

# Bath & North East Somerset Council

**MEETING:**            **Development Management Committee**

**MEETING DATE:**            **1st August 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.

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	18/00356/FUL 3 August 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

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

**Item No:** 001  
**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

<b>Ward Members:</b>	Councillor M Veal    Councillor Alison Millar    Councillor Geoff Ward
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	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.
<b>Constraints:</b>	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,
<b>Applicant:</b>	Mrs Nikki McCarthy
<b>Expiry Date:</b>	3rd August 2018
<b>Case Officer:</b>	Alice Barnes
To view the case click on the link <a href="#">here</a> .	

## 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.

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

The application was considered at the development management committee meeting of the 4th July. The Committee resolved to defer the application for a site visit on the 23rd July.

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: A bat survey has now been submitted of the building. No current use of the building by bats was found. Although the survey was undertaken after works had begun, the survey does provide a level of confidence that the site does not currently support bat roosting which could be impacted by the proposal or by continuation of works. The loft space would have provided suitable conditions for roosting but no signs of past use for roosting or means of access for bats to the loft space were identified.

The submitted survey addresses part of the previously requested Wildlife Protection and Enhancement condition (pre-commencement survey for bats). I have also spoken to the Consultant ecologist re. the potential requirement for any further measures to protect wildlife during works. Based on the current condition of the site and my conversation with the ecologist who attended site and carried out the survey, I am satisfied that there would now be no benefit arising from measures to protect existing wildlife during construction phase.

However, it is still appropriate for the scheme to incorporate features / habitat to provide replacement ecological value, where possible eg replacement bat roosting potential within the new building, and provision for nesting birds, new wildlife friendly planting. Such measures should be secured by condition if possible.

Highways: The site is accessed from the public highway (Pump Lane) via Manor Drive and Rowlands Close, which are both unadopted private access roads. It is noted that a Public Right of Way (BA3/12) runs eastwards from Pump Lane along Manor Road. Highways DC are satisfied that the safety of pedestrians will not be compromised as a result of construction vehicles due to the presence of a footway along Manor Road.

The development will result in an increase in parking demand in accordance with policy ST7 of the BANES Placemaking Plan which specifies a minimum of 3 no. spaces is required for a 4 bed property located within the Bath Outer Zone. Highways DC are satisfied that there is ample space within the existing drive to accommodate this.

In response to concerns raised in relation to impacts on traffic flow and nearby residents during the construction phase, a detailed Construction Management Plan (CMP) has been submitted. As the site is accessed off a private lane, it's highly unlikely that there will be any impacts of significance on the public highway as a result of construction traffic and staff parking. In relation to impacts on the immediate vicinity, the applicant shall adhere to the information outlined in the CMP submitted and liaise closely with adjacent residents if and when necessary.

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:

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

Core Strategy:

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

## 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 a 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 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 1.7ms 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 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; reported removal of ponds and re-profiling / earthworks within the garden.

A bat survey has now been submitted of the building. No current use of the building by bats was found. Although the survey was undertaken after works had begun, the survey does provide a level of confidence that the site does not currently support bat roosting which could be impacted by the proposal or by continuation of works. The loft space would have provided suitable conditions for roosting but no signs of past use for roosting or means of access for bats to the loft space were identified.

## Highways

The highways officer has raised no objection to the application. The development will result in an increase in parking demand in accordance with policy ST7 of the Placemaking Plan which specifies a minimum of 3 no. spaces is required for a 4 bed property located within the Bath Outer Zone. There is ample space within the existing drive to accommodate this.

The applicant has submitted a construction management plan which has been referred to the highways officer. The highways officer has advised that this is acceptable.

## 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 Parking (Compliance)**

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



Reason: To ensure sufficient parking is 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 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 Wildlife Protection and Enhancement (Pre-commencement)**

Within six weeks of the granting of permission full details of a Wildlife Protection and Enhancement Scheme produced by a suitably experienced ecologist have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed precommencement checks and surveys, for the avoidance of harm to bats, reptiles, nesting birds and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;

(ii) Detailed proposals for implementation of wildlife mitigation and enhancement measures, including wildlife-friendly planting and landscape details; provision of bat and bird boxes; provision of replacement habitats; provision for enabling movement of wildlife including hedgehogs on and off site; sensitive lighting design; with proposed specifications, models, species, materials as applicable, and proposed numbers and positions of species and features to be shown on plans as applicable;

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development and retained within the development thereafter in accordance with approved details.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies NE3 of the Bath and North East Somerset Local Plan.

#### **6 Protection and Enhancement (Pre-occupation):**

No occupation of the development hereby approved shall commence until:

(a) measures to provide additional features to benefit wildlife, to include, for example, nesting opportunities for birds; bat boxes; hedgehog home; hedgehog access points within fencing; and wildlife- and bee-friendly planting; have been installed on site

(b) a brief report confirming and demonstrating, using photographs where appropriate, completion of the measures in part (a) of this condition, has been submitted to and approved in writing by the Local Planning Authority.

All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat

Reason: To minimise loss of nesting and bat roosting habitats and a net loss to biodiversity, and to provide biodiversity gain in accordance with NPPF

### **7 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

1 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](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto: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](http://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.