

Bath & North East Somerset Council

MEETING:	Development Control Committee	AGENDA ITEM NUMBER	
MEETING DATE:	10th December 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.

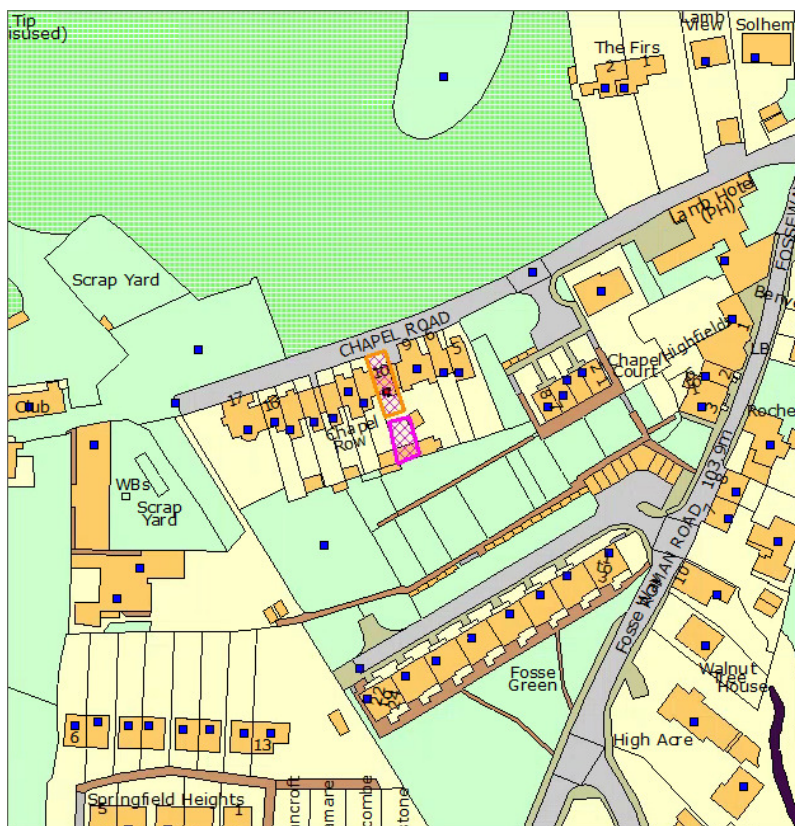
INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	14/04167/FUL 12 December 2014	Mr & Mrs G Peters 10 Chapel Road, Cladown, Radstock, Bath And North East Somerset, BA3 3BP Erection of single storey rear extension	Radstock	Alice Barnes	PERMIT
002	14/02693/FUL 22 October 2014	Cafe Grounded 39 High Street, Keynsham, BS31 1DU, , Change of Use of Ground Floor from offices (B1) to Cafe/ Bar (A3) with alteration to street frontage windows to folding sliding doors, new extract flue and use of public highway for siting of 2no tables and 8no chairs.	Keynsham North	Suzanne D'Arcy	PERMIT
003	14/03372/OUT 24 October 2014	Mr & Mrs Baker 52 Sladebrook Road, Southdown, Bath, Bath And North East Somerset, BA2 1LR Erection of 1 No. dwellings, a replacement garage, and associated works.	Southdown	Suzanne D'Arcy	PERMIT
004	14/03261/FUL 11 September 2014	Alan & Pamela Bevan & Lewis Land Rear Of 62, Sladebrook Road, Southdown, Bath, Erection of 1 no three bed dwelling.	Southdown	Chris Griggs- Trevvarthen	PERMIT
005	14/03465/FUL 22 October 2014	Mr Edward Lang Carisbrooke, Bathampton Lane, Bathampton, Bath, Bath And North East Somerset Erection of new house following the demolition of an existing 20th Century house	Bathavon North	Suzanne D'Arcy	PERMIT

006	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
007	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

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

Item No: 1
Application No: 14/04167/FUL
Site Location: 10 Chapel Road Clandown Radstock Bath And North East Somerset
BA3 3BP



Ward: Radstock	Parish: Radstock	LB Grade: N/A
Ward Members:	Councillor E Jackson	Councillor S Allen
Application Type:	Full Application	
Proposal:	Erection of single storey rear extension	
Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,	
Applicant:	Mr & Mrs G Peters	
Expiry Date:	12th December 2014	
Case Officer:	Alice Barnes	

REPORT

Reason for reporting the application to committee

The application is being called to the development control committee at the request of Councillor Eleanor Jackson for the following reasons;

The development will result in a loss of light to the neighbouring dwelling of number 11.

The application has been referred to Councillor Gerry Curran who has agreed that the application can be considered by the committee.

Following the meeting of the 19th November the committee deferred the application for a site visit and the application will be considered at the meeting of the 10th December.

Description of site and application

Chapel Road is located within Glandown village. Number 10 is a mid-terrace property located within the Conservation Area.

The application relates to the erection of a single storey rear extension. Permission exists for a two storey rear extension which has not yet been constructed. The proposed single storey extension would be located between the permitted two storey extension and the boundary with number 11. The extension would be a single storey located below first floor level and would include a lean to roof.

The existing dwelling is a stone built property. It is located within a terrace characterised by two storey stone properties. The rear elevations have been extended in a variety of styles. The rear elevations are not visible from the surrounding area but the rear of the site is accessible from the rear access path which runs underneath the terrace.

Relevant History

DC - 13/03256/FUL - RF - 24 September 2013 - Erection of two storey and single storey rear extension

DC - 13/04832/FUL - PERMIT - 31 December 2013 - Erection of two storey rear extension and associated internal alterations (Revised proposal).

DC - 14/02720/VAR - WD - 4 August 2014 - Variation of condition 4 of application 13/04832/FUL. (Erection of two storey rear extension and associated internal alterations (Revised proposal).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Radstock Town Council: Object. The development will result in a loss of light to the neighbouring property and the proximity to the neighbouring property would make it hard to carry out repairs.

Councillor Eleanor Jackson: Object, the proposed development will be harmful to the amenity of the neighbouring property of number 11. It will result in a loss of light to the neighbouring property.

Councillor Simon Allen: Support, the design fits in with similar extensions on Chapel Road

Representations: One representation has been received objecting to the application for the following reasons;

The proposed extension will result in a loss of light to number 11.

The extension is close to the boundary with number 11 and this will cause maintenance issues.

One representation has been received in support of the application.

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

Bh.6: Development within or affecting Conservation Areas.

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 single storey rear extension. The application site is located within a terrace of two storey cottages. The rear elevations can be accessed from a rear access path.

Planning history

An application was made for a two storey and single storey rear extension. This was refused on the 24.09.2013 as the proposed extensions were considered to harm the amenity of the neighbouring dwelling of number 11. The application was resubmitted for a two storey rear extension where the single storey extension was removed and the extension moved away from the boundary with number 11. This was granted permission on the 31.12.2013.

This application now seeks permission for a single storey extension which has been reduced in size from the application considered in 2013.

Design

The proposed two storey rear extension includes a pitched roof with a gable end. The proposed single storey extension will include a lean to roof. It has been set below the first floor windows and appears subservient to the host building. The proposed extension will be constructed from render to match the appearance of the permitted two storey rear extension. The proposed extension being sited on the rear elevation will not be easily visible to the surrounding streetscene and is considered to preserve the character of the surrounding Conservation Area.

Amenity

The previous refused extension included a lean to roof that was 3.4 m in height, the extension proposed under this application would be 2.6m in height. The previous application included a lean to roof which pitched downwards from the rear elevation. This application includes a pitched roof which would pitch downwards from the side elevation. No glazing has been proposed on the side elevation so the proposed extension would not result in increased overlooking of the neighbouring dwelling of number 11.

The previous application, 13/03256/FUL was refused for the following reason;

The proposed extensions by virtue of their scale, bulk, siting and design within close proximity of the neighbouring boundaries is considered to result in an increased sense of enclosure and result in an overbearing impact and loss of light to the detriment of residential occupiers of no. 11 Chapel Row. The residential amenity currently enjoyed by this neighbouring occupier is therefore considered to be significantly harmed. This would be contrary to policy D2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007.

For this application to be acceptable the reduced size of the extension must overcome the above reason for refusal.

In this case the extension has been reduced in height from the previous application. It will extend 2.7m from the rear wall of the existing house. The extension will be sited between the side wall of the permitted two storey extension and the boundary between the two properties. It will be of a lesser depth than the permitted two storey rear extension. There is already a rear extension at 11 and the proposal would consequently result in creating a narrow area of land between the side elevation of number 11's extension and the boundary with number 10. With the addition of the two storey rear extension at number 10 this will create an enclosed space to the rear of number 10 and 11. However taking account of the enclosure created by the two storey extension that's been permitted and the height, projection and design of the additional single storey, the overall effect of this addition is not considered in itself to cause harm so as to warrant refusal. The height of the extension would be below first floor level and given that it is a single storey would not be considered to be overbearing to the neighbouring property of number 11.

Conclusion

The proposed single storey extension is considered to respect and complement the host dwelling. The proposed extension is not considered to result in harm the amenity of the neighbouring properties. Therefore permission is recommended.

RECOMMENDATION

PERMIT

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 All external walling and roofing materials to be used shall match those of the existing building.

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

Location plan/block plan 04C

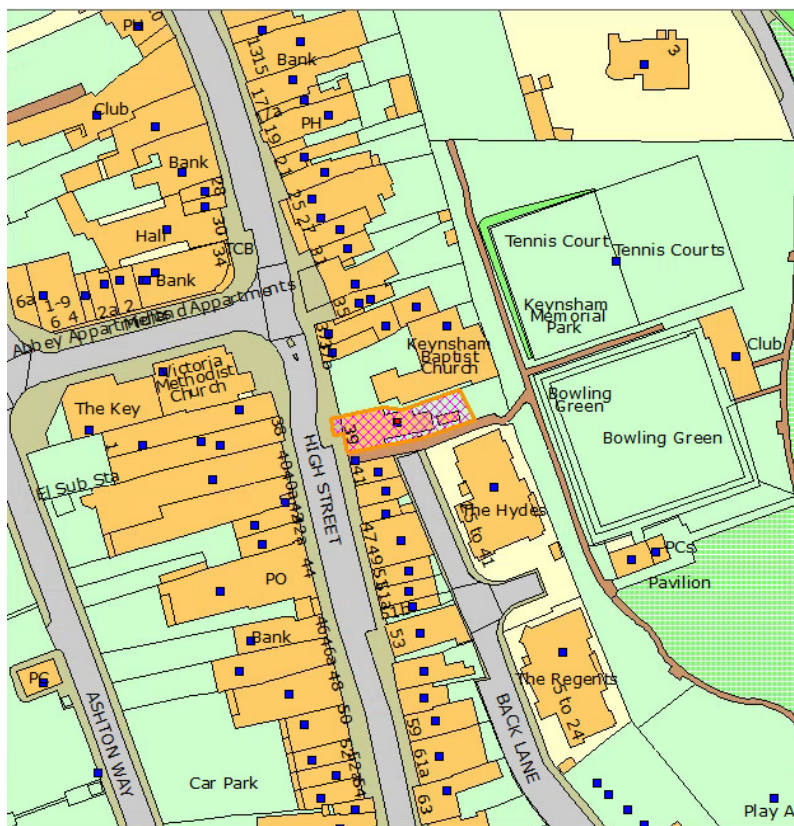
Existing plans 01

Proposed plans 02D

Proposed elevations 03D

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. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

Item No: 2
Application No: 14/02693/FUL
Site Location: 39 High Street Keynsham BS31 1DU



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Brian Simmons Councillor C D Gerrish
Application Type: Full Application
Proposal: Change of Use of Ground Floor from offices (B1) to Cafe/ Bar (A3) with alteration to street frontage windows to folding sliding doors, new extract flue and use of public highway for siting of 2no tables and 8no chairs.
Constraints: Agric Land Class 3b,4,5, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Housing Development Boundary, Prime Shop Front,
Applicant: Cafe Grounded
Expiry Date: 22nd October 2014
Case Officer: Suzanne D'Arcy

REPORT

Reason for reporting to Committee

This application was deferred from the previous Development Control Committee to allow Members to undertake a site visit.

Following amendments to the proposal, Cllr Gerrish and Keynsham Town Council have maintained their position.

Description of the site and the proposal

39 High Street is sited within the Keynsham Conservation Area and Town Centre shopping area. The property is currently vacant but its last use was as a B1 office use. Prior to this, it was in use as an A2 bank.

This is a full application for the change of use of the premises to an A3 cafe/restaurant use with associated alterations and use of the highway for the siting of tables and chairs. The application has been amended since submission to remove the disabled access ramp and the terrace area. This has been replaced with tables and chairs on the highway and the internal floor has been lowered to facilitate disabled access.

Relevant History

03/00695/AR - Display of 1x internally illuminated ATM unit and light box sign above as amended by letter and plans received 28 April 2003 - Consent granted 6th May 2003

11/05431/FUL - Change of use from office to retail showroom and installation of a new shop front. - Withdrawn 14th March 2012

13/01514/FUL - Alteration to front entrance door and lower floor level. Demolition of rear extension. - Permitted 29th May 2013

14/02694/AR - Display of 1no. internally illuminated fascia sign - Consent 7th August 2014

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: No objection to the amended plans

Environmental Protection: No objection, subject to conditions

Keynsham Town Council: Object to the proposal, raising the following points;

- Impact on residential amenity due to noise and disturbance
- Impact on the Conservation Area from the alterations to the front elevation

Cllr Charles Gerrish (Ward member): Objects to the proposal raising the following point:

- Impact on residents of Back Lane, specifically from noise.

Representations:

25 letters of objection received, raising the following comments;

- Keynsham does not need another coffee shop
- Council should support independent retailers
- More shops are needed in the High Street
- Local people want shops
- Impact on residential amenity
- Impact from smells from the extractor
- Proposed alterations to the frontage are out of character
- Lights should be put back on the crossing (Officer note: This is not a material consideration to this application)
- Design of the frontage upsets the symmetry of the building

- Adverse impact on existing business owners
- Should be refurbished and used as offices
- Impact on residents of Back Lane from parking

6 letters of support received, raising the following comments;

- Different to other cafes on the High Street
- Will improve footfall on the High Street
- Competition will improve service in other coffee shops (Office note: This is not a material planning consideration)
- Would encourage people to use the High Street in the evening
- Good to see reuse of the building
- Good addition to the dynamic of the High Street

1 letter of comment received;

- Too many coffee shops in Keynsham

During the processing of the application, it became apparent that the applicant had not served the correct notice on the Highways Authority for the siting of tables and chairs. The application was redvertised and 7 further letters of objection were received, raising the following comments;

- Keynsham does not need another coffee shop
- Development will put independent businesses at risk
- Building is an important feature of the Conservation Area
- The property used to be listed
- In B&NES "Connect" Keynsham High St. is described with levels of nitrogen dioxide that exceed the National Objectives. Therefore large open doors and outdoor seating should not be allowed on health grounds or at least carry a warning.
- The closeness of two churches and so many residential complexes should preclude licensed premises.
- Impact on residents from noise and cooking smells
- Chairs and tables will restrict use of the footpath

Following the readvertisement of the application, 3 further letters of support were received, raising the following comments;

- Business will regenerate an empty building
- Keynsham will benefit from the restaurant experience offered by Grounded

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:

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

DW1 - District wide spatial strategy

KE1 - Keynsham spatial strategy

KE2 - Town Centre/Somerdale strategic policy

CP6 - Environmental quality

*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

T.24 - General development control and access policy

BH.6 - Development within or affecting Conservation Areas

ES.12 - Noise and vibration

S.5 - Primary shopping frontage in Bath, Keynsham and Midsomer Norton

ET.2 - Core employment sites

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

OFFICER ASSESSMENT

Principle of development

The permitted use of the property is as a B1 office use. The site is located within the protected retail frontage of Keynsham but as it is not currently in A1 use, this policy is not applicable. Policy ET.2 seeks to guard against the loss of office space within the central area of Keynsham. Policy ET.2 refers to Policy ET.1(A) which has been superseded by Core Strategy Policy KE1. There is approx. 19000 sq m of office floor space permitted in Keynsham and it is not considered that the loss of this office space will be contrary to this policy.

Policy S.5 allows for the change of use to Use Class A3 within the city centre provided it will not have an adverse impact on the viability or vitality of the local centre, adverse impact on the Conservation Area or are harmful to residential amenity. It is considered that the use of the building as an A3 cafe use would enhance the viability and vitality of the High Street, when compared to its use as a B1 office.

The comments regarding the number of coffee shops in Keynsham and that it would be better for the premises to be used as a shop are noted. However, as stated previously, it is considered that the proposed change of use complies with Policy S.5 and as such, the number of coffee shops that can be supported in the High Street is considered to be a market decision and not one for the Planning System in this context. Furthermore, the Local Planning Authority cannot dictate that another use must be found for a premises outside the parameters of its adopted policy. Should an application for an A1 retail use be forthcoming, then it would be considered in accordance with the adopted policy. Concern has been raised that large chains are taking over the High Street. However, the Local Planning Authority considers the proposed use of the building and the policy does not take into account the end user. It is therefore not within its gift to demand that the unit is used by an independent retailer.

In view of the above, the principle of the change of use is considered to be acceptable.

Impact on residential amenity

Concern has been raised regarding the impact on residential amenity from noise and smells from the extractor flue, particularly with regards to the residents in Back Lane. The Council's Environmental Health team have been consulted on the application and have raised no objection, subject to conditions, with regards to noise and smell. Furthermore, the application site is located within Keynsham Town Centre and it is reasonable to expect a higher level of activity in such locations, when compared to more suburban locations. It is accepted that there will be an increase in noise and smell due to the change of use to an A3 use. However, there needs to be a significant adverse impact on residential amenity for the proposal to be contrary to Local Plan Policy D.2. It is considered that through the use of appropriate conditions, any adverse impact on residential amenity would be mitigated to become less than significant and the proposal is therefore acceptable.

Impact on the Conservation Area

It is noted that the building currently has a symmetrical frontage and the proposed alterations will alter this. However, there is evidence of sliding doors on other premises on the High Street and as such, the insertion of the doors themselves are not considered objectionable. Having considered the proposed alterations to the frontage, it is not considered that the proposed alterations would fail to preserve the appearance of the Conservation Area, when considered in the context of surrounding buildings.

Impact on highway safety

The site is located within Keynsham Town Centre thus is considered to be in a sustainable location. In view of this, it is acceptable that no parking has been proposed as part of the proposed development.

The application proposes the use of tables and chairs on the highway. The Highways Officer considers that there is sufficient footpath width at this point so there will not be an adverse impact on highway safety.

Conclusion

In view of the above, the proposed change of use and associated alterations, and the use of the highway for the siting of tables and chairs, is considered acceptable and in accordance with the relevant policies.

RECOMMENDATION

PERMIT

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 Notwithstanding the submitted plans, no external plant, machinery, ventilation ducting or other similar apparatus shall be installed other than in accordance with details, which may include screening measures, that shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved.

Reason: In the interests of residential amenity and the appearance of the development.

3 No development shall commence until a Noise Assessment of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The assessment shall inter alia determine the rating levels of noise arising from plant and equipment mounted on the buildings and background noise levels at the boundaries with the nearest noise sensitive properties, and include details of noise mitigation measures for the development taking into account the proposed uses of the building and hours of use. The development shall be carried out in accordance with the approved details and the building shall not be occupied until the noise mitigation measures have been implemented. The said noise mitigation measures shall be retained in perpetuity.

Reason: To protect the amenities of the occupants of nearby residential properties.

4 The development shall not commence until a scheme for treating fumes and odours, so as to render them innocuous before their emission to the atmosphere, has been submitted to and approved in writing by the Local Planning Authority and the means of treating the fumes and odours shall be installed and be operational before the development is brought into use or occupied and maintained as such thereafter.

Reason: To protect the amenity of the locality, especially for people living and working nearby.

5 The use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 0900 - 2200 Monday to Thursday and 0900 - 2300 Friday and Saturday

Reason: To safeguard the amenities of nearby occupiers.

6 The garden shown on the approved plans shall not be used by customers after 1900 on any day.

Reason: To safeguard the amenities of nearby occupiers

7 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: This decision relates to drawings numbered 419 02, 03 and 09, received by the Council on 12th June 2014, drawing numbered 419 08 A, received by the Council on 15th July 2014, drawings numbered 419 04 B, 05 A, 06 B and 07 B, received by the

Council on 26th August 2014 and drawing numbered 419 01 A, recieved by 27th August 2014.

DECISION TAKING STATEMENT

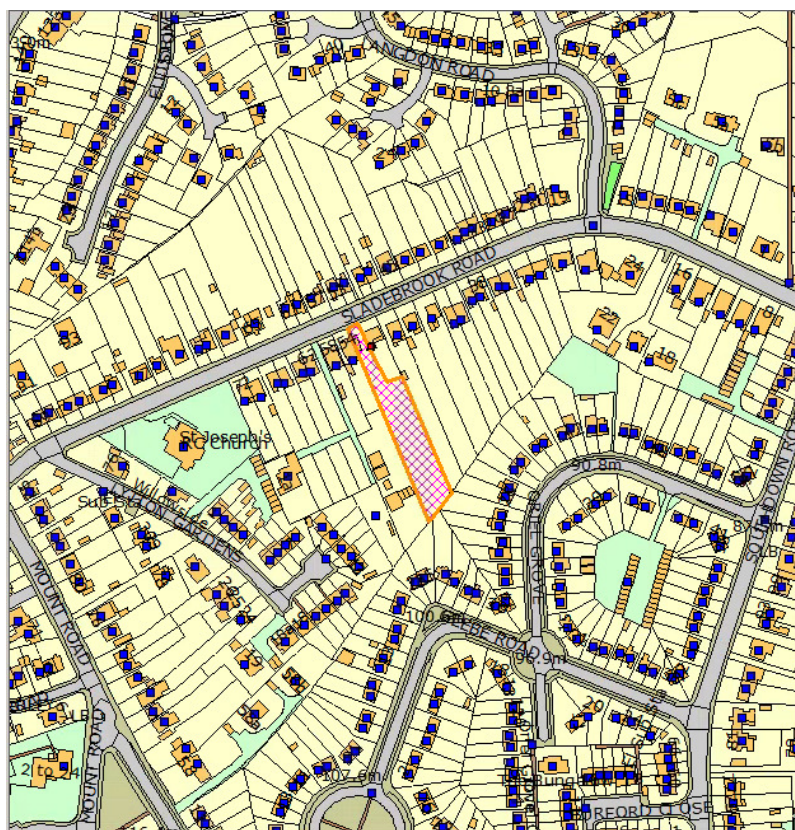
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

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.

3 The applicant should note that a separate highways licence is needed to allow the seating to be placed on the highway, and this should be applied for well in advance of the proposed opening.

Item No: 3
Application No: 14/03372/OUT
Site Location: 52 Sladebrook Road Southdown Bath Bath And North East Somerset
BA2 1LR



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor P N Crossley Councillor D M Romero
Application Type: Outline Application
Proposal: Erection of 1 No. dwellings, a replacement garage, and associated works.
Constraints: Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mr & Mrs Baker
Expiry Date: 24th October 2014
Case Officer: Suzanne D'Arcy

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

This application was deferred from the previous Development Control Committee to allow Members to undertake a site visit.

DESCRIPTION OF SITE AND APPLICATION

52 Sladebrook Road is a detached property, sited within the World Heritage Site. It is sited amongst mixed style dwellings.

This is an outline application for the erection of a detached dwelling to the rear of the property, with a detached garage and a new detached garage to the rear for the existing dwelling. The existing garage will be demolished. The application seeks approval for access and layout, with other matters reserved. The application has been amended since submission to reduce the amount of development from two dwellings to one dwelling.

The proposed dwelling will be sited towards the rear of the existing garden and is proposed to be a four bedroom dwelling. Access will be gained by the existing driveway and will run along the side boundary of the site.

Relevant History

15479-1 - Erection of a two storey dwelling house - Refused 7th July 1993

There is a current application (ref: 14/03261/FUL) on this agenda for the erection of three bedroom dwelling on land to the rear of 62 Sladebrook Road that is recommended for approval.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: No objection, subject to conditions

Ecology: No objection, subject to condition

Cllr Dine Romero: Would like the application be considered by Committee as she is concerned it will impact negatively on the amenity of near neighbours.

Representations: 5 letters of objection received, raising the following points;

- Widening of the access will reduce available on-street parking
- Increased headlight penetration
- Danger to children from increase in traffic entering and exiting site
- Lowering house prices (Officer note: This is not a material planning consideration)
- A previous application has been refused on the site
- Sladebrook Road is not a "quiet, residential street"
- Increase in noise and vibration due to traffic and construction traffic adjacent to 54 Sladebrook Road, causing damage to the foundations
- Noise and visible vehicle movements will have result in loss of amenity and privacy to 54 Sladebrook Road
- Dwelling B will overlook the property (Officer note: This dwelling has been removed from the proposal)
- Some overlooking from dwelling C to number 54 (Officer note: This is the dwelling still proposed)
- Backland development will fulfil a minute part of overall housing numbers
- Will set a precedent
- Any advantage gained is outweighed by the disadvantages
- Permission could be sought elsewhere on the site (Officer note: Any future development would require planning permission and be assessed appropriately)

- Adverse impact on badgers
- Not a logical infill site
- Loss of garden space
- Land is a wild have for many species including foxes, badgers, hedgehogs, squirrels, slow worms, birds, bats and countless insects
- Loss of privacy to neighbouring properties

2 letters of comment received, raising the following points;

- Request building work is restricted to Monday- Friday between 8am and 6pm to minimise noise disruption
- Concern over noise and pollution
- Don't want extra traffic

(Officer note: These representations were received prior to the receipt of amended plans. All comments not referring to plot B will still be considered as part of the application)

Following the amendments to the scheme, interested parties were notified of this. A further 4 letters of objection were received, raising the following points;

- Concerns are as previously stated
- Open space between the garages is now wasted space that doesn't benefit either dwelling
- Further development could be proposed on this space (Officer note: Any future development would require planning permission and be assessed appropriately)
- Lights shining into opposite properties
- Loss of parking
- Concern over noise and dust pollution
- Will set a precedent

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:

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

DW1 - District wide spatial strategy

B1 - Bath spatial strategy

B4 - The World Heritage Site and its Setting

CP6 - Environmental quality

CP10 - Housing mix

*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

NE.11 - Locally important species and habitats

ES.12 - Noise and Vibration

D.2 - General design and public realm considerations
D.4 - Townscape considerations
SC.1 - Settlement classification
T.24 - General development control and access policy
T.26 - On-site parking and servicing provision

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

OFFICER ASSESSMENT

Principle of development

The site is located within the urban area of Bath and as such, residential development is acceptable in principle subject to other material considerations.

Impact on the character of the area

The application site is to the rear of the garden of number 52 and to the rear of the existing line of development along Sladebrook Road. It is accepted that this proposal could be considered as backland development and in many locations, it can represent a form of development that is out of character with the surrounding area as it is isolated from other development. Furthermore, it is acknowledged that there are no residential properties to the rear of properties in Sladebrook Gardens. However, adjacent to the site (to the rear of number 54), there is a built up area of garaging and other buildings. The proposed development will therefore not be an isolated development and will have a relationship to the adjacent built form. Concerns were raised following submission of the application that dwelling B had little relation to the existing grain of the development in the area and following negotiation, this has been removed from the scheme. Due to the size of the garden and the relationship, the proposed dwelling has with the adjacent buildings, it is considered that the development will not be out of character with the grain of development.

The application proposes two detached garages, one for the proposed dwelling and one to replace the existing garage. The lower level, ancillary nature of garages will not result in an adverse impact on the pattern of development.

As this is an outline application, appearance is one of the reserved matters, so no details of materials or design have been submitted at this stage. A condition will be imposed to request samples of the external materials be submitted to ensure they will be acceptable.

Impact on residential amenity

The proposed dwelling is approx 60m from the rears of the properties in Sladebrook Road. Due to this distance, it is not considered that there will significant overlooking to adjacent properties from this proposal.

Concern has been raised regarding the impact on adjacent properties due to the increase in traffic. Whilst it is acknowledged that there will be an increase in vehicle movements between 52 and 54 Sladebrook Road, it is not considered that the increase in movements from one dwelling would result in a significant adverse impact on residential amenity.

The side elevation of number 54 has no habitable windows and is not considered that there will be an adverse impact in terms of loss of privacy. This boundary is marked by a 2m high fence and this will further reduce the impact on this property. There is a secondary kitchen window in the side elevation of number 52 but it is not considered that there will be a significant loss of amenity to this property as a result of this proposal.

There will be sufficient amenity space for both future occupiers of the proposed dwelling and 52 Sladebrook Road.

Highway safety

Concerns have been raised locally that widening of the access will result in less on-street parking and that there would be a danger to pedestrians from cars using the new access. The Highway Officer considers that there is sufficient pedestrian visibility from the access and therefore there will not be any adverse impacts on highway safety. Whilst it is noted there may be a reduction in the amount of on-street parking available, the Local Planning Authority can only refuse applications if they will be prejudicial to highway safety and it is not considered that this will be the case for this application.

Ecology

There is a badger sett in the back garden. The Ecologist is satisfied that this can be mitigated, subject to appropriate conditions.

Other matters

Concerns have been raised about the potential noise and disturbance upon local residents during construction if the application is permitted. Some disruption and disturbance is an inevitable consequence of most construction activity associated with new development. However, such impacts are temporary in nature and any significantly harmful impacts can be controlled through separate legislation and guidelines, e.g. environmental health legislation, Considerate Constructors Scheme, etc.

It is therefore considered that the impacts arising from construction activities are not sufficient to warrant refusal of the application.

Several concerns were raised about potential damage to sewers and foundations of existing properties. These are private civil matters which are not material to the planning decision.

The comments regarding the setting of a precedent are noted. However, each planning application must be considered on its own merits and in the policy context of its time. Furthermore, it is noted that due to the reducing lengths of the rear gardens, it is considered that this would not set a precedent.

RECOMMENDATION

PERMIT

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 No development shall commence until a schedule of materials and finishes, and 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 appearance of the development and the surrounding area.

4 The access hereby permitted shall not be used until the verge/footway crossing, including dropped kerbs, has been constructed in accordance with the standard specification of the Highway Authority, and any highway furniture/statutory undertaker's plant located on the highway and within the limits of the access, has been relocated all to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

5 Before the access hereby permitted is first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of the access and points on the carriageway edge 25m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

6 Prior to the commencement of development, an update mapped badger survey report and a proposed Badger Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall confirm whether a protected species licence will be required, and shall provide full details of all necessary mitigation measures. This shall include a plan showing sett entrances to be retained and details and method statement for any necessary sett closure and artificial sett provision. A plan and fencing

specification shall be submitted showing an exclusion zone to be established around retained sett entrances from which all building, engineering and other operations and personnel working on the site shall be excluded. The development shall be carried out in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

Reason: to avoid harm to protected species (badger).

7 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: This decision relates to drawing numbered 2200-07-100 rev B, received by the Council on 18th September 2014.

DECISION TAKING STATEMENT

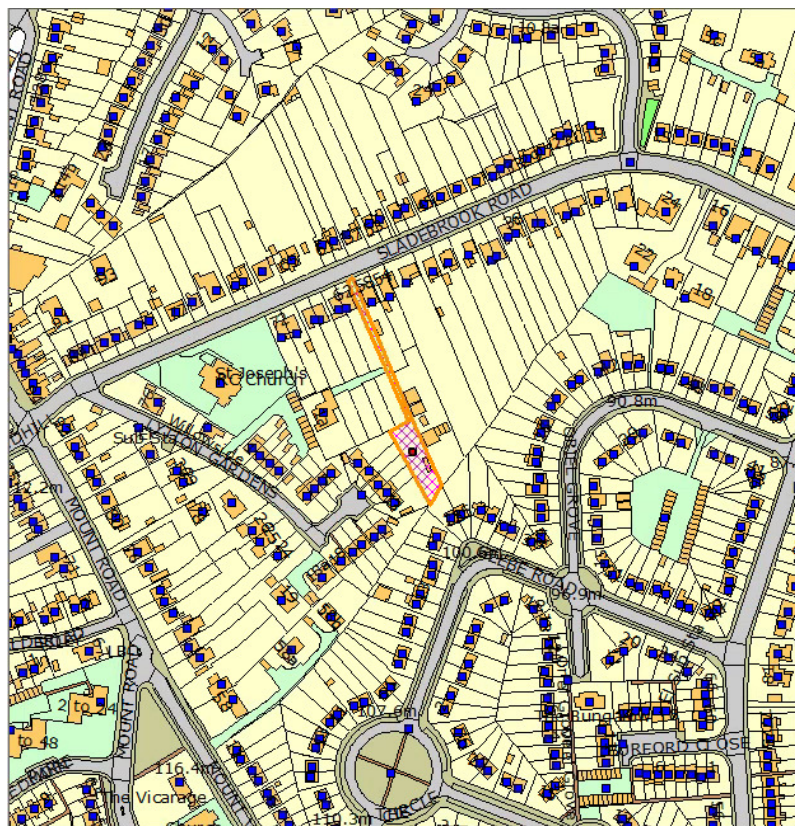
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

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.

3 The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a 2 vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

Item No: 4
Application No: 14/03261/FUL
Site Location: Land Rear Of 62 Sladebrook Road Southdown Bath



Ward: Southdown	Parish: N/A	LB Grade: N/A
Ward Members:	Councillor P N Crossley	Councillor D M Romero
Application Type:	Full Application	
Proposal:	Erection of 1no three bed dwelling.	
Constraints:	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Alan & Pamela Bevan & Lewis	
Expiry Date:	11th September 2014	
Case Officer:	Chris Griggs-Trevarthen	

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor Paul Crossley has requested that the application be determined by the Development Control Committee for the following reason:

I think this application is too large for this site, has access issues and will affect the amenity of several neighbours. For these reasons I feel the application should be refused. Should the case officer reach a different conclusion then this is a request that the application should be determined by the development control committee in public.

The application has been referred to the Chairman who has agreed that the application should be considered by the Committee because the application has issues of access and residential amenity.

The application was considered at the November Development Control Committee and was deferred for a site visit to allow members to view the site and its context.

DESCRIPTION OF SITE AND APPLICATION

The application site is a backland site to the rear of Sladebrook Road which is accessed via a narrow lane running between 58 and 62 Sladebrook Road. It is a primarily residential location with the surrounding street comprising a variety of two storey, detached, semi-detached and terrace properties. Immediately to the west of the site lies a terrace of 5 dwellings on Lytton Gardens. To the south there is a pair of semi-detached dwellings on the corner of Glede Road. To the east is a number of garage structures which are accessed by the same lane as the application site off Sladebrook Road.

The site falls within the World Heritage Site, but is not within the Bath Conservation Area.

The proposal is to erect a two storey, 3no. bedroom dwelling with associated parking and turning.

PLANNING HISTORY

The site has no relevant planning history.

There is an application for the erection of a dwelling, a replacement garage and associated works at a nearby site to the rear of 52 Sladebrook Road which is currently pending consideration (reference 14/03372/OUT).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A number of representations and consultation responses have been received and are summarised below. Full details of responses are available on the Council's website.

HIGHWAYS OFFICER

No objection, subject to conditions.

FLOOD RISK AND DRAINAGE

No objection

ECOLOGY

No objection, subject to condition.

THIRD PARTIES/NEIGHBOURS

6 Letters of objection have been received. The main points have been categorised and summarised below:

Highways

- Access lane is too narrow with no passing places;

- Visibility from access is blocked by parked cars;
- Sladebrook Road is a main bus route, a rat run and the speed limit is rarely adhered to;
- The proposal has poor access and parking;
- Lack of visitor parking;
- Inappropriate access for emergency and refuse vehicles;

Amenity

- Development is overlooked by Lytton Gardens;
- Proposal will add to noise, smell and traffic problems;
- The rear bedroom windows will face directly into the rear of 23 Glebe Road;

Existing use

- Garages to the rear of Sladebrook Road have mostly been used for storage with only very occasional visits from tenants;
- Land has been used as an allotment by owners of 58 Sladebrook Road;

Ecology

- Land is a wild have for many species including foxes, badgers, hedgehogs, squirrels, slow worms, birds, bats and countless insects;
- Development will have a detrimental impact on the environment;

Character and appearance

- Site is visible from the main road;
- It is too small a site for such a dwelling;
- Concern about the creation of a precedent along Sladebrook Road;
- Proposal is out of keeping and too close to neighbouring properties;
- Long gardens are an attraction of Sladebrook Road and these would be lost;

Housing supply

- B&NES have a 5-year land supply and this isolated proposal will not contribute;
- Proposal is contrary to policy D.2 of the Local Plan;

Construction

- Major impacts whilst under construction;
- Building works will be noisy and disruptive;

Other

- The 'study' appears to be another bedroom;
- Concerns over impact upon sewers and existing foundations;
- Provision of underground services would cause disruption;
- Needs to be considered in conjunction with 14/03372/OUT;

1 Letter was received from the applicant in response to the above issues. The main points raised were:

- Ground was cleared earlier this year and is kept up on a monthly basis;
- The access is used frequently and there has never been any problem;
- The application includes two off-street parking spaces;
- Builders would take account of any pipe work near the surface;
- Design will enhance the area;
- Proposal takes account of nearby properties with regards to privacy, etc;

- Concerns raised relate to any application for extensions or improvements;
- Concerns will improve what is an eyesore;

3 General comments were received. The main points raised were:

- Concerns about access via the narrow lane;
- Concerns about precedent;
- Lack of plans showing relationship with neighbours;
- Any construction work should finish before 6pm;
- House appears disproportionate to the size of plot;
- Insufficient garden space;
- House will be overlooked
- Obscure glass in the upper side window is requested;

During the application revised plans were submitted and the application re-advertised. Two further letters of objection and two general comments were received. The main points raised were:

- Original objections still stand;
- Proposal is out of character and not a logical infill scheme;
- Concern about precedent;
- Site beyond carrying distance for refuse collection;
- House has increase in size with larger windows;
- Larger windows will be more intrusive, unwelcome and will overlook Glebe Road;

POLICIES/LEGISLATION

At the meeting of the full Council on the 10th July 2014, the Bath and North East Somerset Core Strategy was adopted. Please note that from the 10th July 2014 the Development Plan for Bath and North East Somerset comprises:

- o Bath and North East Somerset Core Strategy (July 2014);
- o Saved policies from the Bath and North East Somerset Local Plan (2007);
- o West of England Joint Waste Core Strategy (2011).

The following policies are material considerations:

CORE STRATEGY

- DW1: District Wide Spatial Strategy
- B1: Bath Spatial Strategy
- B4: The World Heritage Site and its Setting
- CP2: Sustainable Construction
- CP6: Environmental Quality

LOCAL PLAN

- D.2: General Design and public realm considerations
- D.4: Townscape considerations
- ES.5: Foul and surface water drainage
- ES.12: Noise and vibration
- NE.4: Trees and woodland conservation
- NE.10: Nationally important species and habitats
- NE.11: Locally important species and habitats
- T.1: Overarching access policy
- T.24: General development control and access policy

T.26: On-site parking and servicing provision

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

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 12: Conserving and enhancing the historic environment

OFFICER ASSESSMENT

The main issues to consider are:

1. The principle of development
2. Character and appearance
3. Residential amenity
4. Access, parking and highways safety
5. Ecology
6. Other matters

PRINCIPLE OF DEVELOPMENT

The site is currently un-used garden land to the rear of 62 Sladebrook Road. It falls within the built up area of Bath where the principle of new residential development is acceptable in accordance with policy B1 of the Bath and North East Somerset Core Strategy.

CHARACTER AND APPEARANCE

The proposed application site is positioned to the rear of the existing line of development along Sladebrook Road. The proposals for the erection of a single dwelling can be accurately described as backland development. In many locations backland development can appear out of keeping with the general pattern and grain of development of an area due to the tendency of these sites to be relatively small and tightly constrained.

However, the current application site occupies a reasonably sized plot which is positioned a significant distance behind the building line of Sladebrook Road. It is not tightly constrained in the manner common to other proposals for backland development and would be viewed within the context of the adjacent garage blocks and other outbuildings positioned at the very rear of the long gardens along Sladebrook Road. It is therefore considered that the proposed dwelling would not appear out of keeping with the pattern and grain of development in the surrounding area.

The proposed dwelling is two storey with a hipped roof and would be constructed from ashlar with roof tiles. The building's design is relatively simple with a hipped roof, ground floor bay, entrance canopy and single storey rear extension. Its design, form, scale and materials are considered to be in keeping with the character and appearance of other dwellings in the surrounding area.

During the application, concerns were raised about the siting and the proportions of the proposed dwelling. Following negotiations, revised drawings were received which moved

the proposed dwelling further forward on the site, increased its width whilst reducing its depth. The revised scheme resulted in a better proportioned building with a more suitable fenestration arrangement.

The application maintains reasonable spacing around the proposed dwelling with provision of a front and rear garden. It is therefore considered that the proposed dwelling does not appear cramped and that the site does not represent overdevelopment.

In light of the above, it is considered that the proposal does not harm the character and appearance of the surrounding area and complies with the relevant sections of policy CP6 of the Core Strategy and policies D.2 and D.4 of the Local Plan.

RESIDENTIAL AMENITY

The proposed dwelling, whilst two storey, is positioned on land slightly lower than the gardens of the adjoining properties to the west on Lytton Gardens. The proposed dwelling is set back from the boundary of the site and presents its side elevation to the rear gardens of these properties. It is positioned between approximately 15 - 18 metres away. The change in levels and separation distances will prevent the proposed dwelling from appearing overbearing or resulting in any significant loss of light from these properties.

There is a single first floor window in the west elevation of the proposed building which serves an en-suite. It is considered necessary and reasonable to require this window to be obscurely glazed and fixed shut to prevent it overlooking the neighbouring gardens. Ground floor windows on this side will be screened by existing and proposed boundary fences along the western boundary.

The rear elevation of the proposed dwelling faces directly towards no. 23 Glebe Road to the south. However, the proposed dwelling is over 21m from the rear of 23 Glebe Road which is a distance that is not unusual to find between properties in the Bath area and is considered sufficient distance to prevent any harmful overlooking from occurring.

There is only one east facing window in the first floor of the proposed dwelling which serves a landing. Although not direct, some views towards the gardens of Glebe Road and Oriel Grove will be possible from this window. It is considered necessary and reasonable to require this window to be obscurely glazed and fixed shut to prevent it overlooking the neighbouring gardens.

Concerns have been raised that the proposed dwelling will be overlooked by the existing properties on Lytton Gardens. Views towards the side elevation of the proposed dwelling will be possible from the rear of Lytton Gardens. However, the only window visible on this elevation will be the obscurely glazed first floor window. No views into private habitable rooms will be afforded. Views into ground floor windows will be screened by the existing and proposed boundary fencing. Some views into the rear garden of the proposed dwelling will be possible from the rear of Lytton Gardens, but these will be partially obscured by the boundary fencing and the existing vegetation. Whilst there will remain some overlooking of the proposed rear garden, there would be a degree of caveat emptor for occupiers of the proposed dwelling and it is considered that the harm arising would not be sufficient to warrant refusal of the application.

It is therefore considered that the proposals do not significantly harm residential amenity and accord with the relevant sections of policy D.2 of the Local Plan.

ACCESS, PARKING AND HIGHWAYS SAFETY

The access to the application site is via an existing established access lane off Sladebrook Road. The access is relatively narrow with marginally substandard visibility onto Sladebrook Road. However, it is considered to operate satisfactorily for the low level of traffic currently being carried. The proposal for a single dwelling would not generate any significant increase in the level of traffic using the access and the Highways Officer considers that the slight increase in use of this access would not result in any adverse highway safety impact.

A number of concerns by local residents have been raised in respect of access for emergency vehicles and refuse collection. Manual for Streets (MfS) sets out the requirements in terms of access for fire tenders and, with reference to clarification from the Association of Fire Officers, states that a vehicle requires a width of 2.75m min. to gain access (as the width of this vehicle is on average 2.3m) - at its narrowest point the lane just meets this criteria.

However, MfS goes on to say that residential sprinkler systems are highly regarded by the Fire and Rescue Service, and that layouts which might otherwise be rejected on grounds of access for fire appliances, may become acceptable if sprinkler systems are installed.

The new dwelling will include a sprinkler system. MfS also refers to the Building Regulations, and in this regard the applicant has consulted the authority's Building Control team who have confirmed the sprinkler system is acceptable.

In terms of refuse and recycling collection, this authority operate a kerbside collection policy and therefore a collection vehicle does not require access to the site but will pick up waste from the footway in the same way as it does for the neighbouring properties.

ECOLOGY

An Ecology report has been submitted and has been assessed by the Council's Ecologist. The Council's Ecologist is satisfied that, although the site appears likely to be used by badgers for foraging, and suitable habitat exists for reptiles and nesting birds around the peripheries of the site, the proposal will not cause unacceptable ecological impacts.

The Ecologist has requested that wildlife features and measures be incorporated into soft landscape proposals as recommended in the ecological report, which would help to mitigate for any short term impacts on wildlife. It is therefore considered necessary to secure a wildlife friendly scheme of soft landscaping through a condition.

OTHER MATTERS

Concerns have been raised about the potential noise and disturbance impacts upon local residents during construction if the application is permitted. Some disruption and disturbance is an inevitable consequence of most construction activity associated with new development. However, such impacts are temporary in nature and any significantly harmful impacts can be controlled through separate legislation and guidelines, e.g. environmental health legislation, Considerate Constructors Scheme, etc.

It is therefore considered that the impacts arising from construction activities are not sufficient to warrant refusal of the application.

Several concerns were raised about potential damage to sewers and foundations of existing properties. These are private civil matters which are not material to the planning decision.

CONCLUSION

The principle of the development is acceptable in accordance with policy B1 of the Core Strategy.

The proposal is considered not to harm the character or appearance of the area or the amenities of adjoining occupiers. Access via the existing lane onto Sladebrook Lane would not adversely affect highways safety and the Highways Officer has no objection to the proposals.

The proposal is therefore considered to comply with the relevant development plan policies and, in accordance with paragraph 17 of the NPPF, should be approved without delay.

RECOMMENDATION

PERMIT

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, except site clearance and preparation works, until a schedule of materials and finishes, and 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 appearance of the development and the surrounding area.

3 The first floor windows in the south-west and north-east elevations of the dwelling hereby approved shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: To prevent overlooking of adjoining properties and in the interests of protecting residential amenity.

4 The area allocated for parking and turning on the submitted plan 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.

5 The dwelling hereby approved shall not be occupied until a soft landscape scheme, incorporating wildlife friendly planting and features for wildlife such as bird and bat boxes, has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

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

6 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.

7 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:

ST01
ST02A
ST03A
ST04A
ST05
PL01A
PL02A

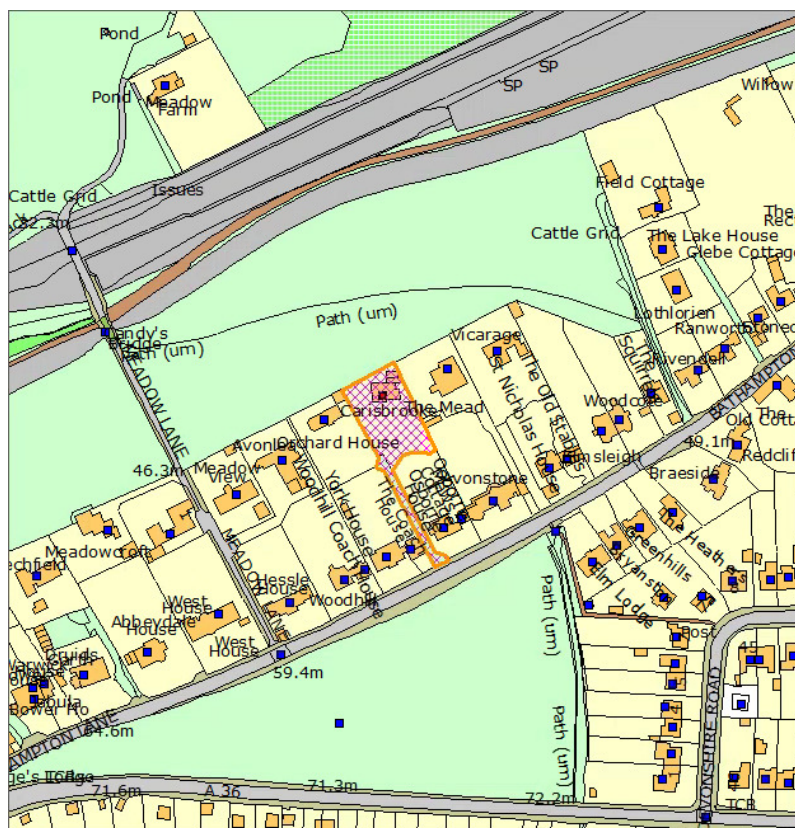
DECISION MAKING STATEMENT

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. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

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.

Item No:	5
Application No:	14/03465/FUL
Site Location:	Carisbrooke Bathampton Lane Bathampton Bath Bath And North East Somerset



Ward:	Bathavon North	Parish:	Bathampton	LB Grade:	N/A
Ward Members:	Councillor M Veal	Councillor Geoff Ward	Councillor	Terry	Gazzard
Application Type:	Full Application				
Proposal:	Erection of new house following the demolition of an existing 20th Century house				
Constraints:	Agric Land Class 1,2,3a, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,				
Applicant:	Mr Edward Lang				
Expiry Date:	22nd October 2014				
Case Officer:	Suzanne D'Arcy				

REPORT

Reason for Reporting to the Committee

This application was deferred from the previous Development Control Committee to allow Members to undertake a site visit.

Description of location and proposal

Carisbrook is a twentieth century dwelling, sited within the housing development boundary of Bathampton. The site is located adjacent to the Bathampton Conversation Area, which is to the south of the site, and the Green Belt, which runs along the northern boundary. The buildings to the north of the site are primarily grade II listed buildings.

This is a full application for the erection of a dwelling, following the demolition of the existing dwelling. The proposed dwelling is of a contemporary design. It will be constructed of rubble stone with zinc to the upper floor. The proposed dwelling will have a wildflower roof.

Relevant History

None

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: No objection, subject to conditions

Flood risk and drainage: No objection, subject to conditions

Environmental Health: No comments

Canal and River Trust: No comments

Natural England: No objection

Bathampton Parish Council: No objection in principle but makes the following comments,

- Concern the proposed building is larger than the existing
- Proposed dwelling should be moved south to be in line with The Mead
- Metal cladding should be neutral in colour
- Wildflower roof can be messy if not carefully managed

Cllr Terry Gazzard (Ward Member): Requests the application be considered by Development Control Committee and raises the following points;

- Loss of light to neighbouring properties
- Impact on the view across the valley
- Protection of the walls during construction

Representations: 14 letters of objection received (from 8 households), raising the following points;

- Proposed dwelling is urban, aggressive and domineering in appearance
- Proposed dwelling is too large
- Unsympathetic appearance
- Danger from construction traffic
- Dark, grey lead is inappropriate
- Inadequate notice served on owner of access (Officer note: The Council is satisfied that the correct notices have been served)

- Building is ugly
- Appearance is out of character with the surrounding area
- Does not follow the established building line
- Increase in footprint is excessive
- Loss of light to adjacent neighbour
- Insufficient drainage
- Overbearing impact on The Mead
- Alternative access arrangements should be considered
- Impact on view from the canal
- Green roof is likely to become an eyesore
- Impact on adjacent listed buildings
- Harmful to the setting of the World Heritage Site and Green Belt
- Proposal will represent an infringement of the "Right to Light" (Officer note: Right to Light is a civil matter and not a material planning consideration)

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:

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

DW1 - District wide spatial strategy

RA1 - Development in the Villages

CP2 - Sustainable construction

CP6 - Environmental quality

CP10 - Housing mix

*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

SC.1 - Settlement classification

T.24 - General development control and access policy

T.26 - On-site parking and servicing provision

GB.2 - Visual amenities of the Green Belt

BH.6 - Development within or affecting Conservation Areas

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

OFFICER ASSESSMENT

Principle of development

The site is located within the housing development of Bathampton and as such, residential development is acceptable in principle, subject to other material considerations.

Impact on residential amenity

Due to the relationship with the adjacent neighbour at The Mead, it is not considered that there will be a significant adverse impact on their residential amenity. There will be no overlooking from the side elevation to this neighbour. It is acknowledged that the building line will come closer to the boundary than currently and that there will be some impact on this property but it is not considered that this would be significant enough to sustain a reason for refusal. No other neighbouring properties will be affected by this proposal.

Impact on the character of the area

The site is located outside the conservation area though the access is within it. The boundary runs adjacent to the boundary of the site to the south. The northern boundary of the site marks the extent of the Green Belt. The existing dwelling is of little architectural merit as it is a standard 1960s design and therefore is considered to make a neutral contribution to the setting of the conservation area. In view of this, there is no objection to its loss.

The proposed dwelling will have a contemporary design with a mix of contemporary and traditional materials. This part of Bathampton is characterised by Bath Stone Ashlar dwellings with rubble stone boundary walls to mark the northern boundary. Carisbrooke does not have a rubble stone boundary wall, instead having black metal railings. The development proposes the use of rubble stone for the lower storey of the property and it is considered that this will relate to the local context. It is acknowledged that zinc is a more contemporary material but its character and its appearance as now proposed is not considered to be at odds with its surroundings. The submitted drawings originally proposed a dark colour but since the submission of the application, discussions with the applicant has resulted in a lighter, grey zinc being proposed. A sample of this has been submitted and is acceptable. The site is located in a relatively rural setting on the fringe of Bathampton and in this context, the use of a green roof is considered to be acceptable. The proposed dwelling may have a more solid appearance, due to the use of zinc, this will be softened in the wider views by the green roof. Furthermore, the scale and massing of the proposed dwelling is considered to be comparable with the adjacent dwellings. It is not considered that it will be harmful to the visual amenities of the Green Belt or views into and out of the conservation area.

The proposed dwelling is set down from the adjacent listed buildings and in view of this, given the reasons above, it will not have an adverse impact on the setting of this listed buildings.

There is not a strong building line for the existing dwellings and it is not considered that the proposed siting would have a significant adverse impact on the character of the area.

Highway safety issues

The comments relating to the highways and the construction of the property are noted. However, the access road is not public highway and the Highway Authority can only comment on the implications for the public highway. The Highways Officer has recommended a condition for a construction management plan be imposed requiring details of the construction to mitigate against any potential impacts on highway safety as it is not considered that the a reason for refusal could be sustained on these grounds. The Local Planning Authority can only consider the scheme that is before them and therefore cannot consider the potential for the use of an alternative access as suggested in the representations. It should also be noted that some disruption and disturbance is an inevitable consequence of most construction activity associated with new development. However, such impacts are temporary in nature and any significantly harmful impacts can be controlled through separate legislation and guidelines, e.g. environmental health legislation, Considerate Constructors Scheme, etc.

It is therefore considered that the impacts arising from construction activities are not sufficient to warrant refusal of the application.

Other matters

The Council's Drainage Engineers have been consulted as part of the process and they have not raised an issue to the proposal, subject to a condition. It is therefore considered that there will be sufficient drainage for the proposal.

RECOMMENDATION

PERMIT

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 a sample panel of all external walling 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.

3 The area shown as zinc on the drawings hereby approved shall be Rheinzink Preweathered in Graphite Grey unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and surrounding areas

4 No development shall commence until an evaluation of the infiltration capacity of the land has been carried out to prove the viability of soakways. The Infiltration test results

and soakaway design calculations shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved.

Reason: In the interests of flood risk management

5 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 (but not exclusively) details of deliveries (including storage arrangements and timings), contractor parking, traffic management and supervision, access restrictions, pedestrian safety and repair of damage to the public highway. The development shall thereafter be carried out in accordance with details so approved.

Reason: To ensure the safe operation of the highway.

6 The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

7 The area allocated for parking and turning on the submitted plan 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.

8 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: This decision relates to drawings numbered 290-P101 - P1, -P102-P1, -S001-P1, -S101-P1, -S102-P1 and -S201-P1, received by the Council on 29th July 2014, drawings numbered 290-A101-002 and -S202, received by the Council on 13th August 2014 and drawings numbered 290-P001-B, -P201-B, -P203-B, -P205-B, -P301-B, -P302-B, -S202-B and -S204-B, received by the Council on 30th October 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 Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

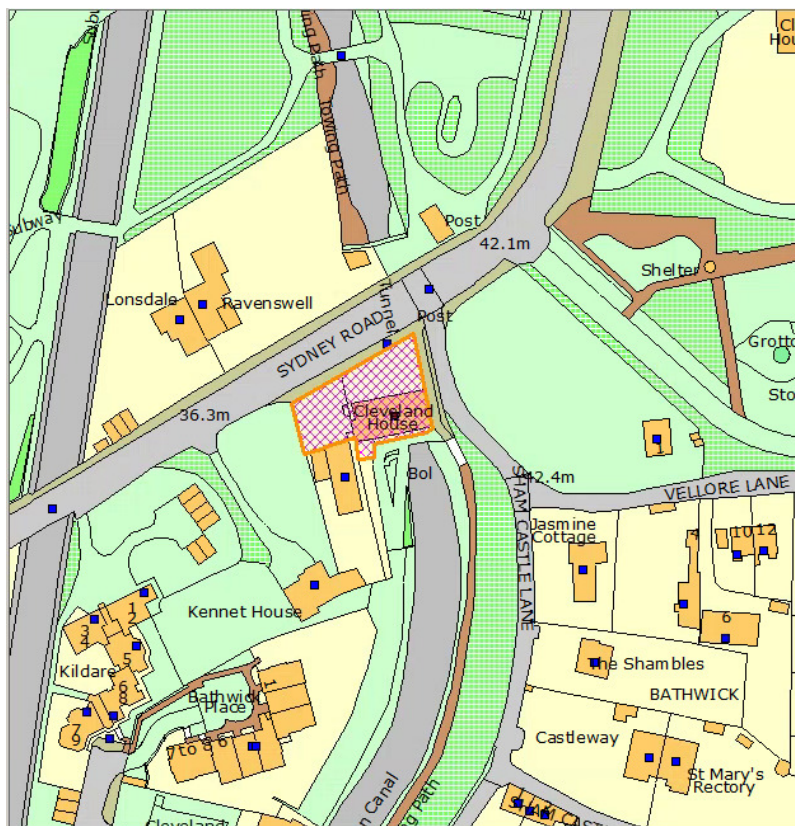
2 ADVICE NOTE:

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.

3 This permission does not convey or imply any civil or legal consents required to undertake the works.

Item No: 6
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:

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

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

- o CP6 - Environmental Quality
- o 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

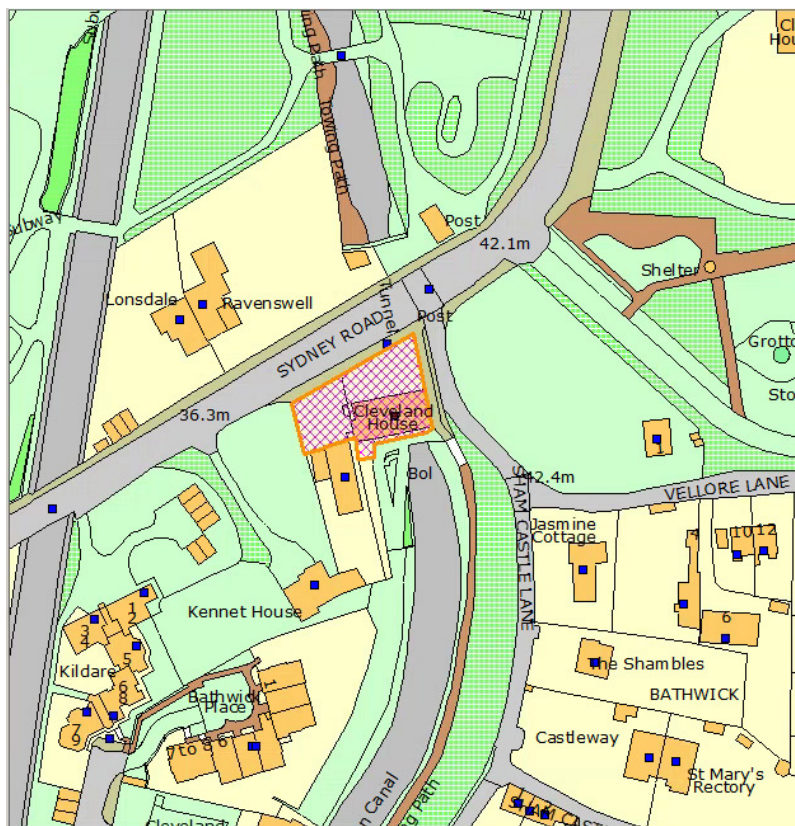
PLANS LIST:

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: 7
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 was 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

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 - 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:

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

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

- o CP6 - Environmental quality
- o 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.

- o BH.2 - Listed buildings and their settings
- o 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, notablygrade 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