

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **4th July 2018**

AGENDA
ITEM
NUMBER

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

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

List of background papers relating to this report of the 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.

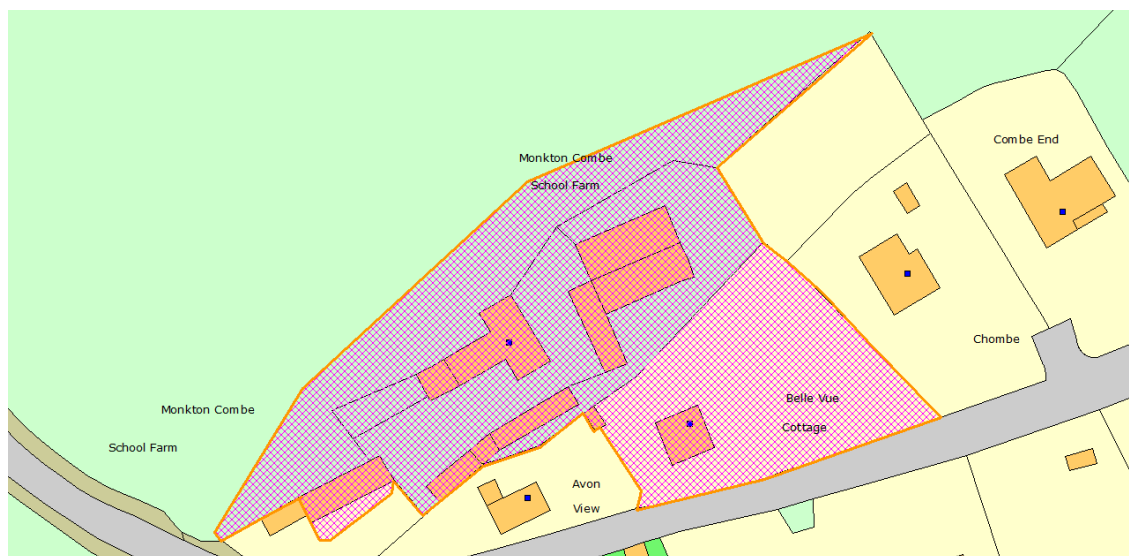
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	18/01851/FUL 21 June 2018	Mr S Roper Monkton Combe School Farm, Brassknocker Hill, Monkton Combe, Bath, Bath And North East Somerset Proposed erection of 2 dwellings following demolition of redundant agricultural buildings; alteration to existing dwelling; and associated access and comprehensive landscaping.	Bathavon South	Alice Barnes	REFUSE
02	18/00356/FUL 6 July 2018	Mrs Nikki McCarthy Curbar Edge , 2 Rowlands Close, Bathford, Bath, BA1 7TZ Roof change to create habitable space with 4 bedrooms incorporating rear dormer structure, front single storey extension and landscaping including engineering works to the rear garden.	Bathavon North	Alice Barnes	PERMIT
03	18/01187/FUL 15 June 2018	Mr Seya Burchill 7 Uplands Drive, Saltford, Bristol, Bath And North East Somerset, BS31 3JH Erection of new dwelling following demolition of existing dwelling.	Saltford	Rae Mepham	PERMIT
04	18/01669/FUL 5 July 2018	Hancock, Frayling and Maddison 42 Gainsborough Road, Keynsham, Bristol, Bath And North East Somerset, BS31 1LS Erection of 1no self-contained house adjacent to existing property	Keynsham East	Nikki Honan	PERMIT
05	18/01696/FUL 11 June 2018	Mr G Glass 60 Cranwells Park, Lower Weston, Bath, Bath And North East Somerset, BA1 2YE Erection of a two storey side extension (Resubmission).	Weston	Martin Almond	REFUSE

06	18/01448/REM 5 July 2018	Mr Colin Radforth Arundel, Church Lane, Bishop Sutton, Bristol, Bath And North East Somerset Removal of condition 2 of application 17/01983/FUL (Erection of single storey side and rear extensions, front dormer window and internal reconfiguration works to existing dwelling.)	Chew Valley South	Chloe Buckingham	PERMIT
07	18/01483/FUL 5 July 2018	Mr Christopher Moore Chapel Cottage, Clarendon Road, Widcombe, Bath, Bath And North East Somerset Change of use from 3bed residential dwelling (C3) to 3bed House of Multiple Occupation (C4)	Widcombe	Hayden Foster	PERMIT
08	18/01379/FUL 30 May 2018	Mr Alessandro Arossio 19 Rockcliffe Road, Bathwick, Bath, Bath And North East Somerset, BA2 6QN Erection of single storey extension to rear and side of property. Insertion of conservation rooflights in plane of roof to rear and side of property. (Revised proposal).	Walcot	Dominic Battrick	PERMIT

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

Item No: 01
Application No: 18/01851/FUL
Site Location: Monkton Combe School Farm Brassknocker Hill Monkton Combe
Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** Monkton Combe **LB Grade:** N/A

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: Proposed erection of 2 dwellings following demolition of redundant agricultural buildings; alteration to existing dwelling; and associated access and comprehensive landscaping.

Constraints: Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,

Applicant: Mr S Roper

Expiry Date: 21st June 2018

Case Officer: Alice Barnes

To view the case click on the link [here](#).

REPORT

Reason for calling the application to committee

The application has been called to committee at the request of Councillor Neil Butters for the following reason:

This is a complex case which has aroused a lot of public interest in the local area.

The application has been referred to the chair of the committee who has agreed that the application should be considered by the committee.

Description of site and application.

The application site is located to the east of Monkton Combe village. It is located outside of the Housing Development Boundary and within the Green Belt and Area of Outstanding Natural Beauty.

The existing site sits adjacent to Brassknocker Hill and Tollopes Hill. There is open farmland to the north, to the south and east are residential properties. The site has a rural character and sits outside of Monkton Combe Village. The site is occupied by a number of agricultural buildings which are not currently in use. The site is in separate ownership from the field to the north of the site.

This is an application for the proposed erection of 2 dwellings following demolition of the existing agricultural buildings. It is also proposed to extend the existing dwelling of Belle Vue Cottage. A new vehicle access is proposed to be provided to the site and the site will be landscaped.

Relevant History

There is no relevant history relating to this application

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: Trollopes Hill is an existing derestricted section of highway and it is proposed that vehicles will enter the carriageway via the existing access with Belle Vue Cottage. While visibility standards are not met, there are no reported accidents occurring on Trollopes Hill of vehicles while using the accesses, all of which have substandard visibility splays. While I have concerns about the intensification of use of the access, an Automated Traffic Count has been carried out in this location which shows that mean traffic speeds will meet the criteria for an implementation of a 20mph limit and therefore, with further engineering works at the Belle Vue access and Trollopes Hill (as shown in drawing 334-P100), the required visibility can be met on the proviso that a 20mph limit is introduced. This process would be part of Traffic Regulation Order which will require further public consultation and will require funding from the applicant and if successful appropriate signage will be implemented to the satisfaction of the Local Planning Authority.

The proposed site is outside of the Housing Development Boundary and therefore the policy suggests this site is unsustainable. However, as the site is approximately 240m from the nearest bus stop that is served by a regular bus (on the A36) and 350m from an off street cycle route leading to the centre of Bath, I believe that the site is sustainable and therefore will not be objecting to the proposals on these grounds. Additionally, a local shop is also located in close proximity.

Parking within the new development meets criteria as set out in Policy ST7 of the B&NES Placemaking Plan. However, due to the introduction of the new access to the proposed properties, Belle Vue Cottage will lose parking spaces. For a property of this size, it is recommended that 2 off street parking spaces are available.

Ecology: Object. An ecological report has been submitted which includes preliminary bat surveys of the buildings. Further bat surveys are required and the report states that these are to take place during May and June.

This information is therefore still awaited but will be needed prior to a consent. I hope to be able to withdraw my objection in due course when this issue is addressed.

Landscape: Because of the open nature of the fields to the north of the site clear and open views to the farm buildings are possible from Brassknocker Hill, and probably from public footpaths to the north west (PROW BA16/13), the north east (PROW BA16/12), and the south (PROW BA16/17). While the revised landscape and visual appraisal document shows that views from these footpaths are mostly filtered or screen it also demonstrates that there are views of the development site from certain points on some of these footpaths.

Furthermore it remains the case that the views contained within the submitted Landscape and visual Appraisal (Sightline Landscapes 26 April 2018) demonstrate that the cluster of farm buildings are prominent in views to the south from Brassknocker Hill. The same is probably true of the public rights of way. Within these views the farm buildings are more visually prominent than the nearby dwellings views of which are filtered and screen for the most part by mature trees and shrubs. As such the farm buildings underscore, support, promote and 'signpost' the rural, pastoral farming landscape and visual character of the area. As a consequence they are a significant and integral component of the landscape and visual character and quality of the AONB, the designated landscape setting of the settlement of Bath and the setting of the World Heritage Site.

I continue to consider that the farm buildings are an intrinsic part of and an important contributory factor to the scenic beauty of the Cotswolds AONB and therefore that their loss as a consequence of the development would be detrimental to the scenic beauty of the AONB. A change of use from farming to residential would both rid the AONB and views to the south of a fundamental element of their rural pastoral landscape and visual character it would also 'domesticate' and 'suburbanise' a landscape and visual character and views where farming use is obviously foregrounded and residential/transport uses are for the most part filtered and screened.

This pastoral, rural farming landscape and visual character is a key element of both the landscape setting of the settlement of Bath and the World Heritage site. I therefore continue to consider that the loss of the farm buildings and the construction of dwellings within the foreground would be likely to harm the setting of the World Heritage Site. It would not conserve or be likely to enhance the local landscape features, distinctiveness and views. Nor would this loss of physical and visual 'farm' use be in anyway mitigated by development for residential purposes or the proposed associated landscaping.

It would also appear that the proposals would continue to have the potential to adversely impact trees of wildlife landscape and amenity value, the mature Horse Chestnut Trees adjacent to the site entrance are still my chief concern in this regard.

Finally the development proposals would continue to be conspicuous from the Green Belt and I consider that they would be likely to prejudice rather than enhance the visual amenities of the Green Belt by reason of their siting, design and the materials used in their construction for the reasons outlined above.

Planning Policy: The applicant accepts that the proposal does not comply with national Green Belt policy, so has supplied six factors (reproduced below) to underpin the case for very special circumstances which he concludes outweigh the harm to the Green Belt. The applicant usefully expands on these in Appendix A of the Planning Statement.

1. Landscape betterment
2. Enhancement of Green Belt openness
3. Rural community benefits
4. Highway safety betterment
5. Biodiversity and sustainability enhancement
6. Contribution to housing supply in the BANES rural area

With regard factors 1, 4 and 5, all proposals are expected to comply with relevant Development Plan policies to address these matters regardless of whether they lie within the Green Belt or not. Likewise, any rural community benefits to which the scheme may give rise, including those listed under factor 3, would be the expected outcome of a development of this type and do not represent very special circumstances that would outweigh any harm to the Green Belt by reason of inappropriateness.

With factor 6 it is appreciated that the proposal will yield two dwellings which would make a contribution towards the housing requirement. However this contribution is minimal and not considered significant enough as to outweigh the harm to the Green Belt given there is still 11 years remaining for the Core Strategy Plan period. There is no evidence that Monkton Combe has an identified affordable housing need. As a point of clarification there is no separate 5-year housing land supply figure for the Rural Areas: the NPPF requirement to demonstrate a 5-year housing land supply relates to the District as a whole. Based on the latest housing trajectory (published in October 2017) the Council has a demonstrable 5 year supply of housing land across Bath & North East Somerset, incorporating the necessary 5% buffer. Even if it is considered that a 20% buffer is still needed in B&NES (due to past under delivery) a land supply equivalent to significantly more than 5 years can still be demonstrated.

It is acknowledged that the scheme would result in a 40% reduction of built form within the site following the demolition of the existing agricultural structures and erection of two new dwellings. The height of the built form will also be reduced. The proposed sunken garden curtilages are intended to be screened from public view by existing and proposed buildings; internal underground garages and storage are proposed to avoid domestic paraphernalia and other modifications designed to minimise the visual impact of the scheme.

However, by not utilising the existing footprints of agricultural buildings and effectively regularising the site to accommodate two dwellings and associated domestic landscaping and other paraphernalia the proposal will inevitably be introducing a form of development (suburban in character) that will materially alter the character of this part of the Green Belt which is predominately agricultural in character. Irrespective of the quality of building design and landscaping this proposal would create an intrusion into the open character of this part of the Green Belt and represent encroachment into the countryside. This conflicts with one of the purposes of including land within the Green Belt, assisting in safeguarding the countryside from encroachment and is contrary to Policy GB1 which seeks to enhance

the visual amenities of the Green Belt by reason of its siting, design or materials used for its construction.

The Structural Condition Survey of Farm Buildings undertaken by Mann Williams confirms the existing buildings and site infrastructure are in a poor state no longer capable of supporting ongoing agricultural use. It appears that significant repair work is needed to raise them to a state suitable for agricultural use. This confirms the further Green Belt exceptions listed in para 90 would not be relevant, specifically 'the re-use of buildings; provided that the buildings are of permanent and substantial construction'.

In conclusion the proposed redevelopment of the former farm complex with residential development is not supported as it does not comply with national planning policy relating to the Green Belt and very special circumstances have not been demonstrated to exist that clearly outweigh harm to the Green Belt.

Monkton Combe Parish Council: At their meeting on 14th May 2018 Monkton Combe Parish Council Resolved to OBJECT to these proposals. We consider this application to be well considered and constructed, and that it has taken into consideration comments received from previous consultations and is a credit to the applicant. The application proposes many good features including those for access and road safety. However, this is nonetheless development within the Green Belt and regardless of the quality of design, is by definition Harmful. The Very Special Circumstances put forward are very technical in form and the Parish Council does not consider it is able to judge their sufficiency. We cannot accept these statements at face value and must therefore OBJECT to the application, as we have done for other applications made on a basis of complex argument around Very Special Circumstances. We do also question the assertion that the land in question is no longer wanted or viable for agriculture and object to this Domestication of Agricultural land.

Councillor Neil Butters: This is a complex case which has aroused a lot of public interest in the local area. I would therefore like to propose that the application be called in for determination at Development Management Committee whether you are minded to approve or refuse.

Representations: Ten representations have been received objecting to the application for the following reasons:

- The material is not in keeping with the surrounding area
- The proposed skylights will result in an unnecessary impact on the night sky.
- The proposed concept could improve the AONB
- The land is within the Green Belt, AONB, SSSI and WHS setting
- The works to the highway are a road traffic hazard and the road is used as a rat run
- The existing farm buildings are needed by a local farmer
- The design is not in keeping with the surrounding area
- There will be a loss of privacy to neighbouring properties
- There are no very special circumstances for development in the Green Belt
- The site could be improved by restoring the farm buildings
- The farmer using the neighbouring land no longer has access to these buildings
- This is inappropriate development in the Green Belt
- The development will result in the domestication of the site

The development will not safeguard the countryside from encroachment
The benefit of two dwellings is offset by the loss of agricultural buildings
Little weight should be given to the proposed funding of traffic regulation order
The number of dwellings proposed will have little bearing on the housing land supply

One representation has been received making the following comments;

Bath Preservation Trust:

It is accepted that the existing buildings are harmful.

The provision of two dwellings will intensify the human use but this is countered by the reduction of the eyesores of redundant and end-of-life buildings.

The scheme is acceptable in design

In planning terms, we would object to this scheme if it was proposed for an open undeveloped Green Belt site.

However we do not perceive that any of the five purposes of Green Belt are adversely affected by this development

In AONB terms, and compared with the current visual appearance of the site, the beauty of the landscape could feasibly be enhanced

We recognise that this development does not strictly comply with Para 89 of the NPPF as an exceptional case but the developers have been as considerate as possible to the Green Belt setting. We have not seen any evidence that a continuing agricultural use for the site is wanted by any potential users and therefore on balance we are not objecting to the scheme.

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- 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:

CP6 - Environmental Quality

CP8 - Green Belt

B4 - The World Heritage Site and its Setting

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:

D.2 - Local character and distinctiveness

D.3 - Urban Fabric

D.5 - Building design

D.6 - Amenity

HE.1 - Historic Environment

GB.1 - Visual amenities in the Green Belt

GB.3 - Extensions and alterations to buildings in the Green Belt

NE.6 - Trees and Woodland conservation

NE.2 - Conserving and Enhancing the Landscape and Landscape Character

ST.7 - Transport requirements for Managing Development

RE.4: Essential dwellings for rural workers

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

Existing Dwellings in the Green Belt SPD (2008)

OFFICER ASSESSMENT

This is an application for the proposed erection of 2 dwellings following demolition of the existing agricultural buildings. It is also proposed to extend the existing dwelling of Belle Vue Cottage to the south of the agricultural buildings. A new vehicle access is proposed to be provided to the site and the site will be landscaped.

The site was until recently under the ownership of Monkton Combe School. The farm buildings are now in separate ownership to the surrounding farmland to the north.

The main issues to be considered here are:

- Principle of development in the Green Belt;
- Impact on the openness of the Green Belt and surrounding landscape;
- Design;
- Highways;
- Ecology;
- The case for very special circumstances

Principle of development in the Green Belt

Paragraph 89 of the NPPF states that the construction of new buildings within the Green Belt is considered to be inappropriate development. Exceptions to this can include the redevelopment of previously developed land. In this case the existing site is classed as being in agricultural use which falls outside the definition of previously development land and therefore the principle of the development is not accepted. The proposal is contrary to paragraph 89 of the NPPF.

Paragraph 55 of the NPPF states that authorities should avoid isolated homes in the countryside. Whilst the site is located outside of any housing development boundary recent case law suggests that isolated should be taken to mean the absence of

surrounding buildings. In this case the site is located within a lane populated by residential buildings. Therefore in this case the proposed development is not considered to be isolated and is not contrary to paragraph 55.

However the site is located outside of the housing development boundary of Monkton Combe Village. Housing outside settlements is only approved in the case of agricultural workers dwellings under policy RE.4. The proposed development is for market housing so that proposed development does not accord with adopted housing policy.

Impact on the openness of the Green Belt and surrounding landscape

Monkton Combe School Farm lies on the rising western slope of the Avon River valley. The hillside rises steeply to the north before levelling out at Claverton Down. To the south the valley bottom contains the A36, the Kennet and Avon Canal, the main line railway and the River Avon. The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB), the Green Belt, the designated landscape setting of the settlement of Bath and the setting of the World Heritage site.

These multiple designations underscore the importance and quality of the landscape and visual character of the surrounding countryside of which the farm buildings are an integral and important feature both physically and visually. There is open character within the fields to the north of the site have clear and open views to the farm buildings are possible from Brassknocker Hill. Farm buildings are considered to be a typical feature of the rural landscape.

The proposed development will result in the demolition of the existing farm building and construction of two dwellings. The proposal will result in a reduction of built form within the site of 40%. The buildings have been designed as a two storey properties with no height increase within the site. However the existing agricultural buildings will be replaced with domestic building and curtilages. The existing agricultural buildings are considered to be a typical feature of a countryside landscape. The provision of new dwellings will alter the character to the site to a domestic aesthetic which would have a visual impact on the openness of the Green Belt.

Paragraph 80 of the NPPF outlines the five purposes of including land within the Green Belt which are as follows;

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The proposed development will be confined within the existing site and will result in a net loss of built form to the existing site. However the provision of two dwellings, even though it results in a net reduction in built form, is considered to result in domestic encroachment into the countryside which is contrary to paragraph 80 of the NPPF.

The site is located to the south of the city of Bath and the surrounding green hillsides are considered to be integral to the setting of the World Heritage Site. As stated above the proposed buildings will result in a net reduction of built form within the landscape and are unlikely to harm the setting of the World Heritage Site.

The provision of two dwellings within the Green Belt is considered to harm the openness of the surrounding Green Belt. The development is therefore contrary to paragraphs 80 and 89 of the NPPF.

Extension to Belle Vue Cottage

The existing dwelling of Belle View Cottage will be extended by the provision of a single storey rear extension. The councils supplementary planning document 'Existing Dwellings in the Green Belt' states that an extension of a third of the existing volume of the property would likely be acceptable. The proposed extension will not result in an increase to the volume of the property by more than 30% and therefore will comply with current Green Belt policy. The proposed extension has been designed to be subservient and will not harm the openness of the surrounding Green Belt. The proposed single storey rear extension is accepted.

Design

Dwelling 1 is a two storey property which will be partially set into the hillside. It includes a pitched roof and gable end. The west elevation will be timber clad with the remaining three elevations constructed from rubble stone. The roof will be covered with a grey metal.

Dwelling 2 will again be partially set into the hillside and will be largely timber clad with some stone on the west elevation. The roof will be covered with a grey metal and includes a dual pitched roof.

The proposed design for both dwellings would use high quality materials and the built form is of an appropriate design. However this does not outweigh the harm to the green belt identified above.

Belle Vue cottage will be extended with the provision of a single storey rear extension. The extension will appear subservient to the host building and will be constructed in materials to match the host dwelling. No objection is raised to the design of the proposed extension to Belle Vue Cottage.

Highways

The highways officer has raised no objection to the application.

Trollopes Hill is an existing derestricted section of highway and it is proposed that vehicles will enter the carriageway via the access with Belle Vue Cottage. While visibility standards are not met, there are no reported accidents occurring on Trollopes Hill of vehicles while using the accesses, all of which have substandard visibility splays.

While concern was raised by the highways officer with regards to the intensification of use of the access, an Automated Traffic Count has been carried out in this location which

shows that mean traffic speeds will meet the criteria for an implementation of a 20mph limit and therefore, with further engineering works at the Belle Vue access and Trollope's Hill (as shown in drawing 334-P100), the required visibility can be met on the provision that a 20mph limit is introduced. This process would be part of Traffic Regulation Order which will require further public consultation and will require funding from the applicant and if successful appropriate signage will be implemented to the satisfaction of the Local Planning Authority.

Parking within the new development meets criteria as set out in Policy ST7 of the B&NES Placemaking Plan for all the proposed dwellings and Belle Vue Cottage. Vehicles will be able to enter and leave the site in forward gear.

Ecology

The council's ecologist has objected to the application. An ecological report has been submitted which includes preliminary bat surveys of the buildings. Further bat surveys are required and the report states that these are to take place during May and June.

The applicant has submitted an ecology survey which has found no bats or other wildlife to be present on site.

Amenity

The proposed dwellings have been sited so that there will be no harm to amenity from overlooking to either existing or future occupiers of the areas. The proposed dwellings will not appear overbearing to nearby properties and will not harm the amenity of nearby residential occupiers.

The case for very special circumstances

The proposed development is considered to be inappropriate development in the Green Belt. The proposed development will result in the following harm:

- Harm by definition
- Harm to openness
- Conflict with one of the five purposes of including land within the Green Belt

Paragraph 88 of the NPPF states that;

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has outlined within the supporting information their very special circumstances to justify development in the green belt and these are considered below.

1. Landscape betterment

The applicant states that the reduction in built form on site will result in a reduction in the amount of built form within the site and will improve views within the surrounding AONB. A landscaping scheme has been submitted. The applicant has referred to paragraph 115 of the NPPF which states that great weight should be given to conserving landscape and scenic beauty of AONBs and the Cotswold AONB management plan seeks to conserve and enhance the natural beauty of the AONB.

Policy CP8 of the councils placemaking plan seeks to retain attractive landscapes and policy NE.2 development will be permitted where it conserves and enhances the landscape. The councils World Heritage setting study identifies the key viewpoint of the top of Brassknocker Hill as an important historical route into Bath.

Whilst the development will result in a reduction in built form and a more open view across the site, any development within the AONB should seek to achieve this. This does not result in specific circumstance to justify the green belt location. The appearance of the site could be improved without the need to construct new dwellings.

The applicant has referred to a permission granted in East Harptree for the development of agricultural land to eight dwellings. This application was for an allocated site outside of the Green Belt so is not comparable to the current application.

2. Enhancement of Green Belt Openness

The applicant states that there will be a substantial reduction in the amount of built form on site and the re-orientation of the buildings will achieve an increase in openness. There will be no further encroachment in the countryside and the design reflects the farming heritage of the site.

The applicant has advised that this is supported by paragraph 81 of the NPPF which seeks to retain and enhance landscapes and visual amenity. This is supported by policy CP8. Reference has been made to case law Case law - Turner v SSCLG EWCA.

As discussed above the proposed development will result in domestic encroachment into the Green Belt which conflicts with paragraph 80 of the NPPF and will alter the rural character of the site to a domestic aesthetic. The LPA disagrees with the conclusion of the application that the development will enhance the openness of the Green Belt and this does not form very special circumstances to justify development within the Green Belt.

3. Rural community and financial benefits.

The applicant states that the site is washed over by the Green Belt and the parish has not benefitted from any new dwellings. The applicant states that therefore this is an opportunity to provide two new dwellings within the parish. The development will result in CIL payments to the council.

Any rural community benefits to which the scheme may give rise, would be the expected outcome of a development of this type and do not represent very special circumstances that would outweigh any harm to the Green Belt by reason of inappropriateness. Monkton Combe is surrounded by a housing development boundary which directs infill development within the village boundary.

Monkton Combe is not allocated as a development location within housing targets. The housing development boundary allows for development within the village while retaining the rural character of the surrounding countryside for example as was the case with application 16/01145/FUL at The Croft in Monkton Combe which permitted a new dwelling within the housing development boundary. Housing targets for the last year have been met and the applicant has not provided evidence to demonstrate that there is a need for additional housing in Monkton Combe village.

4. Highway safety and betterment

The development will close the existing agricultural access to the site and the proposed dwellings would be accessed through the vehicle access at Belle View Cottage. The applicant is proposing to fund a traffic regulation order to reduce the speed along Trollope's Hill to 20mph. The proposal will improve visibility to the vehicle access and provide a new informal passing bay.

Any application for a new dwelling would be expected to comply with highways policy and provide safe access to a site. This does not form a justification for a green belt location for housing.

5. Biodiversity and sustainability enhancement

The applicant is proposing to improve planting within the site and maximise energy efficiency of the building.

This could be achieved regardless of whether a dwelling is constructed on site. It does not justify the green belt location of the proposed dwellings.

6. Contribution to housing supply in the rural area

The applicant states that BANES has a shortfall of housing delivery within the rural area.

It is appreciated that the proposal will yield two dwellings which would make a contribution towards the housing requirement. However this contribution is minimal and not considered significant enough as to outweigh the harm to the Green Belt given there is still 11 years remaining for the Core Strategy Plan period. There is no evidence that Monkton Combe has an identified affordable housing need. There is no separate 5-year housing land supply figure for the Rural Areas, the NPPF requirement to demonstrate a 5-year housing land supply relates to the District as a whole. Based on the latest housing trajectory (published in October 2017) the Council has a demonstrable 5 year supply of housing land across Bath & North East Somerset, incorporating the necessary 5% buffer. Even if it is considered that a 20% buffer is still needed in B&NES (due to past under delivery) a land supply equivalent to significantly more than 5 years can still be demonstrated.

Planning balance and conclusion

The proposed development is considered to be inappropriate development in the green belt and is contrary to one of the five purposes of including land within the green belt. The submitted very special circumstances have outlined the benefits of the development.

These benefits are not considered to justify this specific green belt location given that a number of these benefits could arise from any development for housing. Whilst it is noted that the applicant intends to reduce the amount of built form on site and provide landscaping these works could be undertaken regardless of whether the proposed dwelling are constructed. The council can demonstrate a five year housing land supply with a 5% buffer. The provision of two additional dwellings will not make a substantial contribution of housing land supply and the council exceeded their housing targets this year.

In conclusion the application has not demonstrated very special circumstances which would justify the provision of two dwellings in this Green Belt location outside of a Housing Development Boundary. The principle of development is not accepted.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development by reason of its location with the Green Belt and open countryside is regarded as being inappropriate development. The very special circumstance put forward by the application will not outweigh the harm to the Green Belt. The principle of the development is therefore contrary to paragraphs 80, 89 and 90 of the National Planning Policy Framework, policy CP8 of the Core Strategy and policy GB1 of the Bath & North East Somerset Placemaking Plan

PLANS LIST:

Existing site plan 334 -S 001 -B
Belle Vue Existing Floor Plans 334-S 101
Existing elevations 334 S 201-P1
Landscape plan 191_PP_01
External lighting plan 334-E601
Proposed elevations - Belle Vue 334-P- 201 -P1
Proposed elevations - Dwelling One 334-P-202-P1
Proposed elevations - Dwelling Two 334-P-203-P1
Proposed site plan 334-P001
Proposed block plan 334-P100
Proposed floor plans - Dwelling one 334-P101
Proposed floor plans- Dwelling two 334- P102
Proposed floor plans- Belle Vue 334-P103
Existing and proposed site sections 334-P301
Proposed sections 334-P302
Proposed demolition plan 334-P400

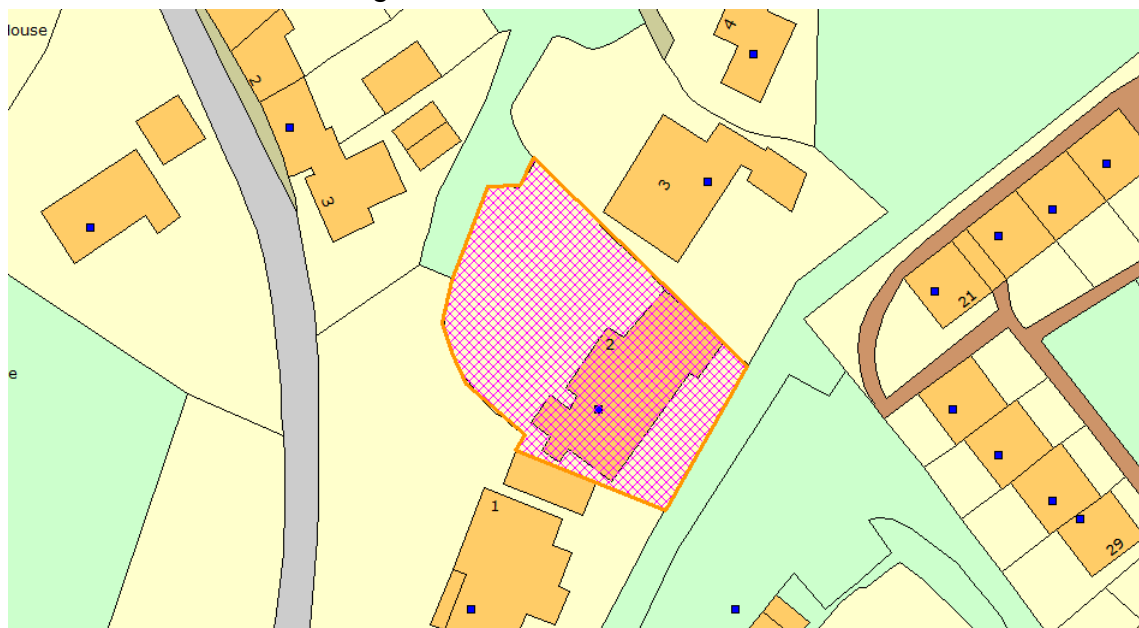
2 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal

against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

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

Item No: 02
Application No: 18/00356/FUL
Site Location: Curbar Edge 2 Rowlands Close Bathford Bath BA1 7TZ



Ward: Bathavon North **Parish:** Bathford **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application

Proposal: Roof change to create habitable space with 4 bedrooms incorporating rear dormer structure, front single storey extension and landscaping including engineering works to the rear garden.

Constraints: Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

Applicant: Mrs Nikki McCarthy

Expiry Date: 6th July 2018

Case Officer: Alice Barnes

To view the case click on the link [here](#).

REPORT

Reason for reporting application to the committee

The application is being referred to the committee at the request of Councillor Geoff Ward, Councillor Alison Millar and Councillor Martin Veal

Description of site and application

The existing building is located within Bathford village outside of the Conservation Area. It is a detached single storey property. The existing dwelling forms part of a group of three

storey properties within a cul-de-sac. The existing dwelling is constructed using concrete tiles and stone walls. The rear elevation is visible from a parking area at Mountain Wood.

This is an application for the provision of a roof extension including the provision of two rear dormer windows, a front extension and engineering works to the rear garden.

The proposed works will extend the height of the existing roof to include a pitched roof with a gable end. The proposed dormer windows will sit within the rear roof slope. They have been designed with pitched roofs and gable fronts. The proposed development will result in the provision of a four bedroom dwelling.

The submitted drawings have included proposed sections to indicate alterations to the retaining wall within the rear garden.

Relevant History

There is no relevant history relating to this application.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ecology: No objection subject to conditions. The applicant and neighbours have provided further information which shows that works have already begun on site and this includes removal of internal structures and the ceiling within the building; reported removal of ponds and re-profiling / earthworks within the garden. It is regrettable that works carried out so far were not informed first by ecological survey and assessment, given the suitability of the site for wildlife and reports of wildlife and concerns raised by residents.

I would instead now advise that further works should proceed using precautionary working methods only, in particular removal of roof tiles, and this should be secured by condition along with requirement of replacement habitats and additional provision for wildlife within the new scheme, in line with government policies and aspirations for "biodiversity enhancement". This should be designed to also mitigate for the as yet unassessed but likely ecological impacts of works carried out to date. This will require assessment by a suitably experienced ecologist and production of scheme by a suitably experienced ecologist to protect any remaining wildlife interest, and to benefit wildlife in the long term; and incorporation into the development and subsequent implementation of all wildlife protection and enhancement measures. These must be shown on plans and drawings as applicable.

Councillor Geoff Ward: The dwelling sits on a narrow private drive and access may not be maintained during the works.

The height of the fencing around the property is not appropriate

The increase roof height will dominate the adjoining properties and its mass will not be in keeping with the area.

Councillor Alison Millar: The size of the proposed will dominate the existing close and detract from the style of the close.

The development will overlook neighbouring properties

The boundary treatments are not appropriate.

The construction period would cause disruption to residents

Councillor Martin Veal: Please refer to committee if you are minded to permit

Bathford Parish Council: No objection. The proposed alterations will improve the appearance of the property considerably which at present detracts from the overall look of the area.

Representations: 12 representations have been received objecting to the application for the following reasons:

The roof extension will alter the landscape and will impact on the views from the dwellings which sit behind the property.

The proposed dormer windows will result in increased overlooking of neighbouring properties.

The replacing of the existing hedge with 2m high fencing is out of keeping with the character of the area.

There is a restrictive covenant which restricts the height of the buildings.

The increase of the mass of the building will harm the adjacent Conservation Area.

A four bedroom dwelling is out of scale within the surrounding area.

The drawings do not show the house in context

The increased height of the building will cause a loss of light to neighbouring occupiers.

No tree report has been submitted.

No biodiversity assessment has been submitted

Little has changed in the revised plans

The roof will be overbearing to neighbouring properties

The 2m high boundary fence is inappropriate.

Engineering works have commenced in the rear garden

The revised plans do not provide confidence in the construction method

A party wall agreement should be in place

The proposed velux will be a balcony velux

Roof tiles have been removed prior to the submission of an ecology report

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- 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:

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:

D.2 - Local character and distinctiveness

D.3 - Urban Fabric

D.5 - Building design

D.6 - Amenity

Ne.3 - Sites, species and habitats

OFFICER ASSESSMENT

This is an application for the provision of a roof extension including the provision of two rear dormer windows, a front extension and engineering works to the rear garden. The existing dwelling includes a large front garden and the rear roof is visible from the parking area within nearby Mountain Wood.

The main issues to be considered here are:

Design

Boundary Treatments

Amenity

Ecology

Design

The existing dwelling forms part of group of three single storey dwellings within Rowlands Close. The proposed development will raise the height of the roof by 1.5m. The existing dwelling includes a front gable and front conservatory. The proposed dwelling will be extended to the front of the building and the roof extended across the front extension to from a single span pitched roof with gable ends. The original submission included dormer windows on the front and rear elevations, this has been revised so that the dormer windows have been reduced to two which will be sited on the rear elevation.

The proposed alterations to the roof will retain the pitched roof and gable ends and the proposed roof is considered to retain the character of the existing building. Whilst the proposed dwelling will increase in height by 1.5m the form of the roof will be retained so the proposed alterations are not considered to be out of character with the surrounding area.

The proposed dormer windows will be sited on the rear elevation and will be visible from the parking area to the rear within nearby Mountain Wood. The proposed dormer windows have been set up from the eaves and below the existing ridgeline. They will not dominate the full rear width of the existing building. The design of the proposed dormer windows are not considered to harm the appearance of the existing building.

The rear garden includes new retaining walls and terraces which when planted will appear acceptable in the context of the existing dwelling.

Boundary treatments

The submitted block plan has indicated that a new fence will be constructed and entrance gates will be installed. The applicant has been informed that a fence of less than 1m along the boundary fronting a highway will not require planning permission and a fence of less than 2m on a garden boundary will not require planning permission. Provided the proposed fences meet these parameters as indicated on the section drawing permission is not required for the proposed fences. The submitted sections indicate that the proposed front boundary fence will not exceed 1m.

Amenity

The submitted representations have raised concern that the proposed dormer windows will overlook the properties to the rear of the site within Mountain Wood. The proposed dormer windows will be set over 20m from the properties along Mountain Wood and will look towards the existing parking area. Therefore the proposed dormer windows are not considered to be harmful to the properties within Mountain Wood.

The proposed roof extension will not be extended across the existing garage and is therefore set back from the boundary with number 3 by 6.8m. Therefore the proposed side elevation is not considered to appear overbearing to the occupiers of number 3. One window has been proposed on the side elevation at first floor level, this is proposed to be obscure glazed providing light to a bathroom. A concern has been raised that the proposed window will still overlook number 3 when open. Therefore the window can be conditioned to be obscure glazed and non-opening below 1.7m above floor level.

The western side elevation will face the western side elevation of number 1. Therefore the proposed roof extension will not appear overbearing to the occupiers of number 1.

The proposed windows on the front elevation will overlook the front garden of the existing dwelling. They will be 20m from the nearest property so are not considered to result in increased overlooking of neighbouring properties.

Ecology

The submitted objections have stated that no biodiversity report has been submitted and the application has been referred to the council's ecologist.

The applicant and neighbours have provided information which shows that works have already begun on site and this includes removal of internal structures and the ceiling within the building.

The council's ecologist has advised that further works should proceed using precautionary working methods only, in particular removal of roof tiles, and this should be secured by condition along with requirement of replacement habitats and additional provision for wildlife within the new scheme, in line with government policies and aspirations for "biodiversity enhancement". This should be designed to also mitigate for the as yet unassessed but likely ecological impacts of works carried out to date. This will require assessment by a suitably experienced ecologist and production of a scheme by a suitably experienced ecologist to protect any remaining wildlife interest, and to benefit wildlife in the long term; and incorporation into the development and subsequent implementation of all wildlife protection and enhancement measures.

Other matters

The submitted representations have advised that a party wall agreement is required. This falls outside the planning process.

Concern has been raised regarding the method of construction and land stability. Paragraph 120 of the NPPF states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer/landowner.

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 D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

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 and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

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

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

The proposed bathroom window shown on the garage side 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 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 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:

Site location plan
Block plan
Existing plans and elevations 101
Proposed elevations 201 revised
Roof plan and view 202 revised
Proposed section 203
Proposed section 204

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

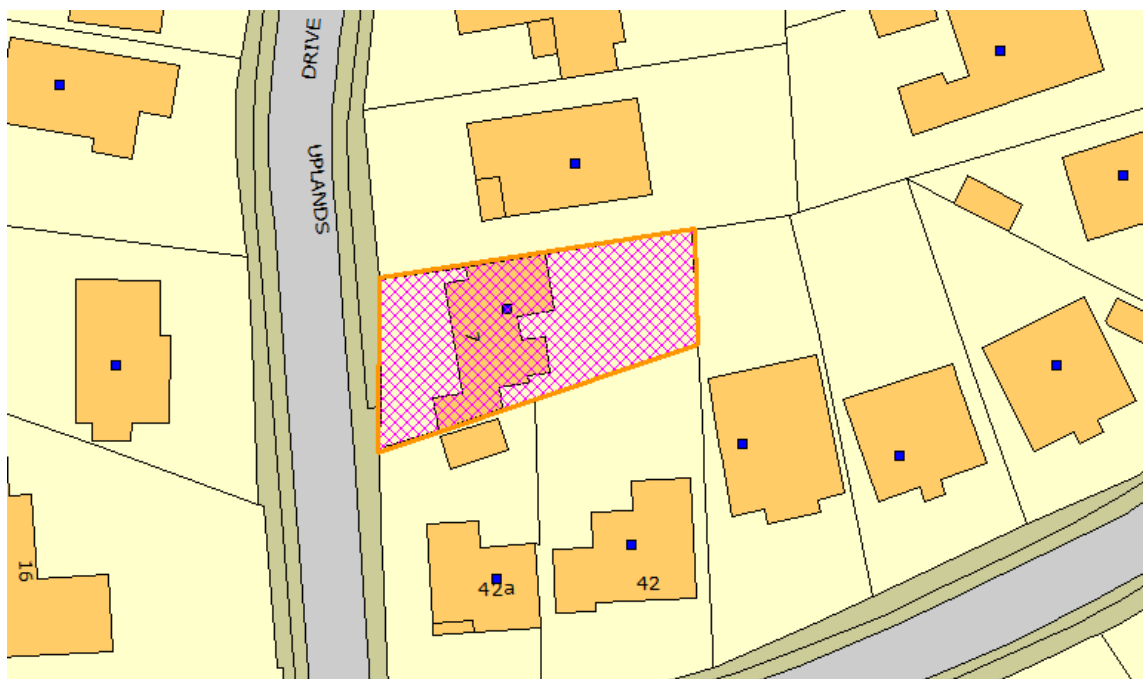
after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis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

3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

4 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.

Item No: 03
Application No: 18/01187/FUL
Site Location: 7 Uplands Drive Saltford Bristol Bath And North East Somerset BS31 3JH



Ward: Saltford **Parish:** Saltford **LB Grade:** N/A
Ward Members: Councillor F Haeberling Councillor Emma Dixon
Application Type: Full Application
Proposal: Erection of new dwelling following demolition of existing dwelling.
Constraints: Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr Seya Burchill
Expiry Date: 15th June 2018
Case Officer: Rae Mepham
To view the case click on the link [here](#).

REPORT

Reason application being referred to committee

Objection from Keynsham Town Council contrary to officer recommendation. Chair of the committee determined that:

The points raised have been addressed in the assessment of the application against relevant planning & while I feel some points adhere to planning policy I recommend the impact on the design & scale of the proposed building on the area should be debated therefore this application should be determined by the DMC.

Relevant history

16 Uplands Drive - 17/03046/FUL - Erection of front & rear extensions & loft conversion - Permit - 18.08.2017

2 Uplands Drive - 11/02296/FUL - Extension and refurbishment of detached house - Permit - 10.08.2011

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses

Saltford Parish Council - Objection - *The design and scale of the proposed new building is out of character with neighbouring properties and would adversely affect the privacy of some neighbours.*

Third party representations

Three objection comments have been received, summarised as:

- Other building works in street causing disturbance
- Builders vans creating difficulty for access
- Noise and dust from construction
- Excessive increase in height
- Not in-keeping with road
- Damage to streetscene, harmful to surrounding area
- Property will be higher than existing and neighbours
- Properties should be retained as bungalows/two storey
- Overbearing impact
- Remaining back garden small
- Other planning permissions amended

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined.

The statutory Development Plan for B&NES now comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

The following Core Strategy policies would be applicable:

DW1 - District Wide Spatial Strategy

The following B&NES Placemaking Plan policies should be considered:

D1 - General Urban Design Principles

D2 - Local Character & Distinctiveness

D3 - Urban Fabric
D4 - Streets and Spaces
D5 - Building Design
D6 - Amenity
D10 - Public Realm
H7 - Housing Accessibility
LCR9 - Increasing the Provision of Local Food Growing
SCR5 - Water Efficiency
ST1 - Promoting sustainable travel
ST7 - Transport requirements for managing development

Consideration has been given to the National Planning Policy Framework and the National Planning Practice Guidance.

OFFICER ASSESSMENT

Principle of development

The proposal is sited within the Saltford Housing Development Boundary and as such the principle of development is acceptable.

Character and appearance

The application is for the erection of a new dwelling following the demolition of existing. The existing property is a one and a half storey property with a mansard roof, giving the appearance of a two storey property.

The proposal replaces this with a two storey building with accommodation incorporated within the roof. The proposal presents to the streetscene with a gable end, using stone on the ground floor with white render and full height glazing to the upper floor.

The sites immediate neighbours are bungalows, however the proposal would also be read against 42 Uplands Road, who's gable end is easily visible from the streetscene; 16 Uplands Drive which has recently had substantial alterations, and other two storey properties with gable ends further along Uplands Drive which are visible from the site.

This part of Saltford is typified by a mixture of dwelling types, and it is not unusual to have larger two storey properties located adjacent to bungalows, and it is not considered that this dwelling will appear out of context in this location.

The design is modern and the glazing would be seen as a statement, which is not necessarily typical of the existing streetscene but would not be considered to cause harm to the character of the surrounding area.

Residential amenity

Due to the orientation of the plot and existing vegetation the proposal largely avoids overlooking of other properties. Any overlooking that would occur is not considered to be any more harmful than the existing situation and would certainly not be considered out of place in an existing residential area. The building is located adjacent to the garage of 42a,

and the side wall and driveway of 5 Uplands Drive, and is not considered to have an overbearing impact upon neighbouring properties.

Highways

The proposal benefits from 4no. parking spaces as per the existing property, which is considered to comply with Policy ST7 of the Placemaking Plan for a 4+ bedroom house.

Increasing the provision of Local Food Growing

Policy LCR9 states that all residential development will be expected to incorporate opportunities for informal food growing where possible. The proposal site benefits from garden areas where future occupiers could grow food if they wished.

Water Efficiency

All dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. water butts) will be required for all residential development, where technically feasible.

Other matters

The concerns by residents regarding construction have been taken into account, but would not be considered to justify a refusal. If works take place at unsociable hours then Environmental Protection has legislation to protect residents.

Conclusion

On balance, the proposals are considered to be acceptable, and the application is recommended for approval.

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 D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Parking spaces (Pre-occupation)

No occupation of the development shall commence until the parking space for the proposed dwelling has been provided in accordance with the approved plans in a properly bound and surfaced material (not loose stone or gravel).

Reason: To ensure sufficient parking areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

4 Water Efficiency - 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.

5 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 Bath and North East Somerset Placemaking Plan.

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:

This decision relates to:

15 Mar 2018	5081702	BLOCK PLAN
15 Mar 2018	5081703	PROPOSED FLOOR PLANS
15 Mar 2018	5081704	PROPOSED ELEVATIONS
15 Mar 2018	5081701	LOCATION PLAN
16 Apr 2018	5081712	SITE SECTIONS

2 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.

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.

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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.

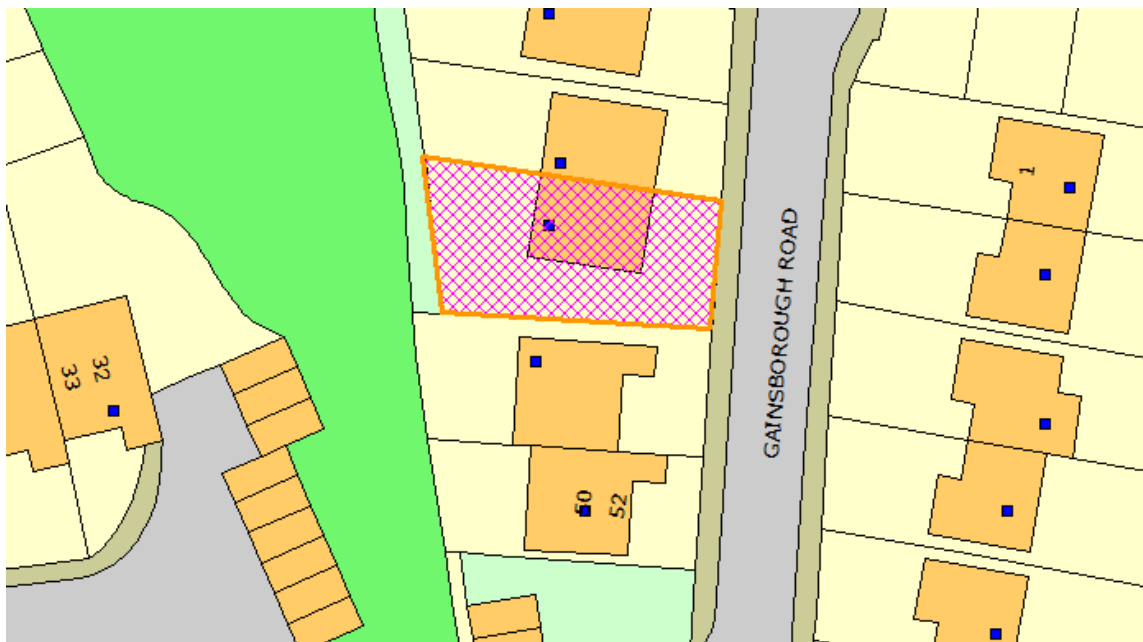
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4 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

Item No: 04
Application No: 18/01669/FUL
Site Location: 42 Gainsborough Road Keynsham Bristol Bath And North East Somerset BS31 1LS



Ward: Keynsham East **Parish:** Keynsham Town Council **LB Grade:** N/A

Ward Members: Councillor Marie Longstaff Councillor Bryan Organ

Application Type: Full Application

Proposal: Erection of 1no self-contained house adjacent to existing property

Constraints: Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

Applicant: Hancock, Frayling and Maddison

Expiry Date: 5th July 2018

Case Officer: Nikki Honan

To view the case click on the link [here](#).

REPORT

The application site is a grassed area between flats 42-44 and 46-48 Gainsborough Road. The application site is within the Keynsham East ward. It falls within the Housing Development Boundary.

This application relates to the erection of 1no. house adjacent to 42-44 Gainsborough Road. The proposed dwelling is set over 3 floors including loft space which is facilitated by roof lights.

Following an objection from Keynsham Town Council the application was referred to the Chair of the Development Management Committee who has decided that the application should be determined at Development Management Committee.

Relevant Planning History:

16/04366/FUL - Erection of 2no flats adjacent to 42/44 Gainsborough Road - WITHDRAWN - 10.11.2016

17/01539/FUL - Erection of 2 self-contained flats adjacent to 42/44 Gainsborough Road (Re-submission) - REFUSE - 16.06.2017 - Appeal dismissed - 12.01.2018

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Keynsham Town Council:

Object on the following grounds: -

(i) The development proposed is overbearing, would be incongruous and at odds with the street scene.

(ii) The proximity of the proposal to the neighbours would have implications in respect of the amenity of light and access for maintenance works.

(iii) Keynsham Town Council Planning and Development Committee members raised concerns in respect of the visual amenity of the proposed Velux windows which are not in keeping with other properties in this location.

Therefore, the application is contrary to the Bath and North East Somerset Council's Planning Policies D2 and D6 of the B&NES Placemaking Plan 2017.

Highways:

Commented on 17/01539/FUL. Whilst concerns raised relating to lack of car parking associated within the earlier scheme, these were overcome following submission of additional evidence and parking was not a significant issue considered at subsequent appeal.

Current proposal has reduced the scale of development. The PMP requires a single car parking space is delivered as part of the application, although reductions can be agreed subject to suitable evidence being presented.

Having reviewed the existing parking situation, the sustainable location of the development and the advice previously given in response to the submitted parking evidence, given the scale of the development proposed it is not considered reasonable for the highway authority to object to the planning application.

Bicycle storage condition recommended.

Drainage and Flooding:

No objection. Proposal will have minimal impact on drainage and flood risk.

7 neighbour objections have been received which are summarised below:

- Neighbours have objected to many applications at this site
- There should be a limit on how many times people can apply for planning permission on the same site
- Plot too small for proposed development
- Overdevelopment

- Building tiny houses/flats on tiny sites should not be allowed
- Impact on existing porches. Well above 6ft fences
- Structural impact on neighbouring properties during construction
- Sound proofing concerns
- Damp proofing concerns
- Plans show 2 properties, which has been refused twice before
- Insufficient parking for additional occupants
- Illegal / inconsiderate parking issues currently
- Access for emergency vehicles
- Access for refuse trucks
- Building disruption including parking and access to houses
- Would set a precedent for other development, including converting garages into bungalows
- No off street parking in the development
- When the parking surveys were completed in 2016 they were taken at off peak times which did not reflect the issues with cars parking on both sides of the road part on the pavement
- The applicant says a flat is proposed. It is a 3 storey house
- Set over 3 floors which local houses are not
- Poor quality plans
- Plans do not show boundaries
- The boundary wall must not be damaged or altered
- Amenity impacts for existing occupants at adjoining properties 42 and 44.
- Loss of light to my rear garden, which is already reduced by trees and shrubs
- Harmful to the street scene
- Drainage concerns
- Unsure how I will maintain my property if build goes ahead
- The site was originally designed for off street car parking

POLICIES/LEGISLATION

On 13th July 2017 the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- 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:

DW1: District Wide Spatial Strategy

CP2: Sustainable Construction

CP.6: Environmental Quality

CP8: Green Belt

CP5: Flood Risk Management

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:

D.1: General Urban Design Principles

D.2: Local Character and Distinctiveness

D.3: Urban Fabric

D.4: Streets and Spaces

D.5: Building Design

D.6: Amenity

D.7: Infill and Backland Development

D.8: Lighting

D10: Public Realm

ST1: Sustainable Transport

ST7: Transport requirements for managing development and parking standards

SCR5: Water Efficiency

PCS7A: Foul sewage infrastructure

LCR7B: Broadband

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

OFFICER ASSESSMENT

Character and Appearance

Application 17/01539/FUL for 2no. flats with front and rear dormers was refused in 2017, and later dismissed at appeal. The Inspector described the character of the street scene thus:

"The street scene is characterised by late 20th century residential development, defined by paired two-storey flats and semi-detached houses, which present a staggered and regularly spaced frontage. Despite some variety in architectural style, development tends to be grouped by a common design approach, with balanced proportions, a symmetrical pattern of fenestration, roof form and overall width. The overall symmetry, as well as the regular plot rhythm and layout, reflects the careful spatial planning of the wider suburb. Gaps between pairs and groups of dwellings also give glimpsed views to greenery and planting within private rear gardens, contributing to the overall sense of a spacious suburban environment.

The application site is a relatively small, rectangular portion of flat garden land sandwiched between Numbers 42/44 and Number 46 Gainsborough Road, close to the end of the cul-de-sac. The absence of development on the site gives a view to the mature planting beyond it and off-sets the density of built form. Nos 42/44 form one half of a pair of flat units at the end of a group of identical blocks, each characterised by their balance, symmetry and consistent detailing."

The appeal was dismissed in January 2018. The Inspector concluded the proposed development was noticeably narrower and longer than adjacent property and resulted in asymmetrical and unbalanced development. The front dormer was considered incongruous in the street scene. Furthermore, the loss of the gap between properties was considered contrary to the sense of a spacious urban layout in the locality.

The development as proposed has been reduced in scale from the previously refused scheme. The 2no. flats dismissed at appeal have been revised to 1no. house. The dormers on the front and rear have been removed in favour of roof lights. The appeal case was set up to the boundary allowing for c.1.2m gap between properties. The proposed development is now set off the boundary by c.0.6m, allowing for landscaping to the rear to appear more visible in the street scene. Although the proposed development is narrower than the dismissed appeal case, a flat roof single storey rear element has been removed and the depth has consequently been reduced by c.3.2m to bring the rear flush with the adjoining property.

The new house is proposed of matching external materials to allow it to integrate to the street scene. It is designed to reflect the form of the surrounding development. Although the development is narrower than nearby development, on balance and in the context of the site, the development proposed is not considered so harmful as to warrant refusal of the application.

When first submitted the plans showed a communal alleyway access between the new house and existing flats 42/44. Following discussions with the agent, revised plans have been submitted showing a shared entrance on the street elevation, with further individual entrances within.

The town council has objected to the proposed Velux windows. This detail of the scheme could be incorporated into any of the properties in the street under permitted development rights. The roof lights as proposed are modest and located on a central position within the roof slopes. They are not considered harmful to the character of the house or the street scene.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

Residential Amenity

Having carefully considered the context of the site, the proposed house is not considered significantly harmful to neighbour amenity, including overlooking, overbearing and overshadowing impact.

The development will alter the entrance to the existing flats at 42 and 44. The existing bathroom windows on the side elevations will be lost. On balance the proposed development is not considered significantly harmful to amenity to warrant refusal of the application.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

Highways

The Highways authority has not objected to the scheme. Whilst off street parking would be desirable, the sustainable location of the site has been noted. Although neighbours dispute the findings of the parking assessment, parking information is considered acceptable to justify no off street parking in this case. Parking was not raised as a significant issue at the recent appeal. As such it is not considered reasonable for the highway authority to object to the planning application. The inclusion of a bicycle storage condition is recommended.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 4 of the NPPF.

Trees

There are some significant trees to the rear of the application site. There is no formal protection of these trees. The proposed development should not impact on these trees.

The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with policy NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 11 of the NPPF.

Other Matters

The application when first submitted was described as a flat. This has since been corrected to a house.

One neighbour has objected to the quality of the plans submitted by the applicant. The plans as submitted are adequate to meet validation requirements and the local planning authority is obligated to determine the application as submitted.

Similarly, there is no limit on the number of times a planning application can be submitted at the same site. The local planning authority is obligated to consider a valid application.

Any boundary issues/disputes cannot be dealt with through planning and would be considered a civil matter.

A neighbour has queried the structural integrity of the build, including sound proofing and damp proofing. In accordance with paragraph 206 of the NPPF, the requirement of construction information for an application of this scale is not considered reasonable or necessary. Any permitted planning application is required to meet Building Regulations. Neighbours are encouraged to discuss such matters directly.

One neighbour has requested construction be controlled through the planning process. In this case due to the characteristics of the site and the nature of the development proposed, it is recommended a construction management plan be required by condition.

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 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.

3 Water Efficiency (Compliance)

The approved dwelling 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 Bath and North East Somerset Placemaking Plan.

4 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 and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

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

5 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least two 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 T.6 of the Bath and North East Somerset Local Plan.

PLANS LIST:

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

Application form, EXISTING PLANS AND ELEVATIONS, LOCATION PLAN - 13.04.2018
2101.4B, 2101.6C - 24.05.2018

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.

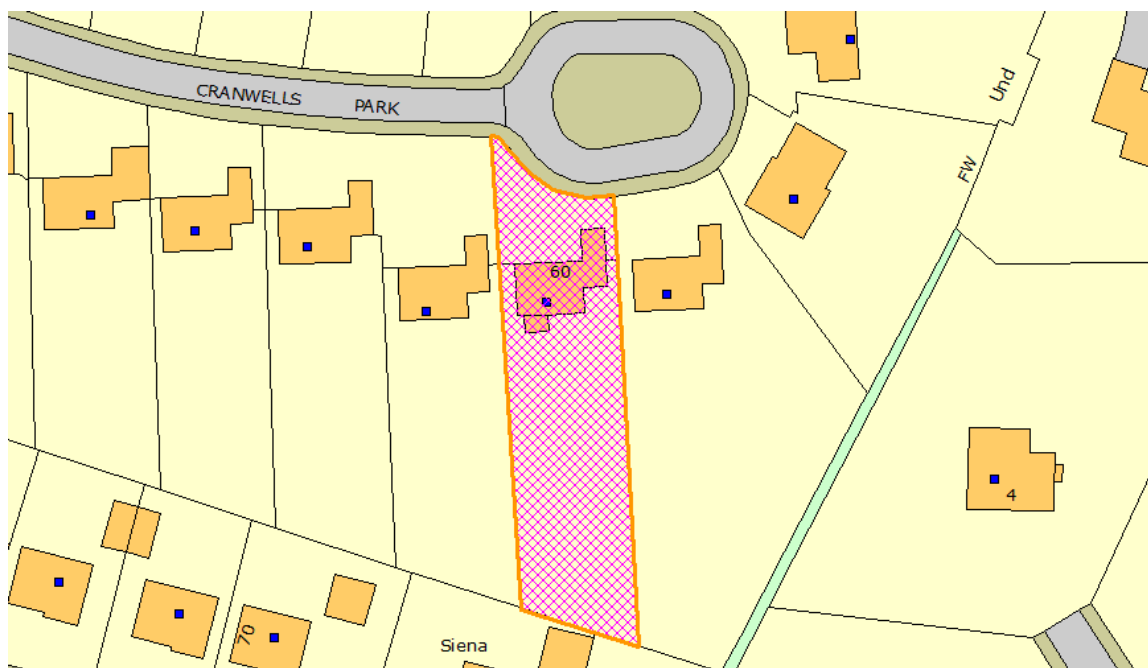
3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

4 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.

Item No: 05
Application No: 18/01696/FUL
Site Location: 60 Cranwells Park Lower Weston Bath Bath And North East Somerset BA1 2YE



Ward: Weston **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Colin Barrett Councillor Matthew Davies
Application Type: Full Application
Proposal: Erection of a two storey side extension (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 Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones,
Applicant: Mr G Glass
Expiry Date: 11th June 2018
Case Officer: Martin Almond
To view the case click on the link [here](#).

REPORT

Reason application being referred to committee

Requests from Cllr Barrett and Cllr Davies that the application be referred to Development Management Committee if the officer is minded to refuse permission. The application was referred to the Chair as per the Scheme of Delegation, who determined the application should be decided by the Development Management Committee for the following reason:

'I have studied the application including the history of the site including the permission granted last year which this seeks to replace, I also note Ward Cllrs differing views & a number of third party objections. The issues raised have been addressed in the Officer's assessment of the application against relevant planning policy however impact on the area, due to the character & size of the extension, remains a controversial aspect of this proposal as reflected in Ward Cllrs comments. Therefore I recommend the application be determined by the DMC so the concerns raised can be debated fully.'

Planning permission is sought for the erection of a two storey side extension at 60 Cranwells Park Lower Weston. The application site is a two storey detached property set within a residential area.

The property is located within the City of Bath Conservation Area and the World Heritage Site.

Relevant planning history:

DC - 15/01401/FUL - PERMIT - 20 May 2015 - Erection of single storey side extension and summer house.

DC - 15/05764/FUL - PERMIT - 15 February 2016 - Erection of single storey front extension

DC - 17/00911/FUL - PERMIT - 30 June 2017 - Erection of two storey side extension and associated works following demolition of existing single storey element.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Colin Barrett - requests application is considered at committee if minded to permit on grounds of over development, impact on neighbours, impact of character of street.

Cllr Matthew Davies - requests application is considered at committee if minded to refuse on grounds of the design of the proposed extension and effect on street scene and that the same officer is dealing with the re-submission.

Seven third party objections have been received, summarised as follows:

- Extension is out of character with street,
- Extension is bulky,
- Extension will be highly visible,
- Extension could lead to increased traffic,
- Extension is over-development,
- Extension will impact the existing building line,
- Impact on views,
- Reduce levels of light,
- Extension is overbearing,
- Extension is an incremental development of the property.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan.

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

CP6 - Environmental Quality

B4 - World Heritage Site

DW1 - District wide spatial strategy

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

D5 Building design

D6 Amenity

HE1 Historic Environment

PCS8 Bath Hot Springs

ST7 Transport requirements for managing development

The following supplementary planning documents are also relevant in the determination of this application:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013)

The Bath City-wide Character Appraisal (August 2005)

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).

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.

OFFICER ASSESSMENT

Planning permission is sought for the erection of a two storey side extension at 60 Cranwells Park, Lower Weston. Planning permission has been previously approved at the property for a single storey side extension and summerhouse and a single storey front extension and a two storey side extension under permission 17/00911/FUL.

This permission was revised from its original submission following officer concern about the proposed design and its impact upon the character and appearance of the streetscene. The current scheme pending consideration seeks to gain approval for the scheme that was first submitted and then amended under application 17/00911/FUL. The following concerns were raised about this initial proposal:

- The position of the first floor side/front extension given its prominence harms the regular and uniform appearance of the streetscene. Whilst other extension above garages have taken place on the opposite side of the street these have been on properties of a different design and the first floor extension of these is at the most level with the front of the house. The projection of the proposed extension beyond the front elevation of the dwelling at first floor level is out of keeping with the existing character and style of the properties in the row. I consider that the position of 59 Cranwells Park and its extension more towards the corner and set back further from the road results in their extension being less visible within the street.
- The proposal could cause some harm to the conservation in this location due to the impact that the extension will have on the street scene and the appearance of the group of dwellings however I do not think that this would be significant.
- The first floor side/front extension will reduce levels of daylight to the side lounge window of 59 Cranwells Park. Whilst I acknowledge the applicants intention to retain the hedge I think that this may be difficult to retain and would most likely not improve the situation.

Following this consideration of the application revised plans were submitted which set the side extension behind the front elevation of the dwelling, and the ridge line was reduced below the existing ridge line..

This current application seeks to extend to within 1.2m of the front of the existing garage and the extension would project from the front elevation of the dwelling by 3.3m. The width of the extension would match the width of the existing garage. The ridge height of the proposed extension would match that of the existing dwelling.

CHARACTER, APPEARANCE AND DESIGN

When originally constructed, the run of properties on this side of the road (59 to 65 Cranwells Park) were of the same original design. 59 Cranwells Park has been extended over the garage in a similar manner to that proposed for 60 Cranwells Park. Due to the position of 59 Cranwells Park and its extension, this is positioned towards the corner of the cul-de-sac and is set back further from the road. This results in this extension being less visible and less prominent within the street.

None of the remaining properties of 60-65 Cranwells Park have extended over the garage and forward of the front elevation as proposed. Due to the size and position of the proposed extension it is considered that the extension fails to respect the existing character of the streetscene. Due to the high degree of visibility of the extension from public vantage points the extension would appear to be unduly prominent within the street and would act as an intrusion within the current open character of the estate. The extension fails to integrate satisfactorily with the existing dwelling and is not a subservient addition.

The applicant has identified that other houses on the estate have been extended (68 - 75 Cranwells Park). These houses are a different style and design to the application site. The layout of this part of the estate is of a different character to the application site. These extensions are not considered to be relevant to this application.

RESIDENTIAL AMENITY

Concern has been raised by the adjacent property (59 Cranwells Park) that the two storey side extension will impact upon levels of daylight to the ground floor of their property.

As presented, the extension occupying the majority of the roof of the forward projecting attached garage and is located close to the boundary of the property. Given this, and the proposed height of the extension it is considered that this will result in an extension which is overbearing and will reduce levels of daylight to the lounge of 59 Cranwells Park (via a side window) hallway and staircase of the property.

Whilst the staircase and hallway are non-habitable rooms and therefore any reduction in daylight to these areas cannot be given as a reason for refusal the current proposal has failed to address the reduction in levels of daylight to the lounge of 59 Cranwells Park which is considered to be unacceptable.

Levels of overlooking are not considered to be unacceptably affected by the proposal.

CONSERVATION AREA AND WORLD HERITAGE SITE

The dwelling is located within the City of Bath Conservation Area. Policy HE1 of the 2017 Placemaking Plan requires that development within or affecting the setting of a conservation area will only be permitted where it will preserve or enhance those elements which contribute to the special character or appearance of the conservation area.

This part of the conservation area is characterised by well-proportioned properties set within large plots. The estate has an open feel with the front of properties given over to lawn and small driveways. The southern side of this part of Cranwells Park displays a high degree of uniformity with single storey attached garages projecting forward of the front elevation of the dwelling.

The proposed extension would impact upon the uniformity of properties displayed within the street by extending to almost the full length of the attached garage. This would result in a highly visible extension which would negatively impact upon the general uniformity of the properties which fails to preserve the characteristics of the conservation area in this location.

Whilst the proposal is considered to cause less than substantial harm to the designated heritage asset this harm needs to be weighed against the public benefits of the proposal, including securing its optimum viable use. In this instance it is not considered that the public benefits of the proposal outweigh the harm to the setting of the conservation area as no public benefit has been identified.

The proposal is not considered to have an impact upon the setting of or the universal values of the World Heritage Site.

CONCLUSION

For the reasons set out in the above report the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, by reason of its position, scale and design is considered to be detrimental to the character and appearance of the streetscene and host dwelling. Due to the position and size of the proposed extension, the proposed development will cause significant harm to levels of daylight to 59 Cranwells Park. The proposal is therefore contrary to policies D1, D2, D5 and D6 of the Bath and North East Somerset Placemaking Plan 2017.

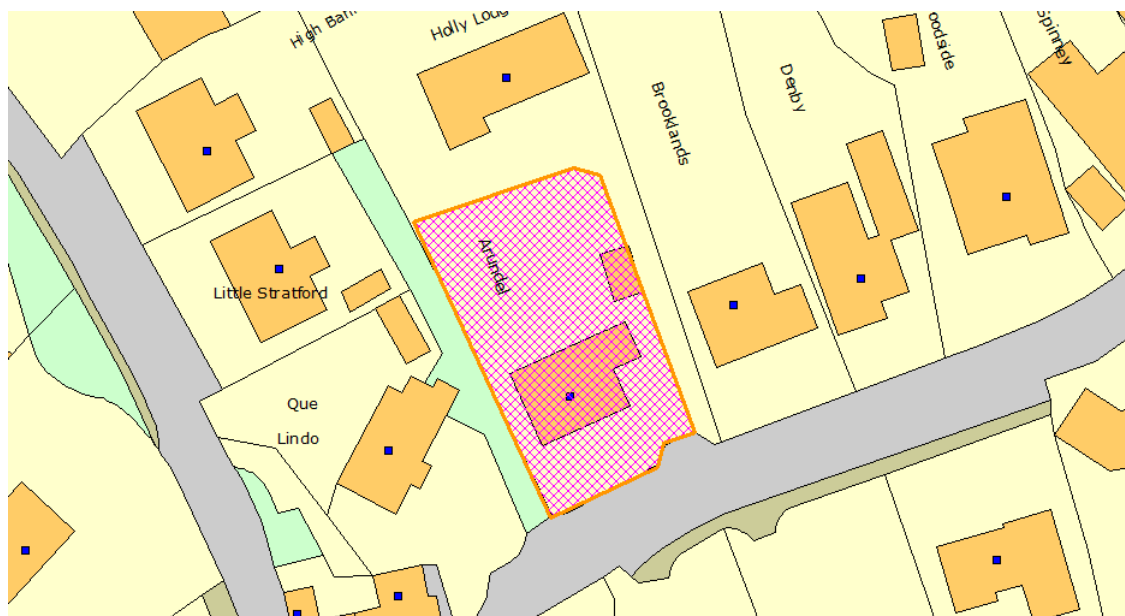
2 The proposed extension due to its position, scale and design fails to preserve or enhance the characteristics of the conservation area in this location and is considered to be contrary to policy HE1 of the Bath and North East Somerset Council Placemaking Plan 2017.

PLANS LIST:

This decision relates to drawings 115-1, 115-2, 115-3, 115-4, 115-5 dated as received 17th April 2018.

2 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. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No: 06
Application No: 18/01448/REM
Site Location: Arundel Church Lane Bishop Sutton Bristol Bath And North East Somerset



Ward: Chew Valley South **Parish:** Stowey Sutton **LB Grade:** N/A

Ward Members: Councillor Vic Pritchard

Application Type: Removal of conditions

Proposal: Removal of condition 2 of application 17/01983/FUL (Erection of single storey side and rear extensions, front dormer window and internal reconfiguration works to existing dwelling.)

Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

Applicant: Mr Colin Radforth

Expiry Date: 5th July 2018

Case Officer: Chloe Buckingham

To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Stowey Sutton Parish Council have objected to the application contrary to the officers' recommendation. They have stated that; 'Arundel is a property in a prominent position, which has existing planning permissions to significantly extend the building, the condition to remove permitted development rights was requested to ensure that any future development on the property is fully considered in the context of the Stowey Sutton Neighbourhood Plan to ensure that the plot does not become over developed in contrast to the streetscape as identified in Neighbourhood Plan Appendix E, Character

Assessment'. The chair of committee has agreed to take the application to committee for the following reason:

I have studied the application including the history of the site & I also note third party & SSPC comments.

The Officer has assessed the application explaining a recent appeal decision should be considered when determining this proposal.

The application, in my view, remains controversial & the issues should be debated, therefore I recommend the application be determined by the DMC.

DESCRIPTION OF SITE AND APPLICATION:

Arundel is a detached bungalow located within the Bishop Sutton.

The proposal relates to the removal of condition 2 attached to application 17/01983/FUL (Erection of single storey side and rear extensions, front dormer window) granted on 8th August 2017.

Condition 2 states the following:

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 Policy CP6 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3 and D4 of the Bath and North East Somerset Placemaking Plan.

Relevant Planning History:

DC - 17/01983/FUL - PERMIT - 7 August 2017 - Erection of single storey side and rear extensions, front dormer window and internal reconfiguration works to existing dwelling.

DC - 17/05777/FUL - REFUSE - 12 January 2018 - Provision of 4no. rear dormer windows.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation:

Stowey Sutton Parish Council: Arundel is a property in a prominent position, which has existing planning permissions to significantly extend the building, the condition to remove permitted development rights was requested to ensure that any future development on the property is fully considered in the context of the Stowey Sutton Neighbourhood Plan to ensure that the plot does not become over developed in contrast to the streetscape as identified in Neighbourhood Plan Appendix E, Character Assessment.

Removal of permitted development rights does not preclude further development of a property, it simply ensures any such work complies with local planning requirements, as such Stowey Sutton Parish Council do not support the application to reinstate permitted development rights at this property.

Third party responses: 3 objection comments have been received. The main points being:

- The bungalow is in a prominent position and a rear dormer will amount to overdevelopment.
- The bungalow will look out of keeping with the neighbouring properties.

POLICIES/LEGISLATION

POLICIES:

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

The following B&NES Core Strategy policies should be considered:

CP6 Environmental Quality
CP2 Sustainable construction

The relevant Placemaking Plan policies should be considered:

DW1 District Wides Spatial Strategy
D2 Local character and distinctiveness
D4 Streets and Spaces
D5 Building Design
D6 Amenity
ST1 Promoting sustainable travel
ST7 Transport Access and Development Management

The Stowey Sutton Neighbourhood Plan 2015-2029:

SSHP02- Development Scale
SSHP03- Development Character
SSHP04- Property Size

LEGAL FRAMEWORK

- Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

- The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE:

The application is located within the housing development boundary. Therefore the principle of development is accepted subject to compliance with all other policies.

DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:

It is noted that within the previously permitted application (17/01983/FUL) it was considered that the rear dormer window proposed would look out-of-keeping and out of proportion with the main dwelling. Therefore, the applicant removed the rear dormer window and the Council saw fit to remove permitted development rights to ensure that any future changes to the dwelling could be overseen by the Council. Following this another application for four rear dormer windows was submitted to the Council (17/05777/FUL). The application was refused due to being overdevelopment and out-of-keeping with the main property.

Since the decision to remove permitted development rights on this property, a recent appeal has come to the attention of the Council being at a site on Old Midford Lane (APP/F0114/W/17/3180752) which is within the Green Belt and in an Area of Outstanding Natural Beauty.

The Inspector stated in this appeal that:

'Paragraph 200 of the of the National Planning Policy Framework (The Framework) states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. This is reinforced by Planning Practice Guidance (PPG) that states that such conditions should only be used in exceptional circumstances, that the scope of such conditions needs to be precisely defined and that area wide or blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.'

It was concluded in the appeal decision that:

'My findings are that the exercise of permitted development allowances in accordance with conditions 2 and 3 would not have a significant adverse effect on the Green Belt or on the AONB. These conditions are thereby neither necessary nor reasonable and fail the tests for conditions set out at paragraph 206 of The Framework in these respects. The imposition of these conditions is also contrary to the advice in PPG as there are no exceptional circumstances to justify them.'

It should also be noted that full costs were awarded to the appellant on the basis of unreasonable behaviour by the Council when removing the permitted development rights.

In the case of the current application it is apparent that there are a number of existing large rear dormer windows on properties in the street and the issue regarding the impact on the character and appearance of the bungalow is not considered to be an exceptional circumstance as this reason could be applied in many cases where the Council has concerns regarding the impact that permitted development rights have on the character and appearance of a property/area.

IMPACT ON RESIDENTIAL AMENITY:

There are not considered to be any significant negative residential amenity impacts regarding the proposal to remove the condition which restricts permitted development rights. All properties on the street have permitted development rights and there are also a number of large rear dormer windows in the area. Any over-looking that results from the inclusion of a rear dormer window is considered normal for built-up residential areas such as this.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The proposal proposal is not considered to have any significant negative impacts in terms of highway safety.

CONCLUSION:

In conclusion, the removal of the permitted development rights are considered neither reasonable nor necessary and it fails the tests for conditions as set out in paragraph 206 of The Framework and is also contrary to the advice in the NPPG.

For the reasons set out above, it is recommended that this application is granted permission.

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 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:

This decision relates to the Site Location and Block Plan (200-01) received 6th December 2017.

2 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.

3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

4 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.

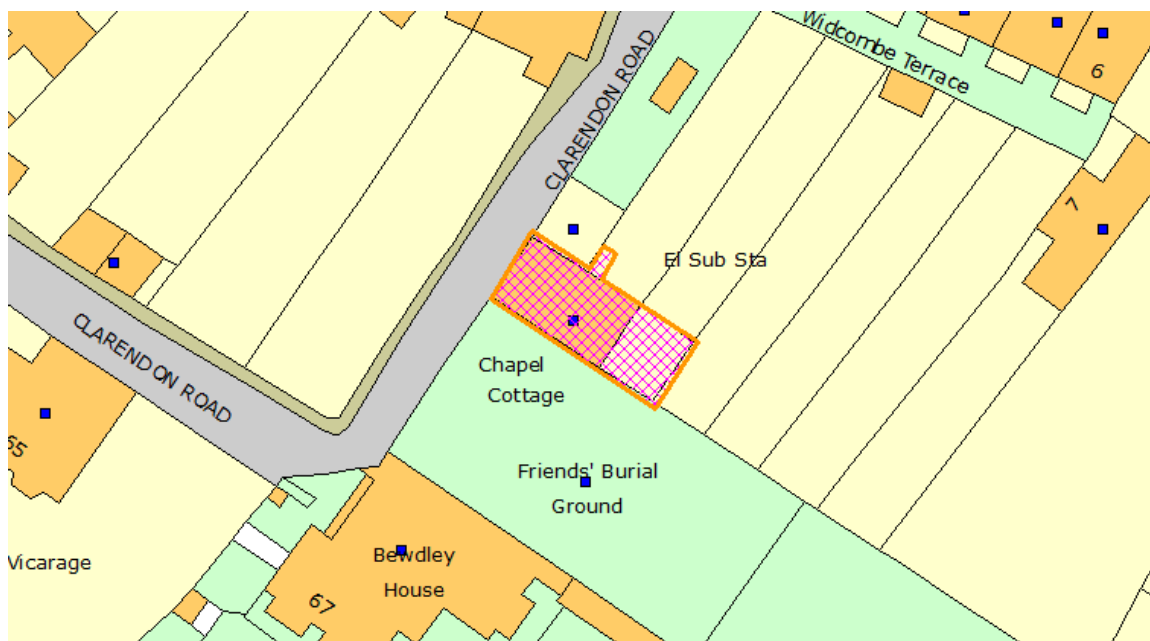
Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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.

Item No: 07
Application No: 18/01483/FUL
Site Location: Chapel Cottage Clarendon Road Widcombe Bath Bath And North East Somerset



Ward: Widcombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor I A Gilchrist Councillor Jasper Martin Becker
Application Type: Full Application
Proposal: Change of use from 3bed residential dwelling (C3) to 3bed House of Multiple Occupation (C4)
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 Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr Christopher Moore
Expiry Date: 5th July 2018
Case Officer: Hayden Foster
 To view the case click on the link [here](#).

REPORT

Reason for the application being referred to Committee:

The application had been referred to the Committee chair following comments made by a ward councillor who had objected to the application. The Committee chair has made the following comments:

'I have studied the application, Ward Cllr & third party comments alongside the Highways comments.

The Officer has assessed the application in line with relevant planning policy as the report explains however the Highways issues remain controversial & therefore I recommend the application be determined by the DMC so the points raised can be debated.'

Site Description and Proposal:

The application relates to a detached house located off Clarendon Road, which is within the residential area of Widcombe. The site is situated within the Bath Conservation Area and the wider World Heritage Site.

The application seeks consent for change of use from a 3bed residential dwelling (C3) to 3bed House of Multiple Occupation (C4)

Relevant Planning History:

No relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

A comment has been received from a local councillor in which the following comments have been made:

'As a matter of principle I object to all HMO conversion applications on the grounds that they usually put undue pressure on the neighbourhood for waste disposal, parking, and noise. I request that the Planning Officer fully apply the Article 4 tests as modified in the revised (Nov 2017) SPD to see if the application can be refused on these grounds.'

Highways

'The applicant is seeking permission for Change of Use from a 3 bed family dwelling to a 3 bed HMO (Use Class C4) located at Chapel Cottage, Clarendon Road, Widcombe, Bath. The proposed HMO will house 4 individual occupants.

The change of use may increase the occupancy of the house marginally by independent individuals (i.e. not a family) and this may raise concerns over increased parking demand. The site is however located within a Controlled Parking Zone (3) and instances of indiscriminate on-street parking in the vicinity are therefore unlikely. The sites sustainable location is acknowledged where there is good access to a range of services, facilities and public transport links and car-use should therefore be less intense.

Furthermore, there is also evidence from surveys carried out by Dept. for Communities and Local Govt. which states that rented accommodation can have up to 0.5 fewer cars than owner occupied households of similar size and type. In this instance car-ownership would be similar to or even less than the current domestic use of the property. Given this, coupled with the sites sustainable location and parking restrictions in place, it is not considered that there would be a significant impact on the local highway.

Highways DC, therefore, have no objection to this application.'

Representations Received:

A number of representations have been received in which is summarised as follows:

Parking, Refuse and Recycling

- There are already significant parking issues in this area with many local residents being unable to park within the permit area at certain times.
- Multiple residents will add pressure to refuse/recycling collections which are already overstretched and inefficient here.

Residential Amenity, Noise Impact

- The possibility of unwanted noise pollution should the property be occupied by students, who could well have late night parties and play loud music.

Impact to the adjacent Burial Ground

- The area immediately next to the cottage is an ancient Quaker burial ground, intended to be a peaceful space, which residents of Chapel Cottage have historically helped to care for and preserve for its purpose. Frequent changes of tenants in an HMO would detrimentally change this.

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- 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: Impact of development on World Heritage site of Bath or 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
D5: Building Design
D6: Amenity
H2: Houses in Multiple Occupation
H3: Residential Use in Existing Buildings
HE1: Historic Environment
ST7: Transport requirements for managing development

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

Houses in Multiple Occupation in Bath SPD

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).

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.

OFFICER ASSESSMENT

Chapel Cottage is a detached house located within the residential area of Widcombe. The house is situated within the Bath Conservation Area and the wider World Heritage site.

The proposal is seeking permission for the change of use of a dwelling house (use class C3) to a House of Multiple Occupation (use class C4).

Change of Use

The proposal involves the use of an existing 3 bedroom house as a 3 bedroom House of Multiple Occupation (HMO). The guidance within the SPD confirms that there are two tests which relate to applications for a change of use of a dwelling to a HMO. The first criterion identifies whether the change of use of the dwelling would result in any residential property (C3 use) being 'sandwiched' between two HMOs. In this case, it is noted that Chapel Cottage is a detached dwelling with surrounding properties being in residential use (C3 use). The BATHNES HMO SPD describes sandwiching as the introduction of a new HMO which would result in an existing residential property (C3) sandwiched by any adjoining HMOs on both sides. As such it can be seen that no sandwiching will occur.

With the first criterion established the proposal must now be assessed against the two stage test of criterion two. The first part of criterion two sets out to establish whether the application property is within or less than 50 metres from a Census Output Area in which HMO properties represent more than 10% of households. In regards to this proposal it can be seen that the application site falls outside of a Census Output Area. As such the proposal is not required to be assessed against test two of this criterion, which sets out to establish whether there is a threshold above 10% in the immediate 100m around the

property. However, for the avoidance of doubt test two of the criterion has been conducted. It is noted that within a 100 metre radius there are 88 residential properties and no properties currently in HMO use. However, a planning application for a change of use application at 13 Widcombe Crescent (Reference: 18/01482/FUL) has recently been permitted. When taking the current proposal and the flat at 13 Widcombe Crescent into consideration this would result in 86 residential properties and 2 HMOs within a 100 metre radius. This would amount to HMOs representing 2.3% of properties within the area, which is less than the 10% set out within the stage two test of households that account for HMO use.

As such the proposal is acceptable in principle, unless there are other material considerations. The main considerations now are character and appearance, residential amenity and highways safety.

Impact to the Conservation Area, World Heritage Site, Character and Appearance

It is considered that the proposed use of the dwelling as a HMO would not cause harm to the character or appearance of this area. This is due to there being no proposed external changes.

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the proposal is consistent with the aims and requirements of the primary legislation and planning policy and guidance.

The proposed change of use will not have a negative impact on the World Heritage Site.

Residential Amenity

The proposed use of the building will result in no changes to the internal layout when considering conversion of rooms. The internal layout would create a sufficient standard of accommodation for future occupiers of the property. The proposal is therefore considered to provide an acceptable level of residential amenity for future occupiers.

If issues arise Local residents would be able to report instances of disturbance once the HMO use is implemented. These instances can then be investigated by the Environmental Health Team.

It is noted that the proposed change of use may result in different patterns of behaviour to a single family unit. However, there is no evidence to suggest that the proposed HMO would be used materially different to that of a dwelling house, which would result in an increase in harm so significant as to warrant a refusal of this application.

Highways and Transport

The Council's Highway Development Officer has no objection to the proposal. It is noted that the property falls within a sustainable location with good access to local facilities and public transport. The property is also noted to have an integral garage which will remain. Of further consideration is that the site is located within a Controlled Parking Zone (3). As

such Highways DC have noted that instances of indiscriminate on-street parking in the vicinity are unlikely.

Furthermore, there is also evidence from surveys carried out by Dept. for Communities and Local Govt. which states that rented accommodation can have up to 0.5 fewer cars than owner occupied households of similar size and type. In this instance car-ownership would be similar to or even less than the current domestic use of the property. Given this, coupled with the sites sustainable location, integral garage and parking restrictions in place it is not considered that there would be a significant impact to the local highway.

Conclusion

According to the data held by the Council, the proposal would not result in a residential property becoming sandwiched between two HMOs. Criterion 1 aims to prevent the potential for negative impacts upon an existing dwelling resulting from the sandwiching effect of an HMO use to both sides of a C3 dwelling. It also aims to ensure that there is a balance of housing types at street level. The SPD recognises that the cumulative impact of HMO's on either side could significantly impact upon the residential amenity of the property as well as character of the area. C3 dwelling houses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and comings and times and patterns of movement. Conversely, HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements. The comings and goings of the occupiers of a HMO are likely to be less regimented and occur at earlier and later times in the day than a C3 family home, and may well consist of groups engaging in evening or night time recreational activity. Such a change of use can therefore be expected to increase comings and goings, noise and other disturbance compared to a C3 use. Individually, HMOs are not generally considered to result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect.

In light of the points raised above, the proposal is considered to have an acceptable impact on the mixture of housing in the area. The proposal is not considered to pose a negative impact on highways safety and parking, therefore it is recommended for approval.

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 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:

This decision relates to the following plans received 6th April 2018: Existing and Proposed Ground Floor Plan, Existing and Proposed First Floor Plan

2 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.

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 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.

4 Community Infrastructure Levy

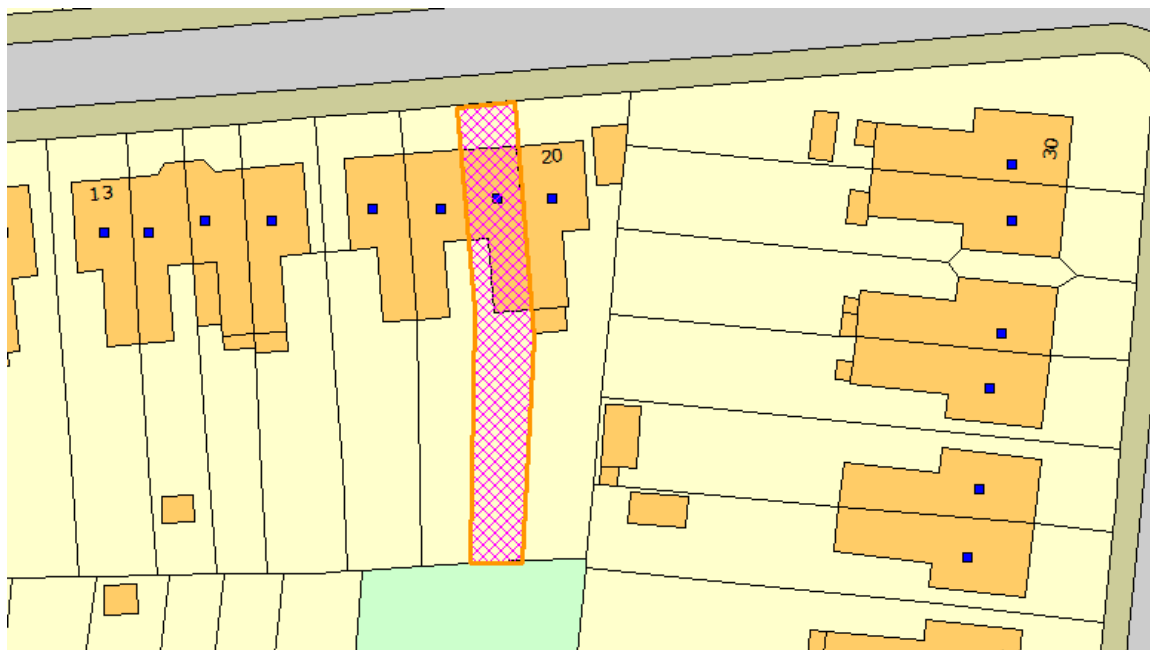
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Notice which you will receive shortly. Further details are available here:
www.bathnes.gov.uk/cil

5 HMO Advice Note

Please note that you will also require an HMO Licence for your property to operate as an HMO. Planning and HMO licensing are two separate requirements and it is essential that an HMO licence is obtained after receiving planning permission. Although Planning Permission may be granted without an HMO licence, you may legally not be able to use the property as an HMO. If you have any queries, please contact Housing Services by email at hmo_licensing@bathnes.gov.uk or telephone 01225 396269.

Item No: 08
Application No: 18/01379/FUL
Site Location: 19 Rockliffe Road Bathwick Bath Bath And North East Somerset BA2 6QN



Ward: Walcot **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Fiona Darey Councillor Richard Samuel
Application Type: Full Application
Proposal: Erection of single storey extension to rear and side of property. Insertion of conservation rooflights in plane of roof to rear and side of property. (Revised proposal).
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 Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant: Mr Alessandro Arossio
Expiry Date: 30th May 2018
Case Officer: Dominic Battrick
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. Cllr Richard Samuel, ward councillor for Walcot, requested that should officers be minded to recommend approval, consideration be given to determination of the application by Development Management Committee. Planning

policy reasons were given by Cllr Samuel in objection to the application, contrary to officer recommendation. The Chair's comments are as follows:

I have studied the application & looked at the history of the site carefully, I note the Ward Cllr DMC request & third party objections.

The application, as it now stands, has been assessed against relevant planning policy as explained in the report presented to me however the impact on neighbour's amenity & finished materials remain controversial & therefore I recommend it should be debated by DMC.

DESCRIPTION OF SITE AND APPLICATION:

19 Rockliffe Road is a two storey terraced house within the Bathwick area of Bath. The property is within the Bath Conservation Area and City of Bath World Heritage Site designations.

Planning permission was sought and granted for a single storey rear and side extension and the installation of rooflights to 19 Rockliffe Road, under application 17/05030/FUL.

The current application is seeking to regularise the development as a revised scheme to application 17/05030/FUL following an enforcement complaint notifying the Council of breaches of the permission. The includes finishing the external walls in render (to match the colour of the host building) instead of ashlar stone, and to provide 3 additional high level obscured windows within the west side elevation of the proposed single storey extension.

RELEVANT PLANNING HISTORY:

AP - 05/00032/RF - DISMIS - 28 July 2005 - Loft conversion with rear dormer (Resubmission).

DC - 04/01494/FUL - RF - 1 July 2004 - Conversion of loft with rear dormer

DC - 04/03639/FUL - RF - 19 January 2005 - Loft conversion with rear dormer (Resubmission).

DC - 05/02238/FUL - RF - 26 August 2005 - Conversion of loft with rear dormer

DC - 05/03878/FUL - PERMIT - 19 January 2006 - Installation of rear dormer

DC - 10/04107/TCA - NOOBJ - 3 November 2010 - 20% reduction and 20% thin to 2nd Acer

DC - 12/00185/TC5 - NOOBJ - 17 January 2012 - Fell dead Maple tree

DC - 17/05030/FUL - PERMIT - 8 December 2017 - Erection of single storey extension to rear and side of property. Insertion of conservation rooflight in plane of roof to rear of property.

EN - 18/00104/NONCOM - PLNREC - - Enforcement Enquiry

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

No consultation responses received.

OTHER REPRESENTATIONS / THIRD PARTIES:

4 comments received from neighbours (2 representations received from the same address), all objecting to the application. The points raised are summarised as follows:

Character and appearance:

The extension being built is larger than the one initially proposed on the original application, covering the whole length of the side return. The extension is being constructed with concrete breezeblocks instead of ashlar Bath Stone, as originally proposed and required via condition on the original application. The narrow gap from the side elevations to adjoining properties means that render cannot be applied properly on either side elevation. It is requested that the walls of the extension are rebuilt to allow the extension to be finished externally in Bath Stone. A tree is planned to be cut down and is not dead.

Residential amenity:

The 3 windows on the side elevation will provide overlooking to kitchen and family room windows and the patio area of 18 Rockliffe Road, resulting in a loss of privacy. The windows are considered unnecessary due to the south-facing rear elevation. The side elevation windows would have been objected to if included in the first application. The extension will overshadow the adjacent rear conservatory at 20 Rockliffe Road, due to its proximity to the side elevation of the conservatory and the raised roof line.

Other matters:

It is unclear how rain water drainage will be provided on the extension adjacent to the party wall with 18 Rockliffe Road. A concealed drainpipe was originally proposed and is not being constructed. The plans show the party wall to be much higher than it actually is. The applicant has failed to seek a Party Wall Agreement or otherwise consult adjoining neighbours on matters relating to the works at the boundaries of 18 and 20 Rockliffe Road.

POLICIES/LEGISLATION

POLICY CONTEXT:

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 Development Plan for Bath and North East Somerset comprises:

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

D5: Building Design

D6: Amenity

HE1: Historic Environment

ST7: Transport requirements for managing development

NPPF:

The National Planning Policy Framework (NPPF) was published in March 2012 and is a material consideration due significant weight. The following sections of the NPPF are of particular relevance:

Section 7: Requiring good design

Section 12: Conserving and enhancing the historic environment

Due consideration has also 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.

SPD's

The following supplementary planning documents are also relevant in the determination of this application:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013)

The Bath City-wide Character Appraisal (August 2005)

OFFICER ASSESSMENT

PLANNING ISSUES:

The main issues to consider are:

- The design impacts on the character and appearance of the site and its surroundings, including the Conservation Area and World Heritage Site.
- The impacts on the residential amenity of surrounding properties.
- Highway safety and parking.

Character and Appearance:

Policy D1, D2, D3 and D5 of the Placemaking Plan require proposals to have regard to the character and appearance of the development and its impact on the character and appearance of the host dwelling 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 footprint and scale of the proposed extension is as approved under 17/05030/FUL, however it is recognised that the scheme originally stopped short of the side return, leaving a gap to the main two storey rear elevation. The extension is a single storey side and rear wrap-around extension with a shallow pitched roof that wraps around the two storey rear wing of the existing house. The two storey wing forms a gable end with the adjoining rear wing at 20 Rockliffe Road. The single storey wrap-around extension is of a typical footprint, bulk and scale frequently developed at the rear of Victorian terraces with a two storey rear wing layout.

It was previously determined that the extension will not be a disproportionate or harmful addition to the dwelling and will not dominate the appearance of the rear of the terrace. This conclusion is maintained with the recommendation of this application. The key material design alteration is the change in proposed walling materials from ashlar Bath Stone to rendered walls in a colour to match the existing house.

While it was conditioned that the materials match the host dwelling on the original application, this was on the basis that the application was assessed with matching materials forming part of the proposal. The extension will not be prominent in views from outside the site, and will be out of view from the public realm. Rendered walls in a colour sympathetic to the ashlar stone of the host building is considered acceptable in this context. The applicant's agent considers that the breezeblock walls, which are not the external finish, may be rendered despite the narrow gap. However, this is a construction matter.

Regarding a tree in the garden, there is no indication that any trees within the garden will be affected by the development and there are no protected mature trees within the site.

The application also includes the additional rooflights on the main house as approved under 17/05030/FUL. As previously determined, there are rooflights of varying positions and sizes already present within the terrace and the proposed rooflights are not disproportionate or out of keeping with surrounding properties.

Subject to a condition securing approval of the render and roofing tiles to match, the proposal is considered to comply with policies CP6 and B4 of the Core Strategy and policies D1, D2, D3 and D5 of the Placemaking Plan.

Conservation Area:

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. 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.

Rendered external walls for subservient rear extensions are commonly acceptable in the Conservation Area, particular where (public) views of the extension from beyond the site are limited. Subject to approval of the colour and finish of the render, this alternative material is considered acceptable in this context. The form, scale and fenestration of the proposed extension are appropriate for the host dwelling and the impact of the proposed development on the character, setting and significance of Bath Conservation Area will be minimal.

The proposal is therefore in accordance with policy CP6 of the Core Strategy, policy HE1 of the Placemaking Plan and section 12 of the NPPF.

World Heritage Site:

The proposed development is located within the Bath World Heritage Site, where policy B4 of the Core Strategy states that consideration must be given to impacts on the heritage asset and its setting. It is considered that the development will not adversely impact the setting of the surrounding area and will not result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity.

The proposal is therefore in accordance with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan and section 12 of the NPPF.

Residential Amenity:

The application includes side elevation windows on the single storey extension fronting the boundary with 18 Rockliffe Road, which were not proposed on the original application. These are proposed for the purposes of providing additional light to the side return of the extension. Concerns are raised by the occupiers of 18 Rockliffe Road as the elevation faces habitable room windows on the side and rear of the neighbouring property and a narrow patio area.

To alleviate the concerns of a perception of overlooking, it was requested that the windows are removed from the application. However, the applicant intends to proceed with the windows on this scheme. It is considered that there is not a strong case for refusal of the application based on this detail. The windows are above head height, located above the party wall and immediately below the eaves of the single storey extension. Furthermore, the windows are proposed to be obscured and this may be controlled via condition. It should also be noted that, had the development been

completed as approved, the windows may be installed at a later date under permitted development. Notwithstanding this consideration, due to the height of the windows above the internal floor level and the obscured glazing, the windows will not provide intrusive views outside of the building. A condition to ensure the windows are obscured is recommended to address the perception of overlooking.

While the footprint of the extension is as approved, concern has been raised as to the extension covering the full length of the side return. The eaves of the extension will be taller than the height of the adjacent party wall. However the extension is not of a significantly greater height than the wall that its bulk that would provide an unacceptable detrimental overbearing impact or loss of light to the adjoining 18 Rockliffe Road. The roof of the extension pitches away from the boundary at a shallow gradient, minimising its impact.

With regard to the impact on the conservatory extension at 20 Rockliffe Road, the extension matches the rear building line of the adjacent conservatory. The variation in roof heights between the two extensions is marginal and will not materially impact the conservatory. While the extension will be close to the high level glazing on the side elevation of the conservatory fronting the application site, this glazing is not critical to the provision of light serving the conservatory and the rear elevation of 20 Rockliffe Road overall. There are no significant deviations from the approved scheme in this respect.

Subject to a condition for the side elevation high level windows on the extension to be obscured (as proposed), the proposed development will not significantly harm residential amenity in accordance with policy D6 of the Placemaking Plan.

Highways Safety and Parking:

The proposed development will not result in a material increase in demand for parking associated with the property or otherwise affect local highway conditions. The development is therefore in accordance with policy ST7 of the Placemaking Plan.

Other Matters

Matters of drainage are mostly controlled via building regulations. However, the concerns over the guttering primarily relate to its appearance, which will not have a significant detrimental impact on the appearance of the development and its surroundings.

The issue relating to the height of the party wall shown on the rear elevation drawing has been corrected, given that the eaves of the extension will exceed the height of the wall. Other discrepancies and deviations from the submitted plans have been corrected and the revised plans. This notably includes the proposed external walling material of render, which was specified during the enforcement investigation but not explicit on the current application.

Matters of party wall agreements are separate to the planning process and cannot be a material consideration in the assessment of this application.

Conclusion

For the reasons set out above the application is considered to comply with policies CP6 and B4 of the Core Strategy and policies D1, D2, D3, D5, D6 and HE1 of the B&NES Placemaking Plan and is recommended for approval, subject to conditions requiring the side elevation windows to be obscured and for a sample of the render to be approved prior to rendering of the external walls.

RECOMMENDATION

PERMIT

CONDITIONS

1 Materials - Sample of Render (Bespoke Trigger)

The proposed development shall not be occupied until the external walls have been rendered in a colour and texture that has first been submitted to and approved in writing by the Local Planning Authority.

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

2 Obscure Glazing Windows (Compliance)

The proposed development shall not be occupied until the ground floor windows on the west (side) elevation of the extension (fronting 18 Rockliffe Road) have been obscurely glazed and 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.

3 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:

PLANS LIST:

This decision relates to the following plans: Existing and Proposed Block Plans - MJS004-PA01, Existing Floor Plans - MJS004-PA02, Site Location Plan, all received 04/05/2018; Existing Elevations - MJS004-PA03 rev. A received 07/06/2017; Proposed Floor Plans - MJS004-PA04 rev. A, Proposed Elevations - MJS004-PA05 rev. B received 14/06/2018.

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 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

4 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.