

Bath & North East Somerset Council

MEETING:	Development Control Committee	AGENDA ITEM NUMBER	
MEETING DATE:	19th November 2014		
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)		
TITLE:	SITE VISIT 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.

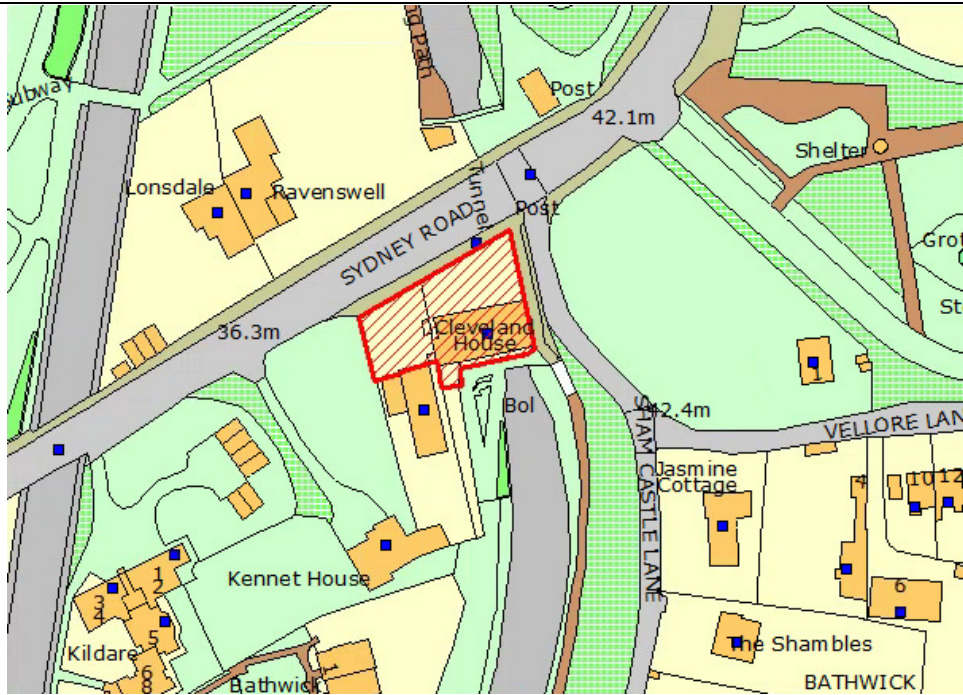
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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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001	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
002	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
003	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)	Farmborough	Alice Barnes	PERMIT

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

Item No:	001
Application No:	14/03180/FUL
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: 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, Hotspring 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

This application was deferred at the last committee meeting on 22 October 2014 for a site visit.

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.

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

UPDATE (22 October 2014):

Further comments/correspondence received following re-consultation.

ENGLISH HERITAGE - We have no further comments to make on this proposal. I would add that I assume that the Planning Application description has also been altered to reflect the change of use. If so our comments on the planning application also still stand.

BATH PRESERVATION TRUST - (updated comment of objection - full comment on file)
 The current proposal would cause the loss of important architectural features and composition, historic fabric and character, and would lead to substantial harm to the listed building. The height of the extension proposed would be harmful to the setting of the listed building, and would neither preserve nor enhance the character and appearance of Bath Conservation Area. For these reasons the proposed works would fail to preserve the architectural or historic interest and character of the heritage asset contrary to Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

CLLR DAVID MARTIN - wrote to inform that he wishes to speak on this application at the DCC meeting on 22 October

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 outside 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, notablygrade 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.

It is therefore recommended that members refuse this application.

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:

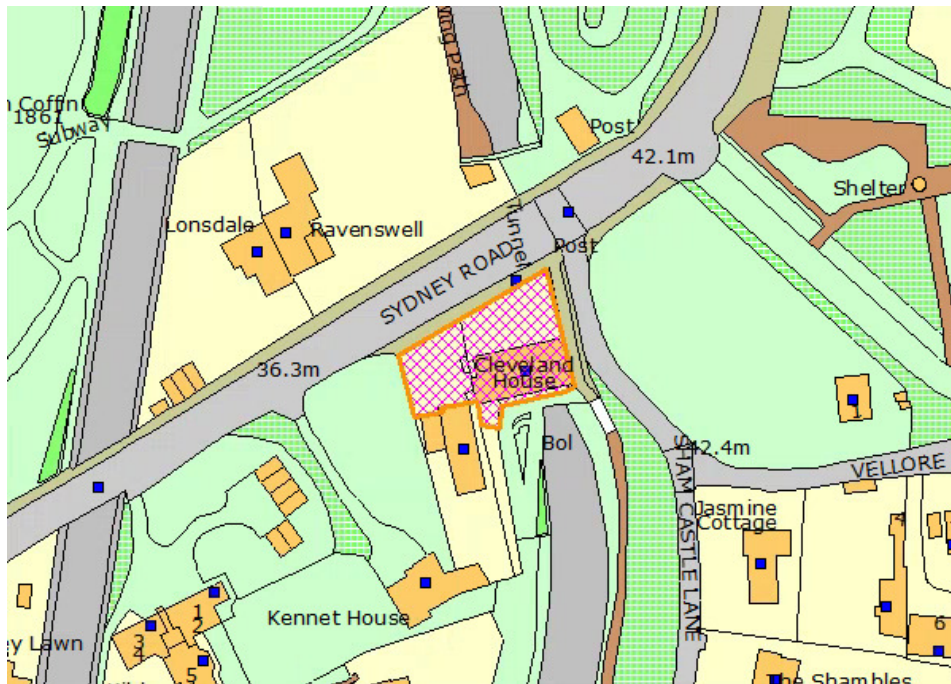
OS Extract	09 Jul 2014	SITE LOCATION PLANS
Drawing	09 Jul 2014	DOOR AND WINDOW PLANS
Drawing	09 Jul 2014	EXISTING SKIRTING AND EXTERNAL DOOR
Drawing	09 Jul 2014	PRELIMINARY SECTION
Drawing	09 Jul 2014	PROPOSED ELEVATIONS
Drawing	09 Jul 2014	PROPOSED ELEVATIONS
Drawing	09 Jul 2014	PROPOSED FLOOR PLANS
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: 002
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)
Proposal: 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.
Constraints: ,

Applicant:	Trevor Osborne Property Group
Expiry Date:	5th September 2014
Case Officer:	Sasha Coombs

REPORT

REASONS FOR REFERRAL TO COMMITTEE

This application was deferred at the last committee meeting on 22 October 2014 for a site visit.

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

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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

UPDATE (22 October 2014):

Further comments/correspondence received following re-consultation.

ENGLISH HERITAGE - We have no further comments to make on this proposal. I would add that I assume that the Planning Application description has also been altered to reflect the change of use. If so our comments on the planning application also still stand.

BATH PRESERVATION TRUST - (updated comment of objection - full comment on file)
The current proposal would cause the loss of important architectural features and composition, historic fabric and character, and would lead to substantial harm to the listed building. The height of the extension proposed would be harmful to the setting of the listed building, and would neither preserve nor enhance the character and appearance of Bath Conservation Area. For these reasons the proposed works would fail to preserve the architectural or historic interest and character of the heritage asset contrary to Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

CLLR DAVID MARTIN - wrote to inform that he wishes to speak on this application at the DCC meeting on 22 October

POLICIES/LEGISLATION

From the point of view of the historic environment the primary consideration is the duty placed on the Council under S 16 of the Listed Buildings Act 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.

From the point of view of the historic environment there is also a duty placed on the Council under Section 72 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

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 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.) The National Planning Policy Framework can be awarded significant weight.

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
- B4 - The World Heritage Site

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.

- BH.2 - Listed buildings and their settings
- BH.6 - Development within or affecting conservation areas

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.

It is therefore recommended that members refuse this application.

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.

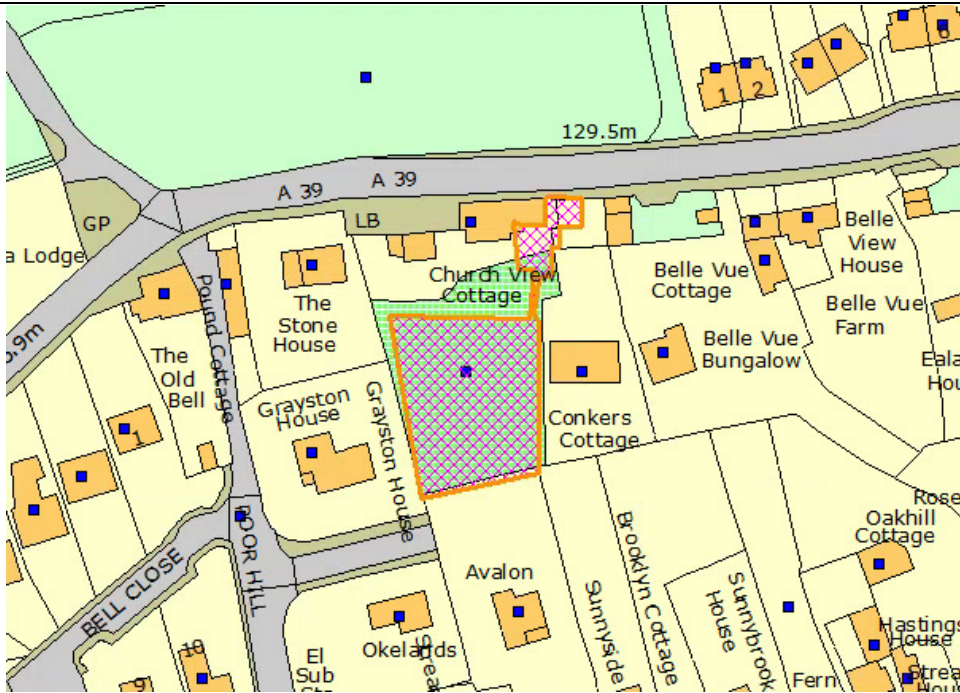
PLANS LIST:

OS Extract	09 Jul 2014	SITE LOCATION PLANS
Drawing	09 Jul 2014	DOOR AND WINDOW PLANS
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:	003
Application No:	14/03709/FUL
Site Location:	Greenlands Bath Road Farmborough Bath BA2 0BU



Ward: Farmborough

Parish: Farmborough

LB Grade: N/A

Ward Members: Councillor S Davis

Application Type: Full Application

Proposal: 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)

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,

Applicant: Mr And Mrs S Gould

Expiry Date: 7th October 2014

Case Officer: 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.

Following the committee meeting of the 22nd October the committee resolved to defer the application for a site visit and the application will be considered at the meeting of the 19th November.

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

Farmborough 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.