

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **26th August 2015**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)

TITLE: **APPLICATIONS FOR PLANNING PERMISSION – Site Visit Agenda**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	14/05836/FUL 17 February 2015	John Sainesbury & Co. Land Rear Of Yearten House, Water Street, East Harptree, Bristol, Erection of 8 dwellings and access.	Mendip	Christine Moorfield	Delegate to PERMIT

The Chair of the planning Committee has decided that this application should be presented to the planning committee due to the valid concerns and number of objections received including objections from the Parish Council as well as 25 letters (prior to renotification following the receipt of amended plans) from residents and a petition signed by 23 residents.

SITE DESCRIPTION AND PROPOSAL

The site is accessed via a road spur from Water Lane which serves 4 number dwellings including Yearten House. The boundaries to the site are mainly hedge with a stone retaining wall adjacent to Middle Lane. The land is rough grazing land. The site is known to be occupied by badgers.

The site is located within the housing development boundary for East Harptree and within the Mendip Hills Area of Outstanding Natural Beauty. Within the adopted Core Strategy East Harptree is identified as an RA2 settlement. Policy RA2 of the Adopted Core Strategy states that within the Development Boundary proposals for some limited residential development will be acceptable where: they are of a scale, character and appearance appropriate to the village.

The proposal as originally submitted was for 8 dwellings. The scheme proposed one 2 bed, two 3 bed and five 4 bed dwellings, the scheme also included access and parking. A pedestrian route with a ramp was proposed providing access to Middle Street along with an area of public open space.

During the consideration process the scheme has been amended and the size of the proposed 8 units has been reduced. The scheme now comprises one 2 bed, five 3 bed and two 4 bedroomed dwellings.

The scheme still includes access and parking spaces, an area of open space and a pedestrian route through the site with steps down to Middle lane. The scale of the works in relation to the footpath has been reduced as the ramp has been omitted.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS

The highway engineer commented on the original submission that given the history of the site the access is considered acceptable. However, the internal layout was not considered adequate as the turning head appeared too small for a refuse vehicle to turn and a swept path diagram was requested.

The Highway Engineer also stated that no paving across the carriageway should be provided. The proposed access should be a shared surface with a new footpath being provided from the site onto Middle Street which provides pedestrian access between the site and the shops and facilities in the village.

The application originally proposed 1 x 2 bedroom house, and 2 x 3 bedroom houses which will require 2 parking spaces and 5 x 4 bedroom houses which will require 3 parking spaces. The level and layout of the parking as shown on the Site Layout was acceptable.

No objection was made to the application in principle subject to a revised layout plan showing a swept path diagram for the turning head that could accommodate a 10.225m refuse vehicle.

Subsequently the applicant provided a swept path diagrams for the turning head for the development which has been tested and is acceptable and therefore no highway objection is raised to the proposal subject to a S106 securing the S38 works and provision of the footpath link to Middle Street.

Conditions in respect of retention and provision of access and parking spaces need to be attached to any permission granted.

ARCHAEOLOGY

The Councils archaeologist raised no objection subject to conditions in respect of the following being attached to any permission:

- (1) a field evaluation of the site,
- (2) a subsequent programme of archaeological work or mitigation, and
- (3) publication of the results. The scope of conditions 2 and 3 will depend on results of the field evaluation (condition 1):

PARKS OFFICER

No objection subject to a condition in relation to the open space maintenance.

EDUCATION

Bath and North East Somerset Council People and Communities Early Years, Primary School, Secondary School, Post 16 and Youth Services Developer Contributions required are as follows:

The contribution for Early Years provision would be £0 as there is sufficient provision in the area.

The total for school places would be £10,991.58

The Total for Youth provision would be £1,600.80

Therefore, a total contribution at the time of comment sought by the council would be £12,592.38

TREES

The Council's Arboriculturalist commented that no significant trees exist within the main body of the site, however trees are evident around the boundaries on and off site. Those along the southern boundary in particular should be considered since these will shade and overhang the rear gardens. The application should be able to demonstrate how these have been considered in the design layout. The application should include a tree survey following the recommendations in BS 5837:2012 as a minimum requirement.

The indicative layout shown places ecologically important hedgerows within the rear gardens of proposed properties, which may risk incremental loss over time. It is suggested that the garden boundaries are set back from the hedgerows with a maintenance strip created adjoining the hedgerows. Boundary landscape would then become part of the management of communal areas.

PARISH COUNCIL

Numerous objections to the scheme have been made, in particular concerns have been raised in relation to the size and scale of the proposed dwellings and the detrimental effect on the visual amenity of the area and the existing surrounding dwellings.

The scheme is seen to impact on the residential amenity of adjacent residential properties in terms of overshadowing.

This is a poorly designed scheme the style and design of the proposed dwellings are of an urban nature and not in keeping with the surrounding dwellings or locality. The height and size of the proposed dwellings will be a prominent feature when viewed from the elevated south side of the village and Smitham Hill.

Access parking and highway safety must be fully considered.

Following the submission of amended plans the Parish Council submitted the following comments:

Parking still inadequate.

Restricted access for service vehicles.

Inappropriate design in terms of size and height

Detrimental impact on neighbours

Green corridor should be retained

Impact on ecology particularly given the removal of the badger sett

The steps exit onto an inadequate pavement on a busy road.

The management of the communal space should be safeguarded with a section 106 agreement.

Restriction on the use of permitted development should be put in place.

Concerns in respect of neighbour notification and information on the website.

Councillors voted to object to the amended proposals.

FLOOD RISK MANAGEMENT AND DRAINAGE

The site is located in flood zone 1 and is less than 1 hectare in size.

The applicant is generally advised to review the Environment Agency's Local Flood Risk.

Drainage from new development must not increase flood risk either on-site or elsewhere.

Government policy strongly encourages a sustainable drainage system (SuDS) approach to achieve these objectives.

The application as submitted did not include any details about how the development will manage surface water and a drainage strategy was required.

Subsequent further drainage information has been submitted and this has addressed most of the drainage engineers concerns. The councils drainage engineer has commented that the technical note is acceptable and so no objection is raised subject to conditions.

As requested Wessex Water has been informed of the technical note submitted as some of the surface water system will be adopted by them.

PLANNING POLICY

In the adopted B&NES Core Strategy (2011-2029), East Harptree has been identified as a RA2 settlement as it has not got three key facilities and only has a limited daily public transport service. RA2 settlements will receive approximately 10-15 dwellings over the Plan period of 2011-2029.

The proposed development is within the Housing Development Boundary; therefore no policy objection would be raised subject to urban design, landscape and providing satisfactory highways access. Further, the site has been identified in the Placemaking Plan evidence base work by the Parish Council as the preferable option for a potential housing site for approximately 10 dwellings.

The previous report presented to committee on the 29th July stated that because 'the site is for 8 dwellings then this development will not contribute towards the 10-15 dwellings required through Policy RA1 of the Core Strategy'.

This matter is referred to later in this report as amended officer views in respect of this matter were reported verbally at the committee meeting.

AFFORDABLE HOUSING

When the application was presented to committee on the 29th July it stated that through Policy CP9 of the Adopted Core Strategy the Council seek 15% affordable housing if the combined gross floorspace is over 1,000m². It should be noted that this application has a combined floor space below the 1,000m² threshold.

However, following a High Court decision the Government has rescinded the relevant paragraphs in the NPPG in relation to the need to not provide affordable housing on small sites. In the light of this the provision of affordable housing in relation to this scheme for 8 houses has had to be reviewed as any schemes of 5-9 dwellings are now liable for affordable housing provision/contributions under the terms of core strategy policy CP.9. This issue is addressed later in this report.

URBAN DESIGN

The principle of development on this site has been supported in urban design terms. The site is considered to fit well into the existing grain of the village.

It is noted that this is a proposed site for development supported by the Parish Council and is proposed to be a site allocation within the Placemaking Plan options document. The original plans submitted were considered to be acceptable in terms of number of dwellings but the large footprints created an urban feel to the site which conflicted with other considerations in respect of this site.

The urban design officer objected to the scheme as initially submitted due to the overdevelopment of the footpath ramp, the development layout and in particular the view through the site and the relationship between the houses and the proposed open space. In addition the impact on the amenity of adjacent residents was seen to be detrimentally effected due to the relationship of new units to existing and in particular the siting of plots 4 and 8 were seen to cause harm..

The plans were amended in order to address the issues raised by the Urban Design Officer. A series of amended plans were submitted for discussion., a final set of plans being submitted in 2nd June 2015.

The main issues that the amended plans addressed were, the removal of the large ramp access, reorientating plot 8 in order to provide surveillance of the footpath and to enable the footpath to provide a green wedge or vista through to middle street. The moving of plot 8 away from Malabar House boundary and the moving of plot 4 away from the boundary with Yearten House.

The Urban Design officer considers the amended layout and design of the proposed units to be acceptable and no objection is raised.

PUBLIC OPEN SPACE

The Parks and Green Spaces Team made comments but these comments were made in advance of the introduction of CIL and prior to the reduction of the number of bedrooms provided on the site.

It was stated that the quantum of development results in an occupancy of 23 persons creating demand for formal green space and allotments of 345m² and 69m² respectively.

The Council's data shows that there is a surplus in respect of formal green space provision within the East Harptree Parish of 0.80ha and a deficit of allotments in East Harptree of 0.21ha. At the time the comments were made a S106 contribution would have been required however this has now been replaced by CIL.

The submission proposes 286m² of formal green space to the west of the site, in accordance with the Council's 'Planning Obligations' SPD 2015 the developer would be required to maintain the on-site provision to the satisfaction of the Council for at least 12 months.

Thereafter, the developer must demonstrate that the provision will be permanently maintained and managed by a management company, or offer the provision to the Parish Council and make a capital contribution to cover maintenance for a 20 year period.

ECOLOGY

In relation to the original scheme submitted the councils ecologist noted that a comprehensive ecological and protected species surveys have been submitted. An updated ecological report has also been submitted. The site contains an active badger sett (considered to be a subsidiary sett), a low population of slow-worms (associated with habitat on the western edge of the site). Bat surveys at the site show use by a high number of species including use by the light-sensitive species of both greater and lesser horseshoe bats.

As originally submitted the layout showed an artificial badger sett within the "communal open space" in a western portion of the site, this was welcomed, The provision of a "badger run" (north south) accross the site couples with the location of the boundary fences shown on the layout plans allowing existing vegetation to be retained which can be be strengthened or enhanced is also welcomed.

The councils ecologist considered amendments to the site layout, location of open space and new badger sett, would maximise the chance of successful badger mitigation and wider ecological benefits to the site which would also bring benefits for future residents. The ecological mitigation scheme would also benefit from reduced number of dwellings to enable sufficient space for habitat provision, planting and boundary vegetation.

The badger mitigation strategy and location of any new badger sett must be determined by ecological advice. This would be expected to include appropriately dark planting belts, exclusion zones to provide connectivity to mitigate impacts both on badgers and bats. Such mitigation needs to be shown on plans. These areas should not form part of residential gardens where residents would have the option of removing or changing this provision.

No dedicated habitat belts are currently provided on the eastern north south boundary which is currently used by badgers to access the site, nor the north eastern boundary. These sections must be revised. The removal of Plot 4 could provide sufficient space for this.

The applicant's ecologist has recommended the creation of an orchard area. This could be attractive to badgers and for residents, and would increase the potential success of badger mitigation. These considerations are important not only to avoid harm to badgers but also to reduce risk of damage from new badger activity after construction, and avoid future conflict between badgers and residents.

Following the submission of amended layout plans and further discussions the council's ecologist has confirmed that whilst further information in respect of the status of the sett would have been helpful conditions can be used to secure final details and implementation of ecological mitigation for badger, reptiles and bats including habitat provision and planting, future management responsibilities and resourcing, and provision of details of all proposed external lighting (including street lighting and any proposed for individual plots) sufficient to demonstrate zero or 0-1 lux light spill onto habitats and boundary vegetation will be necessary.

NEIGHBOUR RESPONSES

One letter of support has been received.

A petition signed by 23 residents has been received as well as 25 individual letters of objection. Following amendments to the layout of the scheme interested parties were re consulted and the total number of individual letters received in relation to this proposed development is 32.

The main issues raised are:

Density of the development higher density supported by officers

Highways parking and access . General road safety in the locality due to increased traffic and limited footpath network.

Footpath link is unnecessary.

Ecology in particular badgers and present badger activity

Design and site layout the buildings are too tall and too urban in appearance. The design of the buildings are not appropriate in this rural location.

Trees loss of vegetation on the site.

Loss of residential amenity in particular loss of privacy, light and creation of a sense of enclosure.

Drainage

History of the site- old planning application indicated 5 units on this site/ adjacent site only permitted three dwellings.

Archaeology

Placemaking plan not adopted still in draft.

Lack of neighbour consultation.

Inaccuracy of comments/ information.

Further comments received following reconsultation in general reflected the issues listed above. However in addition the following matters have been raised:

Lack of garages will create onstreet parking

Wessex Water must agree to the scheme

Bristol Water Comments needed.

Although some improvements some plots still too tall..

Plot 6 only 2 car parking spaces?

Development should incorporate green initiatives.

Possibility of a Strip of land being purchased so that its retention as a wildlife corridor can be safeguarded.

Provision of pavement outside Yearten House linking into the site.

Views through the site

Retention of a Green Corridor.

POLICIES/LEGISLATION

The following policies are material considerations:

Saved Local Plan Policies:

- SC.1 Settlement classification
- D.2 - General design and public realm considerations
- D.4 - Townscape Considerations
- BH.12 Important archaeological remains
- T.1 overarching access policy
- T.3 Promotion of walking and use of public transport
- T.6 Cycling Strategy: cycle parking
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision
- NE.1 Landscape character
- NE.2 Areas of Outstanding Natural Beauty
- NE.10 Nationally important species and habitats
- NE.11 Locally important species & habitats
- NE.12 Natural features: retention, new provision and management
- IMP.1 Planning obligations

Bath and North East Somerset Core Strategy

The Bath and north East Somerset Core Strategy has now been adopted and can be afforded full weight in determining planning applications. The following policies should be considered:

- DW1 District Wide Spatial Strategy
 - RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria
 - CP2 - Sustainable Construction
 - CP6 Environmental Quality
 - CP7 Green Infrastructure
 - CP9 - Affordable Housing
 - CP10 - Housing Mix
 - CP13 - Infrastructure Provision
-
- Planning Obligations Supplementary Planning Document - Adopted July 2009
 - Mendip Hills AONB Management Plan 2009 -2014
-
- National Planning Policy Framework 2012
 - National Planning Practice Guidance 2014

OFFICER ASSESSMENT

MAIN ISSUES TO BE CONSIDERED

Principle of residential development and density of development.

Access and parking

Ecology and Landscape

Design layout and impact on residential amenity

Drainage

Archaeology

Other matters

CIL, Education, Affordable housing, trees, 106 agreement.

Principle of residential development and density of development.

In the adopted B&NES Core Strategy (2011-2029), East Harptree has been identified as a RA2 settlement as it has not got three key facilities and only has a limited daily public transport service. RA2 settlements will receive approximately 10-15 dwellings over the Plan period of 2011-2029.

The proposed development is within the Housing Development Boundary; therefore no policy objection would be raised subject to the matters of urban design, landscape and provision of satisfactory highways access.

The site has been identified in the Placemaking Plan evidence base work by the Parish Council as a potential housing site for between 8 and 10 dwellings.

East Harptree meets the adopted Core Strategy's criteria for an RA2 settlement, which allows for residential development of around 10-15 dwellings, in addition to small scale windfall sites within the Housing Development Boundary (HBD). As this site is below 0.5ha (0.44ha) and for less than 10 dwellings (8 dwellings proposed), and within the current HDB, it counts as a small site under the GPDO definition and was originally considered to be a windfall site.

The previous report presented to committee on the 29th July stated that because 'the site is for 8 dwellings then this development will not contribute towards the 10-15 dwellings required through Policy RA2 of the Core Strategy'.

However, at the committee meeting members were informed that following further discussions officers considered that the site has constraints which have impacted on the possible density of the development. The main constraint being the presence of badgers and the need to incorporate protected undeveloped areas for them within the layout. Therefore, a scheme for a greater number of houses would be unlikely to be acceptable on this site due , in particular, to this constraint. Given these specific circumstances the 8 units would contribute towards the 10-15 dwellings required through Policy RA2 of the Core Strategy.

The figure of 8-10 dwellings on this site came from the proposed site allocation and background evidence included in the Placemaking Plan policy SR6 and supporting site assessment evidence base. In terms of density this is still considered to be a low density scheme in design terms at its current development level. The density of this development is 18.1 units per hectare.

Access and parking

The highway engineer commented that the access arrangements are considered acceptable.

Amended plans were submitted which indicate a swept path diagram for the turning head that will accommodate a 10.225m refuse vehicle. This has been tested and is acceptable.

Initial comments from the highway engineer stated that no paving across the carriageway should be provided and a proposed access with a shared surface is acceptable with a new footpath being provided from the site onto Middle Street which will provide pedestrian access between the site and the shops and facilities in the village. The footpath to Middle Street has been provided and simplified in its design which is seen as a benefit as it will improve permeability within the locality. The simplified design is in keeping with the general character and appearance of the locality. Whilst precise details of the entrance into the site have not been provided the entrance is relatively small and requires a section of the existing stone wall to be removed. It is considered acceptable for the details to be the subject of a condition.

The access road into the site is shown as a shared surface area and this is acceptable and complies with the Highway Engineers requirements. The highway engineer does not consider that the development will impact on the highway network to any great extent within the vicinity of the site and the proposal is not considered to result in highway safety being compromised.

Several residents commented that the Highway Engineer had mistakenly referred to footpaths but it is recognised that there are limited footpaths within the vicinity of the site. The scale of this development is not considered to harm the interests of highway and pedestrian safety in the area.

The application provides one 2 bedroom house, five 3 bedroom houses which will require 2 parking spaces and two 4 bedroom houses which will require 3 parking spaces. Plot 6 has not been indicated as having 3 car parking spaces but the agent has confirmed that this will be done and there is adequate space within the plot for this to be provided. The level and layout of the parking as shown on the Site Layout is acceptable and conditions to ensure provision and retention are considered necessary relevant and reasonable. The reduction in the number of bedrooms proposed results in a reduction in the traffic generated as a result of this proposal.

The section of pavement which is missing outside Yearten House and is adopted highway verge was never completed in the 1960s when the bungalow development was built. This section of pavement is considered necessary and it is proposed that its construction be tied in with the 106 agreement for the provision of the pedestrian footway.

The proposal is seen to comply with policies T.1, T.3, T.6, T.24 and T.26 in terms of the provision of a footpath parking facilities and the access to the site. Also the location of the site is accessible to the limited facilities that exist within East Harptree. In accordance with Core Strategy Policy CP13 the proposal is seen to comply with the requirements to provide the necessary infrastructure in relation to the proposal.

In conclusion the highway engineer raised no objection and considers the scheme to be acceptable subject to a S106 securing the S38 works and provision of the footpath link to Middle Street.

Ecology and landscape

A comprehensive ecological and protected species surveys was submitted with the application. An updated ecological report was submitted in February which sought to deal with the issues raised by the councils Ecologist.

The site contains an active badger sett, a low population of slow-worms. Bat surveys at the site show use by a high number of species including use by the light-sensitive species of both greater and lesser horseshoe bats.

The original proposed layout indicated an artificial badger sett within the "communal open space" in a western portion of the site. The provision of open space and an artificial sett was very welcome, although the proposed badger sett was not considered to be in the best location to maximise the chance of success, and might not be required. The further revision therefore removed the proposed sett from this location, based on ecological advice. The provision of the north-south "badger run" and the boundary fences shown on the layout plans along the north-west and southern boundaries, beyond which existing vegetation will be retained and can be strengthened or enhanced, are also considered to be acceptable.

Amendments to the scheme were considered beneficial to provide acceptable ecological mitigation which will also bring benefits for future residents. The reduction in built footprint enables sufficient space for habitat provision, planting and boundary vegetation to be provided.

Dedicated vegetated exclusion zones which need to be kept dark require plans indicating how these areas will be protected from light spill from proposed street or domestic lighting. These areas should not form part of residential gardens where residents would have the option of removing or changing this provision.

Further comments received in respect of present badger activities do not impact on the Council's Ecologists' comments who is satisfied that conditions will ensure adequate protection/mitigation works to accommodate badgers on the site.

Subject to conditions the Council's Ecologist is satisfied that this scheme will not have an unacceptable detrimental impact on the interests of ecology or badgers. Finalised details of badger mitigation can be secured by condition, and will need to be informed by the findings of update survey, with consideration to the potential need for provision of an artificial sett in a suitable location, if necessary. The ecologist is confident that the current proposal can accommodate this if required. The landscaping and open space management plan will need to include the necessary habitat and ecological corridor provision and their future maintenance and protection in perpetuity.

The proposal is therefore seen in principle to comply with the saved policy NE11 of the local plan and Core Strategy Policy CP6 which highlight the need and requirement to preserve and where possible enhance wildlife and ecological interests as part of a development scheme.

Design and layout

The principle of development on this site is supported in urban design terms. The site fits well into the existing grain of the village and is a proposed site for development supported by the Parish Council in principle and is proposed to be a site allocation within the Placemaking Plan options document. The original plans submitted were considered to be acceptable in terms of number of dwellings but there were concerns in relation to the site layout and the overall scale of the individual units.

In respect of connections and access the site is well located within the village and is within walking distance of the local facilities. This site offers a good opportunity to provide greater permeability within the village connecting Middle Street and Water Street and therefore, a well-designed, safe and overlooked pedestrian access onto Middle Street is seen to benefit the locality. A public right of way that accesses Middle Street adjacent to Malabar House is supported as it is recognised that Middle Street is narrow with no pavements in parts.

The access should be suitably designed in order to ensure it reflects the character of this locality and minimizes loss of existing wall and vegetation on the site and whilst full details have not been submitted it is considered that these details can be the subject of a condition.

The potential capacity of this site has been considered to be 8-10 dwellings; therefore the proposal complies with this density of development in principle.

At this density the development reflects the rural character of the surrounding cottages along Middle Street and Orchard End .It is these traditional properties that have influenced the design of the development rather than the modern 1950s bungalows adjacent to the site.

The original scheme submitted was considered to be highways dominated and designed around the turning head. The new dwellings should address the street, with habitable rooms positioned to provide overlooking to the street. The turning head within the scheme is required to accommodate refuse vehicles in order to satisfy the requirements of the highway engineer. The shared surface however limits the visual impact of the road/turning head.

A transition to a different surface treatment from the existing tarmacked access road softens the appearance of the new development and helps to maintain a rural character. In order to identify the entrance to this development a planter has been indicated adjacent to the entrance to plot number 1.

The amended plans received reduced the footprint and size of the buildings which has reduced the 'urban' appearance of the scheme as particularly raised as a concern by interested parties. This reduction in built mass has improved the general appearance of the scheme by allowing more visual space between properties thus enabling more flexibility in terms of ensuring protection of features within the site.

Plots 7 and 8 have been reoriented so that the footpath is overlooked providing casual surveillance.

A view to the green space and trees adjoining plot 8 and beyond following the path has been achieved as a terminating view which maintains a green wedge into the scheme and visually opens up the pedestrian route to the village centre.

Sections have been provided through the site to indicate the relationship and in particular the heights of the proposed dwellings in relation to the adjacent existing properties.

In compliance with policies D4 a safe and well overlooked pedestrian route linking through to Middle Street which reflects the rural character of the village has been proposed. Windows are proposed at first floor level in the north east and North West elevations of the property on plot number 8 and these provide the necessary casual surveillance.

The ramped access to Middle Street which was considered to be over-engineered has been removed from the proposal. Whilst there is a presumption in favour of providing ramped public access ways where possible the lack of footpaths along Middle Lane would render this link less attractive to pushchairs or wheel chair users etc. and therefore the ramp was felt to detract and harm the visual amenity of the locality was not considered justifiable.

The proposed communal green space due to the realignment of the footpath and reoriented plot 8 now forms part of a coherent landscape design. Furthermore, it is overlooked and is now considered to relate well to the proposed development form. Initially it was considered that the open space should be located more centrally within the scheme with a clear role and function. The amended layout is considered acceptable although it is considered that the open space could have played a more significant role in this scheme. However, this matter would not justify refusal of this scheme.

With regard to the maintenance of this area the councils open space officer has confirmed that the provision must be permanently maintained and managed by a management company, or offered to the Parish Council and a capital contribution made to cover maintenance for a 20 year period. This matter needs to be the subject of a 106 agreement. The agent has agreed to the provision of a management company.

Landscaping within the site has been indicated within the site layout plan. Clear maintenance protected run areas have been indicated along the south and North West boundaries in order that these areas are protected in perpetuity for both maintenance and ecological reasons. These areas will be incorporated into the open space management of the site.

In relation to the impact on the amenity of the adjacent residents have particularly raised the issues of overlooking and loss of light.

The original scheme indicated plot number 4 in close proximity to the boundary with Yearten House. Given the height difference and the close proximity of the two dwellings it was considered plot 4 would cause harm to the amenity at present enjoyed by the residents. The plan has been amended and number

4 now sit over 14 m from Yearten house being 8m from the boundary. No first floor windows are proposed on the east elevation of number 4 and only a ground floor toilet window is proposed. Therefore, there is not considered to be an issue with overlooking between these properties. The finished floor level of number 4 is shown to be 119.75m. The section through the site indicates that plot 4 will sit at a height of 8m high which is 1.75m above the maximum height of the adjacent house, Yearten House.

Plot number 3 sits a minimum of 12m from the site boundary with Windrush. There are two windows in the gable end facing Windrush the first floor window serves the bathroom and should be conditioned to be glazed with obscure glass and retained as such. There is a small side window serving the dining area. The relationship between these residential units it considered acceptable and it is not considered that the new dwelling will harm the residential amenity at present enjoyed by this existing dwelling.

Plots 4 to 8 sit at a minimum distance of 6m from the inside edge of the mature hedge and are not considered to result in a loss of amenity to the adjacent dwelling and in particular Orchard End. The finished floor levels indicate that the new buildings will have an eaves height of 126m Orchard View is shown to have an eaves height of 128m and therefore the new dwellings is not considered to have an overbearing impact on this property.

The reorientation of plot 8 has moved the built form away from Malabar House the distance between the buildings being a minimum of 16m. It is not considered therefore that the development would harm the setting of this traditional property through overlooking and or by having an overbearing impact.

The submitted plans indicate levels across the site as existing and the ffl of the proposed dwellings. Sections through the site indicate that in principle the units will be sit 'down' in the site.

The land rises by approximately two metres from North East to South West. The highest part of the site is the South Western corner. The ffl of the units are shown on the layout plan.

Plot 8 the land here is shown to be 122.50 m AOD (above sea level) with the slab level of the property being set down at 121.4m. Therefore the plans indicate that the slab level of the property will be one metre lower than the ground level. Sections through the site indicate how the new units relate to the adjacent properties and the existing site levels. The ridgeline height of the unit on plot 8 is 1.75m higher than Malabar House.

The applicant has specified the houses will be built in natural stone which is strongly supported in principle as a requirement for this site. However, the natural stone specified by the applicant (Dolomitic Breccia), is not evidenced to match the local Mendip character/existing natural stone which predominates within the village and its sourcing/origin is not specified. A condition is required to specify and approve the final natural stone to be used in construction to make sure that it in keeping with the local

vernacular - in terms of colour pallet and stone size etc. Retaining walls are specified in natural stone, but the material is not specified, again this should be subject to condition.

Other details - oak finished joinery on the doors and windows, red tile roofs (Sandtoft Modula double Roman tile in Chiltern Red), alumasc heritage cast aluminium with black finish (as shown on the elevation plans), timber clad bin stores are propose to the side/rear of the properties, are supported. The proposal to provide no street lighting is also supported as it retains the rural character of the village and will contribute towards maintaining dark skies."

The scheme is therefore seen to comply with saved policies D2 and D4 in terms of the details, mass, bulk and siting of the units on this site. The proposal is seen to respect the local character and appearance of the area and not to harm the amenity of adjacent residents to an extent that refusal would be warranted. In accordance with the requirements of the NPPF para 57 the scheme has recognised the need to plan positively for the achievement of high quality and inclusive design for the development, including individual buildings and public and private spaces.

The site is located within the AONB where saved policy NE2 is relevant as is the Mendip Hills AONB Management Plan 2009 -2014. In line with the NPPF 2012 the scheme seeks to protect the interests of biodiversity of the area. It also is not seen to compromise the intrinsic beauty or character and appearance of the area which has rendered it worthy of AONB status.

The drainage engineer raised concerns in relation to the need for further drainage information. However, consideration of the further information submitted has satisfied the drainage engineer that the scheme is acceptable and subject to conditions no objection is raised to the proposal. However, the acceptance from Wessex Water as the local water authority has been identified as being necessary.

Archaeology

The council's archaeologist raised no objection subject to conditions in respect of the following being provided

- (1) a field evaluation of the site,
- (2) a subsequent programme of archaeological work or mitigation, and
- (3) publication of the results. The scope of conditions 2 and 3 will depend on results of the field evaluation (condition 1):

In the light of continued concerns being expressed by interested parties the councils archaeologist reconsidered his original comments but concluded that his recommended conditions would provide adequate mitigation for any archaeological impacts caused by the proposed development.

Other matters

Purchase of land

It is preferable for all corridors to form part of the landscape scheme in order that their detailing and retention can be ensured as part of a comprehensive scheme. However, any private land sales cannot be controlled by the Local Planning Authority.

Pavement Provision

The section of pavement which is missing and is adopted highway verge was never completed in the 1960s when the bungalow development was built. This section of pavement is considered necessary and it is proposed that its construction be tied in with the 106 agreement for the provision of the pedestrian footway.

Neighbour notification

Neighbours were concerned that the application had not been adequately advertised. The application was advertised in accordance with the council's protocol for public consultation. Following the receipt of amended plans which are considered to take on board residents' concerns neighbours and consultees were renotified and given the opportunity to amend/add to their original comments.

Views

There are views from some adjacent properties across the site to the lake. Whilst it is appreciated that these views are important to the residents the development of this site cannot be prohibited in order to preserve these private views.

Protection of a Green corridor.

Concerns have been raised in relation to an appeal on the land at the rear of Home Farm. This appeal was lodged following refusal of planning permission in 1995. At the time density of the development and retention of green space were considered important in relation to the site.

The 'in principle acceptance' of development on this site and the density of such development have now moved on from the position in 1995 due to changes in government and local legislation and advice.

Clarification in respect of nearby appeal decisions

Appeal on site nearby Middle Street 12/02266/FUL- 9 dwellings on 0.49 hectares-density below 30 per hectares min. as required in 2012. (DENSITY18.3 dwellings per hectare).

Site at the rear of Home Farm 1995 WC 003468/B

Approval of three houses followed dismissal of an appeal for 5 houses. The appeal was dismissed for 5 houses as primarily they were considered to be out of character with the surrounding context in terms of their footprint and height (8m). The density refused was 3 dwellings per hectare. The approved scheme was for 1.8 dwellings per hectare.

Officer comments- this decision was made 20 years ago. A balance has to be made between the realistic acceptable density of development in line with current housing needs as identified in the Core strategy and the emerging Neighbourhood Plan.

Affordable Housing

At the time this report was first presented to committee the proposed development with a gross floor area of less than 1,000m² was not a scale of development that would, under Policy CP9 of the Adopted Core Strategy be liable for a 15% affordable housing provision. However, following a High Court decision the Government has now rescinded paragraphs 12-23 of the NPPG. This guidance had stated that Councils should not seek affordable housing or tariff style contributions on schemes of below 10 houses or 1000m² (floor space). In the light of this the provision of affordable housing in relation to this scheme for 8 houses has had to be reviewed as any schemes of 5-9 dwellings are now liable for affordable housing provision/contributions under the terms of core strategy policy CP.9. This proposal for 8 houses within East Harptree is a small site and as such would require a 15% affordable housing provision. The precise means and level of provision in relation to this scheme is still a matter being discussed with the Councils Housing Officer and the agreed details will need to be reported when this application is next reported to committee.

CIL

The threshold previously referred to was for developments of ten-units or less (and which have a maximum combined gross floor space of no more than 1,000 square metres). However this 1,000 square metres threshold relates to tariff style contributions which were previously required to be paid and were the subject of 106 agreements. Since the introduction of CIL in April 2015 a development of this nature would be CIL liable.

106 Agreement

The agent has agreed in principle to entering into a 106 agreement in respect of the provision of the footpath and the maintenance and retention of the footpath and the landscaped areas including the buffer routes adjacent to the boundaries which are to be protected.

Also the change in affordable housing provision requirement has been recognised and accepted in principle by the applicant although the details of this are a matter for further discussion between officers and the applicant.

CONCLUSION

The proposed development is considered to be sympathetically designed the density is considered acceptable as is the principle of 8 houses on this site. The amendments made to the scheme are considered to address the concerns raised by residents and therefore, the scheme is considered an appropriate form of development for this location complying with both local and government policies and advice.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure the following :-

- i) The provision and maintenance of the public footpath and the provision of a pavement at the front of Yearten House.
- ii) Provision and maintenance of the public open space and ecological corridors
- iii) Provisin of a management company to ensure the maintenance and protection of the landscaped areas in perpetuity..
- iv) Provision of affordable housing

B) Subject to the completion of (A) authorise the Group Manager - Development Management to PERMIT the development with the following 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 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

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

REASON -To ensure that adequate parking provision is provided and retained within the development.

4 Prior to the commencement of development details to include elevations and sections through the means of pedestrian access to the site from Middle Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the access shall be constructed and retained in accordance with the approved plans.

Reason The applicants have chosen not to submit full details in respect of this access which is an integral part of the scheme and given its location within the village its appearance and construction will require full consideration in the interest of ensuring that the access is appropriate in terms of appearance and layout.

5 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason To ensure that the development is served by adequate parking spaces for residents at all times.

6 No development shall commence 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 first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains before work commences.

7 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to record and protect any archaeological remains.

8 The development shall not be brought into use or occupied until the applicant, or their agents or

successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed on the dwellings shown on plots 1, 3, 4, 5, 6 and 7 at any time unless a further planning permission has been granted.

Reason: Given the proximity of the new dwellings to the existing dwellings the creation of additional windows, roof lights and/or openings could impact on the amenities of adjoining occupiers from overlooking and loss of privacy.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwellings shown on plots 4, 5, 6, 7 and 8 hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Due to the AONB location of this site and the relationship of the approved dwellings to adjacent existing dwellings any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding property and the visual amenity of the area.

11 The proposed first floor windows in the west elevation of the proposed dwellings on plot 1 and the proposed first floor windows in the east elevation of the proposed dwellings on plot 3 shall be glazed with obscure glass prior to the first occupation of this dwelling and permanently retained as such.

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

12 No part of the development shall be occupied or brought into use until a Scheme for the identification of landscaped and protected areas including the establishment of an exclusion zone around the sett(s) from which all building, engineering and other operations and personnel working on the site shall be excluded, shall be submitted to

and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

Reason: To protect badgers and badger activity from any construction works within the site.

13 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

14 No site works or clearance shall be commenced until protective fences which conform to British Standard 5837:2005 have been erected around any existing trees and other existing or proposed landscape areas in positions which have previously been approved in writing by the Local Planning Authority. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

15 Prior to the commencement of development, a detailed drainage strategy must be submitted to and approved by the Local Planning Authority. The drainage strategy should include the following items:

Agreement of points of connection and 'in principal' adoption of proposed surface water sewer with the Water Company (Wessex Water). This should be provided in writing.

Runoff volume estimates for the 1in100 year 6 hour event for both greenfield and post development conditions. The difference in these volumes to be held in long term storage and released at a rate that is the greater of QBAR or 2l/s/ha.

Simulations demonstrating that there will be no flooding of any part of site for the critical 1in30 rainfall event. These simulations should be submitted as an electronic Micro Drainage file (.mdx file).

Simulations demonstrating that there will be no flooding of any building or utility plant for the 1in100+climate change rainfall event. These simulations can be submitted as an electronic Micro Drainage file (.mdx file).

an indication of exceedance routes for any flood flows above the critical event

a detailed design drawing of the drainage network including flow control and attenuation structures

a drawing showing the proposed outfall structure

details of the long-term ownership of the drainage system together with any long-term maintenance requirements.

This strategy must indicate who will be responsible for the on-going maintenance of the permeable paving for the main access road. A maintenance regime for the permeable paving and any other important flow control (Hydrobrake chamber) or attenuation structures should be provided.

Reason: The information does not provide adequate details in relation to the above matters and therefore these will require full consideration prior to the development commencing to ensure there will not be any drainage problems within the locality as a result of this proposal.

16 Prior to the commencement of development, details of a Scheme to mitigate and compensate for impacts on badgers and on the badger sett at the site, and to prevent harm to badgers during works, shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

i. findings of the most recent update survey and assessment, carried out during the active season

ii. provision of all necessary mitigation measures, to include, as applicable, mapped habitat areas, orchard planting and badger runs; provision of an artificial sett, if applicable; all measures to be in accordance with the recommendations of the approved ecological reports and findings of further survey.

iii. All measures to be incorporated into the scheme and shown on all relevant plans and drawings including the layout plan and landscape design iv. Full method statement and proposed timing of works for sett closure as applicable and copy of licence application as applicable;

v. full details of all necessary measures, exclusion zones and protective fencing as applicable to prevent harm to badgers during site clearance and construction

vi. proposed long term management objectives, prescriptions and provision for all retained / new mitigation features The development shall be carried out in accordance with the approved Scheme or any amendment to the Scheme as approved in writing by the Local Planning Authority.

17 No new lighting shall be installed without full details to demonstrate that these corridors shall not be lit, and full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include:

i. a plan showing mapped proposed dark corridors, and mapped details to demonstrate predicted light levels of 0 lux within the dark corridors and 1 lux adjacent to the dark corridors

ii. lamp specifications, positions, numbers and heights;

iii. details of all measures that shall be used to limit use of lights when not required and to prevent light spill onto dark corridors, vegetation and adjacent land

Reason: to avoid harm to bats and other wildlife

18 No development shall take place until full details of a Wildlife Protection, Management and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Final reptile mitigation strategy

(ii) Full details of protection of retained habitats to include specifications and scale plans showing fenced exclusion zones

(iii) Full details of all other wildlife mitigation and enhancement measures, with specifications, numbers and positions to be shown on plans and drawings as applicable for example on details of soft landscape design

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: to avoid harm to wildlife and to mitigation for impacts on wildlife

19 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, to include mapped areas of, orchard planting, and habitat creation with exclusively native species planting, incorporating necessary mitigation for reptiles and badger, and details of long term conservation management prescriptions; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting and wildlife mitigation to the development.

20 Prior to the commencement of the development, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority which shall include a strategy for the means of removal of soil from the site and methods and timing of wheel washing and road cleaning as necessary during the duration of the construction period.

The development shall thereafter be carried out in accordance with the approved method statement/operational statement.

Reason: To ensure the safe operation of the highway and in the interests of limiting the disturbance and inconvenience caused to adjacent residents during the construction period.

21 The development hereby permitted shall be implemented in accordance with the plans and in particular the finished floor levels as indicated on the approved plans in relation to the existing ground levels shall be strictly adhered to.

Reason: To ensure that the dwellings are constructed in accordance with the plans and with slab levels that ensure that the development will not have a detrimental impact on the visual and residential amenity of the locality.

PLANS LIST:

1 CA/14048/P1	Existing Site Layout
CA/14048/P2A	Proposed House Type A Plans and Elevations
CA/14048/P3A	Proposed House Type B and C Plans and Elevations
CA/14048/P4A	Proposed Details
CA/14048/P5	Site Location Plan
CA/14048/P6C	Site Layout (and sections xx and yy)
CA/14048/P7	Proposed House Type D Plans and Elevations (note: this one, dated March 15, is incorrectly labelled P6 on the actual drawing, but the plan title is correct and should be referred to as P7)

14013/01 Topographical Survey

SP01A Swept Path Analysis for a large refuse vehicle

2 The applicant is advised of the need to submit plans, sections and specifications of the proposed structural works for the steps to Middle Street for the approval of the Highway Authority. The applicant should be aware that this process can take in the region of 6 weeks to conclude and will incur an additional fee.

3 The applicant is advised of the need to consult the Area Highways Manager on 01225 394337 before access works commence.

4 The applicant is advised that the proposed estate roads, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture will be required for adoption under S38 Highways Act. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority in writing for approval before their construction begins. Advance Payment Code will apply as appropriate

5 The applicant is advised that Bath and North East Somerset Council will not adopt any drainage features.

6 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.