and assessment of this application is included below:

### Reasons for reporting the application to Committee

The application is being reported to Committee as the Parish Council has objected to the proposals and a ward Councillor has also requested that the application be determined by committee, which have been agreed by the Chair of the Committee.

The application was deferred from the 12th February committee to allow the members to conduct a site visit.

### Site Description

The Temple Inn is a Grade II Listed Public House in the centre of Temple Cloud. The pub building itself directly fronts onto Main Road (A37) and Temple Inn Lane. There are currently other buildings on the site including an annex building providing additional facilities to the pub as well as other smaller outbuildings. Just over half of the site is covered in hard standing with areas to the north east of the site being grassed. The site is bounded on two sides by fields.

The public house has been closed since around December 2012.

The site is within the Housing Development Boundary of Temple Cloud and is not within a Conservation Area or the Green Belt.

There is no recent relevant planning history associated with the site. There is however an outline application (13/03562/OUT) currently under consideration for approximately 70 houses on a parcel of land on the other side of Temple Inn Lane to the south east of the site (13/03562/OUT).

### Development Proposals

The application seeks to redevelop the site introducing housing and guest accommodation. The application includes the provision of 10 letting rooms and 9 houses. It is proposed that the Listed Pub building would be retained and refurbished. At the front of the site adjacent to the main building but slightly set back would be a new building which would contain the 10 letting rooms. A terrace of 5 houses would be constructed to the north east of the site with a grassed court yard being provided in the centre of the site as well as a parking area. The existing annex building would be converted into two dwellings. A further pair of semi-detached houses would be constructed fronting onto Temple Inn Lane.

Prior to the application being submitted pre-application discussions have taken place between the applicant and the Planning Department. As part of these discussions it was recommended to the applicant that they carried out a Community Consultation Exercise, this took place back in July 2013 and gave the local community opportunity to comment on the proposals prior to the application being submitted.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

CAMELEY PARISH COUNCIL - OBJECT due to attempts to overdevelop the site with too many buildings and insufficient parking. The Parish supports the principle of refurbishing/renovating the Public House and associated building, constructing letting rooms and sensible redevelopment of the whole site including residential accommodation. Comments are summarised as follows:

- The site lies on a dangerous busy road junction and Temple Inn Lane is a designated HGV route and parking is not sensibly available on this road.
- The increase in on street parking would have irresolvable implications for road safety or seriously detract from amenities of local residents. Maximum parking spaces should be provided on the site.
- Outside space should be available at the pub to make it a successful village pub.
- Community Consultation - there was general approval of the idea of reopening the pub and additional housing but concerns about the lack of parking and this has not been addressed.
- S106 agreement should include contributions to recompensate for loss of village recreational facilities in the function room, demand for maintained footpaths, formal open spaces and children's play areas, additional demand for allotments, additional demand for public transport, additional demand for facilities such as the primary school and village hall and the additional traffic generated along Temple Inn Lane.
- Design - concerns that three storey buildings are out of keeping with central village local and could detract from Listed Buildings. The houses have an urban rather than rural design.

LISTED BUILDING OFFICER - no objections subject to conditions. Listed Building application recommended for approval.

HIGHWAYS - Initially a holding objection was given subject to further information being provided. Further information was supplied and assessed and the objection was removed. The scheme is acceptable in terms of highway safety and parking provision and contributions are sought in a Section 106 agreement.

LANDSCAPE - NO OBJECTION - initially concerns raised relating to small elements of the layout which could be altered - alterations made by applicant and these are accepted. Conditions required in respect of landscaping scheme.

AVON AND SOMERSET POLICE - Comments summarised as follows:

- Limited mention of safety and security
- Concerns raised in respect of boundary treatments
- Concerns regarding natural surveillance
- Through route for pedestrians reduces defensible spaces
- Secure cycle storage provision should be available.

PARKS AND OPEN SPACE - NO OBJECTION - financial contribution towards allotments required of £1909.17 and provision in S106 for on going maintenance of the open space within the site.

ENVIRONMENTAL HEALTH - A Noise Impact Assessment has been submitted and has proposed suitable indoor noise criteria for living rooms and bed rooms and also appropriate plant noise criteria, conditions are requested accordingly. In respect of odour

further information is required in respect of the exhaust from the kitchen of the pub - this was provided and considered to be acceptable.

CONTAMINATED LAND - Comments made on the Phase 1 Site Investigate report, no objection subject to conditions.

ARCHAEOLOGY - no objection subject to a watching brief condition.

EDUCATION - Contributions for education to include £6132.42 for school places and £1,800.90 for Youth Provision.

ARBORICULTURE - NO OBJECTION - there are concerns with the proposals including the retention of trees which the tree survey recommends removal. These species may dominate in residential gardens and therefore retention would not be practical. Development does not demonstrate due consideration of the adopted Green Space Infrastructure Strategy.

HIGHWAYS DRAINAGE- NO OBJECTION - conditions recommended.

ECOLOGY - NO OBJECTION - comprehensive ecological and bat surveys have been completed. The site supports a roost of single/low numbers of Leisler bat within the Annex building. A European Protected Species licence will be required for this proposal which involves works to and conversion of this building. Prior to any decision to permit, the LPA will need to be confident that the "three tests" of the Habitats Regulations are likely to be met. An outline mitigation strategy is submitted which makes appropriate mitigation and roost replacement proposals. Final details of this mitigation package and its subsequent implementation can be secured by condition. Subject to this, I am confident that the "third test" of the habitats regulations will be met. No objection subject to condition.

NATURAL ENGLAND - Statutory nature conservation sites - no objection. Not assessed application on the impacts on protected species.

## Representations

Cllr Tim Warren requested the application be determined by the Planning Committee on the basis that the development represents over development of the site and there is insufficient parking available leaving vehicles to park on a dangerous junction.

A site notice was erected and local residents were notified. Four letters were received in response and the comments raised are summarised as follows:

- No objection to principle but too much development in a small space.
- Concerns over level of parking provided being insufficient for requirements
- The new car park with access onto Temple Inn Lane will be noisy for local residents and increase traffic flow on this lane.
- The new access on Temple Inn Lane is too wide
- Overlooking from rooms in the annex building
- Temple Inn Lane is a designated HGV route so there will be problems with overflow vehicles parking in this area.
- The new houses on Temple Inn Lane do not match any existing properties and are out of keeping and too tall. The buildings are out of keeping with the surrounding area.



- Loss of the skittle alley/meeting room as a community facility.

## **POLICIES/LEGISLATION**

### LOCAL PLAN

Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007.  
Policies relevant to this site in the Local Plan are:

IMP.1 Planning Obligations  
GDS.1 Site Allocations and development requirements  
SC.1 Settlement Classification  
ET.4 Employment Development in and adjoining rural settlements  
CF.1 Protection of land and buildings used for community purposes  
CF.7 Loss of public houses  
SR.3 Provision of recreational facilities to meet the needs of new developments  
ES.9 Pollution and nuisance  
ES.10 Air Quality  
ES.12 Noise and vibration  
ES.15 Contaminated Land  
D.2 General Design and public realm considerations  
D.4 Townscape considerations  
BH.2 Listed Buildings and their settings  
BH.4 Change of use of a Listed Building  
HG.1 Housing Requirements  
HG.4 Residential Development in Urban Areas  
HG.8 Affordable Housing  
HG.7 Minimum Residential Density  
HG.12 Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and re-use of empty dwellings  
NE.4 Trees and Woodlands  
NE.10 Nationally Important species and habitats  
NE.11 Locally important species and habitats  
NE.14 Flooding  
T.20 Loss and provision of off-street parking and servicing  
T.24 General development control and access policy  
T.26 On-site parking and servicing provision

### CORE STRATEGY

The Council has prepared a draft Core Strategy, which has been the subject of an Examination in Public. However, it is still in the process of examination and can only be given weight in accordance with the NPPF. However, the following policies are relevant:-

DW1 - District-wide Spatial Strategy  
RA1 - Development in Villages meeting the listed criteria  
CP1 - Sustainable construction

CP6 - Environmental Quality  
SD1 - Presumption in favour of sustainable development  
CP9 - Affordable Housing  
CP10 - Housing Mix

## NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (the Framework) was published in March 2012 and superseded much previous Government guidance. It contains a number of paragraphs that are relevant to the application and these are summarised below:-

### Presumption in favour of sustainable development

The Framework introduces a presumption in favour of sustainable development. This is defined as being made up from economic, social and environmental elements. It says that, when taking decisions on applications, this presumption means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, it means granting permission unless 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; or where specific policies in this Framework indicate development should be restricted.

### Core Planning Principles

Amongst the core planning principles set out in the Framework are that planning should:- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

### Economic Growth

Paragraph 19 of the Framework helps explain the importance the Government places on securing economic growth. This states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

### Providing Housing

The Framework places particular emphasis on the provision of an adequate quantity of housing. It says that local planning authorities should aim to boost the supply of housing and housing land. It says that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council cannot currently demonstrate a five year supply of housing land. This means that limited weight can be attached to the urban area boundaries.

## Good Design

The Framework continues the theme from previous Government guidance that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It says that planning decisions should aim to ensure that developments:- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation are visually attractive as a result of good architecture and appropriate landscaping

The Framework goes on to say that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

## **OFFICER ASSESSMENT**

### Principle of development

The proposal for the development of the Temple Inn public house requires the consideration of a number of issues including the impact on the Listed Building and the construction of dwellings on the site.

In land use terms the site is considered to be a brownfield site as it is previously developed land. The redevelopment of brownfield site is preferable to green field sites. The site is within a central location within the village which is considered to be sustainable. The provision of new housing within the settlement is also considered to be appropriate. The letting rooms element of the scheme would also introduce wider employment benefits.

The core principle of the National Planning Policy Framework is the presumption in favour of sustainable development which is seen as a golden thread running through decision taking. The Framework includes Core Planning principles which included high quality design and standards of amenity, supporting the transition to low carbon future, contribution to and enhancing the natural environment, effective use of land by reusing land that has not previously been developed, promoting mixed use development, conserving heritage assets, actively managing patterns of growth to sustainable locations and improving health and wellbeing. The specific issues will be discussed in relevant sections below. However, the general conclusion is that the proposed development complies with the core aims of the NPPF and that approval should be granted unless and other material considerations outweigh these benefits.

## Housing Provision

There is a presumption in favour of housing developments particularly in locations such as this where it is in a central village location and inside of the Housing Development Boundary. The application includes the provision of a total of 9 dwellings. Five of the houses are arranged in a terrace three with three bedrooms and two with four bedrooms. A pair of semi-detached houses each with four bedrooms is proposed fronting onto Temple Inn Lane. The existing annex building on the site would be converted into a further two three-bedroom houses. Overall there is a reasonable mix of family housing on the site. It might have improved the balance if some two-bedroom properties were proposed however the mix is acceptable.

Policy HG.7 relates to housing densities and the proposed development is around 45 dwellings per hectare which is in accordance with this policy.

In respect of the conversion of the annex building HG.12 applies. This policy requires development to be compatible with the character of adjacent and established uses, not harming the amenities of adjoining occupiers or future occupiers and that it does not result in the loss of accommodation which affects the housing mix in the area. The impact on the existing and future occupiers will be considered in detail below. There is an issue of the compatibility of the use in relation to the existing pub. Whilst the combination is not necessarily ideal given the relatively close proximity of the pub the need to retain this building also has to be considered. The building is considered to be curtilage Listed and there were concerns in respect of its removal. The retention of the building is considered to be an important element of the scheme and on balance its conversion to housing is not considered to be unacceptable.

The proposals fall below the threshold for providing affordable housing. The application also includes the provision of 10 letting rooms. These letting rooms are to be proposed in association with the public house and therefore do not affect the level of affordable housing to be provided. However, it may be the case in the future that there may be a request for the letting rooms to be converted to residential properties. If this were the case it could result in the level for affordable housing being triggered. Therefore the S106 agreement will include a clause to the effect that the affordable housing is included in the site or a commuted sum is paid. The S106 is still in the process of being drafted and therefore the wording of this clause is yet to be agreed.

## Highways

Initially the Highways Team raised a number of concerns in respect of this development and additional information has been provided by the applicant. The Council has also obtained speed traffic information for the A37 and the scheme was considered to be acceptable subject to a number of requirements.

There are several existing vehicular accesses to the site and the scheme will help to rationalise the number and location of access junctions. Drawings were requested from the Highways Teams showing the available visibility splays provided at both access locations.

In terms of the access at Temple Inn Lane to the proposed public house car park this measured at over 10 metres in width and which raises a number of issues. It was suggested that a much narrower width would be more suitable. It was requested that the access width is reviewed and that a tracking assessment is undertaken to demonstrate that a delivery vehicle can enter and exit the site in a forward gear. The wide vehicular access has been explained and a swept path showing a delivery vehicle accessing the site. It is agreed by Highways that the low frequency of movements should not result in a significant road safety concern.

Concerns were raised in respect of the turning area within the car park accessed of the A37 however following the receipt of revised drawings this issue was addressed.

The A37 Main Road / Temple Inn Lane junction will provide the access route to the repositioned public house / lettings car park and also two of the new residential dwellings, this will result in an intensification of traffic movements through the junction. Due to the amount and type of traffic (a high percentage of heavy goods vehicles) using the A37 and the presence of the public house building immediately to the north, a "stop line" is provided at the junction. The available visibility at the junction does accord with the latest guidance provided in Manual for Streets, although this is dependent on motorists conforming with the stop line order and vehicles on the A37 Main Road travelling at or below the signed 30 mph speed limit. However, the existing visibility splay would not accord with the requirements provided within the Design Manual for Roads and Bridges (DMRB) and given the status of the route, and the number and type of vehicles that the road carries, it is requested that opportunities to improve the visibility splay along the public house frontage are investigated so that the DMRB standard can be met.

A drawing showing the proposed sight lines to each of the car parks has been submitted and it is agreed that this information shows that appropriate visibility can be provided. Highways have undertaken speed surveys on the A37 at the junction with Temple Inn Lane and this demonstrates that the visibility splays according to Manual for Streets guidance are appropriate in this case.

It is also noted that the street furniture adjacent to the location results in a possible distraction and the junction would benefit from this being rationalised. Due to the increase in traffic movements through the Temple Inn Lane / A37 Main Road junction a financial contribution of £10,000 towards local safety measures has been requested to fund the de-cluttering of the street furniture adjacent to the junction and will include measures to deter parking on the footway at this location (which has occurred in the past). This will provide improved visibility for vehicles approaching the junction.

It is noted that the other application in Temple Cloud for 70 houses (13/03562/OUT) requires similar works to be completed at the junction and a £10,000 contribution has also been requested from Highways. It is therefore assumed that if both application are approved that the costs of these improvements would be shared by both of the developments.

Within the Transport Statement the level of parking has been reviewed against the adopted standards, and the operation of how the public house and letting rooms would operate has been considered. It is accepted that there may be some overlap between the use of the public house and letting rooms, and that this could limit the overall parking

demand. It is noted that the number of residential spaces being provided is under the maximum standard as some four 4 bedroom spaces are proposed. A total of 20 spaces to serve the nine dwellings are shown in the submitted drawings. Whilst there is room on Temple Inn Lane to accommodate some overspill parking that may occur it would be unacceptable for parking to occur on the A37 Main Road or on Temple Inn Lane close to the A37 junction. Additional parking close to or at the Temple Inn Lane junction has the potential to be a significant road safety concern and overspill parking from the public house and / or dwellings could occur in this area. Highways have requested a contribution of approximately £4,000 which would be needed to fund this and it has been suggested that this would only be implemented should a parking problem develop once the public house is open for trade. The wording and trigger for this arrangement within the S106 is under consideration by Highways and Legal.

There was initially consideration in respect of adopting the footpaths within the site but this has been reviewed and is no longer required.

A number of conditions have been requested by Highways and are attached.

In conclusion the level of parking provision on the site is considered to be acceptable. Further to amendments being made and additional information being provided by the applicant the development is considered to be safe in terms of highway safety. Contributions will be required towards improvements and parking restrictions if required.

### Supporting the Local Economy and Community Uses

Chapter 3 of the NPPF is 'Supporting the rural economy' and requires planning policies to support economic growth in rural areas in order to create jobs and prosperity. The policy supports the growth and expansion of all types of business in rural areas including the construction of new buildings. It is also in favour of sustainable rural tourism and the expansion of tourist facilities. Furthermore it promotes the retention of community facilities such as public houses.

The proposed development includes the retention of the public house and the application seeks to bring it back into use as it has been closed for some time. The proposed development will enable the pub to be renovated and re-opened for community use. There is clearly an economic and social benefit to the pub re-opening. The development of the letting rooms to support the pub business is seen as a positive and is supported by both local and national policy. The application proposes a building at the front which would provide accommodation. Policy ET.4 in the Local Plan as refers to the provision of small scale purpose built visitor accommodation. The policy states that small scale visitor accommodation will be permitted at rural settlements which are R1, R2, or R3 and Temple Inn is classified as R1 in policy SC.1. The policy stipulates that developments of this nature must be of an appropriate scale and in character with the surroundings and within or adjoining the settlement. In respect of the scale 10 letting rooms is considered to be appropriate and proportionate to the size of the area and the pub to which they relate. In terms of the visual character this will be addressed in further sections of this report. The development is within the settlement boundary so is acceptable in that regard.

Part of the development would result in the conversion of one of the pub buildings into residential use. Given that the remaining pub building is of a reasonable size the loss of

some detached function rooms is not considered to have a significant impact on the pub's future viability. As such the application is not contrary to policy CF.7 which protects public houses as community facilities. One of the objections to the development from a local resident as well as the Parish has been the loss of the annex building as a community facility. The ground floor of the annex building was not in use however the upper floor was previously in use as a bar with a skittle alley. The floor area of the main usable area is around 73 square metres. The loss of this space does need to be considered and policy CF.1 is relevant as it relates to a loss of a site used for community purposes. This policy states that the loss will only be permitted where there is adequate existing provision of community facilities. Temple Cloud Village Hall is only a short distance from the site and is a good quality facility and it is also of relevance that the existing pub is being retained. Whilst the provision of small scale community spaces can be of value to the local community so is the overall redevelopment of this site and the viability of bringing the existing pub back into use. Therefore the loss of this small scale space is balanced against the overall benefit of the rest of the pub re-opening.

### Impact on Listed Building

The proposal includes works to the principal Listed Building as well as buildings within the curtilage of the Listed Building which are covered by the Listing (although they are not mentioned in the List Description). The application has been submitted with a detailed Heritage Impact Assessment. The Listed Building consent application has also been recommended for approval.

This development has been the subject of extensive pre-application negotiations which included ensuring the repair and retention of the listed building and respect for its setting. The building is empty and 'at risk', and the site is currently used for car parking which harms its setting. In this context the new development is welcomed as the opportunity to have the building repaired and occupied.

The Temple Inn is currently visually isolated. Historically it was part-characterised by its grouping with a large range of outbuildings in close proximity, and the new development will reintroduce this historic form. It is considered that adequate space has been allowed around the building.

The layout and form of the proposed development will result in attractive groupings of built form enclosing spaces to create a distinct character. It is refreshing to see a site specific design proposed which responds to local distinctiveness, rather than "off-the-peg" house types and layouts generally used by the volume house builders with little regard to local character.

The retention of the annex building is an important part of the scheme. It is acknowledged that other outbuildings which are in a poor state of repair will be lost from the site however the overall benefit is greater. The Heritage Impact report submitted with the application concludes that overall the form of development proposed meets that legislative requirements (as set out in 1990 Act) in that it will preserve the special interest of the building. The report acknowledged that the form of the development will have a 'harmful' impact on the listed building as a result of the alterations to the curtilage listed building (the annex) and the demolition of one of the structures on the site. However, none of these are considered to be greater than 'slight moderate' effects making them 'non-

significant' in EIA terms. Therefore it is concluded that the development would constitute 'less than substantial harm'. Therefore the relevant test is against paragraph 134 of the NPPF which states that where a development leads to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal which includes securing its optimum viable use. The benefits of this development are bringing the public house back into use, the provision of houses in a sustainable location on a brownfield site and the provision of employment opportunities. Therefore the development is considered to be compliant with the NPPF in this regard.

It will be important to ensure use of high quality materials, detailing, landscaping and boundary treatments, and this should be covered by appropriate conditions.

There have been no objections to the development from the Listed Building Officer. It will be important to ensure that the works to the listed building are carried out and it is suggested that a condition should be included to ensure that these works are completed prior to the first occupation of the dwellings proposed on the site. Rather than use a condition it was considered that this needed to be included in the Legal agreement in case of a future change of ownership of part of the site. The wording in the legal agreement is currently proposed that the occupation of no more than two of the units should take place until the works to the public house have been completed.

### Design, Character and Appearance

The overall design and layout of the site has developed through the pre-application process. The site at present is dominated by parking providing an unattractive view into the site. The proposed development although retaining some parking areas creates some attractive groupings. The parking arrangements whilst not ideal are better laid out and include areas of landscaping making the site more attractive than at present.

The building at the front of the site comprises the letting rooms. This will be one of the most prominent new buildings on the site. The form of the building has been kept low so that it is subservient to the pub itself. The front of the building is punctuated with windows to retain an element of active frontage onto the road. Whilst the form of the building is fairly traditional and in keeping with other similar buildings in the area details such as the windows add an element of modern design. The materials proposed for this building include stone to match with the surrounding buildings and clay tiles to tie in with the pub. Details such as the brick surrounds around the windows reflect the detailing in the annex building as well as other buildings in the locality.

To the rear of the site is the terrace of five dwellings and to the south east of the site is a pair of semi-detached properties fronting onto Temple Inn Lane. These buildings take on a contemporary form. In the consideration of what style of building would be appropriate the buildings in the local area have been considered. It seems that it would neither be suitable or appropriate for a pastiche of the traditional building to be considered. The other surrounding houses in the area are of modern construction with limited architectural merit that it would be inappropriate to recreate. The houses proposed for the development of this site have been specifically designed to complement the site embracing modern design whilst aiming to reflect some of the character features of the surrounding areas for example, as noted in the Design and Access Statement, asymmetrical window and door



openings, upper floors of accommodation being included within the roof space, buildings with gables facing the street including double gables and asymmetrical forms and strongly expressed window openings.

In respect of the terrace whilst this does introduce a relatively tall building the change in height improves the overall articulation of the building.

The material proposed for the houses has been an element of debate. Brick is not a common feature within the area but there are some examples of its use. The use of natural stone was not considered to be a viable consideration for the whole of the development and a reconstituted stone may not reflect the high quality design. The colour of the brick was chosen so that the tone and texture complement the existing buildings on the site. Overall its use is accepted.

The retention of the annex building has been an important part of retaining character features on the site and the position of this building has informed the layout of the site. The retention of this building and its residential use has been challenging. The result is that the houses proposed would have small gardens to the rear which would back onto the carpark. Whilst this is not an ideal arrangement it is balanced against the need to retain the building.

The development also includes an open courtyard element within the centre of the site which introduces an additional green space.

Overall the proposal present a bold and interesting design which is bespoke and has carefully considered the design characteristics of the local area and re-presented them in a contemporary style which is considered to be appropriate.

### Building for Life Assessment

The application has been submitted with a Building for Life Assessment completed by the Architect. Whilst it is not known whether the Architect is a registered Building for Life Assessor it is still a worthwhile exercise to complete. The Building for Life methodology includes three main headings 'Integrating into the neighbourhood', 'Creating a place' and 'Street and home', each of these sections has four subsections. The assessment of the scheme is reasonably thorough and the development appears to score well.

### Sustainability and Energy Efficiency

The application has been submitted with Sustainably Construction Checklist as well as a Sustainability Statement which has been compiled with reference to the Sustainable Construction and Retrofitting Supplementary Planning Document. Whilst the development does not include any renewable energy solutions the information provided demonstrates how issues of sustainability have been considered within the overall design. The reuse of existing buildings also demonstrates a sustainable element to the scheme.

Impact on existing and future residents.

The development needs to be assessed in terms of the impact the proposals have on the existing neighbours to the site as well as the living conditions provided for future occupiers.

Firstly, in terms of neighbouring properties the closest to be affected are those on the opposite side of Temple Inn Lane. In terms of physical development the semi-detached pair would be opposite 2 and 3 Temple Inn Lane. In terms of distance there would be at least 22 metres between the new dwellings and the existing dwellings at the closest point. This distance is considered to be sufficient that any overlooking would not be harmful and the physical form of the building would also not be overbearing. Similarly the change of use of the annex and the inclusion of habitable room windows in the elevation facing Temple Inn Lane is not considered to result in harmful overlooking.

Neighbours have raised concerns in respect of additional noise from the use of the parking area to the south of the site. There is an existing parking area here however it is acknowledged that this is smaller than as proposed. As a result of the entrance to the enlarged car park being directly opposite the houses there may be additional noise and disturbance that does not currently occur. However, it is not uncommon for dwellings to be opposite road junctions and given the level of background noise from the adjacent A37 it is difficult to argue that this impact would result in serious harm being caused that would warrant the refusal of this application.

With regard to the future occupiers of the properties there will be an element of consumer choice involved. At the pre-application stage concerns were raised with regard to the noise impact of the A37 which is one of the reasons why the terrace houses are set back away from the road. A Noise Impact Assessment was submitted with the application which concluded that the development would be acceptable provided that sufficient sound installation measures were included in the development. Conditions have been recommended in respect of this issue.

The properties in the terraces and semi-detached pairs are all considered to have adequate levels of outlook and access to light as well as reasonable levels of privacy.

As mentioned above one of the areas of concern has related to the accommodation to be provided within the annex building. The part of the scheme has always been somewhat of a compromise. The retention of this building has been important however it does not provide the best living environment for its future occupiers. The properties have limited private space and this is adjacent to the car parking area. Whilst not an ideal arrangement the conversion has been designed so that there is some defensible space between the windows and the public areas. Overall the compromise is considered to be acceptable due to the overall benefit of retaining the building.

The letting rooms at the front of the site will be the most affected by the noise from the road. However, as these are not permanent residences it seems reasonable that less strict tests should be applied. However, some care has been taken with the design of the internal layout. The rooms on the ground floor will be separated from the road by an internal corridor to help reduce the impact from road noise.

In terms of any impact from odour from the cooking facilities from the pub the Environmental Health officer is satisfied that this can be adequately dealt with.

## Trees

The site is not within a conservation area and none of the trees on the site are covered by Tree Preservation Orders or considered worthy of such protection. The application has been submitted with an Arboricultural Impact Assessment and the proposals would result in the need for the removal of most of the trees on the site. However, the trees are considered to be of low quality. There has been no objection from the Arboricultural Officer however concerns have been raised in respect of the information provided and the logic in retaining some of the trees where they are not in suitable positions. There is no objection to the trees being removed a condition in respect of a landscaping plan will ensure that additional trees are replanted on the site.

## Ecology

The application has been submitted with an Extended Phase 1 Habitat Survey (including Further Bat Survey). The report concluded that there was the potential for the following protected species to be present: bats, bird and reptiles. However, the annex building was found to be used as a roost by Leisler's bats although it was considered that it was unlikely that it was a maternity roost. Mitigation measures would be required as well as a license from Natural England. Natural England were consulted and did not object to the application and neither did the Council's Ecologist provided conditions in respect of mitigation are attached.

Bats are protected by European law which means that the Council, in its function as the local planning authority, must have regard to the requirements of the Habitats Directive when considering whether to grant planning permission and listed building consent. The Regulations contain 3 tests, and case law in the last few years has established that these are for a local planning authority to consider at the application stage. All three of these tests must be capable of being met for a permission to be granted.

The three tests are:-

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.
2. There is no satisfactory alternative.
3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

## Test 1

In terms of the Overriding Public Interest (IROPI) the scheme as a whole provides a number of benefits. Firstly the proposals will result in the re-opening of a public house which serves the local community. Secondly, the buildings on the site are Listed and could fall into disrepair without improvement works. The works to the annex building and the development of the rest of the site would ensure that the Listed Buildings are restored and brought back into use rather than falling into further disrepair. The project as whole also involves the development of a brownfield rather than a greenfield site providing much needed homes and employment in a sustainable location. Overall it is considered that there are a number of overriding public benefits to the scheme.

### Test 2

The annex building is an integral part of the scheme and currently in a state of disrepair. If nothing was done to the building it would affect the cohesion of the development. The applicant has argued that the existing use of the building is no longer viable or suitable. Doing nothing to the building would eventually lead to the structure collapsing either due to dereliction or vandalism which would result in the loss of the bat roost. This would also have a negative impact on the Listed Building. The conversion of the building means that bats can continue to use the building in a long term secure environment.

Other options of renovating the building or converting it to an alternative use are not necessarily likely to have any less impact on the bat roost.

### Test 3

Mitigation measures have been considered in the protected species report and the Ecologist accepts that these are sufficient to pass this test. This will be conditioned.

In conclusion, officers consider that the derogation tests are met and, subject to the mitigation being secured by condition.

It is therefore considered that the requirements of the Habitats Directive are met in this case and the development complies with policies NE.11 and NE.12.

### Flooding and Drainage

The proposal will result in more of the site being covered by buildings. The Drainage Report submitted with the application concluded that the development provides reduced flood risk to the site and the local area. The Drainage Report also describes the SuDS based scheme using permeable paving and soakaways, and describes how the two main car park areas will be constructed using permeable surfacing such as porous asphalt. The sub-base below this material will be of sufficient depth to attenuate surface water from the car parks and some of the adjoining roof areas.

There has been no objection to the proposals from the Drainage Team subject to appropriate conditions.

### Archaeology

The Council's Archaeology Officer reports that during construction of the neighbouring Tiledown housing estate a Roman stone coffin burial was discovered (B&NES Historic Environment Record: MBN1103), indicating that this is a possible area Roman-British activity/occupation. However, given the size and scale of the proposed development site and its distance from the Tiledown estate (over 300m), it is recommended that an archaeological monitoring (watching brief) condition is attached to any planning consent.

### Contaminated land

There are no serious concerns in respect of this matter and conditions are recommended accordingly.

## Crime and security

The application was commented on by the Crime Prevention Design Officer of the Avon and Somerset Police. A number of concerns were raised and improvements recommended. Where possible these comments were addressed by the applicant. Although not all issues were resolved none were considered to result in the applications refusal on that basis.

## Parks and opens spaces

The quantum of development proposed would generate demand for formal green space and allotment provision of 405m<sup>2</sup> and 81m<sup>2</sup> respectively. It should be noted that the proposed 10no. letting rooms have not been considered as a part of the development from which demand for open space would be generated. The reasoning for this is that the nature of the use indicates that the occupiers of the rooms would be occupants for a relatively short time compared to occupiers of residential dwellings and it would therefore be unreasonable to request contributions on this basis.

The Council's data shows that there is a deficit of formal green space and allotment provision within Cameley of 0.37ha and 0.39ha respectively. The applicant is therefore required to provide either on-site or off-site provision to meet the demand generated by the development, or to make a capital contribution so that the Council can provide such provision. It should be noted that there is no requirement to provide natural green space, by reason of the site's rural location and resultant ease of access to this type of provision.

The proposed site plan details an area of formal green space of sufficient scale to meet the demand generated by the development. Further, it is well located between the proposed built form to ensure that the area will benefit from natural surveillance. It is proposed that the space will not be publicly accessible, which would ordinarily be unacceptable, however in this instance, given the relatively small scale and self-contained character of the site, it is considered acceptable and meets the demand that will be generated. The consequence of this situation is that, whilst the developer would normally have the option of transferring the provision to the Council after maintaining it for 12 months and paying a commuted sum to cover maintenance for a 10 year period, in this instance the provision must be maintained in perpetuity to the satisfaction of the Council by the developer or a management company, this will form part of the S106 agreement.

There is no on-site or off-site provision proposed to meet the demand generated by the development. As such, the developer is required to make a contribution to the Council in order that such facilities can be provided this totals £1909.17.

## Children and Young People Financial provision.

As the development would result in addition children in the area financial contributions are requested which include £6,132.42 for school places and £1,800.90 for Youth provision.

## Section 106

In total the Draft Heads of Term for the development include the following which have been agreed by the applicant.

Parks and open spaces:  
£1,909.17

Highways:  
£10,000 (or a proportion thereof) + £4,000 (where the £4,000 is refundable if no "traffic problems" occur - quantification of which will need clarifying)

Education:  
£7,933.32

Provision will also be made in the Section 106 for the future maintenance of the open space on the site and well as a clause in respect of affordable housing.

## Conclusions

The proposed development is considered to be an acceptable mixed use scheme providing housing and employment on a brownfield site as well as bringing a public house back into use.

The impact on the Listed building is considered to cause less than substantial harm and the setting is considered to be improved.

Matters in respect of highways safety are considered to be satisfactorily resolved.

The Habitat Regulations have been considered and the 'Three Tests' have been passed.

A Section 106 agreement will need to be signed prior to consent being granted and this will include financial contributions towards highway works, education and allotments. The agreement will also include the management of the open space.

## **RECOMMENDATION**

Authorise the Divisional Director, Development to PERMIT subject to condition(s)

## **CONDITIONS**

A. Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure:

### 1. Education

Contributions £7,933.32 to fund the need for primary school places and Youth Services provision places arising from the development. The agreed contributions shall be provided prior to the commencement of development.

### 2. Open Space and Recreational Facilities

Contributions of £1,909.17 to fund provision of allotments off-site to serve the population. The agreement shall also include the provision of arrangements for the maintenance of the site by a management company. The agreed contributions shall be paid prior to the occupation of the development.

### 3. Transport

#### Contributions of

- £10,000 contribution towards improvements including the de-cluttering of the street furniture adjacent to the Temple Inn Lane junction and include measures to deter parking on the footway at this location or part there of depending on the approval of application 13/03562/OUT
- £4,000 towards the cost of the parking restrictions on Temple Inn Lane

### 4. Affordable Housing

- A clause in the Section 106 Agreement that triggers the need for an affordable housing contribution should the letting rooms ever be converted into residential accommodation.

### 5. Works to Listed Building

- A clause in the Section 106 to ensure that the works to the Listed Building are completed within a certain time period relating to the occupation of the dwellings.

B. Subject to the prior completion of the above agreement, authorise the Development Manager to PERMIT subject to the following conditions:

- 1 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 permissions.

- 2 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dB LAeq,16hr and 30dB LAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dB LAmax.

Reason: To protect occupants of residential properties from external road traffic noise

- 3 The Noise Rating Level from installed plant on the public house or letting rooms shall not exceed 30 dB LAeq(5mins) (free-field) at the nearest noise sensitive premises.

Reason: To protect occupants of residential properties from external plant noise

- 4 No development shall take place within the site 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.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered.

5 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the



remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 Prior to the demolition of any boundary walls details of the repairs to existing walls (including making good) and construction to new walls shall be submitted to any approved in approved in writing by the Local Planning Authority. The works shall be completed prior to the first occupation of any of the new dwellings on the site.

Reason: In the interests of the appearance of the development.

11 Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of this permission hereby granted, no works of site clearance, demolition or construction shall take place which are likely to impact on bats unless a licence to affect such species has been granted in accordance with the aforementioned

Regulations and a copy thereof has been submitted to the local planning authority. This shall be accompanied by all outstanding details of proposed bat mitigation. The development shall be carried out only in accordance with the approved bat mitigation scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.

Reason: to safeguard bats and their roosts

12 The area of open space to the rear of the proposed letting rooms shall not at any time be used by customers of the public house or letting rooms.

Reasons: To protect the amenity of the occupiers of the surrounding houses.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwellings within the converted annex building hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of any part of any roof of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the character of the area.

15 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

16 All hard and/or 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 agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five 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 approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

17 No development shall commence until a sample panel of all external walling and roofing 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.

Reason: In the interests of the appearance of the development and the surrounding area.

18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected or placed within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway without a further planning permission being granted.

Reason: In the interests of the visual amenity and character of the area.

19 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the letting rooms proposed within the building at the front of the site shall only be used in association for the Temple Inn public house for bed and breakfast purposes and not be any other use.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

20 No development shall commence until details of refuse storage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the refuse storage has been provided in accordance with the details so approved, and thereafter shall be retained solely for this purpose. No refuse shall be stored outside the building(s) other than in the approved refuse store(s).

Reason: In the interests of the appearance of the development and of the amenities of the area.

21 An operational statement relating to the public house shall be submitted to and approved in writing by the Local Planning Authority and shall include details of cooking equipment, odour mitigation and extract layout. The development shall thereafter be carried out in accordance with the approved operational statement.

Reason: Protect residential amenity.

22 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interests of flood risk management and highway safety

Condition information: The applicant has indicated that they will dispose of surface water via soakaways and permeable paving and we would support this approach. To support the discharge of the above condition, infiltration test results and soakaway design calculations to BRE Digest 365 standard should be submitted to this office.

23 The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

24 The access, parking and turning areas shall not be brought into use until these areas have been properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

25 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

26 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management.

Reason: To ensure the safe operation of the highway.

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

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

#### **PLANS LIST:**

1 The application relates to the following drawings and documents:

463TE_E_2010_A	EXISTING SITE PLAN
463TE_P_2022	SITE PLAN AREAS
463TE_2101_B	PUB - EXISTING PLANS 01
463TE_2102_B	PUB - EXISTING PLANS 02
463TE_2103_B	PUB - EXISTING PLANS
463TE_2120_B	PUB - PROPOSED PLANS 01
463TE_2121_C	PUB - PROPOSED PLANS 02
463TE_2130_C	ANNEX - PROPOSED PLANS
463TE_2140_C	LETTING ROOMS - PROPOSED PLANS

463TE\_2150\_C TERRACE - PROPOSED PLANS 01  
463TE\_2151\_C TERRACE - PROPOSED PLANS 02  
463TE\_2160\_C SEMI-DETACHED - PROPOSED PLANS  
463TE\_2201\_B PUB - EXISTING ELEVATIONS 01  
463TE\_2202\_B PUB - EXISTING ELEVATIONS 02  
463TE\_2203\_B ANNEX - EXISTING ELEVATIONS 01  
463TE\_2204\_B ANNEX - EXISTING ELEVATIONS 02  
463TE\_2220\_C PUB - PROPOSED ELEVATIONS 01  
463TE\_2221\_C PUB - PROPOSED ELEVATIONS 02  
463TE\_2230\_C ANNEX - PROPOSED ELEVATIONS  
463TE\_2240\_C LETTING ROOMS - PROPOSED ELEVATIONS  
463TE\_2250\_C TERRACE - PROPOSED ELEVATIONS 01  
463TE\_2251\_C TERRACE - PROPOSED ELEVATIONS 02  
463TE\_2260\_C SEMI-DETACHED - PROPOSED ELEVATIONS  
463TE\_P\_2030\_C SIDE ELEVATION 01  
463TE\_P\_2031\_D SIDE ELEVATION 02  
463TE\_P\_2501\_B PROPOSED DETAILS  
463TE\_P\_2020 REV E PROPOSED SITE PLAN  
463TE\_2000 REV A SITE LOCATION PLAN  
DESIGN AND ACCESS STATEMENT  
DESIGN & ACCESS STATEMENT - ADDENDUM  
PLANNING STATEMENT  
EXTENDED PHASE 1 HABITAT SURVEY  
GROUNDSURE GEOINSIGHT FIND 36469 AND FIND 36470  
HERITAGE IMPACT ASSESSMENT  
SITE WASTE MANAGEMENT PLAN  
NOISE IMPACT ASSESSMENT  
PHASE 1 SITE INVESTIGATION  
TRANSPORT STATEMENT  
TREE REPORT (APPENDIX A - TREE SCHEDULE TABLE and APPENDIX B - TREE  
CONSTRAINTS PLAN)  
SUSTAINABLE CONSTRUCTION CHECKLIST  
DRAINAGE STRATEGY  
CARBON FILTER DETAILS  
CRIME PREVENTION DESIGN REPORT  
SUSTAINABILITY STATEMENT

## DECISION TAKING STATEMENT

In determining this application, the Local Planning Authority has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Pre-application advice was sought and provided and amendments made to the proposals. For the reasons given, a positive view of the revised submitted proposals was taken and permission was granted subject to a legal agreement.

### 2 ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details

of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

3 This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

4 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

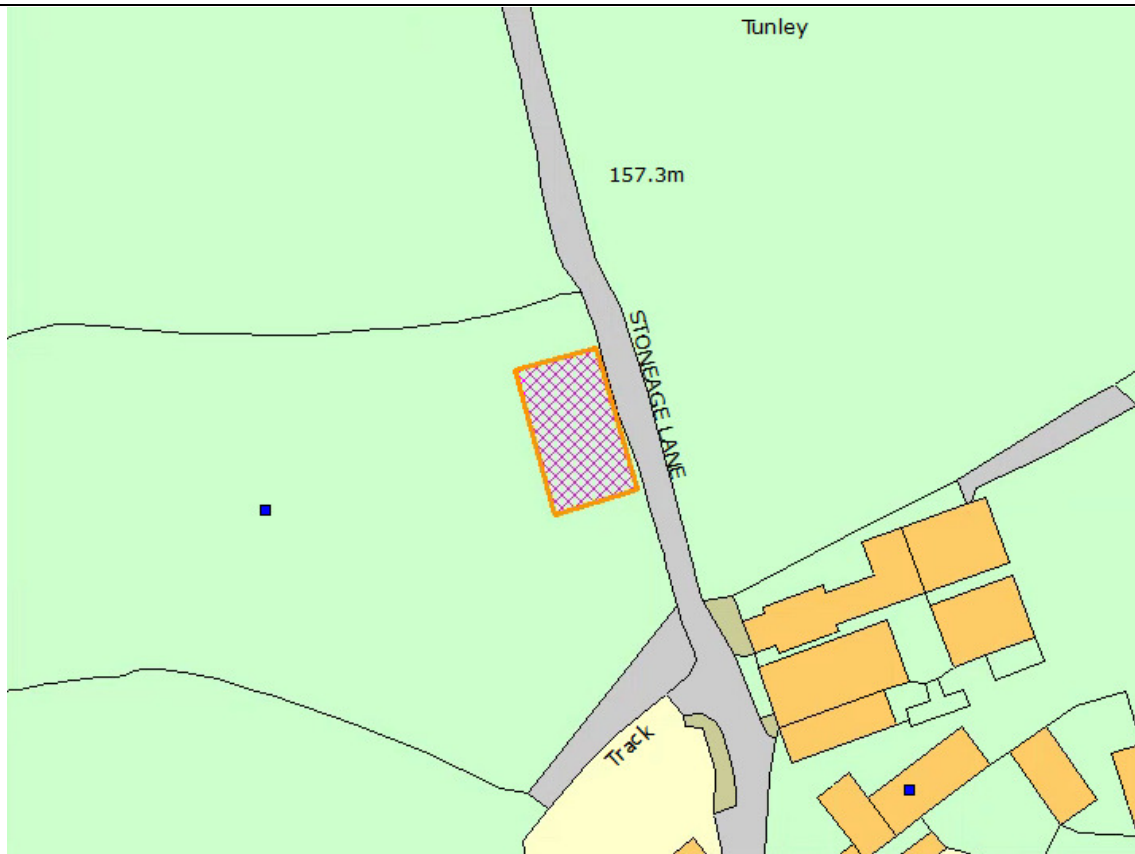
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

5 Inform the applicant that the Local Planning Authority should be consulted before any external signs are displayed on the property.

<b>Item No:</b>	02
<b>Application No:</b>	14/02887/FUL
<b>Site Location:</b>	Lower Tunley Farm Stoneage Lane Tunley Bath Bath And North East Somerset



**Ward:** Bathavon West                      **Parish:** Dunkerton                      **LB Grade:** N/A  
**Ward Members:** Councillor David John Veale  
**Application Type:** Full Application  
**Proposal:** Part retention and adaptation of a general purpose agricultural storage building (partly retrospective)  
**Constraints:** Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,  
**Applicant:** A & J Farming Limited  
**Expiry Date:** 19th August 2014  
**Case Officer:** Tessa Hampden

**REPORT**

Reason for reporting application to committee:

The Group Manager considered that this application should be dealt with at Committee due to the sensitive nature of this application. Further the Parish Council have objected to this scheme with planning reasons.

Site description and proposal

The application relates to land associated with Lower Tunley Farm, Tunley. The farm is operated as a dairy enterprise centred on a 200 Holstein Friesian cow herd but also has areas of arable cropping. The application site is to the north west of the main farm

complex set at a higher level than the main farm buildings. The site is within the designated Bristol/Bath Green Belt and the adjacent farm house is Grade II listed.

The applicant submitted an Agricultural Prior Notification (AGRN) application in 2010 and the LPA at that time deemed that prior approval was not required for the barn as proposed under that notification. However, the building was not constructed in line with the submitted details, but was built as it currently stands on site. This was refused planning permission and recently dismissed at appeal. There is an enforcement notice requiring the removal of this building. The application for the barn on site was refused for the following reasons:

1 By reason of its excessive height, size, scale and mass set in a visually prominent position adjacent to a public highway and in view of public footpaths, the unauthorised barn has a significant visual impact on the landscape character of the immediate and wider area to the detriment of the openness of this part of the green belt. The unauthorised barn is contrary to the aims and policies of the NPPF and contrary to Policies D.4, NE.1, GB.2 and ET.6 of the Bath and North East Somerset Local Plan, including minerals and waste policies, October 2007, which are saved policies in the Draft Core Strategy.

2 Due to the local topography, the size, scale and mass of the barn visually and physically dominates the setting of the adjacent residential dwellings and gives rise to an unacceptable sense of enclosure to the detriment of the enjoyment and amenity of the occupants. The barn is contrary to Policy D.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies, October 2007, which is a saved policy.

3 By reason of its size, scale, mass, design, orientation and siting on the slope, the barn fails to respect or preserve the setting of the adjacent Grade II listed farm building and as such is contrary to Chapter 12 of the NPPF, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 and contrary to policy BH.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies, October 2007 which is a saved policy.

This application seeks planning permission for the part retention and adaptation of this general purpose agricultural storage building. The scale, siting, design and materials used have been amended in an attempt to overcome the reason for refusal and the harm identified by the Inspector dealing with the previous appeal. It should be noted that the permission for the barn submitted under the AGRN procedure is extant and could be erected on site. This is therefore a legitimate fall back position for the applicant if the current application were to be refused.

#### Relevant planning history

DC - 12/05621/FUL - RF - 11 March 2013 - Retention of a general purpose agricultural storage building. - appeal dismissed

DC - 10/03231/AGRN - Erection of an apex storage building - AGRICULTURAL PRIOR APPROVAL NOT REQUIRED

DC - 08/02502/AGRN - AN - 15 August 2008 - Erection of hay and straw storage



## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Landscape Officer - verbal discussions have been held and conclusions reached that proposed is not significantly more harmful than the extant permission. Highlighted that the detailing of any proposal is important.

Dunkerton Parish Council - Object to the planning application. Extensive comments have been provided and these can be summarised as follows:

- The development does not comply with CP8 of the adopted core strategy and, GB.2, ET.6, NE.1, BH.2, BH.15, D.2 and D.4 of the former Local Plan saved to the adopted core strategy
- The barn by reason of its considerable height, in particular at its southern end together with its immense volume and dominant appearance in this location near the top of the ridge, and it being separate from the other farm buildings violates the openness of the Green Belt to an unacceptable degree
- In its isolated location it appears as an entirely separate building and would not integrate with the rest of the existing farm complex
- Being exposed on the ridge, it does not conserve or enhance the character and local distinctiveness of the landscape
- By nature of its dominant size and discordant location results in significant harm to the setting of the listed building.
- The landscaping scheme is poorly defined
- The barn on the west side of Stoneage Lane has resulted in the lane itself effectively becoming part of the working farm yard which possess a significant risk to other road users in particular to pedestrians, a risk which is further exacerbated by there being no pavement on Stoneage Lane.
- Conflicts with public footpaths

6 objection comments and 1 general comment has been received. These can be summarised as follows:

- Use results in highway safety issues
- inappropriate scale of the building - this has not been reduced enough from the existing barn
- Impact of cutting into the hill
- inappropriate siting results in the lack of integration with the main farm
- Inappropriate landscaping
- Inappropriate development in the Green Belt and harm to the openness of the Green Belt
- Visually prominent position results in significant visual impact upon the landscape character
- Harm increased due to the topography of the site
- Dominating structure over adjacent listed building and residential properties
- Retrospective nature of the development
- Lack of conformation with the enforcement notice

## **POLICIES/LEGISLATION**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan

and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)
- Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality  
CP8 - Greenbelt

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application:

D.2 - General design and public realm considerations  
D.4 - Townscape considerations  
BH.2 Listed building and their settings  
Ne.1 Landscape character  
GB.2 - Visual amenity of the Green Belt  
T24 -General development control and access provision

National guidance in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance are also a material consideration. The following sections are of particular relevance:

Section 9: Protecting Green Belt land

## **OFFICER ASSESSMENT**

Principle of development

Core Strategy policy CP8 explains that the openness of the Green Belt will be protected from inappropriate development in the Green Belt in accordance with national planning policy. The National Planning Policy Frameworks identifies agricultural development as an acceptable form of development within the Green Belt. The proposed building is considered to be reasonably necessary for agricultural use, and its size is commensurate to that of the holding. The development is therefore considered to be an acceptable form of development in the Green Belt and there is no objection in principle to this type of development.

Character and appearance

The previous planning decisions, including that of the dismissed appeal, and the comments of the Planning Inspector form a material consideration in the determination of this application and should be given significant weight. When dealing with this appeal, whilst recognising the substantial harm caused by the existing building, the Inspector concluded that the fall back position (the AGRN application) would be in keeping with its

surroundings. He noted that whilst this barn would add to the extent of built development visible in the landscape, its lower height and smaller scale would be far more in keeping with other buildings in the farm complex, and indeed with farm buildings more generally in the locality. It would also be set back from the laneway, so that it would not seem dominant or oppressive, it would use far more discrete materials, and would not dominate the setting of the listed building.

The agricultural building being considered in this submission has been amended to try to more closely accord with that submitted under the AGRN notification. The submission proposes that the current barn is amended by

- reducing the length by 13.72 metres,
- reducing the height by 2.5 metres (eaves reduced by 2.5 metres),
- reducing the footprint by 209 sq. metres (currently 696 sq. metres),
- replacing the profiled metal cladding with timber 'Yorkshire' boarding

It should be noted that even with the above amendments made, the proposed does not match that of the AGRN proposal in that the building would not be set away from the laneway, and would be set further north up Stoneage Lane. Further, the proposed barn is approximately 2 metres greater in length than the fall back position assessed by the Inspector.

The existing barn clearly results in substantial harm to the character and appearance of the area and the setting of the listed farmhouse. This has been evidenced in both the previous refusal and the dismissed appeal. The site is located in a prominent position just below the ridge of Tunley and the existing building was considered to have an imposing and dominant appearance when viewed from the laneway alongside and to the south. Its height and bulk were considered to be out of keeping with the rest of the farm complex, the nearby buildings all being modest in scale in comparison. It is not considered to integrate well with the farm complex, rather it appears as a separate and discordant feature in the local landscape. The building is clearly visible and striking in longer distance views towards Tunley from the south and the east.

However, as stated above, it has been concluded by the Inspector that the fall back position (i.e. the AGRN proposal) would result in a barn that would not have an appearance which would be out of character with the surrounding area. It therefore needs to be assessed as to whether the proposed building within this submission is significantly different, and would result in any greater harm to the immediate or wider area, than the fall back position, to warrant a refusal of the planning application.

The amendments proposed have been outlined above, and the submission clearly compares the AGRN scheme and the proposed barn. After careful consideration and assessment of the two schemes, it is considered that although there are differences between the proposed and the AGRN barn, these differences are not considered to significantly increase the prominence of the proposed building in the wider area. The reduction in height, scale, and the use of the timber cladding, will significantly reduce the impact of this barn. It is noted that the building will still be set up against Stoneage Lane which has previously been raised as an issue which contributed to the resultant harm. However, with the reduced scale and use of more appropriate materials is not considered

to result in such an oppressive form, when compared to that of the fall back position, as to justify the refusal of this planning application.

It is also noted that the building is to be sited further to the south than the AGRN building would be. However, this is not considered to result in building that would have a greater prominence in wider landscape and would actually move the building further away from the listed building. Although the building will be set away from the farm complex, its isolation from the main farm buildings, when compared to the siting of the fall back position, would not justify a refusal of this application.

In conclusion, the differences between the fallback position and that of this proposal are not considered to be at a level that would result in any significant increase in harm. It is the LPAs view that this development will result in a degree of harm to the wider area but these are not significantly greater than those that would result if the extant fall back position is implemented. The Inspector's previous comments and the fall back position that could be implemented, have been given full weight in reaching this conclusion.

#### Residential amenity

The comments of the third party are noted and it is recognised that this building will be visible from surrounding dwellings and their gardens. However, a similar conclusion can be reached as was made by the Inspector. He concluded that, having regard to the presence of other farm buildings and the otherwise open character of the locality, that the building was not so dominant and oppressive as to give rise to such sense of enclosure or loss of outlook as to amount to unacceptable harm to the residential living conditions. Given the reduction in scale of this development, it would be unreasonable to reach a different conclusion.

#### Highway safety

A number of third party have raised significant concerns with regards to highway safety and the location of the barn to the west of Stoneage Lane. Whilst these concerns are recognised, as stated above the applicant has a fall back position of the barn approved under the AGRN application to which the Inspector concluded would not be harmful. This development would not result in a material difference in the use of the highway when compared to this fall back position. The application site forms part of the agricultural holding and its use for agricultural purpose is accepted. Whilst the erection of a bar will increase the vehicular movements from this access, this is not considered to result in any significant harm to highway safety.

#### Other issues/conclusion

Given the Inspector's comments on the fall back position within the previous application, and the LPAs previous judgment on this AGRN scheme, it is considered that the LPA would be acting unreasonably in refusing the planning application for the amended scheme as proposed. The benefits to the enterprise and the rural economy also need to be given significant weight in the determination of this application. It is recognised that the NPPF encourages support for economic growth and regard should be had to the need for, or benefits to the enterprise or the rural economy. A balanced view has been taken, and this proposal is therefore recommended for approval.

## RECOMMENDATION

PERMIT with condition(s)

## CONDITIONS

1 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 permissions.

2 No development shall commence until samples of the materials to be used in the construction of the external surfaces, including roofs, 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 details so approved.

Reason: In the interests of the visual amenities of the area.

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

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

## PLANS LIST:

Drawing	24 Jun 2014		SITE PLAN
Drawing	24 Jun 2014	1	PRIOR NOTIFICATION - FLOOR AND ROOF PLAN
Drawing	24 Jun 2014	2	PRIOR NOTIFICATION - ELEVATIONS
Drawing	24 Jun 2014	3	FLOOR AND ROOF PLAN
Drawing	24 Jun 2014	4	ELEVATIONS
Drawing	24 Jun 2014	5	PROPOSED FLOOR AND ROOF PLAN
Drawing	24 Jun 2014	6	PROPOSED ELEVATIONS
Drawing	24 Jun 2014	7	ELEVATIONS - AS BUILT WITH PROPOSED BUILT
Drawing	24 Jun 2014	8	ELEVATIONS - AS BUILT WITH PROPOSED BUILT
Drawing	24 Jun 2014	9	ELEVATIONS PROPOSED BUILDING WITH THE PROPOSED

<b>Item No:</b>	03
<b>Application No:</b>	14/03180/FUL
<b>Site Location:</b>	Cleveland House Sydney Road Bathwick Bath BA2 6NR



**Ward:** Bathwick

**Parish:** N/A

**LB Grade:** IISTAR

**Ward Members:** Councillor Nicholas Coombes      Councillor David Martin

**Application Type:** Full Application

**Proposal:** Change of use from B1 offices to C3 residential including the erection of a single storey side extension with first floor terrace including internal alterations following the demolition of the existing single storey lavatory block (Revised proposal).

**Constraints:** Airport Safeguarding Zones, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Cycle Route, Forest of Avon, Hot spring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,

**Applicant:** Trevor Osborne Property Group

**Expiry Date:** 5th September 2014

**Case Officer:** Sasha Coombs

## REPORT

### REASONS FOR REFERRAL TO COMMITTEE

Councillor David Martin requested for this application to be presented to the full Development Control Committee, if the officers are minded to refuse this application. The application was then referred to the Chairman with recommendation to refuse.

The Chairman decided that the application will need to be presented to the Committee because:

"Local member is supportive of this application but there are other significant objections. This is an interesting and significant building and the issues raised are important".

#### DETAILS OF LOCATION AND PROPOSAL AND RELEVANT HISTORY:

Cleveland House is a c1817-1820 Grade II\* listed building located in the Bath Conservation Area and greater World Heritage Site. It was designed by John Pinch as The Kennet and Avon Canal offices, partly built over the canal tunnel. The plinth, gates, railings and overthrows to Cleveland House are Grade II listed in their own right. This is an important landmark property in Bath. Its standalone commanding silhouette features in a number of key views in the Conservation Area and World Heritage Site - along the Canal, from Sydney Gardens and along Sydney Road.

The building is characterised by its classical architecture and symmetrical design and has generally managed to survive unaltered, with the exception of a small flat roofed 1960's toilet block to its western side. The application seeks to change the use from offices to a dwelling and to replace the 1960s extension with a larger one. The extension would feature a roof terrace surrounded by a glass balustrade, which would be accessed via a door created within the existing blind window. There are also a number of internal alterations proposed.

The proposals are a re-submission of the scheme that was resisted previously. As part of the preceding applications, changes have been negotiated with the applicant to enable grant of planning and listed building consents. The key changes previously included reduction in the height of the extension, omission of a roof terrace, retention of the blind window and preservation of vaults. The currently proposed scheme essentially returns to the original submission.

This planning application is accompanied by an application for listed building consent (Ref: 14/03181/LBA)

#### PLANNING HISTORY

3718 - Change of use from residential to Royal Air Force Town Centre; and alterations to provide a caretaker's flat; provision of additional sanitary accommodation and new vehicular access from Sydney Road to new car park. Approved 4.12.51

6017/1 - extension to provide additional lavatory accommodation. Approved 5.6.62

6017/3 - Use as a driving test centre and the main building offices for the Ministry of Public Building and Works. No objections raised 6.6.67

6017-8 - Internal alterations to existing single storey toilet block and reinstatement of architectural features to existing building. Approved 22.3.95

DC - 04/00384/LBA - RF - 19 March 2004 - Erection of lettering to front elevation

DC - 05/02609/LBA - CONSSE - 25 October 2005 - Removal of safe room at ground floor level

DC - 12/03404/LBA - WD - 25 September 2012 - External alterations for the display of new signage and internal alterations.

DC - 13/04622/FUL - PERMIT - 24 April 2014 - Change of use from B1 offices to C3 residential, including restoration and extension to the house, demolition of existing additions to Cleveland House.

DC - 13/04623/LBA - CON - 24 April 2014 - Internal and external alterations for the change of use from B1 offices to C3 residential, including extension to the house, following demolition of existing addition to Cleveland House.

DC - 14/03180/FUL - PCO - - Erection of a single storey side extension and first floor terrace, including internal alterations, following the demolition of existing single storey extension. (Revised Proposal).

DC - 14/03181/LBA - PCO - - Internal alterations and external alterations to include the erection of a single storey side extension and first floor terrace, following the demolition of existing single storey extension.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

(Full comments available on file)

CONSERVATION OFFICER - Recommended refusal. The height and bulk of the replacement extension together with the alteration of the first floor dummy window to a door and use of the extension roof as a terrace would cause substantial harm to the significance of the Grade II\* listed building and the character and appearance of this part of the conservation area.

ENGLISH HERITAGE - Attached considerable significance to the building; its reuse is the desirable outcome. Once again raised concerns with regards to introduction roof terrace/garden on top of the replacement extension. Current application will be harmful to the architectural composition of the house. The previously secured subservience would be lost; garden on roof would draw attention to the side extension; strong feature of designed blind windows would be lost.

THE GEORGIAN GROUP - Objected. The main concern is the proposed access to the terrace by means of opening the intentionally blind aedicule of the west façade which forms one of the most striking aspects of the building on the approach from Bath. This involves the loss of both historic fabric and the original architectural composition of the west façade.

BATH PRESERVATION TRUST - Previous revised scheme minimised harm to the heritage asset and wider conservation area. BPT did not object to the principle of providing an extension, but questioned suitability of a roof terrace on the side this building. Expressed concerns over the use of one of the blind windows as a stone door to provide access to the roof terrace.



BATH HERITAGE WATCHDOG - Objected. There is nothing in the submitted documentation that convinces that a roof terrace is required, appropriate or acceptable. The works, by virtue of the loss of original historic fabric, original plan form, and alteration detrimental to a main elevation is considered to be detrimental to the special architectural and historic character and interest of the listed building, adjacent listed structures, the Conservation Area and World Heritage Site

CLLR DAVID MARTIN - Supported. I support this application for internal and external alterations to the listed building Cleveland House in my ward. I would like to request that if the case officer is minded to recommend refusal that the application be determined by the Development Control Committee. My reasons are that the proposals do not constitute any detrimental impact to the building, and that they are in compliance with relevant planning policies including BH2, BH4 BH5 and BH6.

Third Party comments - 3 letters of objections received. Main points raised:

- adverse effects of the proposed roof garden upon the setting of Kennet House and the wider conservation area/World Heritage Site;
- loss of the privacy;
- property value should not be considered as being material to a planning decision;
- this is a highly significant and rare example of a Georgian purpose built office. The present extension should be demolished and the side restored as was

### **POLICIES/LEGISLATION**

Since the issuing of previous decisions, the Core Strategy for Bath and North East Somerset has been formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)
- Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

- CP6 - Environmental Quality
- B4 - World Heritage Site and its Setting

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.2: Listed Buildings and their setting

BH.4 - Change of use of a listed building

BH.6: Development within or affecting Conservation Areas

HG.4 - Residential Development in the urban areas

HG.12 - Dwelling subdivision, conversion of non-residential buildings and reuse of empty dwellings

T.24: Highways safety

T.26 - Access and parking standards

National Planning Policy Framework (2012) and Practice Guidance (2014)

Planning for the Historic Environment Practice Guide (2010)

### **OFFICER ASSESSMENT**

The main material considerations in relation to this application are:

- the acceptability of the principle of change of use to C3;
- the effect of the proposals upon the living conditions of current and future occupiers
- the effect of the works upon the special architectural and historic interest of the listed building and its setting; and
- the effect of the proposals upon the character and appearance of Bath Conservation Area and Bath World Heritage Site.

The access and parking arrangements will be retained and improved, and the highways authority expressed no concerns with regards to this proposal.

### **PRINCIPLE OF CHANGE OF USE**

It has been noted that the layout of the conversion has been changed and it is now proposed to provide 5 bedrooms (as opposed to the previously approved 7 bedrooms). This is mainly due to the changes within the annex, which previously included 3 bedrooms.

The annex is still designed as a potentially self-contained unit of accommodation that would benefit from its own entrance without any obvious functional connection with the main house, and the doors between it and the main house are indicated as 'lock doors'. However creation of a proportionally modest annexe does not always require a separate assessment as a dwellinghouse, provided the building is occupied by a family member or a member of staff.

If the building is to be used as two or more separate dwellinghouses in future, Section 55(3) (a) of the Town and Country Planning Act 1990 provides that this will involve a material change in the use of the building and will require a separate planning permission.

The building is sustainably located within the designated City Centre of Bath and outside Bath Core Office Area (where the development leading to loss of office floorspace is generally resisted). In such locations Policy HG.4 of the adopted Local Plan supports the principle of residential development. Policy HG.12 sets out criteria for assessing conversion and sub-division schemes to form residential units. It states that such proposals would be permitted providing they protect the character and amenities of established uses and are not detrimental to the amenity of the future occupants. These matters are considered to be satisfactory.

However, the building partly owes its Grade II\* listing to being "a remarkable survival of a purpose-built Georgian office building". In this respect, the thrust of the saved Local Policy BH.4 (proposals for change of use of listed buildings) is to encourage retention/reinstatement of the use for which the building was originally designed, providing

there is no adverse impact on the character and setting of such listed building, and, as such, the current office use is the preferred use for this building. This issue has once again been raised by The Georgian Group.

Marketing of the building was explored in detail during the previous application, and it is concluded that the loss of the appropriate historic use of this protected building must be weighed against other material considerations within this application as discussed below.

## RESIDENTIAL AMENITY

Objections have been received with regards to the impacts of the proposal on the residential amenity of the occupiers of Kennet House. The revised proposal will indeed create greater levels of overlooking from the western aspect of the building by introduction of an elevated platform, which will be facing towards the front garden of Kennet House. However, the distance between the properties is quite considerable (about 20m to the garden and almost 40m to the house itself). Furthermore, the views towards Kennet House itself would be partially obscured by Bath Orthodontics. There is therefore no justifiable reason for resisting this application on loss of privacy grounds.

## IMPACT OF ALTERATIONS ON LISTED BUILDING, CONSERVATION AREA AND WORLD HERITAGE SITE

The principal issue with the current resubmission relates to the harmful impacts on the protected building, its setting and the wider Conservation Area.

Cleveland House is a highly significant grade II\* listed building which has important historic as well as architectural value. It is a unique form of development in Bath that visually closes and contributes to an important established key view in the Conservation Area and the World Heritage Site looking south along the canal from the footbridge in Sydney Gardens (which is also a Registered Park and Garden).

The building is characterised by its classical architecture and symmetrical design. The existing mid C20 single storey flat roof extension at the western end of the house is of modest size and appearance which fortunately does not compete with the scale, appearance and dominance of the listed building itself. As with the previous applications its demolition is not objected to.

A key element to making the previous proposals acceptable in planning and listed building terms was the omission of the roof terrace, the reduction in height of the proposed extension, and the omission of opening a blind side window.

These problematic elements have now been reintroduced under these proposals and are discussed below:

- Larger extension:

The proposed flat roof replacement extension is considerably larger than the existing extension and would double its footprint and volume. It also will be about 1.2 metres higher. A glass balustrade protruding above the parapet wall would increase this height from 0.24m along the perimeter up to 1m against the building. The resulting height of the

extension is especially of concern here as it would be encroaching on the long established view from Sydney Gardens and cause harm to the symmetry of design and setting of the historic building. The issue of scale was particularly identified by Historic Buildings Team and English Heritage who were anxious to secure the subservience of the extension.

- Roof terrace:

The issue of scale would be further exacerbated by the use of the flat roof as a terrace. Unlike discrete small-scale balconies which are a common characteristic throughout the city, a large terrace area, as proposed, is intended to function as the main outdoor space for the dwelling. It will inevitably attract extensive garden furniture and other such outdoor paraphernalia which would substantially intrude on and harm the character, appearance and setting of the listed building. This would draw attention away from the principal building to the side extension, and also will be visually intrusive within the conservation area and have a harmful effect on its character and appearance.

- Loss of blind window:

The intentionally blind window niches of the west façade form one of the most striking aspects of the building on the approach from the City centre. To achieve a roof terrace it is proposed to replace the most southerly blind window with a taller door to provide access.

The architectural composition of this public and prominent elevation will be substantially compromised and harmed by such an alteration. It is a balanced composition of three equally spaced blind windows with the central axis window emphasised with a pediment. This symmetry and harmony of design will be destroyed by converting the blind window to a door as proposed.

Use of stone cladding for the door is intended to ensure that it 'blends' with the existing stone work, but in reality it is likely to be in the open position for considerable periods of time, whilst the terrace is in use, and will have a visually incongruous appearance, harming the significant character and appearance of Cleveland House.

Furthermore, it is proposed to increase the depth of the window by almost one metre (approx. 900mm), cutting through the paired string course. The string course is another particularly strong feature of this elevation, and its interruption would exacerbate the harm to the symmetry and composition of this elevation and involve significant loss of important original historic fabric and architectural detailing which is unacceptable

## BALANCE OF ISSUES / OVERALL CONCLUSION

It is considered that the proposals would result in substantial harm being caused to this important heritage asset and its setting.

NPPF advises that harm to the significance of a designated heritage asset should be weighed against the public benefit of the scheme. Para 132, for example, states that "Substantial harm to or loss of significance of designated heritage assets of the highest significance, notably ....grade I and II\* listed buildings.....should be wholly exceptional".

It is highly desirable that the building is brought back to use. However the scheme in its current form leads to substantial harm to a nationally protected building, which should only be considered in exceptional circumstances leading to substantial public benefits. . Although a development of this scale does not ultimately harm the outstanding universal values of the World Heritage Site, due to the harmful impacts on the important views, the proposals fail to either preserve or enhance the character and appearance of this exceedingly picturesque part of Bath Conservation Area.

It is not considered that the desire to provide a roof terrace in order to increase property value should be considered as an exceptional situation envisaged by the NPPF, neither would it result in substantial public benefits that outweigh the harm caused as required by the NPPF (para 133). If an outdoor space was paramount, this could be provided in place of the extension/parking or by utilising the existing outdoor space. None of these options have been explored as part of the justification.

It is considered that the satisfactory outcome achieved on the approved applications presented a much more sensitive way of bringing this building back to use, and that it tipped the planning balance in favour of the proposal. On the other hand, the current scheme results in substantial harm and the positive outcomes of the proposals are unfortunately clearly outweighed by this harm.

At the time of writing, the application is still within its statutory consultation period (which expires on the 23 October 2014). It is therefore recommended that members delegate to refuse this application. In the event that further representations that raise previously unconsidered planning issues are received, the application will be reported back to a subsequent committee.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposed works of alteration lack justification and would lead to substantial harm to the protected building by loss of important architectural features and composition, historic fabric and character. Furthermore the proposal would fail to either preserve or enhance the character and appearance of Bath Conservation Area and would be harmful to the setting of the listed building. For these reasons the proposed works are regarded as not preserving the architectural or historic interest and character of the heritage asset contrary to saved policies BH.2, BH.6 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

## **PLANS LIST:**

OS Extract	09 Jul 2014	SITE LOCATION PLANS
Drawing	09 Jul 2014	DOOR AND WINDOW PLANS
Drawing	09 Jul 2014	EXISTING SKIRTING AND EXTERNAL DOOR
Drawing	09 Jul 2014	PRELIMINARY SECTION
Drawing	09 Jul 2014	PROPOSED ELEVATIONS
Drawing	09 Jul 2014	PROPOSED ELEVATIONS
Drawing	09 Jul 2014	PROPOSED FLOOR PLANS

Drawing	09 Jul 2014	ROOF GARDEN DOOR, STEPS & HANDRAIL
Drawing	09 Jul 2014	SECTIONS
Drawing	09 Jul 2014	SURVEY ELEVATIONS
Drawing	09 Jul 2014	SURVEY PLANS

**DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Despite the advice provided during the pre-application stages and the previous applications, the applicant chose to submit the scheme in its current form. The proposals were considered unacceptable for the reasons given and the applicant did not wish to withdraw the scheme. Having regard to the need to avoid unnecessary delay, the Local Planning Authority moved forward and issued its decision

**Item No:** 04  
**Application No:** 14/03181/LBA  
**Site Location:** Cleveland House Sydney Road Bathwick Bath BA2 6NR



**Ward:** Bathwick                      **Parish:** N/A                      **LB Grade:** IISTAR  
**Ward Members:** Councillor Nicholas Coombes      Councillor David Martin  
**Application Type:** Listed Building Consent (Alts/exts)

<b>Proposal:</b>	Internal alterations and external alterations for the change of use from B1 offices to C3 residential including the erection of a single storey side extension with first floor terrace following the demolition of existing single storey extension lavatory block.
<b>Constraints:</b>	,
<b>Applicant:</b>	Trevor Osborne Property Group
<b>Expiry Date:</b>	5th September 2014
<b>Case Officer:</b>	Sasha Coombs

## **REPORT**

### **REASONS FOR REFERRAL TO COMMITTEE**

Councillor David Martin requested for this application to be presented to the full Development Control Committee, if the officers are minded to refuse this application. The application was then referred to the Chairman with recommendation to refuse.

The Chairman decided that the application will need to be presented to the Committee because:

"Local member is supportive of this application but there are other significant objections. This is an interesting and significant building and the issues raised are important".

### **DETAILS OF LOCATION AND PROPOSAL AND RELEVANT HISTORY:**

Cleveland House is a c1817-1820 Grade II\* listed building located in the Bath Conservation Area and greater World Heritage Site. It was designed by John Pinch as The Kennet and Avon Canal offices, partly built over the canal tunnel. The plinth, gates, railings and overthrows to Cleveland House are Grade II listed in their own right. This is an important landmark property in Bath. Its standalone commanding silhouette features in a number of key views in the Conservation Area and World Heritage Site - along the Canal, from Sydney Gardens and along Sydney Road.

The building is characterised by its classical architecture and symmetrical design and has generally managed to survive unaltered, with the exception of a small flat roofed 1960's toilet block to its western side. The application seeks to change the use from offices to a dwelling and to replace the 1960s extension with a larger one. The extension would feature a roof terrace surrounded by a glass balustrade, which would be accessed via a door created within the existing blind window. There are also a number of internal alterations proposed.

The proposals are a re-submission of the scheme that was resisted previously. As part of the preceding applications, changes have been negotiated with the applicant to enable grant of planning and listed building consents. The key changes previously included reduction in the height of the extension, omission of a roof terrace, retention of the blind window and preservation of vaults. The currently proposed scheme essentially returns to the original submission.

This planning application is accompanied by an application for planning permission (Ref: 14/03180/FUL)

## PLANNING HISTORY

3718 - Change of use from residential to Royal Air Force Town Centre; and alterations to provide a caretaker's flat; provision of additional sanitary accommodation and new vehicular access from Sydney Road to new car park. Approved 4.12.51

6017/1 - extension to provide additional lavatory accommodation. Approved 5.6.62

6017/3 - Use as a driving test centre and the main building offices for the Ministry of Public Building and Works. No objections raised 6.6.67

6017-8 - Internal alterations to existing single storey toilet block and reinstatement of architectural features to existing building. Approved 22.3.95

DC - 04/00384/LBA - RF - 19 March 2004 - Erection of lettering to front elevation

DC - 05/02609/LBA - CONSSE - 25 October 2005 - Removal of safe room at ground floor level

DC - 12/03404/LBA - WD - 25 September 2012 - External alterations for the display of new signage and internal alterations.

DC - 13/04622/FUL - PERMIT - 24 April 2014 - Change of use from B1 offices to C3 residential, including restoration and extension to the house, demolition of existing additions to Cleveland House.

DC - 13/04623/LBA - CON - 24 April 2014 - Internal and external alterations for the change of use from B1 offices to C3 residential, including extension to the house, following demolition of existing addition to Cleveland House.

DC - 14/03180/FUL - PCO - - Erection of a single storey side extension and first floor terrace, including internal alterations, following the demolition of existing single storey extension. (Revised Proposal).

DC - 14/03181/LBA - PCO - - Internal alterations and external alterations to include the erection of a single storey side extension and first floor terrace, following the demolition of existing single storey extension.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

(Full comments available on file)

CONSERVATION OFFICER - Recommended refusal. The height and bulk of the replacement extension together with the alteration of the first floor dummy window to a door and use of the extension roof as a terrace would cause substantial harm to the significance of the Grade II\* listed building and the character and appearance of this part of the conservation area.

ENGLISH HERITAGE - Attached considerable significance to the building; its reuse is the desirable outcome. Once again raised concerns with regards to introduction roof terrace/garden on top of the replacement extension. Current application will be harmful to



the architectural composition of the house. The previously secured subservience would be lost; garden on roof would draw attention to the side extension; strong feature of designed blind windows would be lost.

THE GEORGIAN GROUP - Objected. The main concern is the proposed access to the terrace by means of opening the intentionally blind aedicule of the west façade which forms one of the most striking aspects of the building on the approach from Bath. This involves the loss of both historic fabric and the original architectural composition of the west façade.

BATH PRESERVATION TRUST - Previous revised scheme minimised harm to the heritage asset and wider conservation area. BPT did not object to the principle of providing an extension, but questioned suitability of a roof terrace on the side this building. Expressed concerns over the use of one of the blind windows as a stone door to provide access to the roof terrace.

BATH HERITAGE WATCHDOG - Objected. There is nothing in the submitted documentation that convinces that a roof terrace is required, appropriate or acceptable. The works, by virtue of the loss of original historic fabric, original plan form, and alteration detrimental to a main elevation is considered to be detrimental to the special architectural and historic character and interest of the listed building, adjacent listed structures, the Conservation Area and World Heritage Site

CLLR DAVID MARTIN - Supported. I support this application for internal and external alterations to the listed building Cleveland House in my ward. I would like to request that if the case officer is minded to recommend refusal that the application be determined by the Development Control Committee. My reasons are that the proposals do not constitute any detrimental impact to the building, and that they are in compliance with relevant planning policies including BH2, BH4 BH5 and BH6.

Third Party comments - 2 letters of objections received from the neighbour at Kennet House. Main points raised:

- adverse effects of the proposed roof garden upon the setting of Kennet House and the wider conservation area/World Heritage Site;
- loss of the privacy;
- property value should not be considered as being material to a planning decision
- this is a highly significant and rare example of a Georgian purpose built office. The present extension should be demolished and the side restored as was

## **POLICIES/LEGISLATION**

The primary consideration is the duty placed on the Council under Section 16 of Planning (Listed Buildings and Conservation Areas) Act 1990 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 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. The recently published National Planning Policy Guidance, as well as The Historic Environment Planning Practice Guide published jointly by CLG,

DCMS, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.

If the Council is minded to grant consent there is no requirement to notify the Secretary of State before a decision is issued.

## **OFFICER ASSESSMENT**

The principal issue with the current resubmission relates to the harmful impacts on the protected building, its setting and the wider Conservation Area.

Cleveland House is a highly significant grade II\* listed building which has important historic as well as architectural value. It is a unique form of development in Bath that visually closes and contributes to an important established key view in the Conservation Area and the World Heritage Site looking south along the canal from the footbridge in Sydney Gardens (which is also a Registered Park and Garden).

The building is characterised by its classical architecture and symmetrical design. The existing mid C20 single storey flat roof extension at the western end of the house is of modest size and appearance which fortunately does not compete with the scale, appearance and dominance of the listed building itself. As with the previous applications its demolition is not objected to.

A key element to making the previous proposals acceptable in planning and listed building terms was the omission of the roof terrace, the reduction in height of the proposed extension, and the omission of opening a blind side window.

These problematic elements have now been reintroduced under these proposals and are discussed below:

### - Larger extension:

The proposed flat roof replacement extension is considerably larger than the existing extension and would double its footprint and volume. It also will be about 1.2 metres higher. A glass balustrade protruding above the parapet wall would increase this height from 0.24m along the perimeter up to 1m against the building. The resulting height of the extension is especially of concern here as it would be encroaching on the long established view from Sydney Gardens and cause harm to the symmetry of design and setting of the historic building. The issue of scale was particularly identified by Historic Buildings Team and English Heritage who were anxious to secure the subservience of the extension.

### - Roof terrace:

The issue of scale would be further exacerbated by the use of the flat roof as a terrace. Unlike discrete small-scale balconies which are a common characteristic throughout the city, a large terrace area, as proposed, is intended to function as the main outdoor space for the dwelling. It will inevitably attract extensive garden furniture and other such outdoor paraphernalia which would substantially intrude on and harm the character, appearance and setting of the listed building. This would draw attention away from the principal building to the side extension, and also will be visually intrusive within the conservation area and have a harmful effect on its character and appearance.

- Loss of blind window:

The intentionally blind window niches of the west façade form one of the most striking aspects of the building on the approach from the City centre. To achieve a roof terrace it is proposed to replace the most southerly blind window with a taller door to provide access.

The architectural composition of this public and prominent elevation will be substantially compromised and harmed by such an alteration. It is a balanced composition of three equally spaced blind windows with the central axis window emphasised with a pediment. This symmetry and harmony of design will be destroyed by converting the blind window to a door as proposed.

Use of stone cladding for the door is intended to ensure that it 'blends' with the existing stone work, but in reality it is likely to be in the open position for considerable periods of time, whilst the terrace is in use, and will have a visually incongruous appearance, harming the significant character and appearance of Cleveland House.

Furthermore, it is proposed to increase the depth of the window by almost one metre (approx. 900mm), cutting through the paired string course. The string course is another particularly strong feature of this elevation, and its interruption would exacerbate the harm to the symmetry and composition of this elevation and involve significant loss of important original historic fabric and architectural detailing which is unacceptable

- Internal alterations to the listed building:

As discussed above, the conversion of the blind window to a door will cause substantial harm to the original character and appearance of the listed building.

Further concerns relate to the proposed truncating of the front section of the historic vault to provide a passage link from the garage. Such works would harm the integrity and fabric of the listed building. It is possible to achieve such access in a more sensitive manner, without destroying historic fabric (as demonstrated by the approved scheme). Such alteration to the vault could only be justified if the overall scheme is considered to improve character and appearance and not cause harm. This is not the case here.

There are no objections to the other proposed internal alterations to the listed building.

## BALANCE OF ISSUES / OVERALL CONCLUSION

It is considered that the proposals would result in substantial harm being caused to this important heritage asset and its setting.

NPPF advises that harm to the significance of a designated heritage asset should be weighed against the public benefit of the scheme. Para 132, for example, states that "Substantial harm to or loss of significance of designated heritage assets of the highest significance, notably ...grade I and II\* listed buildings....should be wholly exceptional". Although a development of this scale does not ultimately harm the outstanding universal values of the World Heritage Site, due to the harmful impacts on the important views, the

proposals fail to either preserve or enhance the character and appearance of this exceedingly picturesque part of Bath Conservation Area.

It is highly desirable that the building is brought back to use. However the scheme in its current form leads to substantial harm to a nationally protected building, which should only be considered in exceptional circumstances leading to substantial public benefits. Furthermore, given the harmful impacts on the important views, the proposals fail to either preserve or enhance the character and appearance of this exceedingly picturesque part of Bath Conservation Area and the WHS.

It is not considered that the desire to provide a roof terrace in order to increase property value should be considered as an exceptional situation envisaged by the NPPF, neither it would result in substantial public benefits that outweigh the harm caused as required by the NPPF (para 133). If an outdoor space was paramount, this could be provided in place of the extension/parking or by utilising the existing outdoor space. None of these options have been explored as part of the justification.

It is considered that the satisfactory outcome achieved on the approved applications presented a much more sensitive way of bringing this building back to use, and that it tipped the planning balance in favour of the proposal. On the other hand, the current scheme results in substantial harm and the positive outcomes of the proposals are unfortunately clearly outweighed by this harm.

At the time of writing, the application is still within its statutory consultation period (which expires on the 23 October 2014). It is therefore recommended that members delegate to refuse this application. In the event that further representations that raise previously unconsidered planning issues are received, the application will be reported back to a subsequent committee.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposed works of alteration lack justification and would lead to substantial harm to the protected building by loss of important architectural features and composition, historic fabric and character. Furthermore the proposal would fail to either preserve or enhance the character and appearance of Bath Conservation Area and would be harmful to the setting of the listed building. For these reasons the proposed works are regarded as not preserving the architectural or historic interest and character of the heritage asset contrary to Planning (Listed Buildings and Conservation Areas) Act 1990 and National Planning Policy Framework.

## **PLANS LIST:**

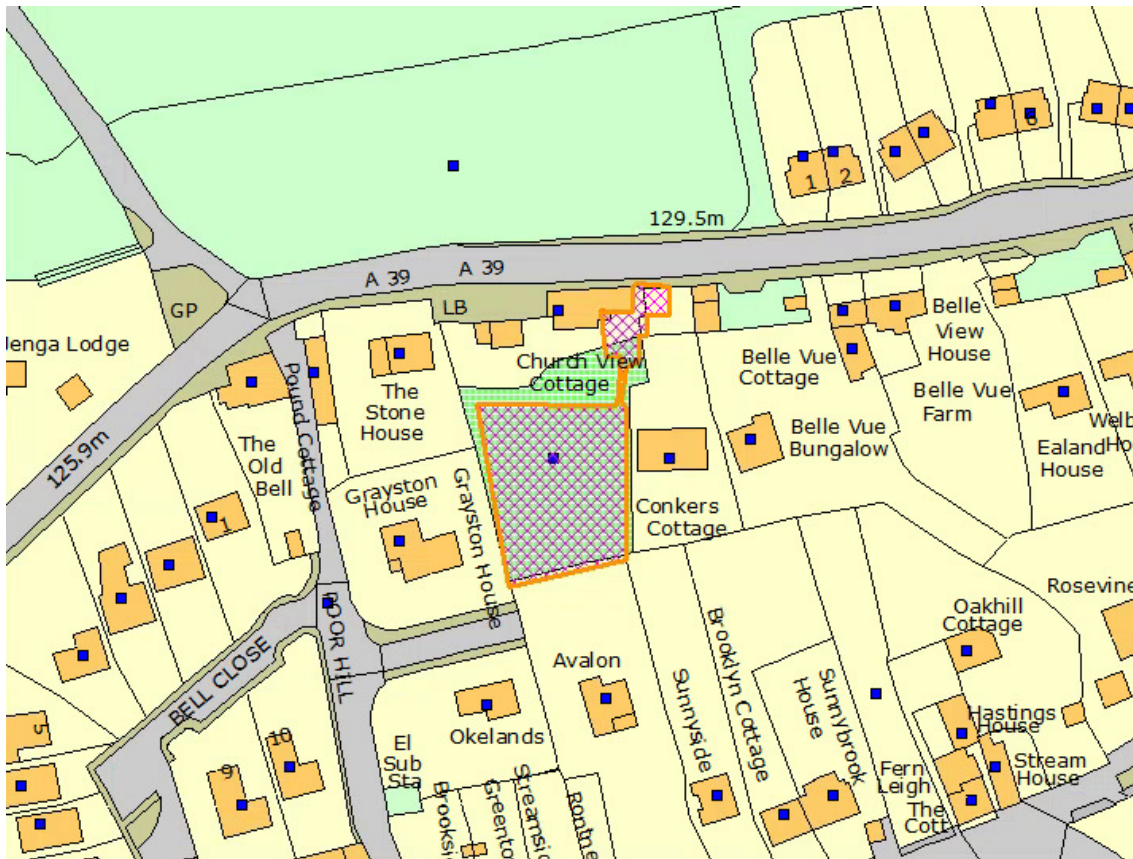
OS Extract	09 Jul 2014	SITE LOCATION PLANS
Drawing	09 Jul 2014	DOOR AND WINDOW PLANS
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Drawing	09 Jul 2014	SECTIONS
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**DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Despite the advice provided during the pre-application stages and the previous applications, the applicant chose to submit the scheme in its current form. The proposals were considered unacceptable for the reasons given and the applicant did not wish to withdraw the scheme. Having regard to the need to avoid unnecessary delay, the Local Planning Authority moved forward and issued its decision

**Item No:** 05  
**Application No:** 14/03709/FUL  
**Site Location:** Greenlands Bath Road Farmborough Bath BA2 0BU



**Ward:** Farmborough

**Parish:** Farmborough

**LB Grade:** N/A

<b>Ward Members:</b>	Councillor S Davis
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of detached garage and creation of new driveway and provision of acoustic fence. Provision of additional patio doors and WC window to bungalow. (Resubmission)
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr And Mrs S Gould
<b>Expiry Date:</b>	7th October 2014
<b>Case Officer:</b>	Alice Barnes

## REPORT

Reason for reporting application to committee

The application is being referred to the chair at the request of Councillor Sally Davis

The application has been referred to the Chairman of the Development Control Committee in accordance with the scheme of delegation (DCC) who has agreed that the application should be considered by the DCC.

Description of site and application

The application site occupies a central position within Farmborough village. It is located within the housing development boundary and outside of the Green Belt.

The application relates to the erection of a detached garage and the creation of a new driveway, the provision of additional patio doors and window.

The application site is accessed from the Bath Road in Farmborough. The dwelling could be described as being back land development in that it is sited behind dwellings that front the Bath Road and is surrounded by residential properties. It is a new build property and on visiting the site appears to be largely completed.

The existing dwelling is a single storey property. Due to the topography of the site the dwelling is set down below the Bath Road. Therefore the access to the site slopes downwards along the boundary with the neighbouring property of Conkers Cottages.

Currently a parking area is permitted at the top of the slope and the applicant proposes to install a driveway that will slope downwards along the boundary in front of Conkers Cottage and in front of the dwelling. This would provide access to the proposed garage located on the west side of the property.

Relevant History

DC - 14/01809/FUL - RF - 9 June 2014 - Erection of detached garage and creation of new driveway.

DC - 11/02212/FUL - PERMIT - 22 July 2011 - Erection of a 3/4 bedroom bungalow on land to the rear of Church View Cottage.

DC - 07/03688/OUT - RF - 18 February 2008 - Erection of 2 bungalows and associated car parking  
DC - 08/02981/FUL - RF - 8 October 2008 - Erection of new bungalow with associated parking  
DC - 09/00098/FUL - RF - 12 March 2009 - Erection of new bungalow with associated parking (Revised application).  
DC - 09/02262/FUL - PERMIT - 29 October 2009 - Erection of three bedroomed bungalow and parking spaces

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultations and representations

Farnborough Parish Council: Object. The application is very similar to 14/01809/FUL which was refused. The existing ramp will cause excessive noise and vibration. The steep access ramp is also considered to be a safety hazard. Surface water drainage has not been addressed. The ramp will be overbearing to neighbouring occupiers. The acoustic consultants report is not accurate.

Highways: No objection. Conditions 8, 9, 10 and 11 attached to permission 11/02212/FUL still apply.

Environmental Protection: No comment

Councillor Sally Davis: Object. The application is practically identical to the previous application which was refused. The acoustic report does not address the issues raised.

Representations: 6 representations have been received objecting to the application for the following reasons;

The soakaways should be kept clear.

The garage should be used for domestic purposes only.

The acoustic report is not accurate.

The power needed to drive a car up the sloped driveway would result in increased noise levels causing harm the amenity of neighbouring occupiers.

The driveway will be overbearing to neighbouring occupiers.

The driveway will be at an elevated level passing above window level.

## **POLICIES/LEGISLATION**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

Core Strategy

Saved Policies in the B&NES Local Plan (2007)

Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations

D.4: Townscape considerations

T.24: General development control and access policy

ES.12: Noise and vibration

Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

National Policy

The National Planning Policy Framework adopted March 2012

National Planning Practise Guidance 2014

### **OFFICER ASSESSMENT**

The application relates to the erection of a detached garage and the creation of a new driveway. Permission was granted in 2009 and again in 2011 for the construction of a dwelling. The dwelling appears to be largely completed on site. The vehicle access to the dwelling is from the Bath Road and the site slopes downwards from the Bath Road. This is an infill development whereby the dwelling is surrounding on all sides by houses.

Currently a parking area is permitted at the top of the slope and the applicant propose in retain the temporary driveway that will slope downwards along the boundary of Conkers Cottage and in front of the dwelling. This would provide access to the proposed garage located on the west side of the property.

Planning history

When permission was granted for the dwelling the permission included a condition regarding a temporary access ramp. As access ramp was allowed to slope downwards to the dwelling to allow for construction, this access is conditioned to be removed after construction is completed. The reasons given for this condition being in the interests of residential amenity.

The applicant made an application for a driveway and garage which was refused in June 2014. This application was refused for the following reason;

The proposed ramped access, by reason of its design, size, height, bulk, mass and positioning would have an overbearing impact upon the amenities of the occupiers of Conkers Cottage. The ramped access would also cause an unacceptable level of noise from vehicular traffic causing harm to the occupant's living standards. The proposal is therefore contrary to Policy D.2 of the Bath and North East Somerset Local Plan including waste and minerals policies 2007.

Since the previous application was considered the applicant has erected a two metre high fence around the site boundary. In this application the applicant is proposing to site an acoustic fence along the boundary with Conkers Cottage which was not proposed on the previous application.



## Design

The proposed ramp would not be visible from the streetscene and will not encroach onto the outdoor amenity space of the dwelling. The proposed driveway would be surfaced in permeable block paving. This would complement the appearance of the host dwelling.

The proposed garage would be located adjacent to the neighbouring dwellings of Graystones and The Stone House. It will be constructed with materials to match the host building. It would include a pitched roof with a gable end which would complement the design of the host property. The garage would appear to respect and complement the host dwelling.

## Amenity

A number of applications have been refused on site. Applications 08/02981/FUL and 09/00098/FUL included the provision of the ramped access down to the proposed site. The applications were refused due to their impact on the amenity of the neighbouring dwelling of Conkers Cottage.

The proposed driveway would extend along the side boundary of Conkers Cottage and across the front of the new dwelling to allow access to the proposed garage on the west elevation. The garage would be located adjacent to the garden boundaries of Grayston House and The Stone House.

Conkers Cottage is set at a lower level to Greenlands. The front garden of Conkers Cottage slopes upwards to meet the road and boundary with Greenlands. A fence has been erected along the side boundary with Greenlands which is at a similar level to the driveway at Greenland's. The proposed acoustic fence would be located adjacent to the fence at Conkers Cottage so would not appear overbearing to the occupiers of Conkers Cottage.

The previous application was refused due to concerns over the impact on the amenity of the neighbouring dwelling of Conkers Cottage. The noise of cars running along the adjoining boundary of with Conkers Cottage was considered to result in unwanted disturbance to the occupiers of Conkers Cottage. The resubmitted application includes the provision of an acoustic fence along the boundary with Conkers Cottage. The proposed fence would mitigate against the unwanted noise from car movements to the boundary with Conkers Cottage.

Previous applications have been refused due to the potential overbearing impact and bulk of the proposed driveway in relation to neighbouring properties such as Conkers Cottage. The boundary between Conkers Cottage and Greenlands is heavily vegetated which provides further screening between the two properties. The combination of the vegetation which will continue to mature over time and the provision of the fence will mitigate against visibility of the driveway to the occupiers of Conkers Cottage. In addition the proposed acoustic fence will mitigate against the noise levels from passing cars. Therefore on balance the proposed development is not considered to harm the amenity of the occupiers of Conkers Cottage.

The garage has been set away from the boundary with neighbouring dwellings and is not considered to appear to be visually intrusive to the occupiers of the Stone house and Graystones. The garage would be located adjacent to the garden boundaries of Grayston House and The Stone House. Being a single storey it is not considered to appear overbearing to the occupiers of these properties.

#### Other matters

The proposed alterations to the windows on the rear elevation will result in a minor alteration to the permitted development and will complement the appearance of the existing building.

No objection has been raised by the highways officer and the proposed garage and access are not considered to cause harm to highway safety.

#### Conclusion

The proposed amendments made to the original scheme would not harm the amenity of nearby occupiers. The proposed design will not harm the appearance of the property and development will not cause harm to highway safety.  
The application is recommended for permission.

### **RECOMMENDATION**

PERMIT with condition(s)

### **CONDITIONS**

1 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 permissions.

2 The proposed acoustic fence between Greenlands and Conkers Cottage shall be retained and should it be replaced then it shall be to a height and design which has first been agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: In the interests of residential amenity.

3 The existing vegetation on the boundary between Conkers Cottage and Greenlands shall be retained and should it be removed it shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

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

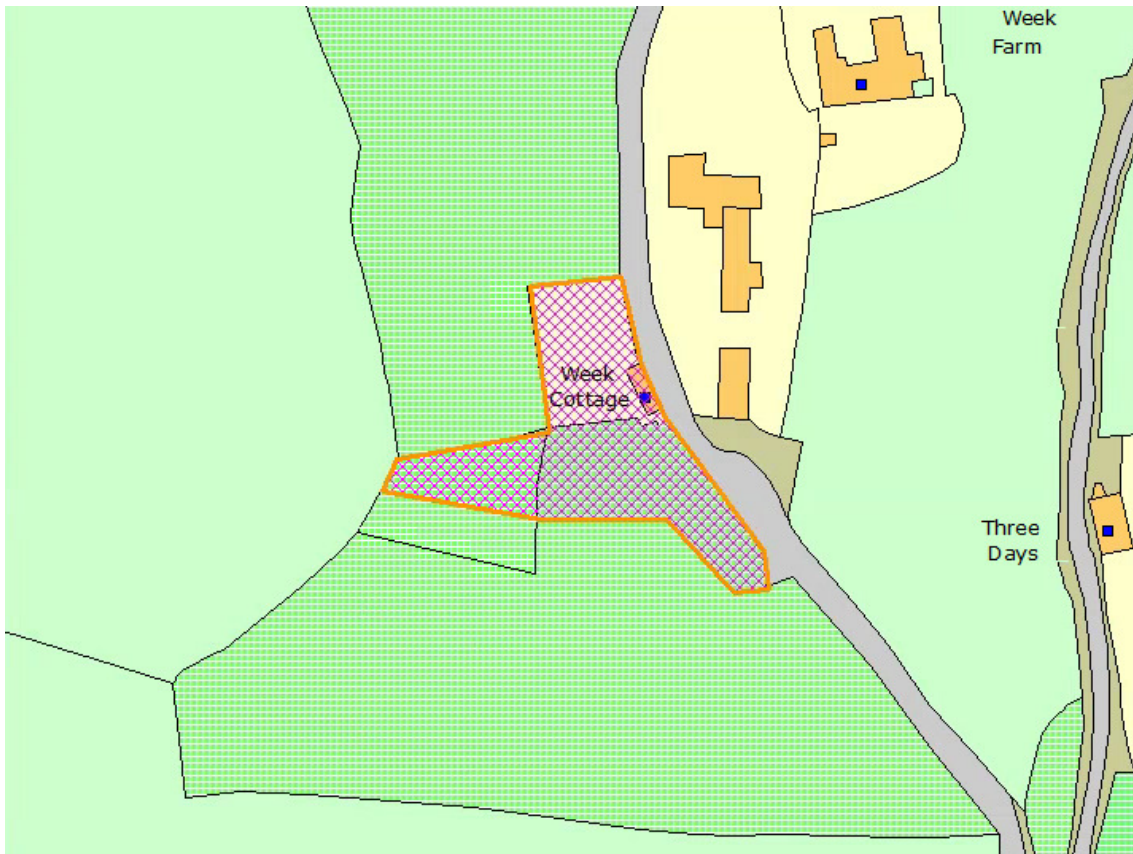
Reason: To define the terms and extent of the permission.

**PLANS LIST:**

Site plan 14414-1 rev A  
Floor plan elevation and section 14412-2

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the revised proposals was taken and consent was granted.

**Item No:** 06  
**Application No:** 14/02457/FUL  
**Site Location:** Week Cottage Combe Hay Lane Combe Hay Bath Bath And North East Somerset



**Ward:** Bathavon West                      **Parish:** Combe Hay                      **LB Grade:** N/A  
**Ward Members:** Councillor David John Veale  
**Application Type:** Full Application  
**Proposal:** Erect a two storey rear extension, to include external and internal alterations to the existing cottage.

<b>Constraints:</b>	Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Sites of Nature Conservation Interest,
<b>Applicant:</b>	Mr P. O'Connor
<b>Expiry Date:</b>	26th September 2014
<b>Case Officer:</b>	Suzanne D'Arcy

## **REPORT**

Reason for reporting to Development Control Committee

The application has been supported by Combe Hay Parish Council, contrary to Officer recommendation.

Site description and proposal

Week Cottage is a two storey detached cottage. It is sited within the Green Belt and Area of Outstanding Natural Beauty.

This is a full application for the erection of a two storey rear extension.

Relevant History

None relevant

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Arboriculture: No objection, subject to conditions

Ecology: No objection, subject to conditions

Combe Hay Parish Council: Support the application as it complies with all relevant policies

## **POLICIES/LEGISLATION**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy (adopted July 2014)
- Saved Policies in the B&NES Local Plan (2007)
- Joint Waste Core Strategy

DW1 - District wide spatial strategy

CP6 - Environmental quality

CP8 - Green Belts

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy and those relevant to this application are set out below.

D.2 - General design and public realm considerations

D.4 - Townscape considerations

GB.2 - Visual amenities of the Green Belt

HG.15 - Dwelling extensions in the Green Belt

NE.2 - Areas of Outstanding Natural Beauty

Existing Dwellings in the Green Belt Supplementary Planning Document - adopted October 2008

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

## **OFFICER ASSESSMENT**

### Impact on the Green Belt

As the site is located within the Green Belt, strict controls exist to guard against inappropriate development, which is harmful to the Green Belt by definition. Core Strategy CP8 refers to the guidance given within the NPPF in terms of the forms of development that are considered to be not inappropriate and limited extensions to dwellings fall within this. Saved Policy HG.15 and the SPD give further guidance on what is considered to be a limited extension. In general terms, a well-designed extension that results in an increase of about a third of the dwelling as originally built is more likely to be acceptable. The original volume in this context is the volume of the dwelling on 1st July 1948.

The property has been extended since 1948 and the resultant dwelling following the extension would be approx 63% larger than the original. It is recognised that the volume alone cannot be the only consideration. The SPD also makes it clear that when considering whether an extension is disproportionate the character of the dwelling and its surroundings also need to be considered. The proposed extension is to the rear of the property and the site slopes steeply up towards the rear. However, some substantial excavation works would be required to facilitate the proposed extension. When this is considered, in conjunction with the massing, scale, siting and increase in volume above the host dwelling of the proposed extension, it is considered that this would represent a disproportionate addition to the host dwelling in terms of the relevant guidance, which represents inappropriate development in the Green Belt and is harmful by definition.

Turning to the impact on openness, the proposed extension would be viewed in the context of the existing building. The topography of the site and location of the proposal restricts views of it from the wider area however it can be seen. Furthermore it will extend a significant volume of building into the green belt where currently none exists and consequently will impact harmfully on the openness of the Green Belt. The development would also represent harmful encroachment into the countryside.

There are no benefits identified that would outweigh the harm caused and no Very Special Circumstances have been put forward by the applicant to outweigh this harm. This is contrary to Policy CP8 of the Bath and North East Somerset Core Strategy, saved policy GB2 of the adopted local plan and the advice contained within the NPPF and the adopted SPD.

### Impact on the character of the area

The proposed extension is considered to represent a subservient addition to the host building. It will be constructed of matching materials with cedar boarding. It is therefore considered that there will not be adverse impact on the character of the area or the AONB from this proposal.

### Impact on trees and ecology

The rear of the site is heavily treed and seven trees would be removed as part of the proposal. The Senior Arboricultural Officer has raised no objection to this. The submitted report has not given tree protection measures and there may be works that effect other trees. As such, a condition could be imposed to require the submission of an arboricultural method statement and tree protection plan to ensure the surrounding trees are not adversely impacted.

A protected species report has been submitted and this gives recommendations in relation to protection of bats and provision of replacement nesting habitat. It is considered that a condition could be imposed to ensure that the recommendations in the report could be carried out to safeguard protected species if the development were being approved.

### Impact on residential amenity

There are no nearby residential properties that will be affected by this proposal.

### Conclusion

The proposed extension is considered to represent inappropriate development, which is harmful to Green Belt by definition. The proposed development would be harmful to openness introducing a significant additional built form and associated excavation into an area where currently no building exists. It is noted that the applicant has submitted further surveys to overcome concerns in relation to the impact on trees and ecology demonstrating that the development does not impact upon trees or ecology. However, this is not considered to outweigh the harm to the Green Belt caused by inappropriate development and loss of openness.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposed development, by reason of its scale, massing, siting and increase in volume above the original dwelling, will represent inappropriate development in the Green Belt, which is harmful by definition and would result in a loss of openness and cause harmful encroachment into the countryside for which no very special circumstances have been demonstrated that would clearly outweigh the very significant level of harm caused.. This is contrary to Policy CP8 of the Bath and North East Somerset Core Strategy adopted July 2014, and saved Policy GB2 of the adopted local plan and the NPPF.

## **PLANS LIST:**

This decision relates to drawings numbered 1887-SLP, -BP, -SE, -SP, .PE, -PP, -TS and .L01, recieved by the Council on 29th May 2014.

### DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the agent was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to this the Local Planning Authority moved forward and issued its decision.

**Item No:** 07  
**Application No:** 14/03061/OUT  
**Site Location:** Janton Eckweek Lane Peasedown St. John Bath Bath And North East Somerset



<b>Ward:</b> Peasedown St John	<b>Parish:</b> Peasedown St John	<b>LB</b>
<b>Grade:</b> N/A		
<b>Ward Members:</b>	Councillor S F Bevan	Councillor N L R L Hartley
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Erection of detached bungalow.	
<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr D Taylor	
<b>Expiry Date:</b>	29th August 2014	
<b>Case Officer:</b>	Mike Muston	

## REPORT

### Reason for Reporting to Committee

This application is reported to Committee following referral to the Chairman, who requested this, and expressed concerns about this being an outline application for one dwelling.

### Site and Location

The application site is within the built-up area of Peasedown St John, and is accessed via a driveway off White Ox-mead Lane. Since the construction of the bypass around the eastern side of Peasedown St John, this lane only serves four properties beyond the application site.

The area to the north, west and south of the site comprises mixed residential development, which was originally constructed at relatively low density. An estate of higher density 2 storey detached housing lies to the east of the site. Holly Tree Cottage was permitted in 2007 in front of Janton, effectively turning Janton into a backland dwelling behind. The proposal is for a further backland property behind Janton, served off the same driveway.

This application is for a detached bungalow to the rear of Janton. It is submitted in outline form, with all reserved matters left for future consideration at reserved matters stage.

### Relevant Planning History

07/03766/FUL - Dwelling to the front of Janton - Permitted

07/03132/FUL - 2 dormer bungalows (one to front and one to rear of Janton) - Withdrawn

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Peasedown St John Parish Council

The application was considered, particularly in relation to parking, turning space and proximity to the surrounding properties and it was resolved to object to the application on the grounds of it being overdevelopment of the site.



## Highways

Previous applications on this site for two dwellings (before Janton was permitted) raised concerns regarding the safety of the access which suffers from reduced visibility. Janton has since been constructed and has been lived in for some time and the access used by the additional traffic generated without incident.

The current proposal is for a modest bungalow in the grounds of Janton and notes local concerns being raised in respect of this application for the same highway safety reasons. Notwithstanding the previous comments, and the undoubted substandard visibility, there is no highway safety record at the access, at the junction of Ox-Mead Lane, or along Eckweek Lane as a whole despite a number of similarly poor (but modern standards) access arrangements. I therefore feel an objection on highway grounds is not justified or defensible.

Two parking spaces for each property remains, as does adequate turning facilities. There is therefore no highway objection subject to the imposition of a condition.

## Ecology

No objections.

## Arboriculture

No objections.

## Representations

Three letters received from the occupiers of two adjoining properties, objecting to the application on the following grounds:-

The access to the site is restricted with poor visibility.

The development is infilling and overdevelopment.

The increased traffic along the driveway will cause noise and disturbance.

Overbearing impact of the new dwelling.

## **POLICIES/LEGISLATION**

### LOCAL PLAN

Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007. Saved policies relevant to this site in the Local Plan are:

D.2 General Design and public realm considerations

D.4 Townscape considerations

## CORE STRATEGY

The Council has prepared a Core Strategy, which has been adopted. The following policy is relevant:-

## NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (the Framework) was published in March 2012 and superseded much previous Government guidance. It contains a number of paragraphs that are relevant to the application and these are summarised below:-

### Presumption in favour of sustainable development

The Framework introduces a presumption in favour of sustainable development. This is defined as being made up from economic, social and environmental elements. It says that, when taking decisions on applications, this presumption means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, it means granting permission unless 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; or where specific policies in this Framework indicate development should be restricted.

### Core Planning Principles

Amongst the core planning principles set out in the Framework are that planning should:-  
always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

### Good Design

The Framework continues the theme from previous Government guidance that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It says that planning decisions should aim to ensure that developments:-  
will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development  
establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit  
are visually attractive as a result of good architecture and appropriate landscaping

The Framework goes on to say that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

## **OFFICER ASSESSMENT**

The main issues in this case are the impact of the proposed development on:-

The character and appearance of the area

The living conditions of the occupiers of adjoining residential properties

Highway safety

## Character and appearance

The application site is smaller than those in the surrounding area to the north, west and south but of a similar size to those found on the estate to the east. It is not considered that this proposal could be considered as overdevelopment. In addition, as Janton is already a backland property, it is not felt that the addition of a further dwelling behind Janton would have any undue impact on the character or appearance of the area.

## Living conditions

Additional traffic serving the new dwelling would pass the side elevation of Holly Tree Cottage and approach the side elevation of The Hawthorns. However, this would only add around 4 vehicle movements per day on this driveway. It is not considered that this would amount to an undue impact on the living conditions of the occupiers of either affected property.

Although siting is not determined at this stage, it is likely that the new dwelling would be close to the boundary with The Hawthorns, as shown on the illustrative "Proposed Site Plan". This boundary is marked by a high wall, approximately 2.4 metres in height on the application site side (less on The Hawthorns side due to a change in levels). If a two storey or dormer bungalow were to be constructed on the site, the resulting built form would be very likely to be unduly overbearing on the occupiers of The Hawthorns, when enjoying their house and rear garden. However, a single storey structure, with no rooms in the roof, would be much lower and the impact is then considered to be acceptable. This is what appears to be shown on the illustrative site plan. It is proposed to include a condition preventing the construction of a second floor of accommodation.

## Highway safety

The visibility to the west when leaving the driveway is very poor. However, it is highly material that White Ox-mead Lane only serves four properties beyond the driveway. The amount of traffic using this part of the road must therefore be very low. In addition, as the Council's highway officer points out, there has been no record of accidents resulting from the use by Janton of this same driveway for a number of years. The applicants control a small section of the hedge which, if allowed to grow out, would further restrict visibility to the west. However, it is likely the the applicants or any future owner will regularly cut it back to ensure that this did not happen.

## Conclusion

It is therefore recommended that permission be granted.

## **RECOMMENDATION**

PERMIT with condition(s)

## **CONDITIONS**

1 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3 The area allocated for parking and turning on the submitted plan, for both the proposed dwelling and Janton, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

4 The bungalow hereby permitted shall be of one storey only, with no accommodation provided above ground floor level.

Reason: In the interests of the living conditions of the occupiers of the adjoining property.

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

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

**PLANS LIST:**

Drawings 2014062, 2104063 and 2014064, received 4 July 2014.

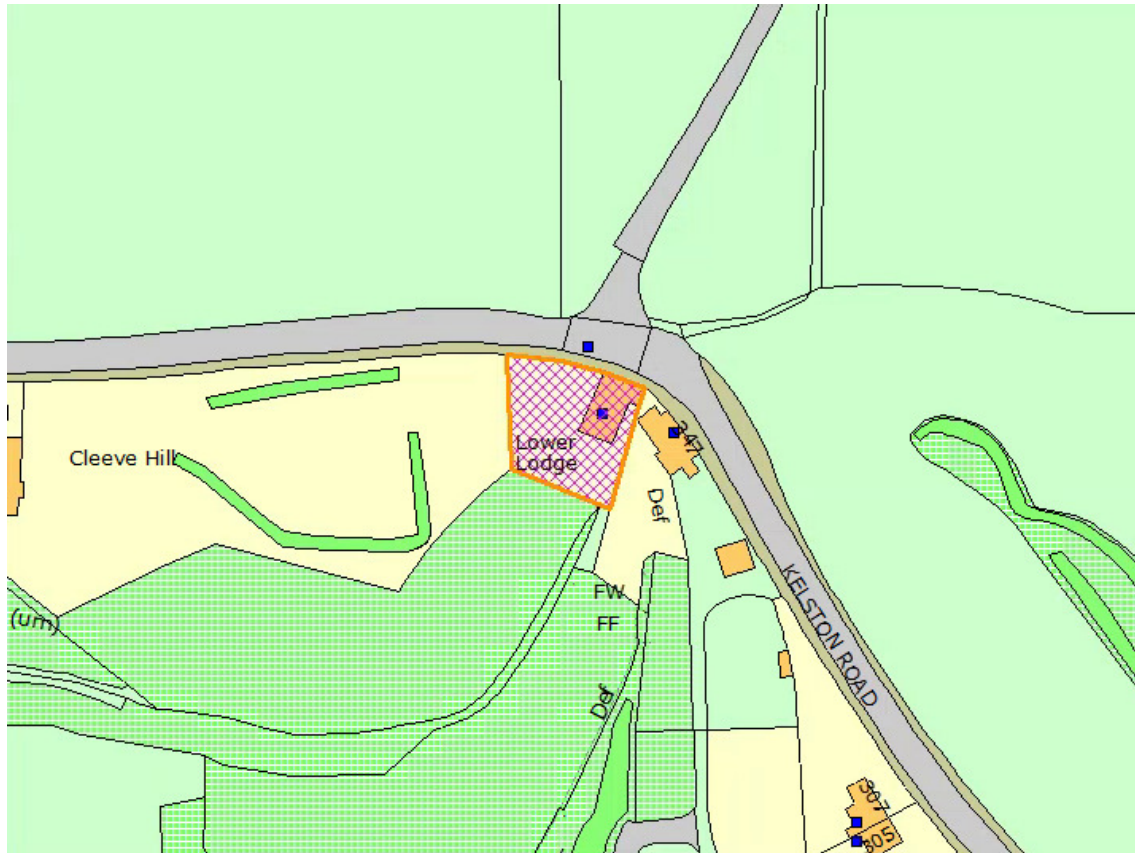
In determining this application, the Local Planning Authority has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given in the Committee report, a positive view of the submitted proposals was taken and permission was granted.

Informative:

The hedgerow adjacent to the vehicular access to the application site, on its western side, should be regularly cut back, so as to minimise the extent to which hedgerow growth restricts visibility at this point.

<b>Item No:</b>	08
<b>Application No:</b>	14/03564/FUL

**Site Location:** Lower Lodge Kelston Road Kelston Bath Bath And North East Somerset



**Ward:** Bathavon North

**Parish:** Kelston

**LB Grade:** N/A

**Ward Members:** Councillor M Veal Councillor Geoff Ward

**Application Type:** Full Application

**Proposal:** Construction of a pitched roof to accommodate new staircase, 2 no. new bedrooms and bathroom, 3 no. dormer windows and 1 no. dormer doorway with associated balcony, 1 no. cat-slide dormer to high level window and 1 no. conservation rooflight, to include internal accommodation and fenestration alterations.

**Constraints:** Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, HotSpring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,

**Applicant:** Mr & Mrs I Cardiff

**Expiry Date:** 30th September 2014

**Case Officer:** Suzanne D'Arcy

## REPORT

Reason for reporting application to Development Control Committee:

This application has been called to Committee by Cllr Geoff Ward, for the following reasons:

- The existing building is in desperate need of refurbishment and the additional accommodation will make it into a good quality family home, including the replacement of the sub-standard slate roof with new natural slate.
- The design of the new roof removes the existing ugly side flat roof which is in decay.
- To extend the roof vertically to will provide good additional accommodation for a young growing family.
- The existing building is totally dominated in height and volume by the adjoining dwelling.
- The volume of the new works conform with the LPA green belt requirements.

#### Description of site and proposal

Lower Lodge, Kelston Road is a detached property, sited within the World Heritage Site, Green Belt, and AONB.

This is a full application for the erection of a pitched roof, 4 dormer windows and a dormer to access a new balcony.

#### Relevant History

None

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Kelston Parish Meeting - No comments received

Representations - None received

### **POLICIES/LEGISLATION**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)\*
- Joint Waste Core Strategy

DW1 - District wide spatial strategy

B1 - Bath spatial strategy

B4 - The World Heritage Site and its Setting

CP6 - Environmental quality

CP8 - Green Belts

Existing Dwellings in the Green Belt Supplementary Planning Document - adopted October 2008

\*The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy

D.2 - General design and public realm considerations

D.4 - Townscape considerations

GB.2 - Visual amenities of the Green Belt  
NE.2 - Areas of Outstanding Natural Beauty

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

## **OFFICER ASSESSMENT**

### Impact on the Green Belt

As the property is located within the Green Belt, strict controls exist to guard against inappropriate development, which is harmful to Green Belt by definition. The NPPF lists the forms of development that are not considered to be inappropriate, and this includes limited extensions to dwelling that do not result in a disproportionate addition above the original volume. The SPD provides further guidance on this and states that a well designed extension that does not result in an increase of about a third above the original volume is more likely to be acceptable. Original in this context is the volume on 1st July 1948.

Whilst it is noted that the proposed extension will result in an increase of approx 27% above the host dwelling, it involves raising the roof of the property to accommodate the dormer windows. This is considered to increase the massing of the building within the Green Belt and will contribute to a deterioration in the rural character of the building. It is therefore considered that the alterations represent a disproportionate addition above the host building and contrary to Core Strategy Policy CP8 and Saved Local Plan Policy HG.15 and the advice contained within the SPD.

Whilst there is no formal definition for openness, it is generally considered (and Inspectors have echoed this view elsewhere in the district) that openness is the absence of built form. The increase in the height of the ridge will result in the increased visibility of the built form as viewed from the main road towards the open countryside beyond. In view of this, it is considered that the proposed works will be harmful to the openness of the Green Belt and be contrary to Local Plan Policy GB.2.

### Impact on the AONB and the character of the area

The existing dwelling appears to have been formerly a lodge house to one of the larger dwellings in the vicinity and it has a simple, attractive appearance that would be associated with a building of this type. The application proposes the raising of the ridge and the insertion of dormer windows altering what is currently a simple low key roof, highly visible from the A431 Kelston Road. The increase in height and introduction of these dormer windows will impact adversely on the appearance of the building, giving it an unfortunate suburban appearance at odds with its original character. It is considered that this is harmful to the character of this part of the AONB and the wider street scene.

### Impact on residential amenity.

The dwelling is set at an angle to the adjacent dwelling and due to this relationship, there will be no overlooking into the private amenity space of the gardens. The angle of overlooking will be too acute from the proposed balcony to result in a loss of privacy to any private amenity space.

There will not be any overshadowing as a result of the proposal.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposed raising of the ridge will, by reason of its increase in massing and change in character, result a disproportionate addition to the host building and will also be harmful to the openness and rural character of the Green Belt. In addition, the introduction of dormer windows onto a prominent roofslope will have a suburbanising impact on the appearance of the building and this will erode the natural beauty of this part of the AONB. This is contrary to Core Strategy Policy CP8 and Local Plan Policies HG.15, GB.2 and NE.2 that are saved in the Bath and North East Somerset Core Strategy - adopted July 2014.

## **PLANS LIST:**

This decision relates to drawings numbered 14.221/21, /22, /23, /24 and /25 and related site location plan, received by the Council on 5th August 2014.

## **DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The proposal was considered unacceptable for the reasons given and the agent was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to this the Local Planning Authority moved forward and issued its decision.