

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **21st October 2015**

AGENDA
ITEM
NUMBER

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

TITLE: **APPLICATIONS FOR PLANNING PERMISSION – Site Visit Agenda**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers

relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

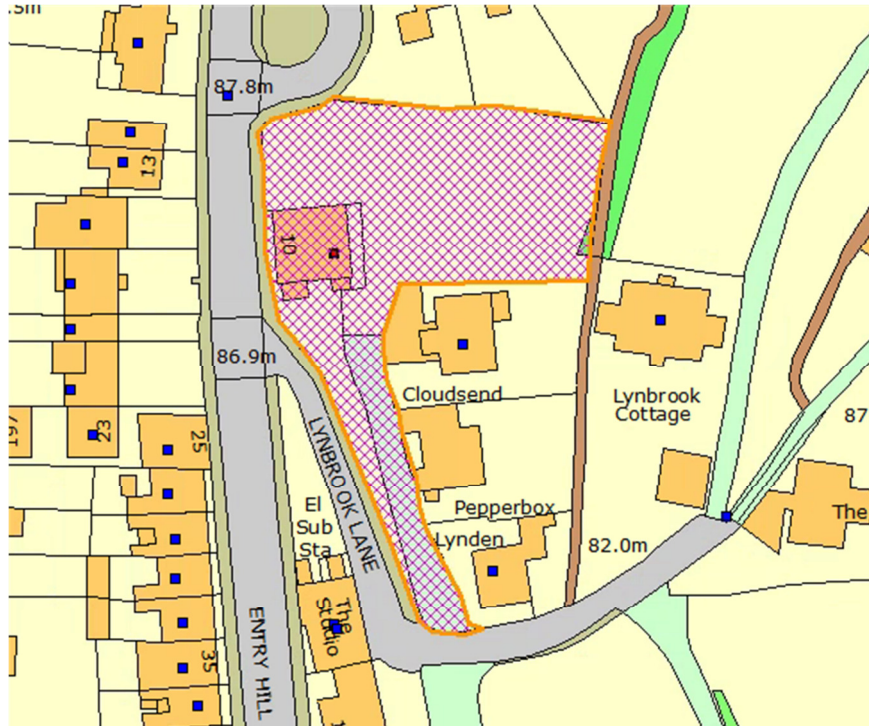
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	15/00453/FUL 6 April 2015	Mr Brian Harwood 10 Entry Hill, Combe Down, Bath, Bath And North East Somerset, BA2 5LZ Erection of 1 no two bed dwelling.	Lyncombe	Chris Griggs- Trevarthen	PERMIT
002	15/02801/FUL 23 October 2015	Mr And Mrs John Boyce Rosebank, Common Lane, Compton Dando, Bristol, Bath And North East Somerset Erection of two storey side extension following the removal of existing conservatory	Farmborough	Niki Honan	REFUSE

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

Item No: 001
Application No: 15/00453/FUL
Site Location: 10 Entry Hill Combe Down Bath Bath And North East Somerset
BA2 5LZ



Ward: Lyncombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Michael Norton Councillor Mark Shelford
Application Type: Full Application
Proposal: Erection of 1no two bed dwelling.
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mr Brian Harwood
Expiry Date: 6th April 2015
Case Officer: Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING TO COMMITTEE

The application was deferred from the last committee meeting in September for a site visit and will be reported back to the committee in October.

Cllr. Mark Shelford and Cllr. Michael Norton have requested that the application go before committee and made the following comments:

1. It will change the whole nature of the environment and destroy a centuries old outlook. The neighbours will lose light which is constrained anyway as they are in a re-entrant.
2. As the owner developer will not live on site and intends to convert it into a series of houses and flats the number of people and cars will increase beyond the capacity of the current lane. The residents of Entry hill find it hard enough to park and they are up in arms about any more cars being foisted upon them.
3. The current building plans will have a significant effect on the building integrity of the houses along the lane. Quite literally they are concerned that heavy building vehicles will cause subsidence and cracks to their houses.
4. There is a legitimate concern that this development will have a negative impact on the area in terms of historic character.
5. There will be a loss of natural light with the proposed new buildings causing a blocking out of sun light.
6. The increase in residents and vehicles will put a strain on the existing roads and availability of parking, which is already a problem with the existing levels of vehicles.
7. There is a risk of structural damage due to heavy vehicles and, vibration from site works during construction. Has this risk been fully investigated?
8. The proposed scheme will clearly benefit the land owner but the local residents are at risk of being seriously impacted upon during construction as well as post construction.

In line with the Scheme of Delegation, the application has been referred to the Chairman of the Development Control Committee who has decided that the application should be determined by committee.

DESCRIPTION

The application site comprises 10 Entry Hill, a three storey detached Georgian building which has been split into flats, its associated woodland and garden to the rear and an access track off Lynbrook Lane.

The site falls within the Bath World Heritage Site and Conservation Area. The site also lies directly adjacent to the Lyncombe Vale SNCI, the Cotswolds AONB and the Bristol and Bath Green Belt which runs directly alongside the eastern boundary of the site. The site falls near to a number of listed buildings, Lynbrook Cottages (Grade II) to the south east, 1 and 2 Entry Hill Cottages (Grade II) to the east and no. 25 to 45 Entry Hill (Grade II) further to the south west.

The proposal is for the erection of a two bed dwelling within the land to the rear of 10 Entry Hill.

10 Entry Hill was granted planning permission to convert into 3 flats in 1959 (ref: 5867) and further permission was granted in 1964 for a two storey extension with a store beneath (ref: 5867-1).

This current application follows two previously withdrawn applications for the erection of 2 semi-detached dwellings on the same site in 2014 (ref: 13/05479/FUL and 14/02146/FUL).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The application site comprises 10 Entry Hill, a three storey detached Georgian building which has been split into flats, its associated woodland and garden to the rear and an access track off Lynbrook Lane.

The site falls within the Bath World Heritage Site and Conservation Area. The site also lies directly adjacent to the Lyncombe Vale SNCI, the Cotswolds AONB and the Bristol and Bath Green Belt which runs directly alongside the eastern boundary of the site. The site falls near to a number of listed buildings, Lynbrook Cottages (Grade II) to the east and no. 25 to 45 Entry Hill further to the south.

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POLICIES/LEGISLATION

Summaries of the consultation responses received are provided below. The full responses can be found on the Council's website.

WALES AND WEST UTILITIES: No objection

HIGHWAYS OFFICER: No objection, subject to conditions.

FLOOD RISK AND DRAINAGE: No objection, subject to condition

ECOLOGY: No objection, subject to conditions

LANDSCAPE OFFICER: No objection, subject to conditions

ARBORICULTURAL OFFICER: No objection, subject to conditions

THIRD PARTIES/NEIGHBOURS

12 Letters of objection have been received. The main points raised were:
Overdevelopment of the site

Lack of parking and highways safety impacts
Concern about repeat applications
Car 'free' development is not feasible
Noise and disturbance
Overlooking, loss of privacy and overshadowing
Adverse impact upon nearby listed buildings
Loss of trees, shrubs and garden land
Harm to the character of the Conservation area
Harm to the World Heritage Site
Harm to biodiversity
Harm to the setting of surrounding listed buildings
Access/Egress to Lynbrook Lane is dangerous
Increased parking on Entry Hill
Deliveries will use the dangerous access and junction
Concerns about access during construction
Designs are out of keeping with the locality
Poor, unmade access drive
Concerns about due process and consultation

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development
- Character and appearance
- Residential amenity
- Highways and parking
- Ecology
- Other matters

PRINCIPLE OF DEVELOPMENT: The site lies within the built up area of Bath where the principle of new residential development is acceptable in accordance with policy B1 of the Bath and North East Somerset Core Strategy (2014). The principle of residential development in this location is therefore acceptable, subject to the detailed consideration under other relevant policies.

CHARACTER AND APPEARANCE: The steeply sloping site contains a large number of mature trees and is visible from views within the Conservation Area, the Green Belt and the AONB. Views of the Grade II listed Lynbrook Cottage are also obtained over the site from Entry Hill and form part of its setting.

Although it could be argued that the site represents backland development, the proposals follows the line and pattern of development established by the three dwellings immediately to the south (Cloudsend, Pepperbox and Lynden). It is therefore considered that the proposals are not out of keeping with the pattern and grain of development in the surrounding area.

Previous applications to erect two dwellings on this site were withdrawn after concerns were raised by officer about the impacts upon the green character of the site, views across the valley to the east and the impact upon the setting of the Grade II listed Lynbrook Cottage.

Following the withdrawal of those applications and through negotiation with officers, the proposal has been reduced to the erection of a single dwelling. The proposed scheme significantly reduces the footprint of the proposed development allowing it to be located centrally on the plot, but slightly further down the slope. This reduced footprint lessens the pressure to remove important trees on the site and allows greater space around the development for suitable replanting.

In terms of the green character of the site, it is accepted that the proposals result in the loss of some existing trees and its initial appearance will be quite raw. However, many of the trees to be removed are identified as being in poor arboricultural condition and the arboricultural officer has no objection subject to suitable replanting which can be secured by condition. Once the replacement planting has been established and begins to mature then this will help to reinforce the green character of the site which the proposed dwelling will sit comfortably within.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. These are considered below.

This section of Entry Hill is punctuated by views across the green valley to the east which make a positive contribution towards the character of this part of the Conservation Area. Views of the Grade II listed Lynbrook Cottage and 1 and 2 Entry Hill Cottages are also available over the site and it is considered that these views contribute positively towards the Conservation Area and allow an appreciation of the listed building within its open, green setting.

Concern was raised about the previous applications for two dwellings that the proposals would interfere with these views and detract harmfully from the setting of Lynbrook Cottage and fail to preserve the character and appearance of the Conservation Area. The current application for a single dwelling has been moved lower down the slope of the site and comprises lowered roof height. As a result of this, the proposed dwelling is significantly lower than the adjoining property, Cloudsend, and does not interfere with the views from Entry Hill over the valley and towards Lynbrook Cottage and 1 and 2 Entry Hill Cottages.

From the West, the impact of the proposals will be less, due to the screening of the large walnut and ash trees along the eastern boundary of the site. The proposals will also be seen against the backdrop of other development including 10 Entry Hill itself.

The landscape officer concurs with this assessment and considers that the proposed building would be very low lying and would not have an adverse impact upon the wider views through or over the area. Whilst there may be views from other immediately adjacent properties, given the local topography, this is currently a feature of almost every property in this area where buildings are in close proximity to each other and almost every view is looking up to or over another dwelling.

In terms of design, there is a variety of different building styles and ages in the surrounding area. This includes a number of older Georgian and Victorian properties along Entry Hill and across the valley to the west. However, this also includes some post-war and later housing development to the north and south of the application site. The split level design of the proposed dwelling ensures that it properly utilises the sloping site and that the scale of development is comparable to the adjoining dwellings. The contemporary approach to the design is acceptable and utilises a varied, but coherent, palette of materials. The use of a sedum roof and timber shingles gives the proposed roof form a more 'natural' appearance which is appropriate within this green, hillside context.

In light of the above, and subject to suitable conditions controlling materials, landscaping and tree protection, it is considered that the proposal will preserve the setting of the nearby listed buildings and the character and appearance of the Conservation Area and the wider World Heritage Site. Furthermore, the proposals will not harm the adjacent areas of Green Belt or the natural beauty of the AONB.

RESIDENTIAL AMENITY: The nearest adjoining property, Cloudsend, lies to the south. The proposed dwelling is positioned approximately 8m from the side of Cloudsend and has a lower overall height. This separation, orientation and reduced scale of the proposal mean that it will not appear overbearing or result in any significant loss of light or outlook from Cloudsend.

To the north lie two properties in Entry Hill Gardens. There is a significant amount of planting and vegetation along the north boundary of the site which provides a good screen for the proposed development. The proposed dwelling is not considered to appear overbearing or result in any loss of light or outlook from these adjoining properties.

The proposed balcony at ground floor level is surrounded by a timber privacy screen to prevent any harmful overlooking towards either of the adjoining neighbours.

The first floor window in the south elevation of the proposed dwelling does not overlook any windows serving habitable rooms within Cloudsend. Similarly, the windows in the north elevation of the proposed dwelling are a sufficient distance from properties in Entry Hill Gardens to prevent any harmful overlooking from occurring.

10 Entry Hill comprises 3 flats which all have bay windows looking out towards the front of the proposed dwelling. The proposed dwelling is approximately 11m from the rear of 10 Entry Hill and is set at a significantly lower level. The majority of views from these bay windows will overlook the roof and towards the valley beyond. It is accepted that some views will be obtainable over the front of the property, but these will not allow views into any private areas or habitable rooms within the property. The design of the fenestration on the west side of the dwelling is limited to prevent any views being obtained from the proposed dwelling towards the flats in 10 Entry Hill. It is considered that, given the distance between the two buildings and the indirect nature of any overlooking from 10 Entry Hill towards the application site, the proposal does not result in any harm to residential amenity of surrounding occupiers or potential future occupiers of the proposed development.

Some concerns have been raised about the loss of the garden for 10 Entry Hill. However, 10 Entry Hill comprises 3 flats where access to a private garden is less essential or expected than for single dwellinghouses. Furthermore, the proposals retain a sufficient amenity area for use by the existing flats within 10 Entry Hill.

HIGHWAYS SAFETY AND PARKING: An unadopted unsurfaced access track exists at the rear of the site serving Cloudsend, Pepperbox and Lynden and is accessed from Lynbrook Lane, which has a steep gradient, restricted width and poor alignment and junction with Entry Hill. Neither Lynbrook Lane nor the access track is therefore suitable for intensification of use by vehicles generated from any additional development.

The development is therefore promoted with no car-parking and has been supported by a Parking Note by IMA Transport Planning, which reviews a traffic and parking survey on Entry Hill, Devonshire Villas and some of Greenway Lane to demonstrate the availability of on-street parking that could support a car-free development. The parking surveys do show some parking availability at peak parking times, and whilst this may be limited, it does demonstrate that there is spare capacity to serve the proposed dwelling.

The Highways Officer considers this approach to be acceptable and it will ensure that the development can be accessed without significant increase in the use of the substandard access and junctions. To ensure that the hardstanding area to the front of the proposed dwelling is not utilised for parking it has been agreed that a barrier will be erected at the entrance to the site to prevent vehicular access to the new dwelling. This will be secured by condition.

Some concerns have been raised that deliveries and service vehicles (refuse trucks, etc) will still need to access the site and therefore use the unsuitable access and junctions. It is considered that service and emergency vehicles already access the other properties via this lane and junction and that one additional dwelling will not increase the frequency with which such vehicles will need to use these. Deliveries to the proposed dwelling could occur via this lane, but are likely to be infrequent compared to the vehicle movements associated with the day-to-day use of a dwelling by its occupants. This comparatively small level of use would not intensify the use of the lane or junction to such a degree that there would be a severe impact upon highways safety.

In light of the above, it is considered that the proposals will not prejudice highways safety.

ECOLOGY: The Council's Ecologist has advised that the site is a garden largely comprising typical garden shrubs and vegetation, with no significant ecological value. However the position of the garden and proximity to adjacent habitats of high ecological value, including the adjacent trees and the Lyncombe Vale Site of Nature Conservation Interest (SNCI) which lies immediately adjacent, add to the overall ecological value and potential for impacts on ecology here.

The site is visited by badgers for foraging, with levels of activity indicating likely presence of a sett nearby. The site is also within an area of known high bat activity and within 700m of the nearest component site of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC). The proposal is not considered capable of significantly impacting directly on the SAC or bats of the SAC. However it must be assumed that bats of the SAC are likely to fly in the area and therefore consideration to avoiding impacts on bat flight activity is required, in particular avoidance of increased light spill levels onto adjacent habitats and boundary trees, and retention of boundary vegetation and trees.

A number of ecological mitigation measures will therefore be required for any development at this site, to avoid and minimise impacts on wildlife, with particular attention to badger and bats, and retention and protection of adjacent habitats and trees. These can be secured by a condition requiring a wildlife protection and enhancement scheme. Subject to this condition, it is considered that the proposal will not harm ecology.

OTHER MATTERS: Concern has been raised about the potential damage to property and use of the access during the construction of the proposed dwelling. It is accepted that the site will be difficult to access for construction vehicles and it is therefore considered reasonable and necessary to require a construction management plan as a condition of any permission. This will minimise impacts upon local residents and ensure that the construction is undertaken without prejudicing highways safety.

It is also accepted that the construction of the proposal would inevitably result in some disruption and disturbance to adjoining neighbours and residents. However, these impacts will be limited to the duration of the construction and are similar to those associated with any construction project so do not form sufficient justification to refuse an application.

Further concern has been raised about land stability of the site and adjoining properties. No evidence has been presented to suggest that the site suffers from poor land stability. Notwithstanding this lack of evidence, the proposals would be required to meet building regulations legislation and any civil matters between the developer and neighbours are not relevant matters to be considered in this planning application.

Concern has also been raised about the potential future conversion of the proposed dwelling into flats thereby increasing the parking requirements. There is no reliable way to judge the intentions of the applicant and the current application falls to be considered on its own merits. However, should there be future proposals for conversion to flats, these will need to apply for planning permission. Any such application will be considered on its own merits, but that should not influence the determination of the current application which is for a single dwelling.

CONCLUSION: The proposals preserve the character and appearance of the Conservation Area, the World Heritage Site and the setting of the nearby listed buildings. Furthermore, the proposals do not harm the amenities of adjoining

occupiers, the visual amenity of the adjacent areas of Green Belt, the natural beauty of the AONB or important wildlife and ecology.

The proposals accord with policies D.2, D.4, BH.2, BH.6, NE.1, NE.2, NE.9, NE.10, NE.11, GB.2, T.1, T.24 and T.26 of the Bath and North East Somerset Local Plan and policy DW1, B1, B4 and CP6 of the Bath and North East Somerset Core Strategy and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

2 Prior to the construction of the external surfaces of the dwelling hereby approved, a sample panel of a sample panel of all external walling and roofing materials to be used shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall thereafter be undertaken in accordance with the approved sample panel.

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

3 Prior to the occupation of development, the boundary treatment to prevent vehicular access and parking on the site shall have been constructed in accordance with details first submitted to and approved, in writing, by the Local Planning Authority. The approved measures shall be retained thereafter to prevent vehicular access at all times.

Reason: In the interests of highways safety.

4 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, hours of working, wheel washing facilities and any need for cranes for construction.

Reason: In the interests of highways safety.

5 No development or ground preparation shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The final method statement

shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, above and below ground service run locations and movement of people and machinery.

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals. This condition needs to be prior to the commencement of development to ensure that retain trees are not harmed by any initial site works.

6 No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement unless agreed in writing by the local planning authority. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwelling.

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

7 The dwelling hereby approved shall not be occupied 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.

8 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.

9 No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, have been submitted to and approved in writing by the local planning authority. These details shall include:

- o method statement for pre-construction and construction phases to provide full details of all necessary measures for the protection of reptiles, nesting birds and other wildlife, including pre-commencement checks of the site as necessary in particular for badger activity, and proposed reporting of findings to the LPA prior to commencement of works;
- o detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report, including wildlife-friendly planting / landscape details; provision of bat and bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife;
- o details of sensitive lighting design to ensure avoidance of light spill onto boundary vegetation and trees.

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. All post construction ecological measures shall be in place prior to the occupation of any part of the development.

Reason: To avoid harm to wildlife and protected species including badger and bats. This condition needs to be prior to the commencement of development to ensure that wildlife is not harmed by any initial site works.

10 Prior to the construction of the development infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) shall be undertaken to verify that soakaways will be suitable for the development. The soakaways shall be installed prior to the occupation of the development unless the infiltration test results demonstrate that soakaways are not appropriate in accordance with Building regulations Part H, section 3 (3.30). If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with policy CP5 of the Bath and North East Somerset Core Strategy.

11 The balcony privacy screen on the ground floor of the dwelling hereby approved shall be completed prior to the occupation of the dwelling.

Reason: To prevent overlooking into adjoining properties and in the interest of residential amenities.

12 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:

1 873/PA/01A	Tree Constraints Plan
873/PA/02C	Tree Constraints and Landscape Proposals
A100C	Site and Location Plan
A101C	Site Plan and Tree Survey
A102C	Lower Ground Floor
A103C	Ground Floor
A104C	First Floor
A105C	Roof Block Plan
A106C	Elevations
A108C	South Elevation and Section
A111A	Existing Site Survey
A112A	Existing Elevations
A100B	Site Location and Block Plan

DECISION MAKING STATEMENT

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

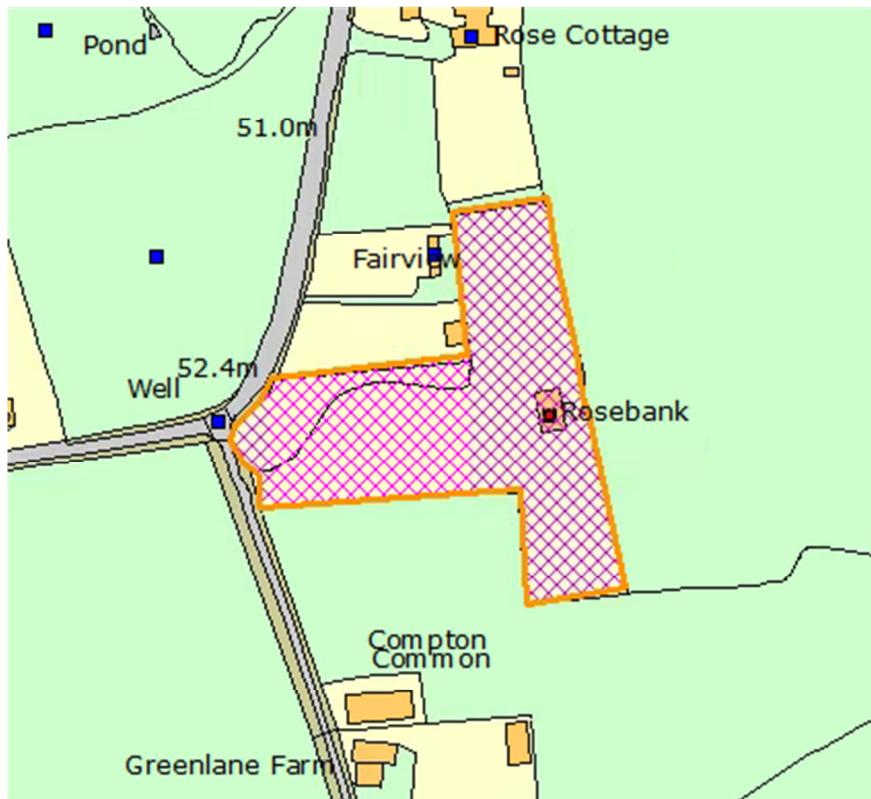
2 ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

3 INFORMATIVE

If the roof area of the proposed building is larger than 100m²...Building regulations Part H, section 3 (3.30) specifies that soakaways serving an area of this size or greater should be built in accordance with BS EN 752-4 (paragraph 3.36) or BRE Digest 365 soakaway design.

Item No: 002
Application No: 15/02801/FUL
Site Location: Rosebank Common Lane Compton Dando Bristol Bath And North East Somerset



Ward: Farmborough **Parish:** Compton Dando **LB Grade:** N/A
Ward Members: Councillor S Davis
Application Type: Full Application
Proposal: Erection of two storey side extension following the removal of existing conservatory
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,
Applicant: Mr And Mrs John Boyce
Expiry Date: 23rd October 2015
Case Officer: Nikki Honan

REPORT

Rosbank is a large detached dwelling within a generous site in Compton Dando. The site is located in the Green Belt.

The application is for a two storey side extension.

The application was considered at the Development Management Committee on 23rd September 2015. Members voted to visit the site, and deferred the application to the Committee on 21st October 2015.

Planning History:

11/00220/FUL - Erection of a garden room extension - permitted 04/03/2011

00/02086/FUL - Two storey rear extension, permission 20/11/2000

15404 - Extension to dwelling following demolition of extension to north and east, permission 30/01/1991

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Sally Davis has requested that the application be considered for committee if the Officer is minded to refuse as the Parish Council supported it for the following reasons:

The extension would not have a detrimental impact on the Greenbelt. The appearance would improve the 'look' of the house, making it more balanced, materials & style being more in keeping than present conservatory.

The large plot could take the extension.

COMPTON DANDO PARISH COUNCIL SUPPORT

The Parish Council agreed to SUPPORT the application for the following reasons:

1. The grounds surrounding the house are spacious and the proposal will sit acceptably within the green belt (Policy GB2)
2. The design and materials are acceptable. The visual effect of the extension will be more in keeping with the original building than what it is replacing. The parking is more than adequate (Policy D2)

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 (2014)
- Saved Policies in the B&NES Local Plan (2007)
- West of England Joint Waste Core Strategy (2011) which supersedes all 2007 Local Plan policies on Waste apart from Policies WM.4 and WM.9

The following policies of the Core Strategy (2014) are relevant to the determination of this application:

CP6: Environmental Quality

CP8: Green Belt

The following saved policies of the Bath and North East Local Plan (2007) are also relevant to the determination of this application:

D.2: General design and public realm considerations

D.4: Townscape considerations

HG.15: Visual amenities in the Green Belt

GB.2: Dwelling extensions in the Green Belt

The Existing Dwellings in the Green Belt Supplementary Planning Document (2008) has been considered in the determination of this planning application.

The National Planning Policy Framework (NPPF) was published in March 2012 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

OFFICER ASSESSMENT

Site Context:

Rosebank is a large detached house in the Green Belt. It occupies a large site and includes various extensions and outbuildings.

Proposed Development:

The proposed extension seeks to remove the side conservatory and erect a two storey side extension.

Scale of proposed development:

The existing conservatory measures 4.9m in width and 4.5m in length. It reaches a total height of 3.2m to the ridge of the pitched roof. The volume is circa 57m³.

The proposed two storey side extension measures 5m in width and 8m in length. It reaches a height of 3.9m to the eaves and 6.3m to the ridge of the pitched roof. The volume is circa 206m³.

The volume is proposed to increase by circa 149m³.

Proposed Materials:

The proposed materials include natural stone walls, clay roof tiles and painted timber windows, all of which will match the host dwelling.

Planning History and Green Belt Policy Implications:

Core Strategy Policy CP8 and the Existing Dwellings in the Green Belt SPD both seek to protect the openness of the Green Belt. The SPD states

"...a well designed extension resulting in a volume increase of about a third of the original dwelling would be more likely to be acceptable."

The planning history for the site shows the house has been previously extended. The 'original' volume of the house was circa 381m³. The existing additions and proposed two storey extension represent a 186% increase on the 'original' volume.

Such an increase is by definition harmful to the openness of the Green Belt, and therefore contrary to the Existing Dwellings in the Green Belt SPD and Core Strategy policy CP8 - Green Belt.

The Chairman Delegated Report suggested a volume increase of circa 77%. Planning history searches have since confirmed that the 'original' house was smaller than previously thought, revealing a more accurate volume increase of circa 186%.

Very special circumstances:

Whilst proposals that are considered to be inappropriate development within the Green Belt can be outweighed in very special circumstances, none have been submitted in this instance. The proposal is therefore considered to be inappropriate development, and harmful by definition.

Amenity Issues:

The proposal will not result in significant harm being caused to the occupiers of other nearby properties, and there are therefore no concerns in this regard.

Conclusion:

Due to the proposed circa 186% volume increase, the application is by definition considered harmful to the openness of the Green Belt, and therefore recommended for refusal.

Clarification:

It was noted at the Development Management Committee on 23rd September 2015 that the Committee Report referred to floor space rather than volume. The figures remain but the measurement has been corrected to cubic metres.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, due to the size, scale and siting of the extension would result in a disproportionate addition over and above the size of the original dwelling, which represents inappropriate development within the Green Belt, which is, by definition, harmful. No very special circumstances have been submitted which would be sufficient to outweigh the presumption against inappropriate development in the Green Belt. The proposal is contrary to Policy CP8 of the Bath and North East Somerset Core Strategy (adopted 2014) and saved policy HG.15 of the Bath and North East Somerset Local Plan including minerals and waste policies (adopted 2007).

PLANS LIST:

1 The application relates to the following plans/documents, all of which were received on 19 June 2015:

LOCATION PLAN

EXISTING AND PROPOSED SITE PLANS - 14.244/10

EXISTING ELEVATIONS - 14.224/14

EXISTING GROUND FLOOR PLAN - 14.224/11

EXISTING FIRST FLOOR PLAN - 14.224/12

EXISTING ROOF PLAN - 14.224/13

PROPOSED ELEVATIONS - 14.224/18

PROPOSED GROUND FLOOR PLAN - 14.224/15

PROPOSED FIRST FLOOR PLAN - 14.224/16

PROPOSED ROOF PLAN - 14.224/17

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. A pre application suggested such an application was unlikely to receive officer support. Nevertheless, a planning application was submitted by the applicant. The proposal was considered unacceptable for the reasons given 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.