

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **18th November 2020**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **SITE VISIT AGENDA**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	20/01408/VAR 20 November 2020	Mr & Mrs E Honeyfield Building Between The House And Old Orchard, The Street, Ubley, Bristol, Variation of condition 2 of application 17/00295/FUL (Erection of detached dwellinghouse & detached garage).	Chew Valley	Christine Moorfield	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 20/01408/VAR
Site Location: Building Between The House And Old Orchard The Street Ubley Bristol



Ward: Chew Valley **Parish:** Ubley **LB Grade:** N/A
Ward Members: Councillor Vic Pritchard Councillor Karen Warrington

Application Type:	Application for Variation of Condition
Proposal:	Variation of condition 2 of application 17/00295/FUL (Erection of detached dwellinghouse & detached garage).
Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP9 Affordable Housing Zones, Housing Development Boundary, LLFA - Flood Risk Management, Policy NE2 AONB, Neighbourhood Plan, SSSI - Impact Risk Zones, Water Source Areas,
Applicant:	Mr & Mrs E Honeyfield
Expiry Date:	20th November 2020
Case Officer:	Christine Moorfield
To view the case click on the link here .	

REPORT

This application was considered by the Planning Committee on the 21st October 2020. The committee deferred the application pending a site visit.

The Committee members required clarification with regard to this application being a variation to the permission granted under reference number 17/00295/FUL which was permitted on the 31st May 2017.

In addition a site visit was considered necessary for members to fully understand the position of the proposed dwelling on the site and the impact it may have on the neighbours and locality.

This application has been brought before the planning committee as the Ubley Parish Council Objected to this proposal.

The Chair of the Planning Committee states:

I have considered this application and I am content that it is a variation of the original permission. However, the variation is large enough to warrant further consideration of the issues raised by Committee.

The Vice Chair of the planning committee states:

I have looked at this application and note the comments from third party and statutory consultees particularly regarding as to whether the change from 2 to 3 bedroom house, as now proposed, is a variation or full application.

Despite the Officer negotiating changes to reduce the initial variation requested I concur with the Ward Cllr that the proposal is 'far from the previous concept of a relatively small two-bedroom dwelling' & therefore I recommend the application be determined by the planning committee.

Application No: 17/00295/FUL was permitted on the 31st May 2017. The application was for the erection of a new two storey 2 bed dwelling and double garage between properties known as 'The House' and 'The Orchard' located at The Street, Ubley, Bristol.

This application seeks to vary the previous permission. This application seeks to vary condition 2 attached to the 2017 permission which requires compliance with the submitted plans.

This variation seeks permission for a marginally larger dwelling which is now shown to have 3 bedrooms rather than two as previously permitted.

The design of the dwelling has been altered primarily through the altering of the approved asymmetric roof and by extending the length of the dwelling. The width of the dwelling as now proposed remains as permitted and the side walls are in the same location as previously permitted.

The site is accessed via an existing gate from The Street which previously served the stables on the site.

The site is situated in the Mendip Hills AONB, the Ubley Housing Development Boundary and sits adjacent to the Ubley Conservation Area.

Application 17/00295/FUL was permitted subject to conditions in respect of:

- 1 Standard Time Limit (Compliance)
- 2 Plans List (Compliance)
- 3 Materials - Submission of Schedule and Samples (Bespoke Trigger)
- 4 Tree survey and impact assessment (Pre commencement)
- 5 Interests of ecology (Compliance)
- 6 Domestic ancillary use garage (Compliance)
- 7 Arboricultural method statement (Pre commencement)
- 8 Turning area kept clear (Compliance)
- 9 Visibility splays (Compliance)
- 10 Flood Risk and Drainage - Surface Water Discharge Rates (Pre-commencement)
- 11 Removal of Permitted Development Rights - No extensions or alterations (Compliance)
- 12 Obscure Glazing and Non-opening Window(s) (Compliance)
- 13 Building Regulation Document M (Compliance)
- 14 Water Efficiency (Compliance)
- 15 Water Efficiency - Rainwater Harvesting (Pre-occupation)

Under application 17/04203/COND conditions 4, 7 and 10 were discharged. These three conditions were all PRECOMMENCEMENT conditions. In order to retain their 2017 permission the agent has confirmed that works have commenced on site.

HISTORY

12/02436/FUL - PERMIT - 30 October 2012 - Provision of an additional access onto The Street from the property Streamside, replacement of existing collapsed boundary wall with a new stone wall curved inwards across a 6m section between the existing watercourse and electricity pole

13/01999/COND - DISCHG - 10 July 2013 - Discharge of conditions 4, 5 and 8 of application

12/02436/FUL (Provision of an additional access onto The Street from the property Streamside, replacement of existing collapsed boundary wall with a new stone wall curved inwards across a 6m section between the existing watercourse and electricity pole)

17/00295/FUL - PERMIT - 31 May 2017 - Erection of detached dwelling house & detached garage

17/04203/COND - DISCHG - 18 October 2017 - Discharge of conditions 4,7 and 10 of planning application 17/00295/FUL (Erection of detached dwelling house & detached garage)

The following applications relate to the property to the south of this application site which did own the application site at one time.

10/04014/COND- Discharge of condition 1 of application 09/04102/RES (Approval of reserved matters with regard to outline application 08/04694/OUT allowed on appeal 22nd July 2009 for the erection of new dwelling and alterations to existing dwelling)- Discharge of Conditions: 24.11.2010.

10/01925/NMA- Non-Material Amendment to application 09/04102/RES (Approval of reserved matters with regard to outline application 08/04694/OUT allowed on appeal 22nd July 2009 for the erection of new dwelling and alterations to existing dwelling)- Approve: 22.06.2010.

09/04102/RES- Approval of reserved matters with regard to outline application 18/04694/OUT allowed on appeal 22nd July 2009 for the erection of new dwelling and alterations to existing dwelling- Permit: 17.12.2009

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

5 different neighbours have objected to the proposal as originally submitted and as amended one neighbour having submitted 5 number letters.

Main issues raised:

-Application should not be a variation.

-The development is substantially different from the previous design of a relatively small two bedroom dwelling.

-The proposal will impact on the water course in this area, an area that floods.

-A new, contemporary, modest sized dwelling on this site may be acceptable as previously approved.

-The raised roofline (1.9m) will impact on important views as defined in the Chew Valley Neighbourhood Plan (CVNP). In particular Mendip ridge view to the south

-No street elevation provided the adjacent properties sit on higher ground of around 1-1.5 metres.

-Larger footprint will impact on drainage particularly surface water run-off.

-Site sits directly adjacent to a natural dell and natural water springs which develop at times of high rainfall arising from proximity to The Mendips, does not support a natural flood management response.

-Over development of the site.

-Loss of privacy and over shadowing for neighbours

The development will harm the amenity of neighbours it will have an overbearing impact

-Proposal is out of scale and out of character with this part of the village.

-Harm to the setting of the Conservation Area.

-In adequate access for two units.

-Impact on traffic generation and highway safety.

PARISH COUNCIL

Comments in respect of the revised plans:

1. Design

This site is adjacent to the Conservation Area in the village. Whilst it has previously been acknowledged and accepted that Ubley has "an eclectic mix of housing in the village" this is not an acceptance that any design can be sited anywhere. Virtually all the properties along The Street have their ridge roof parallel to the road whereas this one is proposed to be at 90 degrees.

2. Scale and sight lines

The previously permitted property (17/00295/FUL) was already squeezed into a very narrow plot, unlike surrounding properties. To extend this from a 2 bedroom to a 4-bedroom property very significantly further fills the plot. The move to re-draw the proposed property as a 3-bedroom house is essentially cosmetic as it could easily be returned to a 4-bedroom one within that design given there is so little reduction in size.

There is very little space between this proposed property and the boundary and buildings at The House to the west. The scale and siting of the property will impact on the visual and light position of the neighbouring property to the west (The House). This is further exacerbated by the apparent incorrect positioning of the boundary fence.

In the delegated report from the previously permitted application (17/00295/FUL), the Conservation Officer noted that in their view "there is scope for a modest sized dwelling on the site provided a reasonable area of open garden space is left around the building in keeping with this character of this part of the village." It is clear that this variation to the original design does not meet this.

In this previous report the case officer noted the relevance of Policy HDE5a in the Neighbourhood Plan which refers to housing mix. They went on to note that "large detached houses would not be seen to meet the needs of residents as indicated by the housing need survey. The proposal is for a modest dwelling (2 bedroomed) which is considered to comply with Policy HDE5a."

3. Traffic and highways

The proposed application does not meet the parking requirements of either B&NES or the CVNP (HDE8b) policies, where three and a half spaces are required (excluding the garage). If there was an acceptance that this further revision was now for a three-bedroom house, then there would be a requirement for two and a half spaces (excluding the garage). This is still very tight.

Furthermore, previously the case officer was satisfied that cars could enter and exit in a forward gear. This is imperative in the location as allowing cars to reverse off this plot in such close proximity to the school is an accident waiting to happen. In this latest revision, diagrams for vehicle tracking have been submitted. It is still difficult to see how all the parked cars could independently manoeuvre to be able to leave in a forward gear.

As just noted, this access is virtually opposite the frontage of Ubley Village School, which is busy and thriving with an increased roll of children. There will be a clear increase in traffic and vehicles entering and leaving this site that would be very close to the parking used by school buses and for an informal disabled space, as well as ordinary teacher and parent parking.

We note that the siting of the garage has been adjusted to fit with the building work already

underway. This does not, now, match the position approved in the previously permitted application (17/00295/FUL).

4. Watercourse and surface water run-off

We acknowledge that recent inspection by B&NES Drainage Engineers has noted that building on the site does not represent an increased flood risk to properties or the road. However, it is also acknowledged that the water table is very high at this point which will make dealing with run-off water a major challenge. We are concerned that, whilst the overall volume of water running off the site will obviously not increase, the speed of run-off may well be significantly quicker. Thus, a detailed description of the revised calculations and proposed methods of alleviation is required.

This point on The Street has flooded quite regularly and excess surface water then runs down to the west towards the school. It is thus imperative that the surface water is dealt with in a way that can be demonstrably shown to work effectively.

5. Views of the neighbours

Members of the Parish Council have discussed this application with immediate neighbours, all of whom have substantial concerns about this proposed development. These concerns include the significant increase in mass, the extra height of the roofline (albeit this is a smaller increase in the revisions), the close proximity to The House to the west and the marked reduction in privacy for Cerisdell to the south. The Parish Council acknowledges these views and is supportive of the objections.

ECOLOGY

The submitted ecological report is well considered and addresses the previous concerns. Appropriate proposals are made regarding avoidance of harm to existing habitat, in particular the stream (which the ecological report confirms provides valuable habitat and good water quality as indicated by the plant and invertebrate species diversity) and associated wildlife - including any possible use of the stream and associated habitats by amphibians (ref reports from local residents of amphibians including newts being present in the vicinity at similar sites / habitat nearby).

Subject to conditions to secure the implementation of the recommendations of the report and a follow-up report to demonstrate this, I have no objection to the proposal.

TREES

Originally concerns were expressed in relation to this proposal however following the submission of further details and discussions the councils arboriculturalist has commented that she has no objection to 20/01408/VAR subject to continual compliance with the previously approved tree protection plan.

HIGHWAYS

Amended plan reference A101 Revision D indicates that the proposed number of bedrooms has been reduced to three, which require the provision of two off-street, car parking spaces to accord with the authority's adopted parking standards. The required number of spaces are provided by the single garage and adjacent car port referred to above.

The swept path analysis indicated on submitted plan reference 1480/002 demonstrates that both the proposed garage and adjacent car port of fully accessible for a large car approaching from both directions, and that there is sufficient space to allow a large car to manoeuvre within application such, such that the driver is able to enter the adopted public highway in a forward gear, which is acceptable.

HDC officers therefore raise no highway objection to the variation of Condition 2 of application 17/00295/FUL, subject to Conditions being attached to any planning permission granted in respect of:

1. Garage / Car Port
2. Turning Area
3. Visibility splays
4. Bound/Compacted Vehicle Access
5. Bicycle Storage

DRAINAGE

While we have no objection to the variation of condition, we believe it would be sensible for the applicant to review finished ground levels and flood resilience around the garage area. In the event of the pond spilling, water may fall towards the garage area and pond here prior to spilling onto the highway. The applicant may therefore want to look at the resilience of the garage and analyse likely depths of water in the garage area in this scenario.

The figures quoted on the topo survey suggest depths in parts of the garage area could be up to around 0.3m. This could clearly impact on the fabric of the garage and any vehicles or equipment or furniture.

The applicant should also be aware that the owner of the property/ land will have 'riparian responsibilities' with regards to all above and below ground watercourse structures within or adjacent to the curtilage of the land. Sensible and regular watercourse and culvert maintenance will be an important aspect of owning this property. The applicant's attention is drawn to a website for advice in this respect.

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:

DW1: District Wide Spatial Strategy

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council

on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

RA2: Development in Villages outside the Green Belt

D1: General Urban Design Principles

D2: Local Character and Distinctiveness

D.3: Urban Fabric

D.5: Building Design

D.6: Amenity

ST7: Transport requirements for managing development

H7: Housing Accessibility

SCR1: On-site Renewable Energy Requirement

STR5: Water Efficiency

SU1: Sustainable Drainage Policy

The National Planning Policy Framework (NPPF) was published in 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning

Practice Guidance (NPPG).

Relevant policies from the Chew Valley Neighbourhood Plan (2016).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The application was submitted as a VARIATION application to Application No: 17/00295/FUL which was permitted and was for the 'Erection of detached dwelling house & detached garage'. The description of development permitted by permission 17/00295/FUL did not specify it would be a 2 bedroomed dwelling.

Section 73 Town and Country Planning Act 1990 allows for the determination of applications to develop land without compliance with conditions previously attached.

In this instance condition 2 attached to permission 17/00295/FUL was for compliance with the plans included within the Plans List.

Prior to 2009 when a developer wanted to make a change to a scheme that already has planning permission, it was often necessary to submit a further full planning application, which led to considerable delay, cost and uncertainty for the applicant. The Killian Pretty Review - Planning Applications: A Faster and More Responsive system 2008

recommended that a more proportionate approach should be explored. Further research revealed that one such option was to encourage the greater use of the existing sec.73 procedure, where a condition has been attached to the permission listing the drawings and particulars that have been approved. This approach of seeking a minor material amendment involving a variation of the relevant condition to refer to amended plans, is now acknowledged in the National Planning Practice Guidance 2016 (NPPG) advice on flexible options for planning permissions as one of the uses of a sec.73 application.

National PPG states there is no statutory definition of a 'minor material amendment' but suggests that any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved is likely to be included.

Development permitted must take place in accordance with the permission granted and the conditions attached to it, along with any associated legal agreements. However, circumstances may alter following grant of permission and an applicant may seek to revise their proposals. Where these changes are fundamental or substantial or raise new issues, a new planning application will need to be submitted. Where the changes are less substantial an application under section 73 is an alternative option to making a completely new application.

In this instance the permission granted under permission number 17/00295/FUL was for the 'Erection of detached dwelling house & detached garage and the application now being considered is for a detached dwelling house and detached garage. This proposal now being considered and as submitted is for a larger detached dwelling than that approved but the increase in size is not considered to be substantially different than that approved, and the changes were not fundamental to the principle of the development. The proposal as amended did not raise new issues which would warrant refusing to register the application as submitted under section 73.

When considering sec.73 applications for the purpose of a minor material amendment, planning authorities are advised to recognise that by definition the development will have already been found to be acceptable in principle. They are also advised to focus their attention on national, development plan policies or other material considerations that may have changed significantly since the original grant of permission, as well as the changes sought.

In this instance a detached dwelling and garage on the site had been acceptable in principle and permitted in 2017. In the absence of any significant change in the development plan policies or other material considerations there was no justification for the Local Planning Authority to fundamentally change its view as to the acceptability of the principle of the development.

A section 73 application is subject to the same process of neighbour notification and scrutiny as a full planning application. Where an application under sec.73 is approved, the effect is to create a new grant of planning permission. A successful sec.73 application results in the grant of a new planning permission and therefore the original permission remains intact. The developer may then elect between them.

The main issues in relation to this proposed development are as follows:

- o The principle of the proposed development.
- o Impact on the character and appearance of the locality and AONB
- o Access parking and turning
- o Impact on amenity
- o Drainage
- o Trees and Ecology
- o Other matters

The principle of a dwelling

The principle of this site being suitable for residential development was established when permission was granted in 2017- application number 17/00295/FUL. This is an infill site, located adjacent to the street and between 'The House' and 'Old Orchard'. The site previously contained a stable building and was formally part of the garden of 'The House' until sold in 2015 to the owners of 'Cerisdell' immediately to the south.

Placemaking Plan POLICY RA2-Development in villages outside the Green Belt not meeting Policy RA1 criteria states:

In villages outside the Green Belt with a housing development boundary defined on the Policies Map and not meeting the criteria of Policy RA1, proposals for some limited residential development will be acceptable where a. they are of a scale, character and appearance appropriate to the village.

Ubley is an 'RA2 village and the proposed development is within the housing development boundary and is considered to be of an appropriate scale for the village. Where development is appropriate in terms of its design and appearance the principle of development would be considered acceptable.

With regard to new residential development the neighbourhood plans Policy HDE5a refers to Housing mix and states that the Neighbourhood Plan will support residential development proposals where the housing mix is in accordance with the most recent Housing Needs Survey across the Individual Parish or whole Plan Area. In this respect the survey indicated that the population of the area is aging, with a majority of residents aged over 55 and almost half of chief income earners having been retired.

Respondents indicated a preference towards smaller homes in the area, such as 'downsizing homes,' 'sheltered housing' and 'flats/1-2-bedroom homes.' Therefore, large detached houses would not be seen to meet the needs of residents as indicated by the Housing need survey. This proposal has been reduced in scale from the scheme as first submitted originally a 4 bed roomed house was proposed but subject to discussions with the Case Officer the scheme is now for a 3 bed roomed house. In terms of its mass and bulk it is not substantially taller than the approved dwelling. It should be noted that the previous internal layout of the approved dwelling was unusual and within the built form there was an element of under used space in the form of storage space. Therefore, the additional bedroom has been created with modest alterations to the approved scheme.

Whilst the proposal seeks an increase in the number of bedrooms from 2 to 3 the dwelling is not an excessively large property and as such is seen to comply with the Placemaking

Plan Policy and not to conflict to an extent that refusal would be justified with the NHP Policy HDE5a.

The property is in a sustainable location having easy access to the facilities and services available in this village. The proposed dwelling as enlarged from the previously approved scheme is still modest in scale and is not therefore considered to conflict with the requirements of this policy.

Impact on the character and appearance of the locality and the AONB

The site is outside of the conservation area but is adjacent to the boundary and therefore, will have a limited impact on the character of the area. Both the village school and the Old Manor on the opposite side of The Street are traditional buildings built from local red sandstone and are within the conservation area.

Ubley is an architecturally diverse village with many traditional sandstone buildings as well as more recent development comprising detached houses set back from the road within generous garden plots. The large gardens generally contribute to the lower part of The Street having a verdant character. The diversity is reflected in the Ubley Village Plan which refers to the village having an eclectic mix of housing whilst noting that the houses are of similar scale with nothing over two stories. Both Old Orchard and The House fit the description of modern houses set back in large gardens.

The gap between the houses had previously been partly closed with a timber building and the 2017 permission allowed a modest sized dwelling on the site retaining a reasonable area of open garden space around the building. This proposal is for a dwelling with a marginally higher ridgeline. The proposed dwelling it now being shown to be approx. 400mm higher than the approved scheme. The original submission indicated a significantly greater rise in height. The amended plans now being considered have reduced this proposed amendment.

The asymmetrical roof form has been replaced by a symmetrical roof pitch. The dwelling having a gable frontage facing the street. The ridgeline has been moved away from the west boundary by approx. 1.5m and is therefore marginally closer to its neighbour on the western side. The two properties are shown to be just over 3m apart this distance being the same as the distance between the front section of the approved scheme and The House to the west. The side walls of the dwelling as now proposed have been kept in line with the approved front section of the approved scheme and therefore the rear section of the dwelling now proposed is closer to The House than the permitted scheme was. The amended roof form and the lengthening of the development has resulted in the dwelling now proposed having an enlarged footprint from that approved. The frontage of the proposed dwelling is the same width as the permitted dwelling on this site, but it does extend further into the site than the approved scheme. The two-storey element of the proposal is in line with the two-storey element of the adjacent property to the west. The single storey rear section of the proposed dwelling extends a further 3m. The house located to the west has a rear single storey extension which is not shown on the original plans as submitted. This single storey extension has a balcony area on its roof. The proposed single storey element of the house as now proposed will sit next to the neighbours single storey extension.

Concerns have been raised in respect of the appearance of the dwelling. The building sits perpendicular to the High Street however this coupled with the narrow front elevation of the building enables the site to retain its green appearance and to limit the impact that the dwelling has on the street scene by closing the gap between the buildings on either side. Placemaking Plan Policy D5 supports good, modern design. The proposal incorporates natural stone into the front elevation of the dwelling so that it reflects the appearance of the adjacent traditional dwellings. The roof is shown to be slate with the windows and doors being aluminium. Given the eclectic character of this part of village a contemporary design is considered appropriate and as amended the design and materials proposed, natural stone, render and timber cladding are seen not to harm the local character and distinctiveness of the area. The proposal has been designed to positively respond to the site context and local character in accordance with placemaking policy D2.

The proposed garage sits between the house and the road. This building has been amended and now comprises a single garage with car port. The previous scheme permitted a garage and car port in this location. The garage and car port are modest in scale and designed in keeping with the house and are considered acceptable.

The site is within the AONB and as such policy NE2 of the Council's Local Plan (2007) says that development will not be permitted where it is seen to adversely affect the natural beauty of the landscape. In this instance, given the location of the site within adjacent to the High Street within the village and given the vegetation within the locality a development of this scale is not considered to detract from the natural beauty of the area. Therefore, the design of this development as amended with the use of natural stone is considered to respect the character and appearance of the locality.

The site is not within the Conservation Area but sits adjacent to it. 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 setting of the adjacent conservation area. Here it is considered that the proposed development will preserve the character of the setting of the adjacent Conservation Area.

Access parking and turning

The scheme as amended has 3 bedrooms requiring the provision of two off-street, car parking spaces to accord with the authority's adopted parking standards.

This level of parking is the same as for the approved scheme and therefore, it is considered that as with the previous scheme the parking area should be made and kept available for parking the garage should be for ancillary use and the necessary visibility splays should be provided. In addition, it is considered necessary for a condition requiring a compacted surface at the entrance of the site to be the subject of a condition.

Concerns have been raised in respect of the discrepancy between the authority's adopted Placemaking Plan and the Chew Valley Neighbourhood Plan. The Highway Engineer assesses the highway implications of planning applications against the authority's adopted Placemaking Plan. On this basis, the proposed residential dwelling as originally submitted with 4 bedrooms required the provision of three off-street, car parking spaces. It is noted that the CVNP standard is for 0.5 spaces per dwelling for visitors, however, HDC officers would not be able to sustain an objection on highway grounds to a scheme which provides

off-street, car parking in accordance with the adopted Placemaking Plan parking standards.

Plan A103 indicates that the applicant now proposes a single garage with an adjacent car port. The plan shows that the internal dimensions of the garage accord with the minimum requirement of 3-metres by 6-metres and that the dimensions of the adjacent car port are of the required minimum of 2.4-metres by 4.8-metres. The swept path analysis indicated on submitted plan reference 1480/001 demonstrates that a large car is able to enter the application site from the east and access the car port before reversing into the area alongside the 'standard' space in order to enter the adopted public highway in a forward gear.

Impact on amenity

The increase in height of the dwelling by 400mm in relation to the neighbouring property is considered to have a limited increase in impact to the permitted scheme. The roof form will be closer to the adjacent property to the West. However, the two-storey element of the proposed new dwelling will be adjacent to the garage and gable elevation of the adjacent property and there is one first floor window on the eastern elevation of this property overlooking the site. The impact that the marginally larger roof form slightly closer to the elevation is likely to have on the light at present enjoyed by this window is seen to be minimal. The marginal difference in levels between the adjoining sites will also result in the impact of the new dwelling which is marginally set down having less of an impact.

Concerns have been raised by the adjacent neighbour in respect of their rear extension and the impact the proposal will have on their single storey rear extension with balcony area. The two-storey element of the proposed new house lines through with the rear elevation of the two-storey element of the adjacent property. The two-storey element of the new house is set back from the side elevation of the new house by approximately 1.25m resulting in it being set at approximately 4.25m from the neighbour's property. The single storey rear extension to the new house is adjacent to the extension of the neighbour's property. Given the slight difference in levels between the two gardens it is not considered that the new development would have a detrimental impact on the amenity at present enjoyed by the neighbours to an extent that refusal would be warranted.

The western and eastern elevations of the permitted scheme have first floor windows glazed with obscure glass. The roof lights are not shown to be glazed with obscure glass. It is not considered that the roof lights given their position on the roof slope and the first floor windows (conditioned to be retained with obscure glazing) will have a detrimental impact on the privacy at present enjoyed by the neighbours.

Given the topography of the site the ground floor windows proposed on the eastern and western elevation are set down from the neighbouring properties and therefore they are not considered to impact on the amenity of the neighbours.

Given the design, scale, massing and siting of the proposed development the proposal is not considered to cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

DRAINAGE

No objection has been raised but advices and conditions are considered appropriate. The floor level of the garage requires consideration by the applicant and an advice in respect of 'riparian responsibilities' will be necessary.

TREES

Originally concerns were expressed in relation to this proposal however following the submission of further details and discussions the councils arboriculturalist has commented that she has no objection to 20/01408/VAR subject to continual compliance with the previously approved tree protection plan. 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 15 of the NPPF.

ECOLOGY

The submitted ecological report is well considered and addresses the previous concerns raised by the Council's Ecologist. Appropriate proposals are made regarding avoidance of harm to existing habitat, in particular the stream (which the ecological report confirms provides valuable habitat and good water quality as indicated by the plant and invertebrate species diversity) and associated wildlife - including any possible use of the stream and associated habitats by amphibians (ref. reports from local residents of amphibians including newts being present in the vicinity at similar sites / habitat nearby).

Subject to conditions to secure the implementation of the recommendations of the report and a follow-up report to demonstrate this, the proposals are seen to be acceptable.

Chew Valley Neighbourhood Plan

The proposal conserves the characteristic rural features of the local area in accordance with Policy HDE1 of the Chew Valley Neighbourhood Plan.

The proposal reflects, conserves and enhances the design attribute and characteristics of the settlement in accordance with Policy HDE2 of the Chew Valley Neighbourhood Plan. The proposal is not considered to significantly harm any of the important views identified within the Chew Valley Neighbourhood Plan area in accordance with Policy HDE3 of the Chew Valley Neighbourhood Plan. The proposal, by reason of its height, scale and massing, is not considered to adversely impact on the sensitive skylines identified in the Chew Valley Neighbourhood Plan in accordance with Policy HDE4 of the Chew Valley Neighbourhood Plan.

The neighbourhood plan requires additional parking to the Placemaking Plan standards. This matter is addressed above. The proposed parking arrangements are not considered to impact on surface water flooding or the existing drainage systems. Therefore, the proposal accords with Policy HDE8a and HDE8b of the Chew Valley Neighbourhood Plan.

The proposed development is of a scale that is not considered to adversely impact on surface water flooding or the existing drainage system and neither is it considered to increase the risk of flooding to existing properties. The proposal therefore accords with Policies HDE9a and HDE9b of the Chew Valley Neighbourhood Plan.

The proposed development does not harm existing ancient hedgerows or woodland in accordance with HDE12a of the Chew Valley Neighbourhood Plan. The proposed development will not harm the Green Corridors identified in the Chew Valley Neighbourhood Plan or the biodiversity within them in accordance with Policy HDE13 of the Chew Valley Neighbourhood Plan. The proposal is not considered to cause risk to or adversely affect water life biodiversity in accordance with Policy HDE14a of the Chew Valley neighbourhood Plan.

The proposed development is of a scale that is not likely to create adverse light spill that would impact on bats or other light sensitive species, and appropriate dark corridors have been incorporated into the scheme in line with Policy HDE15 of the Chew Valley Neighbourhood Plan.

Low Carbon and Sustainable Credentials:

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

OTHER MATTERS

Concerns have been expressed in relation to the neighbour notification in respect of this proposal. Following the first submission of amended plans neighbours were reconsulted. A final set of amended plans have been submitted and these have further sought to address the concerns raised by interested parties. Where amendments to a scheme are sought to address the concerns raised by interested parties it is not always considered necessary for reconsultation to be carried out.

Concerns in respect of the accuracy of the boundary between the proposed development site and the neighbour in The House have been raised. The Council do not have any information in respect of land ownership. The submitted site plan reflects that of the permitted scheme. The distance between the new and existing dwelling is indicated on the plan and these fixed points indicate the relationship between the two built forms. An informative in respect of civil matters is considered necessary.

Interested parties consider the property as submitted could provide more than 3 bedrooms. The application is considered on the basis of the information submitted.

Concerns have been raised in respect of the chimney which the applicant has been requested to remove. Confirmation of this matter will be addressed in the 'update report'.

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 Interests of ecology (Compliance)

All works must proceed only in accordance with the following measures for the protection of bats and birds:

a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the existing building and its roof, and any crevices and concealed spaces, prior to any works affecting these areas active nests shall be protected undisturbed until the young have fledged works to dismantle any areas with concealed spaces or crevices shall be carried out by hand, lifting cladding and roofing materials (not sliding) to remove them, and checking beneath each one.

If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.

Reason: to avoid harm to protected species (bats and nesting birds)

4 Wildlife Protection and Enhancement Plan (Compliance condition)

The development hereby approved shall be implemented only in full accordance with the approved Wildlife Protection and Enhancement Plan by Engain dated 13th August 2020, with ecological supervision provided for specified activities as detailed; and all wildlife features shall be created / installed accordingly, and maintained and protected thereafter for the purposes of protecting wildlife and providing habitat of value to wildlife.

Reason: to avoid harm to ecology and the ecological value of the watercourse and to provide biodiversity net gain in accordance with NPPF and Local Plan Policy D5e

5 Ecology Follow-up Report (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the approved Wildlife Protection and Enhancement Plan in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in

accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Local Plan.

6 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.

7 Removal of Permitted Development Rights - No extensions or alterations (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority because alterations and extensions to the dwelling could potentially have a harmful impact on the visual and residential amenity of the locality.

8 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

9 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.

10 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.

11 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 Policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

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

The proposed first floor windows on the eastern elevation overlooking Old Orchard (east elevation) and high level window on the western elevation shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

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

13 Garage / Car Port (Compliance)

The garage and car port hereby approved as indicated on submitted plan A101 REV E and 1480-001 shall be retained for the garaging and parking of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose

Reason To ensure adequate off street parking provision is retained in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

14 Turning Area (Compliance)

The area allocated for turning, as indicated on submitted plan references A101 Revision E and 1480/002, shall be kept clear of obstruction and shall not be used other than for the turning of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient turning areas 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.

15 Visibility splays (Compliance)

The access shall retain visibility splays on both its sides, which shall be kept free of obstruction above a height of 900mm at all times.

Reason: In the interests of highway safety.

PLANS LIST:

1 Site location plan dated 17/04/2020
A102 and A101 REV E dated 17/09/2020 and 6/10/2020
A 103 (A2) dated 6/08/2020

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 an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to 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 Responding to Climate Change (Informative):

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

5 Permit/Consent Decision Making Statement

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

6 The applicant is advised to see the following website for more drainage details:
<https://www.gov.uk/guidance/owning-a-watercourse>

7 Civil or legal consents

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

8 The applicant should be aware that the owner of the property/ land will have 'riparian responsibilities' with regards to all above and below ground watercourse structures within or adjacent to the curtilage of the land. Sensible and regular watercourse and culvert maintenance will be an important aspect of owning this property. See the following website for more details: <https://www.gov.uk/guidance/owning-a-watercourse>