

# Bath & North East Somerset Council

MEETING:	Planning Committee	AGENDA ITEM NUMBER	
MEETING DATE:	4th May 2022		
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning		
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 Head of Planning 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.

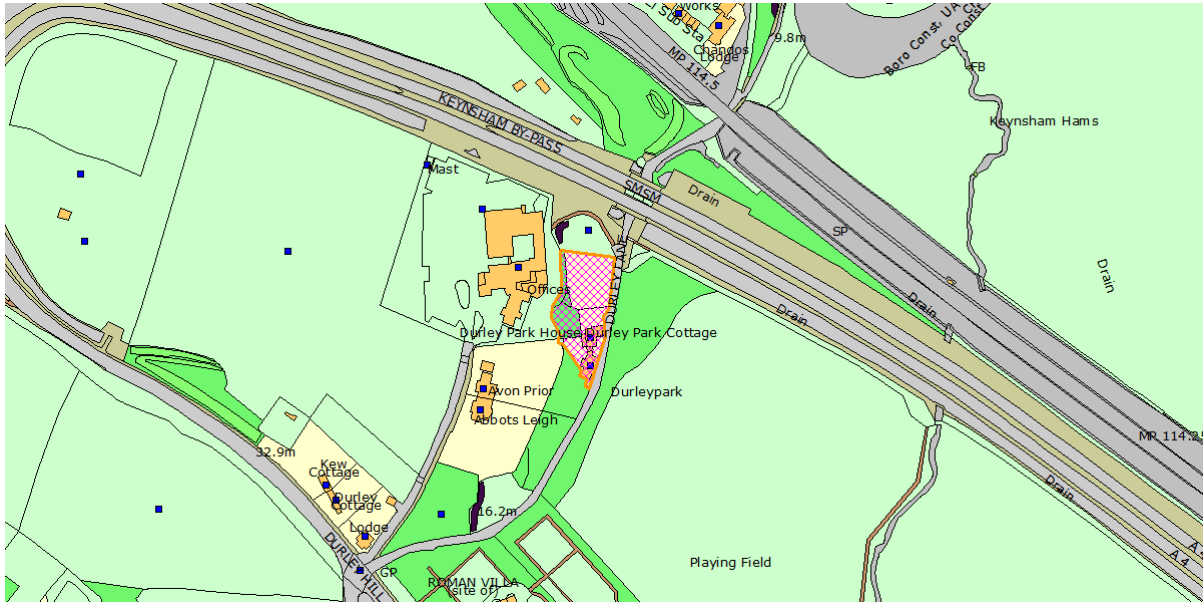
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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	22/00294/FUL 4 May 2022	Dr Peter Roberts Durley Grange, Durley Lane, Keynsham, Bristol, Bath And North East Somerset Erection of a new outbuilding to an existing dwelling, incorporating an existing garage with new garden room and garden equipment storage space (Resubmission).	Keynsham North	Isabel Daone	REFUSE

## **REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT**

**Item No:** 001  
**Application No:** 22/00294/FUL  
**Site Location:** Durley Grange Durley Lane Keynsham Bristol Bath And North East Somerset



**Ward:** Keynsham North      **Parish:** Keynsham Town Council      **LB Grade:** N/A

**Ward Members:** Councillor Brian Simmons Councillor Vic Clarke

**Application Type:** Full Application

**Proposal:** Erection of a new outbuilding to an existing dwelling, incorporating an existing garage with new garden room and garden equipment storage space (Resubmission).

**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy M1 Minerals Safeguarding Area, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome, Tree Preservation Order,

**Applicant:** Dr Peter Roberts

**Expiry Date:** 4th May 2022

**Case Officer:** Isabel Daone

To view the case click on the link [here](#).

### **REPORT**

Keynsham Town Council have supported the application, contrary to the officer's recommendation. In accordance with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee who both decided the application should be debated and decided at the Planning Committee. Their comments are as follows:

#### CHAIR: COMMITTEE

"I have read and carefully reviewed the arguments put forward by the applicant to justify this building in the green belt. As was the case when this proposal was previously referred, I remain to be persuaded that a large 2 storey outbuilding is necessary for the function described, and that the very special circumstances carry sufficient weight to counter the harm that this development may cause to the openness in the green belt. However, as the applicant has made adjustments to the height and added further information to support the VSC, I agree that the case would benefit from public debate at committee."

#### VICE CHAIR: COMMITTEE

„I have studied this application carefully, noting KTC & third party support comments, there are modifications to this application to address the reasons for refusal of application 21/02346/FUL & this application has been assessed against relevant planning policies as the report explains.

However, the VSC & size are contentious points & I think this application would benefit from debate in the public arena therefore I recommend the application be determined by the planning committee."

#### Details of location and proposal and Relevant History:

The application site is located outside of the Housing Development Boundary associated with Keynsham. It is within the Bath/Bristol Green Belt. The site is accessed off of Durley Lane and comprises the main dwellinghouse, Durley Grange, Durley Grange Coach House and an annex.

The current application seeks permission for an outbuilding which will form a garage, garden room and storage area. In 2021, an application for a similar outbuilding was refused at the site (21/02346/FUL) on the grounds of it being inappropriate development in the Green Belt and the scale and massing of the development. This application is a resubmission which seeks to address these concerns.

#### Relevant Planning History:

06/02835/FUL

PERMIT - 2 October 2006

Conversion of Coach House into dwelling

08/01184/FUL

PERMIT - 2 October 2008

Erection of first-floor rear extension and covered garaging and with conservatory link to house

16/03595/FUL

PERMIT - 12 September 2016

Erection of first floor extension over garage to provide disabled person's accommodation

20/03582/TPO

CONSENT - 19 November 2020

Work to various trees as specified in schedule - covered by TPO no. 526/16

21/02346/FUL

REFUSED

5 July 2021

Erection of a new outbuilding to an existing dwelling, incorporating an existing trailer/fuel store with new garden storage.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

KEYNSHAM TOWN COUNCIL:

- Materials match existing and the design is sympathetic to the location
- The applicant has taken on board comments by B&NES and the revised plans include a reduction in the gable element of the southern aspect.
- Keynsham Town Council do not consider this application to be inappropriate development in the Green Belt or having significant negative impact on the openness of the Green Belt. There is already a large office complex within 50m to the west of the proposal and within the Green Belt.
- Keynsham Town Council are of the opinion that there are very special circumstances to outweigh any harm. These special circumstances include protecting an extensive family from the continued exposure of overlooking from vehicles (including buses) on the A4 bypass, as traffic is regularly at a standstill due to congestion at the Hicks Gate roundabout subjecting the applicant and his extended family to airborne pollutants. When traffic is not at a standstill it is moving rapidly creating visual, acoustic and air borne pollution which is detrimental to the health of the family whose property is less than 30 metres from the by-pass.
- The applicant has shown in his application that he is trying to improve the environmental performance of the development site and is making sustainable lifestyle changes in order to minimise the impact on our Earth and support B&NES in their plans to become a zero-carbon neutral authority.
- Keynsham Town Council consider that the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017.

Representations Received :

3 comments of support have been received and are as follows:

- It will improve the aesthetic of the area
- Reduce our views of the A4 bypass
- Reduce air and noise pollution
- Proposed materials and design appropriate

## **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 Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)

- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
  - Policy GDS.1 Site allocations and development requirements (policy framework)
  - Policy GDS.1/K2: South West Keynsham (site)
  - Policy GDS.1/NR2: Radstock Railway Land (site)
  - Policy GDS.1/V3: Paulton Printing Factory (site)
  - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

#### Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP6: Environmental Quality

CP8: Green Belt

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

#### Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D5: Building design

D6: Amenity

GB3: Extensions and alterations to buildings in the Green Belt.

ST7: Transport requirements for managing development

#### National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

#### SPD's:

The Existing Dwellings in the Green Belt Supplementary Planning Document is also relevant in the determination of this application.

#### LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

## **OFFICER ASSESSMENT**

The main issues to consider are:

- Principle of development in the Green Belt
- Design, character, and appearance
- Residential amenity
- Parking and highways safety

### **PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:**

The application site is within the Green Belt and outside of the Housing Development Boundary.

Paragraph 149 of the NPPF states that a Local Planning Authority should consider the construction of new buildings in the Green Belt as inappropriate. It goes on to outline a number of exceptions to this, which are as follows:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The proposal is not for agriculture or forestry, is not for outdoor recreation or sport, is not a replacement building, is not affordable housing and is not redevelopment of previously developed land. The proposal is also not an extension to an existing building. It is located some 40m from the main dwellinghouse. This is considered to be a significant separation. Visually the two buildings are separate, and the proposed outbuilding does not read as an extension of the main dwellinghouse. As such, the building cannot be considered an extension of Durley Grange and criterion (c) therefore does not apply.

The proposal does not fall under any of the exceptions listed in Paragraph 149 of the NPPF and is therefore considered to be inappropriate development in the Green Belt. Officers also consider that the provision of a sizeable, detached building within the Green Belt would cause harm to its openness.

Paragraph 147 of the NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The NPPF goes on to explain that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt, Very Special Circumstances (VSC) will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.

The applicant has put forward a number of VSC and as such, an assessment must therefore be made as to whether these constitute VSC and if they outweigh the harm to the Green Belt, which must be attributed substantial weight in any the planning balance.

The VSC put forward are as follows:

- Air pollution
- Noise pollution
- Visual amenity and privacy

The application site is located adjacent to the A4 and Keynsham Bypass. The applicant has made the point that this results in air and noise pollution and also, during the Winter months, that there is limited privacy and views of the road. The applicant has provided information regarding the links between noise and air pollution and disease/illness, and these are not disputed.

However, it is not accepted that the provision of a building in the location proposed would address these issues to an extent for VSC to be considered to apply.

The building is not being proposed specifically to address these issues. The building is being proposed to provide a garden room, garage and residential storage, as opposed to a specific solution to the issues raised above. The potential impacts of having a building in this location in terms of the pollution and amenity issues are considered to be "bi-products" of the proposed development.

Additionally, the existing situation is well established. The level of harm caused to visual and residential amenity was considered to be acceptable when the bypass was constructed. It is acknowledged that during the Winter months when trees are not in leave,



that the building would provide some screening from the road and would block some views of the bypass from the property. However, increased levels of privacy and visual amenity (which are the established situation) cannot be considered to represent a VSC which would outweigh the harm to the Green Belt.

Further to this, the proposed building is located at the edge of the plot, some 40m from the main house and 28m from the annex. It has not been made clear what impact, if any, the proposed building would have on reducing the levels of noise and air pollution. Noise travels in multiple directions and although the proposed building may provide some sound buffering immediately adjacent to it, it is considered unlikely that the structure would significantly improve the noise levels to a point which would have meaningful effect on the residential amenity of the residents. It has also not been justified how the building would improve air pollution and officers again consider it unlikely that the positioning of a residential outbuilding would have a meaningful effect on the levels of air pollution at the site.

The VSC put forward are not considered to be sufficient substantiated and do not outweigh the harm to the Green Belt. They will be fully considered against the merits of the proposal in the Planning Balance section of this report.

#### CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

The proposed outbuilding will feature a pitched roof with two-gable ends. A dormer is proposed to the elevation which faces Durley Grange.

The material palette follows that which is already present on the site and features timber cladding, pennant stone, painted render, and anthracite brick. There is no objection to the use of these materials in this location.

The overall design concept follows the character of the main dwelling and residential annex in terms of the gable detail and overall building form. Officers note the reduction in the scale of the dormer projection from the previously refused scheme.

However, the proposed building is still substantial in scale and appears as two-storey due to the height of the building, particularly from road level. The building's scale is at odds with its function as an incidental outbuilding which will form a garage, garden room and store. It appears disproportionately large when compared to the other buildings on site, which are used for primarily for living accommodation. Its disproportionate scale and massing increase the impact to the openness of the Green Belt in this location.

It is therefore considered that the proposal does not respond to the local context and has an excessive scale and massing. The proposal is therefore contrary to policy CP6 of the

adopted Core Strategy (2014) and policies D1, D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017).

#### RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

#### HIGHWAYS SAFETY AND PARKING:

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

The proposal includes the provision of a garage which is located on the lower level of the outbuilding. It will be accessed from Durley Lane. The internal dimensions are considered sufficient to count towards the parking provision on the site and the proposal is therefore considered to maintain the current level of parking.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

#### LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

#### PLANNING BALANCE:

In accordance with the NPPF, substantial weight must be given to any harm to the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

It has been explained in this report that the VSC put forward are not considered to be very special and are not sufficient to outweigh the harm to the Green Belt. In addition, the proposal is considered to have an inappropriate scale and massing, contrary to the

Council's design policies which further tips the planning balance in favour of the harms of the proposal.

It is therefore considered that the proposal would result in harm to the Green Belt which is not outweighed by VSC and is contrary to policies CP8 of the Bath and North East Somerset Core Strategy and Part 13 of the NPPF. Additionally, the proposal, by reason of its scale and massing does not respond to the local context or maintain the character and appearance of the surrounding area. The is therefore contrary to Policy CP6 of the Bath and North East Somerset Council Core Strategy (2014) and Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan (2017).

The application is therefore recommended for refusal.

## **RECOMMENDATION**

**REFUSE**

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

1 The proposed outbuilding would result in the erection of a new building in the Green Belt which does not constitute an exception under paragraphs 145 and 146 of the National Planning Policy Framework and is, by definition, inappropriate development in the Green Belt. The proposed outbuilding would have a significant negative impact on the openness of the Green Belt. The purported Very Special Circumstances put forward are not considered to outweigh this harm and, therefore, the proposed development is contrary to Policy CP8 of the Bath and North East Somerset Council Core Strategy (2014), Policy GB1 of the Bath and North East Somerset Council Placemaking Plan (2017) and Part 13 of the National Planning Policy Framework (2019).

2 The proposal, by reason of its scale and massing, does not respond to the local context or maintain the character and appearance of the surrounding area. The is therefore contrary to Policy CP6 of the Bath and North East Somerset Council Core Strategy (2014) and Policies D1, D2, and D5 of the Bath and North East Somerset Placemaking Plan (2017).

## **PLANS LIST:**

1 This decision relates to the following plans:

H6229/001B. Plans and Elevations as EXISTING

H6229/100H. Plans and Elevations as PROPOSED

Received 21st January 2022

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy 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. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

### **3 Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)