

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **16th January 2019**

AGENDA
ITEM
NUMBER

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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.

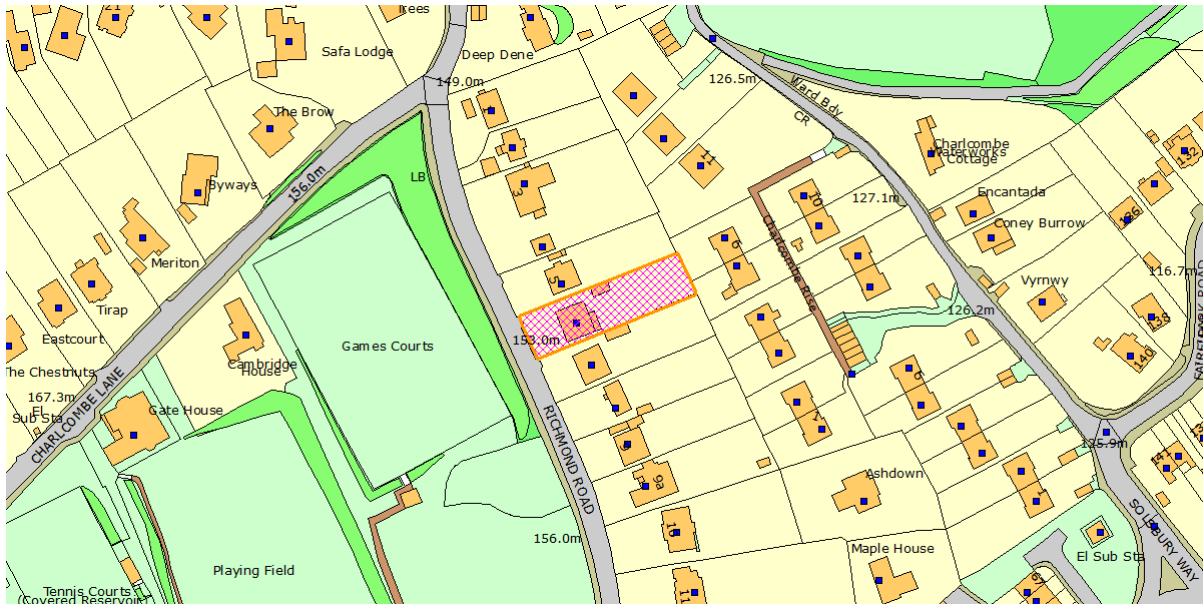
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	18/03359/FUL 21 December 2018	Mr Robert McLuhan 6 Richmond Road, Beacon Hill, Bath, Bath And North East Somerset, BA1 5TU Erection of replacement split level four bedroom dwelling and attached garage following demolition of existing two bedroom bungalow and garage.	Lansdown	Rae Mephram	PERMIT
002	18/04168/FUL 20 December 2018	Mr P Harrison Long Byre, Barn Lane, Chelwood, Bristol, Bath And North East Somerset Erection of detached double garage	Clutton	Hayden Foster	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 18/03359/FUL
Site Location: 6 Richmond Road Beacon Hill Bath Bath And North East Somerset BA1 5TU



Ward: Lansdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Patrick Anketell-Jones Councillor Anthony Clarke
Application Type: Full Application
Proposal: Erection of replacement split level four bedroom dwelling and attached garage following demolition of existing two bedroom bungalow and garage.
Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones,
Applicant: Mr Robert McLuhan
Expiry Date: 21st December 2018
Case Officer: Rae Mepham
To view the case click on the link [here](#).

REPORT

Reason application going to committee

Application referred to the Chair due to request from Cllr Clarke. The Chair determined the application should be heard by the Development Management Committee for the following reason:

I have studied the application carefully noting comments from statutory, third party consultees & the Ward Cllr. Although the proposal has been reduced following pre-app advice controversy remains over the size & massing of the proposal & as the report explains it is a matter of balance as to how much harm it may cause to the residential amenity of neighbours.

I therefore recommend the application be determined by the DMC allowing points raised to be debated in the public arena.

The application was heard by the Development Management Committee on the 19th December 2018, and was deferred for a site visit.

Site description and proposal

6 Richmond Road is a bungalow located within the Bath World Heritage Site. This application is for the demolition of the existing building and replacement with a split level 3 storey dwelling.

Planning history

5 Richmond Road:

13/00842/FUL - PERMIT - 2 May 2013 - Replacement and re-proportioning of all openings to the front/road and rear elevations, re-rendering of all elevations, erection of a new boundary and gate to the road and installation of bi-fold glazed doors to the rear opening onto the existing deck.

14/02518/NMA - RF - 20 June 2014 - Non-material amendment to application 13/00842/FUL. (Replacement and re-proportioning of all openings to the front/road and rear elevations, re-rendering of all elevations, erection of a new boundary and gate to the road and installation bi-fold glazed doors to the rear opening onto the existing deck.)

14/02888/FUL - PERMIT - 18 August 2014 - Replacement and re-proportioning of all openings to the front/road and rear elevation, re-rendering of all elevations, construction of new boundary/gate to the road, installation of glazed french doors to the rear opening onto the existing deck and rooflight added to the master ensuite.

17/05554/FUL - APPRET - - Internal refurbishment with external re-proportioning of openings and insulating and over-cladding

17/05556/FUL - PERMIT - 19 February 2018 - Erection of a front single storey porch extension and a single storey rear extension below the existing raised deck, erection of a timber boundary fence, re-proportioning of the window and door openings

7 Richmond Road:

17/00178/FUL - PERMIT - 30 June 2017 - Erection of single storey side and rear extension and two storey rear extensions, loft conversion, demolition of existing garage, alterations to the main roof profile and redevelopment of entrance and front parking area.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses

None received.

Cllr representations

Cllr Anthony Clarke:

I visited the site several days ago and discussed the application with Samantha Jennings, who has submitted, since we met, her objection.

I am particularly concerned by the new mass of the application and the present design leading to significant overlooking of the Jennings property.

If you are minded to approve, I would be grateful if the application could go to the Development Control Committee for consideration.

Third party representations

Nine objection comments have been received, summarised as:

- Proposal subject to negative pre-application
- Overdeveloped
- Overlooking from balcony
- Dominant
- Overbearing boundary wall
- Unneighbourly development
- Out of character with the road
- Reduction in balcony only alleviates some overlooking
- Awkward rear elevation
- Too big and intrusive
- Garage forward of building line
- Construction too near boundary
- Uncharacteristic density

POLICIES/LEGISLATION

The Council's Development Plan comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan

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:

B1 - Bath Spatial Strategy
B4 - The World Heritage Site and its Setting
DW1 - District Wide Spatial Strategy
SD1 - 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:

BD1 - Bath Design Policy
D1 - General Urban Design Principles
D2 - Local Character & Distinctiveness
D3 - Urban Fabric
D4 - Streets and Spaces
D5 - Building Design
D6 - Amenity
H7 - Housing Accessibility
LCR9 - Increasing the Provision of Local Food Growing
SCR5 - Water Efficiency
ST1 - Promoting sustainable travel
ST7 - Transport requirements for managing development

The Revised National Planning Policy Framework (NPPF) 2018 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

OFFICER ASSESSMENT

Principle of development

The property is located within the Urban Area of Bath, and proposes a replacement dwelling. The principle of development is therefore considered to be acceptable, subject to other material considerations.

Character and appearance

The existing building is comprised of a bungalow, set down from road level. This application is intended to replace the existing building with a 3no. storey house.

Richmond Road is within a residential part of Lansdown, bordered on one side by the Royal High School. The road has been the subject of large housing developments in recent years; of note are 1 Richmond Road and 4 Richmond Road. The dwellings within Richmond Road have no defining character or house type, other than their detached nature.

The adjacent properties at 5 and 7 Richmond Road have recently been granted permission for alterations. The application at number 5 granted alterations to exterior materials and fenestration, as well as the addition of an undercroft. The application at number 7 gave permission for an increase in the roof height, provision of gable ends, and erection of a two storey side and single storey rear and side extension.

The proposal has been designed so the ridgeline and eaves sit between 5 and 7 in order to step down with the natural topography of the area. The build is substantial and concerns were raised at pre-application in terms of the overall massing and size of the property.

Some alterations have been made, including a slight reduction in height, design alterations to the rear elevation, and alterations to the garage at the front of the property. The dwelling is still large, but fits within the confines of the plot without constituting overdevelopment, reflects the developed grain of the area, and does not appear out of character in terms of height.

The rear elevation of the property has two gable ends which break up the massing, as well as utilising a variety of local materials to create depth.

A garage has been proposed to the front of the property, which adds a large flat roof projection to the front of the property. This has been detached from the house with the exception of a boundary wall. The garage sits lower than road level, and is not considered to overly obscure the front elevation of the property.

The appearance of the property is contemporary, and there is no objection to this.

On balance, despite the large size of the proposal, the dwelling is considered to be acceptable in terms of character and appearance.

Residential amenity

The proposal is largely built in line with its neighbouring properties, and the main bulk of the property will not cause significant harm to residential amenity due to overlooking or an overbearing impact.

Two balcony areas have been proposed, one set within a recess in the middle of the property, and one located on top of a single storey projection located adjacent to number 5. The balcony has been reduced to a smaller area and no longer sits immediately adjacent to the neighbouring property. A full height privacy screen has also been proposed. There will be some overlooking possible from this area, however day to day use of the balcony is unlikely to cause significant harm. Subject to a condition restricting the use of the flat roof area, and details of the screen being submitted, the balcony in this location is not considered to cause significant harm to residential amenity.

Concerns have been raised regarding the boundary wall at the front of the property used in the construction of the garage. The wall is between 2.5m - 3m high depending on ground level, and is adjacent to the driveway of the neighbouring property. It is not considered that this wall would have an overbearing impact upon no. 7, nor cause a significant loss of light to the property.

Highways

The proposal provides sufficient parking in line with the parking standards set out in ST7.

Ecology

The proposal has been submitted with a bat activity/emergence survey which also covers nesting birds and badgers. Bat activity has been detected on site, but no bats or indication of bats have been found within the building, and there is a negligible potential for a roost.

Subject to the recommendations within the survey being followed, including the provision of a bat box and two bat shelters, the application is considered to be acceptable.

Increasing the provision of Local Food Growing

Policy LCR9 states that all residential development will be expected to incorporate opportunities for informal food growing where possible. The proposal site benefits from garden areas where future occupiers could grow food if they wished.

Water Efficiency

All dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. water butts) will be required for all residential development, where technically feasible.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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 permission

2 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 No Terrace/Balcony Use (Compliance)

The roof area of the development hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area, other than the lined areas on the rear elevation as shown on drawing 004 A.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

4 Details of Means of Enclosure (Compliance)

No construction of the external walls of the development shall commence until details of the privacy screens have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of privacy and/or visual amenity in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

5 Erection of Means of Enclosure (Compliance)

The dwelling shall be occupied until its associated screen walls/fences or other means of enclosure have been erected in accordance with the approved plans and thereafter retained.

Reason: In the interests of privacy and/or visual amenity in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

6 Green Roof Details (Bespoke Trigger)

Prior to the construction of the roof of the approved development a detailed specification of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall include section drawings of the roof, a planting schedule, a timetable for implementation and a maintenance schedule. The green roof shall be implemented in accordance with the approved details prior to the occupation of the development or in accordance with the approved timetable for implementation.

Reason: To ensure the successful implementation of the green roof in the interests of preserving the character and appearance of the area in accordance with policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

7 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, implementation of the recommendations of the Bat Emergence/Activity Survey has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

8 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. Water butts) has been provided.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

9 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

10 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to:

27 Jul 2018 006 STREET SCENES
27 Jul 2018 001 LOCATION PLAN
03 Oct 2018 004A PROPOSED PLANS
08 Oct 2018 005 REV A PROPOSED ELEVATIONS
16 Nov 2018 007 B REAR ELEVATIONS

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

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. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

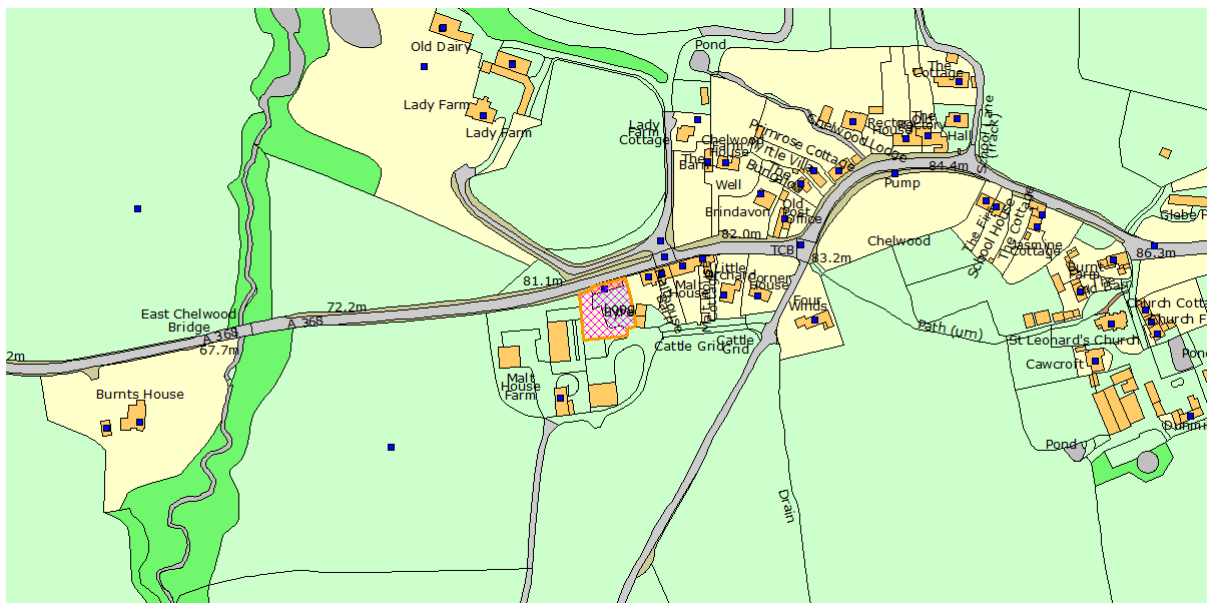
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Item No: 002
Application No: 18/04168/FUL
Site Location: Long Byre Barn Lane Chelwood Bristol Bath And North East Somerset



Ward: Clutton **Parish:** Chelwood **LB Grade:** N/A
Ward Members: Councillor Karen Warrington
Application Type: Full Application
Proposal: Erection of detached double garage
Constraints: Bristol Airport Safeguarding, Clutton Airfield, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, Policy M1 Minerals Safeguarding Area, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant:	Mr P Harrison
Expiry Date:	20th December 2018
Case Officer:	Hayden Foster
To view the case click on the link here .	

REPORT

Reason for the application being referred to Committee:

The application had been referred to the Committee chair following comments made by the parish council who had written in support of the application. The Committee chair has made the following comments:

'I have read through the application & all related documents carefully noting statutory consultee comments which when assessed against relevant planning policies come to different conclusions, regarding Green Belt the proposed position is unacceptable but to move it to overcome this issue it then has an unacceptable impact on the listed building. I therefore recommend the application be determined by the DMC.'

This application was deferred at the last meeting of the Committee to allow Members to visit the site.

Site Description and Proposal:

The proposal is set to be associated with a Grade II Listed Barn situated within the residential area of Chelwood. The site is also located within the Green Belt.

The application seeks consent for the erection of a detached double garage.

Relevant Planning History:

98/02719/FUL - PERMIT- Conversion of barn to form dwelling as amplified by letter received on the 24th August 1998.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Chelwood Parish Council

'Parish Council support the application. The proposed changes do not represent inappropriate development in the Green Belt.'

Highways

'Highways DC do not anticipate the proposed development having an unacceptable impact on the public highway. There will be no loss of existing on-site parking plus access from the public highway will remain unaltered.'

It is therefore recommended that the application be approved subject to conditions.'

Conservation

'The proposed garage is acceptable in this location, which is at a distance from the protected building and not within its immediate vicinity. However, the detailing and design of the garage, including use of materials, requires revision. As an alternative to the use of natural stone masonry walls I suggest timber. The approach could be either timber frame and cladding or concrete block with timber cladding. In either case I suggest the timber cladding should be laid horizontally using wide boards. The timber could be either painted a dark recessive colour or allowed to weather naturally.

Regarding the door and window I suggest increasing the depth of the reveal.'

Representations Received:

None received.

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- 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

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
GB1: Visual Amenities of the Green Belt
GB3: Extensions and Alterations to Buildings in the Green Belt

HE1: Historic Environment

ST7: Transport requirements for managing development

The National Planning Policy Framework (NPPF) was published in July 2018 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

The Existing Dwellings in the Green Belt SPD is also relevant in this instance.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' 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.'

OFFICER ASSESSMENT

Planning permission is sought for the erection of detached double garage. The proposal is set to be associated with a Grade II Listed Barn situated within the residential area of Chelwood. The site is also located within the Green Belt.

Principle of Development

As mentioned the site is located within the Green Belt. Policy GB1 of the Placemaking Plan requires that development within or conspicuous from the Green Belt should not prejudice but seek to enhance the visual amenities of the Green Belt. This is when considering its siting, design or materials used for its construction.

Paragraph 145 of the National Planning Policy Framework can also be considered, this states that the construction of new buildings is regarded as inappropriate in the Green Belt. However, the exceptions to this, amongst other things, are the extension or alteration of a building provided that it does not result in disproportionate addition over and above the size of the original building. This is in addition to the replacement of existing buildings provided the new building is in the same use and not materially larger than the one it replaces.

The proposed garage is to be placed forward of the associated dwelling, and situated at a distance of (approximately) 14.5 metres from the dwelling. It is considered that due to the sitting of the garage it would not be seen as an extension to the main dwelling, rather it is considered that the proposal would be seen as a separate detached building.

In some situations the development of garages/ outbuildings can be regarded as 'permitted development' under Class E of the General Permitted Development Order (GPDO). However, in this instance the proposal is situated forward of the main dwelling, and is within the curtilage of a Listed Building. As such the development of a garage under permitted development would not be applicable for this site.

As a result the proposed garage is considered to be inappropriate development of a new building within the Green Belt. This would also result in harm to the openness of this part of the Green Belt. This is especially considering the sitting of the proposed garage, which is set at such a distance from the associated dwelling. No very special circumstances

have been put forward by the applicant and none have been identified by the planning case officer. As such the proposal is considered contrary to policy GB1, GB3 of the Placemaking Plan and paragraph 145 of the NPPF.

Design and Character- Impact on the setting of the Listed Building

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall 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.

As the proposal is situated within the curtilage of a listed building the BATHNES Historic Environment Team has been consulted. Within the response received it was noted that the sitting of the garage is acceptable from a Historic Environment consideration. However, it was also noted that alterations would be needed to the choice of materials with a suggestion of timber cladding as opposed to the use of render and stone. Following these comments revised plans have been submitted and the proposed garage now incorporates Waney Edge Timber Boarding with recessed doors and windows. As such the concerns in regards to the proposals visual appearance in relation to the Listed Building have been addressed.

Although the sitting of the garage is considered acceptable when considering its impact on the Listed Building, the proposal would still however, be unacceptable when considering its impact on the openness of the Green Belt. Conversations have been held with the Historic Environment Team as to whether the proposed garage would be acceptable from a Listed Building perspective if moved closer to the dwelling. This would be in order to present a closer visible relationship between the dwelling and the garage while allowing it to be considered as a proportionate extension. This would allow the proposal to overcome Green Belt concerns. However, if the garage's location were to be moved closer to the dwelling this would result in an unacceptable impact to the setting of the Listed Building.

As such the proposed garage is acceptable in regards to the setting of the Listed Building, however, as mentioned the sitting of the proposed garage would amount to inappropriate development within the Green Belt.

Residential Amenity

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. As such the proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph part 12 of the NPPF.

Highways

As noted Highways DC have been consulted and have raised no objection to the proposal. As such 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.

Conclusion

For the reasons set out in the above report the application is recommended for refusal. The proposed detached garage will represent inappropriate development of a new building within the Green Belt. This would result in harm to the openness of the Green Belt. This is due to the siting of the proposed garage, which is set at such a distance from the associated dwelling. Very special circumstances have also not been displayed to overcome the harm to the openness of the Green Belt.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed detached garage represents inappropriate development which is by definition harmful to the Green Belt. Due to its' location the proposal would also result in harm to the openness of this part of the Green Belt. In the absence of very special circumstances the proposal is contrary to policy CP8 of the Core Strategy, policy GB1 of the Placemaking Plan and paragraph 145 of the NPPF.

PLANS LIST:

This decision relates to the following plans received 18th September 2018:

Drawing Number: 2 - Proposed Site Plan

Plans received 21st November 2018:

Drawing Number: 1/1 - Proposed Garage Plans and Elevations

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.

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