

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **18th May 2011**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)

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 Development Manager, Planning and Transport Development 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.

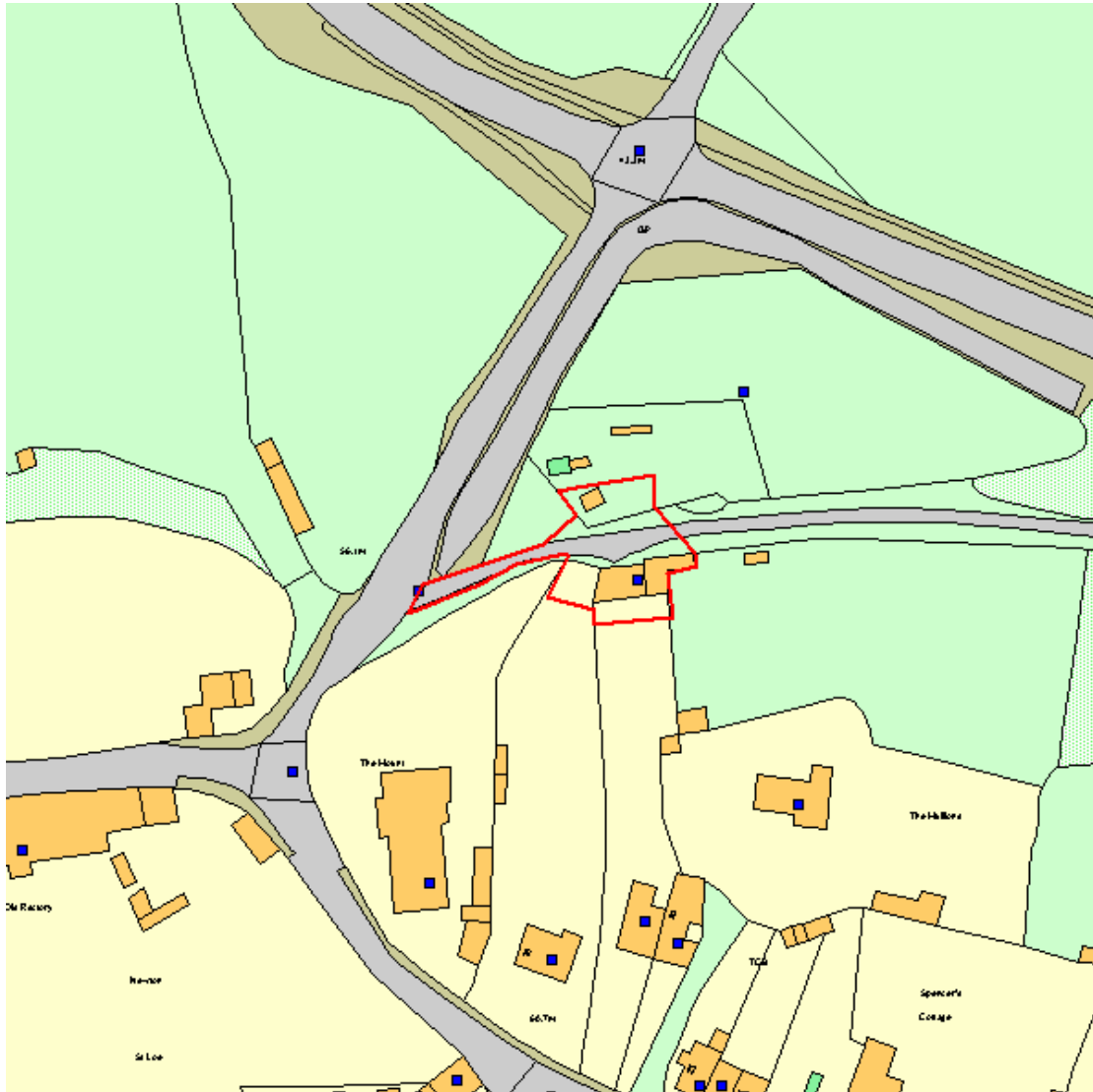
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

Item No: 01
Application No: 11/00614/FUL
Site Location: Coach House, Back Lane, Newton St. Loe, Bath



Ward: Bathavon West **Parish:** Newton St. Loe **LB Grade:** N/A

Ward Members: Councillor Victor Clarke

Application Type: Full Application

Proposal: Restore and convert the existing two storey Coach House into a 3no. bedroom dwelling with the bedrooms located on the ground floor and the living space and kitchen on the first floor including access to a sunken courtyard to the south of the property, provision of a covered parking area with space for one vehicle and a bat roost in the loft space above

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Conservation Area, Forest of Avon, Greenbelt, Housing Development Boundary,

Applicant:	The Duchy Of Cornwall
Expiry Date:	12th April 2011
Case Officer:	Mark Reynolds

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: The Chief Executive of the Council has an interest in the land and Newton St Loe Parish Council have objected in principle to the application and the application is being recommended for permission.

DESCRIPTION OF SITE AND APPLICATION: The coach house is located at the northern edge of the settlement of Newton St. Loe. The building is accessed along a green lane known as Back Lane. The lane is a public highway and is accessed from one of the three main routes accessing the village from Pennyquick which bypasses the village. The coach house is located within the Newton St. Loe conservation area and is located almost entirely within the housing development boundary for the village. To the south west of the coach house is a grade II listed property 'The Mount' and directly to the south there are further unlisted residential properties.

The coach house is a two storey stone built structure with a clay double roman tiled roof. The building, it is understood, was last used for the storage of hay and also for the stabling of animals. Most recently the building has been left empty.

The proposals involve the conversion of the coach house structure into a 3no. bed dwelling. The building itself is cut into the landscape and a proposed rear courtyard garden would effectively be accessed from the first floor of the coach house. Accordingly the bedroom accommodation would be located at the ground floor because these rooms would not receive natural light at the rear and the living accommodation would be located on the proposed first floor which would receive natural light from both the front and rear elevations. The only extension to the building would be for a carport with a loft above to the west of the main building. This structure measures 4m in width (at the frontage) by 5.4m in depth and 2.6m in height at eaves level and 5m at ridge level of a proposed pitched roof. This structure would be constructed using stone and timber cladding with a clay tiled roof. In order to introduce this structure a 4m strip of stone walling would need to be removed at the frontage of the site. One further car parking space would be accommodated within the lane.

Physical alterations to the external appearance of the Coach House will be limited in their extent. The existing openings which are mostly detailed with ashlar surrounds will be retained. New bespoke timber windows and doors will be inserted into existing openings. Two new openings will be required to the south elevation to gain additional light to the rear which is south facing and to allow access to the external courtyard. Two rooflights would also be added to the southern facing roof slope of the building. The existing coach doors at the frontage of the building will be renewed and retained.

In order to form the rear external courtyard it will be necessary to undertake some excavation works of soil to create a level courtyard area. Likewise in order to accommodate the carport some excavation works will be required. Back Lane which provides access to the Coach House would need to be improved to make it passable for vehicles and it is proposed to restore the lane to its original state by clearing the mud

away from the top of the existing hoggin track which leads to the Coach House. The lane would be made good in places where required.

The application is supported with a design and access statement; access statement; arboricultural assessment, ecological report and a structural report. During the processing of the application additional information has also been submitted including an additional historic report in respect of the building and information regarding housing need in Newton St Loe.

RELEVANT PLANNING HISTORY: None

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAY DEVELOPMENT OFFICER: Advises that Back Lane is a public highway leading between Pennyquick and Smith's Hill. However, it is not passable to motor vehicles between Pennyquick and the vicinity of the Coach House, although it is suitable as a bridleway, and that section between Smith's Hill and the Coach House is only suitable for use by agricultural vehicles and off-road vehicles. Furthermore, due to the standard of it's junction with Smith's Hill He would not wish to risk any material increase in its use, which could arise if it were improved and remains public highway, i.e. whilst the traffic generated by the proposed development alone may be acceptable, greater public use that may arise from it's improvement would not be acceptable in addition.

Improvements to Back Lane would be required if the proposed development is to be permitted and, whilst Back Lane remains public highway, this would need to be in accordance with the requirements for an adopted highway with the applicant entering into an Agreement with the Council under S278 of the Highways Act 1980 in order to enable such works to proceed. Furthermore, a TRO would be required to prevent drivers attempting to travel between the proposed development and Pennyquick. However, this would result in the section between Smith's Hill and the proposed development remaining a highway available to the public at large and its potential use for parking by walkers, etc. This would not be desirable given the standard of access off Smith's Hill, the limited junction visibility, and the lack of adequate highway turning facilities.

However, there would be no objection to that section of Back Lane being downgraded between the proposed development and Smiths Hill subject to the creation of a bridleway over this length, thus maintaining its availability for existing users whilst preventing its attempted use over the full length by drivers of motor vehicles. This would have the added benefit of enabling the access route to be constructed to the standards of a private drive and controlled by the landowner (when stopped up, a highway reverts to the ownership of the adjacent landowners which, in this case, is the applicant). Application to stop-up this section of highway and create bridleway rights should be made under S247 of the Town and Country Planning Act 1980.

As part of the submitted application, the applicant proposes to stop up the relevant section of Back Lane whilst improving its standard to one suitable for a private drive, although this would not be suitable for a public highway designed to accommodate all traffic, whilst maintaining public rights in the form of a bridleway. This is supported and will not result in any detriment to existing users. Furthermore, it affords the applicant the opportunity to carry out further works on and maintain land on either side of the proposed driveway, which currently forms public highway, thus affording the potential for additional benefits. In

addition, the applicant can ensure that any agricultural access they may wish to maintain to adjacent land is maintained by their ownership as a result of the proposed stopping up or as a result of their creating private rights should ownership of the access be transferred.

Regarding the submitted plans, the creation of the proposed car port, together with the layout of the access, is considered to afford adequate parking for the proposed development whilst providing adequate turning opportunities for a private drive. He also comments in receipt of the revised plans that subject to the stopping up of the highway and the creation of a bridleway, this plan also details an acceptable solution. In both cases, the route of the bridleway, which will need to be defined and agreed, will need to be maintained in a suitable condition clear of obstruction, including parked vehicles.

This Consultee recommends conditions in respect of stopping up the existing highway, making up the access to an appropriate standard, securing a construction management plan and measures to prevent surface water runoff onto the highway.

ARBORICULTURAL TEAM: Advise that no objections are raised to the removal of trees 19 and 20 (on the survey). Advise that an arboricultural method statement for the works will be required.

ECOLOGIST: Advises that the submitted bat survey found that the building is used in summer by low numbers of greater horseshoe bat as a non-breeding day roost. Flight activity for an additional seven species of bat was recorded in the vicinity of the building but no further bat roosts were found.

The works affecting the roost will require a European Protected Species licence, and the LPA must demonstrate that it is satisfied that the 'three tests' of the Habitats Regulations will be met, before making any decision to permit.

The proposed mitigation is to replace the roost by providing a new roost within the roof space of the new garage, proposed as an extension to the existing Coach House building. This roost will be 4m x 5m, with a height of 2m. This meets the minimum dimensions required in the Natural England Bat Mitigation Guidance, although the preferred dimensions would be greater.

All the proposed mitigation measures will need to be in place prior to works affecting the existing roost spaces taking place. The details of the proposed mitigation, to include details of timing of works, should be secured by condition. A draft licence application method statement may be an appropriate means of providing this information to the Council. In addition, proposals for long term monitoring of the replacement roost need to form part of the mitigation scheme to be approved by the LPA. Provision of new alternatives for mitigation and roost replacement, if the original mitigation is shown to be failing, will need to form part of the scheme and be secured within any permission.

The proposed mitigation recommends tenancy agreements stipulating that the bat loft must not be used for storage or any other purpose. It would also need to stipulate that the bat loft may not be lit or disturbed. The recommended use of a tenancy agreement to stipulate the conditions required for the success of the bat roost space will need to be secured as part of any planning permission, either by condition or legal agreement.

TRANSPORTATION AND HIGHWAYS (DRAINAGE): Advise that the proposed redevelopment should drain as existing.

NEWTON ST LOE PARISH COUNCIL: Advise that they object in principle to the development. This is because of concerns about change of use of the lane and possible further development. They also raise concerns about the access which they advise is onto a very busy dangerous hill with limited sight lines.

OTHER REPRESENTATIONS / THIRD PARTIES: A public consultation exercise has been undertaken in respect of the application to which no comments have been received. Revised plans have been submitted along with an additional justification for the development a two week reconsultation exercise is therefore being undertaken and any additional comments which are received will be reported in the late observations to the Committee.

POLICIES/LEGISLATION

POLICY CONTEXT:

Joint Replacement Structure Plan 2002 - Saved Policies

1 : Sustainable Development

2 : Locational Strategy

16 : Green Belt

17 : Landscaping

54 : Car parking

Bath and North East Somerset Local Plan (including minerals and waste policies) 2007

SC.1 : Settlement classification

D.2 : General design and public realm considerations

D.4 : Townscape considerations

ET.7 : Non agricultural development on agricultural land

ES.5 : Foul and surface water drainage

HG.6 : Residential development in the R.3 settlements

HG.12 : Bringing empty homes back into use

GB.1 : Control of development in the Green Belt

GB.2 : Visual amenities of the Green Belt

NE.1 : Landscape character

NE.4 : Trees and woodland conservation

NE.10 : Nationally important species and habitats

BH.2 : Listed Buildings and their settings

BH.6 : Development affecting Conservation Areas

BH.7 : Demolition in Conservation Areas

T.24 : General development control and access policy

T.26 : On-site parking and servicing provision

National Policy:

PPS 1 : Delivering sustainable development

PPS : Planning and climate change supplement to PPS 1

PPS 3 : Housing

PPS 5 : Planning for the historic environment

PPS 9 : Biodiversity and geological conservation

PPG 13 : Transport

OFFICER ASSESSMENT

THE PRINCIPLE OF CONVERTING THE BUILDING: The Coach House building is located almost entirely within the housing development boundary for Newton St Loe. A small single storey lean-to extension to the east appears to be located just outside of the housing development boundary. This is ancillary accommodation to the main building. This is a slightly odd situation in that the housing development boundary cuts across the building. However given that the majority of the building is located inside the boundary the principle of residential development is considered to be acceptable. Policy HG.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 advises that the residential conversion of non-residential buildings within the housing development boundary within R.3 villages such as Newton St Loe is permissible.

Policy HG.12 provides further guidance in respect of such conversions confirming that they will be permitted provided that the conversion is compatible with the character and amenities of established uses; that it does not seriously injure the amenities of adjoining residents or future occupiers. The existing building is surrounded by residential uses and the conversion of the building to a further residential use would be in keeping with the established character of the area. The Coach House sits in a relatively isolated plot of land with large separation distances to neighbouring residential dwellings to the south of the site. There would not therefore be any harm to residential amenity from the development. The Coach House could accommodate a three bed dwelling with a rear courtyard amenity area. The building is considered to be of a sufficient size for occupation as a residential dwelling and the amenities of the future occupiers of the building would be safeguarded in this respect.

As the building is within the housing development boundary there is no requirement for the conversion to be considered against the criteria of Local Plan Policy ET.9. Notwithstanding this the applicants have provided a structural survey in support of the application which assesses the suitability of the building for residential conversion. This report concludes that the Coach House walls are reasonably robust and stable and that the building is capable of conversion.

GREEN BELT: The village of Newton St Loe is washed over by the Green Belt. PPG 2 (Green Belts) advises that with suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there. The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction. PPG 2 advises that in conversions strict control should be exercised over the extension of such buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it.

In this case the conversion of the existing Coach House involves an extension to create a carport and bat loft. The size of this extension has been reduced during the processing of the application and the current extension represents a modest addition to the building. The extension would result in a 14% increase in volume over the original building size. Whilst the conversion should not be considered against the extensions to residential properties in the Green Belt Policy H15 because it is not at present a residential property it is clear in this case that the extensions would not be disproportionate additions to the existing building. The proposed conversion would not represent inappropriate development in the Green Belt.

The second test for applications within the Green Belt should be an assessment of the proposal's likely impact on openness. The conversion of the existing building would have no materially greater impact in this regard. The extension to provide the car port would be cut into an embankment which is itself screened by a 1.7m high stone boundary wall. From Back Lane the eaves of the proposed extension would be set marginally higher than the existing boundary wall with a roof above which recesses away from the lane and would be viewed in the context of mature vegetation behind. The extension would not result in a loss of openness of the Green Belt.

The proposed excavation of levels to accommodate the courtyard garden would increase openness. The proposals involve the introduction of one parking space on the lane. The lane has historically had vehicles parked in it from time to time particularly those accessing the Coach House when it was used for storage and stabling. The parking of a car in the lane would not result in any increased impact on openness in this respect. The proposals are considered to accord with the advice contained within PPG 2 and Local Plan Policy GB.1.

The development has sought to sensitively bring back into use a historic structure and the proposals would not harm the visual amenities of the Green Belt.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE HOST BUILDING AND CONSERVATION AREA: The applicants have provided an historical appraisal of the Coach House building. The building appears to have been constructed in the middle of the 19th Century. The plan form of the building indicates that staff accommodation would have been provided at first floor level above the garage with a hay loft situated above the stabling. The building appears to have been used in connection with the Mount which is grade II listed. The buildings became separated over time and the Coach House is not considered to be a listed building. Notwithstanding this it is a historic structure located within the Newton St Loe conservation area. The building makes a positive contribution to the conservation area.

The proposals would reintroduce a use into the building which if left unaltered will deteriorate further. The introduction of the use will lead to much needed investment in the building and its long term retention. The proposed conversion involves minimal external alterations and existing features would largely be retained. Internally the building is in a poorer state and the first floor would need to be almost entirely reintroduced. The extension to the building to accommodate the car port and bat loft has been reduced in size and would not harm the appearance of the building likewise the removal of a small section of walling would not be harmful. It is considered that the proposed works to the building would enhance both the character and appearance of the host building and the conservation area which would accord with Local Plan Policy BH.6.

Back Lane will need to be improved to make it passable for all traffic. The applicant's propose a light touch approach to the works. The track would not be widened. It would be cleared of mud and made good where required. The proposal is to retain trees adjacent to the track and the rural character of the lane generally will be retained by these proposals. There is no intention for the lane to be made up to adoptable standards.

The Coach House is not considered to form part of the setting of the Mount which is Grade II listed and the proposed works would not therefore have an impact on the setting of this building.

ECOLOGY: The submitted bat survey found that the building is used in summer by low numbers of greater horseshoe bats as a non-breeding day roost. Flight activity for an additional seven species of bat was recorded in the vicinity of the building but no further bat roosts were found.

The presence of a European protected species is a material consideration of the application. The works affecting the roost will require a European Protected Species licence, and the LPA must demonstrate that it is satisfied that the 'three tests' outlined in the Conservation (Natural Habitats, and c.) Regulations 1994 and EU Habitats Directive will be met, before making any decision to permit. Information has been submitted by the Agent in this respect to seek to justify that the development would meet the three tests. The three tests are outlined below along with a considered view on whether they are capable of being met.

1. Regulation 44(2)(e) : 'The Purpose Test' - Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;

The applicant has put forward two areas of justification seeking to demonstrate that this first test is capable of being passed. The Coach House as referenced above is considered to be an important historic structure which contributes significantly to the character and appearance of the conservation area. This building is currently unused and has fallen into a state of disrepair. Unless the building is converted this process is likely to continue unabated resulting in substantial harm in PPS 5 (Planning for the Historic Environment) terms to this heritage asset.

The retention of heritage assets be those designated heritage assets or undesignated assets should be given significant weight in decision making. PPS 5 guides that 'the value of the historic environment, and the contribution it makes to our cultural, social and economic life, is set out in the Government's Statement on the Historic Environment for England 2010. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places'. The preservation of the building is considered to be an overriding public interest capable of meeting the first test.

The second argument put forward by the applicant is that there is an unmet need for three bed accommodation within Newton St Loe. The Duchy of Cornwall who has control over the majority of the properties within the village undertook survey work of existing residents during 2005. The survey results indicated that 79% of respondents supported the provision of additional three bed accommodation within the village. The Coach House was identified in a Village Masterplan as one potential building to provide a three bed dwelling. Additionally 85% of respondents supported the levels of additional three bed units proposed in the Village Masterplan. There is unfortunately limited evidence of housing need for the village of Newton St Loe. The Council's Housing Development Team have however advised that there are 10 households on the register for affordable housing for the settlement but there is limited information on general needs housing.

The Duchy of Cornwall, due to their ownership of much of Newton St Loe and the survey work they have undertaken, have a good understanding of the aspirations of villagers and the needs of the community. Whilst the Council does not have evidence to confirm the need for housing within the village likewise it does not possess evidence to dispute the need which the Duchy of Cornwall identifies. There is generally a level of unmet housing need throughout the administrative area and the provision of an additional three bed dwelling within the village would provide a social benefit by going towards meeting a need which appears to exist. It has also been identified as a desirable objective by the majority of respondents to surveys undertaken by the Duchy of Cornwall.

In this case both of these issues need to be weighed in the balance when assessing whether the test has been met. The roost is a day roost and not a maternity roost and this should likewise be weighed in the consideration of this first test. In this case it is considered that the combination of factors outlined above result in a justification which can be accepted as meeting the first derogation test.

2. Regulation 44(3)(a) The 'No Satisfactory Alternative Test' - There is no satisfactory alternative;

The applicant has put forward a table in their submitted ecological report detailing the alternative options they have considered. The first alternative would be to do nothing. This would fail to meet the above identified strong benefits of converting the building. If the building is left to deteriorate further it may become unsafe and unusable for the bats. The building might eventually also need to be demolished which would not preserve the bat habitat. The second alternative would be to only convert the ground floor of the building. This would however render the development unviable. Conversion of the single storey element of the Coach House is indicated as an option to provide bat accommodation however it is of inadequate size for Great Horseshoe Bats. Several other buildings in close vicinity to the site have been identified but are unsuitable. The most appropriate option is that which is currently proposed which provides suitable space for the bats and is located adjoining the existing Coach House. There are no other satisfactory alternatives and this test can be passed.

3. Regulation 44 (3)(b) -The action authorised will not be detrimental to the maintenance of the population of the species concerned as a favourable conservation status in their natural range.

The Council's Ecologist has considered the information submitted by the Agent in respect of the third test and has come to the view that this information is sound in terms of ensuring favourable conservation status of the species of bat involved. The application is supported with details of mitigation measures to avoid harm to protected species which may be secured by condition and in light of this, and in the absence of any information to indicate otherwise, the overall development is also considered to meet the third test.

Overall the development is considered to meet the three tests set out in the Conservation (Natural Habitats, and c.) Regulations 1994 and EU Habitats Directive.

OFFICER ASSESSMENT OF HIGHWAY SAFETY ISSUES: The applicant has submitted a detailed access statement in support of the application. Back Lane is a public highway

although it is not passable along its length. The lane has historically been used for access to the Coach House and the neighbouring agricultural fields. At present there is nowhere to turn on the lane with vehicles likely to have had to reverse back out onto Smith's Hill. With two stables for example occupying the building this could generate 8 vehicle trips per day and the proposed dwelling would be expected to generate 8 vehicle trips per day. The applicants do not consider that there would be an intensification of the use of the access over the historic use of the lane.

The Highway Development Officer is concerned however that if the lane is made more accessible to cars as is proposed that this is likely to result in increased traffic using the lane. A solution to this would be stopping up the highway, with bridleway rights introduced along the lane. This is also required because if it were to remain as a highway then any works to the lane would need to be undertaken to an adoptable standard. This would require the widening of the track along with the introduction of footways all of which would clearly harm the rural character of the lane. If however the lane is stopped up and bridleway rights are introduced then the works would not need to be undertaken to an adoptable standard and existing users of the lane could continue to do so whilst the lane could function as a private drive. The securing of the stopping up of the highway requires a separate application and consent procedure to this planning application under S.247 of the Town and Country Planning Act 1990. A grampian condition may be used to prevent development until the stopping up has been achieved.

In respect of the parking arrangements the Highway Development Officer is content with the level of car parking and the introduction of one space in the lane is considered acceptable. The development will result in improvements to the lane and the introduction of a turning area adjacent to the Coach House. The development will not significantly increase traffic movements in the lane and therefore despite the fact that the junction with Smith's Hill has limited visibility because of the other improvements to the lane the development can be supported in highway safety terms.

OTHER PLANNING POLICY CONSIDERATIONS: The Parish Council suggested that a precedent will be set if this application is permitted for other developments in the area. The Case Officer would however advise that each case needs to be considered on its individual merits and he does not feel that a precedent would be set were this application to be permitted.

CONCLUSION: The Coach House building is located within the housing development boundary for Newton St Loe where additional housing is in principle acceptable under the terms of policy HG.6. The submitted structural survey indicates that the building is stable and capable of conversion. The conversion would be compatible with the character of the area and because it sits in a somewhat isolated position it would not harm the amenities of neighbouring occupiers. The building is considered to be of a sufficient size to accommodate a dwelling and a rear amenity space would be created.

The proposed extension to the building has been reduced in size and is a limited extension. The conversion works would accord with Green Belt policy and would not represent inappropriate development in the Green Belt. The works would not result in a loss of openness. The Coach House is an historic structure and the proposed conversion seeks to retain existing openings and features. The proposals would improve the

appearance of the building and would conserve the character and appearance of the conservation area.

Bats have been identified in the Coach House building however the three derogation tests under the Habitats Regulations can be met in this case so the development can be supported. The proposals would introduce a turning area and the lane would be improved. The lane needs to be stopped up as a public highway and downgraded to a private drive because the proposed works to the lane do not meet highway adoptable standards. The applicant proposes to apply for the lane to be stopped up and for bridleway rights to be introduced to ensure existing users remain able to use the lane. The parking provision is considered adequate and whilst the access onto Smith's Hill has limited visibility use of the lane would not be significantly intensified over historic usage levels.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

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

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

3 No development shall take place unless and until the public highway has been stopped up on Back Lane, between Smiths Hill and the eastern boundary of the application site and replacement bridleway rights across the site connecting the remaining length of the public highway, Back Lane, to Smiths Hill have been delivered. Details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and public amenity.

4 No development shall take place, save for works required in complying with this condition, until the access and turning space serving the site from the public highway, Smiths Hill, has been improved to an appropriate standard in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of public amenity and highway safety.

5 The development hereby permitted shall not be commenced until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such a plan shall include details of phasing of development, routing of vehicles,

storage of materials, parking of contractor vehicles, access for construction plant, maintenance of public rights of way, hours of working and signing of the access/works. Construction works shall thereafter proceed in accordance with the approved details.

Reason: In the interests of amenity and highway safety.

6 The vehicular access shall not be constructed in such a manner as to permit surface water to run off the site onto the public highway.

Reason: In the interests of highway safety.

7 No development shall take place until a Detailed Arboricultural Method Statement with a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The said statement shall incorporate a tree works schedule; position of all services; supervision and monitoring details by an Arboricultural Consultant. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, and movement of people and machinery. Development shall take place strictly in accordance with the approved details. A signed certificate of compliance with the Arboricultural Method Statement shall be provided to the local planning authority on completion of the works.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals.

8 No development shall commence until the protective measures included in the approved Arboricultural Method Statement are implemented. These measures shall be retained throughout the duration of the construction works. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

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

9 No development shall commence until full details of a Wildlife Mitigation and Enhancement Scheme and implementation plan have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) details of a Scheme for the replacement bat roost(s) and the provision of new accesses and the proposed timing of all works affecting the bat roost(s)
- (ii) details of a bat roost monitoring scheme, containing proposals for monitoring of the replacement roost, and for reporting of monitoring results to the LPA. Should monitoring show that the replacement bat roost is not being utilised successfully by greater horseshoe bats then new alternative mitigation proposals must be submitted to and agreed with the LPA and implemented thereafter
- (iii) details of the arrangements to stipulate to future occupiers measures that are required to safeguard the effectiveness of the bat roost, to include that the space must not be disturbed; used for storage; lit; or used for any other purpose.
- (iv) details of nest box provision on the Old Coach House and the car port extension; to include numbers, locations and specifications and to include provision for swallows
- (v) details of external lighting, confirming either that there will be no external lighting or demonstrating that lighting will not harm bat flight activity or use of the site, or access to roosts

(vi) details of all other measures to protect, retain and enhance wildlife interest at the site, including provision of bat boxes or other additional roost provision; reptile hibernacula; pre-works checks for birds and reptiles and detailed method statements for protection of wildlife such as reptiles where applicable.

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.

Reason: In order to protect ecology at the site.

10 The area of the adjacent field to the north of the Coach House which is shown within the application site shall only be used for drainage infrastructure and shall not form part of the domestic curtilage of the Coach House once converted.

Reason: In order to safeguard the Green Belt and the countryside from domestic encroachment.

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

Reason: In order to protect the Green Belt and the character and appearance of the host building and the conservation area.

12 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no solar PV or solar thermal shall be installed on the dwellinghouse(s) or other building(s) hereby approved unless a further planning permission has been granted by the Local Planning Authority.

Reason: In order to protect the character and appearance of the host building.

13 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 the following drawing numbers; 1038-09, 1038-10, 1038-11, 1038-20, 1038-21A, 1038-22A, 1038-23A

REASONS FOR GRANTING PERMISSION:

The decision to grant approval has taken account of the Development Plan and any approved Supplementary Planning Documents. The proposed development is in accordance with Policies D.2, D.4, ET.7, ES.5, HG.6, HG.12, GB.1, GB.2, NE.1, NE.4, NE.10, BH.2, BH.6, BH.7, T.24 and T.26 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

The Coach House building is located within the housing development boundary for Newton St Loe where additional housing is in principle acceptable under the terms of policy HG.6. The conversion would be compatible with the character of the area and because it sits in a somewhat isolated position it would not harm the amenities of neighbouring occupiers.

The proposed extension to the building has been reduced in size and is a limited extension. The conversion works would accord with Green Belt policy and would not represent inappropriate development in the Green Belt. The works would not result in a loss of openness. The Coach House is an historic structure and the proposed conversion seeks to retain existing openings and features. The proposals would improve the appearance of the building and would conserve the character and appearance of the conservation area.

There are bats present in the Coach House building however the three derogation tests under the Habitats Regulations can be met in this case so the development can be supported. The proposals would introduce a turning area and the lane would be improved. The parking provision is considered adequate and whilst the access onto Smith's Hill has limited visibility use of the lane would not be significantly intensified over historic usage levels.

Item No: 02
Application No: 11/00539/FUL
Site Location: Little Orchard, Ham Lane, Bishop Sutton, Bristol



Ward: Chew Valley South **Parish:** Stowey Sutton **LB Grade:** N/A
Ward Members: Councillor V L Pritchard
Application Type: Full Application
Proposal: Provision of new vehicular access through land south of site
Constraints: Agric Land Class 1,2,3a, Coal fields, Forest of Avon, Greenbelt, Water Source Areas,
Applicant: Mr Peter Godsiff
Expiry Date: 13th April 2011
Case Officer: Tessa Hampden

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

This application has been referred to committee at the request of Cllr Kew.

DESCRIPTION OF SITE AND APPLICATION

The application relates to a parcel of pasture land which is located next to a large detached property located off Ham Lane on the outskirts of Bishop Sutton Village. The field is currently bounded by a hedgerow with no vehicular access from the main road. Little Orchard has a vehicular access from Ham Lane which leads to the rear of the house to a parking/turning area. There is an existing mature hedge that divides Little Orchard and its curtilage with the pasture land to the south.

The application seeks planning permission for the provision of a new vehicular access to Little Orchard through the land to the south of the site. A section of the hedgerow fronting Ham Lane will be removed and an entrance gate erected. The land within the visibility splays will be regraded and new native species hedge planted behind the visibility splay.

The driveway will run through the west of the field where it will meet the existing drive to the rear of Little Orchard. A section of the field hedge will be removed at the boundary of Little Orchard and the field to the south to allow access through to Little Orchard.

The application is a resubmission of an application which was refused by the Development Control Committee in October 2009, for the following reason:

The proposed development would have a detrimental impact on the rural character on this part of Ham Lane and would represent inappropriate development in the Green Belt. In the absence of very special circumstances this development is contrary to policies NE1, GB1 and GB2 and D4 of the Bath and North East Somerset Local Plan (including Minerals and Waste) adopted October 2007

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAY DEVELOPMENT: the access is an improvement on the existing and there are no objections subject to the inclusion of conditions on any permission.

PARISH COUNCIL: Support the application.

POLICIES/LEGISLATION

RELEVANT PLANNING HISTORY: No relevant history

POLICY CONTEXT:

Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

The following policies are relevant in this case:

D.2 considers design issues and residential amenity.

D.4 considers design issues

GB1 considers development in the Green Belt

GB2 Visual amenities of the Green Belt

NE1 Landscape character

T24 considers access and highway issues

OFFICER ASSESSMENT: As stated above, the planning application is a resubmission of a previously refused application. No changes have been made to the scheme since this refusal, and no additional information has been put forward with the current submission. Therefore a similar conclusion can be reached on this current application and this is outlined below.

PRINCIPLE OF DEVELOPMENT: This site and surrounding land is located within the Bath/Bristol Green Belt where special controls exist over development. Development is only acceptable if it falls into specified categories of 'appropriate development' or if very special circumstances exist to allow a departure from the usual policies of restraint.

A principle consideration here therefore is whether the development proposed is inappropriate development within the Green Belt and if so whether there would be exceptional circumstances of sufficient weight to permit the application.

The proposed development fails to fall within any of the exceptions for allowing development within the Green Belt and conflicts with the purposes of including land within it. The purposes are laid out in Planning Policy Guidance 2: Green Belts and the Local Plan, one of which is to assist in safeguarding the countryside from encroachment. As this development conflicts with this purpose, the proposal is considered to be inappropriate development within the Green Belt, and as no very special circumstances have been demonstrated to allow a departure from the usual policies of constraint, the principle of this development is opposed.

The use of part of this field to the south of the site to create the access is also considered to be visually extending the curtilage of the dwelling. The hoggin surface which is to be laid for the driveway, the regrading of the site, the removal of the hedgerow to the front of the site and at the boundary of the field and the property, and the insertion of the proposed entrance gates, cumulatively are considered to have a detrimental impact on the rural character of the area and the visual amenities of the Green Belt. The proposed access would also leave a small area of land separate from the remainder of the field.

CHARACTER AND APPEARANCE: The site is served from Ham lane which is a typical country lane enclosed at this part by a mature hedgerow which contributes to the rural character of the area. The removal of a section of the hedgerow, the regrading of the land and the new driveway are considered cumulatively to have a detrimental impact on the rural character of the area.

HIGHWAY ISSUES: The proposed access is considered to be acceptable on highway grounds and is considered to be an improvement on the existing access which is considered to be substandard. There is no highway objection to the scheme subject to the inclusion of conditions on any permission granted, which includes a condition which will require the existing vehicular access to be closed and its use permanently abandoned concurrently with the provision of the new access being first being brought into use.

However, no evidence has been submitted which explores upgrading the existing access in preference to creating a further access, which could have less of a harmful effect on the character of the area. Detailed information has not been submitted which justifies the development in terms of the dangerous nature of the development for example any evidence of previous accidents, which would serve to outweigh the harm to the Green

Belt. It should also be noted that whilst the existing access does not meet today's highways standards, no evidence has been submitted to suggest that the access is dangerous.

RESIDENTIAL AMENITY: There are no significant issues with regards to residential amenity which have arisen as a result of this application.

OFFICER ASSESSMENT

The proposed development is considered to be harmful to the visual amenities of the Green Belt and the rural character of the area and inappropriate development in the Green Belt. It has been indicated that the new access proposed is for the applicant preferable to the existing but not fully justified in terms of highway safety overcoming the concerns of officers about the inappropriate nature of the development. Whilst the access is considered to be an improvement on the existing, this is not considered to outweigh the harm to the rural character of the area and the harm to the Green Belt. The reason for refusal on the previous planning application has not been overcome and the application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development would have a detrimental impact on the rural character on this part of Ham Lane and would represent inappropriate development in the Green Belt. In the absence of very special circumstances this development is contrary to policies NE1, GB1 and GB2 and D4 of the Bath and North East Somerset Local Plan (including Minerals and Waste) adopted October 2007

PLANS LIST: This decision relates to plan: PG/01, 02, photographs, and design and statement date stamped 26th January 2011.

Item No: 03
Application No: 11/01266/FUL
Site Location: 5 Apsley Road, Newbridge, Bath, Bath And North East Somerset



Ward: Newbridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor L Brinkhurst Councillor C M L Roberts
Application Type: Full Application
Proposal: Installation of side and rear dormers. (Retrospective)
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: Mr S Barton
Expiry Date: 5th May 2011
Case Officer: Suzanne D'Arcy

REPORT

REASON FOR REPORTING TO COMMITTEE

This application has been called to Committee at the request of Cllr Caroline Roberts as the loft conversion will be a mirror image of the attached property and the building works completed are not in accordance with the approved plans but this was without the knowledge of the applicant.

DESCRIPTION OF THE SITE AND APPLICATION:

5 Apsley Road is a two storey, semi-detached property sited within the World Heritage Site. The property has been previously extended with a single storey rear extension. Many of the properties in the street have been extended with dormer extensions in the roof.

This is a retrospective application for the installation of side and rear dormer windows. The site has permission for a side and rear dormer windows granted under planning permission 10/00639/FUL and the dormer windows have not been not been constructed in accordance with the approved plans. The dormer windows have been constructed with the side dormer having a pitched roof that projects from 3m from the ridge of the existing roof and be 3m wide. The rear dormer has a flat roof and is set approx 0.2m down from the ridge of the roof and project 3.6m. This dormer is 3.5m high.

The dormer windows differ from the approved drawings as the approved side dormer was set down from the ridge so to be wholly contained within the roofslope. The rear dormer has been increased in width by approx 0.7m.

RELEVANT PLANNING HISTORY:

09/00021/FUL - Installation of dormer windows. - Refused 16th March. Appeal dismissed 23rd July 2009

10/00639/FUL - Installation of dormer windows (Resubmission) - Permitted 18th May 2010

Other relevant history

6 Apsley Road

None.

7 Apsley Road

10/05072/FUL - Erection of a single storey rear/side extension and provision of 1no. side and 1no. rear dormer following demolition of existing garage. - Permitted 28th January 2011

11/00871/FUL - Erection of a single storey rear/side extension and provision of 1no. side and 1no. rear dormer following demolition of existing garage (Revised proposal). - Refused 5th April 2011

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

BUILDING CONTROL: No comments

CLLR CAROLINE ROBERTS: Would like the application considered by the Committee as the loft conversion will be a mirror image of the attached property and the building works completed are not in accordance with the approved plans but this was without the knowledge of the applicant.

REPRESENTATIONS: 1 letter of objection received, raising the following points;
Noisy, intrusive building work has been carried out for months without planning permission
Property should be returned to its original state prior to the commencement of work
(Officer note: This objection has been withdrawn following further submitted representation by this neighbour, which makes various comments regarding the process of advertising applications, which have no relevance to this application)

POLICIES/LEGISLATION

D.2: General design and public realm considerations

D.4: Townscape considerations

BH.1: Impact of development on World Heritage Site of Bath or its setting.

Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

OFFICER ASSESSMENT

The main issues to be considered in this case are the impact on the street scene and the impact on neighbouring properties.

IMPACT ON THE STREET SCENE: The side dormer extension is to project from the ridge of the existing roof. Local Plan Policy D.4 states at point d states that development will only permitted where "the appearance of extensions respect and complement their host building." The side dormer extension is considered to alter the character and appearance of the roof thus not complementing the host building.

The Design and Access Statement, which accompanies the application, states that the dormer windows as constructed reflect the existing street scene as many of the properties in this part of Apsley Road. Having consulted the planning history for the properties in this part of Apsley Road, it appears that all of the existing side dormer windows were constructed under Permitted Development rights, prior to the changes of the General Permitted Development Order in October 2008. This in itself represents a material change in circumstances as the Local Planning Authority had no control over such developments before the change. Therefore this does not represent a precedent, nor do these dormer windows respect or complement the roofslopes of these properties.

It is acknowledged that the side dormer window represents the mirror image of the dormer that is constructed at number 6, which was constructed under Permitted Development. The applicants state that the dormer window as constructed therefore more closely reflects the street scene in this part of Apsley Road. The result of this is that this is the first pair of semi-detached properties in the street scene where both halves of the pair will have been extended with side dormer windows. The resultant property has an overly dominant roofscape, which is harmful to the wider street scene. The dormer windows as approved have a more subservient appearance on the roof and reduce the dominant appearance of this property.

7 Apsley Road has had planning permission refused recently for a side dormer of a similar scale and design to that which is the subject of this application.

The rear dormer window, which is the subject of this application, has been increased by approx 0.7m in width. This dormer window dominates the rear roofslope of the building and is no longer contained wholly within its own roofslope. The rear dormer window is considered to be contrary to Local Plan Policy D.4. This dormer window is larger than the one at number 7, which is considered acceptable.

IMPACT ON THE NEIGHBOURING PROPERTIES: The side dormer window faces onto the side of the adjacent property, and there will be no significant adverse impacts on residential amenity from this window.

The rear dormer window will allow some overlooking into the rear garden of 6 Apsley Road. It is not considered that this results in an increase in loss of privacy than the existing situation in overlooking from the first floor rear windows.

No other neighbouring properties will be affected.

CONCLUSION: The dormer windows are considered to dominate roofslopes of the property and therefore fail to respect or complement the appearance of the host building. Whilst it is acknowledged that several of the surrounding properties have been previously extended with dormer windows of a similar size and siting, these were constructed under permitted development and as such the Local Planning Authority did not have control over them.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The dormer windows, by reason of their size and siting, dominate the roofslopes, which fail to respect the character and appearance of this dwelling. The resultant host building will have a dominate appearance in the street scene, which is detrimental to this part of Apsley Road. This is contrary to Policy D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

PLANS LIST: This decision relates to drawings numbered 001, 002, 003, 004 and 005 and related site location plan and Design and Access Statement, received by the Council on 10th March 2011.

Item No: 04
Application No: 11/00773/FUL
Site Location: 93 Rush Hill, Southdown, Bath, Bath And North East Somerset



Ward: Odd Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor S P Hedges Councillor N J Roberts
Application Type: Full Application
Proposal: Erection of 1no two storey house and 1no single storey house (revised proposals)
Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: HN Developments Ltd
Expiry Date: 7th April 2011
Case Officer: Victoria Griffin

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: The application is being referred to Committee as part of the application site is co-owned by an employee of Planning Services.

The application site is positioned to the north of the steeply sloping Rush Hill. The surrounding area is characterised by mainly residential properties with a mixture of terrace, semi-detached and detached dwellings of a range of housing styles. The garden around No 93, provides spacious amenity areas between existing nearby properties, which is unusual in what is otherwise a compact area. To the north-eastern side of the plot is a footpath which runs alongside the boundary and the lower dwellings within Edgeworth Road.

The existing building is a large detached property located to the north of Rush Hill that is situated quite centrally within its plot that has previously been extended with extensions to the side/rear. The site is bordered by mature planting and fencing to the boundaries. Access into the site is from a vehicular access that opens into a large turning and parking area that slopes down towards the dwelling. Due to the topography of the site the dwelling is significantly lower than the road and is set down into the site which is orientated almost side on to the road.

The submitted planning application, seeks to make adjustments to the approved plans, determined under application references 07/02182/FUL and 08/02360/FUL for a bungalow and 2 storey house, respectively. The application is not for additional housing units for the site.

In both instances, the overall internal dimensions of the house and bungalow will remain the same, and the proposed floor levels, eaves and ridge heights will also remain the same as approved under the above mentioned planning consents. The position/orientation on the site will remain the same also.

The alterations consist of the following:

1. Adjustments to the internal room layouts of the house and bungalow, although the overall level of accommodation will remain the same as approved.
2. Adjustments to windows and doors in terms of style although the overall principle of size and position will generally remain the same as approved. The window cill heights to the North West elevation of the 2 storey house are as per the approved plan, in order to mitigate any issues of loss of privacy to the adjacent existing dwellings. Also, the number of windows to the South West elevation of the house have increased, which will serve low amenity spaces i.e. the upper ground floor hall, lower ground floor W.C. and lower ground floor study, in each case the planning drawings are noted as providing these windows with obscure glazing.
3. Adjustments will be made to the external materials and their distribution about the house and bungalow, although the intention is to still use traditional materials, in keeping with the surrounding area.

Since the last planning application the site context has changed. A planning approval was obtained at Planning Committee in September 2010 for the subdivision of the host

dwelling no.93 Rush Hill into two units (1no. two bed and 1 no. three bed). The site falls outside the local Conservation Area but within the World Heritage Site of Bath.

PLANNING HISTORY:

DC - 01/00370/OUT - Withdrawn - 26 April 2001 - Erection of 3 no. dwellinghouses, 1 no. detached and 2 no. semi-detached (Outline)

DC - 01/02684/OUT - Refused - 8 March 2002 - Erection of 5 no. detached dwellinghouses after demolition of existing building

DC - 02/00805/OUT - Refused - 1 July 2002 - Erection of 4 detached dwellinghouses, after demolition of existing house (Resubmission of Planning Application: 01/02684/OUT).

DC - 03/00079/FUL - Refused - 21 February 2003 - Change of use to residential parking (land south of No. 93)

DC - 03/01415/FUL - Permission - 31 July 2003 - Two storey extension and detached double garage and annexe

DC - 04/01988/FUL - Refused - 3 August 2004 - Detached house and garage

DC - 04/03062/FUL - Permission - 9 December 2004 - Detached double garage

DC - 07/02182/FUL - Permission - 4 October 2007 - Erection of a detached single storey dwelling

DC - 08/02360/FUL - Permission - 2 October 2008 - Erection of detached dwelling

DC - 09/01143/FUL - Withdrawn - 1 July 2009 - Conversion and alteration of existing dwelling to provide 2 no semi detached dwellings

DC - 10/02130/COND - Discharged - 13 July 2010 - Discharge of conditions 2, 3, 5, 7 and 8 of application 07/02182/FUL (Erection of a detached single storey dwelling)

DC - 10/02621/FUL - Permission - 30 September 2010 - Conversion and alteration of existing single dwelling to provide 2no semi detached dwellings

DC - 10/03185/COND - Discharged - 20 September 2010 - Discharge of conditions 2, 3, 6, and 15 of application 08/02360/FUL (Erection of detached dwelling)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

BUILDING CONTROL: No comment received

DRAINAGE: Section 12 of the planning application to be updated as there is information on flood risk missing. It is proposed to discharge surface water runoff via soakaways. To assess the feasibility of the soakaways, ground condition testing and permeability testing should be undertaken. If soakaway will prove to be unfeasible, an alternative drainage method should be considered.

HIGHWAYS: The proposal involves the erection of two dwellings in the grounds of 93 Rush Hill, and is based on a re-design of schemes approved under applications 07/02182/FUL and 08/02360/FUL. The current scheme maintains the same level of parking for the existing dwelling and the two proposed units, but there is a slight amendment to the arrangement of the parking spaces. The alterations to the access have already been carried out, in respect of the widening of the dropped kerbs, but the boundary wall still needs to be amended to allow for two way movement at the junction and to secure an improvement to visibility.

On the basis that there is no difference in the level of development, I recommend that no highway objection is raised subject to the following conditions being attached to any permission granted:-

The development hereby permitted shall not be occupied until the access has been widened, and the parking and turning areas have been provided in accordance with the details shown on the submitted drawing No. 288/P/01. Reason: In the interests of highway safety.

The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted. Reason: In the interests of amenity and highway safety.

The development shall not be occupied until the access, parking and turning areas have been properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.

ENVIRONMENTAL PROTECTION: This development will be affected by external noise from Road Traffic. The applicant should be required to submit an assessment from a competent person to determine into which Noise Exposure Category in PPG24 this element of the development falls.

If the assessment shows that the site falls into NEC C or D then I would be recommending refusal of the application on the grounds of excessive exposure to External Noise from Road Traffic.

I would also add that if the assessment determines the site to be NEC C and the scheme for the site is to be recommended for planning approval, then I would advise that then the following must be applied as planning conditions for both applications.

- On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dBLAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

- Prior to the occupation of the dwellings the applicant shall submit an assessment to demonstrate that the noise levels which are likely to be experienced in the gardens and amenity areas do not exceed those recommended by the World Health Organisation for the avoidance or serious community annoyance. The upper limit for this is 55dBA Leq.

This site is in close proximity to existing residential premises and in my view the following conditions would be essential to protect residential amenity during demolition and construction. I would therefore ask that the following be applied as planning conditions.

1. No materials arising from the demolition of any existing structure(s), the construction of the new dwelling, nor any material from incidental works shall be burnt on the site.
2. The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.
3. The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new dwellings. (copy attached)

REPRESENTATIONS: None received

POLICIES/LEGISLATION

The following policies are a material consideration:

BH.1: Impact of development on World Heritage Site of Bath or its setting

D.2: General design and public realm considerations

D.4: Townscape considerations

HG.12: Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and re-use of empty dwellings

T.24: General development control and access policy

T.26: Onsite parking and servicing provision

Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

Planning Policy Guidance (PPS) 3: Housing

OFFICER ASSESSMENT

The key issues of this proposal relate to the impact of the changes on the character and appearance of the site and residential amenity. The changes are minor in nature and include;

1. Adjustments to the internal room layouts of the house and bungalow, although the overall level of accommodation will remain the same as approved.
2. Adjustments to windows and doors in terms of style although the overall principle of size and position will generally remain the same as approved. The window cill heights to the North West elevation of the 2 storey house are as per the approved plan, in order to mitigate any issues of loss of privacy to the

adjacent existing dwellings. The number of windows to the South West elevation of the house has been increased however, these serve low amenity spaces ie the upper ground floor hall, lower ground floor W.C. and lower ground floor study, in each case the planning drawings are noted as providing these windows with obscure glazing.

3. Adjustments will be made to the external materials and their distribution about the house and bungalow, although the intention is to use traditional materials, in keeping with the surrounding area.

THE PRINCIPLE OF DEVELOPMENT: The site is within the urban area of Bath where residential development is broadly acceptable in principle provided it accords with other policy requirements. The revised PPS:3 on housing has reclassified domestic gardens so that they are no longer "previously developed land" (PDL or brownfield land). This means that garden areas are not prioritised within PPS:3 for development. Furthermore there are two implemented permissions on this site for the residential properties. Works have commenced on-site and it is not considered that the proposal would conflict with the revised policy parameters to warrant a refusal in principle.

SINGLE STOREY DWELLING: The changes to the external fenestration have introduced larger window openings on each elevation and a pergola to the north-east elevation. The design of the windows are of a vertical panel design which is more contemporary than the approved scheme. The site context is of varied housing styles and designs and is not considered to be harmful to the character and appearance of the area. The internal layout has rearranged the accommodation and living areas to a more open plan arrangement. External materials are proposed in western red cedar cladding and random rubble stone walling which is considered to preserve the character of the development and is acceptable.

TWO-STOREY DWELLING: External alterations to the two-storey dwelling include the replacement of a roof-overhang with a pergola structure to the north elevation. Other alterations include larger window openings on the ground floor and vertical windows on the west elevation. In the previous application windows at first floor level were conditioned to be retained in obscure glazing. The window openings are larger and it is considered necessary to ensure obscure glazing to maintain the privacy of the neighbouring property. The corner windows on the west elevation have a cill height of 1700mm above floor level and are also conditioned accordingly as the previous application.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES: The highways officer has requested conditions are attached in accordance with the submitted details based on a re-design of schemes approved under applications 07/02182/FUL and 08/02360/FUL. As noted by highways the current scheme maintains the same level of parking for the existing dwelling and the two proposed units, but there is a slight amendment to the arrangement of the parking spaces. The alterations to the access have already been carried out, in respect of the widening of the dropped kerbs, but the boundary wall still needs to be amended to allow for two way movement at the junction and to secure an improvement to visibility. Relevant conditions are attached in this regard.

DRAINAGE: Land drainage details have been previously submitted and discharged on condition. It has demonstrated that the necessary infrastructure is available on-site. It is

considered to be reasonable to condition that is implemented in accordance with the submitted information that forms part of this application.

ENVIRONMENTAL PROTECTION: Environmental Protection have requested the submission of a noise assessment with the application. The application for development of the site was approved under application references 07/02182/FUL and also 08/02360/FUL, without the submission of a noise survey.

This application constitutes relatively minor alterations to these approved schemes, and it would be unreasonable to request a noise survey for works that have commenced on-site at this late stage. The applicant has confirmed that if this planning application for minor alterations to the approved scheme is not successful then they will simply implement the approved scheme, which is essentially the same proposal. Therefore, the lack of a submission, in the circumstances, is not considered to warrant a refusal on this basis.

CONCLUSION: It is considered that the principle of the proposal has been established under 07/02182/FUL and also 08/02360/FUL. The minor alterations proposed within this application are considered to preserve the character and appearance of the development. In addition the amendments to the fenestration would not cause harm to residential amenity. The proposal is considered to be acceptable with appropriate conditions.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

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

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

2 The development hereby permitted shall not be occupied until the access has been widened, and the parking and turning areas have been provided in accordance with the details shown on the submitted drawing No. 288/P/01.

Reason: In the interests of highway safety.

3 A schedule of materials and finishes of the materials to be used in the construction of the external surfaces, including roofs, shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this decision. The development shall thereafter be carried out only in accordance with the details so approved.

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

4 The dwellings hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for the parking and turning of vehicles, and such areas shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

5 The ridge height of the main roof to the two-storey dwelling hereby approved shall not exceed that of the existing dwelling identified as No 93 Rush Hill.

Reason: To safeguard the amenities of the adjoining occupiers and appearance of this part of Rush Hill.

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

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

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement or external alteration to any building(s) hereby approved without the prior written permission of the Local Planning Authority.

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

8 The lowest part of the window cill of the upper floor windows on the North elevation of the two-storey dwelling shall be a minimum of 1.7 metres above floor level (measured internally) and shall be retained as such.

Reason: To ensure that nearby residents are not overlooked from the development.

9 Prior to occupation of each dwelling the hard and soft landscape scheme (date received 04/04/11) shall be carried out in accordance with details submitted. 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.

10 Prior to the occupation of any dwelling hereby approved the sewage disposal and surface water drainage shall be carried out in accordance with details received dated 04/04/11. The development thereafter shall be carried out only in accordance with the approved details.

Reason: To ensure that the development can be adequately served by sewerage and drainage infrastructure

11 The construction works shall be carried out in accordance with the submitted construction details (date received 04/04/11) showing that the development can be constructed without causing instability of adjoining land.

Reason: To ensure that the development does not lead to instability of adjoining land.

12 The existing hedgerow that borders the site shall be retained and in the event that the hedgerow dies or is removed for any reason, the hedgerow or part thereof shall be replaced with screening at the equivalent height.

Reason: In the interests of the appearance of the site and to safeguard adjoining residents from further overlooking.

13 Prior to occupation the proposed first floor windows on the west elevation of the two-storey dwelling (as shown on drawing no. 288/P/02) shall be glazed with obscure glass and permanently retained as such.

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

14 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: Design & Access Statement, Topographic survey 2924-01DEC10-01, 288/P/01 to 288/P/02 date received 10/02/11, 288/P/03, 288/P/04, 288/P/05 date received 10/02/11, Additional details (including hard and soft landscaping details, foul and surface water drainage details, inter-visibility details, land stability report, details of materials for access, parking and turning areas and details of maintenance of hedgerow) and drawing no.240-101 submitted date received 04/04/11

ADVICE NOTE: Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

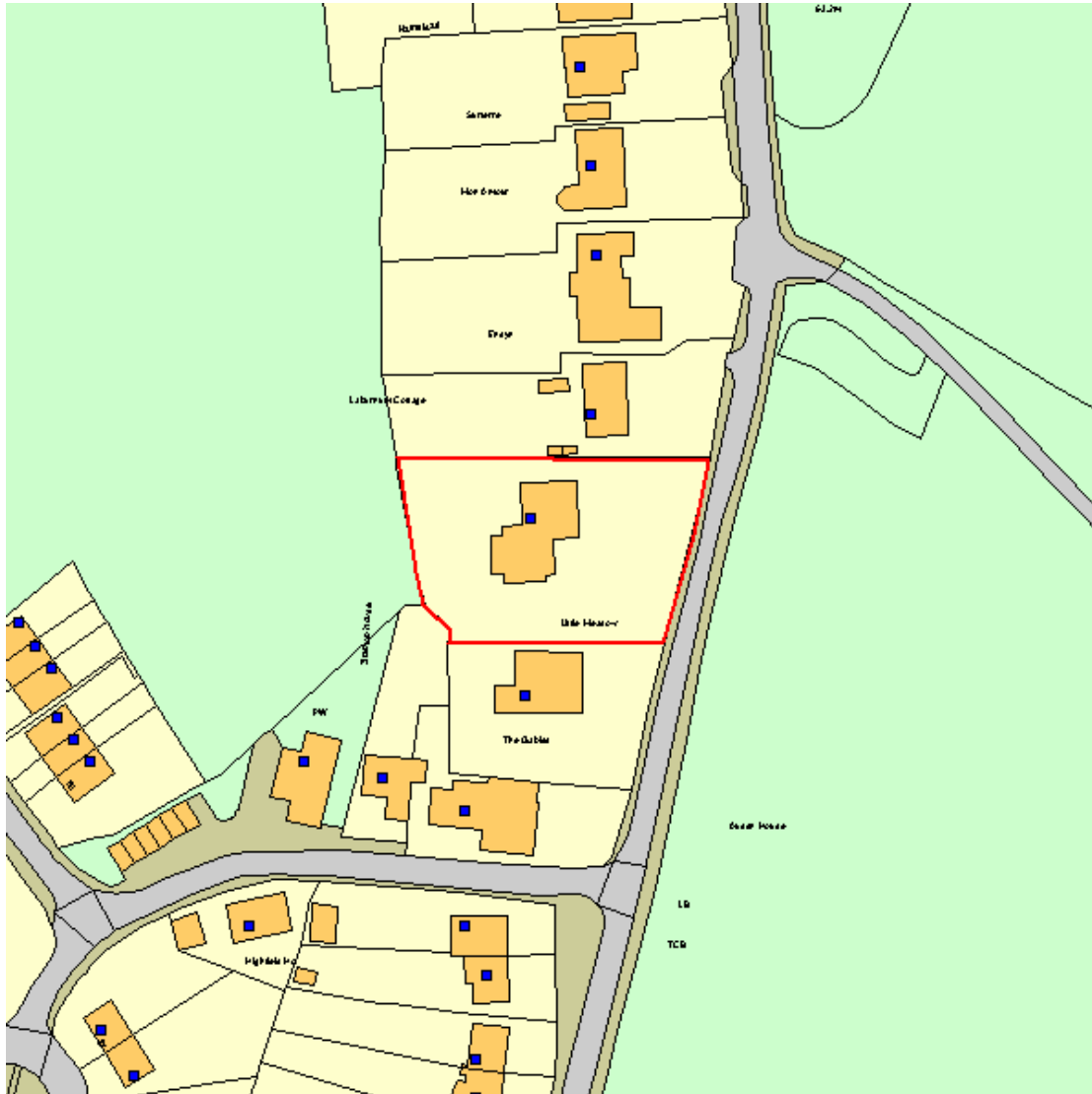
Informatives:

1. No materials arising from the demolition of any existing structure(s), the construction of the new dwelling, nor any material from incidental works shall be burnt on the site.

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

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

Item No: 05 **Application No:** 11/00845/FUL
Site Location: Little Meadow, Bromley Road, Stanton Drew, Bristol



Ward: Clutton **Parish:** Stanton Drew **LB Grade:** N/A
Ward Members: Councillor S J Willcox
Application Type: Full Application
Proposal: Erection of a two storey rear extension and first floor extension over existing single storey annexe.
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Housing Development Boundary,
Applicant: Mr Simon And Paul Waller And Ms Alison Delve
Expiry Date: 12th April 2011
Case Officer: Tessa Hampden

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

This application is being reported to Committee due to the Parish Council supporting the application and following discussions with the Chairman of the Committee.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to a detached property located off Bromley Road on the outskirts of Stanton Drew. The application property is set in a relatively generous plot and has previously been extended by virtue of a single storey front and side extension. The properties in this part of the street scene vary in terms of their scales and design and in this regard there is no particular uniformity in this part of Bromley Road.

The site is situated within the designated Green Belt.

The application seeks planning permission for the erection of a two storey side extension and first floor extension over the single storey annexe to the front of the dwelling. Revised plans have been submitted which reduce the ridge height of the extension so that it sits below that of the main roof. The application also includes alterations to the access with Bromley Road.

PLANNING HISTORY:

64504 Addition to dwelling to form private garage, bedroom and sitting room Permitted September 1963

64504/A Erection of garage Permitted May 1972

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

STANTON DREW PARISH COUNCIL: Support the application. Minimal increase in the footprint size improves the appearance of the property. Existing 'add ons' spoil the appearance.

HIGHWAY DEVELOPMENT: No objection subject to the inclusion of conditions relating to the access.

REPRESENTATIONS: None received

POLICIES/LEGISLATION

D.2: General design and public realm considerations

D.4: Townscape considerations

NE5 Forest of Avon

HG15 Dwelling extension in the Green Belt

GB1 Control of development in the Green Belt

GB2 Visual amenities of the Green Belt

Bath and North East Somerset (including minerals and waste) October 2007

Policy HG.15 states:

"Proposals to extend a dwelling in the Green Belt will be permitted unless they would:

- i) represent a disproportionate addition over and above the size of the original dwelling; or
- ii) contribute to a deterioration in rural character as a result of the cumulative effect of dwelling extensions."

Supplementary Planning Document - Existing Dwellings in the Green Belt adopted 2008.

PPG 2- Green Belts states that there is a general presumption against inappropriate development within Green Belts and that inappropriate development is, by definition, harmful to the Green Belt. It goes on that the construction of new buildings in the Green Belt is inappropriate development unless it is included in the listed exceptions one of which is for limited extension, alteration or replacement of existing dwellings. It advises that as long as it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in Green Belts.

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT: Policy GB.1 of the adopted Local Plan follows the guidance in Planning Policy Guidance 2 and states that permission will not be given for development, inter alia, except for limited extensions provided it is in accordance with Policy HG.15. Policy HG.15 of the Local plan further requires that in relation to existing dwellings permission will not normally be given for development other than limited extensions that do not result in a disproportionate addition over and above the size of the original dwelling or contribute to a deterioration in rural character as a result of the cumulative effect of dwelling extensions.

In order to assess whether the proposed development does constitute inappropriate development and is therefore harmful by definition, it is necessary to consider the advice contained in the Councils Supplementary Planning Document on extensions in the Green Belt which was adopted to give advice on the Councils interpretation of Policy HG.15.

In order to guide consideration of what constitutes a disproportionate addition to the original building a calculation of its volume of the original building can be used. "Original" means how the building existed on the 1st July 1948 or if the building was built after this date, as originally built. The applicant has submitted a Design and Access Statement which requests that the existing building is counted as the original as the extensions were built prior to the designation of the Green Belt in this area. However, whilst these comments are noted, the application must be considered in line with the adopted policy and the definition of original dwelling as cited above.

Within the Design and Access Statement the applicant has provided volume calculations illustrating the volume of the original, existing and proposed dwelling. The original building is estimated to have had a volume of approximately 473m³. The existing extensions have added approximately 696m³ to the original building. This means that the original host building has already been extended by 47%. The proposed extension would add approximately a further 341m³ which is a 49 % increase on the existing dwelling. Therefore this proposal would result in an approximate increase of 119% over the original

building. This extension can therefore not be considered to be a proportionate addition in size terms.

The Supplementary Planning Document also makes it clear that when considering whether an extension is disproportionate the character of the dwelling and its surroundings also need to be considered. In this case, due to the scale and the siting of the proposed extension in comparison to the original dwelling, the development is not considered to appear as a proportionate addition to the original dwelling. The extension appears larger than the original dwelling and the siting of the extension to the front and side, results in an extension which appears disproportionate to the original dwelling.

The extension is therefore considered to be a disproportionate addition to the dwelling in both its volume and appearance.

OPENNESS AND RURAL CHARACTER OF THE GREEN BELT: Due to the siting of the extension to the side and front of the dwelling at first floor level, the openness of the Green Belt is considered to be unduly harmed.

Although the resultant building would be seen within the lines of buildings along the built up Bromley Road and is not considered to have significant harm on the rural character of the area, this does not outweigh the harm to the openness of the Green Belt by such inappropriate development.

CHARACTER AND APPEARANCE OF THE DWELLING: The existing single storey extensions detract from the character and appearance of this dwelling, particularly due to their flat roof design and the extent of the footprint of these in comparison to the two storey original building. The proposal seeks to build over these existing extensions and to further extend to the side. Revised plans have been submitted which reduce the height of the two storey extension so that the ridge of the roof sits below that of the host dwelling. This is considered to achieve a degree of subservience to the main dwelling. Whilst this is a large extension it is partly built over an existing ground floor extension removing this unattractive element of the property.

There is no particular uniformity in terms of dwelling styles in this part of Bromley Road, and the proposals would not result in a development that would be out of keeping with the surrounding properties. Although the extension would result in a dwelling that is much larger than the original, the scale of the resultant property would be appropriate for the size of the plot and would not be significantly larger than a number of the surrounding properties.

On balance, the proposed extension is considered to be an acceptable addition to the application property in terms of its design, which will preserve the visual amenities and the rural character of the area. However, although it is considered that the dwelling will have an acceptable overall appearance this does not outweigh the harm caused by the development by reason of its inappropriateness.

RESIDENTIAL AMENITY: The proposed development is set a sufficient distance away from the neighbouring properties to ensure that the proposals would not have a detrimental impact on the residential amenity currently enjoyed by the occupiers of these properties.

HIGHWAY SAFETY: The proposal would maintain an acceptable level of parking for the dwelling, but also proposes the slight widening of the access drive at its junction with Bromley Road. The gates are proposed to be set back 3m from their current position at the edge of the carriageway, but it is considered that they should be set back further to enable a car to pull clear of the road whilst gates are opened. This will require them to be set back a minimum of 5m. This could be secured through a condition.

On balance, subject to the inclusion of appropriate conditions on any permission, no highway objections are raised.

CONCLUSION: The proposed development, due to the design, size, scale and siting of the extension would result in a disproportionate addition over and above the size of the original dwelling which would fail to maintain the openness of the Green Belt. This represents inappropriate development within the Green Belt which is, by definition harmful. No very special circumstances have been demonstrated to outweigh the presumption against inappropriate development in the Green Belt. It is therefore recommended that this application is refused.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, due to the design, size, scale and siting of the extension would result in a disproportionate addition over and above the size of the original dwelling which would fail to maintain the openness of the Green Belt. This represents inappropriate development within the Green Belt, which is, by definition, harmful. No very special circumstances have been demonstrated to outweigh the presumption against inappropriate development in the Green Belt. The proposal is contrary to Policies GB.1, GB.2 and HG.15 of the Bath and North East Somerset Local Plan including minerals and waste policies adopted 2007.