

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **24th September 2014**

AGENDA
ITEM
NUMBER

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

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

List of background papers relating to this report of the Group Manager, Development Management about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

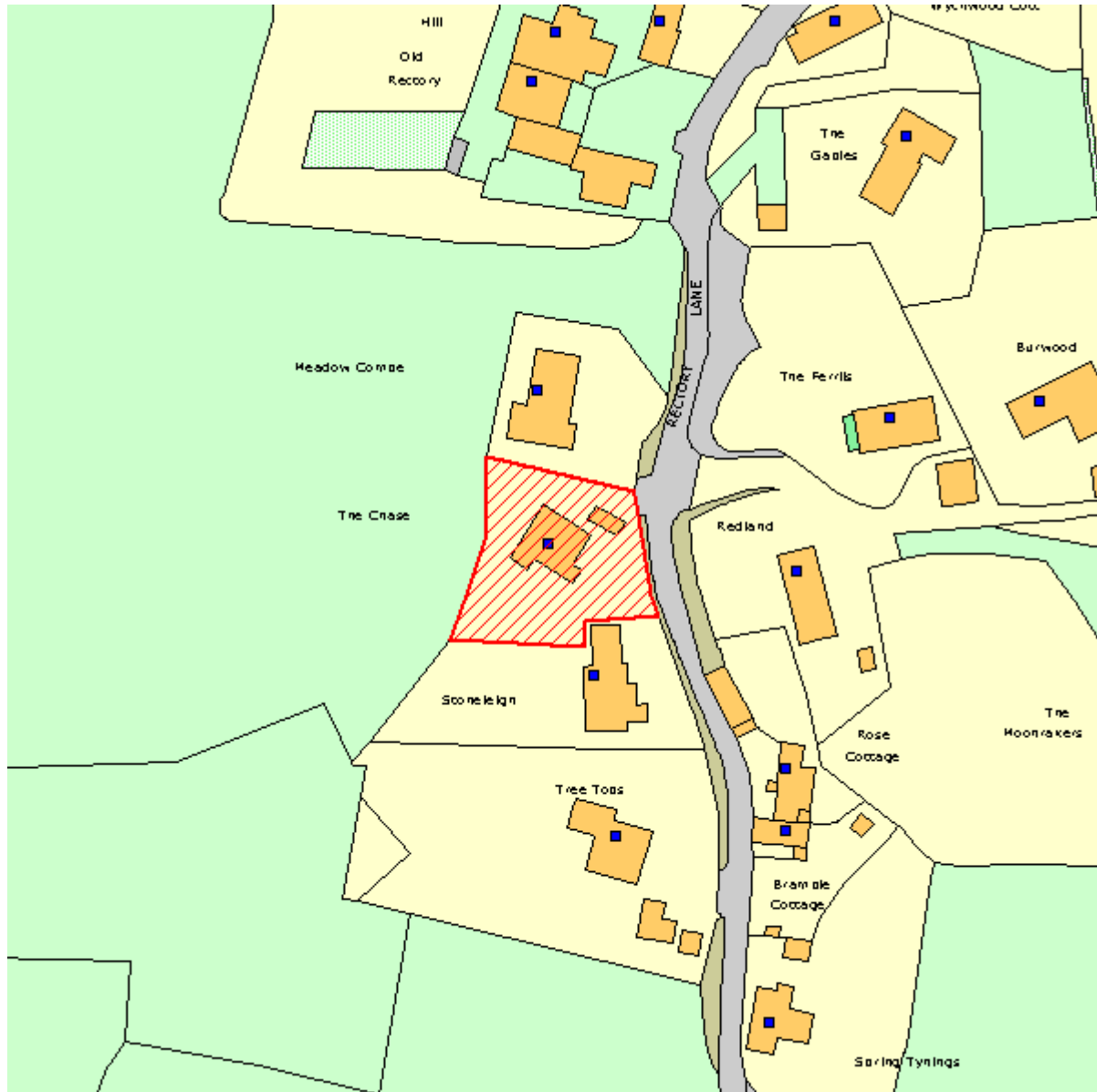
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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02	14/03180/FUL 5 September 2014	Trevor Osborne Property Group Cleveland House, Sydney Road, Bathwick, Bath, BA2 6NR Erection of a single storey side extension and first floor terrace, including internal alterations, following the demolition of existing single storey extension. (Revised Proposal).	Bathwick	Sasha Coombs	REFUSE
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REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 14/00912/FUL
Site Location: The Chase Rectory Lane Compton Martin Bristol Bath And North East Somerset



Ward: Chew Valley South

Parish: Compton Martin

LB Grade: N/A

Ward Members: Councillor V L Pritchard

Application Type: Full Application

Proposal: Erection of single storey extension and alterations to the footprint. (Retrospective).

Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Housing Development Boundary, Water Source Areas,
Applicant:	Mr & Mrs Linegar
Expiry Date:	26th September 2014
Case Officer:	Heather Faulkner

REPORT

Reasons for reporting application to committee

The application has been referred to Committee due to the comments of the Parish Council, who object to the application for the reasons summarised in the representation section below. The Chair of Committee considers that the application should be considered by committee.

Site Description and Application details

The application relates to a property in Compton Martin. The property was originally a bungalow and consent was granted at Committee on 14th May 2013 for the property to be extended to the rear and for an additional storey to be added. This application follows an enforcement complaint being made that the building was larger than on the approved plans. An enforcement officer visited the site and it was found that extension was larger than approved and that some additional works had taken place. This application is a retrospective application to consider the larger and additional extensions.

The application includes the addition of a flat roof single storey extension to the front of the property and the increase in the footprint of the building to the rear. Additional features are also included such as velux windows and a new chimney. Further details have been provided in respect of the sets to the side of the building.

Relevant history:

Planning application 13/00376/FUL for erection of extensions including a first floor extension to create a 1.5 storey dwelling (Revised proposal) - 14th March 2013.

Planning application 12/02072/FUL for the erection of extensions and provision of a first floor was refused on 23rd July 2012 for the following reason:

The proposed extensions, by reason of their height, mass, bulk and detailed design would fail to respond to its local context, would not respect and complement the existing dwelling and would harm the natural beauty of the Mendip Hills AONB. The proposals would therefore be contrary to "saved" policies D.4 and NE.2 of the Bath and North East Somerset Local Plan.

This decision was subsequently appealed and the appeal was dismissed on 28th November 2012.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Objections have been received from 5 neighbouring properties. The following concerns have been raised:

- The development is out of keeping
- The building is too large
- The building is overbearing
- The works have been completed without planning consent
- The impact on the adjacent property is worse than feared in terms of overlooking, lack of privacy and overshadowing

Concerns have been raised in respect of the accuracy and level of details on the plans as well as the fact that a sunlight study has not been submitted. The level of information submitted is considered to be adequate and is the same level of detail as the previous application. This level of information was also considered to be adequate by the Planning Inspectorate when considering the recent appeal. The case officer has also visited the neighbouring property to assist the residents in understanding the drawings.

Compton Martin Parish Council: Object, reasons summarised below:

- Concerns regarding the quality of the plans
- Works have been completed without planning permission.
- The Council's previous concerns about the development

'by reason of their height, mass, bulk and detailed design would fail to respond to its local context, would not respect and complement the existing dwelling and would harm the natural beauty of the Mendip Hills AONB' were correct

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 should be considered:

CP2 - Sustainable Construction

CP6 - Environmental Quality

DW1 - District Wide Spatial Strategy

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

D2 - General Design and public realm considerations

D4 - Townscape considerations

NE.2 - AONB

NE.4 - Trees

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

Section 7: Requiring good design

Section 11: Conserving and enhancing the natural environment

OFFICER ASSESSMENT

This application follows the approval of extensions to the property in May 2013. The works commenced and following an enforcement investigation it was found that the works that were being undertaken were different to what had been approved. The main differences are that a flat roof utility extension has been added to the front of the property and the extension at the rear has increased in depth. The depth of the building approved previously when measured from the front was approximately 12.3 metres and it is now 12.6 metres. There are also some small changes to the dimensions of the flat roof extension to south side of the building. Other alterations also include the additional of a chimney which was not shown on the original drawings.

The key issues to consider here are whether the changes have a significant impact on the appearance of the building and the AONB and whether there are additional impacts on the neighbouring properties.

Appearance and Visual impact

The proposed extension to the front of the property is small scale flat roof addition to the front of the property. A smaller front projection was previously in place at the front of the property and this has been enlarged. The overall impact of this on the appearance of the building is minimal and it does not have a harmful impact.

The increase in the size of the extension is relatively small scale in the context of the whole building. Whilst this increase does add to the mass and bulk of the building it does not overall lead to the building having a significantly more dominant impact on the surrounding area. It is however of note that the footprint of the building constructed is similar to that of the building refused at appeal, however the elevation articulation is different. However, the Inspector acknowledges in his Appeal Decision that a substantial modern house would not be out of place on the plot and his concern related more to the detailed design including window placement of the previous proposal. It is apparent now that the works are nearing completion that the building does not look out of place on the plot and that the overall design previously approved has not been significantly altered. The change to the mass of the building is not so significant to have a harmful impact on the appearance of the wider area or the AONB. Other alterations including the additional of a chimney are also visually appropriate.

Impact on neighbouring properties

As previously reported the impacts on the adjacent neighbours has been acknowledge and has not previously been found harmful by either the Planning Inspectorate or as part of the previous applications.

The increase in the size of the extension to the front would have minimal impact on neighbours. The increase to the rear extension would increase the impact on the neighbour however this impact is not significantly more harmful than previously approved.

The neighbour still raises concerns in respect of light to his property and overlooking however these are not changed to a significant degree that the refusal of the application

would be warranted. Particularly as the building is not as large as the building previously considered by the Planning Inspectorate where the impact on the neighbour was not a reason for rejecting the scheme.

Concerns have also been raised again by the neighbour in respect of the impact on their solar panels and in particular that the chimney is causing greater over shadowing. As previously considered this impact is not one that would harm their amenity as such but there is some weight to be given to this issue on the grounds of sustainability. The solar panels were in place at the time of the previous application and subsequent appeal and the panels were not a reason for the refusal of the application. Whilst it is noted that some light may be lost to these panels in the winter months when the sun is lower in the sky the impact this would have would not result in a significant loss that would warrant the refusal of this application.

The proposals should not harm the existing mature Beech tree on the site and they would therefore accord with Local Plan policy NE.4

Conclusion

The Planning Inspector in her review of the previous case considered that a substantial house would not be out of place in this location. The changes from the approved scheme are considered to be acceptable in terms of the impact on the appearance of the property and the wider area. The impact on the neighbouring property is not considered to be significantly more harmful than the previous proposals.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the side elevations (north east or south west) at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

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

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

PLANS LIST:

1 This decision is taken on the basis of the following drawing numbers:

Received 27th February 2014

2014/CHASE/01B

2014/CHASE/03A

2014/CHASE/04A

2014/CHASE/05A

2014/CHASE/07A

Received 7th May 2014

2014/CHASE/02 B

2014/CHASE/06A

Received 3rd July 2014

2014/CHASE/09/C

2014/CHASE/08 B

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 applicant sought pre-application advice prior to this application being submitted. For the reasons given above the application was recommended for approval.

Item No:	02
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: Erection of a single storey side extension and first floor terrace, including internal alterations, following the demolition of existing single storey extension. (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

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

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

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

DETAILS OF LOCATION AND PROPOSAL AND RELEVANT HISTORY:

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

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

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

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

PLANNING HISTORY

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

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

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

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

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

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

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

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

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

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

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

(Full comments available on file)

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

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

THE GEORGIAN GROUP - Objected. The main concern is the proposed access to the terrace by means of opening the intentionally blind aedicule of the west facade 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 facade.

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

POLICIES/LEGISLATION

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

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

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

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

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

D.2: General design and public realm considerations

D.4: Townscape considerations
BH.2: Listed Buildings and their setting
BH.4 - Change of use of a listed building
BH.6: Development within or affecting Conservation Areas
HG.4 - Residential Development in the urban areas
HG.12 - Dwelling subdivision, conversion of non-residential buildings and reuse of empty dwellings
T.24: Highways safety
T.26 - Access and parking standards

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

Planning for the Historic Environment Practice Guide (2010)

OFFICER ASSESSMENT

The main material considerations in relation to this application are:

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

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

PRINCIPLE OF CHANGE OF USE

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

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

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

The building is sustainably located within the designated City Centre of Bath and outside Bath Core Office Area (where the development leading to loss of office floorspace is generally resisted). In such locations Policy HG.4 of the adopted Local Plan supports the principle of residential development. Policy HG.12 sets out criteria for assessing conversion and sub-division schemes to form residential units. It states that such

proposals would be permitted providing they protect the character and amenities of established uses and are not detrimental to the amenity of the future occupants. These matters are considered to be satisfactory.

However, the building partly owes its Grade II* listing to being "a remarkable survival of a purpose-built Georgian office building". In this respect, the thrust of the saved Local Policy BH.4 (proposals for change of use of listed buildings) is to encourage retention/reinstatement of the use for which the building was originally designed, providing there is no adverse impact on the character and setting of such listed building, and, as such, the current office use is the preferred use for this building. This issue has once again been raised by The Georgian Group.

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

RESIDENTIAL AMENITY

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

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

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

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

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

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

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

- Larger extension:

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

- Roof terrace:

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

- Loss of blind window:

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

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

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

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

BALANCE OF ISSUES / OVERALL CONCLUSION

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

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

It is highly desirable that the building is brought back to use. However the scheme in its current form leads to substantial harm to a nationally protected building, which should only be considered in exceptional circumstances leading to substantial public benefits.

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. The application is therefore is recommended for refusal.

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 assets 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:	03
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 to include the erection of a single storey side extension and first floor terrace, following the demolition of existing single storey extension.

Constraints: ,

Applicant: Trevor Osborne Property Group

Expiry Date: 5th September 2014

Case Officer: Sasha Coombs

REPORT
REASONS FOR REFERRAL TO COMMITTEE

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

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

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

DETAILS OF LOCATION AND PROPOSAL AND RELEVANT HISTORY:

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

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

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

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

PLANNING HISTORY

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

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

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

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

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

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

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

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

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

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

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

(Full comments available on file)

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

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

THE GEORGIAN GROUP - Objected. The main concern is the proposed access to the terrace by means of opening the intentionally blind aedicule of the west facade 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 facade.

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

POLICIES/LEGISLATION

The primary consideration is the duty placed on the Council under Section 16 of Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. The recently published National Planning Policy Guidance, as well as The Historic Environment Planning Practice Guide published jointly by CLG, DCMS, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.

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

OFFICER ASSESSMENT

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

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

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

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

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

- Larger extension:

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

- Roof terrace:

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

- Loss of blind window:

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

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

Use of stone cladding for the door is intended to ensure that it 'blends' with the existing stone work, but in reality it is likely to be in the open position for considerable periods of

time, whilst the terrace is in use, and will have a visually incongruous appearance, harming the significant character and appearance of Cleveland House.

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

- Internal alterations to the listed building:

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

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

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

BALANCE OF ISSUES / OVERALL CONCLUSION

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

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

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.

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. The application is therefore recommended for refusal.

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 assets contrary to Planning (Listed Buildings and Conservation Areas) Act 1990 and National Planning Policy Framework.

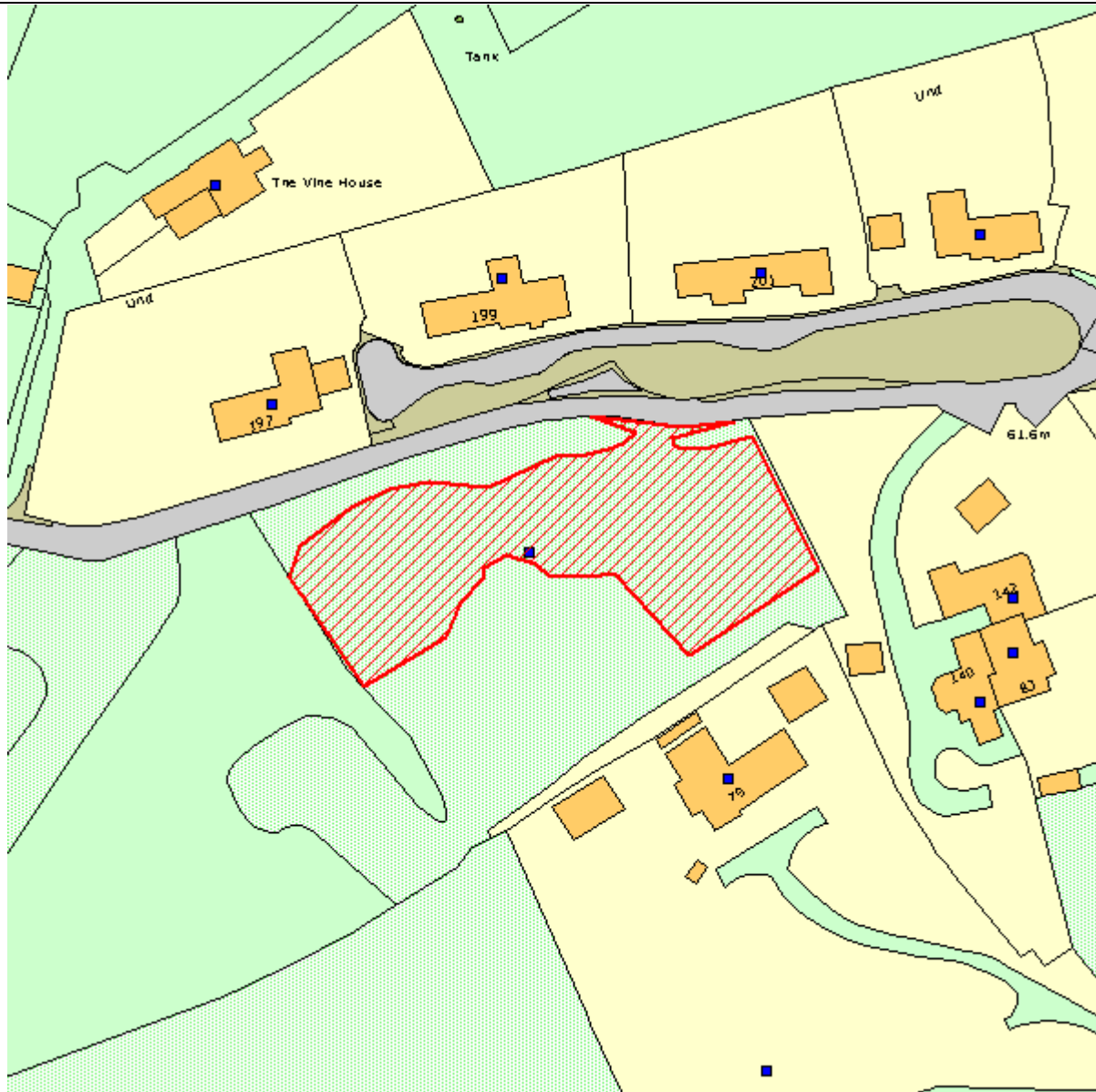
PLANS LIST:

OS Extract	09 Jul 2014	SITE LOCATION PLANS
Drawing	09 Jul 2014	DOOR AND WINDOW PLANS
Drawing	09 Jul 2014	EXISTING SKIRTING AND EXTERNAL DOOR
Drawing	09 Jul 2014	PRELIMINARY SECTION
Drawing	09 Jul 2014	PROPOSED ELEVATIONS
Drawing	09 Jul 2014	PROPOSED ELEVATIONS
Drawing	09 Jul 2014	PROPOSED FLOOR PLANS
Drawing	09 Jul 2014	ROOF GARDEN DOOR, STEPS & HANDRAIL
Drawing	09 Jul 2014	SECTIONS
Drawing	09 Jul 2014	SURVEY ELEVATIONS
Drawing	09 Jul 2014	SURVEY PLANS

DECISION TAKING STATEMENT

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

Item No:	04
Application No:	14/02756/FUL
Site Location:	Land Opposite 199 Bailbrook Lane Bailbrook Lane Lower Swainswick Bath



Ward: Lambridge

Parish: N/A

LB Grade: N/A

Ward Members: Councillor B Chalker

Councillor Dave Laming

Application Type: Full Application

Proposal: Erection of two detached dwellings with retained open space

Constraints: Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Tree Preservation Order, World Heritage Site,

Applicant: Charlcombe Homes Ltd

Expiry Date: 26th August 2014

Case Officer: Rebecca Roberts

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

At the request of Cllr Dave Laming, and with the agreement of the Chairman as the Ward Member objects to the proposed contrary to the officers recommendation.

DESCRIPTION OF SITE AND APPLICATION:

The site comprises a square parcel of land situated on the southern side of Bailbrook Lane, and is located directly to the west of a line of existing residential properties that run along both sides of Bailbrook Lane from the junction with London Road West. The topography of this locality due to the site being on a hillside is sloping, levels increase steeply from south to north. The area of the parcel of land is approximately 0.49 hectares, however the application site outlined in red is approximately . The site has an approximate frontage length along the lane of 105 metres, with its depth ranging from approximately 38 metres to 72 metres. This frontage is formed by a 1.4 metre tall rubble stone wall which acts as a retaining wall to the parcel of land behind; views into the site are further restricted by scrub and trees along the boundary which act as a secondary means of enclosure.

The site is within the Conservation Area and World Heritage Site and lies to the south of the Bath Bristol Green Belt and Cotswolds AONB, these designations are separated from the site by the Redcliffe Housing development to the north of Bailbrook Lane.

The application is a resubmission of a previously refused scheme which was dismissed at appeal for 4 dwellings within the site and was dismissed by the inspector of grounds that 4 houses would harm the character and appearance of the Conservation Area as a result of the loss of undeveloped land which the Inspector considered played a part in the landscape setting of this locality, however the Inspector stated that the harm caused to the Conservation Area was less than substantial. The application has been revised in response to the Inspectors comments. It has reduced the development, enhanced the landscape setting of the site and minimised the impact of development by setting the properties further into the hillside, so that from the streetscene the character of an undeveloped site is preserved.

The proposed development would result in the erection of two bespoke contemporary dwellings built using traditional materials with significant landscaping between the units to reinstate the orchard and preserve the landscape connections that are characteristic of this locality.

The application proposes the erection of 2 detached 5 bed dwellings which are proposed to be graded into the hillside to reflect the local topography. A new access, and hard/soft landscaping are proposed to provide access into the site and movement within the site between the dwellings and further planting to create an orchard which will act as a shared space and will enhance this already green landscape. The proposed development will involve excavation of the upper part of the site to create a level platform on which to construct the dwellings. These dwellings will be constructed on split levels to follow the contours of the site and will sit level or below the boundary wall and will be designed so as not to disrupt the sight line from the dwellings to the north or those using the highway. Furthermore landscape improvements are proposed to the southern boundary and the grading of the properties has been designed so that the sight lines from the proposed dwellings will be above the roofline and will restrict views into the neighbouring site of 79 London Road West.

It is proposed to use a mix of materials to reflect the relationship between the urban and rural landscape, it is proposed to use a smooth faced Bath Stone, coursed random rubble stone and Bath stone coloured render. The roof will be finished with zinc and will be a matt grey colour similar to lead, this can be utilised on low pitched roofs which are proposed.

The application has been supported by the submission of a design and access statement, landscape and visual impact appraisal, arboricultural assessment and an extended phase one habitats survey.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

LANDSCAPE ARCHITECT: No objection subject to conditions. Agree with their findings in terms of the likely impact of the development on the landscape (specifically the conservation area, the AONB and the WHS). I agree that the overall visual impact is likely to be low to neutral. Should the proposal be permitted, then a fully detailed hard and soft landscape scheme will be required. For example, the note (on Drg 5) regarding the choice of species along the northern boundary is misleading.

Would be more appropriate to have more screen planting around the perimeter of the site and less within the site - specifically between units 1 and 2 / 2 and 3. I would also like to see the specimen trees located more generally across the site and not just focussed in one area. There should be more than 6. Detailing of the boundaries is going to be of critical importance and this needs to be looked at very carefully to help minimise impact, especially on immediate neighbours. The cut and fill proposals appear to be highly engineered and these would also need to be softened and made more natural in appearance. The walling could also be made more fluid and curving in appearance.

URBAN DESIGNER: No objection. The reduced scheme and introduction of an orchard is an improved scheme.

ECOLOGICAL OFFICER: An ecological survey and assessment has been submitted, which is reasonably comprehensive, and its recommendations have so far largely been incorporated into the scheme.

ARBORICULTURAL OFFICER: No objection subject to conditions. The trees on the site are protected by virtue of the conservation area designation and a number of trees offsite to the south are protected by TPO 500/47. Agree with the general assessment of the trees on the site.

HIGHWAY DEVELOPMENT OFFICER: No objection subject to conditions. The Highway Authority has previously consistently opposed further development off Bailbrook Lane, due to the restricted width of Bailbrook Lane to the west, and the use of the lane as a rat-run between London Road West and Gloucester Road. Furthermore, highway objections have been raised regarding the sustainability of the site, where the restricted width of the lane and the lack of pedestrian facilities along the length of Bailbrook Lane would not be conducive to walking and cycling, and where local facilities would therefore not be easily accessible by sustainable modes of travel. The application site is, however, located at the eastern end of Bailbrook Lane, where the lane is wider and more pedestrian friendly, and is also close enough to London Road West to provide access to public transport and segregated pedestrian facilities. The proposed access junction with Bailbrook Lane has therefore been designed to discourage access to and from the west, through the provision

of a very tight radius to the western side. The closeness of the site access to the wider sections of Bailbrook Lane to the east, and also to London Road West, is also likely to result in traffic using the eastern end of Bailbrook Lane in preference to the western end.

HIGHWAYS DRAINAGE TEAM: The applicant intends to discharge surface water arising from the proposed development through soakaways. Ground investigations and soakaway testing in accordance with the requirements of the BRE365 Digest should be undertaken to determine if soakaways are a feasible drainage method. Tests and flow rates need to be determined if water is to be discharged into the culvert on site.

ENVIRONMENTAL HEALTH OFFICER: No objection subject to informatives for code of construction and noise.

WESSEX WATER: The developer must provide separate systems of drainage which will be adopted by agreement with Wessex. Any new connection to the public sewerage system under Section 106 of the Water Industry Act 1991, cannot then be made until the applicant has entered into a signed Section 104 Adoption Agreement with the Water Company. No foul drainage has been agreed. The applicant has indicated drainage via SUDs; ground conditions may not be suitable and the applicant may need to explore other options. There must be no surface water connections to the public foul network. There is adequate capacity within the water supply network to serve the proposed development; point of connection may be agreed at design stage.

OTHER REPRESENTATIONS/THIRD PARTIES

Ward Member Cllr Laming - New development overlooking existing - loss of amenity. No account being taken of the ecological and natural environmental damage that may well be caused. Access issues onto side road (Bailbrook) and Main old A4. Junction of Bailbrook and London Road still used as a turning circle by cars trying to go back through the village, and Bailbrook used extensively as a "Rat Run" to avoid the London Road rush hour. Cllr Laming claims that a former Councillor failed the residents by failing to sort out this issue some 5 years ago. Damage to retaining wall and another dangerous access onto Bailbrook Lane from the proposed development site.

Neighbours - 15x objections and 2x general comments have been received and are summarised as

- cars using it illegally as a rat run, development will only increase this problem
- Bailbrook Lane is an 'access only' highway and is a single carriageway for most of its length.
- additional vehicles will add further unacceptable congestion and safety concerns
- a quiet and relatively unspoilt country lane would in effect transform this end of Bailbrook into a suburban estate, with all its associated traffic
- object to the loss of the wall, which is a great feature of the lane.
- proposed would interfere with the flow of the stream that supplies the water to the pond in our garden
- the character of the area cannot support work of this nature: there will be significant and irreparable environmental damage i.e. wildlife will suffer; trees and hedges will be destroyed
- the existing wall is historic and deserves to be repaired not demolished
- new houses are out of keeping with the ambience of Bailbrook

- limited visibility at point of access
- the practice of traffic turning in an easterly direction sounds fine on paper this is not what will happen in practice

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 should be considered:

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

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 Consideration
- D.4 Townscape Consideration
- BH.6 Development within or affecting Conservation Areas
- NE.10 Nationally Important Species and Habitats
- NE.11 Locally Important Species and Habitats
- T.24 General Development Control and Access Policy

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

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

The site is located within the urban envelope of Bath where in principle new residential development is broadly acceptable providing it complies with the relevant policies of the development plan.

RESIDENTIAL DENSITY:

The NPPF encourages the efficient use of land and promotes good design and sustainable development however does not prescribe set densities for land therefore it is up to the LPA to consider what is appropriate on a site by site basis giving consideration to factors such as prevailing character, design and layout to ensure appropriate levels of housing are achieved. Notwithstanding the current national policy position, the extant policy as set out at HG.7 of the Bath & North East Somerset Local Plan still states that residential developments will only be permitted where the maximum densities are compatible with the site, its location and its surroundings, stating that densities in excess of 30dph will be expected. This policy was derived from and was in line with the superseded PPS.3 however it has not been updated and remains a saved policy in the Draft Core Strategy. It is accepted that this prescription of density goes against the new

national guidance, and indeed against the draft policy B1 of the Core Strategy, however, as this policy is part of the current Development Plan and is saved, density consideration is still of material consideration.

This application relates to a site measuring 0.49ha, based on the advice set out in HG.7 there would be an expectation to see c.15 houses on a site of this size in order to accord with the policy. In this respect it is considered that the proposed represents under-development and is thus contrary to the local policy; this analysis does help dispel the comments received suggesting that this scheme is over-development of the site. Notwithstanding, consideration has to be made to other factors affecting the site. The site is in a semi-rural location close to the main conurbation of Bath and could be argued to be comparatively remote from services, and whilst there is a bus service accessible to the site at the bottom of Bailbrook Lane on London Road West, there are no shops in easy walking distance; (approximately 20 minutes walking), to introduce significant level of houses would allow for more cars and create a greater demand for car borne journeys thus increasing traffic flow on this quiet road. Looking at the context of the site and the character of the surrounding area, to insist on meeting the density requirements would create a form of development at odds with the context of the area.

As set out in the introduction, the character of this area is one of loose knit development set back from the roadside; the plots along the southern side of Bailbrook Lane are large, accommodating predominantly single detached dwellings. Furthermore, the site slopes dramatically from north to south and has far reaching views and is visible from many key vantage points as shown in the Landscape and Visual Impact Appraisal by Nicholas Pearson Associates submitted as part of this application. To intensify the amount of housing in order to conform to the local plan policy would be to allow a level of development that would harm the visual character of the area and be inappropriate in relation to the setting and context of the surrounding properties. In respect of the long range views into the site, and being mindful of the adjoining developments and not overdeveloping this prominent hillside, it is again felt that to add further dwellings to the site would in fact harm the visual character and detract from the setting of the area.

On balance it is felt that whilst the application does not propose sufficient dwellings to comply with the local policy, as stated every application must be judged on its own merits. In respect of the NPPF and emerging policy advice, it is considered that the factors as set out above justify that to achieve the higher density may conflict with other policies (landscape and setting) and would result in a form of development that is deemed inappropriate for this area. It is therefore considered that this scheme is acceptable in terms of the density of development proposed in this location, responding positively to the local context and demonstrating an effective and efficient use of this site.

CHARACTER AND APPEARANCE:

The proposal on this hillside location is visible from many viewpoints, ranging from the Bathampton Plateau to low hillside views from the Bathford to Bradford on Avon road and from the Warminster road and hill top views from public rights of way on Bathampton Down and is highly visible from Bailbrook Lane, when moving towards the site from either end of the road.

The proposal is for the erection of 4 detached dwellings, on the opposite side of Bailbrook Lane a development by Redcliffe Homes was approved for 5 detached dwellings on

appeal and the inspector concluded that 5 dwellings would generally reflect the established loose-knit pattern of development in the immediate area and would be located so as not to intrude into close or distant view, thereby not restricting the character of this part of the Conservation Area. This is also considered to apply to the application site, furthermore this site is lower down the slope closer to the built environment along London Road West and has greater screening along the boundaries by mature trees a number of which are protected by Tree Preservation Orders.

This application shows 4 dwellings designed to reflect the local topography - graduated down the slope. The contemporary buildings are of similar heights to the adjacent properties to the east (by setting into the slope), and reflect a contemporary design approach. In light of the character, landscaping and topography of the site, coupled with the mixed dwelling styles along Bailbrook Lane and London Road West the proposed contemporary approach (which adopts a traditional palette of materials) would not adversely harm the setting of adjacent properties or appear disproportionate to the detriment of the wider area.

The development has been designed to respond to the local topography resulting in a split level design. The front elevation follows a more traditional element of single and two storey, the single storey drops at the rear to a two storey element which uses a mix of timber and glazing, the glass will allow not only for full advantage of the wide ranging vista from the site but creates a simple clean line on the rear elevation so as not to create a visually hard aspect (obtained with stone) which would dominant the skyline distracting from the natural landscape which is important to the character and appearance of this part of the Conservation Area. The timber once oxidised will help soften the appearance of the building but also provides a strong rural link between the built and natural environment. The proposed provides a subtle contrast between the materials which reflects the contemporary nature of the dwelling whilst respecting the local context of the street.

The 4 dwellings are contemporary, described as being an "Italianate style regency villa" design built with a mix of natural stone and render under low profiled slate roofs, this will positively add to the wide range of architectural styles noted along Bailbrook Lane and the northern side of London Road West, and is considered to be an asset to the visual character of the area. All the properties have been designed with fenestration and materials used to attain maximum light and heat gain from natural sources, but with large roof overhangs to reduce the impact of light spill. Overall it is felt that the architectural composition of this proposal works well and the style, design and appearance do not detract from the wider area or the landscape sensitivity within this locality.

The application proposes to create a new opening and re-modelling of part of the existing boundary wall towards the eastern side of the frontage. A stretch of the wall will be removed and set back from the road and re-built using the existing stones and made-good to allow for increased visibility when exiting the site, approx. 7.5 metres of the wall will be removed to create the access into the site, the material will be used in the construction of the front boundary to plot one which is a continuation of the boundary wall.

The wall which runs along the roadside is characteristic of the lane and is an important feature which needs to be retained. The proposed development proposes alterations to the wall and will result in the loss of part of the wall, however the continuation of the wall into the site and the narrow nature of the road would not result in the opening being the

dominant focus along this frontage, the scale of the boundary wall and design of the access will preserve the dominance of this feature within this locality and the alterations to it are not considered to be of detriment to the character and appearance of this locality and Conservation Area.

On balance it is considered that this scheme is not in conflict with the setting of the World Heritage Site, it responds to the local context, drawing on common features and materials with a contemporary twist. The new dwellings add a distinctly attractive feel to the local area and the wider public realm is maintained, it is therefore felt that the scheme is in accordance with Policies D.2, D.4 and BH.1 of the Bath & North East Somerset Local Plan.

Notwithstanding the above, given the design of these properties and the size of the individual plots, it is considered appropriate to remove permitted development rights for the erection of extensions and free standing buildings to as to retain control over how the site may evolve in the future and how any proposed works may impact on both the local and wider area.

RESIDENTIAL AMENITY:

Concern has been raised by neighbouring properties as to the issue of overlooking and loss of privacy. The closest dwelling which has the potential to be affected is that of 79 London Road West, this property is set above the main road and sits close to the line of dwellings along Bailbrook Lane.

No.79 is a contemporary dwelling perched on a ledge on the steep hillside and is predominantly single storey with a two storey element home to the master bedroom/bathroom; this property has an extensive amount of glass to the side elevation which takes advantage of the views and natural light. The rear of no.79 is approximately 6 metres from the boundary with the development site and is set down resulting in the ground level of the development site sitting just above the single storey flat roof of no. 79. It is this close proximity to the lower level of the development site and the sloping topography which opens this site to potential impacts of overlooking and increased sense of enclosure. Rear windows are positioned on the single storey part of the dwelling which runs with the boundary between plots 1 and 2, the proposed development at this point is predominantly garden space along the boundaries of the two plots, however the deck area of plot one faces towards no.79, and is set at first floor level, however due to the drop in levels and separation (approx 28 metres), people using the deck area will not be able to look down into the rear of the site of no.79 but will look directly over the roof. Plot 2 is directly to the rear of the two storey structure of no. 79 and is approximately 23 metres away, the ground floor windows of plot 2 will be level with the flat roof of the two storey structure of no.79. There are no windows within the rear elevation of the two storey structure of no.79, there is however a long strip of glazed units along the south western (side elevation) overlooking the garden, however the location of the dwelling in plot two and the balcony would not result in overlooking of any windows, some overlooking or the sense of being overlooked may arise within the garden of no.79 however the potential level of such is not considered significant enough to warrant a reason for refusal. The plot which raises most concern is that of plot 3, due to the large expanse of glazing and the deck area positioned at first floor level which could look directly towards the side windows of no.79. The side elevation of no. 79 is of an oblique angle to the rear elevation of plot 3, therefore the potential for overlooking from within the proposed dwelling of plot 3 is not

considered significant, however the deck area is set at an angle to the development and has the potential for overlooking and loss of privacy, the proposed is approximately 26 metres from the side elevation of no 79 and has a direct sight line towards the side elevation above the garden room. However this sight line is interrupted by a mature tree within the garden of no.79 close to the boundary, this coupled with the proposed landscaping along the boundary and new specimen trees to be planted would create sufficient screening within this space and the level of overlooking is not considered significant enough to warrant a reason for refusal.

The application site has been established as scrub land for some time, although comments have been made to suggest that the land was once used as an orchard and that would be supported by the existing trees on site which are predominantly fruit trees, aerial photos suggest that the area was more populated with trees a decade ago but in recent times has been cleared, creating a more open site and the development of this has the potential to result in an overbearing presence or increased sense of being enclosed to neighbouring occupiers in particular no. 79 London Road West.

The other neighbouring sites are set above the site or are separated by mature trees that create a natural screen, however the dwelling to the south west of the site is more open and set down, therefore the proposed development will sit above no.79 and will be visible from the property and garden. However as stated above the density level is appropriate and forms a loose knit layout which preserves an element of spaciousness within and between the plots which allows for improved landscaping to restore some of the natural landscape that was lost when the site was cleared.

The dwellings have been set away from the boundary to provide sufficient space between the plots and the neighbouring dwellings, creating a buffer zone of approx. 20 metres around the site and within this area will be improved boundary hedges, new trees and retention of some existing specimens which will create a green cocoon around each plot separating the site into smaller environments via natural screen in the landscape to soften the proposed development which is considered to improve the relationship of dwellings within this built environment and is not considered to cause an overbearing presence, this will have the potential to cause an increase sense of enclosure due to the built development and the proposed landscape, however this is not considered significant enough to warrant a reason for refusal.

The dwelling to the east is well screened by mature trees which are protected under a Tree Preservation order and play an important role in the landscaping setting of the area, these will screen the development, plot one will be in close proximity to the eastern boundary, however given the distance between the dwellings, existing boundary treatments and the graded profile of the proposed dwellings no undue harm will be caused to the amenity of no. 142 Bailbrook Lane.

The Redcliffe development to the north, due to the steep rise in the topography will overlook the roofs of the proposed development avoiding the potential for overlooking, loss of privacy or loss of light and will preserve the visual amenity currently enjoyed.

ECOLOGY:

The application was supported by an ecological survey and arboricultural survey to establish the ecological importance of the site and to identify any protected species that may be present within the site or potentially affected by the proposed development.

The ecological officer stated that there were a few issues that needed to be addressed. Additional information has been received and these will be considered and revised comments provided.

There is a watercourse that runs under the Redcliffe development to the north drops over the hedge and into a culvert which runs under the application site to the north east of the site and into the neighbouring garden of No. 79 London Road West and meanders its way across to 142 Bailbrook Lane where it continuously provides water to ponds and flows back into no.79 where it filters through another set of ponds before entering a culvert which runs beneath London Road West towards the River Avon. These ponds act as mini wildlife havens and there is concern that the development will damage this natural flow or indeed contaminate it. The applicant is aware of this natural feature and acknowledges that this may need to be diverted to facilitate the development and ensure its flow is not interfered; the point at which it crosses along the southern boundary will not be altered. A condition will be attached to ensure the pipe is diverted prior to the commencement of development and it is considered any impact on ecology will remain neutral. However it must also be acknowledged that this watercourse runs through other sites above which are not in the applicant's control, therefore contamination could still occur as a result of changes to the water flow upstream of the site.

The information provided within these assessments provides sufficient information on the ecological value of the site and the likely impacts of development and is considered to comply with policies NE.11 and NE.12

The extensive hedging and trees along the boundary of the site will be maintained where possible and incorporated into a landscape scheme; details of the trees to be retained or removed are addressed in the arboricultural report.

HIGHWAYS:

The means of access to serve the development has been agreed with visibility splays of 2.4m by 25m, to accord with the speed of traffic using the lane, and this would be achieved with the realignment of the existing boundary wall. A pull-in area is proposed to the eastern side of the proposed access, which will aid visibility and provide both a passing area and pull-in for servicing. The layout includes turning facilities within the site, in order to ensure emergency vehicles could access the site, if required. Furthermore, each dwelling will have a separate driveway and turning area, together with the provision of adequate parking within garages and on the driveway.

RECOMMENDATION:

A. Authorise the Planning and Environmental Law Manager to prepare an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure ; - a contribution of #10,849.72 for Highways and #34,268.87 towards education provisions.

B. Upon completion of the Agreement authorise the Development Manager to PERMIT subject to satisfactory comments being received from the Councils Ecologist and Urban Designer and the following conditions:-

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2 No development shall commence until a sample panel of all external walling and roofing materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

Reason: In the interests of the appearance of the development and the character and appearance of this part of the Conservation Area.

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

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

4 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.

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

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

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area.

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

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

8 No works or deliveries required to implement this development shall take place outside the hours of 0800 - 1800

Reason: To safeguard the amenity of nearby occupiers.

9 The areas 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.

10 The means of access up to the individual private drives and the pull-in area adjoining Bailbrook Lane shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The driveways hereby permitted shall not be occupied until their respective drive and common access have been bound and compacted in accordance with the approved details.

Reason: In the interests of highway safety

11 Before the dwellings hereby permitted are first occupied or brought into use the area between the nearside carriageway edge and lines drawn between a point 2.4m 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

12 The development hereby permitted shall not be occupied or the use hereby permitted commence until details of surface water drainage provision for the access drive (so as to mitigate adequately runoff of surface water on to the highway) have been submitted to and approved in writing by the Local Planning Authority and the approved drainage details fully implemented.

Reason: In the interests of highway safety.

13 No development shall commence until details of the diversion of the watercourse culvert/pipe have been first submitted to and approved in writing by the Local Planning Authority and the approved diversion fully implemented.

Reason: to safeguard the natural watercourse and natural environment

14 No development shall take place until a Detailed Arboricultural Method Statement with revised Tree Protection Plan which can be scaled from has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The final method statement shall incorporate supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion where any work will impinge on the root protection areas of any retained trees on or off site. The statement should also include the control of potentially harmful operations such as regrading, the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that trees to be retained on site and any off site trees are not adversely affected by the development proposals

15 No development activity shall commence until the protective measures as stated in the approved Detailed Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that trees are protected from potentially damaging activities.

16 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

17 The development shall not be commenced until a foul and surface water drainage strategy is submitted and approved in writing by the local Planning Authority. The drainage scheme shall be completed in accordance with the approved details prior to the occupation of the permitted dwellings

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

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

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

PLANS LIST:

1 This decision relates to drawing no's 2, 5, 6, 7, 8, 9, 10, 11 and 12 date stamped 16th June 2014 and 1A date stamped 1st July 2014

ADVICE NOTE:

No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings

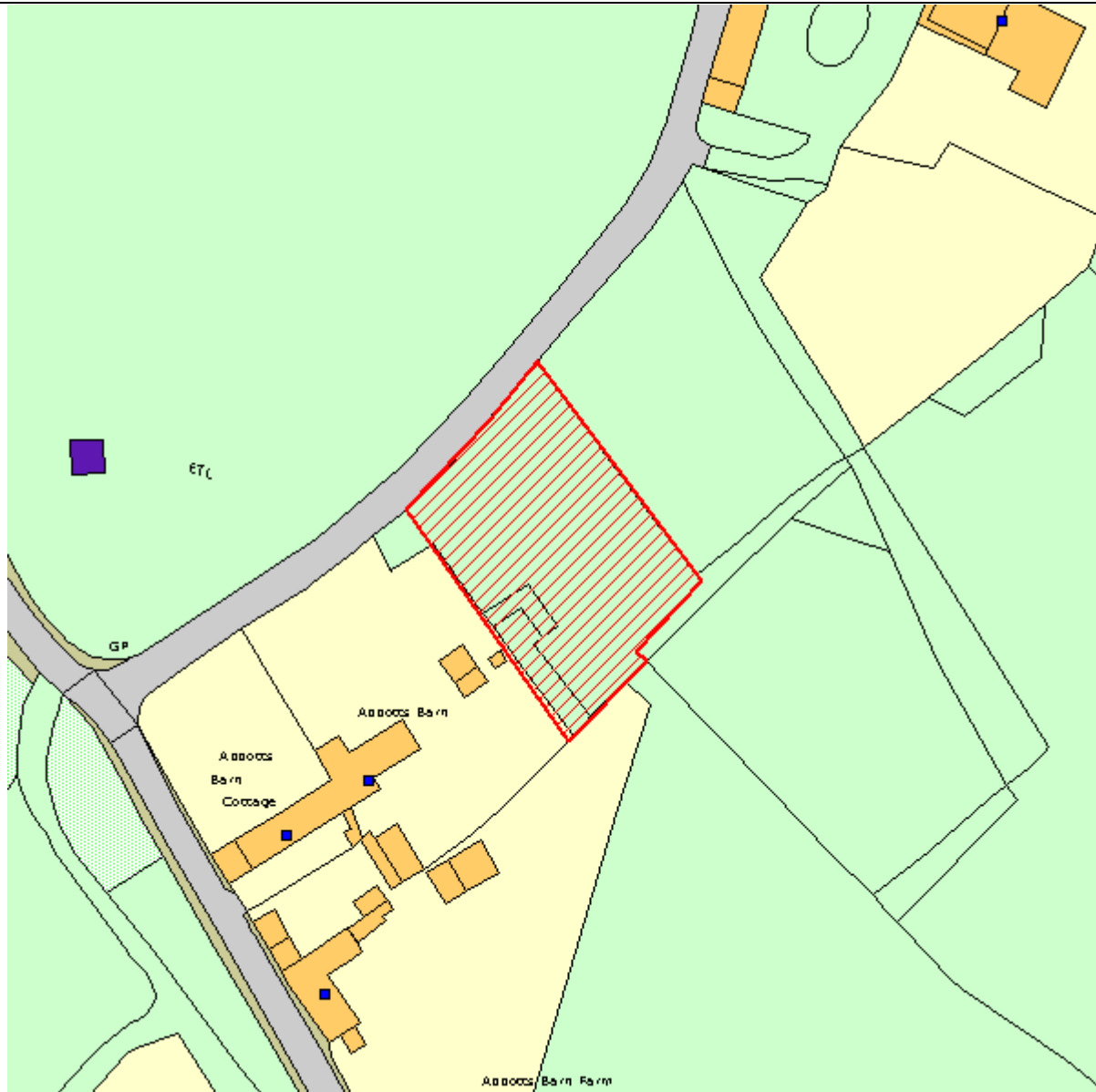
DECISION TAKING STATEMENT

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.

Item No:	05
Application No:	14/01721/OUT
Site Location:	Abbots Barn Cameley Lane Hinton Blewett Bristol Bath And North East Somerset



Ward: Mendip

Parish: Hinton Blewett

LB Grade: N/A

Ward Members: Councillor T Warren

Application Type: Outline Application

Proposal: Erection of 1No dwelling house. (Outline application with some matters reserved)

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Conservation Area, Forest of Avon,

Applicant: Mr Karl Royle

Expiry Date: 27th June 2014

Case Officer: Rebecca Roberts

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The officer recommendation is contrary to the comments made by the parish council. The Chair has agreed for this application to be considered by Committee as the Parish Council is in favour of this proposal and the local Member is also supportive. The Chair is also of the view that this site could be allocated in the Placemaking Plan.

DESCRIPTION OF SITE AND APPLICATION:

The application site is to the north east of the settlement and is set out on a limb. The site relates to a parcel of land adjacent to Abbots Barn which is bordered on three sides by open land/countryside a field separates the site from Blacknest Farm. The south western boundary forms the edge of the Conservation Area. A public right of way runs through the rear of the site and it is from this path that the adopted Conservation Area Appraisal highlights the setting of the listed Manor House and recognises Abbots Barn Farm as a heritage asset. Therefore the development proposed has the potential to impact upon the setting of the listed building and the character and appearance of the Conservation Area.

The application site is located outside the defined housing development boundary for Hinton Blewett. The Manor forms the boundary line of the housing development boundary. The development would not represent infill development due to its location away from the housing development boundary and is not bordered on three sides by development. The existing site is a greenfield site and appears to form part of an orchard. The site is currently accessed via a side field gate adjacent (90 degrees) to the gated access of Abbots Barn.

The proposal is outline permission with some matters reserved, at this stage only the principle of development and access will be considered although detailed indicative plans have been provided for a 2 storey 3 bed dwelling with double garage.

The dwelling has been sited towards the rear of the site close to the building line of Abbots Barn. A new access will be formed by the creation of a new opening in the random rubble wall which forms the boundary line and extends from Blacknest Farm along the roadside and wraps around Abbots Cottage at the T junction, Random rubble walls are a key characteristic of the village and is the predominant boundary treatment in this locality. Part of the wall will be lost to create the opening and in order to form acceptable visibility splays part of the wall will need to be re-aligned. No justification has been provided as to why the existing access cannot be utilised.

The application has been supported by a design and access statement which does not provide justification for development outside of the housing development boundary.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HINTON BLEWETT PARISH COUNCIL - The village is not a sustainable location however the village has been allocated 10-15 houses under B&NES emerging Core Strategy 2013. Requested that the Place making Plan is a material consideration in considering this application. Although the planning application is for a site outside the housing development boundary and is not one of the sites already identified as having potential for future development, it does fulfil several of the Parish Council's Place making Plan requirements. Single dwelling would have very limited impact on the character of the village. The application would need to respect the public footpath CL1/26 running along the south eastern edge of the property. The Parish Council does however have concern regarding the proximity of a residential dwelling to the 132kv electricity power line which

crosses the property and requests that the access be subject to a Highways Authority audit

PLANNING POLICY: The site is out on a limb away from the main settlement outside of the housing development boundary and is not a site that would be considered in the place making plan as there are other preferable and identifiable sites within the village boundary.

HIGHWAYS: Object. Unsustainable location. There are very limited services available locally and it is noted that the nearest primary schools and shops are located several miles from the village. It is clear that the development would be car dependent and that the potential to use alternative sustainable modes would be severely limited. Visibility of 2.0m x 22m is promoted within the application, and to fully accord with the Manual for Streets guidance a splay of 2.0m x 25m would actually be needed in this case. Having reviewed the Indicative Site Plan, it does appear that this altered splay could be provided in this case. Turning needs to be provided on site and gate would be unacceptable unless a pull in is created.

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 should be considered:

CP6 - Environmental Quality

CP7 - Green Infrastructure

CP9 - Affordable Housing

CP10 - Housing Mix

DW1 - District Wide Spatial Strategy

RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria

SV1 - Somer Valley Spatial Strategy

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

HG.10 - Housing outside settlements (agricultural and other essential dwellings)

NE.1 - Landscape character

BH.6 - Development within or affecting Conservation Areas

T.1 - Overarching access policy

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 (April 2014) can be awarded significant weight

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

Hinton Blewett has been identified as an RA2 settlement within the adopted Core Strategy as it has not got three key facilities and a limited daily public transport service. RA2 settlements will receive approximately 10-15 dwellings over the Plan period of 2011-2029. It is considered that there are sufficient sites within the housing development boundary to accommodate the 10-15 houses required to meet the housing needs identified.

Hinton Blewett Parish are currently working on the B&NES Placemaking Plan sequential site search process. This process will enable Hinton Blewett village to grow incrementally, in the most viable and appropriate places, by allowing development opportunities to come forward at a scale in keeping with the size of the existing settlement. The place making plan will identify the preferred sites and the density of development per site, however the place making plan focuses on development within the housing development boundary unless a rural exception site can be found which does not conflict with the Conservation Area and landscape setting of the village. However, this cannot be given any significant weight at this stage as this has not gone through any formal process and is yet to be assessed or adopted. A single dwelling would not be considered as a rural exception site but if approved would encroach into the open countryside beyond the boundaries of the settlement boundary and the Conservation Area boundary.

Outside of a designated housing development boundary, new residential development is generally resisted

CHARACTER AND APPEARANCE:

Retaining the distinctive quality of rural communities is important, and no new properties should be located where they visually dominate their setting and assume a prominence. Even where dwellings are set in a secluded location their access-ways, boundary treatments and entrances can have a significant impact on the landscape.

Objections are raised as the proposed development would not retain the distinctive character of this edge of settlement location and does not follow the historic plan form (nuclear) of this medieval village.

It is not considered that the buildings visually connect to the village successfully due the lack of development surrounding the site. Although this application is outline, any proposal would result in the loss of a section of the boundary wall which would further impact upon the rural character of area as the boundary wall which extends along the road is an intrinsic characteristic of this locality. The associated development, and domestic paraphernalia would result in visual harm when approaching Hinton Blewett from the north east as it would result in loss of trees within this site which fails to enhance or preserve the landscape character of this rural lane.

An indicative layout and elevations have been provided as part of this submission, but it is noted that this application is outline with some matters reserved, and as such this will not be considered in detail as part of this application.

Overall the proposed development is considered to result in considerable harm to the rural character of the area and the setting of the Conservation area due to its encroachment into the countryside and could establish a precedent for further development.

HIGHWAYS:

The proposed development is located in a relatively isolated village location. There are no regular bus services routed via the village and the settlement is connected to the strategic highway network via narrow (in some places single track) and unlit rural lanes. There are very few dedicated pedestrian facilities within the village, although it is acknowledged that traffic flow levels are generally low and speeds were observed to be significantly below the posted speed limit.

There are very limited services available locally and it is noted that the nearest primary schools and shops are located several miles from the village. It is clear that the development would be car dependent and that the potential to use alternative sustainable modes would be severely limited.

Therefore the site is considered unsustainable and fails to comply with the aims and objectives of the NPPF in promoting sustainable development and policy T.1 of the Local Plan which forms part of the adopted Development Plan

The current access fails to comply with the manual for streets guidelines and does not provide sufficient visibility, it is possible that the required visibility splays can be achieved.

RESIDENTIAL AMENITY:

It is considered that a residential development could come forward that would not harm the residential amenity of any neighbouring occupiers and would provide satisfactory living conditions for future occupiers of the development.

CONCLUSION:

The principle of development outside of the designated housing development is considered unacceptable and would fail to preserve or enhance the rural character of this locality. No justification has been provided to support the application or to demonstrate that there are no other sites within the settlement boundary that could accommodate development to meet the RA2 objectives for 10-15 dwellings and this proposal has the potential to conflict with the place making plan.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 This application proposes the development of a greenfield site beyond the Housing Development Boundary for Hinton Blewett. The proposed development would be of limited benefit that would be greatly outweighed by the significant harm to and loss of a very attractive undeveloped space and the harm to the setting, character and appearance of the adjoining Conservation Area, contrary to Policies D.2, D.4, HG.10, BH.6 and NE.1 of the B&NES Local Plan 2007, which are saved policies in the adopted Core Strategy and policy RA2 of the Bath and North East Somerset adopted Core Strategy 2014.

2 The proposed development is located in a position that is remote from services and employment opportunities and is poorly served by public transport, it is therefore contrary to the key aims of Policy T.1 of the Bath & North East Somerset Local Plan (2007) which

is a saved policy in the adopted Core Strategy (2014) and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport.

PLANS LIST:

1 This decision relates to drawing no's 8756-01, 8756-02, 8756-03, 8756-04 and 8756-05 date stamped 2nd May 2014.

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.