

# Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **13th March 2024**

AGENDA  
ITEM  
NUMBER

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RESPONSIBLE OFFICER: Gary Collins – Head of Planning

TITLE: **APPLICATIONS FOR PLANNING PERMISSION – SITE VISIST AGENDA**

WARDS: ALL

BACKGROUND PAPERS:

## AN OPEN PUBLIC ITEM

### BACKGROUND PAPERS

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

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

### The following notes are for information only:-

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

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

## INDEX

| ITEM NO. | APPLICATION NO. & TARGET DATE:   | APPLICANTS NAME/SITE ADDRESS and PROPOSAL   | WARD:    | OFFICER:         | REC:                  |
|----------|----------------------------------|---|----------|------------------|-----------------------|
| 001      | 22/05081/FUL<br>15 March 2024    | Mr and Mrs Ian and Sian Millward<br>53 Rockliffe Road, Bathwick, Bath, Bath<br>And North East Somerset, BA2 6QW<br>Erection of a three-bedroom dwelling<br>with associated landscaping and car<br>parking (Resubmission).   | Bathwick | Isabel<br>Daone  | Delegate to<br>PERMIT |
| 002      | 23/00537/FUL<br>16 February 2024 | Mrs D Johnson<br>14 Woodland Grove, Claverton Down,<br>Bath, Bath And North East Somerset,<br>BA2 7AT<br>Erection of first floor extension over<br>existing single-storey accommodation<br>with ground floor entrance lobby | Bathwick | Paige<br>Moseley | PERMIT                |

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

**Item No:** 001  
**Application No:** 22/05081/FUL  
**Site Location:** 53 Rockcliffe Road Bathwick Bath Bath And North East Somerset BA2 6QW



**Ward:** Bathwick                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Manda Rigby      Councillor Toby Simon  
**Application Type:** Full Application  
**Proposal:** Erection of a three-bedroom dwelling with associated landscaping and car parking (Resubmission).  
**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Ecological Networks Policy NE5, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,  
**Applicant:** Mr and Mrs Ian and Sian Millward  
**Expiry Date:** 15th March 2024  
**Case Officer:** Isabel Daone  
To view the case click on the link [here](#).

## **REPORT**

Reason for Committee:

In accordance with the Council's Planning Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee following a call in request from the Ward Councillor for Bathwick. Both the Chair and Vice Chair consider that the application should be debated and decided by Planning Committee.

The application site relates to a plot of backland, brownfield land within Bathwick ward. The site is in the Conservation Area, World Heritage Site and Flood Zone 3. Planning permission is sought for the erection of a three-bedroom dwelling, with landscaping and parking.

Relevant Planning History:

99/01097/FUL

REFUSED - 31 January 2000

Change of use to a builders yard 01/02648/FUL

REFUSED - 5 March 2002

Change of use to builders storage yard with revised access on land to the rear of 55-62

02/00909/FUL

REFUSED - 26 July 2002

Change of use to builders storage yard with revised access (Resubmission)

17/03178/FUL

PERMIT - 8 September 2017

Change of use from derelict land to garden to the land rear of 53 Rockliffe. Demolition of derelict sheds, dismantling of piles of rubble and removal/maintenance of existing walls. Creation of car parking area adjacent to Forester Avenue.

17/05066/COND

SPLIT DECISION - 5 December 2017

Discharge of conditions 4, 5, 6, 7 and 9 of application 17/03178/FUL (Change of use from derelict land to garden to the land rear of 53 Rockliffe. Demolition of derelict sheds, dismantling of piles of rubble and removal/maintenance of existing walls. Creation of car parking area adjacent to Forester Avenue)

20/03652/FUL

REFUSED - 1 July 2021

Erection of a three-bedroom dwelling with associated landscaping and car parking.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

Councillor Manda Rigby:

This is a controversial application which touches on planning material matters and is finely balanced. For that reason, I believe it should be heard at committee so please consider this a formal call in request.

**HIGHWAYS:**

No objection subject to conditions

**ENVIRONMENT AGENCY:**

30th January 2023 - In the absence of an acceptable Flood Risk Assessment we object to this application, as submitted, and recommend that planning permission is refused.

3rd March 2023 - withdraw our objection and recommend conditions if granted.

**DRAINAGE AND FLOODING:**

7th February 2023 - Scope for revision

22nd February 2023 - Scope for revision

3rd January 2024 - Drainage design is acceptable in principle, need to see evidence from Wessex Water that they are happy with the discharge rate.

**ECOLOGY:**

23rd February 2023 - Object

11th October 2023 - Previous comments have been addressed in regard to off-site BNG. Preference for external lighting strategy to be secured prior to consent

**ARBORICULTURE:**

14th March 2023 - Object

1st June 2023 - Object

17th August 2023 - Object

**PARKS AND GREEN SPACES:**

20th December 2023 - No objection subject to conditions

**CONSERVATION:**

28th September 2023 - No objection, subject to conditions

## Representations Received :

The application has received 55 objection comments, 8 support comments and 2 general comments. The main matters raised are summarised below, and the full comments can be viewed on the Council's website.

## Objections:

- Overlooking concerns
- East elevation window will cause overlooking to nos. 54, 55 and 56 Rockcliffe Road
- Detrimental impact on outlook
- Lack of privacy
- Loss of biodiversity in the area
- Over development of the site
- Dominant building
- Not in keeping with the locality
- Dense grain of development bordering the site
- Additional traffic
- Highway safety concerns
- Waste management - not in accordance with Building Regulations
- Additional pollution
- Additional noise
- Minimal space for tree planting, for screening
- Inappropriate siting and scale
- Loss to tree planting in the Conservation Area
- Undermines coherence of the conservation area
- Contrary to policies D1-D6, HE1, NE2 and NE3
- Flood risk issues
- North facing garden will not allow native plant species to grow
- Design does not consider the local Edwardian/Victorian character
- Impact to wildlife
- Previous permission for a garden has not been carried out
- Increased footprint compared to previous applications
- BNG baseline is incorrect
- Fire service not consulted
- Property values in the area will drop
- No public benefit
- Increased hardstanding
- Increased flood risk
- No BNG matrix has been submitted
- Unilateral Undertaking to secure replacement trees is unacceptable
- Building works would cause disruption

## Comments:

- Archaeological finds in the locality - a watching brief condition should be attached to any consent
- Handsome contemporary addition to the area
- Design quality
- Concerns regarding parking - too much parking proposed
- Too much hard landscaping as a result of parking

Support:

- Eco friendly design
- Good use of neglected land
- Improve the site
- Enhance the area
- Plans and elevations are proportionate and appropriate
- In keeping with the surrounding buildings
- Additional housing in the centre of Bath
- Well-designed
- Sufficient space for the proposed home
- Enhance the Bath Conservation Area
- Low profile with sedum roof blends in

**POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- o Made Neighbourhood Plans

**CORE STRATEGY:**

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

- B4: The World Heritage Site and its Setting
- CP5: Flood Risk Management
- CP6: Environmental Quality
- 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:

- B1: Bath Spatial Strategy
- BD1: Bath Design Policy
- D1: General urban design principles
- D2: Local character and distinctiveness
- D3: Urban fabric
- D4: Streets and spaces
- D6: Amenity
- D7: Infill and backland development
- HE1: Historic environment
- LCR9: Increasing the provision of local food growing

SCR5: Water efficiency  
SU1: Sustainable drainage policy

#### LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy  
CP7: Green infrastructure  
D5: Building design  
D8: Lighting  
NE1: Development and green infrastructure  
NE3: Sites, species, and habitats  
NE3a: Biodiversity Net Gain  
NE5: Ecological networks  
NE6: Trees and woodland conservation  
SCR6: Sustainable Construction Policy for New Build Residential Development  
ST7: Transport requirements for managing development

#### SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

Planning Obligations Supplementary Planning Document (January 2023)

#### NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

#### CONSERVATION AREAS:

In addition, 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.



### LOW CARBON AND SUSTAINABLE CREDENTIALS:

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

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### OFFICER ASSESSMENT

The main issues to consider are:

1. Planning history
2. Principle of development
3. Design and character
4. Heritage
5. Residential amenity
6. Highway safety and parking
7. Ecology
8. Trees
9. Drainage and flooding
10. Sustainable construction
11. Planning obligations
12. Public sector equality duty
13. Other matters

### PLANNING HISTORY:

In 2017, permission was granted to change the use of the derelict land (the site) to garden land. As part of this permission, trees were proposed for removal. These were subsequently removed, and replacement tree planting was secured by way of a condition for a soft landscaping scheme. However, the development has not been completed, the landscaping works have not been undertaken and the site remains derelict, though cleared of vegetation. However, it should be noted that the removal of these trees does not represent a breach of planning control, as this did form part of the 2017 permission.

In 2020, planning permission was refused for the erection of a dwelling on the site. The scheme was refused for the following reason:

"The proposal represents over-development and does not respond to the local context in terms of height, massing, siting, spacing, layout and design. Due to the cramped nature of the plot, there is considered to be a significant over-looking, loss of privacy and an over-bearing impact for future occupiers of the proposed dwelling and surrounding neighbours.

The proposal is therefore considered contrary to Policies D2, D3, D4, D5, D6 and HE1 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2019)."

This application seeks to overcome this reason for refusal.

#### PRINCIPLE OF DEVELOPMENT:

The application site is located within the built-up, urban area of Bath where the principle of residential development is acceptable, subject to other material planning considerations.

#### DESIGN, CHARACTER, AND APPEARANCE:

The application site consists of a plot of vacant land which is surrounded by development on three sides. It is accessed from Forester Lane. Adjacent to the northern boundary is a flatted development known as Rochfort Court, to the east are the rear gardens of Rockliffe Road and to the south are the gardens of 55-62 Forester Avenue.

The terraced dwellings form the predominant character for the site, given that it is the rear gardens of these that border it. A number of these have been altered and feature extensions and dormer windows. Bath stone and re-constituted Bath stone feature heavily in the locality, as well as rubble stone on the terraced properties to the east.

The previous application was refused on design grounds, in regard to the building's height, scale, massing, spacing and layout which was considered to be cramped. A number of third parties have raised concerns and objections in regard to the design of the proposals, the perceived overdevelopment of the plot and the perceived lack of response to the character of the locality.

The proposed layout of the scheme has evolved since the previous proposal. A fairly long access is proposed which runs from Forester Avenue to the dwelling. The dwelling itself has been re-orientated by 90 degrees in comparison to the refused scheme, resulting in a relatively long and narrow dwelling, with the long elevations north-south. This provides the opportunity for a northern and courtyard garden, which although small, provide some defensible space around the dwelling and gives separation between the building and the boundaries of the site. Whilst the footprint of the dwelling has increased since the previous scheme, the re-orientation and form of the dwelling in layout terms is now considered to be acceptable and responds to the shape of the plot.

The site is in a backland location, and therefore policy D7 is relevant, as well as the other design related policies within the development plan.

Policy D7 states that backland development could be supported where:

- a. It is not contrary to the character of the area;
- b. It is well related and not inappropriate in height, scale, mass, and form to the frontage buildings;
- c. There is no adverse impact to the character and appearance, safety, or amenity of the frontage development; and
- d. It is not harmful to residential amenity as outlined in policy D6.

Matters pertaining to residential amenity will be assessed later in this report.

In relation to point (a), a number of third parties have commented that the development would be contrary to the character of the area. As noted above, there are a range of different buildings in the locality, but the site is predominantly characterised by the terraced dwellings to the east and south. The building design is inherently different to the previous refused scheme which took a more traditional approach to the form of the building. The current scheme proposes a contemporary building, with a flat roof hosting solar PV. The design follows a cubic architectural approach, with the main living area of the dwelling being raised above ground level, with an undercroft for parking. This is a design response to the location of the site within the flood zone. The majority of the dwelling is on this second level, with a small protrusion above hosting the third bedroom.

The design of the dwelling is different to the traditional terraced dwellings and blocks of flats in the locality. However, it does take some design queues such as the flat roof which is echoed by the flats to the north, and the use of materials which utilise rubble and Bath stone. The height of the proposed dwelling is such that it sits below the roof heights of the surrounding properties. Given the site is in a backland location, surrounded by built form, the contemporary approach to the design is not considered to be inappropriate. The reduction in the height, use of materials reflective of the area and flat roof which responds to the flats behind is considered to be acceptable and therefore, officers conclude that the design is not contrary to the character of the area and criterion (a) of D7 can be said to be met, as well as policy D2 which relates to local character and distinctiveness.

Criterion (b) of D7 requires that the proposed development be well-related and not inappropriate in height, scale, mass, and form to the frontage buildings.

The frontage buildings are considered to be those which are located along Forester Avenue, but those on Rockcliffe Road must also be considered given the relationship that they have with the development site. The dwelling is around 2m lower than the dwellings which front onto Forester Avenue, when measuring to the highest point to the building (the roof above bedroom 3). The main bulk of the building is lower than this, around 4m, below the ridges of the buildings on Forester Avenue. The same is true for the buildings which front onto Rockcliffe Road. This has the advantage of obscuring views of the dwelling from the surrounding streets. Whilst the footprint of the building is larger than the surrounding terraces, the reduction in height is considered to reduce the potential for the building to appear overly large in comparison to these dwellings. The massing of the building has been re-arranged since the refused scheme, and now sits more appropriately within the plot, with some subservience to the surrounding dwellings. The comments in relation to the inappropriate scale and massing of the building, as well as the proposal being an overdevelopment of the plot have been considered. However, given the development of the scheme since the refusal, it is now considered that the proposed building sits well within the plot and responds to the surrounding dwellings, with a degree of subservience. Officers therefore consider that criterion (b) of D7 is met.

In accordance with criterion (c), the development must not have an adverse impact to the character and appearance of the frontage developments. As above, the reduction in height and use of materials and overall form are considered to respond to the surrounding

developments, albeit with a contemporary approach. Criterion (c) is met with regard to character and appearance.

The lack of windows on the north and south elevations has been raised as concern; these have been excluded to avoid overlooking into the neighbouring gardens. Whilst blank facades can result in poor design, these elevations are well articulated by way of the building form to provide design interest without the need for windows which is an acceptable design solution.

Overall, it is therefore considered that the development represents a high quality, well-designed scheme which responds to the local context and is sympathetic to the frontage buildings. The development is considered to accord with policies D1, D2 and D3 of the Placemaking Plan and policy D5 of the Local Plan Partial Update.

#### HERITAGE:

The application site is located within the Bath Conservation Area and two World Heritage Sites (The City of Bath and Great Spa Towns of Europe). Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting. 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 Draft Conservation Area Character Appraisal for Bathwick highlights that the site, as well as surrounding open spaces, provides a positive green space within the Bathwick area. This is a draft appraisal and appropriate weighting to this document is given accordingly.

It is noted that the site has previously been granted planning permission for the change of use to garden land, which gives it a C3 residential use. Its use as garden land would result in it being a green space, but also serves to demonstrate that the Council have accepted the principle of the site being used with a residential function. Conditions were placed on the 2017 scheme to ensure that the site retained its character as a green corridor, however this would not prevent residential paraphernalia (such as barbeque, seating, trampoline's etc., being positioned on this land which would change its character somewhat. It should also be noted that this site is not designated as a local open green space.

Whilst the loss of the open space could be construed as detrimental to the character of this part of the Conservation Area, its replacement with a high quality scheme is accepted in principle. The siting and orientation of the dwelling mean that an open quality is retained on site and although there are large areas of hardstanding, some greenery is proposed along the boundaries. Given the siting and location of the site, surrounded by development on three sides, the loss of the land as a green, open space is not considered to be a significant loss to the Conservation Area, particular given the principle of this land being C3 residential land has been accepted previously.

As explained the previous section of this report, the dwelling has an appropriate massing and material palette so as to respond and reflect the character of the locality. This has overcome the identified less than substantial harm that the previously refused scheme was considered to have caused. As such, the development is considered to preserve the

character of this part of the Conservation Area. It should also be noted that there is no objection from the Council's Conservation Officer.

Therefore, the development is considered to accord with policy HE1 of the Placemaking Plan.

#### RESIDENTIAL AMENITY:

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

A large proportion of the comments receive relate to residential amenity concerns. To summarise, these are:

- Noise during construction
- Noise from the development
- Overlooking
- Loss of privacy
- Loss of outlook
- Overbearing/overshadowing

#### Noise

Comments have been raised in regard to construction noise and the disturbance that this will cause to surrounding residents. The noise from construction will be temporary for this period and a construction management plan can be secured by condition, which will secure appropriate working hours in line with best practice guidelines.

In regard to noise from the residential development itself, the plot is surrounded on three sides by residential plots. It is not considered that the proposed dwelling will cause any noise over and above that which can be expected within a relatively high-density residential setting.

#### Overlooking and loss of privacy

Application 20/03652/FUL was refused on the basis of significant overlooking and loss of privacy to the surrounding neighbours, contrary to policy D6.

No windows are proposed on the north and south elevations, save a louvred window in the middle of the south elevation which forms the entrance way to the dwelling. The distance from this window to the rear elevations of the neighbouring dwellings is approximately 22m and around 2.3m to the boundary of the site with the rear gardens of Forester Avenue; the properties benefit from long gardens. This window serves an entrance porch, where movements will be more transient than those which serve primary living accommodation such as a living room. Additionally, louvres are proposed to obscure views both in and out of this window. It is not considered that this window would result in a significant loss of privacy to the neighbouring occupiers by way of overlooking.

The window on the west elevation, which is similarly louvred, faces away from dwellings and is acceptable. There is an inset balcony in front of the window screened to the north and south. This elevation faces towards the access drive to the property and landscaping surrounding the property concerned. Oblique views over adjoining properties are significantly restricted by the inset balcony.

A window has been proposed on the east elevation. This will be louvred up to a level of 1.7m above finished floor level. This window is around 6m from the boundary with the gardens of the properties on Rockliffe Road and around 26m from the rear elevations of the dwellings themselves. Whilst not adopted in B&NES and therefore given limited weight, guidance suggests that 21m is an acceptable back-to-back distance for two-storey dwellings. The louvre detail shows that these will prevent horizontal views below a height of 1.7m above finished floor level and these can be secured by condition. The amount of glazing above this height is fairly minimal and given the separation distances is not considered to be unacceptable. Whilst it is accepted that the development will introduce some additional overlooking into the gardens and properties of Rockliffe Road, given the mitigation measures and siting, this is not considered to be significant to a point which would result in a refusal of the application. There is intervisibility between the surrounding dwellings as existing, given their orientation to one another and to some degree this is to be expected in a built-up urban area.

#### Loss of outlook

As existing, the dwellings look out onto the undeveloped site. It is noted and accepted that this outlook will change as a result of the development and views from the properties will appear less open. The height of the dwelling has been reduced and it has been re-orientated since the refused scheme. This will help to reduce the impact on the outlook from the existing dwellings around the site. The separation distance between the dwellings by way of the long rear gardens is fairly significant. The orientation of Rochford Court helps to alleviate the issue from these dwellings. As such, it is not considered that there will be a significant loss of outlook from the surrounding properties.

#### Overbearing/overshadowing impacts

The proposed dwelling is lower than the surrounding dwellings and the three-storey element is fairly small. Whilst it is located relatively close to the boundaries, the form and scale of the dwellings is considered to mitigate significant levels of overbearing and overshadowing.

Overall, the re-design of the scheme has overcome the previous concerns in regard to residential amenity and the scheme now complies with policy D6 of the Placemaking Plan.

#### HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

Whilst comments from third parties in regard to an increase in traffic and pollution as a result of the development are noted, it is considered that the traffic generated from a single residential dwelling in a built-up, urban and accessible area is not likely to be significant.

## Access

The proposed block plan retains the existing point of access onto Forrester Avenue, and this is acceptable in principle. The access is currently gated at the boundary to the highway and a replacement gate is proposed, set away from the highway boundary. A new kerb is proposed around the boundary of the site and an appropriate highways agreement will need to be secured outside of the planning process to ensure the standard of the access and dropped kerb is suitable for this location.

The means of site access are acceptable.

## Car parking, cycle parking and EV charging

Two car parking spaces are proposed in the undercroft area. This exceeds the maximum standard of one space for a three-bedroom dwelling in Zone B (1.5 spaces, rounded down) as per the Transport and Developments Supplementary Planning Document (SPD).

In some instances, conditions will include the level of local accessibility which justifies a variation from the maximum parking standards. In this situation, where the site is located relatively close to the city centre, it is considered unlikely that the level of local accessibility would justify a departure from these maximum standards. Additionally, given that location of a residents parking zone within close proximity of the site, overspill parking should not occur.

However, the adopted SPD also clarifies that garages should not be counted as parking spaces in all locations, and in this case the parking proposed is an "end-to-end" undercroft arrangement. It is likely that the use of this area will be similar to the use of a garage, and the evidence within the SPD suggests a lower use of these spaces. There is also a need to ensure that vehicles can turn within the site and the proposed turning are should not be blocked by ad-hoc parking. On balance therefore, given the undercroft arrangement proposed and the need to ensure that vehicles can turn within the site, the parking levels are accepted in this case.

An electric vehicle charging point is proposed in the undercroft parking area. Given that building regulations require the provision of EV charging points for new-build residential dwellings, it is not considered that this needs to be secured by way of planning condition.

The plans show that 2no. cycle spaces will be provided. The Transport and Developments SPD requires the provision of 3no. cycle spaces. However, given that there is sufficient room to accommodate storage for 3no. cycles within the site, details of this can be secured by planning condition.

## Waste

A refuse storage area has been identified and the collection point at the entrance has been provided to allow for refuse collection from the adopted highway. Third parties have

raised that the distance that the bins need to be carried is not compliant with building regulations, however this is a separate process to planning and the applicant would need to get the correct consents in order to proceed with the build. It is not considered that a refusal reason on this basis is justified.

## ECOLOGY:

A number of third-party comments have raised matters pertaining to the loss of biodiversity on the site. These concerns have been considered as part of the application.

Planning permission was granted under application reference 17/03178/FUL for the change of use to garden land. Ecological commitments secured as part of Condition 3 of said permission were not implemented and the biodiversity value of the site has declined accordingly since. The originally submitted Ecological Impact Assessment (Tyler Grange, December 2022) does not recognize nor address this decline and instead provides a baseline condition of current post-clearance habitat. DEFRA guidance on Biodiversity Net Gain makes clear that the value of sites which have been cleared needs to be based on any information available; in this case there is a 2017 survey from Acorn Ecology.

In response to comments made by the Council's Ecologist in regard to the baseline habitat, a revised biodiversity net gain metric has been submitted. The loss of habitat, particularly scrub, means that there is a biodiversity loss on site when taking account of the baseline prior to the decline in biodiversity. The BNG metric has been adjusted and includes proposals for the off-site delivery of scrub habitat. The location for the off-site delivery is the Belmont Estate in North Somerset.

Whilst the off-site provision in a neighbouring Local Planning Authority area is not preferable but is considered to be acceptable. In this case the application proposes a BNG off-set at the Belmont Estate for 3.02 Biodiversity Units. Habitats required are mixed scrub and individual trees of habitats of a higher distinctiveness to meet the habitat trading rules. The metric has considered that the proposed off-set location is outside of the national character area and B&NES Local Authority area by applying the negative spatial risk multiplier. This has resulted in more units being required to be provided due to the off-set location.

A pre-commencement condition will be required to secure the following before development commences on site:

- Evidence that the relevant number of habitat units have been purchased;
- Evidence that the off-setting project has been legally approved;
- A plan showing the location/s and habitat boundaries for the proposed off-site; and
- Details to demonstrate when the project will commence.

The conclusions reached in relation to protected and notable species in the submitted ecological report are accepted. The Council's Ecologist has requested that an outline external lighting strategy to be submitted prior to determination to ensure that there is no significant light spill onto the River Avon. There is negligible risk of internal spill onto the River Avon corridor due to the design of the building. The application is for a single dwelling, within a site which is surrounded by built form. It is therefore considered that securing an outline strategy prior to determination is not proportionate to the scale of the



scheme and that this can be secured by way of planning condition. If any proposed lighting is deemed unacceptable, this can be revised at condition stage.

The comments in regard to the loss of biodiversity are acknowledged and have been assessed. The loss of biodiversity on the site is also acknowledged, however the baseline condition has been revised to take account for the condition of the site prior to 2017. Local and National planning policies allow for biodiversity net gain to be secured off-site and in line with policy, this has been proposed in this case. It is not considered that loss of biodiversity is a substantiated reason for refusal in this case.

Overall, subject to a condition securing BNG and lighting, the application is considered to now comply with policies NE3 and NE3a of the Local Plan Partial Update.

#### TREES:

There was an arboricultural objection from the Council's Arboricultural Officer to the 2017 scheme for the change of use to garden land as a result of the tree loss on the site. An arboricultural objection has been maintained on this basis. However, this was granted permission and the trees were removed with consent. Comments from third parties in relation to the tree loss are noted, however this was done with the necessary permissions.

There were conditions under the previous 2017 consent to ensure 14 replacement trees, but given that the development has not been completed, this has not been carried out. Given the footprint of the building, there is fairly limited opportunity on site for replacement tree planting.

In response to comments raised by the Council's Arboricultural Officer, a revised landscape plan has been submitted. Based on the original tree survey submitted in 2017, 24 replacement trees would be necessary to comply with the fixed number replacement system of the Planning Obligations Supplementary Planning Document. These cannot all be accommodated within the site. The revised landscape proposal incorporates 10 small tree species and 3 medium tree species which is realistic from an arboricultural perspective, given the space on the site.

11 offsite trees are required, and the Parks Team have accepted that these are planted in open ground and therefore, a contribution of £10,681 is required. The applicant has agreed to this, and it can be secured by way of a S106 agreement. The Arboricultural Officer has commented that the replacement planting locations could be some distance from the site which could result in decline and permanent loss of canopy cover within the Conservation Area. Whilst this is noted, the trees have been removed with consent under the previous scheme. Therefore, a contribution for off-site trees is acceptable in this case.

The onsite landscaping can be secured by way of condition.

#### DRAINAGE AND FLOODING:

The site is located within Flood Zone 3a on the Environment Agency Flood Map for Planning and is shown to be at high risk of fluvial flooding. Site specific flood data obtained from the Environment Agency indicates that in the event of the design flood, (1 in 100 years plus allowance for climate change), the entire site could be flooded. The site is

also shown to be at medium risk to pluvial flooding. It is at low risk to all other forms of flooding.

Proposals for residential development fall into the "more vulnerable category of flood risk classification. A revised Flood Risk Assessment, Sequential Test and Exceptions Test has been submitted with the application.

### Sequential Test

The applicant has provided two search areas; first a search of Bathwick ward and then a search of the wider city of Bath. Given the location of the site and the fact that much of Bathwick is within the Flood Zone it is considered that the area of search within the city limits is more appropriate.

Appendix 3 of the Planning Statement and Flood Risk Assessment (November 2023) presents the results of the search. The sites which are currently on the market are considered to be of an inappropriate scale to be comparable, are in unsustainable locations, already have planning permission or are also within the flood zone.

Having reviewed the search, officers agree with the search parameters and the assessment of the results and consider that the sequential test is, in this case, passed.

### Exceptions Test

The NPPF makes clear that in order for development to pass the exception test it should be demonstrated that:

- a) The development would provide wider sustainability benefits to the community to outweigh flood risk; and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

The applicant has put forward the following benefits in regard to criterion (a)

1. Approval of the plans therefore represents an opportunity to provide a bespoke, high-quality architect designed scheme which will assist in raising the quality of urban design in the local area;
2. The proposed development represents a sustainable use of an existing brownfield site, which currently has a detrimental impact upon visual amenity;
3. When compared to the current form of the application site, the application would not only serve to "preserve" but in a modest manner "enhance" what is significant about the character and appearance of the Bath Conservation Area;
4. Through the use of renewables and efficiency measures, the proposal would result in significant, above-average saving on residual emissions of approximately 66.42%. This is well in excess of the B&NES policy requirement of 19%.
5. Ecological enhancement and net gain
6. Improvements to site security, as a vacant site is a security risk.

The current state of the site is given limited weight, as well as point 4 above which quotes outdated carbon reduction percentages which are in reference to an older version of the

Council's Sustainable Construction policy. However, the scheme is compliant with the current adopted policy SCR6 in terms of sustainable construction. The proposal does make use of a brownfield site, within the urban area of Bath which is considered to be a sustainable location for such a dwelling. The dwelling also contributes to the housing supply within Bath and would preserve the character of the conservation area as above. The scheme is also of a high-quality design.

In this case, the exceptions test is considered to be passed.

The Environment Agency have removed their objection to the scheme. The Lead Local Flood Authority consider the drainage strategy acceptable in principle but have asked for proof of confirmation from Wessex Water that they will except the proposed discharge rates into their system. The applicant has agreed to a pre-commencement condition to secure proof of confirmation which given the scale of the scheme is considered to be proportionate.

#### SUSTAINABLE CONSTRUCTION:

Policy SCR6 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Residential Development. The policy requires new residential development to achieve zero operational emissions by reducing heat and power demand, then supplying all energy demand through on-site renewables. A sustainable construction checklist (SCC) is submitted with an application, evidencing that the prescribed standards have been met.

Policy SCR5 of the Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g., water butts). These matters can be secured by a relevant planning condition.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g., border planting, window boxes, vertical planting, raised beds etc.). The northern and courtyard gardens provide opportunities for local food growing within the site.

#### PLANNING OBLIGATIONS/ COMMUNITY INFRASTRUCTURE LEVY:

The site would generate additional residential floor space within the Bath city area and is subject to contributions via the Community Infrastructure Levy in line with the Planning Obligations SPD.

As above, a S106 will secure an financial contribution for off-site trees.

#### PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

#### **OTHER MATTERS:**

It has been raised that the proposed development would decrease property prices in the locality, however this is not a material planning consideration and is therefore not given weight in the planning assessment.

It has also been raised that the development does not appear to be in compliance with building regulations. Building regulations are a separate regulatory process to planning and the applicant will need to seek and gain the appropriate permissions at the correct times during the build process. This is not a reason to refuse planning permission.

A third-party has raised whether the fire service has been consulted on the application. Given the scale of the scheme, the service has not been consulted. The site is in an accessible location and there has been no objection from the highways department in regard to fire truck access.

#### **CONCLUSION:**

The comments of third parties have been noted and assessed as part of the application. The changes to the scheme are considered to have overcome the previous reasons for refusal and subject to conditions and a S106 to secure the off-site tree contributions, the application is recommended for permission.

#### **RECOMMENDATION**

Delegate to PERMIT

#### **CONDITIONS**

0 A). Authorise the Head of Legal and Democratic Services to complete a Legal Agreement to secure:

1. A financial contribution for off-site trees of £10, 681.

##### **1 Standard Time Limit (Compliance)**

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

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

## **2 Protecting Architectural Features (Pre-commencement)**

No development shall commence until detailed drawings identifying the boundary walls which are to be retained and the method by which these features will be safeguarded during the carrying out of the approved development have been submitted to and approved in writing by the Local Planning Authority. The approved protective measures shall be implemented and kept in place in accordance with the details as approved, for the duration of construction.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy HE1 of the Bath and North East Somerset Placemaking Plan.

## **3 Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Site compound arrangements;
7. Measures for the control of dust;

The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

## **4 Sewerage company confirmation (Pre-commencement)**

No development shall commence, except ground investigations, until written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network including point of connection and rate has been submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed surface water discharge, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, shall be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and

North East Somerset Core Strategy. This is a condition precedent because it is necessary to understand whether the discharge rates are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

### **5 Off Site Biodiversity Gain Proposals (Pre-commencement)**

No development shall commence until full details of a Biodiversity Gain Plan for delivery and monitoring of Biodiversity Net Gain, and a Habitat Management Plan have been submitted to and approved in writing by the Local Planning Authority. The Plans shall include details of on-site and off-site habitat delivery including off-site delivery of 3.02 biodiversity units for equivalent or higher distinctiveness habitat types. The Plans shall be in accordance with the approved Biodiversity Net Gain calculation and assessment and with current best practice guidelines and shall include the following:

1. up-to-date Biodiversity Net Gain habitat maps showing boundaries and locations for on-site and off-site proposed habitats and evidence that 3.02 biodiversity units have been purchased for off-site habitat delivery, and evidence that the off-set project has been legally approved.
2. Habitat Management Plan with long-term management and protection measures
3. Long term aims and objectives for habitats (extents, quality) and species.
4. Detailed management prescriptions and operations for newly created habitats; locations, timing, frequency, durations; methods; specialist expertise (if required), specialist tools/machinery or equipment and personnel as required to meet the stated aims and objectives.
5. An annual work schedule for at least a 30 year period.
6. A list of activities and operations that shall not take place and shall not be permitted within the Habitat Management Plan area (for example use of herbicides; disposing of grass cuttings / arisings in "compost" heaps on-site or in hedgerows (or other on-site waste disposal); routinely cutting ivy where there is no specific arboricultural justification; inappropriate maintenance methods; storage of materials; machine or vehicle access).
7. Detailed monitoring strategy and methods of measuring progress towards and achievement of stated objectives.
8. Details of proposed reporting to the Local Planning Authority and proposed review and remediation mechanism.
9. Proposed costs and resourcing, and legal responsibilities.

The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To secure off-site habitat provision in accordance with the approved biodiversity net gain report and metric and avoid a net loss of biodiversity, in accordance with policy NE3a of the Bath and North East Somerset Local Plan Partial Update.

### **6 Schedule of Repairs (Bespoke Trigger)**

Prior to repair works to the boundary wall being undertaken a detail schedule of repairs, including methods and materials to be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the first occupation of the dwelling.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy HE1 of the Bath and North East Somerset Placemaking Plan.

### **7 Materials - Submission of Materials Schedule (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

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

### **8 External Lighting (Bespoke Trigger)**

No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers, and heights;
2. Predicted lux levels and light spill on both the horizontal and vertical planes;
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Local Plan Partial Update.

### **9 Implementation of Landscaping Scheme (Bespoke Trigger)**

All hard and soft landscape works shall be carried out in accordance with the approved details, as shown on plan reference 290 PA01B, received 16th August 2023. The works shall be carried out prior to the occupation of any part of the development or in

accordance with the programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed, or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

#### **10 Contaminated Land - Unexpected Contamination (Bespoke trigger)**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework.

#### **11 Ecological Compliance Statement (Pre-occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by the ecologist) confirming and demonstrating, using photographs, adherence to and completion of the approved wildlife mitigation and enhancement measures and on-site habitat provision, in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the approved Wildlife Mitigation and Enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with policies NE3, NE5 and D5e of the Bath and North East Somerset Local Plan Partial Update.

#### **12 Bicycle Storage (Pre-occupation)**

No occupation of the development shall commence until secure, covered bicycle storage for at least 3no. bicycles has been provided in accordance with details which have been



submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

### **13 SCR6 Residential Properties (Pre-occupation)**

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Minor Residential Development:

1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)

Major (or larger) Residential Development:

1. Energy Summary Tool 2
2. Table 2.1 or 2.2 (if proposal has more than one dwelling type)

All Residential Development:

3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update.

### **14 Rainwater Harvesting (Pre-occupation)**

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g., Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

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

### **15 Water Efficiency (Compliance)**

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

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

#### **16 Wildlife Mitigation Scheme (Compliance)**

The development hereby approved shall be carried out only in accordance with the ecological mitigation and enhancement measures and biodiversity net gain habitat provision as detailed in Sections 3 and 4 of the approved Ecological Impact Assessment, rev F, dated 23 August 2023 by Tyler Grange and the approved biodiversity metric calculation. All such measures and provision shall be adhered to and retained thereafter in accordance with approved details and timescales for the purposes of wildlife conservation.

Reason: To avoid harm to the ecology including protected species and to avoid a net loss in biodiversity, in accordance with policies NE3 and NE3a of the Bath and North East Somerset Local Plan Partial Update.

#### **17 Finished Floor Levels (Compliance)**

The development hereby permitted shall be constructed with finished floor levels of the first floor set no lower than 23.70m AOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants, in accordance with policy CP5 of the Bath and North East Somerset Core Strategy.

#### **18 Removal of Permitted Development Rights - No Windows (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 north, east or west elevations; at any time unless a further planning permission has been granted.

Reason: To avoid significant overlooking toward the neighbouring occupiers, in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

#### **19 Removal of Permitted Development Rights - Obscure Glazing (Compliance)**

The bathroom window on the eastern facing elevation, as shown on plan reference 2145-VAL-XX-XX-DR-A-1931 P03, shall be obscurely glazed and non-opening and shall be permanently retained as such.

Reason: To avoid significant overlooking toward the neighbouring occupiers, in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

#### **20 Removal of Permitted Development Rights - No extensions or alterations (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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: Any extension to the dwelling has the potential to impact the character of the site and locality and therefore needs to be assessed by the Local Planning Authority, in accordance with policies HE1, D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and policy D5 of the Bath and North East Somerset Local Plan Partial Update.

### **21 Removal of Permitted Development Rights - No outbuildings (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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, unless a further planning permission has been granted by the Local Planning Authority.

Reason: To avoid structures being built which would impede flood routes in the interests of flood risk management and to ensure that any outbuilding appropriately reflects the character or the locality and the site, in accordance with policies HE1, D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and policy D5 of the Bath and North East Somerset Local Plan Partial Update.

### **22 Installation of Louvres (Pre-occupation/Compliance)**

Prior to the first occupation of the dwelling hereby approved, the Louvres as shown on drawing no. 2145-VAL-XX-XX-DR-A-1935 P01 shall be installed and shall be permanently retained thereafter.

Reason: To ensure that the privacy of the neighbouring occupiers is retained, in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

### **23 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

1 This decision relates to the following plans:

2145-VAL-XX-XX-A-DR-1930 P04. Proposed Elevations. Received 16th December 2022  
2145-VAL-XX-XX-DR-A-1911 P03. Proposed Block Plan. Received 11th May 2023  
2145-VAL-XX-XX-DR-A-1931 P03. Proposed Elevations. Received 11th May 2023  
2145-VAL-XX-XX-DR-A-1935 P01. Proposed Louvres. Received 11th May 2023  
2145-VAL-XX-XX-DR-A-1920 P04. Proposed Floor Plans. Received 11th May 2023  
290 PA 01 B. Proposed Garden Layout and Tree Replacement Plan. Received 16th August 2023

### **2 Permit/Consent Decision Making Statement**

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

### 3 Condition Categories

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

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

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

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

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

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

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

### 4 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

**Do not commence development** until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

### Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before commencing any** development on site. You must apply for any relief and have it approved in writing by the

Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto:cil@BATHNES.GOV.UK)

## **5 Civil or legal consents**

This permission does not convey or imply any civil or legal consents required to undertake the works.

## **6 Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

**Item No:** 002  
**Application No:** 23/00537/FUL  
**Site Location:** 14 Woodland Grove Claverton Down Bath Bath And North East Somerset BA2 7AT



**Ward:** Bathwick                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Manda Rigby      Councillor Toby Simon  
**Application Type:** Full Application  
**Proposal:** Erection of first floor extension over existing single-storey accommodation with ground floor entrance lobby  
**Constraints:** Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, SSSI - Impact Risk Zones,  
**Applicant:** Mrs D Johnson  
**Expiry Date:** 16th February 2024  
**Case Officer:** Paige Moseley  
To view the case click on the link [here](#).

## **REPORT**

### **REASON FOR REPORTING TO COMMITTEE:**

This application has been referred to the Chair of the Planning Committee in line with the scheme of delegation following a call-in request from Yuktेशwar Kumar who was Ward Councillor when the application was submitted and at the time of his request.

The Chair has decided that the application should be determined by committee and has made the following comments:

"I note the number of concerns and policy points raised by local residents. There is significant local interest in this application. I note that changes have been made by the applicant to address concerns. It is in the local public interest that the relevant policy issues are discussed and debated in public. The planning committee will wish to consider the design, the materials, the street scene, the amenity of neighbours, and all other relevant material considerations and to consider what planning conditions should apply if the application is approved."

### **DESCRIPTION AND PROPOSAL:**

14 Woodland Grove is a two-storey detached house with an attached single storey garage/extension which extends forwards of the main house, located within a residential cul-de-sac. The site is within the City of Bath World Heritage Site.

Permission is sought for the erection of an extension over the existing single-storey extension with a ground floor entrance lobby. The design of the scheme has been amended over the course of the application to reduce the footprint of the first storey extension, and amend materials and fenestration design

#### **Relevant Planning History:**

10/03870/FUL - PERMIT - 23 November 2010 - Elevational alterations and introduction Brises Soleil at ground level

16/00356/FUL - PERMIT - 30 March 2016 - Elevational alterations and introduction of Brises Soleil at ground level and installation of new side windows and doors. (Amendment of previously approved scheme)

16/01763/FUL - RF - 3 August 2016 - Erection of first floor extension over existing flat roof garage

16/04246/CLPU - RF - 2 November 2016 - Erection of a single storey rear extension (Certificate of lawfulness for a Proposed Development)

16/06178/CLPU - LAWFUL - 13 February 2017 - Erection of a single storey rear extension (Certificate of lawfulness for a Proposed Development)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Objection comments have been received from 11 neighbours.

### **Comments received on initial plans:**

#### Amenity -

- Proposal would create sense of enclosure, cramped and hemmed in impact to surrounding neighbours. The second storey would be overbearing and have oppressive effect on outlook of properties in The Avenue to the rear. Proposal will be 6m high and 2m from the fence line.
- Proposal would reduce sunlight to gardens at The Avenue as positioning of the extension is to the south and cause unacceptable overshadowing.
- New windows on second floor will be substantially closer to neighbouring houses than existing windows and will result in direct overlooking and loss of privacy to gardens and rear habitable rooms.
- Openable windows in north-west will result in mutual overlooking.
- Concerns about potential noise disruption cause by air source heat pump near boundary.
- Use of metal sheeting will be detrimental to neighbouring outlook.
- Proposal contrary to Local Plan Policy D6.

#### Character and Appearance -

- Claverton Down is a defined and distinctive area which the LPA has recognised in previous decisions.
- Other areas in the World Heritage Site which are not Georgian need to be recognised for their own style and contribution to the wider scene.
- Emphasis of building would change from horizontal to vertical.
- Solar panels will draw the eye. Solar panels would stand above the flat roof and add to perceived height. If approved, a condition should be attached requiring submission of full details of appearance.
- Proposal would undermine spatial characteristics of the area. Proposal is not appropriate to block and plot patterns of Woodland Grove and upsets the rhythm of garage/house/garage/house.
- BaNES Bath City-wide Character Appraisal defines the area as having low density development and open character. Open character includes primarily detached houses with low garage and open space between each house affording more distant views around the area. The proposal would close the space between houses which would impact the wider street scene.
- The footprint of the house has been extended already and the proposal would result in overdevelopment of the plot.
- Dimensions are not modest and does not sit comfortably with existing eaves height.
- Mass and bulk are excessive and does not have subordinate appearance. Size is disproportionate and would detract from the existing house and this part of Woodland Grove.
- The proposal fails to maintain an appropriate building line, contrary to policy D5 of Placemaking Plan.
- Projection perpendicular to house and in front of main house elevation would give extension greater visual prominence.
- Development does not respond positively to street context or urban morphology, does not respect locally characteristic architecture and proportions and does not reflect materials, colours and textures appropriate to the area.



- The proposal is contrary to policy B4 as it diminishes the character and appearance of the area within the World Heritage Site.
- Metal cladding would be out of character, has no local precedent and would be jarring in a residential setting. It would be contrary to policies D2 and D4 of the Placemaking Plan.
- Other properties have modern additions but these have been kept to the side and rear whereas this would project 6m forward of the front building line and have 2 storeys.
- The window form is at odds with the existing. Dimensions of glazing would result in unduly dominant design feature.
- Proposed extension would compete with the main house.
- Use of single material from ground level to roof level increases visual bulk. Stepping out of external floor does not mitigate issue and increase footprint of rooms on upper storey.
- Vastly different architectural style to Woodland Grove properties.
- Use of opaque glass, mesh and dark railings to front elevation is unsympathetic.
- Flat roof changes overall shape of house and is not appropriate for two-storey extension.
- This section of the building would no longer be seen as incidental.
- Proposal contrary to NPPF Section 12, Building for Life Section 6, National Design Guide Sections C1 and B2 and BaNES Local Plan Policies D1, D2, D4, D5 and CP6.

Other -

- Previous application on the site for a second storey above the garage was refused for being out of keeping with character due to size and bulk and overdevelopment and the same reasoning should be applied to this application.
- Bellfield which has been referred to as a precedent has a smaller bulk and appearance and does not extend forward of the main house.
- The application shows existing foliage and trees around the boundary but in reality there is little foliage above the fence line.
- The scale of the extension could lend itself to HMO use in future.
- Concern that the extension could be marketed as a separate property in future.
- An extra entrance to the extension would be superfluous.
- The Design and Access Statement does not include a Heritage Statement or detailed discussion on the significance of designated heritage assets of the World Heritage Site or setting of the conservation area.
- Should the application be approved a condition should restrict use of the flat roof as a terrace, prohibit subdivision of the house or installation of new stairs and ensure extension is only used for ancillary accommodation.
- Approval of application would be unfair to other householders who had wished for similar permissions and had them refused.
- Thermal performance could be enhanced without the extension and addition of an extra floor will create requirement for additional heating which will add to energy use.
- Similar proposals have previously been considered by the LPA and some refused and held up by the Planning Inspectorate.
- Proposal is over dominant on the plot, dominates adjoining homes and will dominate the public realm.
- Revised plans make largely cosmetic changes - there is a minimum reduction in overall scale of proposed building which still represents overmassing of the property and will have adverse impact on surrounding properties with reduction in privacy and light availability. Mixed cladding has an industrial appearance when viewed from properties on The Avenue.
- Massing - proposal will be much too large for the plot and out of keeping with the neighbourhood.

- Proposal shows no regard for adjacent neighbours, especially those in The Avenue who will be most affected.
- This iteration contains minimal first floor step back on south east elevation however this does not significantly reduce overall bulk and massing particularly considering large addition to overall footprint of the building, including two-storey boot room/ensuite area clad in dark metal finish, remains and is very close to property boundary.
- No step back provided on the other elevations which is significantly different to other approved local extensions.
- Enjoyment of relatively short garden will be overshadowed by two-storey building 2m from boundary.
- Only step-back in revisions has been to the frontage by 70cm which does nothing to reduce visual impact as a whole and no changes have been proposed to the other elevations.
- Plans refer to two different potential finishes for the ground floor storey.
- Other recent local planning permission requests have not received multiple objections from neighbours in contrast to this one, making it clear that many consider the proposed will result in overbearing development and detrimental impact on amenity and character of the surrounding area.
- Plot scale is important factor when considering overbearing development.
- Visualisation drawing does not match the elevation drawings and no attempt has been made to visualise rear elevations.
- South west elevation offers two different finishes for the lower floor and for the replacement cladding on the existing main house.
- Proposed solar panels are not illustrated and whether these will be sited on slanted framed adding yet more height.
- Mix of materials feels fussy and it is unclear what will be the final iteration.
- The proposal will result in unacceptable reducing of light to neighbouring properties on the north side and parts of the new floor will be very near the joint boundary.
- Proposal is direct contravention of Policy D2, D4 and D6 of the Placemaking Plan.
- Proposal fails to avoid harm to private amenity in terms of privacy, light, outlook and overlooking.
- Proposal fails to respect local context and street pattern and in particular the scale and proportions of surrounding buildings.
- Given height of proposed development, proposed windows on northwest elevation will look directly into neighbouring bedrooms and garden environment.
- Proposal is an overdevelopment on the plot, dominates adjoining homes and causes significant harm to the amenities of neighbours.
- The property's footprint and floor area has already been extended twice.
- No precedent for metal cladding as a walling material and has industrial appearance - unacceptable especially over two storeys.
- Incorporation of 3m by 5m long stone garden wall up to pavement boundary renders the maintenance of the existing boundary treatment in Woodland Grove null and void and creates a more imposing structure, negating the effect of any setback of the extension.
- Amendments are cosmetic tinkering only and do not address overriding consideration of upper storey being out of synchronisation with the articulation and boundary treatment of other properties in Woodland Grove.
- Concern that no dimensions are given on the drawings and alignment of floor and ceiling levels appear not to match between original house and proposed works which could lead to roof construction increasing flat roof and coping level, creating higher mass of building.

## Comments received on revised plans:

Further objections were received from contributors following the submitting of revised plans, many of which maintained previous objection points. Additional and reiterated issues raised are summarized below:

- Revisions not significant and still as odds with local public realm.
- Other previous nearby proposals have been refused or withdrawn due to overdevelopment, bulk and massing.
- Apart from one or two exceptions, most of the plots have been developed to meet their full potential under current planning regulations. It is these same regulations that have protected and maintained the area as a desirable place to live.
- The adjustments are of a modest nature and therefore original objections stand.
- Proposal virtually creates second house within the plot. It is suggested that if planners were minded to permit the application, a planning condition should prevent the separation of the house into two dwellings - though this is not an agreement that the arrangement would be acceptable.
- Thermal performance could be enhanced without the extension and addition of an extra floor will create requirement for additional heating which will add to energy use.
- Similar proposals have previously been considered by the LPA and some refused and held up by the Planning Inspectorate.
- Proposal is over dominant on the plot, dominates adjoining homes and will dominate the public realm.
- Revised plans make largely cosmetic changes - there is a minimum reduction in overall scale of proposed building which still represents overmassing of the property and will have adverse impact on surrounding properties with reduction in privacy and light availability. Mixed cladding has an industrial appearance when viewed from properties on The Avenue.
- Massing - proposal will be much too large for the plot and out of keeping with the neighbourhood.
- Proposal shows no regard for adjacent neighbours, especially those in The Avenue who will be most affected.
- This iteration contains minimal first floor step back on south east elevation however this does not significantly reduce overall bulk and massing particularly considering large addition to overall footprint of the building, including two-storey boot room/ensuite area clad in dark metal finish, remains and is very close to property boundary.
- No step back provided on the other elevations which is significantly different to other approved local extensions.
- Enjoyment of relatively short garden will be overshadowed by two-storey building 2m from boundary.
- Only step-back in revisions has been to the frontage by 70cm which does nothing to reduce visual impact as a whole and no changes have proposed to the other elevations.
- Plans refer to two different potential finishes for the ground floor storey.
- Other recent local planning permission requests have not received multiple objections from neighbours in contrast to this one, making it clear that many consider the proposed will result in overbearing development and detrimental impact on amenity and character of the surrounding area.
- Plot scale is important factor when considering overbearing development.
- Visualisation drawing does not match the elevation drawings and no attempt has been made to visualise rear elevations.

- South west elevation offers two different finishes for the lower floor and for the replacement cladding on the existing main house.
- Proposed solar panels are not illustrated and whether these will be sited on slanted framed adding yet more height.
- Mix of materials feels fussy and it is unclear what will be the final iteration.
- The proposal will result in unacceptable reducing of light to neighbouring properties on the north side and parts of the new floor will be very near the joint boundary.
- Proposal is direct contravention of Policy D2, D4 and D6 of the Placemaking Plan.
- Proposal fails to avoid harm to private amenity in terms of privacy, light, outlook and overlooking.
- Proposal fails to respect local context and street pattern and in particular the scale and proportions of surrounding buildings.
- Given height of proposed development, proposed windows on northwest elevation will look directly into neighbouring bedrooms and garden environment.
- Proposal is an overdevelopment on the plot, dominates adjoining homes and causes significant harm to the amenities of neighbours.
- The property's footprint and floor area has already been extended twice.
- No precedent for metal cladding as a walling material and has industrial appearance - unacceptable especially over two storeys.
- Incorporation of 3m by 5m long stone garden wall up to pavement boundary renders the maintenance of the existing boundary treatment in Woodland Grove null and void and creates a more imposing structure, negating the effect of any setback of the extension.
- Amendments are cosmetic tinkering only and do not address overriding consideration of upper storey being out of synchronisation with the articulation and boundary treatment of other properties in Woodland Grove.
- Concern that no dimensions are given on the drawings and alignment of floor and ceiling levels appear not to match between original house and proposed works which could lead to roof construction increasing flat roof and coping level, creating higher mass of building

## **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- o Made Neighbourhood Plans

### **CORE STRATEGY:**

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

B4: The World Heritage Site and its Setting  
 CP6: Environmental Quality

### **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  
D6: Amenity  
HE1: Historic environment

#### LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

D5: Building design  
ST7: Transport requirements for managing development

#### SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)  
The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

#### NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in December 2023 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

#### LOW CARBON AND SUSTAINABLE CREDENTIALS

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

#### **OFFICER ASSESSMENT**

##### PRINCIPLE OF DEVELOPMENT

The site is within the Housing Development boundary where the principle of development is acceptable subject to other material planning considerations discussed below.

## CHARACTER AND APPEARANCE

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

The proposed extension relates to the existing single story converted garage which lies perpendicular to and projects forward of the principal elevation of the main house. The proposed extension adds approximately 2.5m to the width of the footprint of the extension, extending towards the north east boundary, and will add a second storey to the extension to accommodate a bedroom and ensuite.

Concerns were raised during the course of the application regarding the massing and prominence of the extension and overall design, and its impact on the street scene and relation to local character in terms of a two-storey flat roof structure which is not typical of the area. The proposed design has undergone revisions to reduce the proposed footprint by 1m, so that the extension does not project so far forward of the main house. The proposed materials and window designs have also been amended to break up the visual weight. The ground floor front elevation will be rubble stone which will continue as a stone garden wall to the boundary. The second storey will then be natural timber batten and board cladding. The houses within the cul-de-sac have elements of timber cladding on the main elevations and this material will therefore be in-keeping with the local palette. A large window on the second storey will sit centrally and is inset with splayed window reveals to further break up the frontage. Two floor length narrow windows will be introduced to the ground floor. The second storey will also be stepped back from the front building line of the main house, with a lightwell over the ground floor, and large windows at both levels which make the link more lightweight, retained from the original plans. Overall, the revisions are considered to be a marked improvement over the original plans. The extension reads as an obviously contemporary addition and whilst not typical of the surrounding area, with the amendments and reduction of massing, the overall design is now considered to be acceptable to the street scene. Comments were received that raised that the 'South East Elevation as Proposed' drawing does not exactly match the proposal visualization drawing, however the visualization drawing is not scaled and is an illustrative aid only.

On the other elevations of the extension, the main bulk of the second storey will also be timber cladding, with the ground floor being either render or continuing timber. The final finish can be confirmed through a condition requiring a schedule of materials prior to commencement. The link is proposed to be finished in standing seam metal. Neighbours have objected to the view of the metal cladding from house to the rear of 14 Woodland Grove. This is an obviously contemporary material which is not typical of the area, however as it is contained to the rear, it is not considered that this would have a detrimental impact to the street scene. At the rear, it is acknowledged that this will be in contrast to the typical materials of the surrounding area, however, large windows break up

the link from the main house, and the main part of the extension with the lighter materials protrude beyond the link, so no single elevation will be solely standing seam metal.

Objections have been raised as to concerns over the incorporation of solar panels to the flat roof and possible additional height they may add. Although a zone for solar panels is indicated on the roof plan, solar panels are not included as part of this application and therefore do not form part of the assessment. Nevertheless, a roof parapet does form part of the proposal.

Objections have been raised over concerns of overdevelopment of the plot. It is acknowledged that the proposals result in quite a large addition, however, with the reduction in footprint of the second storey, and various step backs of the overall form and shape, it is considered that the extension is at an acceptable level of development.

The existing cladding on the main house is proposed to be replaced. Objection comments raised that the plans referred to replacement with either timber or metal, and comments were concerned that metal on this elevation would be detrimental to local character. The plans have since been revised to refer only to replacement with timber.

An objection has been raised regarding the proposed garden boundary wall and that it is out of keeping with current boundary treatments and create a more imposing structure. When measured from the plans, the wall will be approximately 2.3m high. Although more substantial than the current fence, it is well set back from the front boundary of the property and it is considered that this addition would not be dominate on the street scene.

It is therefore considered that the proposal is in accordance with policies CP6 of the Core Strategy, D1, D2, D3, and D5 of the Placemaking Plan and the aims of the NPPF.

## RESIDENTIAL AMENITY

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

It is not considered that any changes in terms of fenestrations to the ground floor would have a significant impact on neighbouring amenity given fencing around the boundary.

Objection comments have been raised as to concerns about reduction of privacy to neighboring dwellings resulting from the proposed second-storey extension. On the north-east elevation where the elevations of the extension would be closest to neighboring gardens and houses, obscure and non-opening glazing is proposed which can be secured by condition. To the south west elevation, a full-length window is proposed, however as this would overlook neighbouring driveways and the nearest windows of no.16 Woodland Grove are obscurely glazed, it is considered that it would be unlikely to result in a significant loss of privacy levels. On the north west elevation, three fairly narrow windows are proposed. Objections have been raised as they look towards windows of some houses to the rear. The closest windows in this direction have been measured as at least 17m away, and whilst it may result in some increased intervisibility, it is considered that this is an acceptable distance from neighbouring windows. The distance of the windows from the

rear garden boundaries ranges from approximately 6.5m to approximately 9.2m. Whilst this is fairly close, given the positioning of the houses in this cluster, there is already a degree of intervisibility between various rear facades and gardens, and it is therefore considered that it would not result in an unacceptable loss of privacy. The windows to the south east face onto the driveway of the application property and out onto the street and are therefore not considered to result in a loss of privacy to neighbours.

Concerns have been raised over the noise generated by a proposed air source heat pump (ASHP). The ASHP will be positioned no less than 3.3m away from the neighbouring boundary. In many cases, ASHPs can be installed on domestic premises under permitted development rights, which allow installation up to within 1m of adjacent boundaries, subject to other conditions. No details have been provided as to the appearance or size of the proposed ASHP however a domestic unit is unlikely to exceed the dimensions stipulated under permitted development rights. A compliance condition can be attached to ensure the ASHP meets MCS Planning Standards or equivalent standards, which considers noise levels.

Objections have been raised as to loss of light and overbearing impact to neighbouring properties. The properties most likely to be impacted by this are houses to the north of the extension in The Avenue, as the extension will sit closest to their gardens and lie to the south. The link section of the extension will be approximately 2.45m from the north boundary at its closest point, widening to approximately a 4.3 m gap due to the angle. The larger bulk of the extension will be approximately 3.85m from the north boundary at its closest point. The link has an approximately 4.2m depth from the main house and the main extension has a depth of approximately 6.9m, but is set approximately 2.4m behind the link when viewed from the north-east. The maximum height of the extension main extension due to sloping ground towards the north-west would be approximately 6.27m where the ground is lowest, and 5.6m where the ground is highest. The maximum height of the link would be approximately 5.9m where the ground is lowest, and 5.6m where the ground is highest. The nearest distance to neighbouring elevations at the rear is approximately 14.1m which is the corner of the main two-storey section. It is therefore acknowledged that there will likely be some increased overbearing impact, loss of light and overshadowing to neighbouring gardens to the rear due to the addition of the second storey, however not to a level which would warrant refusal of the application.

Although the closest points of the development are relatively close the boundary, it is the corners which lie within closest proximity and the elevation then angles away from the boundaries, increasing the space.

It is therefore considered that the proposal is within accordance with Policy D6 of the Placemaking Plan and the aims of the NPPF.

## IMPACT ON WORLD HERITAGE SITE

The proposed development is within two World Heritage Sites and therefore consideration must be given to the effect the proposal might have on the settings of these World Heritage Sites. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal



values of the wider World Heritage Site. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

## OTHER MATTERS

Objection comments refer to a previous application for a second storey extension which was refused due to the proposed size and bulk of the extension. Whilst regard has been given to this prior application and decision, the current scheme has been assessed on its own merits.

Objection comments have raised that no Heritage Statement has been provided within the Design and Access Statement. As the building is not listed, a heritage statement is not required, and due to the location, scale and nature of the development, additional heritage information was not considered to be necessary in this case.

Some concerns were raised in objection comments about the potential future subdivision of the property or use as an HMO. This kind of change is not proposed in the application and therefore cannot be assessed, however would require planning permission and if an application were put forward in future, any proposals of this nature would be assessed on its own merit.

Concerns were raised in the objection comments about the foliage depicted in submitted drawings not representing reality. The application has been assessed on the basis of acceptability if no foliage was present, as foliage (that is not a protected tree) can be removed at any time.

Concern has been raised as there are no dimensions given on the drawings. All elevation and plan drawings are scaled and can be measured from the plans. Building higher than the measurable height in the plans would be a breach of planning control and would be dealt with accordingly.

## CONCLUSION:

For the reasons outlined above, officer recommendation is to permit the application.

## RECOMMENDATION

PERMIT

## CONDITIONS

### 1 Standard Time Limit (Compliance)

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

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

## **2 Materials - Submission of Materials Schedule (Bespoke Trigger)**

Notwithstanding the details shown on the approved drawings, no construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

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

## **3 Obscure Glazing and Non-opening Window(s) (Compliance)**

The proposed second-storey windows on the north-east elevation as indicated on drawing '2107-P-133 REV B NORTH EAST ELEVATION AS PROPOSED' shall be obscurely glazed and non-opening. Thereafter the windows shall be permanently retained as such.

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

## **4 No Terrace/Balcony Use (Compliance)**

The flat roof area of the development hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area.

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

## **5 Air Source Heat Pump (Compliance)**

The proposed air source heat pump hereby approved shall comply with MCS 020 Planning Standards or equivalent for air source heat pumps (ASHPs).

Reason: To ensure the ASHP installed does not result in noise disturbance to local residents.

## **6 Plans List (Compliance)**

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

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

## **PLANS LIST:**

1 This decision relates to the following plans:

13 Dec 2023 2107-P-110 REV B GROUND FLOOR PLAN AS PROPOSED  
13 Dec 2023 2107-P-111 REV B FIRST FLOOR PLAN AS PROPOSED  
13 Dec 2023 2107-P-112 REV B ROOF PLAN AS PROPOSED  
13 Dec 2023 2107-P-132 REV B SOUTH EAST ELEVATION AS PROPOSED  
13 Dec 2023 2107-P-133 REV B NORTH EAST ELEVATION AS PROPOSED  
13 Dec 2023 S107/P/130/B NORTH WEST ELEVATION AS PROPOSED  
08 Jan 2024 2107-P-131 REV C SOUTH WEST ELEVATION AS PROPOSED

## **2 Permit/Consent Decision Making Statement**

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

## **3 Condition Categories**

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

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

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

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

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

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

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

#### **4 Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.