

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **11th December 2013**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

List of background papers relating to this report of the Development Manager, Planning and Transport Development 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.

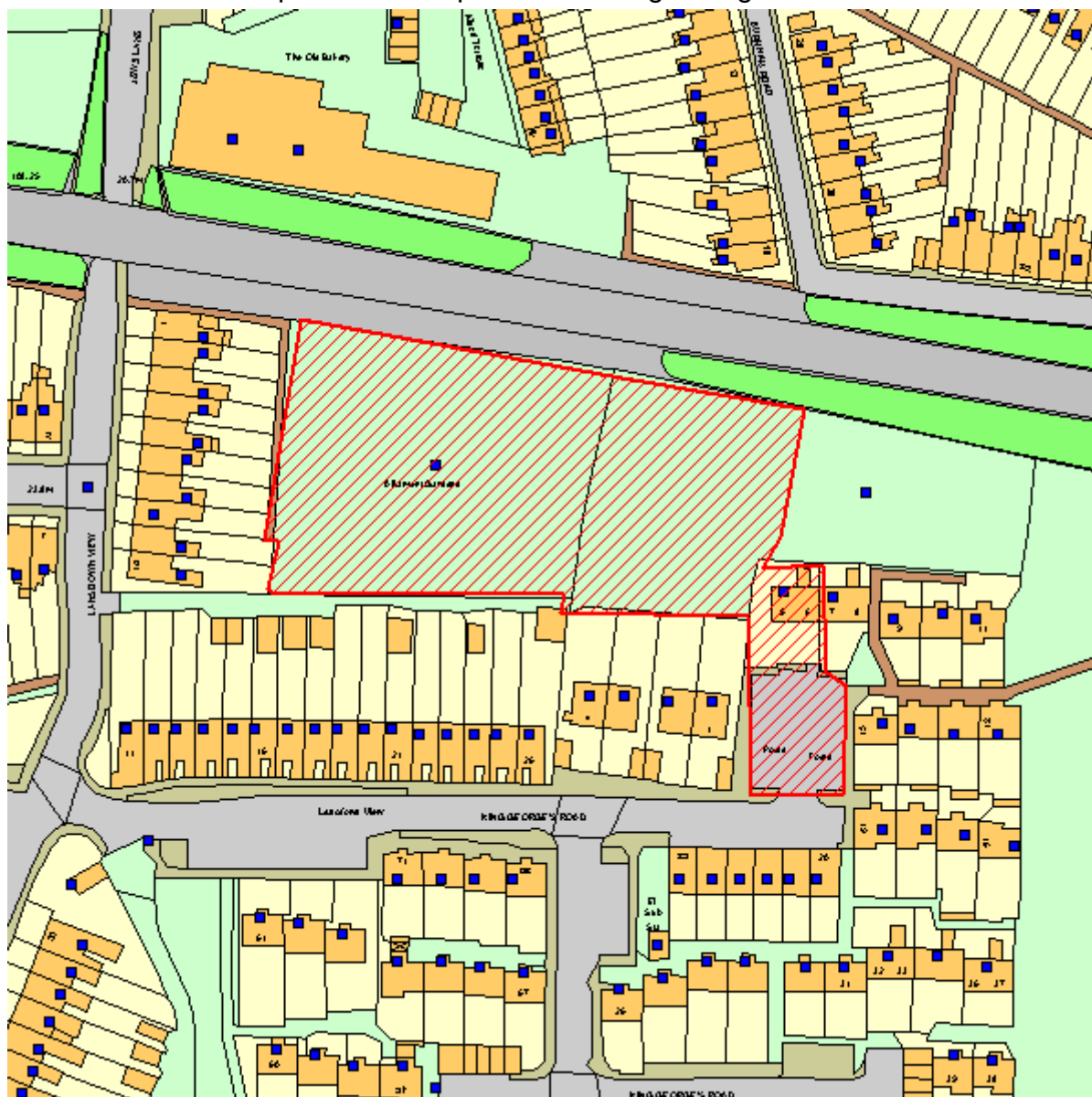
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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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02	13/03309/FUL 26 September 2013	Mr Mock 63 Warminster Road, Bathampton, Bath, Bath And North East Somerset, BA2 6RU Erection of replacement dwelling following demolition of existing dwelling (Revised proposal).	Bathavon North	Chris Griggs-Trevarthen	PERMIT
03	13/03985/OUT 11 November 2013	Mr Cox 1 Pitway Close, Farrington Gurney, Bristol, Bath And North East Somerset, BS39 6TE Erection of detached dormer style bungalow (resubmission)	High Littleton	Victoria Griffin	REFUSE
04	13/04685/FUL 25 December 2013	Mr David Monelle 3 Upper Furlong, Timsbury, Bath, Bath And North East Somerset, BA2 0NN Erection of two storey side extension	Timsbury	Rebecca Roberts	PERMIT

REPORT OF THE DEVELOPMENT MANAGER OF PLANNING AND TRANSPORT DEVELOPMENT ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 13/03835/FUL
Site Location: Proposed Development Site King George's Road Twerton Bath



Ward: Westmoreland **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor S Ball Councillor June Player
Application Type: Full Application
Proposal: Erection of 11 houses and 10 flats following the demolition of half of an existing apartment building.
Constraints: Agric Land Class 3b,4,5, Allotments, Forest of Avon, Hotspring Protection, World Heritage Site,
Applicant: Curo Places Ltd.

Expiry Date:	19th December 2013
Case Officer:	Mike Muston

REPORT

Reason for Reporting to Committee

This application is being reported to Committee because of the level of public interest and a request from a Ward Councillor.

Site and Proposal

The site comprises approximately 0.41 hectare of open land within the urban area and the World Heritage Site, but outside the Conservation Area. It is located immediately to the south of the main line railway and currently has no vehicular access. The site also includes 5 and 6 King George's Road, which are proposed to be demolished in order to provide access to the site. To the west of the site are the terrace comprising 1-10 Lansdown View. To the south and south-west of the site is the terrace comprising 11-26 Lansdown View and the two pairs of semi-detached properties comprising 1-4 King George's Road. To the east of the site are actively used allotments and the other half of the semi-detached pair proposed to be demolished (7-8 King George's Road).

The eastern part of the site is owned by this Council and is currently laid to grass. It is not used cultivated as allotments but is apparently used by users of the allotments to allow their children to play. The western part of the site is privately owned and is covered by what appear to be self-seeded trees, shrubs and undergrowth.

The proposal is to provide 10 one bedroomed flats, 8 two bedroomed houses and 3 three bedroomed houses. These would be arranged in three terraces. One, containing the 10 flats and 4 two bedroomed houses, would be located across the site in an east-west direction, with their rear gardens backing onto the railway. The other two terraces, comprising 4 two bedroomed houses and the 3 three bedroomed houses, would be located at right angles, backing onto 1-10 Lansdown View. The two terraces would be separated by a small gap, and would read as a single terrace.

The new vehicular access would entail a ramp being constructed from turning head in King George's Road, through the site of the demolished 5 and 6 King George's Road, into the main part of the site. All the trees on the site would need to be felled, although the revised plans show the planting of a number of trees and shrubs on the site. The revised plans show that 31 parking spaces would be provided, of which 3 would be disabled spaces. The access road would be a shared space.

The houses would be two storeys high, of a modern design, but traditional proportions and would be constructed of reconstituted Bath stone, with grey tiles.

Relevant Planning History

Application 04/03382/OUT, for residential development and access (in outline, with only means of access determined at this stage) via a demolished 10 Lansdown View, was

refused in March 2005 for reasons of the principle of developing the area allocated as open space and allotments, and two reasons relating to the then proposed access.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Environment Agency - No objections subject to conditions

Archaeology - No objections subject to a condition

Highways

Confirm that the principle of a residential development on the site is acceptable, but seek clarification of certain matters relating to the allocation of parking spaces, the amount of road to be adopted, how services will be accommodated, more details about paving materials and retaining walls, how turning movements will be accommodated and how rear pedestrian accesses will be formed. Subject to this, requests contributions towards sustainable transport and parking restrictions to improve visibility at the junction with Lansdown View.

Any comments received in relation to the revised plans will be reported to Committee.

Urban Design

Would have preferred to see the whole of the apartment block at the entrance demolished rather than half of it; the resulting exposed flank wall was not intended to be a principal elevation and will detract from the scheme. The additional access to the allotments will be stepped and therefore not available for all users.

In principle, the two terrace layout is logical and responds to topography and existing site constraints. It does not impose on harm to existing residents and provides a direct relationship with the frontage space. However, consider that the units closest to the railway could be moved forward to provide additional rear gardens.

The cluster of housing is distinct and in an area of mixed residential character. The scale and design of the houses and flats is appropriate. It is positive to see a more contemporary approach.

The shared space approach is supported in principle. However, concern is expressed re the amount of parking proposed and the use of paving materials. Landscaping and boundary treatment also need to be of sufficient stature.

Parks/Open Space

The open space shown on site is not of sufficient size to perform as useable open space. Therefore require contributions:

Formal green space provision:

Land purchase: £3,044.25

Construction costs: £24,231.00

Annual maintenance: £26,008.35

Natural green space provision:
Land purchase: £3,044.25
Construction costs: £4,446.45
Annual maintenance: £7,349.25 (

Allotment provision:
Land purchase: £608.85
Construction costs: £1,062.72
Annual maintenance: £1,227.54

Highways Drainage - no objections subject to conditions

Ecology

Objects to the proposal as submitted. Before planning permission is granted, the following issues need to be resolved:-

Completion of bat surveys of the site, and all affected buildings & trees with bat roost potential, by a suitably experienced ecologist to current best practice guidance and standards

Further investigation of potential for badger activity at the site

Completion of reptile surveys to establish presence / absence of reptiles and provide population estimates; provision if applicable of proposals for mitigation to include proposals for habitat provision to enable on-site retention of any existing reptile population, or for translocation if applicable (including details of suitable receptor site)

Provision of details of measures to prevent harm to bat activity and other wildlife from lighting, and to demonstrate avoidance of light spill (arising from buildings and external lighting) onto all retained and adjacent habitat that has potential to form part of a bat flight corridor or foraging habitat

Provision of a significantly greater proportion of green space and planting to including significantly greater habitat provision for affected species, either on site or by provision of off-site ecological enhancements to equivalent value

Details of strategy and compensation measures, and provision of sufficient area, to demonstrate that the stated aspirations for ecological enhancement can be achieved. This needs to accept that to achieve enhancement it is first necessary to achieve no net loss which is not demonstrated at present

Due consideration to the Council's Green Infrastructure Strategy

Revision of the submitted ecological survey to address all points raised above

Landscape

if the site is allocated as allotment then it must remain so. If the site can be released, then would not object to the principle of development, but think there are currently too many houses shown for this particular site. I conclude that the scheme is therefore unacceptable in its current format.

Environmental Protection

Before any approval is issued, the applicant should be required to submit an assessment from a competent person to determine into which Noise Exposure Category in PPG24 the

development falls. Aware that PPG24 has been withdrawn however in the absence of alternative guidance, would request that the noise exposure categories within PPG24 be used to classify the development in relation to noise exposure. If the assessment shows that the site falls into NEC C or D then would be recommending refusal of the application on the grounds of excessive exposure to External Noise. If it is determined that for other planning reasons that this development should be granted planning permission and the assessment determines the site to be NEC C only, then would advise that then the following must be imposed as planning conditions to ensure a commensurate level of protection against noise.

Education - would seek contributions as follows:

Total for Early Years provision £28,109.40

Total for school places £11,901.05

Youth Services provision places - 1.65 places at a cost of £2,201.10

Total for Youth provision £2,201.10

Therefore a total contribution sought of £42,211.55

Contaminated land - would recommend conditions to deal with remediation of the contaminated site.

Arboriculture

Notes that the application includes an Arboricultural Impact Assessment and Tree Protection Plan. It is accepted that the majority of trees are unlikely to be good individuals worthy of a B or A category, however on mass they contribute towards the green infrastructure. The proposed development results in the loss of all on site trees. The tree protection plan only relates to offsite trees. Currently objects to the application.

Councillor June Player

OBJECTING to this proposal due to finding it contrary to Policies D.2 & D.4: T.24 & T.26 and CF.8 of the Bath & North East Somerset Local Plan including minerals and waste policies adopted October 2007. Considers it WILL cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of light, increased overlooking, noise, smell, traffic and other disturbances. It will also adversely impact on the character of the area.

The proposal will generate much extra traffic which will cause congestion and adversely impact on a large number of local residents. The area is already used as a rat run and when a situation is bad it does not take much to tip the situation over the edge. Since the opening of the Two Tunnels route the number of cyclists in the area has increased considerably. The additional traffic generated by this proposal will harm their safety. There is insufficient parking provided for the number and size of units proposed.

The Council agreed to safeguard this land for allotments in 2003. Not aware that the developers are proposing suitable alternative allotments elsewhere within 1000 metres as required.

Proposal will lead to new residents congregating in central area and generating noise. Also location of rubbish bins is unneighbourly. Both factors will impact adversely on existing residents.

To conclude, due to this proposal trying to shoe-horn in a development which size-wise is too dense for this landlocked site: cannot provide the suitable infra-structure to be able to safely serve it and the surrounding area as well as contravening the Council's own agreement to protect the private and statutory allotments: will not benefit the area but instead cause extra

traffic problems, extra pollution, extra noise, extra litter and spoil the lives of all those already living and passing through it, gives me no choice but to ask that you refuse this application.

Councillor Sharon Ball

Raises an objection to the grounds of over development of the site as believe that there are too many houses being crammed into a very small site. Been through the National Policy Framework quite closely and it is clear that development is normally permitted in these sort of schemes as most of our planning policies are set aside at the moment the guidelines of the NPPF apply as we do not have a current adopted local plan. Would still however ask you to take into account the small site that is close to a railway track that by the looks of the layout has at least 5 too many properties on the site making it overdeveloped.

The affects on the junction with Lansdown view would also have highway concerns and should not be permitted without works being carried to mitigate the extra traffic that is being created.

Letters of objection received from 60 households, raising the following main points:

Will cause traffic chaos

Too near the main line railway

Loss of allotment space

Building on green space

Unnecessary - no more new houses needed

Overdevelopment to put this many properties on this site

Impact on wildlife on and around the site

Heavy traffic will have to do a detour to reach the site because of the nearby low bridge

Unnecessary destruction of two flats

Position of refuse bins

There is a waiting list for allotments

Will add to existing pollution levels

Steps do not provide an acceptable access to the allotments

Proposal is badly designed

Insufficient car parking - where are all the cars going to park?

Danger to cyclists accessing the Two Tunnels route

Boundary treatment for the allotments is unacceptable

The green space provides an area for children to play whilst parents work the allotments

Other brownfield sites would be more suitable

The access to the site would be very narrow

Potential for subsidence of existing houses

Impact on neighbours near the access road from fumes and noise
 Impact of attempting to re mediate the contaminated land
 Permission was refused here previously and should be again
 Already impossible to get onto Lower Bristol Road during morning peak hours
 Too close to existing properties
 Belief that existing allotments will be lost
 At the Local Plan Inquiry, the Council agreed to safeguard the land as designated for allotments
 Water supply insufficient to cope with this extra development
 Access not good enough for emergency vehicles
 Noise dui ring construction and once occupied
 Strain on local schools
 Incline on access road will be a problem in winter with ice and snow
 May be human remains on site from WW2 bombing
 Too modern a design for a traditional area with Bath stone properties around
 Construction will cause infestation of rodents
 Safety of school children who pass through area would be compromised
 Clash with movements to and from Lidl
 Cutting down all the trees on the site is ridiculous
 Will cause problems accessing the retained allotments
 The allotments on this site are not used because the landowner prevented them from being used
 Low ecological value of the site is because of the actions of the landowner
 How can you have a membrane two feet down and new trees_
 Possible impact on existing right of access
 No prior consultation with allotment holders
 Against Government policy to provide new allotments

POLICIES/LEGISLATION

LOCAL PLAN

Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007.
 Policies relevant to this site in the Local Plan are:

D.2	General Design and public realm considerations
D.4	Townscape considerations
HG.1	Housing Requirements
HG.4	Residential Development in Urban Areas
HG.5	Affordable Housing
HG.7	Minimum Residential Density
T.24	General development control and access policy
T.26	On-site parking and servicing provision
NE.4	Trees and Woodlands
NE.12	Natural Features
BH.1	World Heritags Site
CF.8	Allotments

CORE STRATEGY

The Council has prepared a draft Core Strategy, which has been the subject of an Examination in Public. A letter has been received from the Planning Inspectorate (PINS), indicating that the Strategy cannot be found sound in its current form. This reduces the weight that can be attached to the Strategy. However, the following policies are relevant:-

DW1	District-wide Spatial Strategy
B1	Bath Spatial Strategy
B4	World Heritage Site
CP6	Environmental Quality
CP9	Affordable Housing
CP10	Housing Mix

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (the Framework) was published in March 2012 and superseded much previous Government guidance. It contains a number of paragraphs that are relevant to the application and these are summarised below:-

Presumption in favour of sustainable development

The Framework introduces a presumption in favour of sustainable development. This is defined as being made up from economic, social and environmental elements. It says that, when taking decisions on applications, this presumption means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, it means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or where specific policies in this Framework indicate development should be restricted.

Core Planning Principles

Amongst the core planning principles set out in the Framework are that planning should:- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Economic Growth

Paragraph 19 of the Framework helps explain the importance the Government places on securing economic growth. This states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Providing Housing

The Framework places particular emphasis on the provision of an adequate quantity of housing. It says that local planning authorities should aim to boost the supply of housing and housing land. It says that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council cannot currently demonstrate a five year supply of housing land. This means that limited weight can be attached to the urban area boundaries.

Good Design

The Framework continues the theme from previous Government guidance that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It says that planning decisions should aim to ensure that developments:-
will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks
respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation are visually attractive as a result of good architecture and appropriate landscaping

The Framework goes on to say that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

OFFICER ASSESSMENT

The main issues in this case are considered to be the following:-

The loss of the land designated for allotment use
The effect on the character and appearance of the area
The effect on the living conditions of nearby residential occupiers
The effect on highway safety
The effect of noise from the railway on future occupants of the proposal
The effect on ecology
The benefits of the scheme, including the provision of affordable housing and housing in general

Loss of allotments

The application site is allocated in the Local Plan as allotments and is covered by Policy CF.8 This states that development resulting in the loss of land used for allotments will not

be permitted unless the importance of the development outweighs the community value of the site as allotments and suitable, equivalent and accessible provision is made. It goes on to say that development resulting in the loss of vacant land last used for allotments will not be permitted unless the existing and foreseeable local demand for allotments can be met by existing suitable and accessible sites. The supporting text in paragraph B3.43 defines accessible locations as within 1000 metres of the majority of their potential users.

The land to the east of the site provides 8 allotments, all of which are in use. The application site consists of land owned by the Council (eastern part) and land in private ownership (western part). The private land has a history of allotment use up until 1999. The applicants have submitted evidence of diminishing demand over a period of approximately 30 years, which resulted in the eventual sale of the western part of the land to the present owners. There does not appear to be any evidence of the Council owned land having been cultivated as allotments for many decades. For the purposes of Policy CF.8, the site therefore should be treated as vacant land last used for allotments. The 2013 SHLAA suggests that the site could accommodate 17 allotments.

In this case, site investigations have been undertaken by the Council, notably soil testing, which indicated that the land was contaminated and not currently suitable for allotment use without remediation. More recent ground investigations undertaken by specialist consultants have also revealed significant evidence of contamination, notably high levels of arsenic. Unconfirmed reports and anecdotal evidence suggest this is as a result of bomb damage material disposed of during WW2.

The Council has recently concluded that the land was unsuitable for extra allotments. To become suitable, there would be the requirement to undertake remediation works. However, this would be a costly exercise, leading to the Council's conclusion that this would not be a viable option. Residential Development of the site provides an opportunity to undertake remediation, where the potential returns may cover the cost of the works.

There is a current waiting list for the existing 8-plot allotment site on King George's Road. However, the Council has noted that there are currently 20 vacant plots at the Monksdale Road allotment site, which are being offered to those expressing an interest in the King Georges Road site. The two sites are within 800 metres of one another, which is within the 1000 metres walking distance set out within the Local Plan.

It is also worth noting that under the Allotments Act 1925, the Council's disposal of the land is permitted on the grounds that the use of the land as allotments is "not reasonably practical". Under this Act, and the Small Holdings & Allotments Act 1908 s32, the disposal of the land by the local authority brings conditions on the proceeds of sale, stating that they must be spent on "acquiring, adapting, and improving other land for allotments". This Council has not, at this present time, any specific plans on what the potential funding will be spent on, but a number of initiatives which could benefit from the funding have been identified. The SHLAA (November 2013) did indicate the possibility that some of the funds from the sale of the allotment land could be used to provide new allotments on the recreation ground to the south of the site.

The reality of the situation is that the site is not going to be used again as allotments, primarily because of the localised contamination on part of the site, for which funding does not exist to remediate. There are more vacant plots available at an alternative site, which is within the 1000 metre walking distance, than the application site could accommodate.

As a result, it is considered that the local demand for the application site as allotments can be met by an existing suitable and accessible site. The proposal is therefore in accordance with Policy CF.8 and the loss of potential allotment land is therefore acceptable.

Character and Appearance

This part of Bath is characterised by two storey terraced development, of varying age, at a density of approximately 50 dwellings per hectare. The proposal is for a modern interpretation of similar development, providing further 2 storey terraces at a density of approximately 51 dwellings per hectare. The new development would be largely hidden from wider public views but from viewpoints where it could be seen, would appear as an acceptable addition to the existing urban fabric. The design and proposed materials are considered to be acceptable.

Unfortunately, developing this site in an efficient manner for relatively high density housing will necessitate the removal of all the existing trees on site. The applicants have submitted a revised landscaping scheme, showing an increase in tree and shrub planting. Whilst these will take a while to mature, this should ensure that, once they have, they will aid in softening the appearance of the scheme.

The proposed development will of course result in a very significant change in the appearance of the site, and it is entirely understandable that the many residents who live in close proximity to this site will oppose this change. However, the Council needs to find additional housing land and this cannot be achieved at the scale required without building on land that is currently open and/or undeveloped. It is considered that the proposal would not have an unacceptably adverse effect on the character and appearance of the area, and would comply with Policies D.2 and D.4 of the Local Plan in this respect.

Living conditions of neighbours

As set out above, local residents that surround the site will be very aware of a change in outlook to the rear of their properties. However, a loss of view in this way is not a reason to refuse the application. The residents that will be most affected are the occupiers of 1-10 Lansdown View, whose houses back on to the western part of the site. The two closely connected terraces whose rears would face towards these houses would be 20 - 22 metres from the rear elevations of the rear extensions to these houses. It is considered that these distances, which are similar to others that exist in the area, are sufficient to prevent unacceptable mutual overlooking and/or any overbearing impact.

The new access road to the site will necessitate the construction of a ramp down into the site, through the site of the demolished buildings. This will be adjacent to the front garden of the retained dwellings but is not considered to be unacceptable. In addition, the construction of these dwellings is bound to lead to a period of noise and disturbance in the area. However, if this was used as a reason for refusal, few buildings would ever be constructed in urban residential areas. It is not considered that any additional noise that might result from the occupation of the site once constructed would be unacceptable.

Some residents have objected on the basis of the location of the communal bin store. This has been positioned some 17 metres from the nearest properties (both existing and

new). It is considered that this location is acceptable. It is concluded that there would be no unacceptable adverse effect on the living conditions of nearby residents and that the proposal would comply with Policy D.2 in this respect.

Highway safety

A number of local residents have expressed concerns in respect to the existing roads' capacity. However, it is considered that the urban nature of the road infrastructure and the comparative size of the dwellings will not have a substantial impact on road traffic. The sustainable location of the site could mean that daily traffic movements can be discouraged through the accessibility of employment, services and facilities by foot, bicycle, public transport and rail. The NPPF states:

"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe". Whilst it is inevitable that the development will result in an increase in traffic movements in the vicinity, the urban infrastructure and the relatively sustainable location of the development should mean that this increase will not be unduly significant, and will fall short of the NPPF's test of severe.

In line with the NPPF, the applicants are proposing a series of highway improvements to the Lansdown View/King Georges Road junction. Details of these improvements will form part of a Section 106 Legal Agreement. Currently, the proposal is to introduce a new pedestrian crossing and to formalise parking restrictions in this location. These measures will improve the road infrastructure, whilst also improving the safety of the roads not only for future residents but also the existing pedestrians and motorists who currently make use of this route.

The proposed provision of parking is supported by Highways. 31 parking bays, including 3 disabled bays, are provided within the development site for use by the 10x1-bed flats and 11 houses (an increase of 1 space from the original submission). The location of these bays within the relatively enclosed site should ensure that there is no requirement for future residents to park within the existing residents' parking areas. The proposed parking provision balances need against the desire to promote sustainable modes of transport. The application site is in close proximity to local services and facilities accessible by foot or bicycle and to a number of key local bus routes and rail services, with Oldfield Park train station being within 500 metres.

There is no indication that the proposed development would result in an increase in on-street parking outside of the application site, and the intention is to ensure that those residing within the proposed dwellings park only within those spaces allocated to them.

There have been a number of comments expressed in relation to highway safety issues. These concerns do not relate to the site itself, but to the perceived risk associated with the increase in road traffic in the area. However, it is considered that the existing road capacity is capable of accommodating the proposed scale of development, and there will be improvements to road safety associated with the works to be secured via a S106 Agreement. It is considered that the proposal would not have an unacceptably adverse effect on highway safety, and would comply with Policies T.24 and T.26 of the Local Plan.

Noise

The Environmental Health officer noted concern in respect to the noise from the railway. However, the submitted Rail Noise Assessment indicates that the site falls into NEC C, and thus in line with the comments the Environmental Health Officer raised. It is recommended that a condition is attached to the permission that prior to occupation a further survey is undertaken to establish the internal noise levels are appropriate for residential occupation.

Ecology

The applicant's two Ecological Appraisals have both indicated that the site has a "low ecological value". However, the Council's Ecologist has expressed concerns regarding ecology. Further additional ecological information has been submitted by the applicant's ecologist including bat surveys of the buildings to be demolished which highlights that no evidence of bats was found.

Whilst it is accepted that any green space will have an inherent ecological value, blanket protection from development does not conform with the NPPF, which states that "distinctions should be made between the hierarchy of designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and contribution that they make to wider ecological networks" (para 113).

The site is not designated. Whilst it retains an allotment land designation, this is not a designation which is afforded protection on ecological grounds. The site is therefore an undesignated site in ecological terms and its protection must be commensurate to this status. The ecological test set out in the NPPF for development in these circumstances is "if significant harm resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for then planning permission should be refused" (para 118). The development would not cause significant harm to the natural environment or protected species, and through the identified mitigation measures and an appropriate landscaping scheme, any harm will be adequately mitigated.

Local Plan Policy NE.12 allows for the loss of such sites where it is unavoidable "because the reasons for the development outweigh the need to retain the features". The benefits of the development will be considered below. It is concluded that the proposal would not have an unacceptable adverse effect on ecology and would comply with Local Plan Policies NE.4 and NE.12.

Benefits of the Scheme and Conclusions

The applicants are proposing to provide 100% affordable housing on this site. Meeting affordable housing need is a key objective of the emerging Core Strategy and NPPF, and is afforded significant weight in planning decisions both locally and nationally. Whilst the detailed examination of this Council's housing needs are on-going, it is evident that affordable housing need between the period of 2011-2031 is significant. There is a need to increase previous rates of delivery of affordable housing.

Delivery of affordable units within market schemes has been challenging in the recent economic downturn and the development of small-infill affordable housing schemes now provides a significant delivery mechanism under which to achieve the Council's affordable housing targets. The emerging Core Strategy notes providing sufficient affordable housing

can be achieved through "enabling housing associations to upgrade/intensify their stock, and allow small scale infilling within existing neighbourhoods".

As well as the need for affordable housing, members will be well aware of the shortfall of housing permissions in general that exists at present, and that the Council cannot currently demonstrate a 5 year supply of housing land. The NPPF states that, in these circumstances, the Council's policies on the location of housing should be considered as out of date (paragraph 49). In such circumstances, the NPPF in paragraph 14 states that "where the development plan is absent, silent or relevant policies are out of date", the decision maker should grant permission unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

The application scheme is perceived locally as unacceptable and there will be some adverse impacts. However, these are not considered to be of sufficient significance to warrant a reason for refusal. Given that the scheme would provide 21 units of much need housing, and specifically affordable housing, it is not considered that the identified adverse impacts "would significantly and demonstrably outweigh the benefits", as set out within the NPPF. Permission should therefore be granted.

Recommendation

The applicants are proposing that these units are all for affordable housing and are proposing to fund highway improvements. Both of these will need to be the subject of a Section 106 agreement. In addition, the need for contributions towards education and open space are set out in the consultation section of this report. It is therefore recommended that authority be granted by Committee to the Development Manager to PERMIT this application, once a Section 106 agreement dealing with these matters has been signed, and subject to the conditions set out below.

RECOMMENDATION

Authorise the Development Manager of Planning and Transport Development to PERMIT subject to condition(s)

CONDITIONS

1 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 permissions.

2 No 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 details so approved.

Reason: In the interests of the appearance of the development and the surrounding area.

3 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered.

4 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interests of highway safety.

5 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dB LAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dB LAmax.

Reason: To protect residential amenity.

6 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

1. Site security.
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.

Reason: To prevent pollution of the water environment.

11 All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed

or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

12 No dwelling hereby permitted shall be occupied until the acoustic fence shown on Drawing LP(90)004 Rev A has been erected. The fence shown shall be maintained as such thereafter.

Reason: In the interests of the living conditions of occupiers of the dwellings hereby permitted.

13 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 Drawings LP(90)002 Rev C, 0033 Rev A and 004 Rev A, received 22 November 2013

Drawings P(00)001, 003, 004 Rev B, and 006, LP(90)001, IMA-13-017/009 Rev C, 010 Rev A, received 6 September 2013.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in the Committee report, a positive view of the proposals was taken and permission was granted.

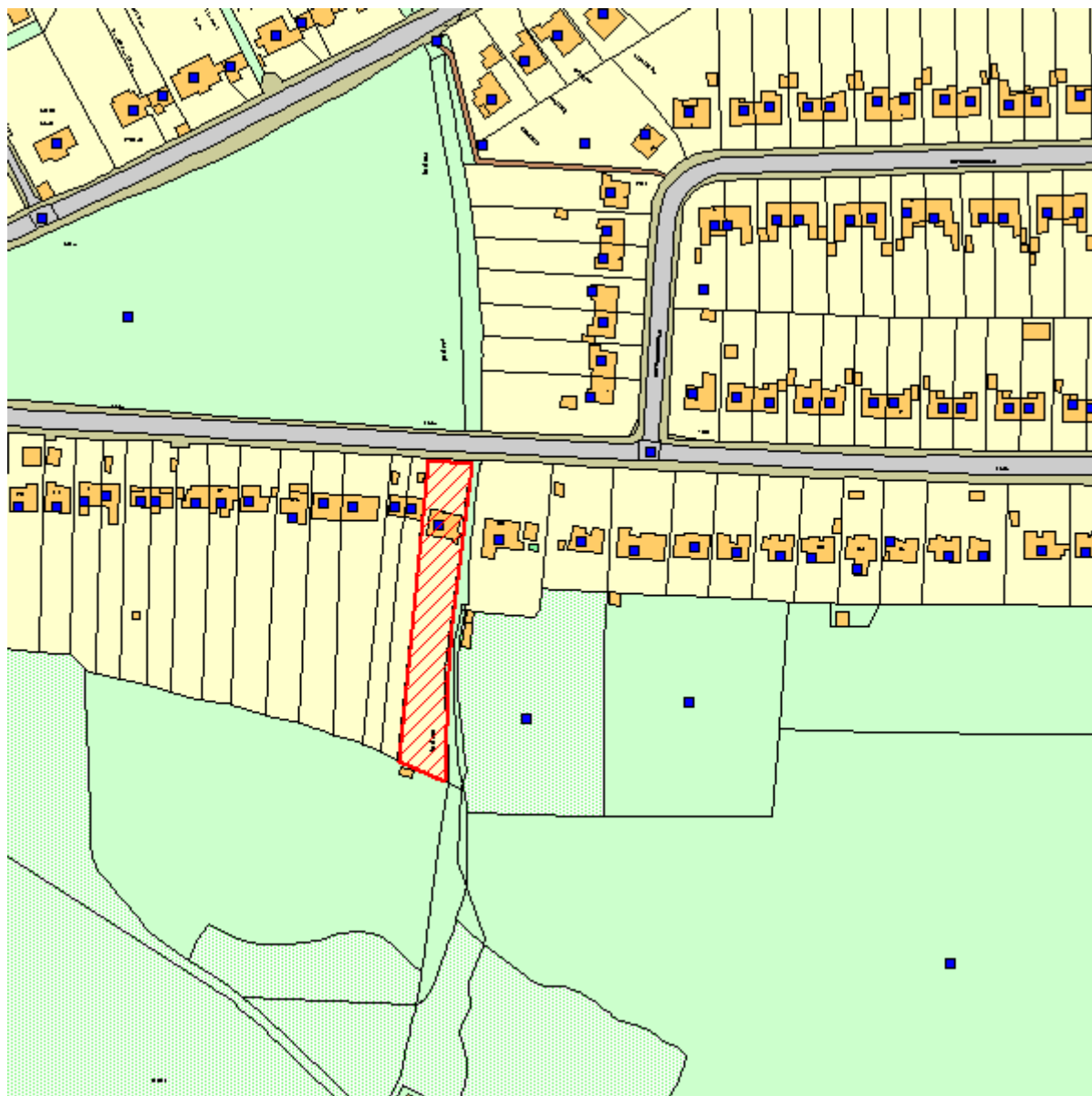
2 No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings (available at: http://www.bathnes.gov.uk/sites/default/files/siteimages/Environment/Pollution/construction_sites_-_code_of_practice.pdf.)

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches. The foul drainage should be kept separate from the clean surface and roof water, and connected to the public sewerage system as indicated within the planning application.

Item No: 02
Application No: 13/03309/FUL
Site Location: 63 Warminster Road Bathampton Bath Bath And North East Somerset BA2 6RU



Ward: Bathavon North **Parish:** Bathampton **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Gabriel Batt Councillor Geoff Ward

Application Type: Full Application

Proposal: Erection of replacement dwelling following demolition of existing dwelling (Revised proposal).

Constraints: Agric Land Class 1,2,3a, Forest of Avon, Housing Development Boundary,

Applicant: Mr Mock

Expiry Date: 26th September 2013

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application was originally considered by the Development Control Committee on the 23rd October 2013. The application was deferred at that meeting to enable the Council and the applicant to engage in negotiations to improve the design of the proposed dwelling.

Negotiations have now taken place and revised drawings have been submitted. The main changes are outlined below:

- The velux windows/rooflights have been removed from the front elevation;
- The front bays have been amended to include flat roofs;
- Door and window on front elevation have been centralised;
- The rear dormers have been reduced in width and their roofs hipped; and,
- The number of velux windows/rooflights on the single storey rear projection have been reduced from 6 to 3.

Neighbours have been re-consulted on the revised drawings and any representations received will be reported to committee.

The application was originally referred to committee because Bathampton Parish Council objected to the application for the following reasons:

- The design is too big and out of keeping with surrounding dwellings, and very close to the boundaries.
- It is felt that the footprint should be smaller and the height reduced with fewer/smaller rooflights/dormers.

The application has been referred to the Chairman who has agreed that the application should be considered by the Committee as it represents a new large dwelling on an existing site next to a bungalow.

DESCRIPTION OF SITE AND APPLICATION

The application site comprises an existing detached bungalow on a large sloping site on the south side of Warminster Road. The existing property is set back from the road and, due to the topography, is raised up above the level of the road. Immediately to the south of the site lies the designated Green Belt and the Cotswold Area of Outstanding Natural Beauty.

The site falls within the Bathampton Housing Development Boundary, but is outside of the Bath World Heritage Site. A public footpath runs alongside the eastern boundary of the site.

The proposal is to demolish the existing building and erect a replacement two storey detached dwelling. The application is a resubmission of a previously withdrawn application (13/01560/FUL).

RELEVANT HISTORY

13/01560/FUL - Erection of first floor extension with 2no. two storey front extensions, single storey rear extension and installation of 2no. rear dormers to facilitate a loft conversion and erection of detached double garage - WITHDRAWN

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

ECOLOGIST

A bat survey dated 8th October was submitted; the survey was undertaken using appropriate methodology and within the survey season during suitable weather and temperature conditions. The survey does not identify any bat roosts in the building proposed for demolition, however bat activity at the site was recorded and this included passes by light sensitive species such as lesser horseshoe bat.

The report makes two key recommendations:

1. The proposals should avoid the use of external artificial lighting on the eastern side of the plot due to the potential to illuminate the footpath which runs along the eastern boundary of the site. The footpath was used by several bat species during the emergence survey, including lesser horseshoe, and should be maintained as a dark corridor to enable its continued use by bat species.
2. Two ridge roosting tiles should be incorporated into the roof of the proposed building. These tiles allow access to bats beneath the ridge tile itself but not into the roof void or living space in the house.

These recommendations will avoid harm to bat activity at the site and will provide replacement roost potential; they should be implemented and can be secured by condition.

BATHAMPTON PARISH COUNCIL

Bathampton Parish Council considers that the design is too big and out of keeping with surrounding dwellings, and very close to the boundaries. It is felt that the footprint should be smaller and the height reduced with fewer/smaller rooflights/dormers.

THIRD PARTIES/NEIGHBOURS

4 Letters of objection has been received from the two adjoining neighbour. The main points raised were:

- Increase in the number of windows on the side elevation and increased projection resulting in the loss of privacy to adjoining properties;
- The size of the property will result in a loss of light ;
- Concern about impact of demolition upon bats.

POLICIES/LEGISLATION

At the meeting of the Council on the 18th October 2007, the Bath and North East Somerset Local Plan (including minerals and waste policies) was adopted. The following policies are material considerations:

D.2 - General Design and public realm considerations

D.4 - Townscape considerations

HG.4 - Residential development in the urban areas

HG.14 - Replacement dwellings

NE.10 - Nationally important species and habitats
T.24 - General access and development control policy
T.26 - On-site parking and servicing provision

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. Policies D.2, D.4, HG.15, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

National guidance in the National Planning Policy Framework (NPPF) is also a material consideration. The following sections are of particular relevance:
Section 7: Requiring good design

OFFICER ASSESSMENT

INTRODUCTION

The main issues to consider are 1) principle of development, 2) character and appearance, 3) residential amenity, 4) highways and parking, and 5) ecology.

1. PRINCIPLE OF DEVELOPMENT

The application site falls within the housing development boundary of Bathampton which is designated an R.1 settlement in the Local Plan where the principle of new residential development is acceptable. The principle of development is therefore considered acceptable.

2. CHARACTER AND APPEARANCE

This part of Warminster Road is characterised by a variety of two storey detached and semi-detached dwellings and a number of large detached bungalows. There is a fairly uniform building line with properties set back from, and above the level of, the road. To the east of the application site is a detached bungalow and to the west is a two storey semi-detached dwelling.

The existing bungalow is unassuming and does not contain any features of particular merit that are worthy of retention. The demolition of the existing building is therefore considered acceptable.

The proposed replacement dwelling is substantially larger than the existing building. Although a single detached dwelling, it has an appearance, in terms of scale and frontage, similar to some of the other semi-detached pairs along Warminster Road. It covers most of the width of the site, but retains adequate separation from the neighbouring properties maintaining the existing rhythm and pattern of development in the street scene.

The proposed design is balanced and well proportioned. It incorporates bay windows which reflect the existing character of this part Warminster Road. The scale of the building, although large, is not excessive for the site and the ridge height of the proposed

building sits comfortably between the two storey buildings to the west and the bungalow to the east.

There are a variety of materials used within the buildings along Warminster Road and the use of natural bath ashlar stone to the front elevation with k-rend to the side elevations is considered to be appropriate. Conditions requiring sample panels are considered appropriate to ensure the necessary quality of finish.

The amendments received after the application was deferred at the October committee have made a number of improvements to the design of the proposed building.

The removal of the velux windows/rooflights from the front elevation has resulted in the roof slope appearing less cluttered and giving the front elevation a cleaner and simpler appearance.

The removal of the roof forms above the proposed bays has, again, simplified the appearance of the front roof slope reducing it scale and bulk. This has resulted in the proportions of the proposed building being more visually appropriate when viewed from the street scene.

The centralisation of the front door and first floor window has helped to emphasise the symmetry of the proposed building.

The reduction in the size of the rear dormers and the number of rooflights on the single storey rear projection has reduced the amount of clutter on the rear elevation and the overall bulk of the roof form. Whilst the rear elevation still appears somewhat cluttered in terms of the fenestration, it is not visible from the street scene and the surrounding topography (the ground slopes steeply upwards from the rear garden) means that it will not be visible in the landscape from wider views.

In light of the above, it is considered that the proposed replacement dwelling does not harm the character or appearance of the surrounding area.

3. RESIDENTIAL AMENITY

The proposed replacement building projects 4m beyond the rear elevation of 64 Warminster Road. The majority of this projection (approximately 3m) is at single storey level with only a short two storey section of the building (approximately 1m) projecting beyond the rear elevation of 64 Warminster Road. The building is set back from the boundary with 64 Warminster Road by slightly over 1m. It is considered that this projection beyond the rear elevation of 64 Warminster Road is not excessive and is mitigated by the positioning of the replacement building slightly away from the boundary. It is therefore considered that the proposed replacement building will not appear overbearing or result in any significant loss of light or outlook from 64 Warminster Road.

There are two first floor windows on the west side elevation of the proposed building which face towards the rear garden of 64 Warminster Road. Both of these windows serve en-suite bathrooms. It is therefore considered appropriate, reasonable and necessary to require these windows to be obscurely glazed and fixed shut. Views from the ground floor windows on the east side elevation can be screened by the existing boundary fence.

The proposed building is situated a reasonable distance from its other neighbour, 62 Warminster Road, and is also separated by the public footpath which runs between the two properties. This distance is considered to prevent the proposed building from appearing overbearing or resulting in any loss of light or outlook. There are two first floor windows on the east side elevation of the proposed building which face towards the rear garden of 62 Warminster Road. Both of these windows serve en-suite bathrooms. It is therefore considered appropriate, reasonable and necessary to require these windows to be obscurely glazed and fixed shut.

4. HIGHWAYS AND PARKING

The proposal involves replacing the existing 2 bedroom bungalow with a 4 bedroom house. The means of the access is not affected by the proposals and there is adequate space for at least 3 off-street parking spaces and turning areas to enable cars to leave in a forward gear.

It is therefore considered that the proposed replacement dwelling will not cause any highways safety issues.

5. ECOLOGY

Concern has been raised by neighbours about the possibility of bats within the existing bungalow. The applicant submitted a bat survey which does not identify any bat roosts in the building proposed for demolition. However bat activity at the site was recorded and this included passes by light sensitive species such as lesser horseshoe bat. The Council's Ecologist has advised that the recommendations of the report will avoid any harm to bat species and has therefore recommended a condition be attached to any planning permission granted.

CONCLUSION

The replacement dwelling is significantly larger than the existing bungalow. However, as discussed above, its scale, form and presentation to the street scene are considered to be in keeping with the character of dwellings along Warminster Road. The large application site can comfortably accommodate the replacement dwelling and the amenities of neighbours can be protected through the use of conditions. The proposal therefore accords with policies D.2, D.4, HG.4, HG.14, NE.10, T.24 and T.26 of the Bath and North East Somerset Local Plan (2007) and guidance in the National Planning Policy Framework.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 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 permissions.

2 No 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 details so approved.

Reason: In the interests of the appearance of the development and the character and appearance of the area.

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

Reason: In the interests of amenity and highway safety.

4 The proposed windows in the first floor East and West elevations shall be glazed with obscure glass and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. These windows shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

5 The development hereby permitted shall be carried out only in accordance with the recommendations of the approved Bat Survey Report by Jim Mullholland dated 8th October 2013, to include no external artificial lighting on the eastern side of the development site, and incorporation of two ridge roosting tiles to the proposed new building. Any proposals not in accordance with the recommendations of the report or any amendment to the Bat Survey Report must first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protected species and ecology

6 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:

1 001
002
003
004
005 Rev C
006 Rev C
007 Rev C

008 Rev C
010 Rev C
011
012 Rev C

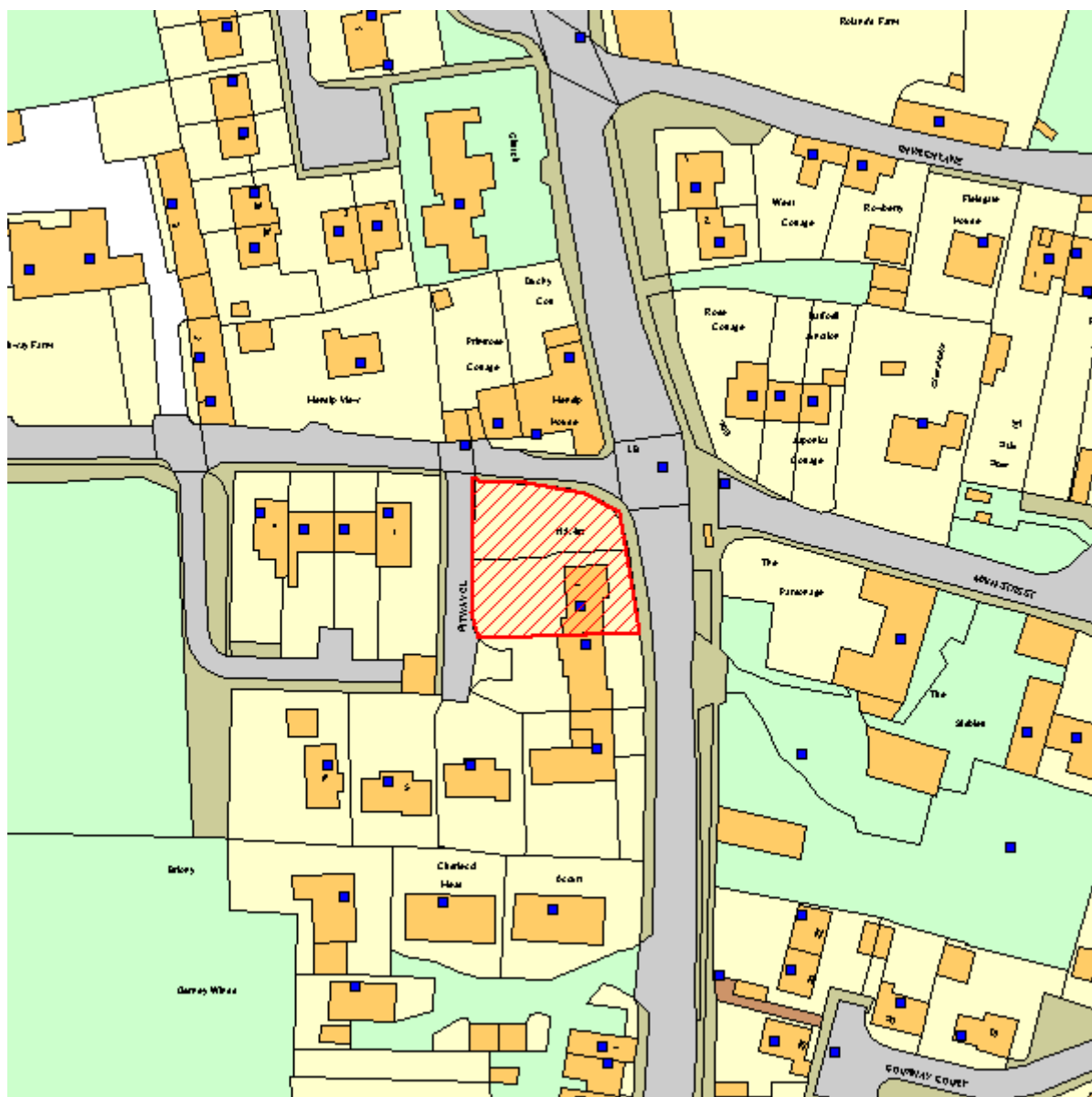
DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

2 ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

Item No: 03
Application No: 13/03985/OUT
Site Location: 1 Pitway Close Farrington Gurney Bristol Bath And North East Somerset BS39 6TE



Ward: High Littleton **Parish:** Farrington Gurney **LB Grade:** N/A
Ward Members: Councillor L J Kew
Application Type: Outline Application
Proposal: Erection of detached dormer style bungalow (resubmission)
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
Applicant: Mr Cox
Expiry Date: 11th November 2013
Case Officer: Victoria Griffin

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE: The application is being referred to Committee following a request from Councillor Kew.

PROPOSAL: Erection of detached dormer style bungalow (resubmission)

SITE LOCATION: 1 Pitway Close, Farrington Gurney, Bristol BS39 6TE

DESCRIPTION OF SITE AND APPLICATION:

The site is situated at the junction of Pitway Lane with the A37 route through Farrington Gurney on a piece of open garden situated to the side of no.1 Pitway Close. This application seeks outline permission for a single dwelling with access and provides an indicative street elevation. A driveway access into the site is proposed from Pitway Close with the proposed dwelling situated forward of the existing building line onto Pitway Lane.

Materials proposed include reconstructed stone for walls and double roman roof tiles to match no.1 Pitway Close. The site has a boundary with Pitway Lane to the north, Pitway Close to the west with a short boundary onto the A37 to the east and No.1 Pitway Close situated to the south.

The site falls within the Forest of Avon designation and the Housing Development Boundary. Opposite the application site to the east is The Parsonage, a Grade II* listed building.

PLANNING HISTORY:

DC - 13/02641/OUT - Refused - 19 August 2013 - Erection of detached dormer style bungalow

14963 - Chalet bungalow - Refused, Appeal dismissed 19/08/1991

WC 872/F - Erection of a house - Refused 07/83

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: The application has been submitted in outline, but detailed permission is sought for access and appearance. The land currently has its own means of access, via a field gate off Pitway Close, adjoining the access serving the dwelling at 1 Pitway Close.

Pitway Close is an adopted cul-de-sac, which takes its access from Pitway Lane, close to the junction with Rush Hill.

The site falls within the defined Housing Development Boundary, and therefore the principle of residential development is generally accepted. Whilst the standard of Pitway Close, and its junction onto Pitway Lane, is not ideal, I do not feel that an additional dwelling would present any highway issues.

I therefore recommend that no highway objection is raised subject to the following condition being attached to any permission granted:-

The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. Reason: In the interests of amenity and highway safety.

The parking area shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.

Further comments dated 22/11/13: As the application is submitted in outline with detailed permission being sought for access and appearance only, it is my understanding the fencing has not been included for approval at this stage, and therefore I have not considered this. However, the location of any fencing would need to be carefully considered to ensure that it does not adversely affect the safe use of the junction, and the application does not provide sufficient detail to make this judgement, only to raise the potential for concerns, as set out by Mr Speirs.

The junction of Pitway Lane with the A37 will need to retain adequate visibility from a point 2.4m back from the junction and extending to the extremities of the site boundary, but this could potentially be achieved with the fencing as suggested, depending on its actual location within the existing wall. A detailed plan to show the fencing position in context with the highway will be required to establish what would be acceptable.

Arboricultural officer: The application indicates that the existing Cherry will be retained. I consider this impractical and unrealistic in view of the route of the proposed services, the extended drive and proximity of the new dwelling.

No objection is raised to the removal of the Cherry subject to replacement planting at the front of the property which can be conditioned. Positioning will need to take into account sight lines at the entrance to Pitway Close.

An application should demonstrate due consideration of the adopted Green Infrastructure Strategy and retained policy NE.4 Trees and Woodlands:

Development will only be permitted where:

- i. it does not have an adverse impact on trees and woodlands of wildlife, landscape, historic, amenity, productive or cultural value; and
- ii. it includes the appropriate retention and new planting of trees and woodlands; and
- iii it does not have an adverse impact on a veteran tree;

In the case of an unavoidably adverse impact on trees and woodlands of wildlife, landscape, amenity, productive or cultural value, compensatory provision is made. The Green Infrastructure Strategy includes a number of principles which include:

'Green infrastructure should be central to the design of new developments. Proposals should respect and enhance green infrastructure within the site and demonstrate strong links to the wider network.'

Environment Protection: There are also other domestic properties in close proximity to this site whose amenity could be affected during construction. Accordingly I would ask that the following be applied as an informative should consent be issued:

No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings (available at: <http://www.bathnes.gov.uk/>)

Farrington Gurney Parish Council: No comments received

Representations: Four letters of objections raising the following points (summarised):

- Concern over highway safety with the position of a proposed fence
- Obstruction to line of sight for vehicles turning into Pitway Lane
- Dangerous and busy junction
- Concern over disruption caused by construction traffic
- No regard to trees on site
- Overlooking to property opposite into side windows
- Will cause parking problems
- Access issues to the site

POLICIES/LEGISLATION

At the meeting of the Council on the 18th October 2007, the Bath and North East Somerset Local Plan (including minerals and waste policies) was adopted. The following policies are material considerations:

D2 - General design and public realm considerations

D4 - Townscape considerations

HG.4 - Residential development in the urban areas and R.1 settlements

T.24 - General Development control and access policy

of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches limited weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following policies should be considered:

SV1 - Somer Valley Spatial Strategy (replaces HG.4)

D.2, D.4, HG.4 and T.24 of the local plan are proposed as saved policies within the submission core strategy.

National Planning Policy Framework (March 2012) can be awarded significant weight however this proposes little change to the aspects of local policy that are relevant to this decision.

OFFICER ASSESSMENT

PLANNING ISSUES:

The key issue in the determination of the proposal is considered to relate to the impact on the open character of the site and this part of the village, residential amenity and highways safety.

The site is within the housing development boundary. Therefore, in policy terms, there is a favourable presumption towards housing development providing it complies with other policies including, the impact upon the character and appearance of an area and residential amenity.

This revised proposal is a resubmission of an application that was refused planning permission on 19 August 2013 with a minor amendment to the position of the house. The position of the proposed house has been resited approx. 4m forward of the existing dwelling which has in effect increased the front garden area. It now sits entirely forward of the row of dwellings on Pitway Close. The proposal however is essentially the same development and the issues raised in the officer report previously remain relevant in this assessment and are repeated here.

Whilst the Council's planning policy position may have been updated since a planning application for a dwelling on this site was refused planning permission in 1983 and later in 1991 when a chalet bungalow was refused on appeal, the site context and applicable policies relating to the character and appearance of the area are still relevant in this application. When the appeal was dismissed in 1991 the Inspector noted that the development of this site would lead to a considerable reduction in the open character of this part of the village.

The proposed dwelling was considered to be obtrusive to the street scene and materially harmful to the character and appearance of the area. The Inspector appreciated that despite the dense appearance of the terrace opposite the site benefited from an open character which was taken to be of value in this part of the village.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA:

This revised submission has repositioned the dwelling so as to reduce its impact on the corner closest to the highway and views of it from the A37. This has essentially brought the building forward of the existing building line by 8m which in many respects would make it more visually prominent within the site, when compared to the refused scheme.

In terms of this proposal the context of the site has not changed from the previous refusals the site remains the same and is constrained for development by its position and shape. The existing piece of land provides visual relief in this part of the village to what is a

predominantly built up area. The proposal would result in the loss of open space at this prominent position within this village location which continues to be a physical attribute of the area.

The proposal therefore continues to represent a form of development that would be harmful to the open character of the area contrary to current Local Plan policies D2 and D4.

HIGHWAY SAFETY:

The highways officer has stated that the access to the site from a junction is not ideal in highway terms however has not raised an objection on highway safety grounds provided that additional details are submitted for parking and access surface materials.

The highways officer has also commented on the proposed alignment of a fence (as indicated on the application form) on the roadside boundary as local residents considered it to be harmful to highway safety. As the application is submitted in outline with detailed permission being sought for access and appearance only, further details for fencing can be dealt with at the details stage. The highways officer has stated however that the location of any fencing would need to be carefully considered to ensure that it does not adversely affect the safe use of the junction, and the application does not provide sufficient detail to make this judgement, only to raise the potential for concerns, as set out by the objection comments.

The junction of Pitway Lane with the A37 will need to retain adequate visibility from a point 2.4m back from the junction and extending to the extremities of the site boundary, but this could potentially be achieved with the fencing as suggested, depending on its actual location within the existing wall. A detailed plan to show the fencing position in context with the highway will be required to establish what would be acceptable.

ARBORICULTURAL OFFICER:

The arboricultural officer has reviewed the proposal and noted that the application indicates that the existing Cherry on the site will be retained. This is considered to be impractical and unrealistic in view of the route of the proposed services, the extended drive and proximity of the new dwelling. Nevertheless no objection has been raised to the removal of the Cherry subject to replacement planting at the front of the property, with consideration to sight lines at the entrance of Pitway Close, which can be accordingly conditioned. No objection is raised to the proposal in its current form subject to a condition.

RESIDENTIAL AMENITY:

The neighbouring properties overlooking the site have raised concerns over the loss of amenity that would be caused by the proposed dwelling. Again, this proposal would generate a degree of mutual overlooking between the proposal and neighbouring windows and gardens. This to a degree already exists between the properties, this revised proposal is not considered to represent a significant increase in harm to residential amenity to warrant an additional reason for refusal.

CONCLUSION:

As outlined the proposal is considered to be unacceptable for the reasons set out above and is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development would be obtrusive to the street scene and materially harmful to the appearance of the local area which is a valuable feature. Furthermore it would diminish the existing relationship with the open space and the surrounding buildings and as a consequence is considered detrimental to the open character and appearance of this part of the village. The proposal is considered to be contrary to saved Local Plan policies D2 and D4 of the Bath & North East Somerset Local Plan (adopted October 2007).

PLANS LIST:

1 This decision relates to the following plans/documents:

2013/COX/02 and 2013/COX/01A date received 16/09/13

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue for applicant's the applicant did not seek to enter into correspondence with the Local Planning Authority prior to the submission of the application. The proposal was considered unacceptable for the reasons given and the agent was advised that the application was to be recommended for refusal.

Item No: 04
Application No: 13/04685/FUL
Site Location: 3 Upper Furlong Timsbury Bath Bath And North East Somerset BA2 0NN



Ward: Timsbury **Parish:** Timsbury **LB Grade:** N/A
Ward Members: Councillor D E Deacon
Application Type: Full Application
Proposal: Erection of two storey side extension
Constraints: Agric Land Class 1,2,3a, Forest of Avon, Housing Development Boundary,
Applicant: Mr David Monelle
Expiry Date: 25th December 2013
Case Officer: Rebecca Roberts

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The applicant is a Bath and North East Somerset Employee within the Planning and Transport Services Section

DESCRIPTION OF SITE AND APPLICATION:

The application site is located within the housing development boundary to the settlement and relates to a detached two storey dwelling which forms part of a modern housing estate. The estate displays a mix of dwelling types and styles which add to the grain of the local built environment. Dwellings are characteristically set back of the highway with front gardens divided between green space and hard standing. The front gardens form a natural green corridor through the site and its link with the public open space on the edge of the estate enhances the rural character of this edge of village location.

Due to the layout of the buildings within Upper Furlong, spaces between structures are constantly available which enhances the sense of spaciousness within this rural environment and is considered to be characteristic of this locality.

The proposed two storey extension will extend from the side elevation by approximately 2.6 metres in line with the rear wall of the garage, a single storey infill extension will merge the 2 storey extension with the garage. A small gap will be preserved along the boundary of approximately 0.8 - 1 metre which will provide access to the rear garden from the gate located on the north eastern boundary between the garage and no .4.

The extension will follow the existing building lines and pitched roof to increase the width of the property and will use materials to match the host building. The extension has been designed to create an open planned multi functional space for a 4 bed property at ground floor and enlarged space for the bedrooms above including an en-suite, a new double casement window will be inserted into the rear elevation to provide light and ventilation, an additional casement will be added to the existing front bedroom window, the side elevation will remain blank as per the existing to avoid overlooking issues.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

No comments have been received to date however a written and verbal update will be provided to the Committee as the consultation period is still open for comments.

POLICIES/LEGISLATION

NATIONAL PLANNING POLICY FRAMEWORK:

National Planning Policy Framework (March 2012) can be awarded significant weight however this proposes little change to the aspects of local policy that are relevant to this decision.

LOCAL PLAN POLICY:

At the meeting of the Council on the 18th October 2007, the Bath and North East Somerset Local Plan (including minerals and waste policies) was adopted. The following policies are material considerations

D2 - General Design and public realm considerations

D4 - Townscape considerations

of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

SUBMISSION CORE STRATEGY

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following policies should be considered:

D.2 and D.4 of the local plan are proposed as saved policies within the submission core strategy.

OFFICER ASSESSMENT

CHARACTER AND APPEARANCE:

Due to the layout of the buildings within this estate, spaces between structures are constantly available which enhances the sense of spaciousness within this urban environment and is considered to be characteristic of this locality. The proposed extension would encroach into this space which has the potential to conflict with the sense of spaciousness within this locality and the prevailing character of street. However, due to the set back nature of the extension off the boundary line and the change in height of the buildings the proposal is not considered to have a negative affect and will preserve an element of spaciousness which is considered to be acceptable.

The requirements relating to design are that development should respond to its local context and in the case of extensions, respect and compliment their host dwelling. It is proposed that the extension will be constructed of materials to match the existing dwelling, and will replicate the domestic architectural style of the host, and the wider area, thereby responding to the local context.

The overall harmony of the street scene will not be eroded by the development. While the extension would cause this house to be wider its sympathetic design and use of materials is not considered detrimental to the character of the local streetscene and would not cause the house to appear oversize within this locality.

AMENITY:

Part of the neighbouring site (no .4) and the rear conservatory are in shadows for part of the afternoon, the proposed development has the potential to increase the length of time of overshadowing of the neighbouring property during the early afternoon however due to the existing relationship between the buildings and orientation, the level of harm caused is not considered significant enough to warrant a reason for refusal. The proposed development will not result in issues of overlooking or cause an overbearing impact to the residential amenity of neighbouring occupiers.

CONCLUSION:

The proposed side extension is considered to be of an acceptable siting, scale, size and design and uses appropriate material which complements the design and proportions of the existing dwelling and would not be visually detrimental to the character and appearance of the host building or the local street scene.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 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 permissions.

2 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding area.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the north east elevation at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

4 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 drawing's titled Existing Elevations, Proposed Elevations, Existing Ground Floor Plan, Proposed Ground Floor Plan, Existing and Proposed First Floor Plan, Block Plan and the Site Location Plan date stamped 30th October 2013.

DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.