

BATH AND NORTH EAST SOMERSET COUNCIL

DEVELOPMENT CONTROL COMMITTEE

18th May 2011

DECISIONS

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
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	

DECISION PERMIT with the following 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.

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.

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
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

DECISION Authorise the Development Manager to PERMIT with the following 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 access, parking and turning areas shall be 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.

3 Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5m from the carriageway edge.

Reason: In the interests of highway safety.

4 The existing vehicular access shall be closed, its use permanently abandoned and the hedge reinstated concurrently with the provision of the new access hereby approved being first brought into use, 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.

5 All soft landscape works shall be carried out in accordance with the approved details as illustrated on the block plan date stamped 26th January 2011. The works shall be carried out prior to the development being brought into use or in accordance with a programme agreed in writing with the Local Planning Authority. If the hedge indicated on the approved scheme, within a period of five years from the date of the development being completed, die, is removed or becomes seriously damaged or diseased shall be replaced during the next planting season with planting of a species and size to be first approved in writing by the Local Planning Authority.

Reason: To ensure that the rural character of the area is safeguarded.

6 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: Drawing PG01, PG02 date stamped 26th January 2011.

Reasons for granting approval:

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A. Bath and North East Somerset Local Plan (including minerals and wastes) adopted October, D2, D4, NE1, GB1, GB2, T24

2. The proposal is considered to be inappropriate development in the Green Belt. However, the development is considered to provide a safer access, with greater visibility than the existing access. Further, the development will allow access for Little Meadow and for the pasture land, meaning only one vehicular access point is required. These are considered to be very special circumstances which outweigh the harm by reason of its inappropriateness.

Informative:

The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a Licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

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
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	

DECISION Authorise the Development Manager to PERMIT with the following condition:

1 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 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.

REASONS FOR GRANTING APPROVAL

1. The dormer windows does not dominate the roofslope and reflects the pattern of the existing street scene, thus not have a detrimental effect on the wider street scene. There is no impact on residential amenity.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

D.2, D.4 and BH.1 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

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
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	

DECISION PERMIT with the following 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) and fencing details (date received 19/05/11) 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 internal floor levels of the two-storey dwelling shall be constructed in relation to the existing topography and as shown on Drawing No 288/P/03 and shall be retained as such.

Reason: To safeguard the privacy of the residents of adjoining properties.

15 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 date received 04/04/11, Landscaping update date received 19/05/11

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.

The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

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
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	

DECISION Authorise the Development Manager to PERMIT with the following 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 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

3 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 windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the first floor of the north elevation at any time unless a further planning permission has been granted.

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

4 The proposed first floor windows of the north elevation shall be non-opening and glazed with obscure glass and permanently retained as such.

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

5 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 plans: Drawing 1 and 3, and Site location plan and block plan on drawing 4, date stamped 15th February 2011, Drawing 5, Untitled drawing (front and rear elevations) date stamped 18th April 2011.

Reason for approval:

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A. Bath and North East Somerset Local Plan (including minerals and wastes) adopted October, D2, D4, NE5, HG15, GB1, GB2

The development is not considered to be inappropriate development in the Green Belt. Given the size of plot, and the size of the neighbouring dwellings, the extension is considered to be a proportionate addition to the dwelling. There is not considered to be any significant harm to the openness of the Green Belt. The development is considered to enhance the appearance of the dwelling. Subject to conditions, the development is not considered to result in any harm to the residential amenity of the neighbouring occupiers.