

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **8th February 2017**

AGENDA
ITEM
NUMBER

--

RESPONSIBLE OFFICER: Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)

TITLE: **SITE VISIT AGENDA**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

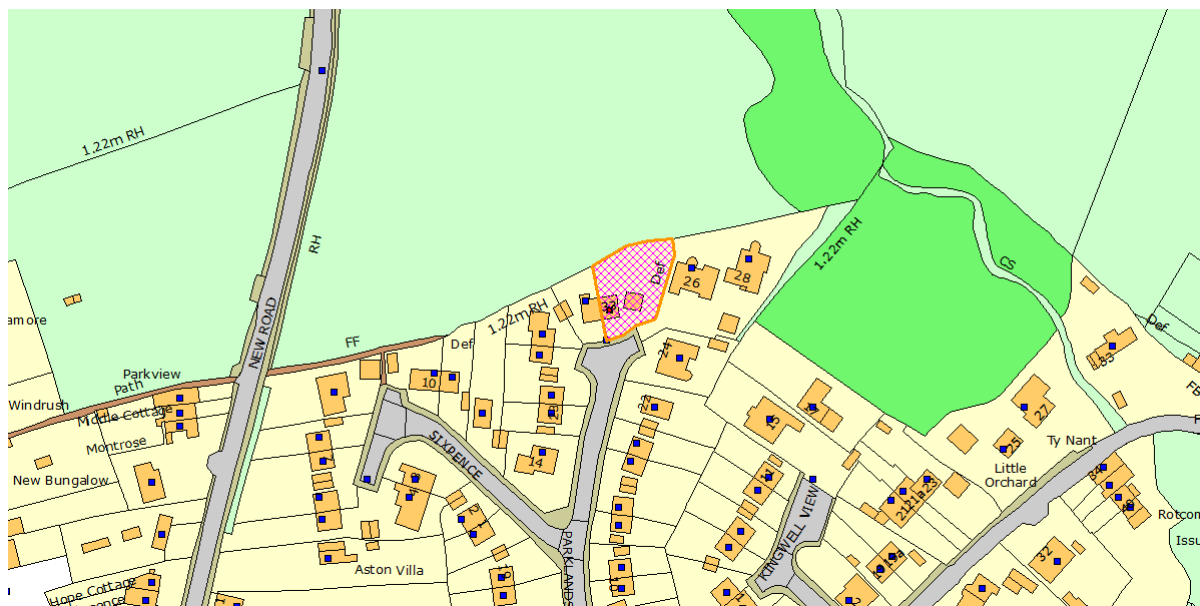
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	16/04535/FUL 20 January 2017	Mr Tiley 33 Parklands, High Littleton, Bristol, Bath And North East Somerset, BS39 6LB Erection of a dwelling following demolition of the outbuilding	High Littleton	Samantha Mason	PERMIT

REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 16/04535/FUL
Site Location: 33 Parklands High Littleton Bristol Bath And North East Somerset BS39 6LB



Ward: High Littleton

Parish: High Littleton

LB Grade: N/A

Ward Members:	Councillor L J Kew
Application Type:	Full Application
Proposal:	Erection of a dwelling following demolition of the outbuilding
Constraints:	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Housing Development Boundary, SSSI - Impact Risk Zones,
Applicant:	Mr Tiley
Expiry Date:	20th January 2017
Case Officer:	Samantha Mason

REPORT

Reasons for referring application to committee:

The Proposal has been brought to the committee by The Planning Committee Chair as both Parish Councils (High Littleton and Farmborough) have objected to the proposal and there have been 7 objections and it was considered that this application should be debated by members.

The Chair also considered it prudent to bring the application to the Committee in light of a recent appeal that was dismissed nearby at 9 Rotcombe Lane. This application was for a detached dwelling within the garden of number 9. The site was smaller and was located in a very prominent location being a corner plot.

The application was first discussed at the planning Committee held on the 11th January 2017 and was deferred in order for Members to undertake a site visit.

Site Description and proposal:

33 Parklands is a two storey semi-detached, 3 bed dwelling located on the northern edge of High Littleton. Parklands is a cul-de-sac with number 33 being located at the head. The site is within but forms the edge of High Littleton housing development boundary and is bound by development to either side of the property. The proposal site has fields to the rear and is adjacent to the Bath and Bristol Green Belt.

For clarification purposes it should be noted that the boundary between both High Littleton Parish Council and Farmborough Parish Council runs through the site parallel to the eastern boundary and adjacent to the eastern elevation of the existing garage building.

Number 33 has garden land to the rear and eastern side of the property, a double garage is currently located to the side of the property. The application proposes to demolish the existing double garage and erect a 4 bed dwelling within the garden of number 33. A double garage will form part of the development; one garage will be for number 33 and one for the proposed dwelling, a further two parking spaces are proposed to the front of the proposed dwelling.

Relevant Planning History:

No relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

High Littleton Parish Council: OBJECT

'Object in Principle to the above planning application due to overdevelopment.'

Farmborough Parish Council: OBJECT

1. The Parish Council considers the proposed building an over development of the site.
2. It is not possible from the application to determine the exact size of the proposed building.
3. The Parish Council considers the elevation of the proposed building and its outbuildings above the neighbouring property to provide an over bearing impact (Policy D2).'

Highways: No Objection. The revised plan now shows both garages to be of dimensions 3m by 6m, which would allow room for both parking a car and some domestic storage. There is also a parking space in front of each garage, and an additional space for the new dwelling on the shared driveway.

The site is located at a turning head, and this would be used to facilitate turning movements out of the driveway.

Having regard to the level of parking now proposed, I would have no objections subject to the following condition being attached to any permission granted:-

The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

Bristol Water: No response

Representations Received:

Seven representations have been received from neighbours in objection to the development. A summary of the responses are as follows:

- The proposal will result in overdevelopment of the site
- The proposal will cause loss of light to neighbours at number 26
- The location of the bin store is in close proximity to number 26 which is considered to effect their amenity.
- The properties in the road have experienced drainage issues and therefore this development could cause further issues.
- Local schools are full and a further family will not be able to get school places
- The development will result in overlooking of neighbouring properties and the street

- Parking is a problem along the street and the development will impact on highways safety, for example as children play in the road and emergency services will find it more difficult to access the street.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Bath and North East Somerset Core Strategy (July 2014)
- Saved policies from the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011)

Core Strategy:

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

SD1: Presumption in favour of sustainable development
DW1: District Wide Spatial Strategy
CP6: Environmental quality
CP8: Green Belt
CP10: Housing Mix

Local Plan:

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations
D.4: Townscape considerations
SC.1: Settlement Classification
HG.6: Residential development in the R.3 settlements
GB.2: Visual amenities of the Green Belt
T.24: General development and control and access policy
T.26: On-site parking and servicing provision

Placemaking Plan:

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D1: General Urban Design Principles
D2: Local Character and Distinctiveness
D3: Urban Fabric
D5: Building design
D6: Amenity
D.7 Infill and Backland Development
ST.1: Promoting Sustainable Travel

An application for the designation of High Littleton and Hallowtree neighbourhood plan area has been formally submitted by High Littleton Parish Council. At present this means that little weight is afforded to any draft policies that may be being prepared by the neighbourhood plan group.

The National Planning Policy Framework (NPPF) was published in March 2012 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

OFFICER ASSESSMENT

This application is seeking permission for the erection of a dwelling in the garden of number 33 following the demolition of an existing outbuilding.

33 Parklands is a two storey, semidetached, 3 bedroom dwelling, constructed around the 1970's.

The property is located at the end of a cul-de-sac. The housing estate consists of mainly 3 or 4 bed semi-detached and detached housing, together with a recent development of bungalows to the east of the site.

Principle of Development:

Core Strategy Policy RA1 explains that residential development within RA1 villages can be acceptable if it is within the housing development boundary and is of an appropriate scale and character and appearance.

High Littleton is defined as an RA1 village. The site is located within the housing development boundary of High Littleton and as such residential development is considered to be acceptable in principle, subject to other material considerations. In this case the main considerations now are the character and appearance of the development, the impact on residential amenity and highways safety.

Character and Appearance:

Saved Local Plan policy D.4 states that, development will only be permitted where it responds to the local context in terms of appearance, materials, siting, spacing and layout.

Parklands is a residential cul-de-sac defined by semi-detached 1970's buildings, a newer development of bungalows has more recently been constructed off of the turning circle of

the cul-de-sac. Properties on the western side of the street are set at a slightly higher level than the properties on the eastern side due to the topography and the bungalows are set down slightly further again.

Number 33 Parklands is set at the head of the turning circle of the cul-de-sac and the proposal will be built in place of the current detached garages to the east of number 33. Although the site will also be adjacent to the bungalow at number 26, due to the set down nature of this property and the other bungalows the proposal will have a greater relationship with the semi-detached dwellings and therefore has been designed to reflect this.

Number 33 is set in one of the most spacious plots on the street with the detached garages and large portion of the garden being set to the side of the property. It is considered that the division of this plot into two will be in keeping with the plot sizes of the majority of the semi-detached properties in the street. It is therefore not considered to constitute overdevelopment of the site.

Furthermore the original pattern of properties and detached garages has been interrupted, with some properties being extended to the side or garages being removed. As well as this some of the semi-detached properties have been altered with front porches and extensions so that there is no longer an identical street frontage along Parklands.

The proposal has been designed with the local vernacular in mind as well as residential amenity, therefore the front door is on the side of the property with the main windows being located on the front and rear elevation. As the street frontage is no longer entirely consistent it is not considered that the appearance of the front elevation of the property will significantly harm the character of the street.

After discussions with the agent the use of materials has been altered to properly reflect that of the street scene in order to allow for successful integration of the proposed dwelling. Therefore stone is now proposed to the front and side elevations with rendered panelling to the lower front elevation, this is consistent with the street scene. Stone is used for the lower half of the rear elevation and render to the top half; this is considered acceptable and will not be visible from the street scene. Roof materials will match those at number 33.

The proposal has been stepped back slightly from the front elevation of number 33, and is slightly forward of the front elevation of number 26, this is considered to give some visual relief and it is also noted that the existing building line of the street does vary. The siting of the proposal allows for a good amount of amenity space around the plot and maintains an acceptable separation distance from the bungalow at number 26.

The new garages proposed for number 33 and for the new dwelling will be attached and have been designed to match that of the existing double garages on the plot in terms of size and roof pitch; proposed materials are again stone and tiles to match the existing.

Although due to the topography the proposed dwelling will sit slightly lower than number 33 the proposal is of a similar height to number 33 at around 8m, albeit it will be slightly larger in width and length, however it is considered to fit on the plot comfortably and the size is therefore acceptable.

Overall therefore, due to the appropriate siting, scale and design of the proposed development and the existing situation, the development is not considered to result in any harm to the character and appearance of the locality in line with Saved Policy D.4. It is also considered that the proposal satisfies the policies of the draft Placemaking Plan that seek to protect the character of the area.

Residential Amenity:

Saved Local Plan policy D.2 states that development should not cause significant harm to the amenities of existing or proposed occupiers, by reason of loss of light, or increased overlooking, noise, smell, traffic or other disturbance. This is also reflected in Policy D.6 of the Placemaking Plan.

The proposal is situated between 33 Parklands and 26 Parklands at the head of the turning circle, the front of the property will look out to the road and slightly towards number 24 due to the angle of the street and the rear of the property looks out across fields. Therefore these three properties are considered to be the main properties that could potentially be affected by the proposal.

Two garages are proposed, one for number 33 and one for the new dwelling, the garages provided some distance between number 33 and the proposed property and therefore it is not considered that the proposal will have an overbearing or overshadowing impact on number 33 and a level of parking is retained for both properties, again limiting any effect on residential amenity. One side window is proposed that will face towards number 33, however this will provide limited opportunities for overlooking, and as there are no side windows at number 33 will not look into the property.

The proposed dwelling has been set away from neighbours at the bungalow, number 26. A gap of 4m is maintained between the front elevation of the proposed dwelling and the bungalow and this increases to a gap of approximately 8m between the rear elevation of the proposed and number 26. The proposal does not extend beyond the rear elevation of number 26. Therefore it is not considered that there will be a significant level of overshadowing due to the separation gap.

Any additional overshadowing that may occur will fall across the existing property which already experiences some overshadowing on the western side as it is set down into the land and has a high hedge to the side, the closest element of number 26 to the proposed property being the garage.

This, along with the sloping roof side facing number 26 instead of the gable end, will mean there is not an overbearing effect on number 26.

Again one small side window is proposed in the side elevation facing towards number 26 which is not considered to present an opportunity for significant increased overlooking.

The proposed property will look towards the road and is angled slightly towards number 24, it is accepted that a level of overlooking already exists in residential areas and can be expected at the front of properties and this will not be increased significantly by the proposal.

The storage of bins is indicated adjacent to the eastern boundary of the proposed dwelling. As this is a single residential unit it would be unreasonable for the Local Planning Authority to control where residents keep their bins within the curtilage and therefore this element is not considered as a reason for refusal.

Overall the proposal is not considered to have a detrimental impact on the amenity of the adjoining occupiers in terms of loss of privacy, a significant sense of enclosure or overshadowing of neighbouring properties that would warrant refusal. The proposal therefore satisfies saved policy D.4 of the Local Plan and Policy D.6 of the draft Placemaking Plan.

Highways and Parking:

The Highways Development Control Officer was consulted in October 2016 and requested further information on dimensions of the garages and level of parking to be provided. Following these comments the agent submitted revised plans and the Highways team were consulted.

The revised plan now shows both garages to be of dimensions 3m by 6m, which would allow room for both parking a car and some domestic storage. There is also a parking space in front of each garage, and an additional space for the new dwelling on the shared driveway.

The site is located at a turning head, and this would be used to facilitate turning movements out of the driveway.

Having regard to the level of parking now proposed, Highways DC would have no objections subject to a condition being attached to any permission granted that would see the parking and turning area being kept clear of obstruction and that it is only used for the parking of vehicles in connection with the development.

Drainage:

One objection was received stating that the street had previously experience drainage issues. However the site is not located within a critical drainage area and there is no reasons to believe that an additional dwelling will not be able to be accommodated in terms of drainage. Furthermore no objections have been received from Bristol Waters or Wessex Waters. Appropriate conditions will be attached to a decision that will ensure adequate drainage is achieved.

School Places:

One objection was received stating that the local school was full and not taking any additional pupils. One house is not deemed to affect provision of school places to the extent that it should be refused.

Conclusion:

The proposals accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy, the Bath and North East Somerset Local Plan and the emerging

Bath and North East Somerset Placemaking Plan and it is therefore recommended that permission be granted.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

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

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Ridge Height (Compliance)

The ridge line of the dwelling shall be a minimum of 1m below the ridge height of number 33 Parklands.

Reason: In the interests of the appearance of the development and the surrounding area, and the residential amenity of neighbours in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy

4 Parking (Compliance)

The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

5 Garages (Compliance)

The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy T.26 of the Bath and North East Somerset Local Plan.

6 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 installed at the dwelling hereby permitted at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

7 Removal of Permitted Development Rights - No roof extensions/enlargements (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 any part of any roof of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

8 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed window on the east elevation shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the residential amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

9 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:

14 Sep 2016 Site Location Plan
18 Nov 2016 001 A Proposed Dwelling

2 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 a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.