

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **12th January 2022**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **Main agenda**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

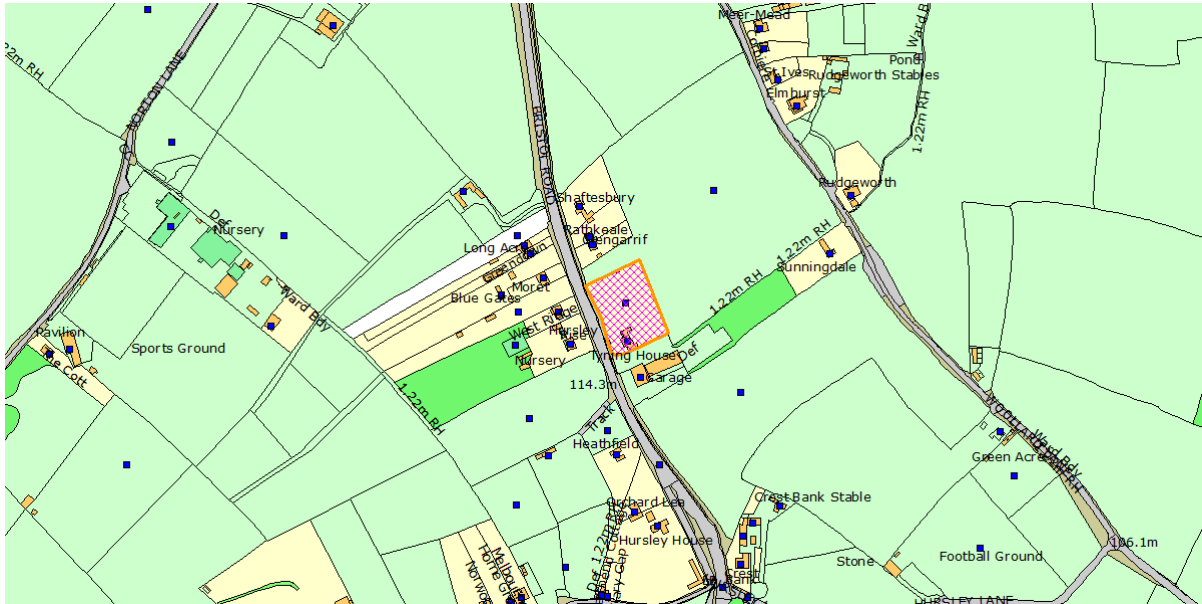
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	21/03207/FUL 17 January 2022	Mr Smart Tyning House, Hursley Hill, Publow, Bristol, Bath And North East Somerset Erection of detached dwelling following demolition of existing HMO property.	Publow And Whitchurch	Isabel Daone	REFUSE
02	21/03907/FUL 14 January 2022	Mr & Mrs Bye 61 Warminster Road, Bathampton, Bath, Bath And North East Somerset, BA2 6RX Installation of roof extension with lift to provide first floor accommodation.	Bathavon North	Isabel Daone	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 21/03207/FUL
Site Location: Tynning House Hursley Hill Publow Bristol Bath And North East Somerset



Ward: Publow And Whitchurch **Parish:** Whitchurch **LB Grade:** N/A
Ward Members: Councillor Paul May
Application Type: Full Application
Proposal: Erection of detached dwelling following demolition of existing HMO property.
Constraints: Bristol Airport Safeguarding, Norton Malreward Unlicensed Airstrip, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
Applicant: Mr Smart
Expiry Date: 17th January 2022
Case Officer: Isabel Daone
To view the case click on the link [here](#).

REPORT

The application refers to a detached House of Multiple Occupation (HMO) located on the A37. The site is outside of the Housing Development Boundary and within the Green Belt.

Planning permission is sought for the demolition of the existing HMO and the erection of a dwellinghouse (C3 use).

In accordance with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee. Their comments are as follows:

CHAIR: COMMITTEE

I have reviewed this application and note the support from both parish councils. Given the lack of specific criteria on the NPPF regarding what is classed as "materially larger" when considering replacement dwellings, I think this proposal should be debated at committee.

VICE CHAIR: COMMITTEE

I have studied this application carefully noting comments from consultees including both PCs who support the idea but have questions regarding size & ensuring the original dwelling is demolished.

The application has been assessed against relevant planning policies & amendments made to address concerns raised however the proposal is contrary to policies CP8 and GB2 of the development plan and part 13 of the NPPF but what is seen as a materially larger building is not defined in the NPPF or within the Bath and North East Somerset Placemaking Plan. I feel this application would benefit from debate by the planning committee so the spatial and visual impact linked to the 19% increase can be fully considered.

The application will therefore be debated and decided by the B&NES Planning Committee.

Relevant Planning History:

10/02082/FUL

PERMIT - 2 November 2010

Erection of a single storey side extension to provide 4no self-contained en-suite bedrooms for use as bed and breakfast accommodation following demolition of existing garage/workshop

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

Consultation Responses :

WHITCHURCH VILLAGE COUNCIL:

Whitchurch Village Council support this application if the square footage is no larger than the original dwelling, which is difficult to ascertain from the drawings. If it is no larger, then it would meet the following NPPF requirement of buildings in the Green Belt.

'the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces'.

If the application is approved there should be a condition made that the existing building is demolished before the new dwelling is built.

PUBLOW WITH PENSFORD PARISH COUNCIL:

The Parish Council have No Objection to the proposal in principal, but a question was raised about how the demolition of the original building would be enforced. The Parish Council would object to two properties on this site and so demolition of the current building would need to be a condition of approval.

HIGHWAYS:

Revised plans have addressed comments from Highways and a summary of the most recent set of comments is included below:

The applicant has now submitted a revised Proposed Site Plan (DWG. 2044/04 REV A). The revised layout shows a visibility splay of 65.5m 'Y' distance from a distance 2.4m 'X' distance back from the carriageway. The existing gate will be set back 6m from the footway with the access between the footway and gate being surfaced in 'tarmac'.

The proposed widened footway crossing/dropped kerb will require a separate application to the Highway Authority under Section 184 of the Highways Act 1980. The proposal to extend the existing crossover from a standard crossover of 5.5m width to 9m width may not be granted even if planning is granted. This would not however, form a Highways reason for refusal.

ECOLOGY:

Following discussions with the Ecologist acting on behalf of the developer there is no Ecological objection, subject to conditions. Full comments can be viewed on the public file.

Representations Received :

No comments have been received from third parties.

POLICIES/LEGISLATION

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

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o 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)
- 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:

CP2: Sustainable Construction
CP6: Environmental Quality
CP8: Green Belt
DW1: District Wide Spatial Strategy
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:

D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D5: Building design
D6: Amenity
GB1: Visual amenities of the Green Belt
GB2: Development in Green Belt villages
NE3: Sites, species and habitats
NE5: Ecological networks
ST7: Transport requirements for managing development
SCR5: Water efficiency
SU1: Sustainable drainage policy
LCR9: Increasing the provision of local food growing

National Policy:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt. Paragraphs 149 and 150 of the National Planning Policy

Framework set out the forms of development that are not considered inappropriate in the Green Belt.

Paragraph 149 of the National Planning Policy Framework states that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. One of the exceptions for a new building in the Green Belt is exception d, 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.

The existing property is an HMO. For the interpretation of Green Belt policy this is considered a residential use. The proposed building will also be in residential use and the proposed building is therefore considered to be in the same use as the one it is replacing. The main assessment is therefore whether the resultant building is materially larger than the one it is replacing. Throughout the application, revisions have been submitted which have removed the separate garage building from the front of the site. The roof height has also been lowered slightly.

What constitutes a materially larger building is not quantified nor defined in the NPPF or within the Bath and North East Somerset Placemaking Plan, but it is considered to be assessed on the basis of spatial and visual impact. The spatial aspect is considered to be made up of three elements; footprint, volume and building height.

Although not a solely volumetric exercise, the volume of the existing and proposed building have been calculated to aid the spatial assessment of the replacement building. The existing building has a volume of approximately 1115.9m³. Using the most recent set of drawings and in the absence of CAD volume calculations from the agent, the case officer has calculated the volume of the proposed dwelling to be approximately 1330m³. The proposed dwelling is therefore 214.1m³ or 19% larger than the existing property.

The existing dwelling features both two-storey and single storey elements. The proposed dwelling, from the frontage features a large two-storey element, with a high roof to accommodate a third floor internally. The two-storey element of the existing dwelling represents an area of 98.1m² and the two-storey element of the proposed 148.64. The increase in the two-storey elements means that visually, the proposed building appears to be much larger than the existing property. The proposed dwelling will be located in a part of the site which is closer to the ribbon of residential development along this stretch of Hursley Hill which does have the advantage of clustering it with existing building form. However, this is not considered to off-set the increase in the spatial and visual dominance of the proposed dwelling in comparison to the existing.

For the reasons above, the proposal is considered to be materially larger than the one it is replacing and as such, it is contrary to Criterion (d) of Paragraph 149 of the NPPF.

VERY SPECIAL CIRCUMSTANCES:

The NPPF states the inappropriate development should only be permitted in Very Special Circumstances. The Council currently has a 5-year housing land supply and the proposed dwelling would replace an existing residential property, thus not increase the housing supply in this regard. There are not considered to be VSC in this case which would outweigh the harm to the Green Belt.

DEMOLITION:

If approval were being recommended, a condition or legal agreement securing the demolition of the existing building prior to works commencing on the proposed dwelling would need to be secured.

CHARACTER AND APPEARANCE:

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

The proposal seeks the demolition of the existing property and the construction of a new dwelling to the north of the current dwelling site. The existing property is of little architectural merit and there is therefore no objection to the demolition of the property. If approval were being recommended, a landscaping condition would be required to ensure that the visual appearance of this part of the site was not overlooked following demolition.

Having visited the site, it is clear that there is a mixed character along this part of the A37. Although the proposed dwellinghouse is large in scale, given its position set back from the road it is not considered that it would appear overly dominant within the street scene. A schedule of materials would be secured through condition if the application were being recommended for approval.

RESIDENTIAL AMENITY:

There is unlikely to be a significant impact on the residential amenity of the neighbouring occupiers given the siting of the development.

HIGHWAYS:

DC Highways officers initially raised concerns regarding the access arrangement for the site. In response to this revised plans were submitted.

The revised layout shows a visibility splay of 65.5m "Y" distance from a distance 2.4m "X" back from the carriageway. The existing gate will be set back 6m from the edge of the highway, with access to be tarmac. It is considered that there is sufficient visibility to safely enter and exit the site and sufficient turning space to exit in forward gear. 4no. car parking spaces are proposed in accordance with Policy ST7 and bicycle parking could be secured by condition should the application be being recommended for approval.

ECOLOGY:

The submitted bat surveys conclude that the bat roost present in the existing loft space of Tynning House to be a maternity roost for brown long-ear bats. Appropriate bat mitigation

measures will be required. An EPS licence will be required for the works and prior to issuing any consent, the Local Planning Authority must be satisfied that the three tests of the Habitats Regulations will be met and an EPS licence obtained. The proposal must therefore pass the "three tests" of the Habitats Regulations.

Test 1 - Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment?

The public benefits should be commensurate with the level of impact. For the purposes of the ecological assessment of the first test, the provision of one market dwelling can be seen as a public benefit. In addition, the proposal will provide a modest employment benefit during the demolition and construction phases. These benefits are applicable only to Test 1 and are not considered "very special circumstances" which would outweigh the harm to the Green Belt. Test 1 can be said to be passed.

Test 2 - There is no satisfactory alternative.

The objective of the project is to erect a replacement building. This objective, by definition, involves the demolition of the existing building. Without the demolition element of the proposal, the replacement building could not be achieved. There is therefore no satisfactory alternative to the removal of the bat roost as this is the consequence of the demolition. Appropriate mitigation must be sought; please see Test 3.

Test 3 - The action authorised will not be detrimental to the maintenance of the population of the species.

It is considered that subject to adherence to the proposed bat mitigation scheme (the proposed bat roost) and to the method statement, both of which can be secured by condition, the proposal would not harm the conservation status of the affected species. It is considered that Test 3 is also met, subject to conditions being added to any approval.

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.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy CP2 of the Placemaking Plan has regard to Sustainable construction. The policy requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

For minor new build development, a 19% reduction in CO₂ emissions is required by sustainable construction. In this case the submitted SCC shows that a 34.6% CO₂

emissions reduction has been achieved from energy efficiency and/or renewables. Therefore, the proposed development is compliant with policy CP2 in this instance. A condition requiring the submission of calculations post-development should be secured if approval were being granted.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts).

The above could be secured by planning condition if the application were to be approved.

CONCLUSION:

The proposal is considered to represent inappropriate development in the Green Belt contrary to policies CP8 and GB2 of the development plan and part 13 of the NPPF. Very special circumstances have not been demonstrated. It is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed replacement building is materially larger than the building it replaces and is therefore, by definition, inappropriate development in the Green Belt. The proposal is therefore contrary to Policy CP8 of the Core Strategy and part 13 of the National Planning Policy Framework.

PLANS LIST:

1 This decision relates to the following plans:

2044/4 D Proposed Site Layout. Received 3rd November 2021

2044/10 Bat Roost. Received 3rd November 2021

2044/05 B. Existing and Proposed Site Section. Received 20th October 2021

2044/01 A. Proposed Floor Plans and Elevations. Received 10th September 2021

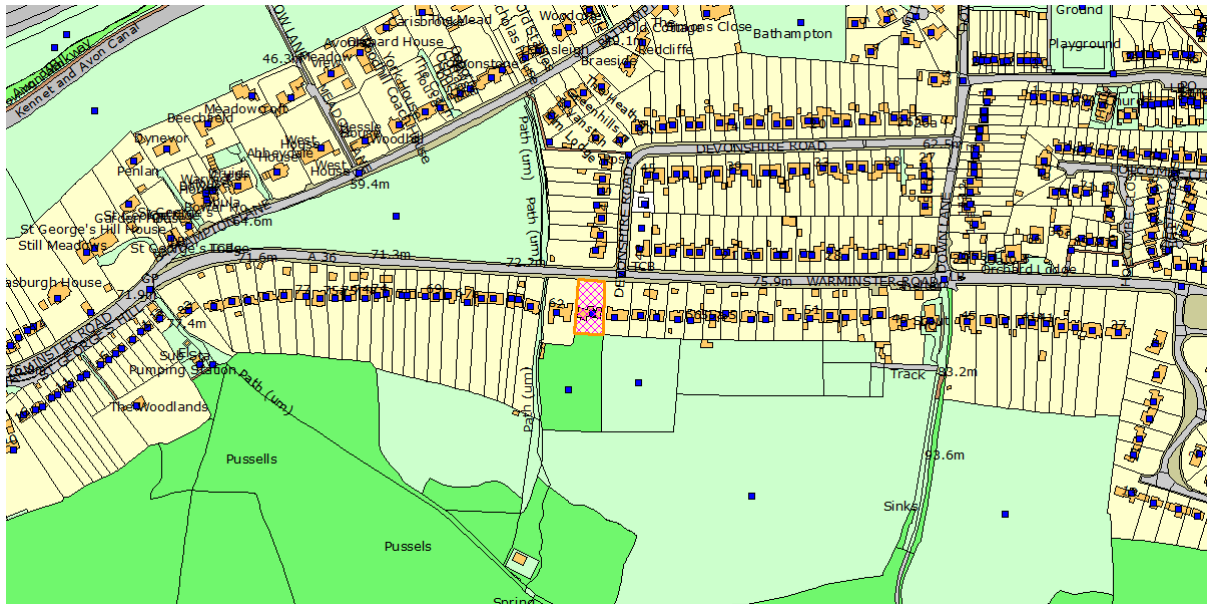
Site Plan. Received 8th July 2021

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

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. 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

Item No: 02
Application No: 21/03907/FUL
Site Location: 61 Warminster Road Bathampton Bath Bath And North East Somerset BA2 6RX



Ward: Bathavon North **Parish:** Bathampton **LB Grade:** N/A
Ward Members: Councillor Kevin Guy Councillor Sarah Warren
Application Type: Full Application
Proposal: Installation of roof extension with lift to provide first floor accommodation.
Constraints: Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs Bye
Expiry Date: 14th January 2022
Case Officer: Isabel Daone
To view the case click on the link [here](#).

REPORT

The application refers to a detached bungalow located within the Bathampton Housing Development Boundary.

Planning permission is sought for a roof extension and other external alterations.

The application was referred to the Chair and Vice Chair of the Planning Committee as the officer's recommendation is contrary to the comments of the Parish Council. Their comments are as follows:

CHAIR: COMMITTEE

I have reviewed this application and note the objections from Bathampton Parish Council and third parties.

Given the contrast in design from the existing and proposed property, and the potential impact on the residential amenity of the neighbouring property, I believe that this proposal would benefit from being debated in a public forum at committee.

VICE CHAIR: COMMITTEE

I have looked at this application noting the BPC & third-party objection comments, issues raised have been addressed as the application has been assessed against relevant policies, the Design & Access Statement was helpful in justifying the proposal & conditions identified to overcome some concerns.

The impact on the character & appearance on the street scene in particular remains a concern, as was the case with No. 57 which has been referred to in comments, therefore I recommend the application be considered by the planning committee so this issue can be debated in the public arena.

Relevant Planning History:

12/01732/FUL

REFUSED - 25 June 2012

Erection of side extension to the current bungalow to create ancillary accommodation for the property and erection of detached garage

12/04348/FUL

PERMIT - 26 November 2012

Erection of single storey side extension to create ancillary accommodation following removal of integrated single garage and erection of detached single garage with associated works (Resubmission)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

BATHAMPTON PARISH COUNCIL:

Bathampton Parish Council has no objection in principle to the application, but we do feel that the finished works will not be in keeping with the original streetscape of the Warminster Road. We note that this streetscape has already been compromised by the approved works at No. 57. Does the Local Plan Policy D2 requiring proposals to contribute positively to and not harm local character and distinctiveness not apply here?

Representations Received :

THIRD PARTY REPRESENTATIONS:

One objection has been received as follows -

We live next door in the bungalow at 62 Warminster Road.

We object to the application for the following three reasons:

We are concerned that the proposed walkway leading from the first floor to halfway up the garden will reduce our privacy by allowing the applicants to overlook our back garden, and also to see into the window of the bathroom on the eastern side of our bungalow.

We feel that the proposed windows at the rear of the first floor, and also the walkway mentioned above will reduce our privacy by allowing the occupants to overlook the field behind the house that forms part of our garden. Indeed, the applicant mentioned to me that this was part of the reason for the plans.

We also feel that raising the height of the existing roof will have an impact on the amount of light coming into our bungalow, in particular to the bathroom mentioned above.

POLICIES/LEGISLATION

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

- o Bath & North East Somerset Core Strategy (July 2014)
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 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- 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

DW1: District Wide Spatial Strategy

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:

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D5: Building design

D6: Amenity

National Policy:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

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.

CHARACTER AND APPEARANCE

The existing site comprises a bungalow with a hipped roof and hipped projections. It follows a fairly traditional material palette including stone and a tiled roof. The character of the dwellinghouses along this part of Warminster Road is mixed. There is a mix of dwelling heights, with bungalows and two-storey dwellings prevalent. The material palette is also mixed and there are examples of stone, timber and render in the locality.

The application seeks permission to add an additional storey to the dwelling. This will be achieved by raising the height of the roof and adding dormers to both the front and rear elevations. Bathampton Parish Council have objected to the scheme on the basis that the proposed works would not be in keeping with the street scape, contrary to Policy D2.

Officers have no objection to the raising of the roof height to accommodate an additional storey. The resultant dwelling will appear inherently modern, in stark contrast to the existing traditional building. The materials included will be timber for the walls, fibre cement slate across the roof and cementitious boarding in black to the dormers. Given the contrasting design from the existing dwelling, the case officer requested that justification for the design be submitted. In response, a Design and Access Statement has been provided.

Following a visit to the site, it was noted that there is another modern development located at no.58 Warminster Road within the vicinity. It is considered that the concept of a modern

dwelling is therefore acceptable in principle and the proposed modern dwelling would not be considered contrary to the character of the locality in this regard. The proposed dwelling will be located away from the edge of the road and the existing building line maintained at the frontage. Timber and slate both appear within the locality and the material palette is therefore considered to respond to the local context. Notwithstanding this, a condition securing a full schedule of materials is recommended.

It is considered that given the mix of surrounding developments in regard to their character and appearance, that the inclusion of a modern dwelling in this context would not cause harm to the locality in this regard. Policy D2 states that development should respond well to the local context. Given the modern development at no.58 and the mix of its surroundings the development is considered to achieve this.

RESIDENTIAL AMENITY:

A neighbouring resident has raised that the proposed walkway would result in unacceptable levels of overlooking into the neighbouring property. The rear of the site is unusual. The existing patio area is located at the same level of the existing back door. However, there is also a lawned area which slopes very steeply towards the rear boundary. The height of this slope already allows for views into the neighbouring properties gardens. The proposed walkway seeks to connect the new first floor to the steep lawned area. It is not proposed to be any higher than the existing slope and as such, is not considered to create a significant additional impact to the neighbouring residents. The walkway is located in the middle of the property and away from the boundary. The nature of the walkway means that movement along it would be transient. The level of overlooking from this element of the scheme is therefore not considered to be significant to a point which would warrant a refusal on this basis.

There is a balcony element to the walkway which would allow for views into no.60. Notwithstanding the submitted drawings, a privacy screen would be requested through condition to be located on the eastern boundary of the balcony element to ensure privacy is maintained. An obscure glazed 1.8m high screen is an example of what may be acceptable.

A local resident has also raised concerns regarding overshadowing and loss of light, particularly to the bathroom window on the adjacent property. The rear elevations of these properties face south and as such, there will be some additional overshadowing during the first part of the day as the sun moves from east to west. As the neighbouring bungalow window is at ground floor level, this may result in a reduction of light to this. However, there is some separation between the two dwellings and a bathroom is not considered to be primary living accommodation. The maximum height of the existing dwelling is 4.4m. The height of the proposed dormer element which will project back and have the most impact on the neighbouring occupiers is approximately 5.5m. It is therefore accepted that the increase in height and depth will cause some additional impact to the neighbouring occupiers. However, given the orientation of the properties and the fact they are physically separated, it is not considered that the impacts will be significant and a refusal on this basis would, again, not be substantiated.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal 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 Materials Schedule (Bespoke Trigger)

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

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

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

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with 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 Privacy Screen Design (Bespoke Trigger)

Notwithstanding the approved drawings, details of a privacy screen to be located on the eastern side elevation of the balcony (not walkway) shall be submitted to and approved in writing by the Local Planning Authority. The screen shall be installed prior to the first use of the balcony and shall be permanently retained for the lifetime of the development.

Reason: To protect the privacy of the neighbouring occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

4 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

18 Aug 2021	A17 21 19 P01	PROPOSED BLOCK PLAN
18 Aug 2021	A17 21 19 P02	PROPOSED GROUND FLOOR PLAN
18 Aug 2021	A17 21 19 P03	PROPOSED FIRST FLOOR PLAN
18 Aug 2021	A17 21 19 P04	PROPOSED ROOF PLAN
18 Aug 2021	A17 21 19 P05	PROPOSED ELEVATIONS - SHEET 1
18 Aug 2021	A17 21 19 P06	PROPOSED ELEVATIONS - SHEET 2
18 Aug 2021	A17 21 19 S01	LOCATION PLAN

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain

extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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

5 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.