

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **3rd July 2024**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Louise Morris - Head of Planning & Building Control

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.

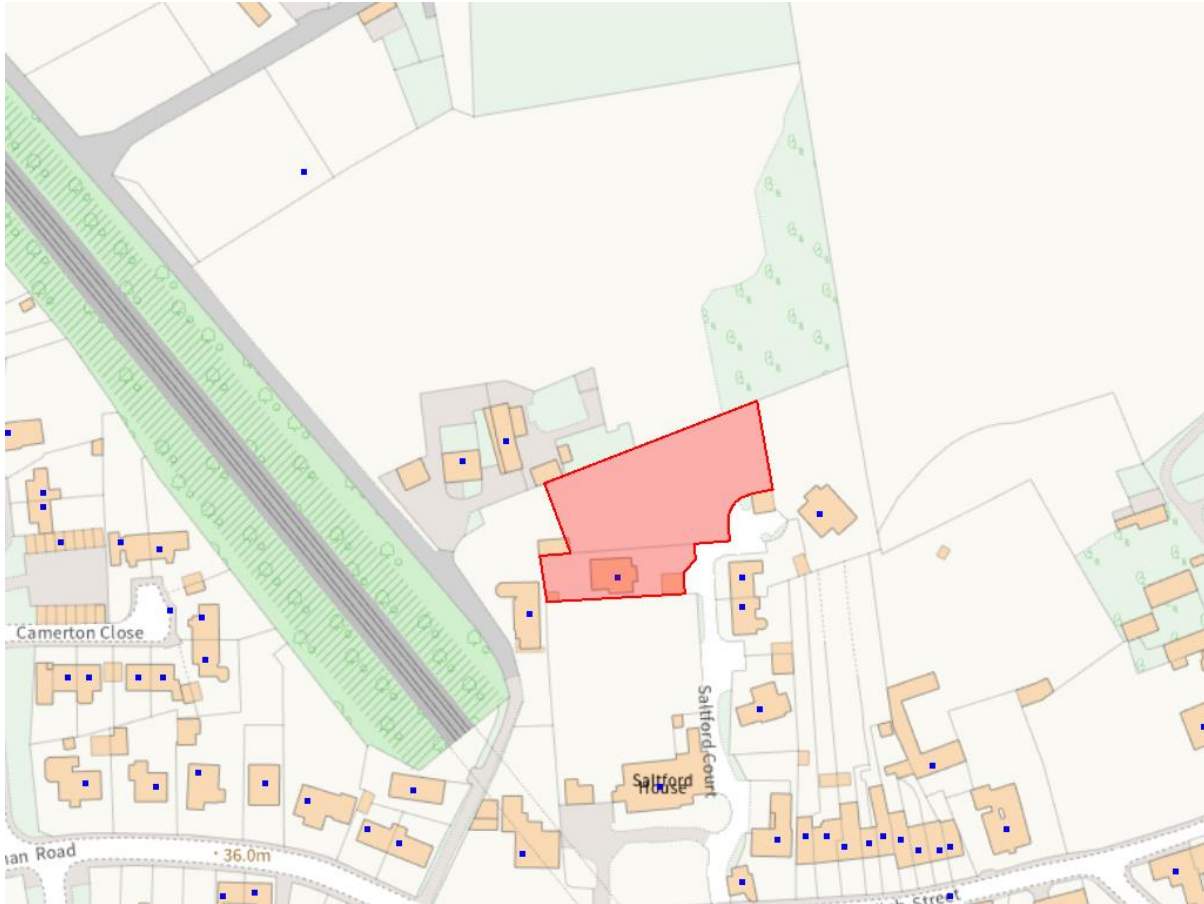
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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	24/00360/FUL 4 July 2024	Mr/s Selwood Staddle Stones , 5 Salford Court, Salford, Bath And North East Somerset, BS31 3EB Erection of two storey side extension, new front gable facade, first floor rear balcony and associated works.	Salford	Ed Allsop	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 24/00360/FUL
Site Location: Staddle Stones 5 Salford Court Salford Bath And North East Somerset BS31 3EB



Ward: Salford **Parish:** Salford **LB Grade:** N/A
Ward Members: Councillor Duncan Hounsell Councillor Alison Streatfeild-James

Application Type: Full Application

Proposal: Erection of two storey side extension, new front gable facade, first floor rear balcony and associated works.

Constraints: Colerne Airfield Buffer, Salford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Housing Development Boundary, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones,

Applicant: Mr/s Selwood

Expiry Date: 4th July 2024

Case Officer: Ed Allsop

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

REPORT

This application was referred to the Chair and Vice Chair following the objection raised by Saltford Parish Council, as per the scheme of delegation.

Chair comments: "This proposal represents a substantial increase in volume from the original house. Although not located within the greenbelt, it is adjacent to it and the extension will see the expansion of the curtilage into albeit confirmed residential garden which is within the greenbelt. There are also planned to be substantial changes to the external appearance of the host dwelling when married with its extension. Mindful of the Parish Council's objection and those raised by neighbours it is considered that this application should be discussed by the Committee to discuss the impact of the scale of the proposal and debate whether there will be potential harm to the conservation area conflict with greenbelt policy".

Therefore, the application will be determined by the planning committee.

This application relates to a detached residential property at the end of Saltford Court, which is a private drive north of the High Street serving a number of other properties. The existing dwelling is located within the Housing Development Boundary and is outside of the Green Belt. However, a portion of the proposed two storey side extension will be located in the Green Belt. The site is located within the Saltford Conservation Area.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Saltford Parish Council- Objection to loss of green belt land and overlooking from the proposed 1st floor balcony.

Representations:

5no. objections have been received. The objections relate to building on Green Belt land, design and character, impact on conservation area, increase in traffic and disturbance

Officer comments:

The above matters are mostly covered under the officer's assessment below. Some comments have touched on restrictions in potentially relevant Deed(s), however, these do not form part of the planning application process and would be for the applicant to deal with, outside of the planning process, if relevant. Similarly, this would be the case for any issues in relation to access from the private drive from a legal standpoint. It was also mentioned that there was objection to the repositioning of a listed wall, but this is not proposed as part of the application.

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:
- 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:

B1: Bath Spatial Strategy
 CP5: Flood Risk Management
 CP6: Environmental Quality
 DW1: District Wide Spatial Strategy
 SD1: Presumption in favour of sustainable development
 CP8: Green Belt

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
 D.3: Urban fabric
 D.4: Streets and spaces
 D.5: Building design
 D.6: Amenity
 HE1: Historic Environment
 GB1: Visual amenities of the Green Belt
 GB3: Extensions and alterations to buildings in the Green Belt
 NE5: Ecological networks and nature recovery

Local Plan Partial Update (LPPU):

On the 19th January 2023, Bath and North East Somerset Council updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU).

National Policy:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the Planning Practice Guidance (PPG).

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

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 NPPF states that the local planning authority should regard the construction of new buildings in the Green Belt as inappropriate, subject to the exemptions listed. The proposed works are extensions to an existing house which constitute a new 'building' for these purposes. However, extension to buildings in the Green Belt are not a form of inappropriate development (paragraph 154 C NPPF) provided that they do not represent disproportionate additions to the original building

The existing property is not located within the Green Belt, but part of the proposed extension (the new 'building') would be. The relevant policies are paragraph 154 C of the NPPF and policy GB3 of the placemaking plan.

Paragraph 154 of the NPPF notes that the extensions to existing buildings are acceptable, as long as they are proportionate to the size of the original dwelling (Paragraph 154 c). This is echoed in the placemaking plan under policy GB3, where it is advised that an increase in volume of approximately one third is generally considered acceptable or 'proportionate'.

Volume increase:

Policy GB3 aims to ensure that proposals are not disproportionate over and above the size of the original building. Although the original building is located outside of the Green Belt, it is still the original building to which the extension (new building) would be attached.

Therefore, previous additions to the original building will be included in a cumulative assessment, to ensure the original dwelling is not disproportionately extended.

A review of historic aerial imagery would indicate that the double garage is original, with the house. Therefore, it is included as forming the original volume. Case Law (Sevenoaks DC v SSE & Dawe) demonstrates that existing outbuildings can form part of the 'existing dwelling'. Officers have also taken into consideration the siting of the garage and how it physically and visually relates to the main dwelling. Officers generally agree with the applicant's volume increase calculations.

Officers consider there to be an increase of approximately 66%. This includes the previous additions to the house located outside of Green Belt, and the proposed additions now proposed under this application, including parts both inside and out of the Green Belt.

Although in numerical terms, 66% is in excess of the one third guideline, it is important to consider the visual and spatial aspects of the proportionality assessment. In determining whether the extension is disproportionate or not, it is important to take into account the size, scale, siting and design of the proposed, as well as how it is experienced on the ground, taking into account topography, site context, land form, boundary treatments etc.

The position of most of the house outside of the green belt means that it is viewed as part of an existing cluster of large buildings comprising Saltford Court. The extension itself would be positioned, partly on land which has been confirmed to be residential garden and therefore the enlargement of the building (despite the change to the boundary) would appear to remain within the residential curtilage. The successful use of a glazed link and subservient design (see character and appearance section below) further reduce the visual size of the extension in relation to the original house.

Considering the visual and spatial aspects of the above, the proposed extension, in this instance, would not appear disproportionate .

Consideration has also been given to the fact that the extent of built works in the Green Belt is actually rather small in percentage terms. In this instance, the proposals are considered proportionate to the original dwelling and the proposals do not represent inappropriate development in the Green Belt. Furthermore, the proposals would not be harmful to openness or the purposes of including land within the green belt. The proposal accords with policy CP8 of the adopted Core Strategy and policies GB1 of the Placemaking Plan for Bath and North East Somerset (2017) and LPPU and part 13 of the NPPF.

Residential garden:

The majority of the proposed 2 storey side extension will be sited on land associated with 'Selwood Farm' (neighbouring site). Although, this is under the same ownership as the application site. This land has been considered to be residential garden and this was formalised through planning application 05/02884/FUL. Although, this conclusion of the land being residential garden was in relation to 'Selwood Farm', not the application site.

However, as the applicant owns both sites, this is not a problem in planning terms. The applicant will need to take any necessary legal and land registry steps outside of the planning process as well as serving the any appropriate notices.

Character, appearance and impact on the Conservation Area:

The majority of the two side storey extension will be relatively traditional, following materials and design of the existing house. The glazed link is more modern and it will be introducing a new design element into the immediate area. This in itself is not harmful, and overall a glazed link can be achieved. This is because of it's siting and the location of the plot which is 'tucked away' where it would be masked from a number of angles, until in close proximity to the house. Similarly, the proposed changes to the existing house,

outside of the Green Belt respond positively to the character and appearance of the original house and also the appearance of the wider area.

Therefore, the proposals would be considered to preserve the character and appearance of this part of the Conservation Area and would preserve the setting of the Grade II listed 'Saltford House' which is located a considerable distance away to the south.

The proposed works by reason of their design, siting, scale, massing, layout and materials is acceptable and contributes and responds positively to the local context and maintains the character and appearance of the surrounding area and this part of the Conservation Area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4, D5 and HE1 of the Placemaking Plan and LPPU for Bath and North East Somerset (2017) and part 12 and part 16 the NPPF.

Residential amenity:

The proposed 1st floor rear balcony is set further back than the existing 1st floor rear balcony, the positioning and siting of the new balcony is also further away from the neighbouring house. Therefore, the proposed 1st floor rear balcony is not considered to result in an increase in overlooking compared to that may already exist.

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking. Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Ecology:

The submitted lighting assessment demonstrates that no light spill over 0.5 lux would fall onto adjacent hedgerows.

Other:

Given that the extension is partly located in the Green Belt and outside of the housing development boundary, a condition would be attached to ensure that the extension is tied to the main house and does not become a separate living unit.

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 Ancillary Use (Compliance)

The two storey side extension hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Staddle Stones, 5 Salford Court; and shall not be occupied as an independent dwelling unit.

Reason: The creation of a new independent dwelling unit in the green belt and outside of the housing development boundary would be contrary to the Council's housing strategy and also national green belt policy.

3 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Site location plan- 001
Existing site plan- 002
Existing ground floor plan- 003
Existing first floor plan- 004
Existing roof plan- 005
Existing north and east elevations- 006
Existing south and west elevations- 007
Existing sections AA and BB-008

Proposed site plan- 012
Proposed ground floor plan- 013
Proposed first floor plan- 014
Proposed roof plan- 015
Proposed north and east elevations- 016
Proposed south and west elevations- 017
Proposed sections CC and DD- 018
Lighting assessment

2 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

3 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

4 Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit 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.

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.

6 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.