

Bath & North East Somerset Council

MEETING:	Development Management Committee	AGENDA ITEM NUMBER	
MEETING DATE:	24th April 2019		
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning		
TITLE:	APPLICATIONS FOR PLANNING PERMISSION		
WARDS:	ALL		
BACKGROUND PAPERS:			
AN OPEN PUBLIC ITEM			

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

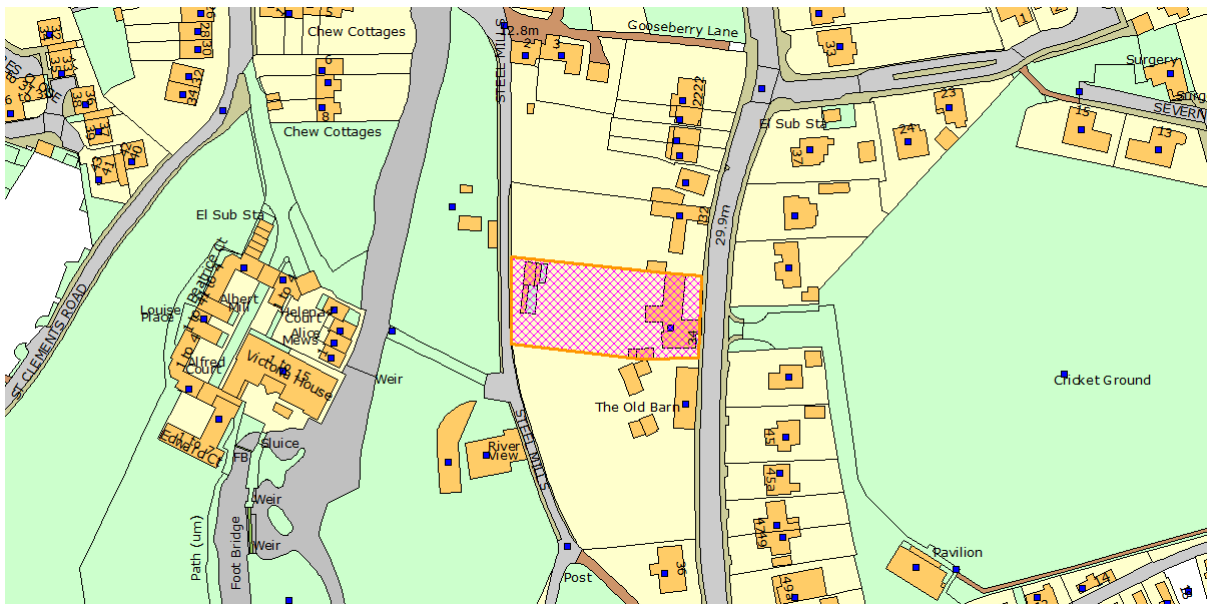
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	18/05706/FUL 21 February 2019	Mr David Westgate Rookehill Farmhouse, 34 Wellsway, Keynsham, Bristol, Bath And North East Somerset Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store (Resubmission).	Keynsham East	Helen Ellison	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 18/05706/FUL
Site Location: Rookehill Farmhouse 34 Wellsway Keynsham Bristol Bath And North East Somerset



Ward: Keynsham East

Parish: Keynsham Town Council

LB Grade: II

Ward Members:	Councillor Marie Longstaff Councillor Bryan Organ
Application Type:	Full Application
Proposal:	Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store (Resubmission).
Constraints:	Bristol Airport Safeguarding, Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Mr David Westgate
Expiry Date:	21st February 2019
Case Officer:	Helen Ellison
To view the case click on the link here .	

REPORT

REASON FOR REPORTING TO COMMITTEE

Keynsham Town Council supports the proposal.

In accordance with the Council's Scheme of Delegation, the application was referred to the chairman of the Development Management Committee who has decided that the application should be determined by committee for the following reasons:

- Notes the comments from both third party and statutory consultees, and that views differ particularly linked to the impact the proposal will have on the area.
- The application has been assessed against relevant planning policies and while Keynsham Town Council feel it does not contravene them the Officer is of an opposite view therefore it is clearly controversial
- The Chair recommends the application be determined by the DMC so the issues can be debated fully.

The application was deferred from the DMC meeting of 13.03.2019 for a site visit as moved by Cllr Organ.

SITE DESCRIPTION

The application site comprises in the main of Rookehill Farmhouse, which is a Grade II listed building of C17 fronting Wellsway, and a modern garden outbuilding located towards the rear boundary with Steel Mills. The site stands within Keynsham conservation area (Character Area 11: Steel Mills & Wellsway) and on land that is designated Green belt. The site slopes markedly downhill from east to west. The rear garden supports a number of trees and there is a belt of soft vegetation across its lower section. There are two wooden posts close to the rear Steel Mills boundary that may be indicative of a former driveway but clearly not in use as such now. Steel Mills is a quiet back road with pavement and long stretch of medium height stone wall on its west side and a mainly soft landscaped sloping embankment to the east (albeit with a high section of stone wall

running north that starts broadly beyond the northern most corner of the rear garden to No. 32 Wellsway).

PROPOSAL

This application seeks planning permission to create a new vehicular access and for the erection of a two storey building with double garage at ground and accommodation at first comprising store, wc, games and studio with floors linked by way of internal staircase. 2 No. off street parking car parking spaces would be located to the front of the double garage on a newly formed driveway accessed from Steel Mills, with new retaining walls to the sides and new box hedging running in parallel with the new walls and roadside boundary.

An existing building described as garden room and store would be demolished and the replacement building would occupy a similar position on the site but be located slightly further south to give greater clearance from the north facing side boundary. Due to site contours the lower floor of the replacement building would cut into the ground but the two storey west elevation would still be visible in its entirety from Steel Mills.

The application is a resubmission of 18/04569/FUL.

BACKGROUND

The proposed two storey building would not constitute permitted development under Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 because the height of the eaves of the building would exceed 2.5m and it would be situated within the curtilage of a listed building and therefore a fall back position does not, in this instance exist.

The applicant was advised to withdraw the previous application and to apply for pre-application advice in order to establish principles. No pre-app was applied for and the current application was submitted without the benefit of advice. However, the scheme has been amended to retain parts of the existing embankment along the Steel Mills frontage (albeit with low level vegetation removed, new driveway and box hedge planted adjacent to road). The submission now includes an Arboricultural Impact Assessment/Tree Survey Report.

An application for listed building consent (18/05707/LBA) was also submitted but as the proposed development does not require listed building consent the application has been withdrawn.

PLANNING HISTORY

DC - 15/00490/TCA - NOOBJ - 11 March 2015 - 1x Conifer - reduce height by 30%. 4x Sycamore - prune back to previous reduction points

DC - 15/05607/TCA - NOOBJ - 14 January 2016 - 1x Conifer - fell

DC - 17/04545/TCA - NOOBJ - 20 October 2017 - Holly at front of house. To reduce by 1/3, shape and trim.

DC - 17/04668/TCA - NOOBJ - 26 October 2017 - 1x Holly - reduce the height by approximately 25%

DC - 18/03319/TCA - NOOBJ - 30 August 2018 - T1. Apple - Fell. T2. 2No. Sycamore - Fell. T3. Elder - Fell. T4. 2No. Spruce - Fell.

DC - 18/04569/FUL - WD - 4 December 2018 - Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store.

DC - 18/04570/LBA - WD - 4 December 2018 - Demolition of existing garden room and store.

DC - 18/05706/FUL - PCO - - Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store (Resubmission).

DC - 18/05707/LBA - PCO - - Demolition of existing garden room and store (Resubmission).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultations/Representations;

Consultation Responses:

Keynsham Town Council supports this application, in summary; There are no planning reasons to object to the application as the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017.

Highways DC: No objection subject to conditions
Arboriculture: No objection subject to conditions
Ecology: No objection subject to condition
Landscape: Objection

Historic England: On the basis of the information available to date, do not wish to offer any comments. Suggest that views of specialist conservation and archaeological advisers be sought, as relevant.

Representations

12 representations have been received (8 support 4 object) , in summary;

Support:

Enhancement/positive improvement
No loss of privacy
Low impact on green belt
No adverse impact on traffic/highway
Encourage upkeep of area

Object:

Will increase traffic
Out of keeping with character of conservation area
Set unwelcome precedent
Loss of privacy/overlooking
Impact on neighbouring trees

Building may become dwelling

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- Neighbourhood Plans

Core Strategy:

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

CP6 Environmental Quality
CP7 Green Infrastructure
CP8 Green Belt
DW1 District Wide Spatial Strategy
SD1 Presumption in favour of Sustainable Development

Placemaking Plan:

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

D1 General Urban Design Principles
D2 Local Character and Distinctiveness
D3 Urban Fabric
D4 Streets & Spaces
D5 Building Design
D6 Amenity

D8 Lighting
GB1 Visual Amenities in the Green Belt
GB3: Extensions and Alterations to Buildings in the Green Belt
HE1 Historic Environment
NE1: Development & Green Infrastructure
NE2: Conserving and Enhancing the Landscape and Landscape Character
NE3: Sites, Species and Habitats
NE6: Trees and Woodland Conservation

Guidance:

Historic England Advice Note 2 Making Changes to Heritage Assets (2016)
Historic England 'The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3' 2nd Ed (2017)
BaNES 'Keynsham Conservation Area Appraisal' (2016)
BaNES 'Keynsham Conservation Area Management Plan' (2016)
BaNES SPD 'Existing dwellings in the green belt' (2008)

National Policy:

The National Planning Policy Framework (July 2019) and National Planning Practice Guidance.

OFFICER ASSESSMENT

The main issues for consideration are: Character and appearance, Residential amenity, Highways, Landscape, Ecology, Designated Heritage Assets (conservation area & setting of listed building, Green Belt and Arboriculture

CHARACTER & APPEARANCE

The proposed two storey building is of a size, design, scale and massing that would result in an obtrusive and dominant structure. In addition, the proposed vehicular access, due to its extent, location and associated side retaining walls and rear boundary layout/means of landscaping would appear out of place and overbearing.

Representations raised refer to the enhancement/positive improvement that would result and that the development would encourage upkeep of area. Concern has been raised by representation that the development would set an unwelcome precedent and that the building may become a dwelling.

The Agent has requested that approval 14/03766/FUL for creation of a new highway access and driveway extension at River View, Steel Mills be taken account of to ensure consistency in decision-making. The River View application was initially refused, due to the partial removal of a wall within a Conservation Area, and the introduction of a close boarded fence; it was appealed, and subsequently dismissed. The 2014 resubmission moved the location of the access to an area where a small portion of wall was no longer in place. As the proposal required removal of around 1.7m of a 1m high wall, but also provided around 8.5m of additional stone walling to a height of 0.9m the re-introduction of the wall was considered to enhance the character of the Conservation Area.

The site and circumstance at River View are not equivalent or comparable to the application under consideration because, in part, it reinforced existing landscape elements whereas at Rookehill Farmhouse the proposal would impose significant hard landscaping on a part of the site that is currently and essentially rural in appearance and character and devoid of walling or vehicular access to its rear boundary.

Although it could be argued that the Steel Mills boundary would benefit from some landscape management, the proposed development would go far beyond what could be termed enhancement or positive improvement; the proposed level of intervention that would include hard landscaping elements and uncharacteristic Box hedging would not complement the essentially rural character of the lane. The upkeep and ongoing maintenance of an area can of course be regarded as a positive but there is a distinct difference between what can be achieved by adopting a sensitive low key approach and harsh, unsympathetic approach. In terms of precedent each proposal is determined on its merits and it would not necessarily follow that one approval would lead the way for the same. A separate application for planning permission would be required if it were proposed that the two storey building become a dwelling.

In respect of impact on character and appearance the proposal is inappropriate and would fail to contribute or respond positively to the local context. Neither would it maintain the character and appearance of the surrounding area instead it would appear as a harsh uncharacteristic intervention that would not constitute an acceptable improvement. The proposal does not, therefore, accord with policy CP6 of the adopted Core Strategy (2014) or policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) or part 12 of the NPPF, which seeks to achieve well-designed places that are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

RESIDENTIAL AMENITY

The proposed development would be located towards the lower end of the site where the position of the building (and associated works), together with the marked contours of the site would be reasonably expected to avoid significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact or loss of privacy. Although the size and extent of the development may result in some impact on outlook, the marked fall in ground level and landscaping as shown on the submitted plan, would ensure that it would not be unreasonable.

Concern has been raised by representation regarding loss of privacy/overlooking but conversely that the development would result in no loss of privacy. As referred to above the size and extent of the development may give rise to some impact on outlook, the significant fall in ground level (with development located towards the rear end of the garden and towards its lowest point), the separation distance between nearest residential properties/development and the existing/proposed landscaping as shown on the submitted plan, should ensure that any impact would not be unreasonable.

In terms of impact on residential amenity, given the siting of the proposed development relative to neighbouring properties the proposal is not expected to cause significant harm

to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords, therefore, with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

HIGHWAYS

The Highways Development Control Engineer reiterates comments made at the time of the previous application and observes that the applicant proposes to erect a two-storey building which comprises a double garage at ground floor level, the dimensions of which are satisfactory. An additional 2 No. off-street car parking spaces are proposed to the front of the garage, the dimension of which is also satisfactory. The off-street parking provision will be accessed via a new vehicular access to be taken from Steel Mills. The second storey includes a studio which the covering letter advises will be 'accommodation'.

In summary, the highway authority raises no objection to the planning application, subject to conditions and an advisory being attached to any planning permission granted. The recommended Conditions would be to secure a properly consolidated and surfaced drive; retention of garage for private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose; the area allocated for parking to be kept clear of obstruction and not be used other than for parking of vehicles in connection with the development; and submission of details of the provision for the sustainable disposal of surface water within the site. The recommended Advisory would be for the securing of a license for the creation of a vehicle crossing.

Concern has been raised by representation that the proposal will increase traffic. By contrast representation received considers that the proposal would have no adverse impact on traffic/highway. Given the size of the proposed hardstanding and purpose of the building as ancillary accommodation it would seem unlikely that traffic movement to/from the site would increase by a significant amount. The quiet, rural character of the lane is noted but any additional traffic would not be expected to have an undue impact.

On balance, and taking account of the above it is considered that subject to conditions the means of access and parking arrangements are acceptable and would maintain highway safety standards. The proposal accords, therefore, with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

LANDSCAPE

The Landscape Architect objects to the application and recommends refusal because the proposed development would be contrary to national and local planning policy and would have a detrimental impact on the landscape and townscape character, features, local distinctiveness and visual amenity which could not be easily or adequately mitigated.

Although the area of garden adjacent to Steel Mills may be perceived by some as 'unkempt', the informal and understated nature of the landscape adds positively to the rural character of the road. The extent of hard landscaping that is proposed, in terms of driveway and walls would significantly change this rural aspect and result in a harsh

intervention that would be inappropriate and fail to achieve the visual improvement that is sought.

The Landscape Architect previously objected to the development proposals because they would be likely to have an unacceptable impact on landscape/townscape character, features, local distinctiveness and views due to their impact on:

- the openness and visual amenity of the Green Belt
- The character and appearance of the Keynsham Conservation Area
- The setting of a listed building
- Trees of wildlife landscape and amenity value

As no substantive changes to the proposals have been made the Landscape Architect continues to consider that they would have a significant adverse landscape and visual impact which could not be easily mitigated.

In respect of impact on landscape the proposal would fail to conserve or enhance local landscape character, features and local distinctiveness and would, therefore, conflict with paragraphs 143 and 145 of the National Planning Policy Framework (2019), policy CP6 of the adopted Core Strategy (2014) and Policies HE1, NE6 and GB1 of the Placemaking Plan for Bath and North East Somerset (2017).

ECOLOGY

BaNES Ecologist has no objection to the scheme, subject to a Condition to ensure compliance with recommendations in accordance with Section 5 of the submitted Bat Surveys Report; this is to avoid harm to protected species and to provide additional habitat value in line with the requirements of NPPF and in accordance with policies NE3 and D8 of the Placemaking Plan for Bath and North East Somerset (2017).

DESIGNATED HERITAGE ASSETS

CONSERVATION AREA

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

The significance of this part of the conservation area is largely defined by clusters of older buildings, steep wooded river valley and natural rural landscape. The busy flow of traffic to Wellsway contrasts with the quiet prospect of Steel Mills.

The proposed two storey building and associated works, due to their size, scale, massing, location and design would result in an obtrusive, dominant and discordant addition to the site. The development would not respond sensitively to the historic character of the area, in particular the rural setting and soft landscape that extends along Steel Mills. The development would add an imposing structure and hard landscape elements that would

appear entirely out of place. As such the proposal would fail to preserve the character and appearance of this part of the Conservation Area and harm its significance.

SETTING OF THE LISTED BUILDING

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The significance of Rookehill Farmhouse is largely derived from its architectural and historic interest, its position at the centre of a group of older buildings, the striking landscape to the rear of the Farmhouse provided by the steep and wooded river valley, rural aspect and natural landscape constitute positive elements of its setting.

Demolition of the existing outbuilding is not objected to on the basis that it is modern and of no particular architectural or historic interest.

However, the proposed two storey building and associated works, due to their size, scale, massing, location and design would result in an obtrusive, dominant and discordant addition to the site that would harm the significance of the listed building and its setting. The NPPF makes it clear that the extent of the setting of a heritage asset is not fixed; Although the proposed building would be sited towards the end of the garden the impact on setting is not reduced. Advice from Historic England (GPA PN3) states that consideration of the contribution of setting to the significance of heritage assets will almost always include the consideration of views. In this case the rural nature and natural landscape as viewed when looking out from the rear of the Farmhouse (or towards the Farmhouse from Steel Mills) make a very positive contribution to the setting of the listed building; the topography, aspect, landscape, green space and openness all play a part in the overarching rural nature and backdrop of the site as a whole. The existing garden outbuilding has assimilated into this landscape by way of surrounding trees and vegetation. By contrast the introduction of a two storey building with associated hard landscape would have a very urbanising effect that would not harmonise with the setting and instead would have a very negative impact on the setting of the listed building.

DESIGNATED HERITAGE ASSETS CONCLUSION

For the reasons set out above it is concluded that the harm caused to the designated heritage assets, is, in the context of the significance of the assets as a whole and in the language of the NPPF, less than substantial, given the extent of the works relative to the size of the garden and that of the conservation area. In such circumstances Paragraph 196 of the NPPF (2018) requires that any harm be weighed against the public benefits of the proposal, including securing the optimum viable use. The proposed development would mainly be for the private gain of the household in terms of providing ancillary accommodation, rear driveway access and off street parking. Although, the proposal would involve 'tidying up' the rear embankment the level and manner of intervention would be harmful to the essentially rural character of the lane and its natural landscape; this

would not constitute preservation or enhancement. Consequently, there is insufficient public benefit that would outweigh the considerable importance and weight to be given to the harm to the heritage asset. As such, the proposal would not comply with paragraph 196 of the NPPF.

In terms of impact on designated heritage assets the proposal would fail to enhance or better reveal their significance and would not make a positive contribution to its character and appearance. Therefore it is considered that the proposals are not consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposed development would have an unacceptable impact on the listed building and its setting and the character and appearance of the conservation area and would fail to preserve the significance of the designated Heritage assets. The proposal does not therefore accord with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

In this case it is concluded that there is harm caused to designated heritage assets - the setting of the listed building and the conservation area. In accordance with paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This is not therefore a straight balancing exercise.

GREEN BELT

Council policy and the NPPF states that the construction of new buildings in the green belt is inappropriate development but there are a few exceptions to this. One of these exceptions, which is relevant to the consideration of this application is 'the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces'. Whilst the proposed building can be regarded as being in the same use as the existing building i.e. it is an ancillary use to the main house, the size of the proposed building is significantly and materially larger than the building it replaces.

The Applicants Agent has confirmed that the volume of the proposed two storey building is 455m³ compared with an existing volume of 170m³. A proportion of the proposed volume is below existing ground level; the Agent confirms that the proposed volume above existing ground level amounts to 294m³.

The Council's SPD, Existing Dwellings in the Green Belt, which is now interpreted as relevant to 'building' in the green belt states that an extension of about a third is regarded as proportionate. However, this SPD does not apply in this case as the existing building is not to be extended, rather it is to be demolished and replaced with a new building.

'Very special circumstances' in support of the application have not been submitted for consideration.

In respect of impact on the green belt the proposed development is of a size, scale and design, and, would be located where it would represent inappropriate development in the

green belt that would be harmful towards its openness and the purposes of including land within the green belt.

Representation received considers that the proposal would have a low impact on the green belt, but this is not accepted in this instance.

The proposal would not, therefore accord with policy CP8 of the adopted Core Strategy or policy GB1 of the Placemaking Plan for Bath and North East Somerset (2017) or part 13 of the NPPF.

ARBORICULTURE

A tree survey and arboricultural impact assessment has been submitted to support the current application.

BaNES Arboricultural Officer has raised no objection, subject to conditions. However, the Officer expresses reservations with regards to the working space and extent of excavation required to enable the development. The Conditions would be to secure a Revised Arboricultural Method Statement with Tree Protection Plan and for the development to be carried out in accordance with the approved Revised Arboricultural Method Statement and signed certificate of compliance. These conditions would be to ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained and to ensure that the approved method statement is complied with for the duration of the development.

Concern has been raised by representation regarding impact on neighbouring trees (No. 32 Wellsway). In this respect the Arboricultural Officer notes that the trunk diameters of the offsite trees have been estimated. The owner of the Copper Beech has submitted the measurement for the circumference of the Copper Beech as 87cm which equates to a diameter of approximately 28cm. The tree survey therefore produces a larger root protection area calculation. Based on the submitted sections the proposal appears to require considerable earth works which will extend beyond the footprint of the building. The Arboricultural Officer is not convinced that this and the full extent of construction activities has been adequately taken into account and notes that the drawing titled Proposed Tree Protection Measures (drawing number D163-122A) shows the position of the fencing during development but does not take into account the demolition phase. The current structure is timber, however, the floor construction is unknown and may involve the breaking up of concrete. The arboricultural method statement and tree protection plan require amendment to incorporate the demolition of the existing building. This can be conditioned and it is recommend that the full extent of working space and excavation required is also reviewed with the appointed contractor. The submissions do not provide details relating to services such as surface/drinking/foul water management and electricity provision. These potentially require trenching so require arboricultural input during design stage.

Taking account of the above and on balance the proposed development is not expected to have any adverse impact on any tree which has significant visual or amenity value. Subject to conditions the proposal accords with policy NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 15 of the NPPF.

CONCLUSION

There is no objection to the proposal on highways, residential, ecology or arboricultural grounds, subject to conditions. By contrast and as set out in this report, harm to the green belt, landscape, designated heritage assets and character/appearance of the area has been identified.

The comments of the third parties have been noted, but the proposal is not considered to constitute a sympathetic addition to the site or an appropriate design response given the sensitive historic and landscape context.

On balance, and for the reasons outlined above, the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed two storey building is of a size, design, scale and massing that would result in an obtrusive and dominant structure. In addition, the proposed vehicular access, due to its extent, location and associated side retaining walls and rear boundary layout/means of landscaping would appear inappropriate, intrusive and out of place. As such the proposal would fail to maintain or enhance the local character, distinctiveness or landscape. This would be contrary to Policies CP6 and CP7 of the adopted Core Strategy (2014), Policies D1, D2, D3, D4 D5, NE2 and NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions of the NPPF (2019).

2 The proposed two storey building and associated works, due to their size, scale, massing, location and design would result in an obtrusive, dominant and discordant addition to the site that would harm the significance of the designated heritage assets and fail to preserve or enhance the character or appearance of the conservation area and the special interest of the listed building and its setting. There are no public benefits to the proposal that would outweigh the harm. This would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CP6 of the adopted Core Strategy (2014), Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017), the provisions of the NPPF (2019) and guidance from Historic England.

3 The proposed development which is located within the green belt would introduce a disproportionately large two storey building to an area that is essentially open and rural in character. As such the development would appear materially larger than the existing building and therefore represent inappropriate development in the green belt that would harm its openness. 'Very special circumstances' in support of the application have not been submitted for consideration. The proposal would, therefore, be contrary to Policy CP8 of the adopted Core Strategy (2014), Policy GB1 of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions of the NPPF (2019).

PLANS LIST:

This decision relates to the following drawings and document;

Date: 27.12.2018 Drwg. No. D163 02E Drwg. title: Existing site plan
Date: 27.12.2018 Drwg. No. D163 12E Drwg. title: Proposed site plan
Date: 27.12.2018 Drwg. No. D163 120A Drwg. title: Tree Survey
Date: 27.12.2018 Drwg. No. D163 122A Drwg. title: Tree protection measures
Date: 27.12.2018 Drwg. No. D163 13D Drwg. title: Proposed site sections
Date: 27.12.2018 Drwg. No. D163 14F Drwg. title: Proposed floor plans
Date: 27.12.2018 Drwg. No. D163 15C Drwg. title: Proposed elevations and section DD
Date: 27.12.2018 Drwg. No. D163 3C Drwg. title: Existing site sections
Date: 27.12.2018 Drwg. No. D163 4A Drwg. title: Existing garden building floor plan and elevations
Date: 27.12.2018 Drwg. No. D163 01 REV B Drwg. title: Location and site plan

Date: 27.12.2018 Document title: Bat Surveys Report
Date: 27.12.2018 Document title: Bat Surveys Report
Date: 27.12.2018 Document title: Tree Survey

Community Infrastructure Levy

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.